

11870

No.

Supreme Court of Illinois

James.

vs.

People

71641 7

No. 2
In the matter of James
P. Lamb on Habeas Corpus

1849

11870

State of Illinois }
Kendall County }²⁰

The People of the State of Illinois
to the Sheriff of said County - Greeting -

You are hereby commanded to have the body of
James P Lamb detained under your custody as
it is said under a safe and secure conduct
together with the day and cause of his being taken
and detained by whatsoever name he shall be
called in the same before the Honorable the Judges
of the Supreme Court of the State of Illinois at
Ottawa in said State on the eleventh day of June
next to do and receive all and singular those
things which the said Judges shall consider con-
cerning him in this behalf. And have the ten
this writ

Witness John W Crothers Clerk
of the Circuit Court of said County
of Kendall and the seal of said
Court at Oswego this 9th day of
June AD 1849
John W Crothers Clerk

he obeienced to the command of the writs writ
to me directed I have the body of the said James P. Lamb
together with the said writ and the return thereto of the
deputy and course of the Captain and detention of the
said James P. Lamb in a certain schedule to
the said writ annexed before the said deputy
court as within I am commanded

11 June 1849

Wm. P. Fowles, Sheriff of said
Hendall County, Va.

Hendall Co.

In the matter of James
P. Lamb on Habeas Corpus

Habeas Corpus

Filed June 11, 1849.
Mel and Otho

J. William L. Fowler Sheriff of the county of Kendall
and State of Illinois by virtue of this writ to me
directed and delivered do hereby make known to the
said ~~Supreme~~ Court that the said James
P. Lamb was on the 8th day of June 1849
committed to my custody as jailer of the said county
of Kendall, by virtue of a mittimus under the
hand and seal of Solomon Hustis Coroner of the
said County of Kendall, for certain causes in
the said mittimus specified a copy of which is hereto
annexed; in obedience to which I have detained
the said James P. Lamb in my custody
as thereby I was commanded, which is the
same caption and detention of which mention
is made in the said writ.

(Copy of mittimus)

State of Illinois
Kendall county } The People of the State
of Illinois to the Sheriff of
said County greeting -

Whereas in pursuance of an inquisition held
upon the body of Paul Lamb by Solomon
Hustis Coroner of said county, it being satisfactorily
proved to said Coroner that the deceased came to
his death by a fracture of one of the limbs of
the said deceased and that one James P. Lamb
was implicated in the death of said deceased and
you the said Sheriff are hereby required to receive
the said James P. Lamb into your custody
and commit him to the common jail of
the County and him there safely keep until
he shall be discharged by due course of
Law. Witness my hand and seal

this 8th day of June AD 1849

Salomon Hustis seal
Sheriff of said county

And I, the said Sheriff do further make known to the said Supreme Court, that the said James P. Lamb is detained in custody by virtue of a certain other writtens issued by Asa Manchester a Justice of the peace in and for said County of Kendall in words and figures following

State of Illinois
Kendall County } The People of the state of Illinois
to any Constable of said County
and to the keeper of the common
jail of the said County

Whereas upon the information and complaint of William B. Field lately exhibited before Asa Manchester Esquire a Justice of the Peace upon oath against James P. Lamb for an assault and battery, the said James P. Lamb was arrested and tried before the said Justice and a jury and found guilty of the charge and the said jury assessed the fine which he should pay at the sum of one hundred dollars and it was thereupon adjudged and determined by the said Justice that the said James P. Lamb should pay the said fine so assessed and also the sum of thirteen dollars and fifty six cents costs - And whereas it appears by the return of G. B. Raymond Constable dated June 5th 1849 that he hath made diligent search for but doth not know of nor can

find any goods or chattels of the said James P. Lamb by distress and sale whereof the said sum of one hundred dollars fine and thirteen dollars fifty six cents costs may be levied pursuant to the Command of our writ of Execution to him delivered for that purpose.

We therefore Command you to apprehend the said James P. Lamb and convey him to the Common jail of the said County and deliver him into the custody of the said keeper - And you the said keeper are hereby required to receive the said James P. Lamb into your custody in the said jail and him then safely keep four hundred eighty hours unless the said fine and costs shall be ~~sooner~~ satisfied, or until he shall be discharged by due course of law Given the hand and Seal of the said Justice the 5th day of June 1849. Wm Manchester J

Which said above writ is inclosed on the back thereof in words & figures following

I have Executed this writ by delivering the said James P. Lamb to the Sheriff of the said County of Kendall by A. H. Kellogg his deputy this 5th day of June 1849 there being no public jail in said County Fees 16 miles travel \$1.00

Service writ $\frac{25}{1.25}$

C. B. Hayward Const.

Received of Clerk Hayward the body of James Lamb this 5 day of June 1849

W. D. Fowler Sheriff

by A. H. Kellogg

Deputy

In the matter of James
P. Lamb on Habeas Corpus

Matthews & Shiff. retu.

Filed June 11. 1849.
L. Island Clk.

which said two above mentioned papers
are all the cause of capture or detention
of the said James P. Lamb in any town or
or known to me
June 11th 1849
Wm. F. Powell Sheriff of
said Chancellor's Court

State of Illinois. ss.

Supreme Court 3^d Grand Division -

The People of the State of Illinois to Dr. A. H. Howland
& Dr. Guilbert, Dr. Stout

Greeting:

You are hereby commanded personally to be
& appear before the Supreme Court of said State now in
session at the Court House in Ottawa, instantly, to testify
& the truth to speak in behalf of James P. Lamb in the
matter of James P. Lamb on Habeas Corpus now
pending & undetermined in said Court & that you will
in no wise omit.

Witness Hon. Samuel H. Treat
Chief Justice of said Court & the Seal
of said Court at Ottawa this 13th day
of June A.D. 1849.

J. Ireland Clerk.

Executed this with by reading to
book Gillman & Dob of Stomb

June 12. 1849 H. Keen
Stony & Stomb 62 1/2
2 miles $\frac{12 1/2}{75}$

State of Illinois
La Salle County.

Supreme Court - 3rd Grand Division.
Attney William Samuel Hillman Augustus
Lamb Mr. Apply Dr. Hoppins Calvin Wheeler S. B. Crowe

The People of the State of Illinois, to

GREETING;

You are hereby commanded, personally to be and appear before the ~~court~~ ^{Supreme} court of said State
on the ~~15th~~ ^{15th} day of the ~~next term thereof~~ ^{June next}, to be holden at the court house in Ottawa,
on ~~Friday~~ the ~~15th~~ ^{15th} day of ~~the next~~ ^{June} next, to testify and the truth to speak in
behalf of James P. Lamb ~~plaintiff~~ ^{matter against him on Habeas} ~~corpus~~ ^{on a certain case}

~~corpus~~ now pending and undetermined in said court, ~~wherein~~
~~plaintiff~~, and

~~defendant~~, and this you will in no wise omit.
Hon. Samuel H. Treat Chief Justice
Witness, ~~Philo Lindley~~, clerk of said court, and the seal of said
court, at Ottawa, this ~~15th~~ ^{15th} day of June - A. D. 1849.
S. Iceland CLERK.

Peter Gilliam served
 Sarah Ann Gilliam served
 Augusta Lamb served
 Mrs. Byerly served
 Doct. Hopkins served
 Doct. C. Wheeler served
 S. B. Coan served

Horatio Fowler
 Nelson D. Sweetland
 Leavix M. B. Swannell
 Abner Robinson
 Sarah Gilliam

Served by reading
 with
 to the named persons
 the 22nd day June 1849
 Wm L. Fowler Sheriff
 Kendall Co. Ill

The undersigned Clerk of the Court
 do hereby certify that the above
 names are the names of the
 persons who have served
 in the County of Kendall
 Illinois
 June 22nd 1849
 J. D. 1849

State of Illinois,
La Salle County. } ct.

Supreme Court - 3^d Grand Division -

The People of the State of Illinois, to

Horatio Fowler, Nelson D. Smeethland

Safra Bournell, Alanson Robinson, & Sarah Lillam **GREETING:**

You are hereby commanded personally to be and appear before the ~~court~~ ^{Supreme State} court of said State
on the 13th day of ~~the next term thereof~~ ^{June next, now in session} at the court house in Ottawa,
on ~~Friday~~ the ~~_____~~ day of ~~_____~~ next, to testify and the truth to speak in
behalf of ~~the People of said State~~ ^{the People of said State} in a certain ~~cause~~ ^{matter} of James
P. Lamb, now pending and undetermined in said court, ~~wherein~~

~~plaintiff, and~~

~~defendant~~, and this you will in no wise omit.

Hon. Samuel H. Treat Chief Justice

Witness, ~~Philip Bradley~~ ~~clerk~~ of said court, and the seal of said
court, at Ottawa, this 12th day of June — A. D. 1849.

Shelard CLERK.

Horatio Tupper Served
 Nelson D. Sargent Served
 Sabina M. Bonnell Served
 Alon Robinson Served
 Sarah Gilliam Served
 Clark Haymond Served

Elizabeth Gilliam
 Abner Bonnell
 Ester Betts
 Mrs. Brown
 S. R. Aspinwall
 Clark Haymond

Served the within
 by reciting thereof
 to the within named
 persons this 12th day
 of June 1849

Wm. Fowler Sheriff
 Kendall Court, N.H.

[Faint, mostly illegible handwritten notes and signatures on the left side of the page, including names like 'John' and 'Sarah']

[Faint, mostly illegible handwritten notes and signatures on the right side of the page, including names like 'John' and 'Sarah']

State of Illinois,
La Salle County.

Supreme Court 3^d Grand Division
at Ottawa -

The People of the State of Illinois, to

Elizabeth Gillam, Abner Bonnell

Ester Schofield v. Mr. Barna D. Hopkins

GREETING:

You are hereby commanded personally to be and appear before the ~~county~~ ^{Supreme} court of said State
on the ~~13th~~ ^{13th} day of ~~the next term thereof,~~ ^{June next, now in session,} to be holden at the court house in Ottawa,
on ~~Friday~~ the ~~day of~~ ~~next,~~ to testify and the truth to speak in
behalf of ~~the People of said State~~ ^{the Plaintiff} in a certain ~~cause~~ ^{matter} of James

P. Cant now pending and undetermined in said court, ~~wherein~~
~~plaintiff~~ ^{and}

~~defendant~~, and this you will in no wise omit.

How. Samuel W. Treat Chief Justice

Witness, ~~Philip L. ...~~ ~~clerk~~ of said court, and the seal of said
court, at Ottawa, this ~~13th~~ ^{13th} day of ~~June~~ ^{June} - A. D. 1849.

L. Leland CLERK.

Vertical handwritten notes:
1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...

To Amos J. Cole Esq Master in
Chancery in and for the County of
Kendall and State of Illinois

The Petition of James P Lamb
of the said County of Kendall respectfully
sheweth that your petitioner is now held in
custody by the Sheriff of the said County of
Kendall. And your petitioner further represents
that he is informed and believes that he is
held by virtue of certain paper purporting
to be made by the coroner of the said
County in the words and figures following

"State of Illinois

Kendall County

The People of the
State of Illinois to

the Sheriff of said County
Greeting

Whereas in pursuance of an inquisition
held upon the body of Paul Lamb by
Solomon Hustis coroner of said County
it being satisfactorily proved to said coroner
that the deceased came to his death by a fracture
of one of the limbs of the said deceased and that
one James P. Lamb was implicated in the
death of said deceased and you the said Sheriff
are hereby required to receive the said James
P. Lamb into your custody and commit
him to the common jail of the County and
him then safely keep until he shall be
discharged by due course of Law. Witness
my hand and seal this 8th day of June
AD 1849

Solomon Hustis
Coroner of said County

And further your petitioner represents that he was not present at the said coroner's Inquisition and does not know any of the proceedings had before the said coroner, and that he has inquired of the said Sheriff of the said County of Kendall and is informed that the within recited paper is the only paper the said Sheriff has or has ever had in relation to the proceedings before the said coroner. Your petitioner therefore prays that a Habeas corpus may be ordered to be issued in the said case, to the end that your petitioner may be discharged according to law, and that the said Habeas corpus may be made returnable ~~at the~~ Supreme Court to be holden at Ottawa in the County of LaSalle on the eleventh day of this present month J P Lumb

State of Illinois }
Kendall County }
James P. Lumb being duly sworn deposes that the facts set forth in the above petition are true.
Sworn & subscribed before me } J P Lumb
this 9th June A.D. 1849 }
T. J. Burr }
Justice of the Peace

In the matter of James
P. Lamborn Habers Cpl.

Petr. ac.

Master's Fee \$ 1.50

Mileage 26 miles 7.20

to be paid \$ 3.60

Paid for. 3.60

[Faint vertical handwriting on the left margin]

Filed June 11 1849.
Solomon C. W.

[Faint vertical handwriting in the bottom left margin]

[Small vertical stamp or mark in the top right corner]