Kansas Territory versus Thomas Burke for selling liquor on Sunday

These legal documents relate to the case of the Kansas Territory vs. Thomas Burke for selling liquor on a Sunday in Leavenworth County, Kansas Territory on September 6, 1857. Burke was indicted during the September term of 1857 by the U. S. District Court of the Kansas Territory, First District. Burke was arrested and released on bond September 26, 1858.

Date: September 1857 - May 17, 1859

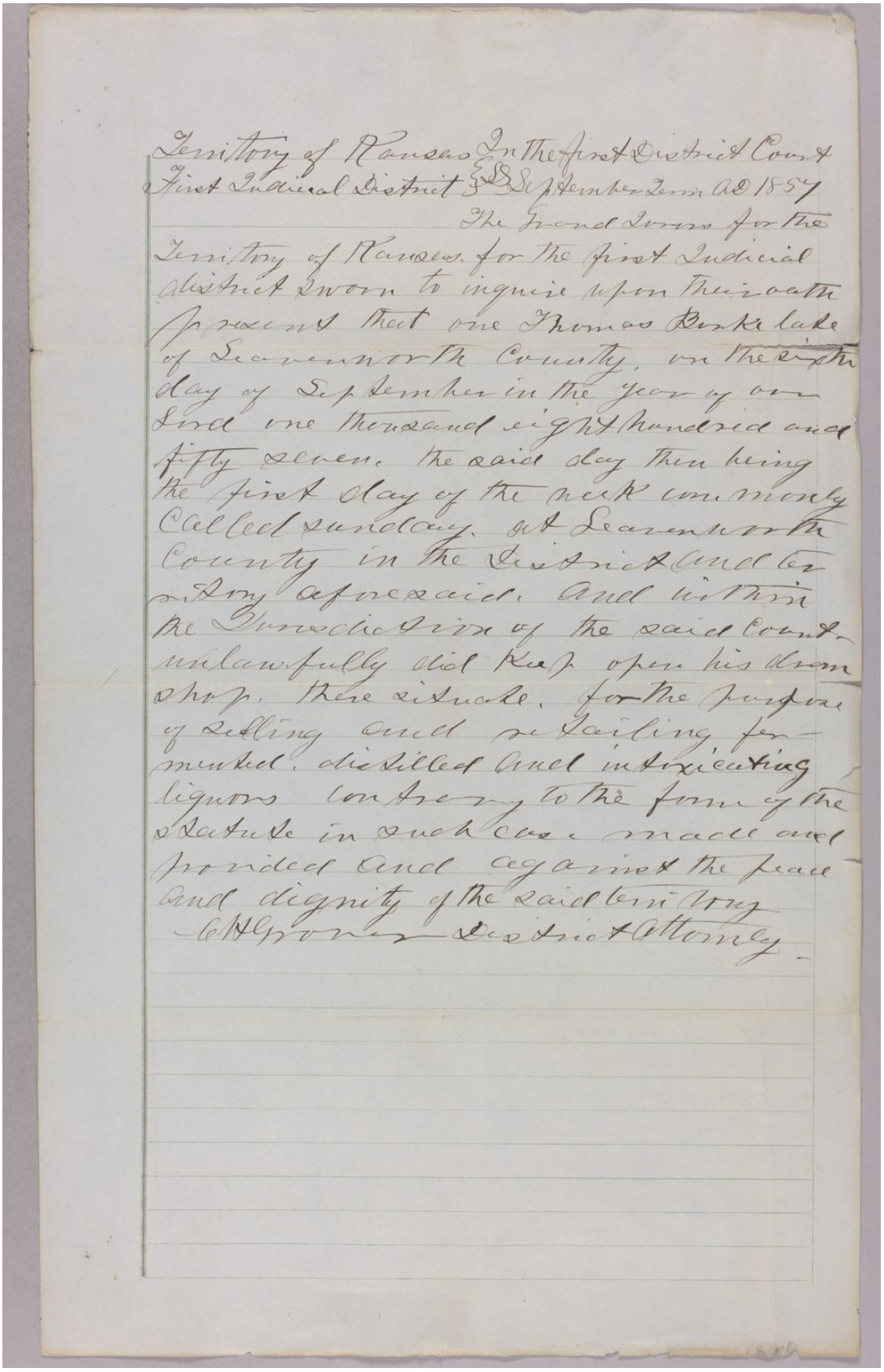
Callnumber: Kansas Territory Criminal Case Files, Box 5, Folder 61

KSHS Identifier: DaRT ID: 444842

Item Identifier: 444842

www.kansasmemory.org/item/444842

Kansas Territory versus Thomas Burke for selling liquor on Sunday

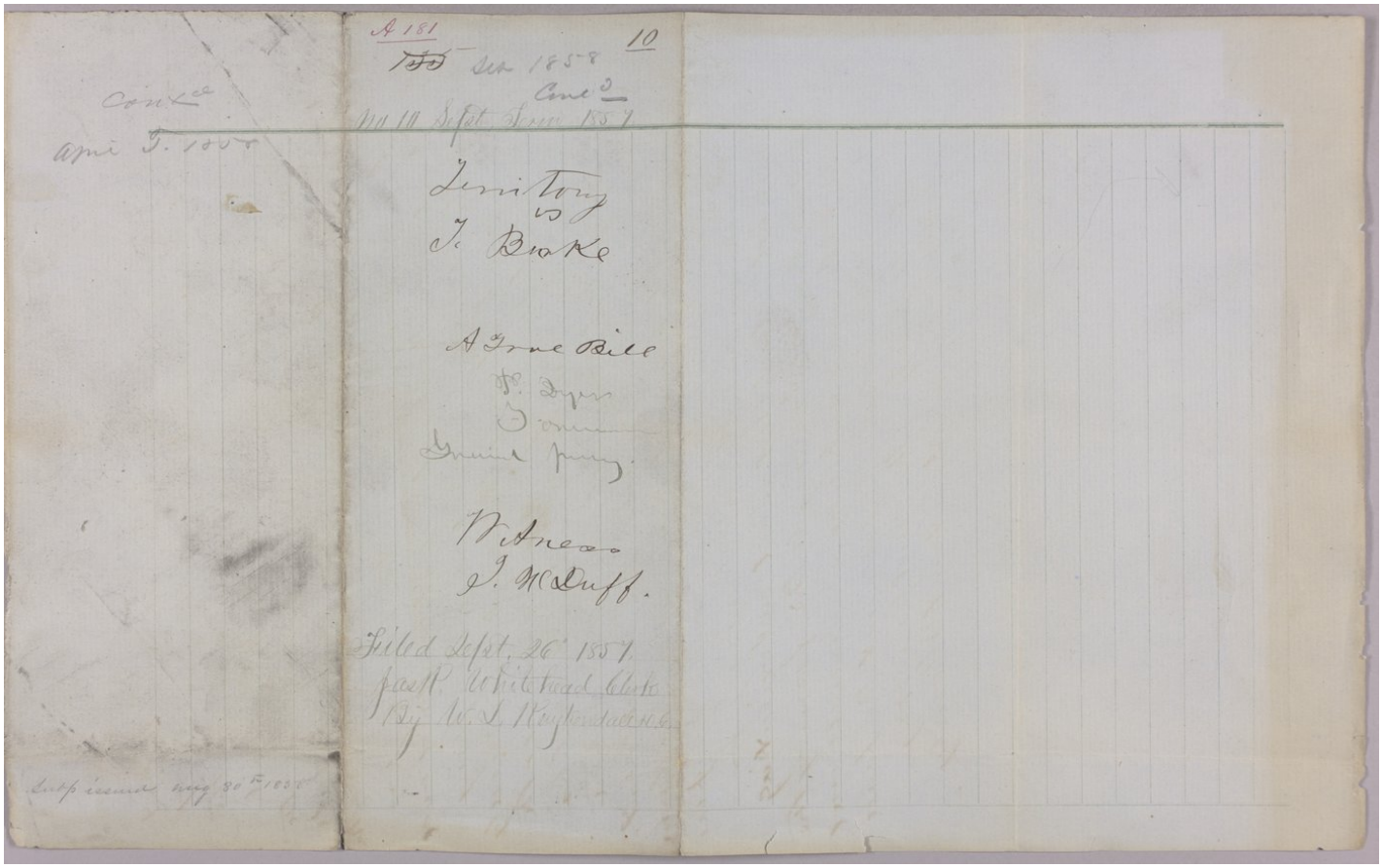


Territory of Kansas } In the first District Court
First Judicial District } September Term AD 1857

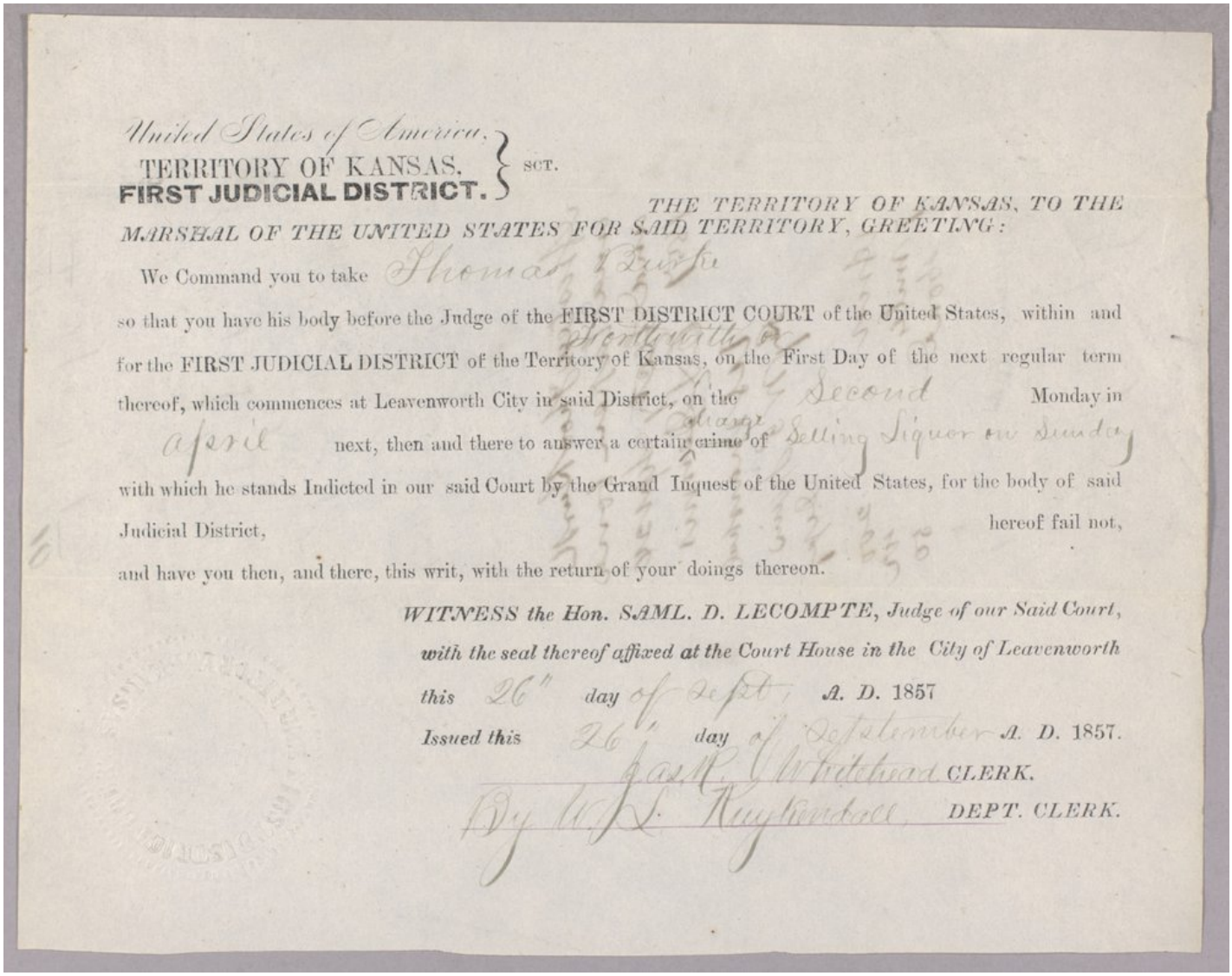
The Grand Jurors for the Territory of Kansas for the first Judicial district sworn to inquire upon their oath present that one Thomas Burke late of Leavenworth County, on the eighth day of September in the year of our Lord one thousand eight hundred and fifty seven. the said day then being the first day of the week commonly called sunday. at Leavenworth County in the District aforesaid. And within the Jurisdiction of the said Court. unlawfully did keep open his dram shop. there situate. for the purpose of selling and retailing fermented. distilled and intoxicating liquors contrary to the form of the Statute in such case made and provided and against the peace and dignity of the said Territory

C H Grover District Attorney.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



Kansas Territory versus Thomas Burke for selling liquor on Sunday



United States of America,
TERRITORY OF KANSAS, } SCT.
FIRST JUDICIAL DISTRICT.

THE TERRITORY OF KANSAS, TO THE MARSHAL OF THE UNITED STATES FOR SAID TERRITORY, GREETING:

We Command you to take Thomas Burke

so that you have his body before the Judge of the FIRST DISTRICT COURT of the United States, within and for the FIRST JUDICIAL DISTRICT of the Territory of Kansas, on the First Day of the next regular term thereof, which commences at Leavenworth City in said District, on the Second Monday in April next, then and there to answer a certain crime of Selling Liquor on Sunday with which he stands Indicted in our said Court by the Grand Inquest of the United States, for the body of said Judicial District, hereof fail not, and have you then, and there, this writ, with the return of your doings thereon.

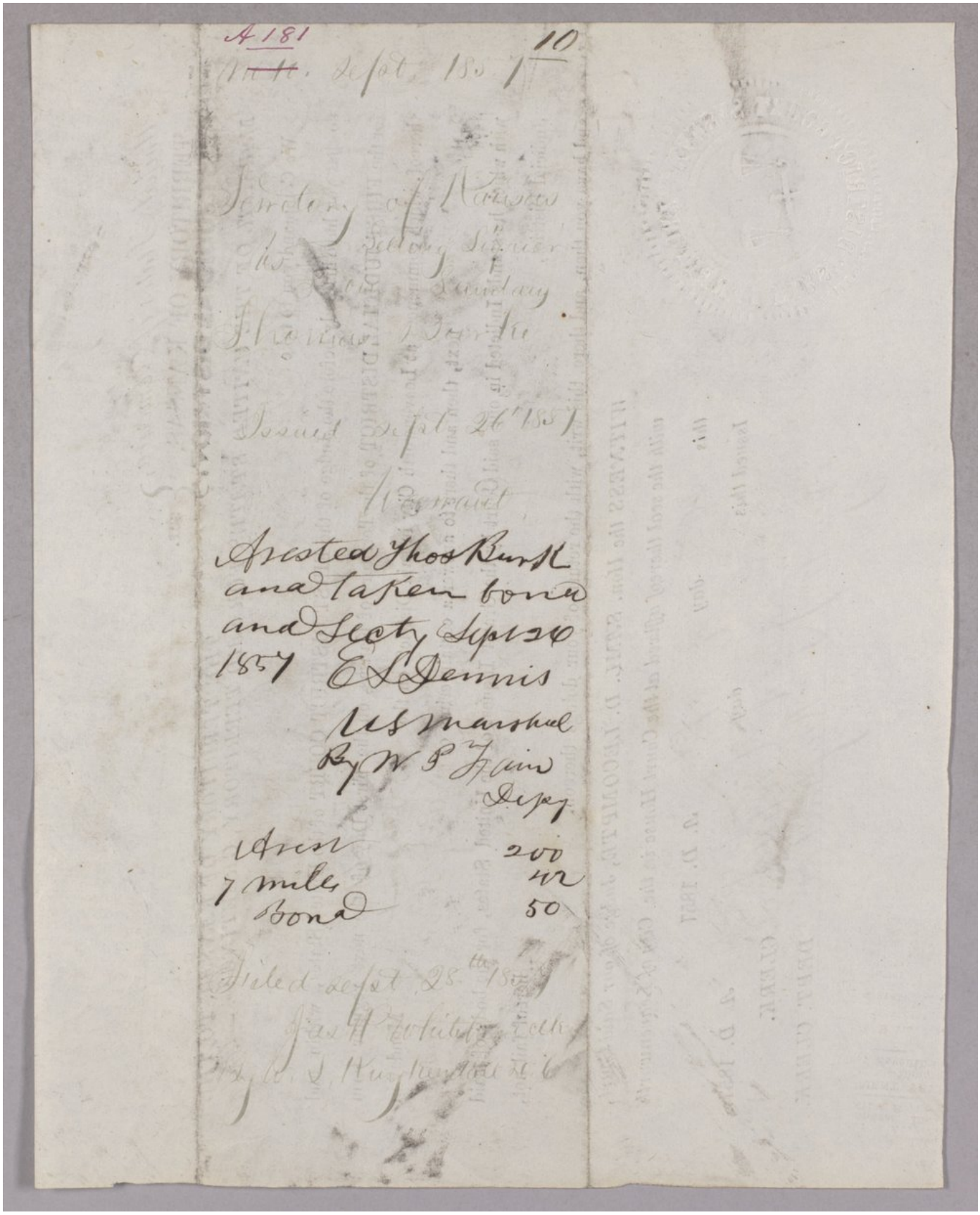
WITNESS the Hon. SAML. D. LECOMPTE, Judge of our Said Court, with the seal thereof affixed at the Court House in the City of Leavenworth this 26th day of Sept. A. D. 1857

Issued this 26th day of September A. D. 1857.

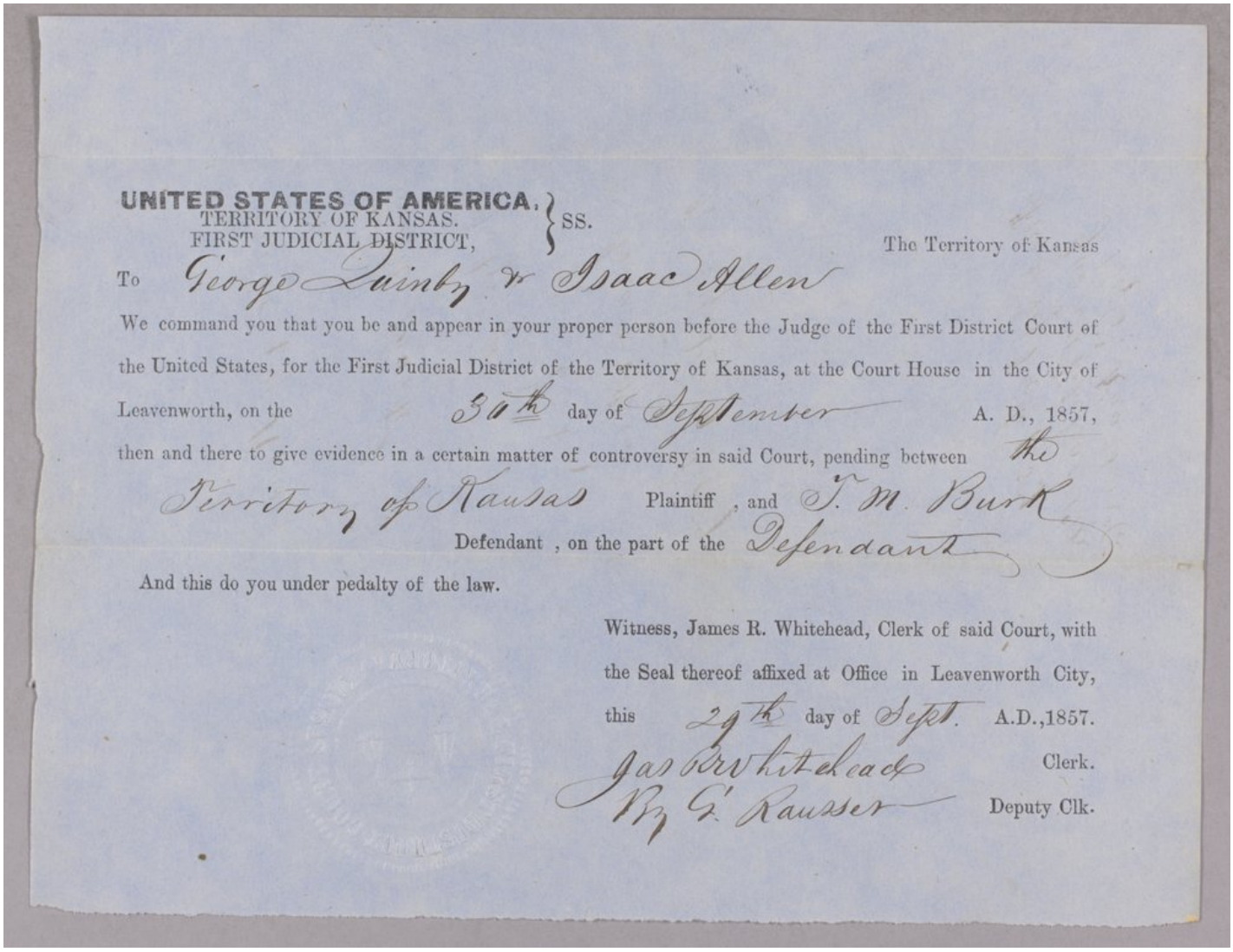
Jas. M. Whitehead CLERK.

By W. L. Kuykendall DEPT. CLERK.

Kansas Territory versus Thomas Burke for selling liquor on Sunday


A 181
10
Sept. 1857
Territory of Kansas
vs
Thos Burke
Sunday
Warrant
Issued Sept 26 1857
Returned
Arrested Thos Burke and taken bond and Sety Sept 30 1857 E L Dennis
US marshal
By W P Zinn
Depy
Arrest 200
7 miles 42
Bond 50
Filed Sept 28th 1857
Jas H Whitfield Clerk
By C. J. Whitfield D. C.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS,
FIRST JUDICIAL DISTRICT, } SS.

The Territory of Kansas

To George Lainby & Isaac Allen

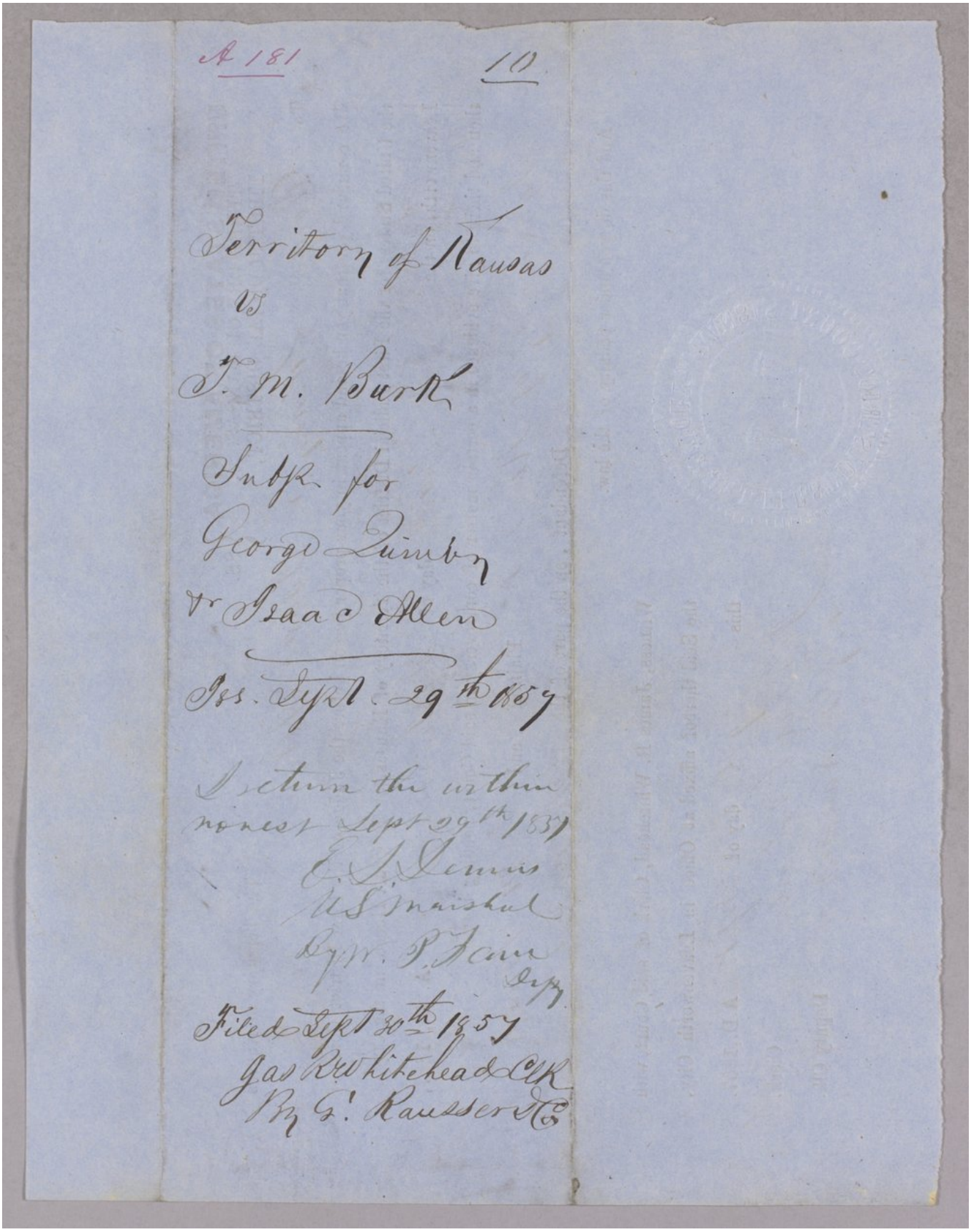
We command you that you be and appear in your proper person before the Judge of the First District Court of the United States, for the First Judicial District of the Territory of Kansas, at the Court House in the City of Leavenworth, on the 30th day of September A. D., 1857, then and there to give evidence in a certain matter of controversy in said Court, pending between the Territory of Kansas Plaintiff, and T. M. Burk Defendant, on the part of the Defendant

And this do you under pedalty of the law.

Witness, James R. Whitehead, Clerk of said Court, with the Seal thereof affixed at Office in Leavenworth City, this 29th day of Sept. A.D.,1857.

Jas R Whitehead Clerk.
By G. Rausser Deputy Clk.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



A 181 10

Territory of Kansas
vs
T. M. Burke

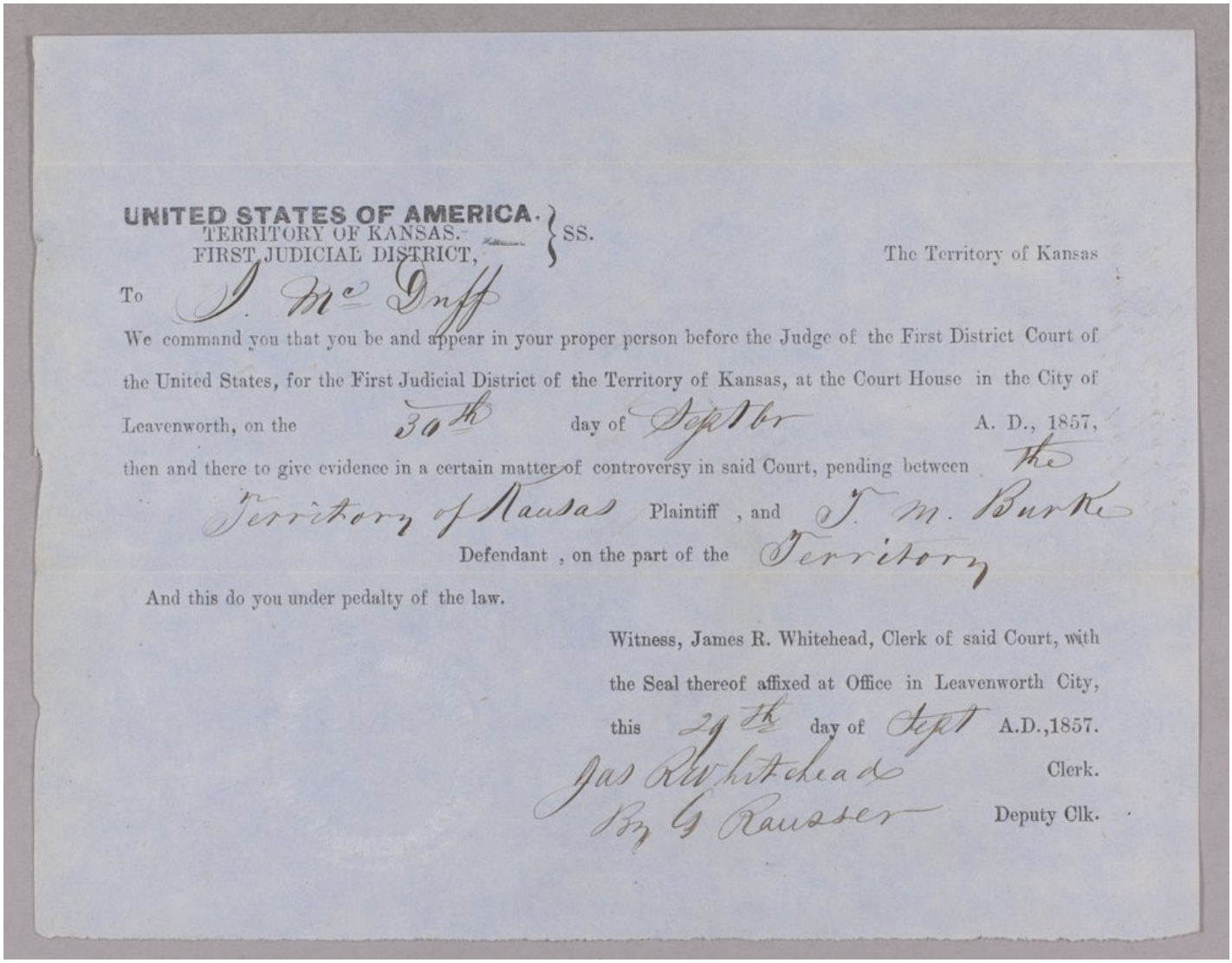
Subpa for
George Lumbey
vs Isaac Allen

Iss. Sept. 29th 1857

I return the within
noner Sept 29th 1857
E. A. Lemmon
U.S. Marshal
By W. P. Laine
Dep.

Filed Sept 30th 1857
Jas R. Whitehead Clk
By G. Rousseau D.C.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



UNITED STATES OF AMERICA.
TERRITORY OF KANSAS.
FIRST JUDICIAL DISTRICT, } SS.

The Territory of Kansas

To I. McDuff

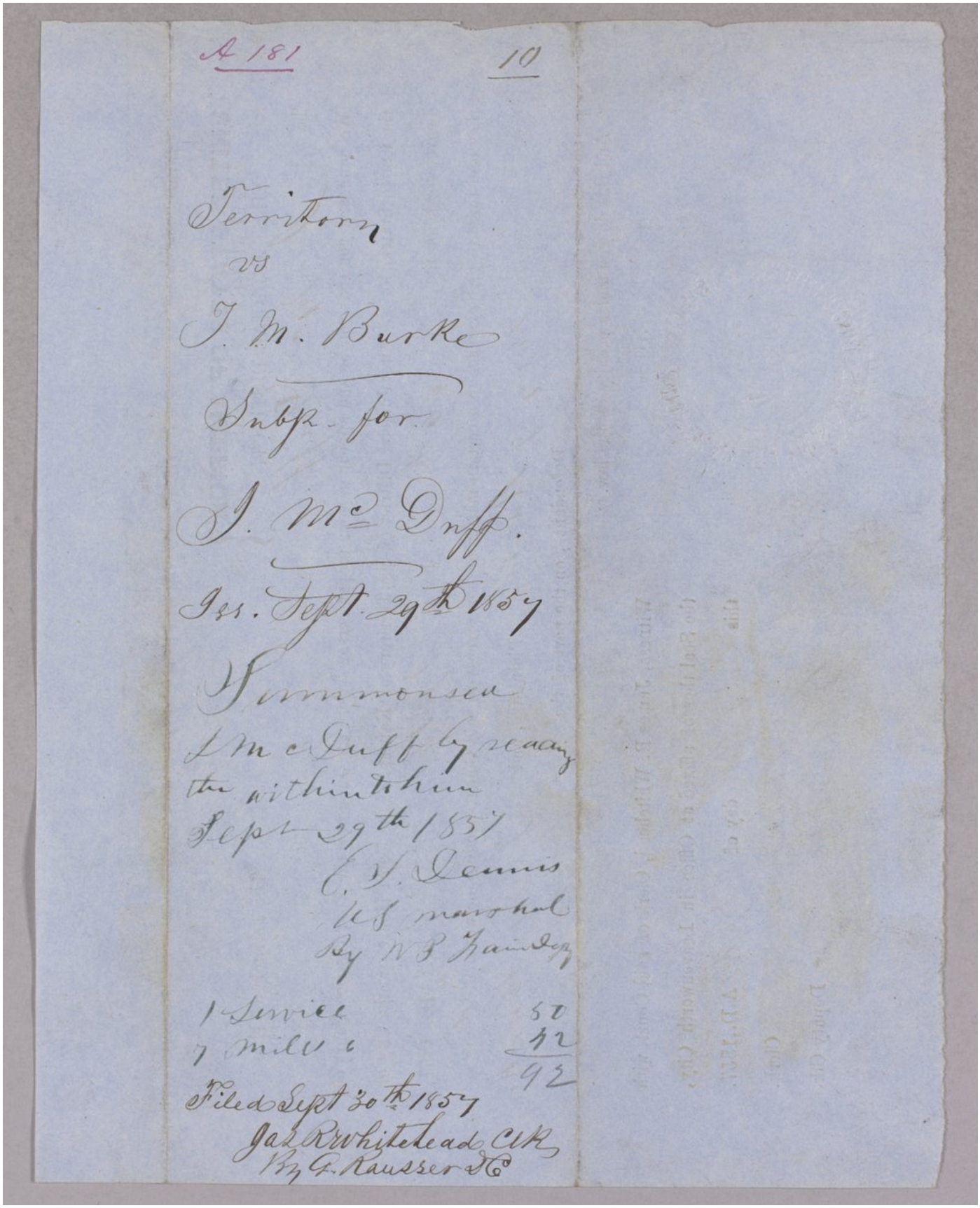
We command you that you be and appear in your proper person before the Judge of the First District Court of the United States, for the First Judicial District of the Territory of Kansas, at the Court House in the City of Leavenworth, on the 30th day of Septber A. D., 1857, then and there to give evidence in a certain matter of controversy in said Court, pending between the Territory of Kansas Plaintiff, and T. M. Burke Defendant, on the part of the Territory

And this do you under pedalty of the law.

Witness, James R. Whitehead, Clerk of said Court, with the Seal thereof affixed at Office in Leavenworth City, this 29th day of Sept A.D.,1857.

Jas R Whitehead Clerk.
By G Rausser Deputy Clk.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



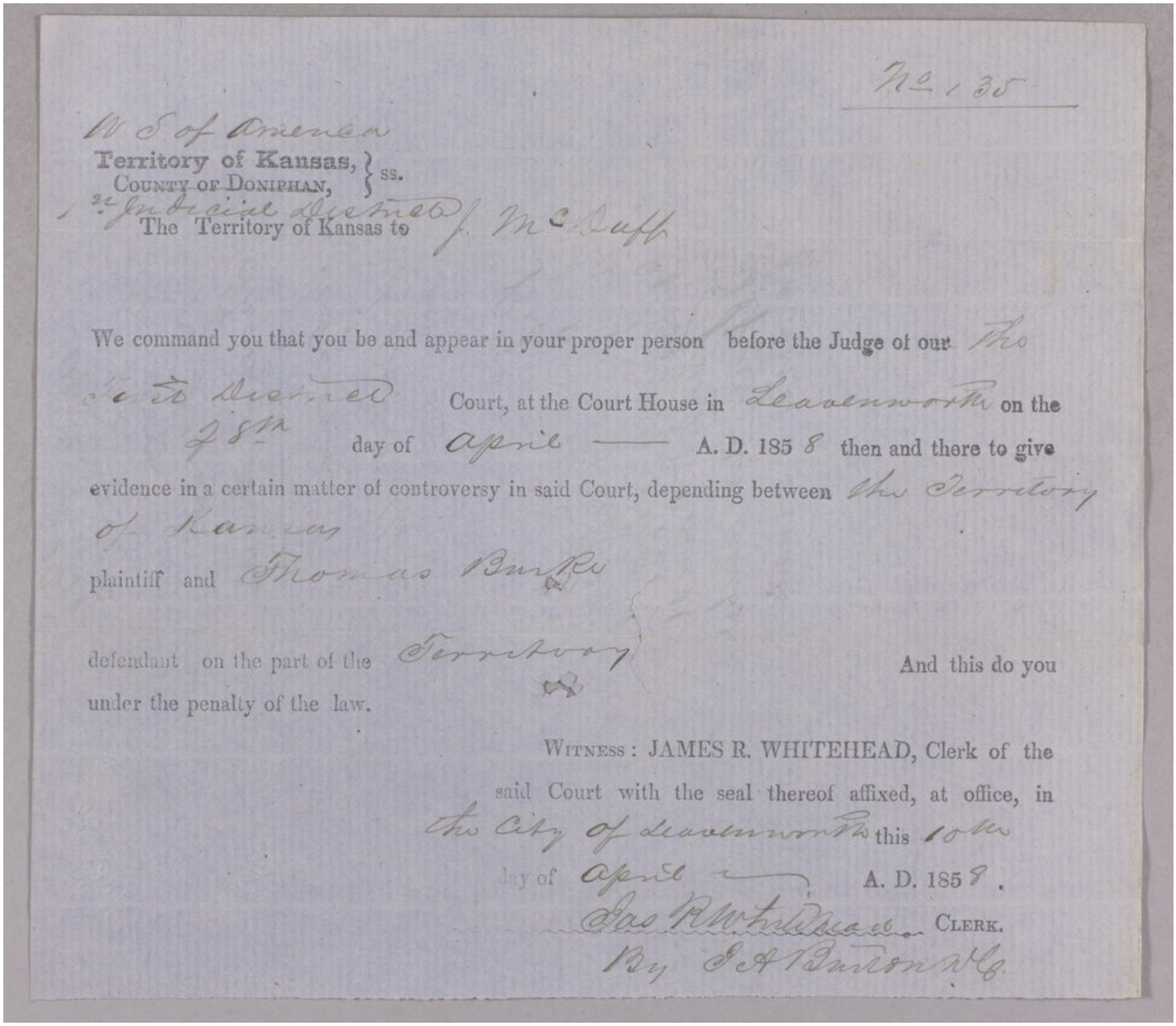
A 181 10

Territory
vs
T. M. Burke
Subp. for.
T. McDuff.
Issd. Sept. 29th 1857
Summonsed
T McDuff by reading
the within to him
Sept 29th 1857
C. V. Dennis
US marshal
By W B Hamilton Dep

1 Service 50
7 Miles 42
92

Filed Sept 30th 1857
Jas R Whitehead Clk
By G. Rausser D.C.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



No 135

U S of America

Territory of Kansas, } ss.
County of Doniphan, }

2d Judicial District

The Territory of Kansas to J. McDuff

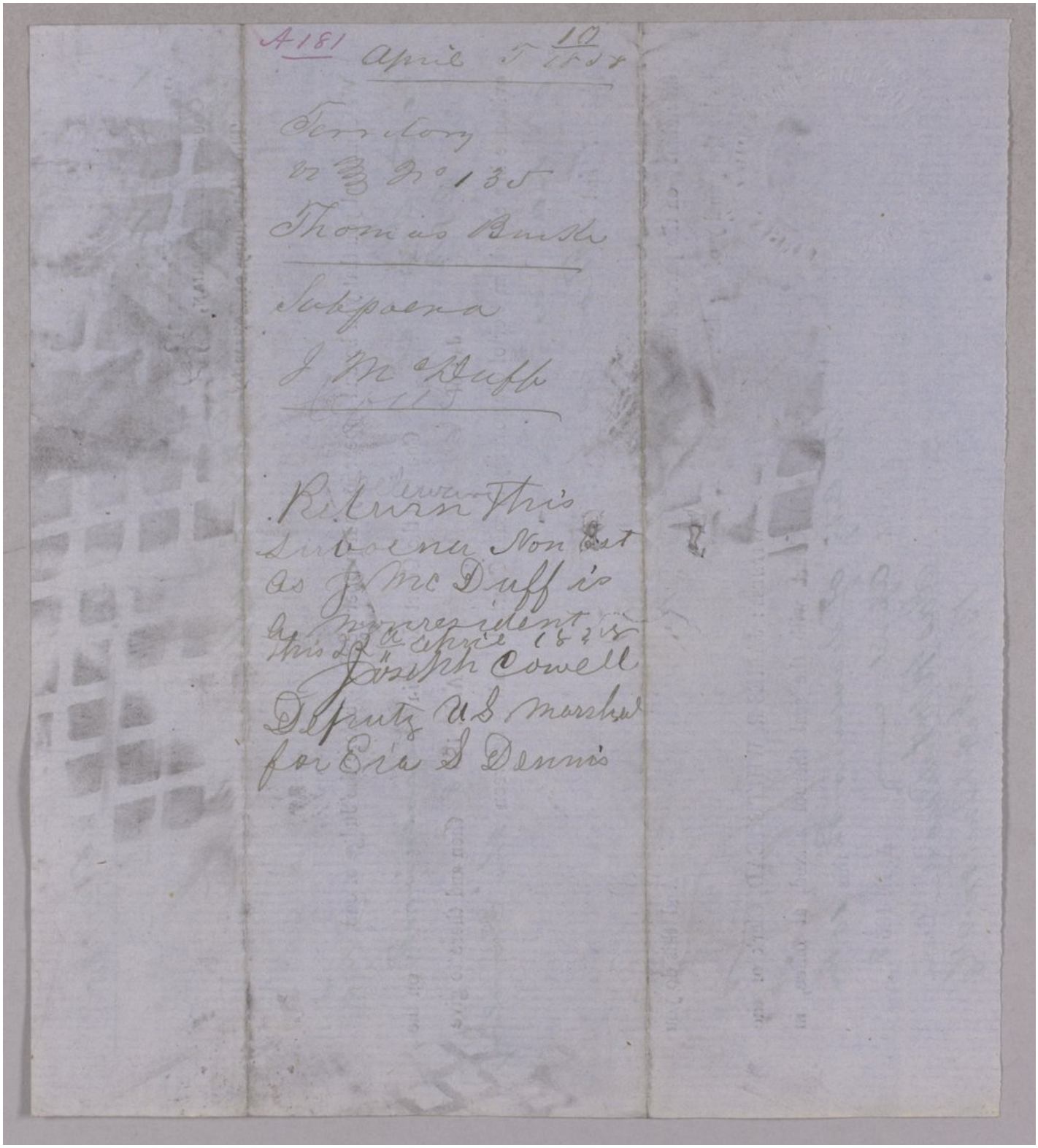
We command you that you be and appear in your proper person before the Judge of our 1st to District Court, at the Court House in Leavenworth on the 28th day of April — A. D. 1858 then and there to give evidence in a certain matter of controversy in said Court, depending between the Territory of Kansas plaintiff and Thomas Burke defendant on the part of the Territory And this do you under the penalty of the law.

WITNESS: JAMES R. WHITEHEAD, Clerk of the said Court with the seal thereof affixed, at office, in the City of Leavenworth this 10th day of April A. D. 1858.

Jas R Whitehead CLERK.

By J A Burton D C

Kansas Territory versus Thomas Burke for selling liquor on Sunday

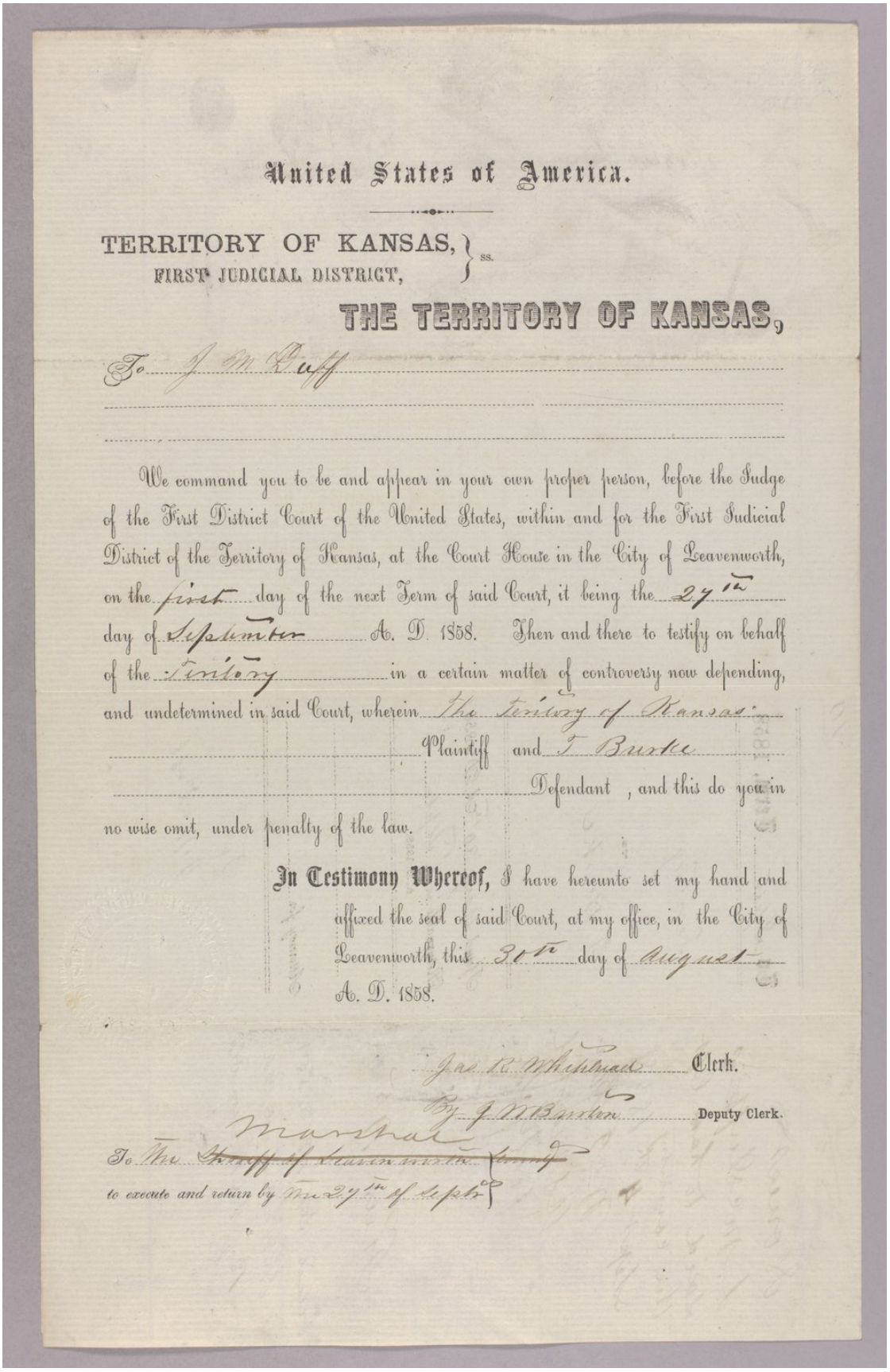

A181 April T 10 1857

Territory
vs
Thomas Burke

Subpoena
J McDuff
Con

Return This
Subpoena Non Est
as J. Mc Duff is
a Non resident
this 20 April 1857
Joseph Cowell
Deputy US Marshal
for Eria D Dennis

Kansas Territory versus Thomas Burke for selling liquor on Sunday



United States of America.

TERRITORY OF KANSAS, } ss.
FIRST JUDICIAL DISTRICT, }

THE TERRITORY OF KANSAS,

To J. M. Duff

We command you to be and appear in your own proper person, before the Judge of the First District Court of the United States, within and for the First Judicial District of the Territory of Kansas, at the Court House in the City of Leavenworth, on the first day of the next Term of said Court, it being the 27th day of September A. D. 1858. Then and there to testify on behalf of the Territory in a certain matter of controversy now depending, and undetermined in said Court, wherein The Territory of Kansas Plaintiff and T. Burke Defendant, and this do you in no wise omit, under penalty of the law.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office, in the City of Leavenworth, this 30th day of August A. D. 1858.

Jas. C. Whitmore Clerk.

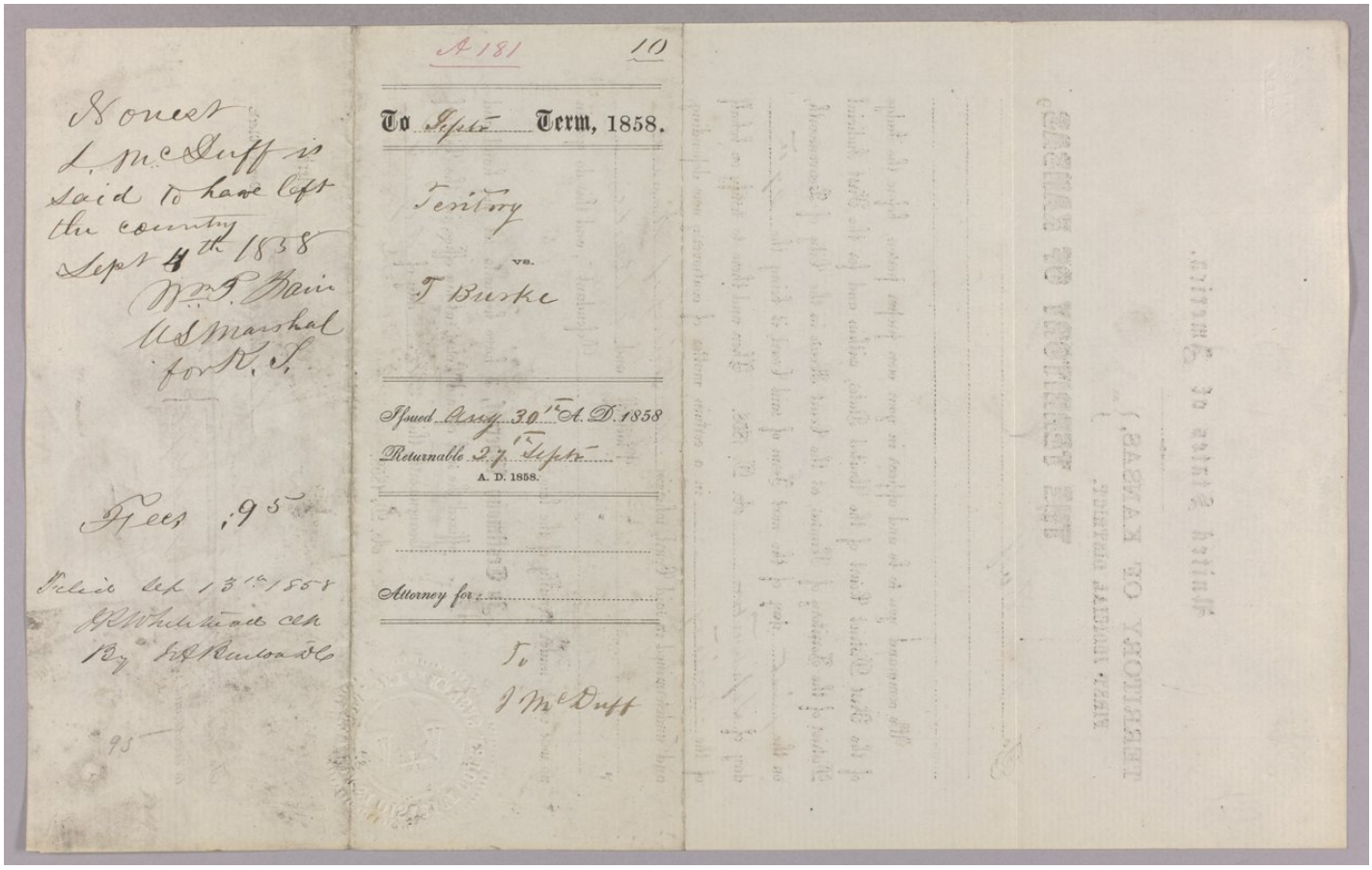
By J. M. Burton Deputy Clerk.

Marshal

To The ~~Sheriff of Leavenworth County~~

to execute and return by the 27th of Sept.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



A 181 10

To Sept Term, 1858.

Territory

vs.

T Burke

Issued Augt 30th A. D. 1858

Returnable 27th Sept

A. D. 1858.

Attorney for

To

J McDuff

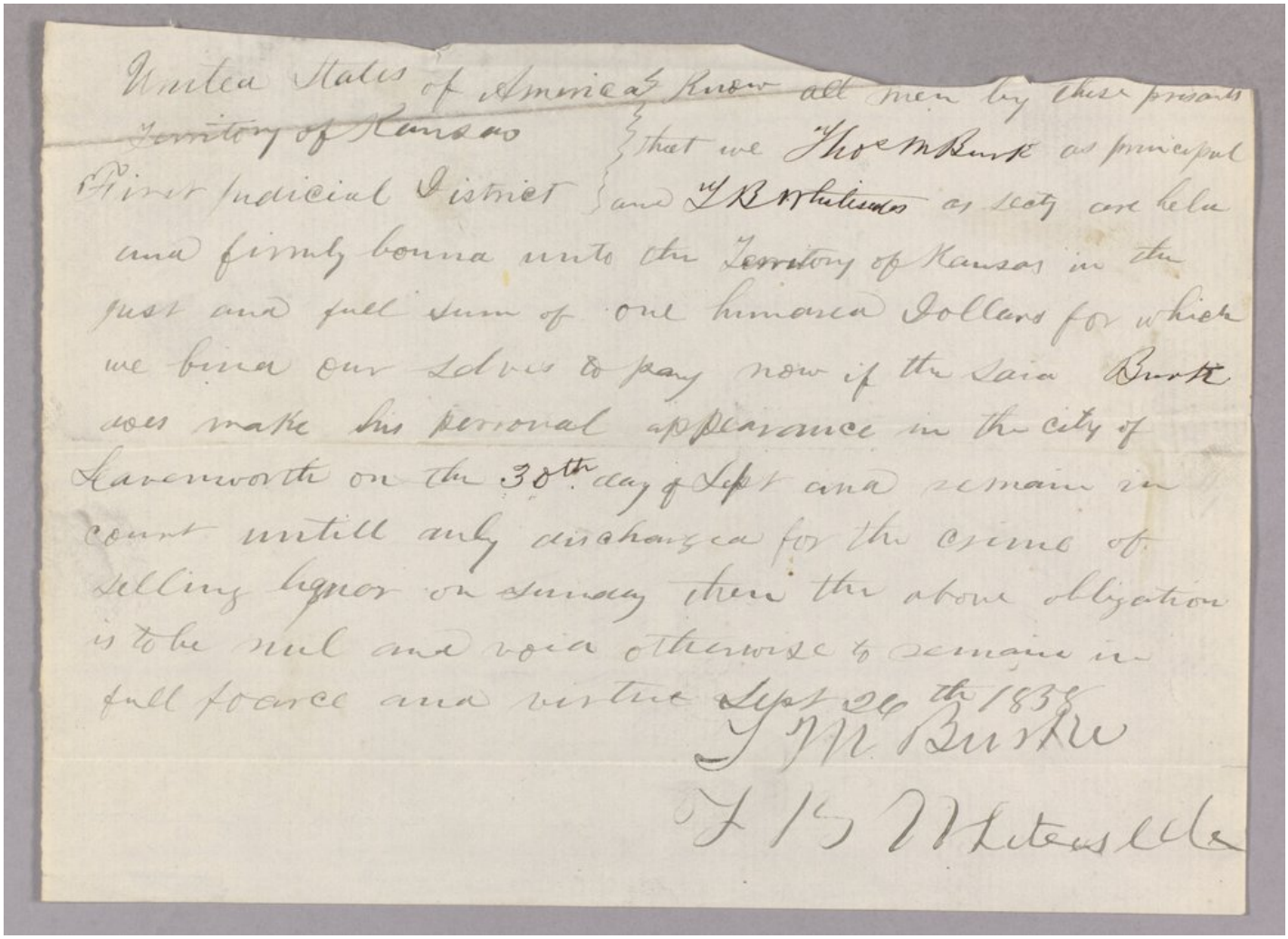
Honest
L McDuff is
said to have left
the country
Sept 4th 1858
Wm Y Bain
US Marshal
for K. T.

Fees .95

Filed Sept 13th 1858
G W Whitehead Clk
By W H Rowland DC

95

Kansas Territory versus Thomas Burke for selling liquor on Sunday

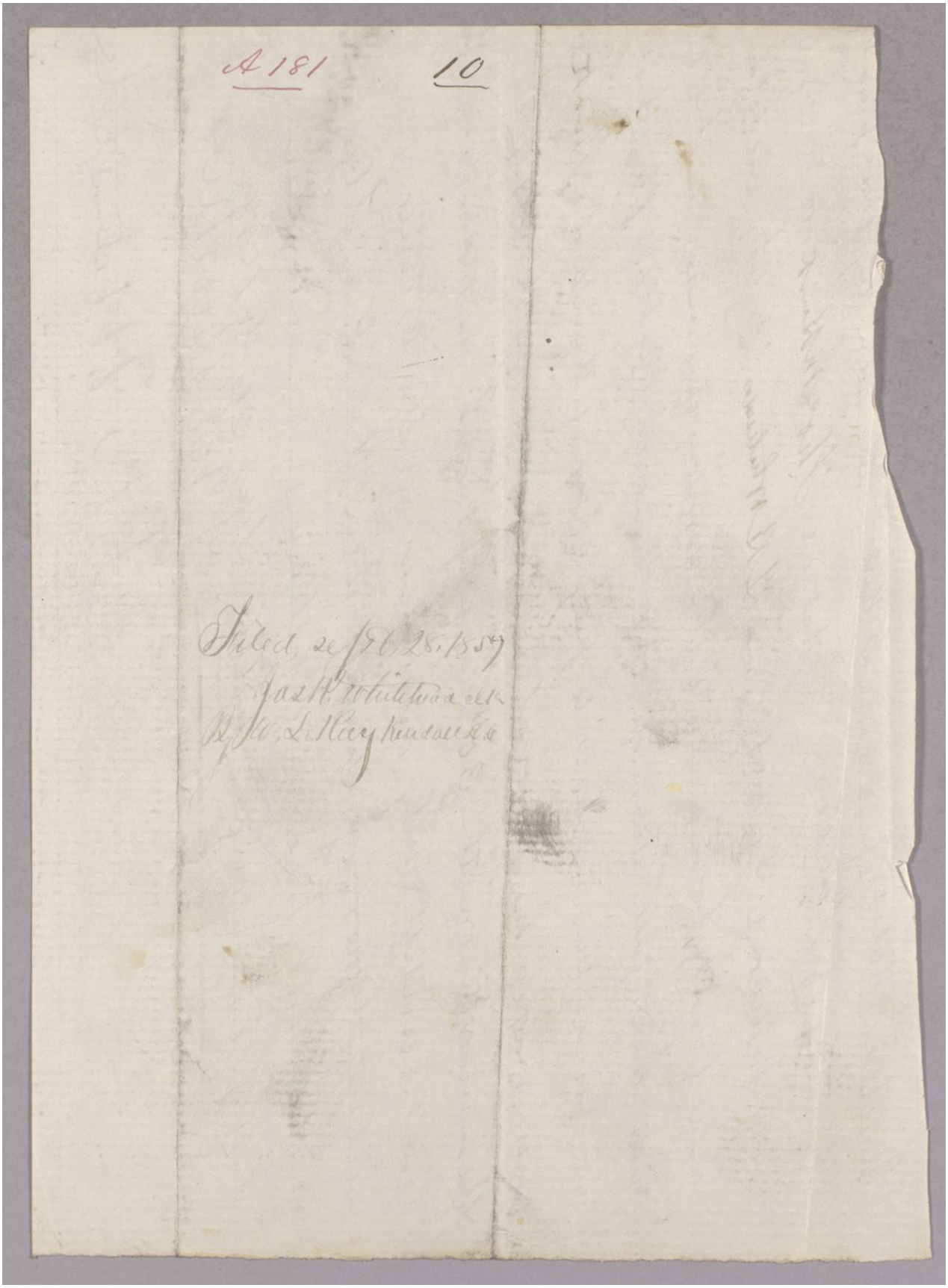


United States of America & Know all men by these presents
Territory of Kansas } that we Thos M Burke as principal
First Judicial District } and J R Whitesides as surety are held
and firmly bound unto the Territory of Kansas in the
just and full sum of one hundred Dollars for which
we bind our selves to pay now if the said Burke
does make his personal appearance in the city of
Leavenworth on the 30th day of Sept and remain in
court until duly discharged for the crime of
selling liquor on sunday then the above obligation
is to be null and void otherwise to remain in
full force and virtue Sept 29th 1855

T M Burke

J R Whitesides

Kansas Territory versus Thomas Burke for selling liquor on Sunday



Kansas Territory versus Thomas Burke for selling liquor on Sunday

UNITED STATES OF AMERICA.

TERRITORY OF KANSAS,
First Judicial District. } ss.

THE TERRITORY OF KANSAS,

To J. M. Duff

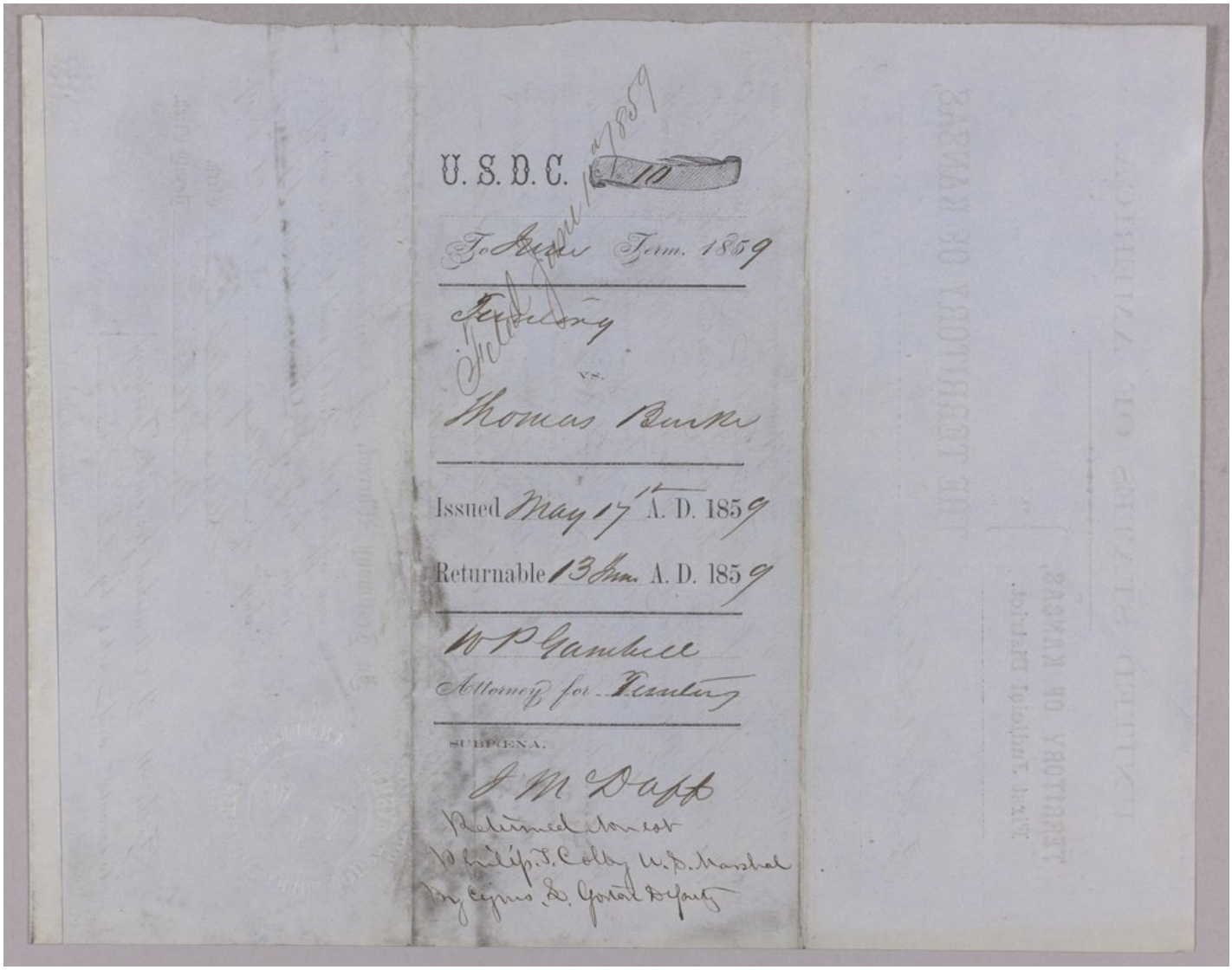
We command you to be and appear in your own proper person before the Judge of the First District Court sitting for the trial of causes arising under the Constitution and laws of the United States, at the Court House in the City of Leavenworth on the 1st day of the next Term of said Court, it being the 13th day of June A. D. 1859, then and there to testify on behalf of the Territory in a certain matter of controversy now depending and undetermined in said Court, wherein The Territory of Kansas is Plaintiff Plaintiff, and Thomas Burke is Defendant, and this do you in nowise omit, under penalty of the law.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court at my office, in the City of Leavenworth, this 17th day of May A. D. 1859.

James R. Whitney Clerk.
By J. A. Burton Deputy Clerk.

To the U. S. Marshal for said Territory, to execute and return by 13th June

Kansas Territory versus Thomas Burke for selling liquor on Sunday



U.S.D.C. 10

To June Term. 1859

Territory

vs.

Thomas Burke

Issued May 17th A. D. 1859

Returnable 13th Inst. A. D. 1859

W P Campbell

Attorney for Territory

SUBPŒNA.

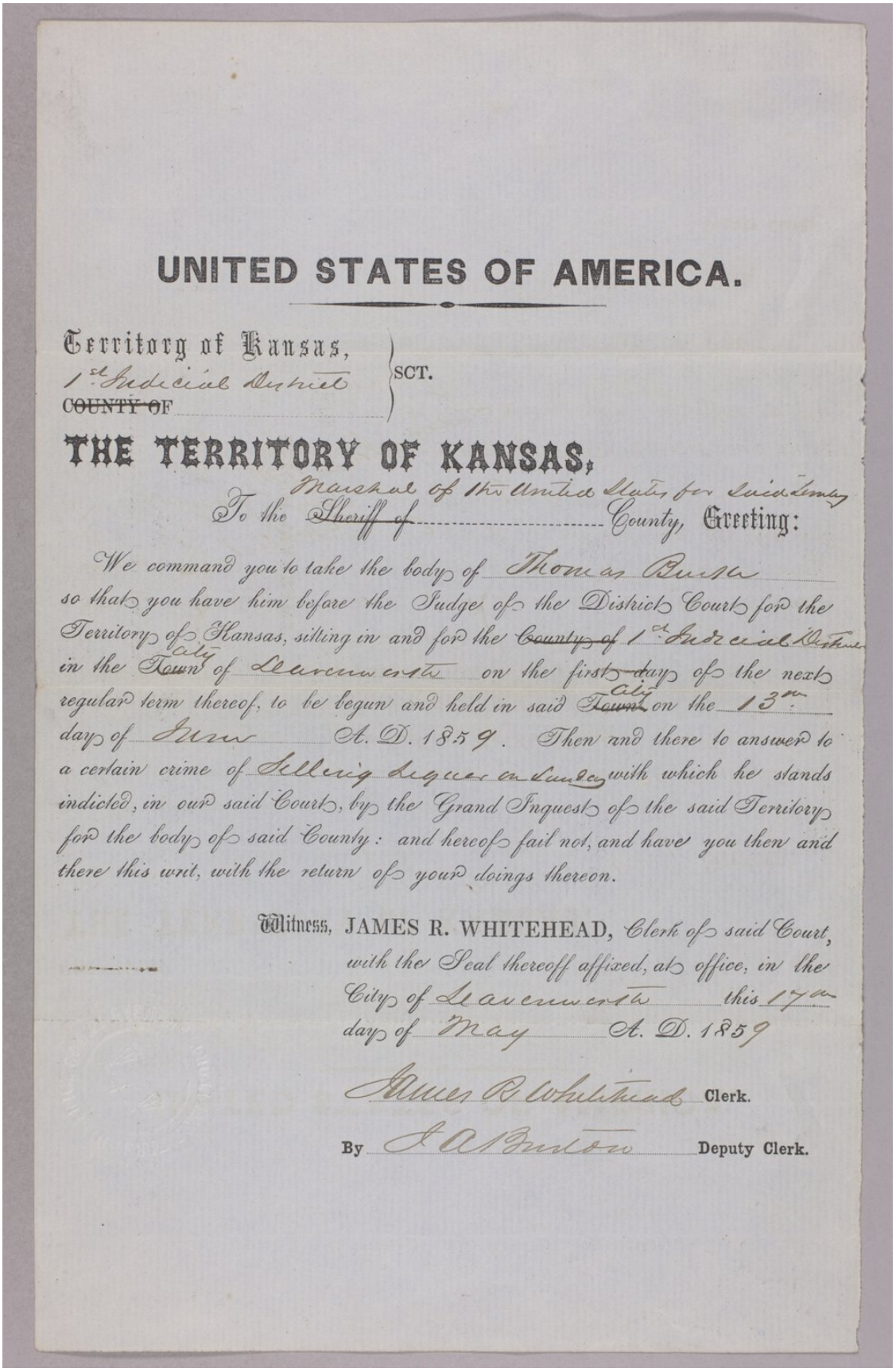
J M Dapt

Returned non est

P Philip T. Colby U.S. Marshal

by Cyrus D. Goodell Deputy

Kansas Territory versus Thomas Burke for selling liquor on Sunday



UNITED STATES OF AMERICA.

Territory of Kansas,
1st Judicial District
~~COUNTY OF~~ } SCT.

THE TERRITORY OF KANSAS,

To the ~~Sheriff of~~ Marshal of the United States for said Territory
~~County~~, Greeting:

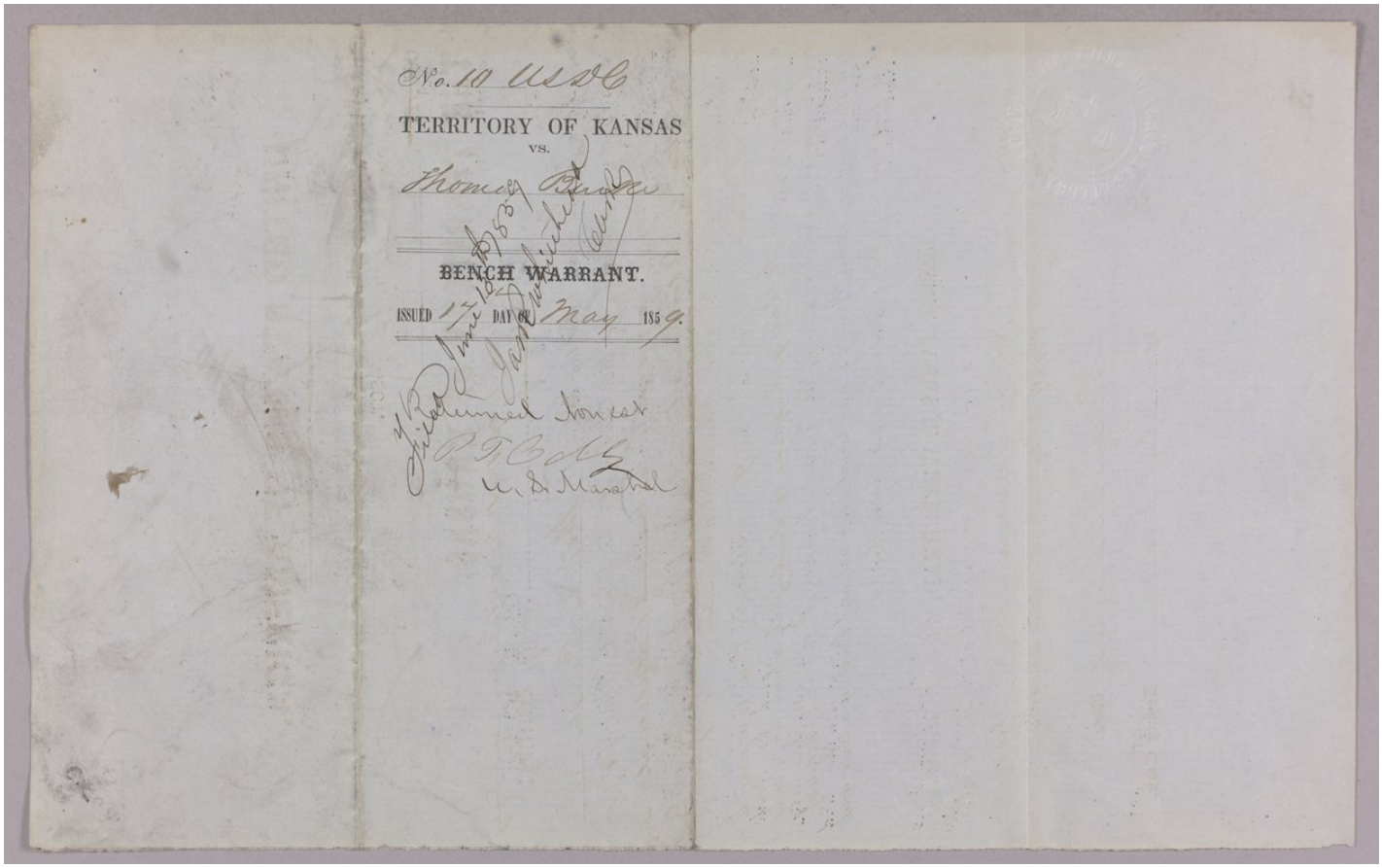
We command you to take the body of Thomas Burke so that you have him before the Judge of the District Court for the Territory of Kansas, sitting in and for the ~~County of~~ 1st Judicial District in the ~~Town~~ City of Lawrence on the first day of the next regular term thereof, to be begun and held in said ~~Town~~ City on the 13th day of June A. D. 1859. Then and there to answer to a certain crime of Selling liquor on Sunday with which he stands indicted, in our said Court, by the Grand Inquest of the said Territory for the body of said County: and hereof fail not, and have you then and there this writ, with the return of your doings thereon.

Witness, JAMES R. WHITEHEAD, Clerk of said Court, with the Seal thereoff affixed, at office, in the City of Lawrence this 17th day of May A. D. 1859

James R Whitehead Clerk.

By J A Burton Deputy Clerk.

Kansas Territory versus Thomas Burke for selling liquor on Sunday



No. 10 U.S.C.

TERRITORY OF KANSAS
vs.
Thomas Burke

BENCH WARRANT.

ISSUED 17th DAY OF May 1859.

Attested and Issued
A. T. Cobb
U. S. Marshal