

12260

No. _____

Supreme Court of Illinois

Newton.

vs.

Pres. & Trustees of the Town
of Aurora.

71641  7

United States of America
State of Illinois } ss
Kendall County }

Pleas before the Hon Madison
E Hollister Judge of the ninth
Judicial Circuit of the State
of Illinois in which is Kendall
County at the September term
of the Circuit Court of said
County of Kendall begun &
held at the Court House in
Osage in said County on the 3^d
monday of September in the year
of our Lord one thousand eight
hundred & fifty five

Present the Hon Madison E Hollister Judge
as aforesaid

W H S Wallace Esq State attorney

Henry W Day Sheriff

Attest John W Brothers Clerk

Be it remembered that heretofore to
wit on the 16th day of January A.D. 1854
the same being one of the days of the vaca-
tion before the February Term A.D. 1854 of the Circuit
Court in & for the County of Kane in said
State of Illinois the President & Trustees of
the Town of Aurora caused to be filed in
the office of the Clerk of the Circuit Court of
said County of Kane the original papers on file & a trans-
cript of the proceedings in a certain cause appealed from the
docket of A. B. Fuller Esq. a Justice of the Peace in & for said County
of which the following are true copies to wit:

State of Illinois)
Kane County) The People of the State of Illinois
to any constable of said of the
said County Greeting:

You are hereby commanded to summon
Thomas Newlen to appear before me in
Aurora December 26 1853 at 9 o'clock
A.M. to answer the President & Trustees
of the Town of Aurora in a plea of Debt
that he render unto them one Hundred Dollars
which he owes to and unjustly detains from
them from breaches of Section 40 of the
Ordinances of the said Town passed
A.D. 1853 to their damage one Dollar
And have you they and there this writ
given under my hand & seal this 14th
day of December A.D. 1853
Wm R. Parker J. P. Seal

The President & Trustees (Have leaving M^{rs}
 of the Town of Aurora (Before J^{ms} R. Parker
 so Dec 26th 1855 Suit called
 Thomas Newlin } Parties came and Dep^t
 asked for change of
 venue and being sworn in the matter
 venue changed and papers sent to
 A B Fuller he being the nearest Justice
 of the Peace

Justices Fees	.54	{ J ^{ms} R. Parker J ^P Fee
Consts Fees	.30	
Const Pinney	.85	

State of Illinois } The People of the State of Illinois
Kane County } to any Constable of said County -
Greeting:

We command you to summon six
lawful men of your County, to appear before
me at my Office forthwith, who are not of kin
to the President & Trustees of the town of Aurora
Plaintiff or to Thomas Newlen Defendant
to make jury between said parties in
a plea of Debt because as well the said
Plaintiff as the Defendant have put themselves
upon the country for trial; and have
you then & then the names of the jury
and this writ

Given under my hand and seal at my
Office in Aurora in said County this
30th day of December AD 1855
A B Fuller (Seal)
Justice of the Peace

Thomas Newlen }
a d d

President & Trustees } Before A B Fuller J P
of the Town of Aurora } commenced Decemb 27th 1853

And the said Defendant
Thomas Newlen in his own proper
person comes and prays judgment
of the said Court and declaration
because he says that there is another
suit now pending involving the same
matters & parties and breaches &
between the same parties and commenced
by the said Plaintiffs on the 17th day of
Decemb 1853 before William R Parker
Justice of the Peace in and for the
County of Kane and State of Illinois
and venue thereof changed and now pending
and undetermined in this Court and this the said
Defendant is ready to verify wherefore he

prays judgment of the said writ and
declaration and that the same may be
quashed

Thomas Newlen the within named
Defendant being first duly sworn doth
depose and say that the above plea is
true and further saith not

Sworn & subscribed to before me
this 30th day of December A.D. 1853

Justice of the Peace

Thomas Newlen

Subscribed & sworn to before me this 30 day of
December A.D. 1853

A.B. Fuller Justice of
the Peace


State of Illinois Kane County Justice Court

The President and Trustees of the town of Aurora } This cause was originally
Thomas Newlin } commenced before William
and sent to this Court being the nearest Justice } R Parker Esq a Justice of
in said County by Change of venue Dec 26 } the Peace in said County
1853 Parties appear plaintiffs by R G Moutony }
their Attorney. Cause continued by consent }
of parties till Dec 30 1853 at 9 o'clock A.M. }
Dec. 30 1853 at 9 o'clock A.M parties appear }
pursuant to adjournment plaintiffs by R }
G Moutony their Attorney. - Defendant }
pleads in abatement the pendency of another }
suit in bar commenced on the same day and }
for the same cause of action and between }
the same parties originally commenced before }
W R Parker Esq on the 17th day of December }
inst. and now before this Court by change of venue }
and continued till January 2, 1854. as per }
the said plea filed with the papers in this }
cause

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Plaintiffs then discontinued their suit con-
tinued till Jan 2 1854. Plaintiffs then reply
and say that there is no such suit depending
involving the same matters and breeches
between the same parties commenced by the
said plaintiffs on the 17 day of December 1853
before W H Parker a Justice of the Peace
in and for said County of Kane and State
of Illinois and the venue thereby changed
and now depending before this Court. And
that there is no such record, which may be
sustained by the Country

~~Defendant~~ R G Montgomery Plff Atty
Defendant then demur to said Replication
Demurror overruled Defendant then pleads
not Guilty and nul tiel Corporation

Plaintiffs demur to said plea. Demur
sustained as to plea of Nul tiel Corporation

Denire then issued at the request of the
defendant returnable forthwith
Denire returned by C Fanning Constable
with the following panel of jurors to wit.

M D Hall J H Montgomery, George A Shattuck
Edward Thompson, O C Palmer, & C Ferrigo, who
appeared and were sworn to try the cause.

M R Bruce, Clark Roberts, Charles Ballou
& John Stewart & Jacob Walker, were
sworn as witnesses in part of Plaintiffs
All of said witnesses claimed their fees
Two Subpoenas on part of Plaintiffs and one
attachment

One Subpoena on part of Defendant and one
affidavit After hearing the testimony the jury
retire under the Charge of C Fanning Constable

sworn for that purpose. And return into Court. And say we the jury find the Defendant Not Guilty

It is therefore considered that the Defendant have and recover of the Plaintiff his costs and charges in and about this suit expended and that he have execution therefor.

A B Fuller J.P.

Parker's costs	.54
Bernr "	.30
Justices	3.56
Pinney	2.96
Witness	2.50
Jury	<u>1.50</u>

11. 36 & ent app. 25. Trans-25 appeal Bond. 50

\$12. 36 amt costs

State of Illinois Es.
Kane County Es.

I the subscriber a Justice of the Peace in and for said County. do certify that the above transcript and the papers annexed contain a full and perfect statement of all the proceedings and of the judgment before me in the above entitled cause.

Dated this 4th day of January AD 1854

A B Fuller

Justice of the Peace

Know All men by these presents that we
The Presidents and Trustees of the Town of
Aurora and S D Brilly are held and
firmly bound unto Thomas Naalen in
the penal sum of twenty four Dollars
lawful money of the United States
for the payment of which well and
truly to be made, we bind ourselves
our heirs and administrators jointly
& severally & firmly by these presents
Witness our hands and private seal
them being no public this 4th day of
January AD 1854

The condition of this obligation
is such to wit as the said Thomas Naalen
did December 30th AD 1853 before Albert
B Fuller, a Justice of the Peace for the
County of Kane, recover a judgment

against the above bounden The President
and Trustees of the Town of Aurora
for the sum of Eleven Dollars and
thirty six cents for in which judgment
the said The President & Trustees has
taken and appeal to the Circuit Court
of the County of Kane aforesaid and
State of Illinois. Now if the said The
President and Trustees aforesaid shall
prosecute their appeal with effect and
shall pay whatever judgment may be
rendered by the Court upon dismissal
or trial of said appeal then the above
obligation to be void otherwise to
remain in full force and effect
C D Badg Seal

W H Hawkins { The President of the
Board of Trustees of the
Town of Aurora Seal
O A Lane { Trustees of the
E B Allen { Town of Aurora Seal

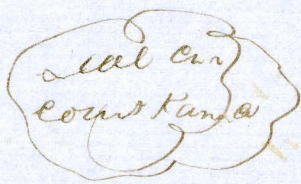
Approved by me at my office this 4th day
January AD 1853
A B Fuller S P
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And, afterwards to wit on the 16th day
of January A.D. 1854 a summons issued
out of the office of the Clerk of said
Circuit Court in said cause
directed to the Sheriff of said County
to execute in the words & figures follow-
ing to wit:

State of Illinois
Rand County
The People of the State of Illinois to the
Sheriff of said County. Greeting
We command you to summon Thomas Newlen
if to be found in your County personally
to be and appear before the Circuit Court of
said County, on the first day of the next
Term thereof to be holden at the Court House
in Geneva on the second Monday of February
next to abide by and perform the judgment of
said Court, on a certain appeal, at the suit
The President and Trustees of the Town of Aurora
vs him
and make due return of this writ.

Witness Luther Dearborn, Clerk of said
Court and the Seal thereof at
Geneva, in said County, this 16 day of
January A.D. 1854

Luther Dearborn
Clerk



Which summons was afterwards returned to me
on the 1st day of February AD 1854 to the office of said Clerk with the following
endorsement of service thereon
personally served the within writ by reading
the same to Thomas Newland February 1st
1854

A B Spalding Sheriff
of Kane Co

Kane County Circuit Court
February Term AD 1854

Appeal Summons

Filed February 13 1855

C M Brothers Clerk

Serwis	.50
Mile 10 m	.50
Ret "	.10
	1.10

United States of America
State of Illinois Kane County

Pleas before the
Honorable Isaac G. Wilson
Judge of the thirteenth judicial
~~Circuit~~ and presiding judge
of the Kane County Circuit
Court of Illinois at a special
Term of said Court begun and
held at Geneva in said County
on 18th day of January in the
Year of Our Lord One thousand
Eight hundred and fifty-five present
The Honorable Isaac G. Wilson

Attest { In the Boyce State Attorney
Lawrence J. Barker Sheriff
Luther Dearborn Clerk

And heretofore to wit on the 13th
day of February AD 1854 the same

being one of the days of the said Court
of the February Term then, AD 1884 the
following among other proceedings were
had to wit

The President & Trustees
of the Town of Aurora } Appeal

vs
Thomas Newlan

This day comes the
Defendant by Parks & Day his attorneys
and moves to dismiss this Appeal

And afterwards to wit on the 28th day of April AD 1854 came the Plaintiffs and filed in the Office of said Clerk of said Circuit Court an appeal Bond in the words and figures following to wit

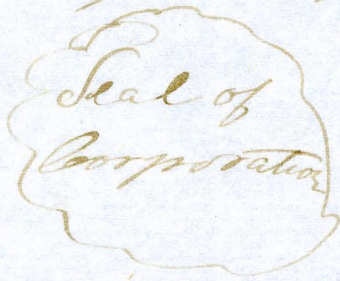
Know all men by these presents that we the President & Trustees of the Town of Aurora Le Carr and A Thornton are held and firmly bound unto Thomas Nelson in the penal sum of Twenty four dollars lawful money of the United States for the payment of which well and truly to be made we bind ourselves our heirs and Administrators jointly and severally and firmly by these presents

In testimony whereof J R G. Montone the Attorney for the said the President and Trustees aforesaid have this 26th day of April AD 1854 by an order of their board duly passed affixed herunto the common seal of the corporation of said Town and I the said A Thornton on the same day and year above written

have hereunto set my hand and seal

The condition of the above obligation is such that whereas the said Thomas Newlen did on the 30th day of December AD 1853 before Albert B. Fuller a Justice of the Peace for the County of Kane recover a judgment against the above bounden The President and Trustees of the Town of Aurora for the sum of Eleven Dollars and thirty six cents; from which judgment the President & Trustees aforesaid took an appeal to the Circuit Court of Kane County and State of Illinois; whereas also at the February Term thereof AD 1854 the said Thomas Newlen moved the said Court, to dismiss the said appeal on account of the insufficiency of the appeal bond therein thereupon the President and Trustees aforesaid by their Attorney made their cross motion for leave to execute and file a new appeal bond; and thereupon the Court overruled the motion of the said Defendant to dismiss the said Appeal and granted leave to the said The President and Trustees to file a new appeal bond by the first day of May 1854. Now if the The President and Trustees aforesaid shall prosecute their appeal with effect and shall pay whatever judgment may be rendered by the Court upon dismissal or trial of said appeal, then the above obligation

to be void otherwise to remain
in full force and effect



The President & Trustees of
the Town of Aurora advised
by R G Mouton, their Attorney
A Thornton Seal

Attest R G Mouton
Clerk of the
Board of Trustees

Leahuey Carr pr Seal

And afterwards to wit on the 8th day of
May 1854 the same being one of the days
of the aforesaid Court of the May Term
thereof 1854 the following among other proceed-
ings were had to wit

The President & Trustees
of the Town of Aurora
vs
Thomas Newlan } Appeal

This day comes the Defen-
dant by Day and Parks his Attorneys
and moves the Court to dismiss the
Appeal

~~And afterwards~~

And afterwards to wit on
the 15th day of January 1855 the same
being one of the days of said Court of
the January Special Term thereof
1855 the following among other pro-
ceedings were had to wit

The President & Trustees
of the Town of Aurora Appeal
vs
Thomas Newlan

This day came the
parties to this Suit and on motion of
Defendants it is ordered by the Court
that the venue in this cause be
changed to the County of Kendall

And afterwards to wit on the 20th day
of January A.D. 1855 the clerk of the
Circuit Court of said County of Kane
affused transmitted to the clerk of the Circuit Court
of Kendall, a copy of the ^{County of Kane} orders made in said cause
in said Circuit Court of Kane County together
with the papers on file in said cause certified
to under the hand of said clerk & seal of said
court which papers were duly filed in the

and afterwards to me on the immediate day
of March A.D. 1835 the same being one of
the days of the March Term A.D. 1835 of the
Circuit Court of Kendall County aforesaid
the Court Judicially sitting ^{at the Court House in Aurora} for the dispatch
of business and Present the Hon. Edm. S. Reed Judge of

Judicial Circuit presiding

W. H. L. Wallace State attorney

Heery M. Day Sheriff

John M. Crothers Clerk

The following amongst other proceeding men had issued
Court to me

The President & Trustees of the Town of Aurora }
vs } Appeal
Thomas Newlan

This day came defendant by
Day his Attorney & enters a motion for additional
security on the Appeal Bond herein

And afterwards to wit on the day of March
AD 1855 came defendant by his attorney & files
a demurrer in said cause in the words & figure
following to wit

Sent to application
 Filed March 18th 1855
 The President & Trustees of the Town of Aurora
 vs
 Thomas Newlen
 The Brothers etc
 Kendall Co Circuit Court
 AD 1855
 Appeal
 Debt

And now comes the said Deft
by Day his Atty and says the matters &
things as pleaded in the said Plffs rep-
lication is not sufficient in law to compel
the ~~Defendant~~ Deft to make answer unto and
of this he puts himself upon the country,
By D Atty for Deft

And afterwards to wit, on the 12
day of March A.D. 1835 the same stile
being one of the days of the month
in A.D. 1835 of said Circuit Court of
Kendall county last aforesaid the
following amongst other proceedings
were had in said Court in said cause
to wit

The President & Trustees of the Town of Aurora } Appeal
vs
Thomas Newlin.

This day came the parties by
their attorneys and the Court having fully heard
the demurrer to the replication of plaintiff to
Defendants plea in abatement sustains the same
at the costs of plaintiff to be taxed & leave is granted
to plaintiff to amend his said plea replication.

And afterwards to wit on the 20th day
of March A.D. 1855 came the plaintiff by
his attorney & files an amended replication
in the words & figures following to wit

The President & Trustees of the Town of Aurora vs Thomas Newlan	} Kendall Circuit Court March Term A.D. 1855 Appeal
--	--

And the said said plaintiffs
say that the said writ and decla-
ration ought not to be quashed
because they say that they issued
the said writ and declared thereon
not for the same & identical breaches
and matters in manner & form
as alleged in the said plea of
said def^t but for other and different
breaches than those for which the said
plaintiffs issued their said other writ
on the 17th day of December 1853
& this they pray may be enquired of
by the Court

R. G. Montomery
Atty for Plaintiff

And afterwards to wit on the 19th day
of September A.D. 1885 the same being one
of the days of the September Term A.D. 1885
of said Circuit Court of Kendall County
said Court Judicially sitting at the Court
House in County in said County for the dispatch
of business and present the Hon. Madison E. Hollister Judge
of said Circuit Court Presiding
W. H. Wallace State Attorney
Henry M. Day Sheriff Clerk
John M. Crocker Esq. Clerk

the following amongst other proceedings had in said case
in said Court to wit
The President & Trustees of the Town of Aurora
vs
Thomas Newlan } Appeal

This day again came the parties
by their Attorneys and issue being joined it is
ordered that a jury also come, and thereupon
came the following named Jurors of a Jury
to wit: John Newel William Van Cleave
Lucius Page Frederick J. Beane Edmund
Brace Alexander Small Alfred Houghtaling
Jacob Young David Jolly William Pierce
E. S. Worthing & Charles Lincoln who were
severally chosen selected & sworn & having
heard the evidence in part are permitted to
disperse under the instructions of the Court
until tomorrow morning.

And afterwards to wit: on the 20th day of
September A.D. 1835 the same being one of the
days of the September term A.D. 1835 of said
Court last aforesaid the following other
proceedings were had in said cause in
said Court to wit:

18 The President & Trustees of the Town of Aurora }
183 Thomas Newland } Appeal

This day again came the parties
by their attorneys and the Jury aforesaid also
came and having heard the remainder of the
evidence and the arguments of Counsel and received
the instructions of the Court retired under charge
of a sworn officer to consider their verdict and
afterwards return into Court with the following
verdict We the Jury find the issue in favor of
Plaintiff and find the Plaintiff's debt to amount
to One Hundred Dollars which is ordered to be
entered of Record

It is therefore considered by the Court
that Plaintiffs recover of Defendant the said sum of
One hundred Dollars Debt as well as their costs in
this behalf at this Term in this behalf expended in
this Court and the Court below expended and
that they have execution therefor

And afterwards to wit on the 24th day
of September A.D. 1855 the same being one
of the days of the September Term of said
Circuit Court aforesaid the following amongst
other proceedings were had in said Court
to wit;

The President & Trustees of the Town of Aurora }
as } appeal
Thomas Newlan

This day came the parties by their
Attorneys and the Court being fully advised in
relation to the motion of Defendant for a new
trial, overrules the same and thereupon comes
Defendant and enters a motion for an appeal
to the Supreme Court which is allowed upon the
Defendants entering into bond with George W.
Hadden as security in the penal sum of Two
Hundred Dollars conditioned according to Law
within Twenty days

And afterwards to wit on the 25 day
of September AD 1855. came the defendant
& his attorney & filed in the office of the Clerk
of said Circuit Court his Bill of exceptions
in the words & figures following to wit:

18 The President & Trustees of the Town of Aurora } In Kendall County
vs } Cir Court Sep Term 1855
Thomas Newland } Appeal
Appellant

Be it remembered that on the trial of this cause the
Plaintiffs to sustain the issue on their part introduced
evidence to show the sale by Defendant within the
limits of the Town Aurora of Whiskey & Beer at
various times the Plaintiff then introduced a
book purporting to be the record of the corporation
of the Town of Aurora and proposed reading in
evidence out of it what purposed to be an
ordinance of said corporation as follows to wit

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Section forty (40) Be it enacted by the President and
Trustees of the town of Aurora, that any person
or persons, who shall by himself, herself or them-
selves, or agent sell barter or exchange within
the limits of the Corporation of said town,
any, brandy, rum, wine, gin, whiskey, beer
or any other alcoholic or intoxicating drink or
liquors in any quantity, shall be fined for
every offence, twenty five dollars

The giving away
of the aforesaid liquors or drinks for the purpose
of avoiding the aforesaid ordinance shall be
construed as selling within the meaning of the
same.

Passed June 30th 1853.

The foregoing is all the evidence introduced in
this case, as appears by the Bill of Exceptions
on file.

To the introduction of all of which evidence the defendant by his counsel objected and which objections the Court overruled to the overruling of which objections the Defendant by his counsel excepted

The Court also on the part of the plaintiffs instructed the Jury as follows

Plaintiffs instruction

1st If the Jury believe from the evidence that the ordinance described in the declaration had been enacted by the President and trustees of the Town of Aurora and had been published by posting up copies thereof in three public places in said Town ten days - and that afterwards and before the commencement of this suit the Defendant sold intoxicating liquor to Patrick Downey within the corporate limits of the Town of Aurora then the Jury should find the issue in this case in favor of the Plaintiffs, and render a verdict of twenty five Dollars for each and every such sale

for plffs

Given
If the Jury believe from the evidence that the defendant sold beer to Patrick Downey as stated in the first instruction, such sale as a violation of the ordinance and the defendant is liable therefor

To the giving of which instructions by the Court to the Jury the defendant by his counsel excepted

The Defendant further requested the Court to instruct the Jury as follows

The Jury are instructed that the Deft is not liable ~~for selling beer~~ ^{in this action} unless the Plaintiffs prove affirmatively that the defendant sold wine rum gin brandy whiskey beer or other intoxicating Liquor between the 17th day of July AD 1853 and October 24th 1853

which were given with the following qualifications

Given
The Jury are instructed that the Deft is not liable in this action unless the Plaintiff prove affirmatively that the defendant sold wine rum gin brandy whiskey beer or other intoxicating liquor between the 17th day of July AD 1853 and October 24th 1853

The Defendant also requested the Court to instruct the Jury as follows

The bare fact of the Dept selling to the witness Downey beer does not render the Dept liable for violating the ordinance unless the jury further believe from the evidence that the beer was strong beer and the jury have no right to presume that the beer was strong beer but the Plffs must show affirmatively that it was strong beer and in the absence of such proof as to its being strong beer the jury must find for the Defendant so far as the selling to Downey is concerned

If the jury have any reasonable doubts about the guilt of the Defendant they will find for the Dept

The jury are instructed that the Dept is not liable for selling beer unless the Plaintiffs prove affirmatively that the beer was strong beer

which were refused, to the qualification of which said instructions defendant by his counsel excepted

The cause being submitted to the jury they found a verdict against Dept for \$100.00 whereupon the Defendant by his counsel moved for a new trial which was overruled by the Court and thereupon Defendant by his Counsel entered a motion in arrest of judgment which motion was also overruled by the Court so which overruling of the said motion for a new trial and in arrest of judgment the

Defendant by his counsel objects

M E Hollister

Seal

Filed September 25 1855

A. M. Crother Clerk

And afterwards to wit on the 8th day of
October A.D. 1855 came said defendant
to file his appeal and in the office of
the Clerk of the Circuit Court of said County
in the words & figures following to wit.

Know all men by these presents that We
Thomas Newlin & George M. Hadden
are held & firmly bound unto the
President & Trustees of the Town
of Aurora in the peace sum of
Two Hundred Dollars current money
of the United States for the payment
of which well & truly to be made we
bind ourselves our heirs executors &
administrators jointly, severally, &
firmly by these presents
Witness our hands & seals this 8th
day of October A.D. 1855

The Condition of the above obligation
is such that whereas the above men-
tioned President & Trustees of the Town
of Aurora did recover at the September
Term A.D. 1855 of the Circuit Court
in & for the County of Kendall in the
State of Illinois a judgment for one
Hundred Dollars debt & costs of
suit against the said Thomas Newlin

from which said judgment the said Thomas Newlan has prayed an appeal to the Supreme Court of the State of Illinois

Now if the said Thomas Newlan shall pay said judgment costs interest & damages in case the said judgment shall be affirmed & also shall prosecute his said appeal with effect then the above obligation to be void otherwise to remain in full force and virtue

Thomas Newlan Seal

George M. Hadden Seal

State of Illinois
Kendall County;

I John W. Crothers
Clerk of the Circuit Court of Kendall County
aforesaid do hereby certify that the foregoing
is a true correct & perfect copy from the original
records & proceedings remaining in
my office & that an annexed bill of costs is truly
correct from my files In testimony whereof I have
hereunto set my hand & seal of said Court at Decatur
in said County this 20 day
of March. A.D. 1885

John W. Crothers

The President and Trustees of the Town of
Aurora

vs

Thomas Newlan

Appeal
Plts costs

Clerks fees J M Brothers

2 Doc 20 3 Subs 120 call & swear jury 15	1 55
3 oaths 15 Swears with 25 Swears officer 5	45
ord leave to sep 20 ent verd 10 fil inst 5	35
fil 14 papers 70 1 sub & fil 40 & De 40	1 50
fil inst 5 5 with apt & fil 50 6 writs apt & fil 60	1 15
fil up 5 just 25 ord for ex 20 Bb 30 sat 15	95

copy of

Clerks fees in Kane Dearbon

Sum & fil 40 mo to amend ap bond 20 ord 20 3 sub & fil 120
1 sub & fil 40 3 writ apt & fil 30 Doc 10 const 20 sub & fil 40
4 apt & fil 60 Doc 10 const 20 ord 20 2 subs & fil 80
2 writ apt 20 Doc 10 Bb 30 cert 2 cert & seal 35 Sub & fil 40
Sheriff's Fees Spaulding

Serv Sumo & c \$1.10 per Bevier Serv Sub 1.00 40 mil 2.00 ret 10

3 Shv sub 75 40 mil 2.00 ret 10

Wit in Kane P Drane 1 Day 50

George Ormes 5 Days 250

An Kendall George Ormes Sept 7 4 day 12 mls 5.00

March Term 9 days 12 mls 10.00

Tho: P Young Mch 7 9 days 12 mls Sept 7 5 day 12 mls

R Drane " 5 " " 6.00

" R G " 8 " " 9.00

R G Moutony Sept 7 4 " 6.00

" " " Mch 7 5 " " 6.00

Fury Fees 3.00

Chauncey Carr 1 day 12 mls
 J Randall 5 days 12 mls March 7 6.00
 Charles Withersell 6 days 2 mls 7.00
 in Jan
 Charles Withersell 6 Days 3.00 W Orms 2 days 1.00
 H. G. Hartinger 9 Days 4.50
 P Dorney 5 days 2.50
 Justice Parker .54
 Court Bevier .30
 Justice Fuller 3.56
 Const Timney 2.96
 Cury 1.50
 with M R Bruce .50 Clark Roberts .50
 Charles Ballard .50 John Stewart .50
 E Walker 50

2 50

Depts Costs

Clerks fees J. M. Crothers
 fil Dem: to rep 5 aft 4 fil 10 mo for ad sec 20 35
 mo for leave to fil ad plea 20 ord over 20 40
 Bk 30 fil 4 inst 20 fil bill of exception 5 55
 mo for new trial 20 ord over 20 mo for ap 20 60
 ord 20 swear mit 5
 copy record Supreme Court 140 folio 14.00
 cert & seal 35 cop CB 20 cert & seal 35 14 90
 Doc fee 1.25 1 25

Thomas Newton,
by
The President & Trustees
of the Town of Aurora.

Filed May 20, 1856.
L. Leland Clerk.

Oct 8 / 4.00 Paid

Thomas Newton

vs

The President's Trust
of the Town of Aurora

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12260



1856