

8848

No. \_\_\_\_\_

# Supreme Court of Illinois

Wm. L. Hambleton

---

vs.

People, ex. rel., Levi Young

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1  
State of Illinois (S.  
Pulaski County} Pleas held in the  
Circuit Court of  
Said County at the Court House  
in North Calumet County of  
Pulaski and State of Illinois on  
the 16<sup>th</sup> day of September A D (1867)  
of the September Special Term  
A D (1867). Present the Hon. John Alvey  
Judge of the Nineteenth Judicial  
Circuit of the State of Illinois  
Presiding and holding Court  
John Hill Cartney States Attorney  
Henry M. Smith Clerk  
Samuel C. Lewis Sheriff

Be it remembered that on the  
19<sup>th</sup> day of September A D (1867)  
the following information  
was filed in the office of the  
Clerk of the Circuit Court of  
Said County to wit

State of Illinois (S.  
Pulaski County} In the Circuit  
Court of Said  
County September Special Term  
A D (1867)  
John H. M. Cartney States Attorney  
for the nineteenth Judicial Circuit  
of the State of Illinois, who prosecutes  
in the name and by the authority of  
the people of the State of Illinois  
are the relation of Lewis Young  
of the County of Pulaski of said  
County here into Court and gives



the Court to understand and  
 he informed that on the 8<sup>th</sup> day  
 of June in the year of our Lord  
 one thousand eight hundred and  
 Sixty Seven the said Levi Young  
 Belcher as aforesaid was regularly  
 and legally elected Treasurer of the  
 City of Maumond City in the County  
 of Pulaski of aforesaid - that said 8<sup>th</sup>  
 day of June was the regular election  
 day for City officers for the year 1867  
 as provided for by the Charter of  
 said Maumond City - that said Levi  
 Young Belcher as aforesaid, <sup>received</sup> at  
 said election held on said 8<sup>th</sup>  
 day of June in the year of our  
 Lord one thousand eight hundred  
 and Sixty Seven as aforesaid for  
 Treasurer of said Maumond City as  
 aforesaid one hundred and Seventy  
 one votes of the of the Qualified  
 electors of said Maumond City as  
 aforesaid and that William L  
 Hambleton his opponent received  
 one hundred and fifteen votes  
 of the Qualified electors of said  
 Maumond City as aforesaid and  
 that the said Levi Young and  
 the said William L Hambleton  
 were the only two Candidates,  
 that were here on said 8<sup>th</sup> day  
 of June as aforesaid for the  
 office of Treasurer of Maumond City as aforesaid



that afterwards to wit on the 22<sup>nd</sup> day  
 of July A.D. 1867 the said Levi Young  
 Relator as aforesaid executed and  
 presented his hand to the City Coun-  
 -cil of said Maumond City in regular  
 session with good and sufficient  
 Security, in the penal sum of Fifty  
 Thousand Dollars for the faithful  
 discharge of the duties required of  
 him by law and the Ordinance,  
 of said City, and then and there  
 offered to give hand and Security,  
 in such an amount and in such  
 manner as the Council of said City,  
 might require in accordance  
 with Section four of an Ordinance  
 then and still in force in said City,  
 of Maumond City, approved February  
 25<sup>th</sup> A.D. 1867 which is in words  
 following to wit The Treasurer shall  
 give hand and Security, in such  
 amount and in such manner  
 as the Council may require  
 and that he always was since his  
 said election to the office of  
 Treasurer of said Maumond City as aforesaid  
 and still is ready to execute his hand  
 with good and sufficient Security in  
 such amount and in such manner  
 as the Council of said City may require  
 and the said Levi Young Relator  
 as aforesaid did on the said 22<sup>nd</sup>  
 day of July 1867. Request of said  
 City Council of said Maumond City



that the several oaths required  
 by the Statute in such case made  
 and provided and by the Ordinance  
 of said City be administered to him  
 and that he the said Levi Young  
 do take as aforesaid has always  
 been ready and anxious since  
 his said election to the office of  
 Treasurer of said Mannet City and  
 still is ready and anxious to take  
 the said several oaths so as aforesaid  
 - And on the said 22 day of July 1867  
 at the City Council of aforesaid  
 William L Hambleton of said  
 Mannet City in said County  
 well knowing the premises aforesaid  
 did unlawfully usurp the said  
 office of Treasurer of Mannet City  
 in said County of Pulaski aforesaid  
 and enter into and upon the exercise  
 of all the powers and duties of the  
 office of such Treasurer of Mannet  
 City as aforesaid and by such  
 unlawful usurpation did then  
 become possessed of the said office  
 and of the emoluments, immunities  
 and prerogatives appertaining to the  
 said office - Contrary to the form  
 of the Statute in such case made  
 and provided and against the  
 peace and dignity of the said people  
 of the State of Illinois and the said  
 State aforesaid in the name and by



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the authority of the people of the State of Illinois, on the relation of said Levi Young further gives the Court here to understand and be informed that the said William L Hambleton on the 22<sup>nd</sup> day of July 1867 at the City of Mound City in the County of Pulaski of said did then and there unlawfully hold the office of Treasurer of Mound City in the County of Pulaski and from and since said 22<sup>nd</sup> day of July 1867 hath and still doth unlawfully hold the said office of Treasurer of Mound City in said County of Pulaski of said and exercise the powers and receive the emoluments of said office - the said Levi Young before as aforesaid being during all the time of said the legal and lawfully elected Treasurer of said City of Mound City in said County of said as stated in the first Count of this information contrary to the form of the Statute in such case made and provided and against the peace and dignity of the said people of the State of Illinois - And the said States attorney upon this relation of the said Levi Young further give the Court here to understand and be informed that on the 22<sup>nd</sup> day of July 1867 at the City of Mound City in the County of said the said William L Hambleton did unlawfully execute the office



of Treasurer of Maumond City, in the  
County of ~~Polk~~ ~~Madison~~ and since  
the said 22<sup>nd</sup> day of July 1867 hath and  
still doth execute the office of ~~said~~  
with any lawful authority, the  
said Levi Young, <sup>being</sup> on the said 22<sup>nd</sup> day  
of July, 1867 the legally elected Treasurer  
of said Maumond City, as stated and  
alleged in the first Count of this  
information. Contrary to the form of  
the Statute in such cases made and  
provided and against the peace and  
dignity of the same People of the State  
of Illinois - And the said State  
Attorney in the name by the authority  
of the people of the State of Illinois  
upon the relations of the said Levi  
Young further give the Court here  
to understand and be informed  
that on the 27<sup>th</sup> day of July 1867  
at the City of Maumond City of Maumond  
City of ~~Polk~~ ~~Madison~~ the said William Hamilton  
did unlawfully intrude into the office  
of Treasurer of Maumond City, in the  
County of ~~Polk~~ ~~Madison~~ and by  
such unlawful intrusion did  
then and there become possessed  
of the said office of Treasurer of  
Maumond City, in the County of ~~Polk~~ ~~Madison~~  
and of the emoluments and revenues  
of said office and hath hitherto  
continued to hold and to hold and  
exercise the Powers and Duties of such







First Saturday after the first  
 Thursday in the month June of said  
 year which according to the Charter  
 of said Mannu City was the day  
 for holding the regular elections for  
 officers of said Mannu City - an  
 Election was held for City officers  
 and that in the said Lewis Young  
 became a Candidate for the office  
 of Treasurer of the City of Mannu  
 City and that he was legally and  
 properly elected Treasurer of said  
 Mannu City on said 8<sup>th</sup> day of  
 June A D 1867 by the qualified electors  
 of said City of Mannu City said  
 Lewis Young securing one hundred  
 and seventy one votes for said  
 office of Treasurer of Mannu  
 City and William L Hambleton  
 (his opponent) securing one hundred  
 and fifteen votes for said office  
 of Treasurer of Mannu City which  
 were all the votes cast at said  
 elections for the office of Treasurer  
 of Mannu City - That on the 10<sup>th</sup> day  
 of June A D 1867 at a regular session  
 of the City Council of said Mannu  
 City it being its first session after  
 the holding of said elections on said  
 8<sup>th</sup> day of June A D 1867 the Clerk of  
 said City of Mannu City layed the  
 election returns of said elections  
 held on said 8<sup>th</sup> day of June A D 1867



before the Council of said Mann  
 city and that said returns were  
 opened and read and that a motion  
 was made to reject said returns  
 that said Council adjourned to  
 meet on Tuesday Evening the 11<sup>th</sup> day  
 of June A.D. (1867) at which time said  
 election returns were without any  
 legal authority, whatever, illegally  
 and wrongfully rejected by said City  
 Council - that afterwards to wit  
 on the 22<sup>nd</sup> day of June A.D. (1867)  
 said Levi Yarning presented his hand  
 to said City Council in regular session  
 as Treasurer of said Mann city  
 with good and sufficient security,  
 conditioned or required by an  
 ordinance then in force in said City  
 and then and there requested to be  
 sworn into office as Treasurer of said  
 Mann city he further states that on  
 the 22<sup>nd</sup> day of July A.D. (1867) a certain  
 William L. Hambleton illegally claiming  
 the said office of Treasurer of said  
 Mann city, under color of a void  
 and illegal election for officers of  
 said City of Mann city (as he is advised  
 and believes) held after the 8<sup>th</sup> day of  
 June A.D. 1867 unlawfully usurped  
 intruded into and unlawfully  
 held and executed said office  
 of Treasurer of said Mann city  
 and from and since the 22<sup>nd</sup>  
 day of July (1867) hath and still



doth unlawfully receive take and  
 enjoy the emoluments, rights and prerogatives  
 of the office of sheriff and grand and  
 since the 27<sup>th</sup> day of July 1867 the said  
 William L. Hamblin hath refused  
 and still doth refuse to allow the said  
 Levi Young to hold and execute the  
 said office or receive the emoluments  
 or to enjoy the rights, prerogatives and  
 emoluments thereof and that he is  
 assured that a Rule may be made  
 upon the facts stated herein on  
 motion of the attorney for the People  
 of the State of Illinois in the 19<sup>th</sup>  
 Judicial Circuit upon the said William  
 L. Hamblin to show cause why  
 leave should not be given to file  
 an information in behalf of the  
 people of the State of Illinois in  
 the nature of a Quia Warrant due  
 notice having been served on the  
 defendant of this application upon  
 the petition of the said Levi Young  
 against the said William L. Hamblin  
 for usurpation, intruding and  
 unlawfully holding and executing  
 the said <sup>office</sup> as aforesaid.

Levi Young  
 Subscribed

and sworn to before me this 16<sup>th</sup>  
 day of September A.D. 1867

Henry M. Smith Clerk Circuit  
 Court Pulaski Co Illinois



And Be it further remembered that  
on the Said 19<sup>th</sup> day of September  
1867 aforesaid the following order  
instrument was filed in the  
office of the Clerk of the Circuit  
Court of Said County to wit

The People of the  
Reliance of Levi Young }  
William G. Hamblin } at the Splinter  
Special Term }  
1867 of the  
Circuit Court

Mr William G. Hamblin Sir  
You will please take notice that I  
shall by the States Attorney of the 19<sup>th</sup>  
Circuit of the State of Illinois, in  
the above styled Cause on Monday  
the 16<sup>th</sup> day of September next at the  
Court House in North Calumet  
in the County of Pulaski and State  
of Illinois move the Court that  
and there Indicially setting for  
leave to file an information in  
the nature of a Quo Warranto -  
against you for intruding into  
and unlawfully exercising the  
duties and receiving the emoluments  
of the office of Treasurer of the  
City of Mound City in Said  
County and State when and  
where you may if you please  
attend and show Cause to the  
Contrary if any you have or law  
yourself Levi Young by  
Aug 10<sup>th</sup> 1867 Grandall & Daughters



State of Illinois

Peoria County } William Fitzgerald  
 being first duly

Sworn before me and says that he  
 did on the 28<sup>th</sup> day of August  
 1867 serve the within notice  
 by William L. Hamblen by  
 handing him a true copy of  
 the within notice

Wm Fitzgerald  
 Constable

Sworn to and  
 subscribed before  
 me this the 19<sup>th</sup> day  
 of Sept 1867  
 H. M. Smith Clerk



And Be it further remembered that  
afterwards to wit at the said  
September Special Term of the  
Pulaski County Circuit Court  
A22 (86) the following proceeding  
was had and entered of record  
in said Court to wit

The People of the State of Illinois }  
are the Relations of Louis Yang }  
vs } Information  
William G Hambleton } in the  
nature of  
Duo Warranto

and now comes the States attorney  
and asks leave to file an information  
in the nature of a Duo Warranto -  
and leave is granted to file such  
information and the same is  
filed whereupon the States Attorney  
asks that the defendant be ruled  
to plead and it is ordered that  
the defendant be served with  
a copy of the rule herein and being  
served that he plead by Tuesday  
morning - In -

And afterwards to wit on the 24<sup>th</sup>  
day of September A22 (86) the following  
instrument was issued out of the  
Circuit Clerks office of said County  
to wit

The People of the State of Illinois }  
are the Relations of Louis Yang }  
vs } Information  
William G Hambleton } For a Duo



Warrants - leave granted to file the  
 information and defendant  
 ruled to plead by Friday morning  
 and that a copy of this Rule be  
 served upon him

State of Illinois }  
 Pulaski County } J. Henry M. Smith  
 Clerk of the Circuit  
 Court of said County, hereby certify  
 that the above is truly copied  
 from the order made in the above  
 styled cause. Witness my hand  
 and the official Seal of said  
 Court at office in Caladonia  
 Sept 24 1867

J. Henry M. Smith Clerk  
 on the back of which is the  
 following endorsement to wit  
 Lewis yarning }  
 Copy of order of  
 Mr J. Humbleton } Court

Returned by not  
 finding the within named person  
 not found in my County

Wm Fitzgerald Constable  
 and Be it remembered that afterwards  
 at an other day of the said September  
 Special Term of 1867, to wit on the  
 seventh day of the term aforesaid  
 the following further order was  
 made and entered of record in  
 said Court to wit  
 and now on this day comes the



People by their States attorney and it appearing that the defendant has not been served with the rule entered - It is ordered that the defendant be ruled to plead by 8 o'clock A.M. Thursday next and that a copy of the rule be served upon him and that a copy of the return be made to the first day of the next term of this Court -

And afterwards to wit on the 18<sup>th</sup> day of November 1867 the following other instrument was issued out of the Circuit Clerks office of said County and is as follows to wit

Pleas held in the Circuit Court of Pulaski County, Missouri at September Special Term 1867 - Before Hon<sup>ble</sup> John Olney Judge

The People of the State of Missouri  
 on the relation of Levi Young }  
 vs } Information  
 William G Hambleton } in the nature  
 of a Duces  
 Morsanto

Leave is given to file the information and defendant ruled to plead by Friday morning and that a copy of this rule be served upon him in -  
~~The defendant having been served with the rule and now on this day comes the people by their States attorney and it appearing that the~~



Defendant has not been served with the rule entered - It is ordered that the defendant be ruled to plead by 8 o'clock A.M. Tuesday morning and that a copy of the rule be served upon him and that a copy be returnable to the next Term of this Court -

And Be it further remembered that afterwards to wit at an other Term of the Circuit Court Held at the Court House in North Carolina County of Pulaski and State of Illinois Commencing on the first Monday in the Month of December A.D. 1867. the said first Monday being Day of said Month  
 Haver John Cliney presiding Judge  
 John F. M. Cartney, States Attorney  
 Denny M. Smith Clerk

Samuel O Lewis Sheriff  
 the following order and proceedings was had and entered of record in said Court to wit -

The People of the State of Illinois  
 on the Relation of Levi Young

vs  
 William L. Hambleton } Information  
 in the nature  
 of a Quo Warranto

now on this day comes the People by their States Attorney and the Rule to plead not being served ordered that defendant be ruled to plead by



to return by 18<sup>th</sup> Instant and that  
 this rule be served upon him  
 by delivering to Defendant a Copy of this  
 Rule - And afterwards to wit on the  
 8<sup>th</sup> day of December 1867, the following  
 Instrument was issued out of the  
 Circuit Clerk's office of said Court,  
 to wit

State of Illinois } Pleas held in the  
 Peoria County } Circuit Court of said  
 County at September  
 Term A D 1867 viz

The People of the State of Illinois  
 on the Relation of Levi Young,

William L. Hamblen } Information  
 vs } in the nature  
 of a Quo Warranto  
 Return granted to file the information  
 and defendant ruled to plead by Tuesday  
 morning and that a Copy of this Rule  
 be served upon him In  
 Defendant not having been  
 served with this rule entered  
 It is ordered that Defendant be  
 ruled to plead by 8 o'clock at all  
 Tuesday next that a Copy of this  
 Rule be served upon him and  
 that a Copy as usual be  
 returnable to the first day of the  
 next term of this Court - Sat 3 -  
 And afterwards to wit at the December  
 Term A D 1867 the following further  
 Pleas <sup>was</sup> had in said Court to wit



The People of the State of Illinois }  
 in the relation of Lewis Young }

vs } Information  
 William L. Hamblin } in the nature  
 of a Quo Warranto

now on this day comes the People  
 by their State Attorney - and the Rule  
 to plead not being served ordered  
 that defendant be ruled to plead  
~~to plead~~ by 10 o'clock by the 18<sup>th</sup>  
 Instant and that this Rule be served  
 by delivering to defendant a copy thereof  
 State of Illinois (vs -

Oulaski County) } J. Henry M. Smith Clerk  
 of the Circuit Court  
 of said County do hereby certify that  
 the above and foregoing is copied  
 from the records in my office  
 Witness my hand and the  
 official Seal of said Court  
 at office in North Caladance  
 Dec 5<sup>th</sup> 1867

Henry M. Smith Clerk  
 upon the back of which is the  
 following endorsement to wit  
 State of Illinois (vs -  
 Oulaski County) } Lewis Young being  
 first duly sworn  
 an oath States that he served the within  
 Pleas and rules on William L. Hamblin  
 the within named defendant by delivering  
 to him a true copy of the within  
 Pleas and rules on the



9<sup>th</sup> day of December 1867  
 J. W. Young  
 Subscribed and sworn to  
 before me this 14<sup>th</sup> day of  
 December 1867  
 by Henry J. Pease

And Be it further remembered that  
 at an other day of the Circuit  
 Court to wit at the December Term  
 1867. the following further orders  
 and proceedings was had in said  
 Court in said before styled Cause  
 to wit

And now on this day comes again  
 the said people of the State of Illinois,  
 by J. H. Hartney State Attorney,  
 Randall & Daugherty their atty -  
 and it appearing to the Court that  
 the said heretofore entered in  
 this Cause requiring the said defend-  
 -ant to plead to the information  
 herein filed by the 18<sup>th</sup> Inst. at 10  
 o'clock a m has been served on  
 the said defendant by delivering  
 to him a true copy thereof and the  
 defendant having failed to put  
 in an appearance in said Cause  
 by plea or otherwise - and the said  
 defendant being now three times  
 solemnly called came not but  
 made default and the Court  
 being satisfied from the evidence  
 that all the material allegations



in the said information and true as therein stated and charged It is therefore considered by the Court that the said defendant William L. Hamilton has usurped and intruded himself into and now unlawfully holds and exercises the office and functions of Treasurer of the City of Mound City in the County of Pulaski and State of Missouri and it is further considered by the Court that the said William L. Hamilton be ousted from the office of Treasurer of the City of Mound City and that he pay the costs of this prosecution and that execution issue thereon - Thereupon the said William L. Hamilton defendant by S. P. Wheeler his attorney prayed an appeal to the Supreme Court of the State of Illinois which is allowed on the defendant entering in to hand in the penal sum of one thousand Dollars payable to the people of the State of Illinois for the use of the said Sewer Yarning Corporation according to law with Newton R. Casey as his Surety and thirty days is allowed the said defendant to file said bond in the Clerk's office of this Court —



And Beist further remembered that  
 on the 8<sup>th</sup> day of January 1867  
 there was filed in the Circuit Court  
 of said County the following  
 instrument (to wit)

Know all men by these presents that  
 We William G. Hamblin and Newton  
 R. Casey of the County of Pulaski  
 and State of Illinois are held and jointly  
 bound unto the people of the State of  
 Illinois for the use of Levi Young  
 also of the County of Pulaski for and in  
 the penal sum of one thousand dollars  
 lawful money of the United States of  
 America for the payment of which  
 well and truly to be made We bind  
 ourselves our heirs, executors, Administr-  
 -ators and assigns jointly, severally and  
 jointly by these presents Sealed with our  
 Seals and dated the 7<sup>th</sup> day of January  
 A.D. 1868 -

The condition of the foregoing obligation  
 is such that whereas the People of the State  
 of Illinois did at the December Term  
 of the Circuit Court of the County  
 of Pulaski, A.D. 1867 and on the 20<sup>th</sup>  
 day of said month upon a certain  
 information in the nature of a  
 Quo Warranto heretofore filed by the  
 said people upon the relation of the  
 said Levi Young against the above  
 named William G. Hamblin  
 as Treasurer of the City of Mendota  
 City in said County of Pulaski



recover a Judgment against him the said  
 William G Humboldt of Austin from the  
 said office of Treasurer and for costs of said  
 prosecution from which Judgment the  
 said William G Humboldt has taken an  
 appeal to the Supreme Court of the State  
 of Illinois - Now if the said William  
 G Humboldt shall duly prosecute  
 his said appeal and shall pay the said  
 costs and stand to obide and perform  
 the Judgment of said Circuit Court  
 in case the said Judgment shall be  
 affirmed or the said appeal dismissed  
 then the above obligation to be void  
 otherwise to remain in full force  
 and effect

Signed and  
 sealed in the  
 presence of  
 George E. Lumsberry

William G Humboldt *Test*  
 Newton R Casey *Test*

(Stamped with 25 cts)

State of Illinois } Pulaski Circuit  
 Pulaski County } Court Dec 2nd 1864

The People of the State of Illinois  
 on the relation of Levi Young }  
 vs } Plaintiff  
 William G Humboldt }  
 } with the nature  
 } of 2 Warrants  
 } Plaintiffs Costs  
 Clerk's fees



Jack Sept 7 Trans 40 Ent off Nat 430 - 70  
 July 3 papers 30 Copy 3 notes 150 1.80  
 make & Ent 8 orders 25 - - 2.00  
 Ent Sept 25 Duck Sept 15 - 40  
 make & Ent carts bill - 50  
 Copy June 25 cert for seal 75

\$ 6.15  
 Sheriff Jans Ret 3 process - 30  
 Carts for - - - 1.00  
7.45

Sept 5 carts  
 Ent off of atty - 30  
 Ent 3 no orders - 75  
 take hand - 75  
 make & Ent Bill carts 50  
 Copy Bill carts - 25  
 Certificate of Seal 50  
 make complete  
 record Cert of Seal 10.00 \$ 13 05

State of Illinois } Set of  
 Pulaski County } Henry M. Smith  
 Clerk of the  
 Circuit Court in and for said County  
 do hereby certify that the above and  
 foregoing is a full true perfect  
 and complete transcript from the  
 files and records in my office  
 in the foregoing styled cause  
 Witness my hand and the  
 official Seal of said Court  
 at office in Hannibal Mo.  
 this 6<sup>th</sup> day of May 1868  
 Henry M. Smith Clerk





And the said appellant comes and assigns  
for error on the within record and proceedings  
1st The Court erred in rendering the judgment  
against the defendant by default when no process  
had been served upon him.

2d The Court erred in rendering the judgment against  
the defendant by default without first obtaining  
jurisdiction of his person.

3d The Court erred in rendering the judgment against  
the defendant by default without the service and  
return of a venire facias in the nature of a summons

4th The Court erred in entering the rule to plead  
upon the filing of the information, and so  
of all the rules to plead.

5th The Court erred in rendering the judg-  
ment against the defendant.

Henry Cass & Charles H. Nieman  
Attys for Appellant.

William D. Hambleton  
Appellant

vs  
The People of the State  
of Ill ex rec clark Young  
Transcript

Joiner in Error  
D. W. Munro  
Atty for the People vs

Filed 2nd June 1868  
R. H. Winans  
clerk

65  
much what is of 100 pages  
Wm. D. Hambleton  
Transcript



# Supreme Court of the State of Illinois.

## FIRST GRAND DIVISION.

June Term, A. D. 1868.

WILLIAM L. HAMBLETON, *Appellant* } Appeal from Pulaski.  
vs. }  
THE PEOPLE OF THE STATE OF } Abstract of Record.  
ILLINOIS *ex relatione* LEVI YOUNG, }  
*Appellees.* }

Pages  
1 to 7 Information in the nature of *Quo Warranto*, filed September 19th, 1867.  
8 to 10 Affidavit of Levi Young, the relator.  
11 to 12 Notice to William L. Hambleton, signed by Levi Young by Crandall & Daugherty his Attorneys, that on the 16th of September, 1867, leave would be asked to file information. Affidavit attached setting forth service of said notice on 28th day of August, 1867.  
13 Rule to plead in these words: "Whereupon the State's Attorney asks that the Defendant be ruled to plead, and it is ordered that the Defendant be served with a copy of the rule herein, and being served that he plead by Friday morning, Tu."  
14 Copy of rule certified by Clerk, and returned not served.  
15 On the 7th day of said Term the following further order was made in said case: "It appearing that Defendant has not been served with the rule entered, it is ordered that the Defendant be ruled to plead by 8 o'clock, A. M., Thursday next; and that a copy of the rule be served upon him, and that capias issued returnable to the first day of the next term of the Court  
15 & 16 Copy of rule certified by Clerk, and returned not served.  
16 At the December Term the following order was made: "Now on this day comes the People by their State's Attorney and the rule to plead not being served, ordered that Defendant be ruled to plead by 10 o'clock by 18th instant, and that this rule be served by delivering to Defendant a copy of the same."  
17

The record further shows as follows: "And afterwards to-wit, on the 5th day of December, 1867, the following instrument was issued out of the Circuit Clerk's office of said County, to-wit:

"STATE OF ILLINOIS }  
PULASKI COUNTY. } Pleas held in the Circuit Court of said County at September Term, A. D. 1867, viz:

THE PEOPLE OF THE STATE OF ILLINOIS }  
ON THE RELATION OF LEVI YOUNG, } Information in the nature of a  
vs. } *Quo Warranto.*  
WILLIAM L. HAMBLETON. }

"Leave granted to file the information and Defendant ruled to plead by Friday morning and that a copy of this rule be served upon him.

"Defendant not having been served with the rule entered, it is ordered that Defendant be ruled to plead by 8 o'clock, A. M., Tuesday next; that a copy of this rule be served upon him and that a capias issue, &c., returnable to the first day of the next term of this Court, Sat. 3."

And afterwards to-wit, at the December Term, A. D. 1867, the following further pleas was had in said Court, to-wit:

"THE PEOPLE OF THE STATE OF ILLINOIS, }  
ON THE RELATION OF LEVI YOUNG } Information in the nature of a  
vs. } *Quo Warranto.*  
WILLIAM L. HAMBLETON. }

"Now, on this day comes the People by their State's Attorney, and the rule to plead not being served, ordered that Defendant be ruled to plead by 10 o'clock by the 18th instant, and that this rule be served by delivering to Defendant a copy thereof.

"STATE OF ILLINOIS, }  
PULASKI COUNTY. } ss.

I, Henry M. Smith, Clerk of the Circuit Court of said County, do hereby certify that the above and foregoing is copied from the records in my office.

Witness my hand and the official seal of said Court, at office in North Caledonia, December 5th, 1867.

HENRY M. SMITH, Clerk. [L.S.]"



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[2.]

Upon the back of this is an affidavit of the relator, that on the 9th day of December he delivered to the defendant, Wm. L. Hambleton, a copy of "the within pleas and rules."

19 Judgment at December term against the defendant by default; that he be ousted from the office, &c., and pay the costs, &c.

20 Defendant prayed an appeal. Appeal allowed on filing bond.

21 Appeal Bond.

MULKEY, WALL & WHEELER and D. T. LINEGAR,  
*Atty's for Appellant.*

ERRORS ASSIGNED ON RECORD.

1st. The Court erred in rendering the judgment against the defendant by default, when no process had been served upon him.

2nd. The Court erred in rendering the judgment against the defendant by default without first obtaining jurisdiction of his person.

3rd. The Court erred in rendering the judgment against the defendant by default without the service and return of a *venire facias*, in the nature of a summons.

4th. The Court erred in entering the rule to plead upon the filing of the information; and so of all the rules to plead.

5th. The Court erred in rendering the judgment against the defendant.

MULKEY, WALL & WHEELER and D. T. LINEGAR,  
*Atty's for Appellant.*



Hambledon  
to  
The People Ex rec Young  
Abstract

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Filed 2nd June '58  
R. H. Williams  
clerk



# Supreme Court of the State of Illinois.

## FIRST GRAND DIVISION.

June Term, A. D. 1868.

WILLIAM L. HAMBLETON, *Appellant* } Appeal from Pulaski.  
vs. }  
THE PEOPLE OF THE STATE OF } Abstract of Record.  
ILLINOIS *ex relatione* LEVI YOUNG, }  
*Appellees.*

Pages 1 to 7 Information in the nature of *Quo Warranto*, filed September 19th, 1867.

8 to 10 Affidavit of Levi Young, the relator.

11 to 12 Notice to William L. Hambleton, signed by Levi Young by Crandall & Daugherty his Attorneys, that on the 16th of September, 1867, leave would be asked to file information. Affidavit attached setting forth service of said notice on 28th day of August, 1867.

13 Rule to plead in these words: "Whereupon the State's Attorney asks that the Defendant be ruled to plead, and it is ordered that the Defendant be served with a copy of the rule herein, and being served that he plead by Friday morning, Tu."

14 Copy of rule certified by Clerk, and returned not served.

15 On the 7th day of said Term the following further order was made in said case: "It appearing that Defendant has not been served with the rule entered, it is ordered that the Defendant be ruled to plead by 8 o'clock, A. M., Thursday next; and that a copy of the rule be served upon him, and that capias issued returnable to the first day of the next term of the Court

15 & 16 Copy of rule certified by Clerk, and returned not served.

16 At the December Term the following order was made: "Now on this day comes the People by their State's Attorney and the rule to plead not being served, ordered that Defendant be ruled to plead by 10 o'clock by 18th instant, and that this rule be served by delivering to Defendant a copy of the same."

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The record further shows as follows: "And afterwards to-wit, on the 5th day of December, 1867, the following instrument was issued out of the Circuit Clerk's office of said County, to-wit:

"STATE OF ILLINOIS }  
PULASKI COUNTY. } Pleas held in the Circuit Court of said County at September Term, A. D. 1867, viz:

THE PEOPLE OF THE STATE OF ILLINOIS }  
ON THE RELATION OF LEVI YOUNG, } Information in the nature of a  
vs. } *Quo Warranto*.  
WILLIAM L. HAMBLETON.

"Leave granted to file the information and Defendant ruled to plead by Friday morning and that a copy of this rule be served upon him.

"Defendant not having been served with the rule entered, it is ordered that Defendant be ruled to plead by 8 o'clock, A. M., Tuesday next; that a copy of this rule be served upon him and that a capias issue, &c., returnable to the first day of the next term of this Court, Sat. 3."

And afterwards to-wit, at the December Term, A. D. 1867, the following further pleas was had in said Court, to-wit:

"THE PEOPLE OF THE STATE OF ILLINOIS, }  
ON THE RELATION OF LEVI YOUNG } Information in the nature of a  
vs. } *Quo Warranto*.  
WILLIAM L. HAMBLETON.

"Now, on this day comes the People by their State's Attorney, and the rule to plead not being served, ordered that Defendant be ruled to plead by 10 o'clock by the 18th instant, and that this rule be served by delivering to Defendant a copy thereof.

"STATE OF ILLINOIS, }  
PULASKI COUNTY. } ss.

I, Henry M. Smith, Clerk of the Circuit Court of said County, do hereby certify that the above and foregoing is copied from the records in my office.

Witness my hand and the official seal of said Court, at office in North Caledonia, December 5th, 1867.

HENRY M. SMITH, Clerk. [L.S.]



Upon the back of this is an affidavit of the relator, that on the 9th day of December he delivered to the defendant, Wm. L. Hambleton, a copy of "the within pleas and rules."

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Judgment at December term against the defendant by default; that he be ousted from the office, &c., and pay the costs, &c.

Defendant prayed an appeal. Appeal allowed on filing bond.

Appeal Bond.

MULKEY, WALL & WHEELER and D. T. LINEGAR,  
*Atty's for Appellant.*

ERRORS ASSIGNED ON RECORD.

1st. The Court erred in rendering the judgment against the defendant by default, when no process had been served upon him.

2nd. The Court erred in rendering the judgment against the defendant by default without first obtaining jurisdiction of his person.

3rd. The Court erred in rendering the judgment against the defendant by default without the service and return of a *venire facias*, in the nature of a summons.

4th. The Court erred in entering the rule to plead upon the filing of the information; and so of all the rules to plead.

5th. The Court erred in rendering the judgment against the defendant.

MULKEY, WALL & WHEELER and D. T. LINEGAR,  
*Atty's for Appellant.*



Hampden

vs

The People ex rel Young

Abstract

Filed 2nd June 68

W. D. Williams

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RECORDS RELATIONED ON RECORD

MURPHY, WALL & WHEELER and D. T. LINGGAR

Attys for Plaintiff

Abstract bond. Abstract allowed on first bond.

Abstract bond. Abstract allowed on first bond.

Abstract bond. Abstract allowed on first bond.