

13805

No. 13805

# Supreme Court of Illinois

Graves

---

vs.

People

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71641  7

State of Illinois }  
Masson County } ss

Moses Morris being duly sworn deposes and says that that he is a resident of Masson County State of Illinois. That on the 28th day of April A.D. 1860 he learned of the arrest and imprisonment of Joseph Groves, for an alleged Contempt of Court. That he is intimately acquainted with said Groves, and that he has good reason to know that said Groves had no knowledge of the application of John Lee for a writ of attachment or that any charge of Contempt of Court had ever been alleged against him until after his arrest.

This affiant further states that on the 29th day of April he went to Pekin, the <sup>place of</sup> residence of the Judge of the 21st Judicial Circuit, and remained there until the 30th. That during said last day he made inquiry for said Judge at his residence and at other places in said Town, and was informed by credible persons that said Judge had departed from this State, and that he would be

Filed May 10, 1860  
L. Leland  
Clerk



Absent for several weeks.

This affidavit further states that his object in making inquiry for said Judge, was to obtain from him an order for the release of said Joseph Groves, and for that purpose he was provided with evidence to disprove the allegations said to have been made against him, (Groves).

That said Joseph Groves is still in Jail, in the Custody of John H. Haverhurst, Sheriff of Mason County. That said sheriff has refused and still refuses to release him upon Bail, in any sum. That he believes the charges and allegations made by said Lee against said Groves are wholly untrue, and that they were maliciously made, for the purpose of injuring and oppressing said Groves, and to compel him to surrender possession of certain lands which they are fraudulently attempting to deprive him of. And further deponent saith not

Moses Morris

Subscribed & sworn to before

me this 2<sup>d</sup> day of May 1860,

Sharonwell Notary Public

Havana Mason County Ill



State of Illinois }  
Mason County }

To the Honorable  
John D. Caton Chief Justice of  
the State of Illinois

Humbly complaining,  
your Petitioner, Joseph Groves, of  
said County of Mason and State  
of Illinois, respectfully represents  
unto your Honor, that on or about  
the 21<sup>st</sup> day of April A.D. 1860,  
a writ of Injunction was issued  
out of, and under the seal of the  
Mason County Circuit Court,  
upon the application of John Lee  
of said County and State, Com-  
manding certain things therein  
expressed, a copy of which is  
attached hereto, and marked  
exhibit A. And that afterwards  
upon the same day, The Sheriff  
of Mason County read to him  
the contents of a paper, which  
he has since been informed, was  
said writ of Injunction. But that  
at the time of the reading of the  
same he did not know nor  
understand the import and re-  
quirements of said writ.



Your Petitioner further respectfully  
represents unto your Honor that  
he has been informed that said  
John Lee did, on the 26<sup>th</sup> day  
of April A.D. 1860, make an appli-  
cation to James Harriott, Judge  
of the 21<sup>st</sup> Judicial Circuit of the  
State of Illinois, at his chambers  
in Pekin. (The place of residence of  
the said Judge,) for a writ of  
Attachment, for an alleged con-  
tempt of Court, against your  
Petitioner, and charging a diso-  
bedience of the said writ of Injunction.  
And that upon the same day, the  
said James Harriott, Judge &c, made  
an order, commanding Richard  
Ritter Clerk of said Circuit Court  
of Mason County, to issue a writ  
of Attachment for the arrest,  
forthwith of your Petitioner, and  
commanding that he be confined  
in the Common Jail of Mason  
County, And kept in close custody  
until discharged by due course  
of Law, as will full appear by  
reference to exhibit "B," annexed  
hereto. And that upon the 27<sup>th</sup>  
day of April A.D. 1860, a warrant



issued out of, and under the seal  
of said Mason County Circuit Court  
directed to the Sheriff of said  
Mason County, and commanding  
the immediate arrest of your Pe-  
titioner, and that he be confined  
in close custody, in the Common  
Jail of said County, a copy of  
which said warrant is annexed hereto  
and marked exhibit "C" And that  
on the 28th day of April A.D. 1860,  
he was arrested by John H. Harigwood  
Sheriff of Mason County, and wrong-  
fully and illegally placed in confine-  
ment in jail where he still remains  
And that said Sheriff refused and  
still refuses to release him upon  
Bail,

And your Petitioner further re-  
spectfully represents unto your Honor  
that after his arrest and imprison-  
ment as aforesaid, he learned for  
the first time of the application  
of said John Lee for said writ  
of attachment, and therefore  
he has had an opportunity whatever  
to purge himself from said al-  
leged contempt. And that  
upon the 30th day of April A.D. 1860



Moses Morris, of Mason County went to the residence of said James Harriott, Judge &c, at Pekin, fully provided with evidence to refute the charges and allegations so made against him. And then learned that the Judge had departed from this State, and had gone, as your Petitioner has been informed to the State of New York, to be absent five or six weeks.

Your Petitioner therefore prays that your Honor may take cognizance of his case, and to that end, grant a writ of Habeas Corpus, as is by Statute in such cases made and provided. And such other and further relief as your Honor may deem meet & just

Joseph Groves

State of Illinois ) ss.  
Mason County )

On this 2<sup>d</sup> day of May  
A.D. 1860, personally appeared before me, Joseph  
Groves, who being duly sworn saith that he  
has heard the foregoing Petition read, and knows  
the contents thereof, and that the same is  
true of his own knowledge, except as to the



Matter and things therein stated  
Upon information and belief, and  
as to those matters he believes them  
to be true.

Joseph <sup>his</sup> ~~Gives~~  
Mark

Subscribed and Sworn to  
before me this 2<sup>d</sup> May/60

S. C. Corwell Notary Public  
Keokuk and Macon Co. Ills



Exhibit A.

State of Illinois } The People of the State  
Mason County } of Illinois

To Joseph Gwos, and to  
your Attorneys, Solicitors, Agents,  
and servants and to each and every  
of them Greeting;

Whereas it hath been represented  
to the Honorable James Harris  
presiding Judge of the Circuit  
Court of Mason County in the State  
aforesaid on the part of John Lee  
Complainant, in a certain Bill of  
Complaint, exhibited before said  
Judge and filed in said Court  
against you. The said Joseph Gwos  
to be relieved touching the matters  
therein complained of. In which  
said Bill it is stated among other  
things that you are combining and  
confederating with others to injure  
the complainant touching the  
matters set forth in the said Bill, and  
that your acting and doings in  
the premises are contrary to Equity  
and good Conscience And the said  
Judge having under his hand en-  
dorsed upon said Bill an order that  
a writ of Injunction issue out of



said Court according to the prayer  
of said Bill. We therefore in consid-  
eration thereof and of the particular  
matters in said Bill set forth do  
strictly command you the said  
Joseph Groves, and the persons be-  
fore mentioned and each and every  
of you that you absolutely desist and  
refrain from entering the possessions  
of said John Lee or in anywise in-  
terfering with the said John Lee, or  
his servants in the possession and  
cultivation of certain premises mentioned  
in the said Bill, and that you wholly  
desist, and refrain from the cultivation  
of said lands named in the said Bill  
or any portion thereof either by your-  
self your servants or agents, and that  
you also wholly refrain and desist  
from assigning or disposing of certain  
Notes, Executed by said John Lee,  
until a hearing of said Bill and  
further order of this Honorable Court,  
under the penalty of the Law.

Witness Richard Clark of the  
said Court, and the seal thereof  
at Helena, in said County  
this 21<sup>st</sup> day of April A.D., 1860.  
R. R. Rutter Clerk

Seal



State of Illinois }  
Mason County }

I Richard Rittie clerk  
of the Circuit Court in and for  
said County of Mason and State  
of Illinois, do hereby certify  
that the foregoing is a true and  
correct copy of the Writ of Injunc-  
tion in the said case as the same  
appears on file in my office  
Given under my hand <sup>and official seal</sup> this 2  
day of May A.D. 1860 at Keokuk  
R. Rittie clerk



To Richard Ritter Esq.

Clerk of the  
Mason County Circuit Court in the State  
of Illinois.

Whereas it appears to me, the undersigned judge of the 21<sup>st</sup> Judicial Circuit in the State of Illinois, that Joseph Groves has and now is disregarding the injunction in a certain cause now pending in the Mason County Circuit Court, on the Chancery side thereof wherein John Lee is Complainant and the said Joseph Groves is defendant.

You are therefore hereby commanded to issue a writ of attachment under the seal of said Court against the said Joseph Groves, for contempt of Court directed to the Sheriff of the said County of Mason, Commanding him forthwith to take the body of the said Joseph Groves, and him commit to the common jail of said County of Mason and there keep him in close custody until he shall be discharged by due course of Law.

Witness my hand this 26<sup>th</sup> day of April A.D. 1860.

James Harriott  
Judge 21<sup>st</sup> Circuit



Exhibit C.  
Copy of Warrant for Commitment,

State of Illinois }  
Mason County } The People of the  
State of Illinois to the  
Sheriff of said County Greeting  
We command you that you  
forthwith take the body of Joseph  
Groves if found in your County and  
him commit to the Common Jail  
of said County, of Mason, and there  
keep him in close custody until he  
shall be discharged by due course  
of Law.

Witness Richard Ritter, Clerk  
of our said Circuit Court  
and the seal thereof at  
Havana, in said County,  
this 27th day of April,  
1860

R. Ritter Clerk

State of Illinois }  
Mason County }

I Richard Ritter Clerk  
of the Circuit Court in and for  
said County of Mason and State



of Illinois do hereby certify that  
the foregoing order of the Court  
and warrant for commitment are  
true and correct copies of the  
original papers as they appear  
on file in my office

Given under my hand and official  
seal <sup>of said Court</sup> at Havana, this 2<sup>d</sup> day  
of May A.D. 1860

R. P. Potter. clerk



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Joseph Groves  
Application for  
Habeas Corpus

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