No. 14133

Supreme Court of Illinois

eople ex rel Duncan

vs.

Albert Compton

71641 7

At a Supreme Court begun and held at Springfield on Monday the fifth day of July A.D. 1844 - Court on Friday the sixteenth day of July aforesaid as per act of said July Term -

Present the Honorable Thomas C. Browne
Samuel D. Lockwood
Sidney Breese
Thomas Ford
Walter B. Scates
Samuel H. Treat
Stephen A. Douglas

The People exrel. J. M. Duncan late Clerk of the Supreme Court
vs
Albert Compton Sheriff of Coles County

} Upon the reading and filing of the affidavit of the relator herein, and on motion by William Brown his attorney, It is ordered by the Court here, that the defendant be ruled to return the fee bills and executions for costs, mentioned in said affidavit, within twenty days from the service upon the said defendant of this rule, and of a copy of the said affidavit, or in default of so returning said fee bills and executions for costs, to show cause on the first day of the next term of this Court, why an attachment should not issue against him for a failure to comply with the order herein -

I Ebenezer Peck Clerk of the Supreme Court of the State of Illinois do hereby certify that the foregoing is a true copy of the order of said Supreme Court in the above entitled cause of record in my office -

In testimony whereof I have hereunto set my hand and affixed the seal of the said Supreme Court at Springfield this twenty eighth day of Sept. A.D. 1844 -

Peck
C.S.C.

Supreme Court July Term A.D. 1841—

The People of the State of Illinois ex rel James M Duncan late Clerk of said Court

vs

Albert Compton Sheriff of Coles County—

James M Duncan being duly sworn states that he transmitted to Albert Compton Sheriff of Coles County, for collection the following fee bills and executions for costs in the said Supreme Court viz I Russel, A Buck and A J Dougherty vs I Hogan & A H West (Aug 26 1839) $9, 63
John Wallthrope vs A. Brackel (Mar 3 1840) 9, 57½

And the said Duncan states that said fee bills and executions for costs, were for services rendered by him as Clerk of this Court, and that he is interested in said fee bills and executions, they being issued for the services rendered as aforesaid. And the said Duncan states that said Compton has failed to return said fee bills and executions or either or any of them, and that the said Compton has not paid to said Duncan the amount or any part thereof; Wherefore your affiant asks a rule against the said Compton—

Sworn to and subscribed before me this 15th day of July 1841 (signed) E Peck C.S.C.

(signed) J. M. Duncan

I Ebenezer Peck Clerk of the Supreme Court of the State of Illinois do hereby certify that the foregoing is a true copy of the affidavit of the relator James M Duncan upon which the rule in this behalf was granted by the said Court.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Supreme Court this 28th day of September A.D. 1841—

E Peck
C.S.C.

Served the within on Albert Compston Sheriff Coles County by Delivering to him a Copy of the within Writ December 30th 1841

Arthur G Mitchell
Coroner Coles Co Ills

Serving $0 50
Mileage 6¼
Returning Writ 12½
$0.68¾

Supreme Court

The People &c ex rel.
J. M. Duncan &c

vs

Albert Compston
Sheriff of Coles County

Postage 50

Rule and affidavit

The people of the State of Illinois
on the Relation of James M Duncan
Late Clerk of the Supreme Court of Ills
vs
Albert Compton Sheriff of Coles County.

Rule
For failure to
Return Fee Bills
& Executions

Now at this day Comes the Defendant and Shows
Cause why the Rule granted herein at the
Last Term of this Court should not be made
absolute against him as follows to Wit
That the Fee Bill and Execution in favour
of Russel A Burch & J. V. Daugherty vs J Hogan
and H. H. West issued August 26th 1839 for
$9.63 Cents and the Fee Bill and Execution
of John McCleary vs A A Bracket dated
~~March 2d 1841~~ for $9.57½ Cents as stated in
the affidavit of the Relator did not nor did
~~Either of them~~ Ever Come to the hands Care
Controle or possession of this Defendant
~~nor has he~~ had any thing to do with them
Directly or Indirectly and this he is Ready
to Verify Wherefore he prays to be Dismissed
with his Costs and Charges in this Behalf
Expended

Charleston December 7th 1841

Albert Compton.

State of Illinois
Coles County } Ss
I Nathan Ellington Clerk of
County Commissioners Court in and for said
County do Certify that this day Albert
Compton whose name appears to the above
answer appeared before me and after being
duly sworn deposed and said that the facts therein
stated was true

Intestimony Whereof I have hereunto set
my hand and seal of said Court at
Charleston this 7th day of December 1841
N. Ellington Clerk

State of Illinois } ss
Cole County } I James M. Ward Presiding and Union County Commissioner in and for said County do Certify that Nathan Ellington whose signature appears to the forgoing Certificate now ~~is~~ and was on the day of the date thereof Clerk of said County Commissioners Court as therein stated duly elected and qualified ~~as shown~~ and that his attestation is in due form of Law. Given under my hand this 17th day of December 1861.

James M. Ward

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~~Prosecuted Summons~~

vs

A Compton

Filed 14th Dec 1861

Peck

Clk

(Count 6)

Supreme Court July Term A.D. 1841,

The People of the State of Illinois, ex rel. James M. Duncan, Clerk of said Court

vs

Albert Compton, Sheriff of Coles County

} Well

James M. Duncan being duly sworn states that he transmitted to ~~Albert~~ Albert Compton Sheriff of Coles County for collection the following fee bills & executions for costs in the said Supreme Court, viz

J. Rupell, N. Bunch, L. P. Doughty vs J. Hogan & H. H. Mott (Aug 26. 1839) } B. 9. 63
John Waldron vs A. M. Bracket Mar 3. 1840. 9. 57½

And the said Duncan states that said fee bills & executions for costs, were for services rendered by him as Clerk of this Court, and that he is interested in said fee bills & executions, they being issued for the services rendered as aforesaid. And the said Duncan states that said Compton has failed to return said fee bills & executions or either or any of them, and that the said Compton has not paid to said Duncan the amount or any part thereof; wherefore, your Suppliant asks a rule against the said Compton.

J. M. Duncan

Sworn & subscribed before me this 15th day July 1841

Weck C.C.