Kansas Territory versus Francis Hazeltine & James Thompson for forfeited recognizance

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Date: date February 8, 1858

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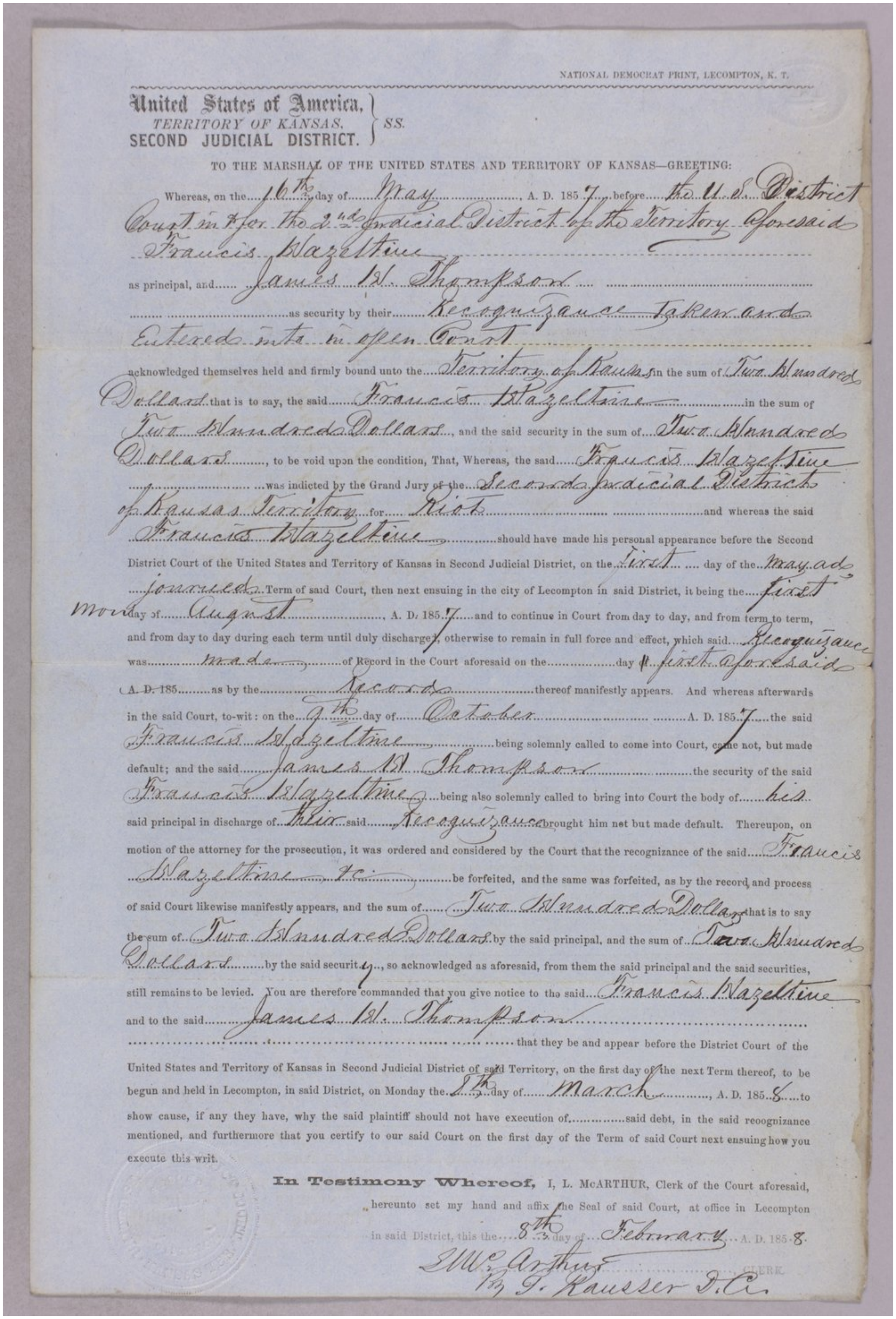

NATIONAL DEMOCRAT PRINT, LECOMPTON, K. T.

United States of America,
TERRITORY OF KANSAS, } SS.
SECOND JUDICIAL DISTRICT.

TO THE MARSHAL OF THE UNITED STATES AND TERRITORY OF KANSAS—GREETING:

Whereas, on the 16th day of May, A. D. 1857 before the U. S. District Court in & for the 2nd Judicial District of the Territory aforesaid Francis Hazeltine as principal, and James H. Thompson as security by their Recognizance taken and Entered into in open Court acknowledged themselves held and firmly bound unto the Territory of Kansas in the sum of Two Hundred Dollars that is to say, the said Francis Hazeltine in the sum of Two Hundred Dollars, and the said security in the sum of Two Hundred Dollars, to be void upon the condition, That, Whereas, the said Francis Hazeltine was indicted by the Grand Jury of the Second Judicial District of Kansas Territory for Riot and whereas the said Francis Hazeltine should have made his personal appearance before the Second District Court of the United States and Territory of Kansas in Second Judicial District, on the first day of the may adjourned Term of said Court, then next ensuing in the city of Lecompton in said District, it being the first monday of August, A. D. 1857 and to continue in Court from day to day, and from term to term, and from day to day during each term until duly discharged, otherwise to remain in full force and effect, which said Recognizance was made of Record in the Court aforesaid on the day first aforesaid ~~A. D. 185~~ as by the Record thereof manifestly appears. And whereas afterwards in the said Court, to-wit: on the 9th day of October A. D. 1857 the said Francis Hazeltine being solemnly called to come into Court, came not, but made default; and the said James H. Thompson the security of the said Francis Hazeltine being also solemnly called to bring into Court the body of his said principal in discharge of their said Recognizance brought him not but made default. Thereupon, on motion of the attorney for the prosecution, it was ordered and considered by the Court that the recognizance of the said Francis Hazeltine &c be forfeited, and the same was forfeited, as by the record and process of said Court likewise manifestly appears, and the sum of Two Hundred Dollars that is to say the sum of Two Hundred Dollars by the said principal, and the sum of Two Hundred Dollars by the said security, so acknowledged as aforesaid, from them the said principal and the said securities, still remains to be levied. You are therefore commanded that you give notice to tha said Francis Hazeltine and to the said James H. Thompson that they be and appear before the District Court of the United States and Territory of Kansas in Second Judicial District of said Territory, on the first day of the next Term thereof, to be begun and held in Lecompton, in said District, on Monday the 8th day of March, A. D. 1858 to show cause, if any they have, why the said plaintiff should not have execution of said debt, in the said reoognizance mentioned, and furthermore that you certify to our said Court on the first day of the Term of said Court next ensuing how you execute this writ.

In Testimony Whereof, I, L. McARTHUR, Clerk of the Court aforesaid, hereunto set my hand and affix the Seal of said Court, at office in Lecompton in said District, this the 8th day of February A. D. 1858.

L. McArthur CLERK
By G. Hausser D.C.

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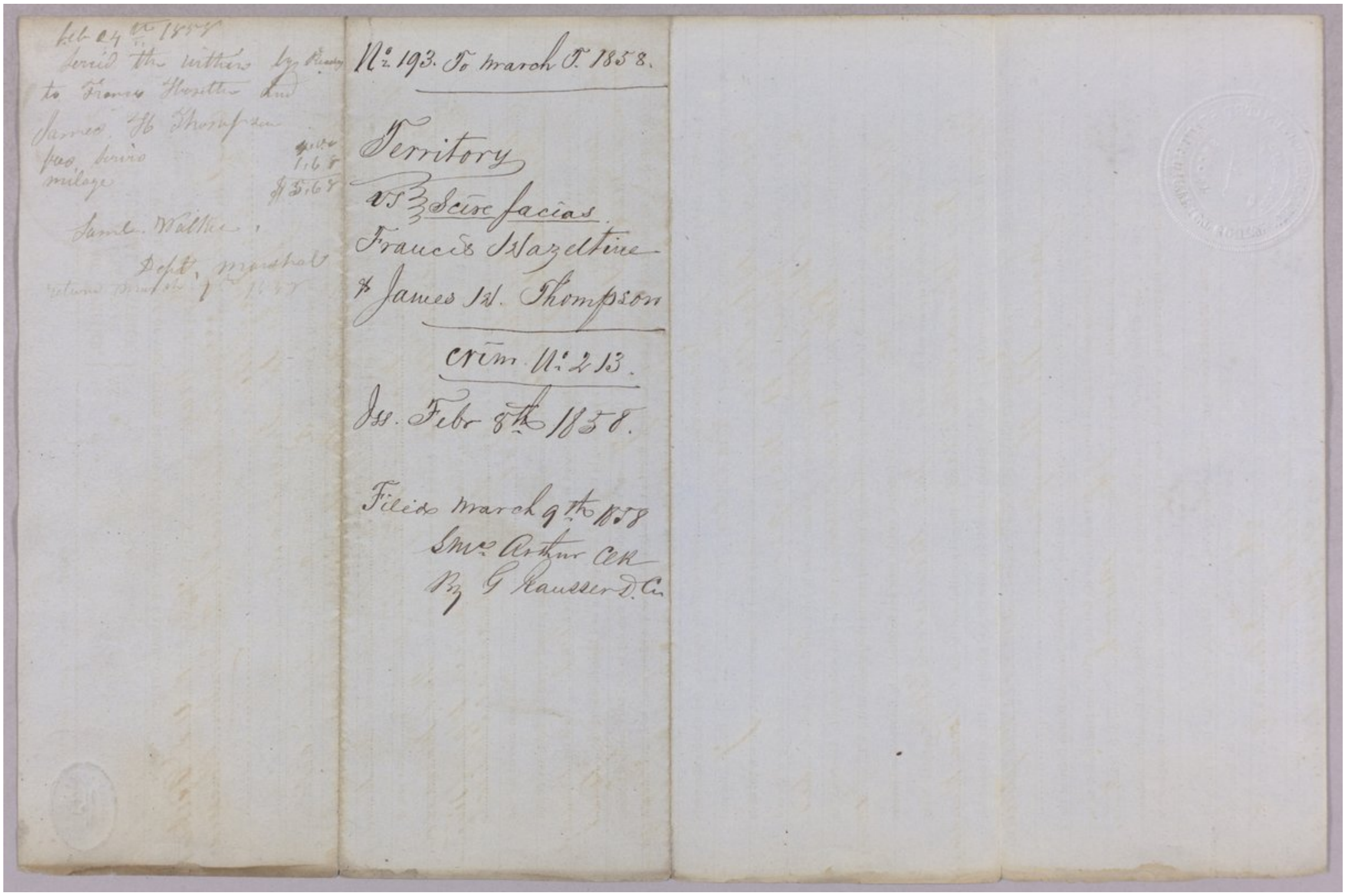


Feb 24th 1858
Served the within by Reading
to Francis Hazelton and
James H Thompson
fees serving 4.00
mileage 1.68
$5.68

Saml. Walker,
Dept. Marshal
returned March 9th 1858

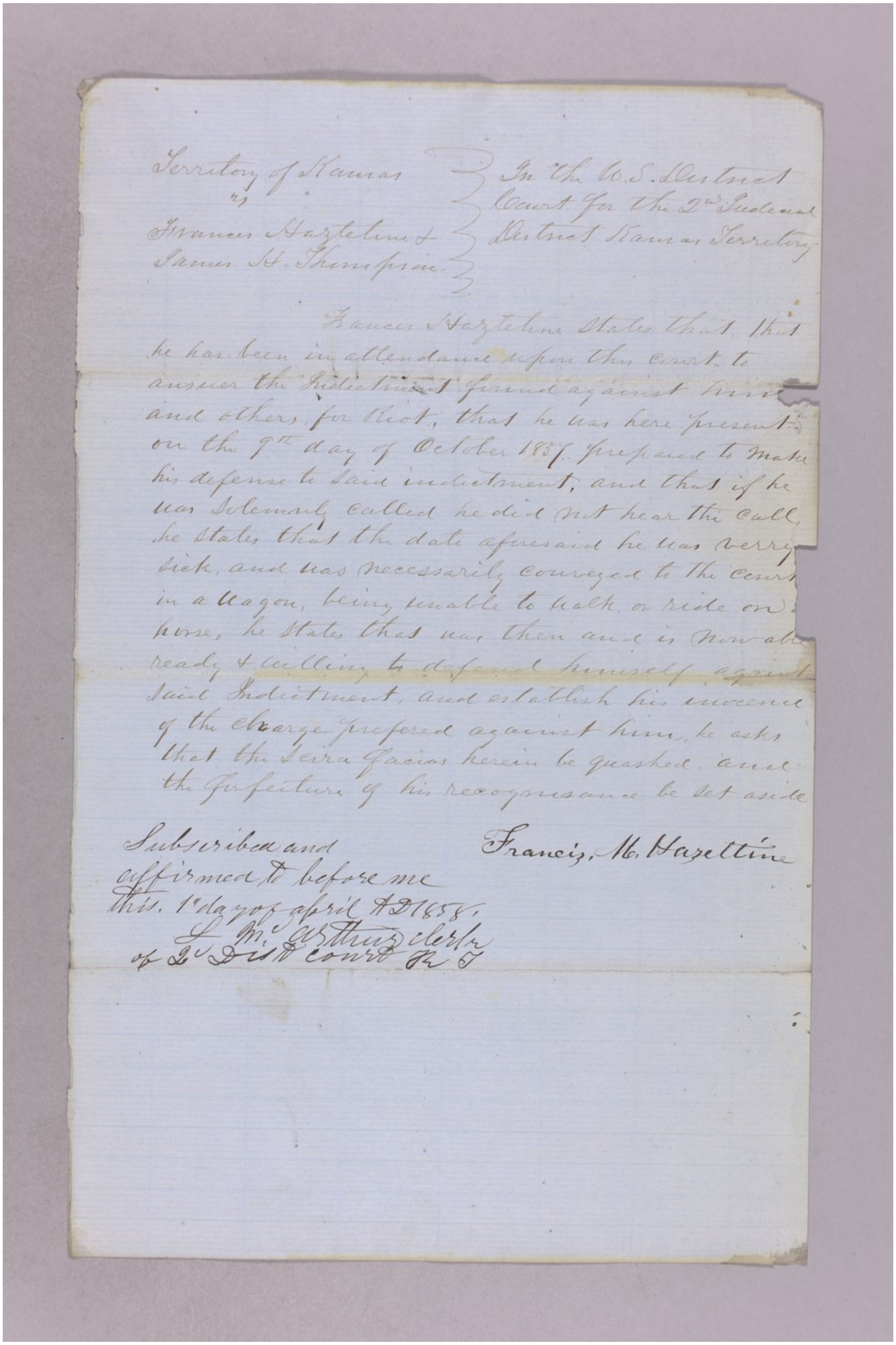
No. 193. To March T. 1858.

Territory
vs } Scire facias
Francis Hazeltine
& James H. Thompson

crim. No. 213.

Iss. Febr 8th 1858.

Filed March 9th 1858
Wm. Arthur Clk
By G Rausser D.C.



Territory of Kansas
vs
Frances Hazletine &
James H. Thompson.

In the U.S. District Court for the 2nd Judicial District Kansas Territory

Frances Hazletine States that, that he has been in attendance upon this court to answer the Indictment found against him and others for Riot; that he was here present on the 9th day of October 1857. prepared to make his defense to said indictment, and that if he was Solemnly called he did not hear the call, he States that the date aforesaid he was verry sick, and was necessarily conveyed to the court in a Wagon, being unable to walk, or ride on a horse, he States that was then and is now able ready & willing to defend himself against said Indictment, and establish his inocence of the charge prefered against him, he asks that the Scira Facias herein be quashed, and the forfeiture of his recognisance be set aside

Francis, M. Hazeltine

Subscribed and
affirmed to before me
this. 1st day of April AD1858.
L. McArthur clerk
of 2d Dist Court K T

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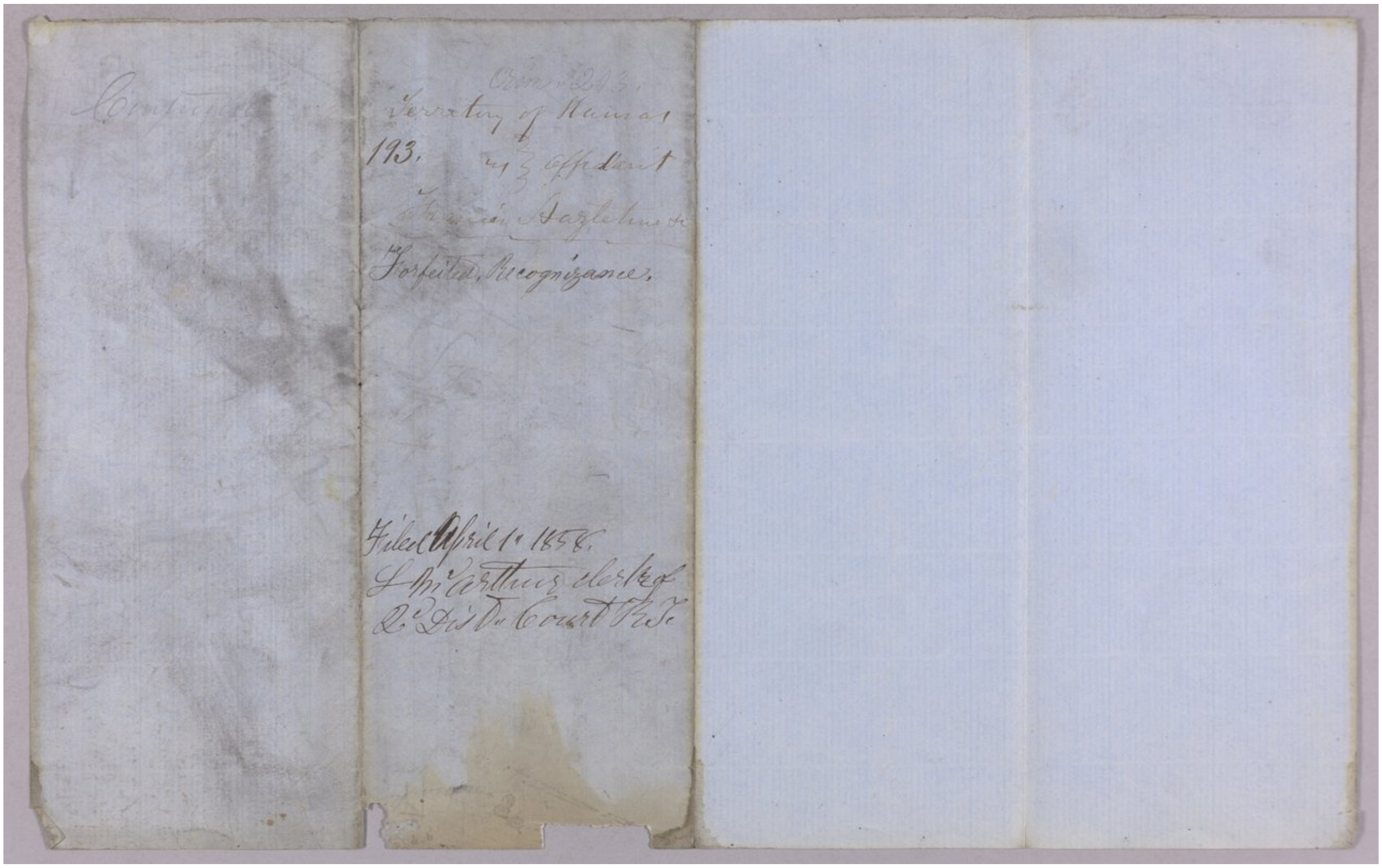

Continued

Crim. No 213.

Territory of Kansas

193. vs } Affidavit

Francis Hazeltine &c

Forfeited Recognizance.

Filed April 1st 1858.

L McArthur clerk of

2d Dist Court K.T.