

13761

No. _____

Supreme Court of Illinois

Pres. & Directors of Ottawa

vs.

County of LaSalle

71641  7

State of Missouri }
Ladue County }
Ladue Circuit Court November
Term A.D. 1848

Was before the Honorable John A. Catron one of the Justices of the Supreme Court
now presiding Judge of the Ninth Judicial
Circuit Court of said State of Missouri at a
Circuit Court commenced and held in and for
the said County of Ladue on the 5th day of
November A.D. 1848 the same being the 31st day
Year of the independence of the United States of
America Present

The Hon. John A. Catron Presiding Judge
George Pelamie Clerk
Winton C. Cook State Atty.
Wm. H. Hunt Sheriff

Be it remembered that heretofore (to wit)
on the 25th day of October 1848. The County of
Ladue by W. J. Ireland her Attorney filed
with the Clerk of the Circuit Court in and for
said County a precept in words and
figures following (viz)

State of Missouri }
Ladue County }
Circuit Court of said
County November Term 1848

The County of Ladue }
}

The President & Trustees of the
Town of Ottaway } Will the Clerk please
issue a summons in the above entitled
Case of Erasmus on the case upon promise of damages
one thousand dollars. W. J. Ireland for pff

and thereupon no summons appeared on file
and afterwards to wit on the 3rd
day of October A.D. 1848. The Plaintiff by Daniel
Fitzpatrick a declaration in words and figures
following to wit

State of Illinois }
Sasame County } Circuit Court of said County November
Term A.D. 1848

The President and
Trustees of the Town of Ottawa the Defendants in
this suit were summoned to answer the County
of Sasame of a plea of trespass on the case upon
prohibited land thereupon the said County
of Sasame by W. S. Ireland its Attorney complains
that the said President and Trustees of the Town of
Ottawa at Sasame County of Sasame on the 1st day of
October in the Year of our Lord one thousand
eight hundred and forty eight being indebted
to the said Plaintiff in the sum of one thousand
dollars for so much money before that time
paid and received by the said Defendants
to the Plaintiff use in consideration thereof
they agreed to promise the Plaintiff to pay it
that sum on demand but through neglect
the said Defendants have never paid the same
but refuse so to do so the damage of the Plaintiff
one thousand dollars and therefor it is
its right &c. W. S. Ireland for Plff

Copy of account due on
to Cash or by order of said President & Trustees of the Town
of Ottawa for License to keep premises within the
Limits of the incorporate Town of Ottawa \$1000.00

And afterwards went at the November Term 1848
on Saturday the 18th day of said month of November
the following proceedings were had in said Circuit Court
to wit

The County of Basile }
vs } Assumpsit
The President & Trustees of }
the Town of Ottawa }
vs }

This day Word entered the appearance
of the Defendant & cause continued

On the 10th of March Term 1849. The Hon^{ble} Philipus L.
Mickey presiding the parties filed a stipulation
in words and figures following

In said Circuit Court March Term 1849

The County of Lesau }
vs }
The President & Trustees of }
The Town of Ottawa }

It is agreed in this case
that it may be considered as property properly
owned that the Defendants have received for
Licenses issued to keep grocers in said incor-
porated Town of Ottawa & to retail Liquor in said
quantities than one quart the sum of \$512.⁵⁰ and
that all of such money has been paid to the Treasurers
of said Town for Licenses issued pursuant the following
Ordinance of the said Board of Trustees of
Ottawa viz (Word insert Ordinance)

E. S. Erlane for Plff
Attors for Defs

And on the said 14th day of April 1849 the following proceedings were had in said Circuit Court to wit

The County of Lusk }
vs } Assumptat
The President & Trustees of }
The Town of Ottawa } 3

This day came the Plaintiffs by E. S. Prunty their Attorney and the Defendants by Hoot their Attorney and submitted the cause to the court for trial and after hearing the evidence and arguments of Counsel it is taken under advisement by the Court

And afterwards on the 19th day of November at the November Term of said Circuit Court the following further proceedings appear of record

The County of Lusk }
vs } Assumptat
The President & Trustees of }
The Town of Ottawa } 3

It is ordered by the Court that this cause be continued under advisement.

And afterwards on the 9th day of May the following stipulation was filed with the Clerk of said Court in words and figures following to wit

The County of Lusk } Circuit Court of Lusk County,
vs } M. opened. 1850
The President & Trustees }
of The Town of Ottawa } 3

It is agreed that for the purposes

of this trial It may be considered as proved by
 Competent Evidence that prior to the 26th day of
 March A.D. 1847 the Defendants had received the sum
 of Eighty seven Dollars and fifty cents for Licenses
 granted by the Defendants to sundry persons
 to keep Groceries, Still, Liquor in said Town
 and that said Defendants at the following
 dates received the following sums for Licenses
 granted by them for the purpose aforesaid, \$ 87.50

March 26 th 1847	35.00
October 8 th 1847	35.00
November 1 st 1847	50.00
November 5 th 1847	50.00
April 5 th 1848	25.00
April 8 1848	25.00
April 24 1848	35.00
	<u>\$ 312.50</u>

And that the said sums had been demanded
 by Plaintiff of Defendants before the commence-
 ment of this suit, that the said several sums were
 paid into the hands of the Treasurer of said Town,
 for Licenses aforesaid in pursuance of the following
 ordinances of said Town viz. January 14th 1845

Be it ordained, That no
 person shall sell any vinous or spiritous liquor within
 the limits of the Corporation in any quantity less
 than one quart, without having obtained a license
 for so doing as hereinafter provided

Be it further Ordained
 That any person may obtain a License for retailing
 vinous or spiritous liquor within the limits of the
 Corporation in quantities less than one quart by
 paying to the treasurer of the Corporation the sum of

\$25.00 for one Year or after that rate for any
Period not less than three months. And producing
to the Clerk of the Board the receipt of the Treasurer
for the amount paid whereupon the Clerk
shall issue a License to the person applying
Provided that keepers of Taverns applying for
License may obtain the same by paying one
half of the foregoing sum

Be it further ordered
That if any person shall sell any venomous or spiritous
liquors within the Corporation in quantities
less than a quart without having first obtained
a License as aforesaid he or they so offending
shall forfeit and pay the sum of \$10 for each
offense to be recovered for any Court having
Jurisdiction.

Monday March 2 1840

Ordered that no
Grocery License be granted hereafter for a
shorter time than six months

And on the 11th day of the said month of May
A.D. 1840. The following further proceedings appear
of records viz
The County of Sabane } Assumptis
vs }
The Assigns & Trustees }
of the Town of Ottawa }
This day came the Plaintiff
by Seland its Attorney and the Defendants
by How their Attorney & by agreement of
Parties a Jury is raised & this cause
submitted to the Court for trial & after
hearing the Arguments of Counsel the Court

That the County of Lusk is duly organized
under & in pursuance of the provisions of
an act approved February 12th 1849 & that
an act to provide for Township & County
organization & that all questions of Law &
fact arising upon the above state of facts
shall be determined except the rights of the
parties to this suit arising upon the same
are redressed in as full and ample manner
as the same may be if all pleas, Motions &
Necessary or proper to prevent the same
had been filed or made in this cause
W. S. Lusk for plaintiff
Attest for Clerk

And on the 11th day of the said month of
May A.D. 1850. The following further proceedings
in said Court appear of record

The County of Lusk }
vs } Attest

The President & Trustees of
The Town of Ottawa }

This day came the
Plaintiff by Plaintiff's Attorney & the
Defendants by their Attorney &
by agreement of parties a Trial is
had & after trying this cause submitting
to the Court for trial and after hearing
the Arguments of Counsel the Court
finds the issue for the Plaintiff & shall
the same as at Harro Township and
Imperial & Ottawa & fifty cents It is therefore

Considering that the Plaintiff has and
receives from the Defendants the said
sum of three hundred & no more Dollars & fifty
cents for its Damages and also its costs &
charges by it herein expended and that
Execution shall therefor

State of Illinois
Luzerne County

John Quincy Clark of
The Circuit Court in and for said County
do hereby certify that the foregoing
is a true & correct ^{transcript of} record of the
proceedings in said Cause as the same
appear of record on file in my office

In Testimony Whereof I have hereunto
set my hand and affixed the seal
of said Court at my office this
15th day of July A.D. 1880
J. Quincy Clark

91
The President &c of Ottawa
in 1850

County of LaSalle

Record

1850

Filed July 27. 1850.
L. Deland. Clk.

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Prepared

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1850