In the County Court
of the
County of Shasta.

In the Matter of the
Application of John
C. White for a Writ of
Habeas Corpus
Vs
John B. Stewart.

Petition for the
Writ.

Filed September 6th 1878.

H. C. Tiffin
Clerk

In the County Court of the County of Shasta, State of California.

In the Matter of the Application of John C. White on behalf of Alice L. White for a Writ of Habeas Corpus. } Petition for Writ.

To the Hon. W. E. Hopping, Judge of the County Court of the County of Shasta, State of California:

The petition of John C. White, respectfully shows:

That one Alice L. White, is unlawfully detained in custody and restrained by John B. Stewart, a resident of Calon Valley and in the County of Shasta, State of California.

That said detention and restraint are illegal; and that the illegality thereof consists in this, to wit:

That said Alice L. White is an infant female child, a little over four years of age, and is the only daughter and child of your petitioner, John E. White.
That the mother of said child, viz: Alice E. White, was the wife of petitioner and the daughter of John B. and Annie Stewart, and is now dead, and has been for over four years past. That therefore said John B. and Annie Stewart are Grandfather and Grandmother to said child.
That said John B. and Annie Stewart have by and with the

consent of petitioner had the care and custody of said infant child since its birth, and now refuse to give up, or allow petitioner to take said child to himself, alleging as an excuse and a reason for refusing to do so, that they have formed such an attachment for said child that they cannot and will not deliver her up to your petitioner, unless they are compelled by law so to do. And

And your petitioner further shows to the Court, that he is now married and has a home of his own, and is competent, able and capable to take care, custody and control of said infant child and as it Father and only parent believes he has the legal right to its custody.

Wherefore, your petitioner prays that a Writ of Habeas Corpus may be granted, directed to the said John

B. Stewart, Commanding him to
have the body of said Alice
L. White before your Honor,
at a time and place therein to
be specified, to do and receive
what shall then and there be con-
sidered by your Honor, concern-
ing said Alice L. White, together
with the time and cause of
her detention, and said Writ;
And that said Alice L. White may
be restored to her liberty and the
care of your petitioner.

John C White

control of said infant child and as it Father and only parent believes he has the legal right to its custody.

State of California
County of Shasta } ss.

John C. White being duly sworn says that he is the petitioner named in the foregoing petition; ~~in the above entitled action;~~ that he has heard read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters, that he believes it to be true.

Subscribed and sworn to before me, this Sixth day of September A. D. 1878

John C White

Clay W Taylor
Notary Public.

Bancroft's Blank, No. 1055.—AFFIDAVIT TO COMPLAINT OR ANSWER. Bancroft & Company, Booksellers and Stationers, San Francisco, Cal.

In the County Court
of the
County of Shasta

In Matter of application
of John C. Whild for
a Writ of Habeas Corpus.
Vs.
John B. Stewart.

Order Granting
the Writ.

Filed September 6th 1878
H. C. Coffin
Clerk

In the County Court of the County of Shasta, State of California.

In the matter of the application of John C. White on behalf of Alice L. White for a Writ of Habeas Corpus. — Order Granting the Writ

Upon reading and filing the petition of John C. White, duly signed and verified by him, whereby it appears that said Alice L. White is illegally restrained of her liberty

pears that said Alice L. White is illegally restrained of her liberty and detained in custody by John B. Stewart, at the residence of said Stewart in Calon Valley, at and in Shasta County California, and stating wherein the alleged illegality consists, from which it appears to me that a writ of Habeas Corpus ought to issue:

It is Ordered, that a Writ of Habeas Corpus issue out of and under the seal of the County Court of the County of Shasta, State of California, directed to the said

John B. Stewart, commanding him to have the body of the said Alice L. White before me, in the Court room of the said Court, on the 11th day of September 1878, at 2 O-Clock P. M. of that day, to do and receive what shall then and there be considered concerning the said Alice L. White, together with the time and cause of her detention, and that he have then and there said Writ.

W. E. Hopping
County Judge, in and
for Shasta Co. Cal.

Dated September 11th A.D. 1878.

In the County Court
of the
County of Shasta.

In the Matter of the
Application of John
C. White, on behalf of
Alice L. White, for a
Writ of Habeas Corpus.
vs.
John B. Stewart.

Writ of
Habeas Corpus.

Shasta County } ss.
I Hereby Certify that I received the within Writ - and on Consent Heard and Determined the same on the 11th day of Sept. 1878
Dated Sept. 11th 1878

J. B. Stewart
Sheriff

Attest my hand and the seal of said Court the day and year last above written.

H. L. Tiffin
Clerk.

In the County Court of the County of Shasta, State of California.

State of California }
County of Shasta } ss.

The People of the State of California, to John B. Stewart, Greeting.

We command you, that you have the body of Alice L. White, by you restrained and detained in custody, as it is said, together with the time and

cause of such restraint and detention, by whatever name said Alice L. White shall be called or charged, before Hon. W. E. Hopping, County Judge of the County of Shasta, State of California, at the Court Room of the County Court, in the Court House of the Town and County of Shasta, on the 11th day of September A. D. 1878, at ten o'clock P. M. of that day, to do and receive what shall then and there be considered concerning the said Alice L. White. And have you then and there this Writ.

Witness, Hon. W. E. Hopping, Judge of the said County Court, this 11th day of September A. D. 1878.

Affidavit of J. B. Stewart

Filed Sept 10th 1878
F. A. Tiffin
Clerk

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In the county Court of the
County of Shasta - State of California

The people of the State of Califor-
nia to John B. Stewart Greeting
Writ of Habeas Corpus -

Now on this 11th day of Sept. 1875.
the time named in said Writ for
the hearing of said matter the
said John B Stewart appears here
said Judge of the said Court and
having the said Alvin L. Whitworth

County and makes the following
Return to said Writ.

1st he says he and Annie Stewart
his lawful wife have the possession
and Custody of the said Allie who
is a child of their daughter four years
of age and has had the Custody
of her for four years and three months.

2nd The reason and authority of
said custody and possession of said Child
as follows viz. The said Allie is
their grand child, being the Child
of their daughter and was born in
their family and in their house And
A. White the father of said Allie whom

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she was about a month old and
about a month after the death of her
mother, gave the said infant Alice
to her said Grand Mother verbally
and delivered her to her grand mother
voluntarily on condition that her grand
mother should have the nurture, care
custody and education of said child
thereafter - And the said John B.
Stewart thereupon adopted the said
Alice into their family and have had
control, custody and education of her
as one of their own children to the present
time - And has and does still with
the said grand parents voluntarily

and affectionately - and they have nothing
conclusions and able to keep and retain
the said child as their own on the condi-
tion on which they took and received the
child from its parents

Whereupon, the said Stewart claims
that the said Alice of right ought
to be adjudged to remain in the cus-
tody of the said guardians of the
State of California.

County of Shasta } ss. - Solon B.

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Stewart, being duly sworn says the facts
and matters stated in the above Return
are true—

J. B. Stewart—

Subscribed and sworn
to before me this
11th day of Sept. 1878

H. C. Tiffin
Clerk