

8451


No. _____

Supreme Court of Illinois

people, ex. rel., I.H. Brown

vs.

I. W, Clements

71641  7

In the State of Illinois
John A. Brown

as
Henry F. Hamplman
County Judge of Perry
County Illinois

vs
In the Supreme Court
of the State of Illinois.

Application for
alteration writ of
Mandamus.

John A. Brown the applicant in the
above entitled cause by J. Hammack his
attorney complains of Henry F. Hampl-
man the County Judge of Perry County Ills
and says that heretofore to wit at the
September Term of the Perry County Circuit
Court A D 1861 the said John A. Brown
recovered a judgment in a certain
action of Trespass on the case for a tort
against Joseph W. Clement for the sum of
Four thousand forty five & $\frac{99}{100}$ Dollars as
his damages as well as the sum of Seventy
Eight & $\frac{17}{100}$ Dollars for his costs in that behalf
expended and afterwards to wit on the 10th
day of October A D 1861 Execution was

issued by the Circuit Clerk of said Perry
County Ills upon said judgment said
Execution was duly returned by the Sheriff
of Perry County Ills "no property found" and
afterwards to wit- on the 23rd day of January
AD 1862, said John A Brown caused a Capias
adsatisfaciendum to be issued and duly
attested by Erwan B Rushing Circuit Clerk of
Perry County Ills for the arrest of the said
Joseph W Clement's body upon said judgment
a Copy of said Capias and the return of the
same is herewith filed and marked as
Exhibit "A" and made a part of this petition
and the said Joseph W Clement being in Custody
of A A Plymer Sheriff of Perry County Illinois
under and by virtue of said writ of Capias
applied to Henry J Hamplman County
Judge of Perry County Ills to be discharged
and released from further imprisonment
under and by virtue of said writ of Capias
thereupon, the said County Judge, of Perry County
Illinois aforesaid did upon the 17th day of March
AD 1862, discharge and release the said

Joseph W. Clement from imprisonment under and by virtue of said writ of Capias as will more fully appear by reference to the order of the said Court which is herewith filed and marked as Exhibit "B" and made a part of this petition.

Thereupon the said applicant John A. Brown as aforesaid, prays that your Honor will grant an alternative writ of mandamus and, upon a final hearing of this application, this honorable Court will grant a Peremptory writ of mandamus commanding Henry F. Hamplman, County Judge of Perry County Illinois as aforesaid, to return or remand the body of Joseph W. Clement to jail under and by virtue of said writ of Capias ad satisfaciendum, according to the Statute in such case made and provided, and that this honorable Court will make such other and further order in the premises as may seem to be necessary to protect the rights of your applicant in the premises, and your

applicant will ever pray &c

Hammack & Bro

Atty for Applicant

State of Illinois? John A Brown, the above,
Perry County & named applicant being duly
sworn, says that the matters and things set
forth in above petition, are true, in
substance, and in fact and further says not a
Subscribed & sworn to
before me this day of June, A.D. 1862

John H. Brown

Subscribed & sworn to
Before me this the 28th
day of June to & 1862

Saml R. Proctor J.D.

Subscribed & sworn to
before me Nov. 11. 1862.

At Salineville, Oh.

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The People of the State
of Illinois as the
relatives of
John H. Brown

vs
Joseph W. Clements

Petition for
Mandamus

Filed Nov. 12. 1862.

N. S. Johnston Clk

Paid by Colony - \$5.00

State of Illinois } The People of the State of
Perry County } Illinois To the Sheriff of
Said County Greeting

We Command you that you take the body of
Joseph W Clement if found in your County and
keep safe Keep until he shall pay and satisfy
John H Brown for four thousand and forty five
Dollars and ninety nine cents the amount of a certain
Judgment which the said John H Brown lately
recovered against him the said Joseph W Clement
in our said Circuit Court of Perry County for
his damages in a certain action of trespass on the
Case for a tort in said Court wherein the said
John H Brown was Plaintiff and the said
Joseph W Clement impleaded with Oliver H Burton
& Albert F Crain was Defendant and also the
sum of Seventy Eight ¹⁷⁰ Dollars which was by the
same Court adjudged to him the said John
H Brown for his costs in this behalf expended
whereof the said Joseph W Clement is convicted as
appears of Record in our said Court unless
he the said Joseph W Clement otherwise sooner be
discharged according to Law and of this writ
make due return as the Law directs

L J

Witness Evan B Rushing Clerk of our
said Circuit Court and the seal
thereof at Puckewille in said Perry
County aforesaid affixed this 23rd
day of January A.D. 1862

O B Rushing Clerk

State of Illinois
 PERRY COUNTY
 Evan R. Rushing clerk of the circuit
 Court of said County do certify the foregoing
 to be a true copy of original on file in my office
 Witness my hand and seal of office
 this June 10th 1862
 E. R. Rushing clk



(Exhibit A)
 Case No 1470

John H Brown

Joseph W Clement

Care for both

Amount Judgt. \$40.00
 78.17
 50

78.17

Rec. clks for 9 Mts

Shops arresting 60

Bringing Prisoner out 3.00

Keeping prisoner 5 days 37 1/2

clks per day 1 37 1/2

A. A. Clymer Shff 5.37 1/2

March 18th 1862

Filed March 18th 1862
 E. R. Rushing clk

The within writ came to hand about 3 o'clock P. M. Friday Jan^y 24th 1862.

A. A. Clymer Shff.

Executed the within writ by arresting the body of the within named Joseph W Clement this March 12th 1862

Albert A. Clymer Shff

March 13 took the above named Prisoner before the A Judge he making application for a discharge from custody the Judge continued Case to 17th instant when the above named prisoner was discharged by a due course of Law. this March 17th 1862;

A. A. Clymer Shff
 Perry Co Ill

State of Illinois }
Perry County }³⁸⁸ the people of the State
of Illinois to the Sheriff
of Perry County greeting
we command you to notify John H.
Brown that Joseph D. Clement has
made application to the Judge of the
County Court of said Perry County
to be discharged from arrest under a
capias in the hands of the Sheriff of
said Perry County that said Joseph
D. Clement asks to be discharged under
the provisions of the 32nd Chapter of
Revised Statutes of the State of Illinois
that the case has been set for hearing
before the Judge of this Court on
Monday the 17th Day of March A.D. 1862
at 12 o'clock at the Court House in the
Town of Pinckneyville in said County
of Perry and State of Illinois and to take
return of this Writ in which you
serve this notice

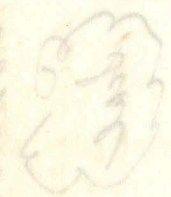
Given under my hand and
Seal of said County Court at office
in Pinckneyville on this 13th Day of
March A.D. 1862

(Seal)

David W. Hoge Clerk
Copy

Copy of Notice
of Elements to be
Released from
Arrest

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page. The text is organized into several vertical columns.]



[Faint handwritten text at the bottom right of the page, possibly a signature or date.]

John A Brown
vs
Joseph B Clement } Application for a writ of
 } Habeas Corpus
 } To Albert A Clymer Sheriff of
Perry County Illinois

Sir please take notice
that I will apply to the Supreme Court of
Illinois at Mount Vernon on the first day of
the next Term in November next to 1862 or as soon
thereafter as I can for a writ of Habeas Corpus
Direct to Henry W Hambleman County Judge
of Perry County Illinois to show cause why
a Preemptory writ of Habeas Corpus should not
issue against him commanding him to Release
Joseph B Clement to jail under and by virtue
of a writ of *habeas ad satisfaciendum* in
favour of John A Brown

Pinckneyville Oct 20 - 1862
John A. Brown

I do hereby acknowledge service
of the within notice this 2^{0th} day
of October AD 1862.

A. A. Chyner Att'y at Law

John H Brown } Application for writ of Mandamus
vs }
Joseph B Clement } -us
W. Albert A. Clemon Sheriff
~~Perry County Illinois~~

Sir To Henry S. Hamble
County Judge of Perry County Illinois
Sir please take notice that I will
apply to the Supreme Court of Illinois at Mount-
 Vernon on the first day of the next Term in
November next A.D. 1862 or as soon thereafter as I can
for a writ of Mandamus directed to you and for
you to show cause why a Peremptory writ of
Mandamus should not issue against you com-
manding you to remand Joseph B. Clement to jail
under and by virtue of a writ of *habeas ad satisfaci-
endum* in favor of John H. Brown
Pinckneyville October 20th A.D. 1862
John H. Brown

I do hereby acknowledge service
of the within notice this 20th day of
October A.D. 1862

W. F. Hamplman

John H Brown }
vs } Application for Habeas Corpus
Joseph B Clement }

Mr Joseph B Clement Sir take notice
that I will apply to the Hon Judges of the Suprem Court of
Illinois on the 15th Day of November Next at Mount Vernon Illinois
A.D 1862 or as soon thereafter as I can for a writ of Habeas Corpus
Directed to Henry S Hambleman County Judge of Perry County
under and by virtue of a certain writ of Capias ad satisfaciendi
-um issued by the Circuit Clerk of Perry County Illinois
in favour of John H Brown of Du Quoin Ill
Du Quoin Oct 21 1862 Ad
John H Brown

State of Illinois,
Perry County } This day
personally appeared before
me H. C. Hoffman who
being sworn states
that he delivered to J
W. Clement a true
copy of the within notice
on the 28th day of October
A. D. 1862, H. C. Hoffman

Subscribed & sworn to
this 28th day of October
1862,

Wm. J. [unclear]
day of October 28th 1862
before me this 28th
day of October 28th 1862

~~Subscribed & sworn to
this 28th day of October 1862
before me this 28th
day of October 28th 1862
Notice on behalf of Clement & Co
Gives a full copy of the within
J. C. Hoffman~~

No 46

People - ex. Rel.

J. H. Brown

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J. W. Clements

Pat. for Mandarins

Drawn in 1862 -

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