

Legal Decision.

[Communicated for the Athenian.]

THE STATE,

vs.
JULIAN FOOTE, alias

JULIAN ADAMS.

} Habeas Corpus.

GEORGIA, DEKALB COUNTY.

To the honorable AUGUSTIN S. CLAYTON, Judge of the Superior Courts for the Western District of said State.

In obedience to a writ of Habeas Corpus granted by your honor on the 9th day of July, in the year eighteen hundred and thirty, upon the petition of one Hezekiah R. Foote, directed to these respondents, Isaac N. Johnson and Elbridge G. Adams, commanding, and requiring them to bring before your Honor, the body of Julian Foote, alias Julian Adams, claimed as the wife of the said Hezekiah R. on the second day of August next, at your office in the town of Athens, together with the true cause of her caption and detention,—These respondents respectfully return, that they have before your honor the body of the said Julian, and beg leave particularly to state the causes of her being in their custody, with all the circumstances therewith connected. They therefore return, that the said Julian is the infant daughter of one John Adams, late of said county of Dekalb, deceased, and the sister of one of these respondents, to wit: E. G. Adams, and that according to the family record of ages kept by the said John Adams, she was born on the fifth day of March, in the year eighteen hundred and twenty; making her at this time a little more than ten years of age. That the said John Adams, departed this life in the month of August, in the year eighteen hundred and twenty-nine, leaving a considerable estate undisposed of by will, and without the appointment of a Guardian for his children. That Lois Adams, the mother of the said Julian, now by a late intermarriage with one Stephen Simmons, Lois Simmons, assumed the care and guardianship of the said Julian. That immediately after the decease of the said John Adams, the said Hezekiah R. who had but lately come to the village of Decatur in the capacity of a Law-student, commenced devoting his time and attention to the mother of the said Julian, and her children, as these respondents verily believe and so return, of so far ingratiating himself into her favour as to procure the management of her own, and the said children's estate. That the said Lois, at the time of the decease of her husband was in an extremely low state of health, supposed to be labouring under a consumption, which connected with other causes, rendered her the more easily the subject of imposition. That the said Hezekiah R. taking advantage of the situation of the said Lois, and for the purpose of accomplishing more fully, his base and dishonorable designs, represented to her in false colors, her helpless and unprotected situation, and induced her to believe that all those who pretended friendship, and who were prepared to extend to her that aid and assistance, which a widow in her situation needed, were enemies in disguise, and sought only to enrich themselves at her expense; and that he, the said Hezekiah R. was her only true and best friend, and deserved to act as her guide and protector. That he alone, although a stranger, possessed the requisite qualifications and honesty for the management of her estate, and the saving it from unnecessary expense, &c. And the said E. G. Adams, one of the respondents, individually returns, that he himself being young and inexperienced, was at first deceived in some measure by the false and specious pretensions of the said Hezekiah R. and led to view his professions of friendship to his mother and family in somewhat an honorable light. But when the motives of the said Hezekiah R. became too obviously perceptible to be mistaken, and when from his general misconduct, he had acquired the hatred and contempt of a large majority of those to whom he had become known, this respondent being the eldest child of the said Lois, conceived it his duty to undeceive her as to his motives, and if possible to prohibit his further visits and attention. In pursuance of this sense of duty, he made the effort, in consequence of which, so effectually had the said Hezekiah R. practised his impositions upon the said Lois, and so greatly had he ingratiated himself into her favor, that he was enabled to sever the ties which bound the mother to the son. Finding it necessary to destroy the influence of this respondent, or have his views thwarted, he hesitated not to resort to such measures as were best calculated to effect his purpose; and at length succeeded in causing respondent's mother to discard him as one too, who sought her ruin, and to throw herself and family almost exclusively upon the guidance and protection of him, the said Hezekiah R. And this respondent further returns, that the said Hezekiah R. having thus succeeded in destroying the influence of the only relative capable of affording any protection, (the family being from the state of Massachusetts, and having no relations in the Southern States;) and having failed in the effort to give the requisite security to procure the management of the estate of the said John Adams, which this respondent verily believes to have been his first, principal and only object, being yet unwilling to yield until every effort, however dishonorable, had been used; he further prosecuted his designs by convincing the said Lois, that the best right which he could acquire to act as the friend and protector of the family, was to marry the said Julian, then an infant of the age of ten years, one month, and seventeen days, and so much an infant in size, that her weight was only about fifty pounds. And these respondents further jointly return as additional evidence (if additional evidence than the protest of the infant herself were required) of the dishonorable intentions of the said Hezekiah R. that all the negotiations so far as these respondents know or believe upon the subject of the marriage of the said Julian, were carried on in secret conclave, being known only by