

In Re Lancaster

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Court : US Supreme Court

Decided On : Dec-05-1890

Appeal No. : 137 U.S. 393

Appellant : In Re Lancaster

Judgement :

In re Lancaster - 137 U.S. 393 (1890)

U.S. Supreme Court In re Lancaster, 137 U.S. 393 (1890)

In re Lancaster

Original, No number

Submitted December 4, 1890

Decided December 5, 1890

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Original

SYLLABUS

The petitioners, being indicted in a circuit court of the United States and taken into custody, applied to this Court for a writ of habeas corpus without first invoking the action of the circuit court upon the sufficiency of the indictment. *Held* that this Court would not interfere.

This was a motion for leave to file the following petition for a writ of habeas corpus.

"To the Honorable, The Supreme Court of the United States"

"The petition of Wright Lancaster, Jno. K. Lancaster, Henry Lancaster, Jas. Moore, Lewis Knight, and Luther A. Hall respectfully showeth that each and every of them are citizens of the United States of America, and that the liberty of each and every of them is now restrained, and that each and every of them are now in the custody of Walter P. Corbett, the United States Marshal for the Southern District of Georgia, and are by him kept in custody in the county jail of Bibb County, Georgia, under an indictment in the United States Circuit Court for the Western Division of the Southern District of Georgia, which said indictment was filed in said court on the twentieth day of November, eighteen hundred and ninety, and a certified copy of said indictment is hereto attached and made part of this petition. Your petitioners show that said indictment is a joint indictment against these petitioners and others in said indictment named, charging them with conspiracy and murder. Your petitioners allege that their liberty is unlawfully and illegally restrained under said indictment, and they further show that their custody under said indictment by said marshal is unlawful and illegal because the matters and things set forth and charged in the said indictment and the several counts thereof do not constitute any offense or offenses against the laws of the United States and do not come within the purview, true intent, and meaning of the Act of Congress

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approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States,' etc, nor any part thereof, and because the matters and things in said indictment and in the various counts thereof set forth and charged do not constitute any offense or offenses cognizable in the circuit court and do not come

within its power and jurisdiction, and because the said indictment and each and every of the various counts thereof are too vague, general, insufficient, and uncertain to constitute an indictment according to the Constitution of the United States."

"Wherefore your petitioners pray that the writ of habeas corpus may issue out of this court, directed to the said W. P. Corbett, United States marshal for the Southern District of Georgia commanding him to produce the bodies of your petitioners together with the cause of their detention, to the end that your petitioners may be discharged from his custody, and your petitioners further pray that the writ of certiorari may issue, directed to the Clerk of the United States Court for the Western Division of the Southern District of Georgia, commanding him to certify and send up to this Court the said indictment and all proceedings thereunder."

"WRIGHT LANCASTER"

"JNO. K LANCASTER"

"JAMES T. MOORE"

"LEWIS E. KNIGHT"

"LUTHER A. HALL"

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MR. CHIEF JUSTICE FULLER delivered the opinion of the Court.

The petitioners were indicted, under §§ 5508 and 5509 of the Revised Statutes, on the 20th of November, 1890, in the Circuit Court for the Southern District of Georgia, and have been taken into custody. They have not invoked the action of the circuit court upon the sufficiency of the indictment by a motion to quash or otherwise, but ask leave to file in this Court a petition for a writ of habeas corpus upon the ground that the matters and things set forth and charged do not

constitute any offense or offenses under the laws of the United States or cognizable in the circuit court, and that for other reasons the indictment cannot be sustained. In this posture of the case we must decline to interfere. The application for leave to file the petition is

Denied.

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