

8838

No. _____

Supreme Court of Illinois

James Snyder

vs.

Isaac McClelland

71641  7

State of Missouri } In the Supreme Court of
Jefferson County } the State of Missouri,
1st Grand Session

James Snyder } November Term 1837.
vs }
Isaac McLellan } *vs. to
et al. et sub.*

And now comes the said James Snyder,
by J. W. O'Connell his atty, and moves the
Court, to set aside the fee bill, issued
for the Cause of Isaac McLellan
app't, vs James Snyder app'ee, determined
in this Cause, at the November Term
1836. For that whereas, the said
Snyder by verdict & Judgment of the Missouri
Circuit Court at the Term
1836. recovered of the said Snyder the sum
of \$300+ upward, from which Judgment
the d^r McLellan presented an appeal to this
Court, And whereas upon the trial of d^r
appeal, the Supreme Court reversed &
remanded the Cause for a new trial
as will more fully appear by the ^{of this Court} record thereof
now ready to be exhibited to the Court here,
And whereas afterward to wit: on or about
the 7th day of July 1837. Noah Johnson
the Clerk of this Court, taxed the Costs
of the Circuit Court & the premiums to
said appeal, to the amount of \$315.45
against the said Snyder, which will more

appear by the Certified Copies of the bills
here set out in the words and figures,
&c. &c.

Marion Circuit Court May Term
A D 1857

James Snyder }
vs } Appellant
Lanc McCalland } Dependants Costs

Clarks fees

Taking plea & return 10	File Pric 10 =	20	
Issuing & filing 18 Sp ^s	=	720	
Taking & filing 25 writs off		250	
Entj Motion for new trial		20	
Taking app bond 50	Court Bill 30	80	
Swearing 6 witnesses		30	
Making Record for Supreme Court \$1400 word		1140 =	2260

Sheriff Fees

Apr 1855	Serving & Retj 3	Sp ^s 230 =	230	
" " "	Mileage on " 20	=	490	
Apr " "	Serv & Retj 2	Sp ^s =	195	
" " "	Mileage on 20		430	
Jan 1856	Serving & Retj 3	Sp ^s	155	
" " "	Mileage on 20		295	
May " "	Serv & Retj 3	Sp ^s (on 12 writs)	330	
	Mileage on 20	"	665 =	27.90

Witness Claims

Apr 1855	John Myers 2 days	200	
" " "	W M Howell 4 "	400	
" " "	Jeremiah Tobin 4 "	400	
" " "	W. C. Myers 2 "	200	
Sept " "	R. S. Prather 3 days & 38 miles travel	490	
" " "	James Adams 5 days & 72 miles travel	860	
" " "	B. D. Lytle 3 days 200 W M Howell 3 days 300	600	

Jan 7 1856	B D Lydiak	2 days	\$ 2.00
" "	W M Howell	2 "	2.00
" "	John Myers	2 "	2.00
" "	W C Ingers	2 "	2.00
" "	A Comb	2 days for 122 miles travel	8.10
" "	Jan Adams	2 " for 72 miles travel	5.60
" "	Jackson Myers	2 " for 122 " "	8.10
" "	John Woods	1 Day	1.00
May " "	John Myers	2 days	2.00
	Drury Fowler	3 "	3.00
	John Woods	2 "	2.00
	Jeremiah Tobin	3 "	3.00
	Richd Prather	3 "	3.00
	Thos Green	2 "	2.00
	B D Lydiak	3 "	3.00
	W M Howell	4 "	4.00
	Saml J Brown	1 "	1.00
			<u>\$ 85.30</u>

Defendants Costs \$135.80

State of Illinois
 Marion County } J H W Cogson Clerk of the
 Circuit Court of said County do hereby certify
 that the foregoing is a true copy from my fe-
 book of the costs made by the defendant in the
 above entitled cause

Witness my hand & official seal at
 Salem this 7th day of July 1857
 J H W Cogson Clerk
 By B F Marshall Deputy

James Snyder
vs

Isaac McClellan

Depts Costs

Prothon Notarial Court May Term

1856

James Snyder }
 v. } Appurp'd
 Isaac McCalland }
 Charles Sims } P'ty Costs

Filing process & doc -	10	
Doc & return 10 Origally 10 -	20	
Filing 3 process for witnesses	15	
Issuing & filing original summons	40	
App to take dep-10 app of continuance 10	20	
Entry's orders of continuance &c	69	
Issuing & filing 19 spo ^s	760	
Taking & filing 29 witness app's	290	
Swearing 6 witnesses	30	
calling & swearing jury 15. Bonded 10	25	
Entry order overruling motion for new trial	20	
Entry Judgt 25 for Rule & Entry	25	
Costs Bill & copy 30	30	13.45

Sheriff's Fees

Apr Term 1855 Serv Spo ^s on 10 witnesses 250	Mileage on Spo ^s 635 =	885	
" " " Returning 3 Spo ^s 30		30	
" " " on subpoena to jury 100		100	
Sep " " Serv Spo ^s on 12 witnesses & P'ty 5 Spo ^s		350	
" " " Mileage on serving 20		625	
Jan " 1856 Serving Spo ^s on 9 writs & P'ty 4 Spo ^s		265	
" " " Mileage on same		520	
May " " Serv Spo ^s on 6 writs & P'ty 2 Spo ^s		170	
" " " Mileage on same		270	32.15

Witness Fees

Apr 1856 L W Mallocks four days = 400
 (over)

April 1855	A J Percy	4 Days	400
" " "	P H Robnet	4 Days	400
" " "	Henry M Story	4 "	400
" " "	James Curllon	4 "	400
" " "	John Thomas	4 "	400
" " "	Isaac Snyder	4 "	400
Sept " "	W H Maddox	3 Days for 228 Miles travel	1440
" " "	Geo Thomas	3 day for 228 Miles travel	1440
" " "	Isaac Snyder	3 Days	300
" " "	John McClelland	3 days	300
" " "	Henry Story	3 "	300
" " "	A J Percy	2 "	200
" " "	W H Stevens	3 "	300
Jan " 1856	Isaac Snyder	1 Day	100
" " "	Geo McClelland	2 "	200
" " "	P H Robnet	2 "	200
" " "	Henry Story	2 "	200
" " "	W H Maddox	3 "	300
" " "	A J Percy	2 "	200
" " "	Geo Green & Geo Thomas	2 days each	400
May " "	Isaac Snyder	3 Days	300
" " "	W R Snyder	3 "	300
" " "	A J Percy	2 "	200
" " "	W H Maddox	3 days for 220 Miles travel	1400
" " "	Geo Thomas	2 day for 240 Miles travel	1400
" " "	John Myers	1 Day	100
" " "	Henry Story	1 Day	100
" " "	Geo McClelland	3 Days	300
" " "	P H Robnett	2 "	200
			<u>200</u>
			\$129.80

Serv for 78th District for 125
 Total 425
 179.65

State of Illinois }
Marion County } I H W Eagon Clerk of
the Circuit Court of said County do hereby
Certify that the foregoing is a true copy from
my file book of the costs made by the plaintiff
in the above entitled cause

Witness my hand & official seal at
Salem this 7th July A.D. 1857

H W Eagon Clerk
By B F Marshall atty.

17965
1835

31845

James Snyder

David McClelland

Peter Cort

Isaac McClelland } Appeal from Marion
 vs } Reversed & Remanded
 James Snyder } at Cost of Defendant

Nov. 1856.

Defendants Costs

To Entering Appearance of Defs. Atty.	"	20
" Making for bill & returning same	"	37
" Copy, Certificate and Seal	"	75
" Postage	"	30
		<hr/>
		162

Circuit Clerk's fees - Certified from }
 from the Circuit's Court } 179 65
 State of Illinois, S. S. } 181 27

Supreme Court, First Grand Division, at Mount Vernon.

The People of the State of Illinois, To The Sheriff
 of Marion County Greeting.

We command you, that of the Goods and Chattels,
 Lands and Tenements of James Snyder you cause to be
 made the sum of One Hundred and Eight One Dollars
 and Twenty Seven Cents, the amount of the foregoing
 bill, which is due and unpaid, and is a true copy from
 the Dec. Book in my office; and hereof make due return
 in ninety days. Witness the Hon. Matthew B. Scott, Chief
 Justice of our said Court, and the Seal
 thereof, at Mount Vernon, this fifteenth
 day of July, in the year of our
 Lord One Thousand eight hundred
 and fifty seven.

Noah Johnston
 Clerk of the Supreme Court

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Isaac McClelland
vs } Ass-ills
James Snyler

Fees of 181-27
Returned for Correction
by order of Clerk of
Supreme Court at
Mt Vernon Ills
Nov. 3rd 1857

W. J. Eastland, Supt
Mass. Co. Ills
By J. Shultz, Sptg

L. D. No 102

STATE OF ILLINOIS. SS.

SUPREME COURT, FIRST GRAND DIVISION, AT MOUNT VERNON:

THE PEOPLE OF THE STATE OF ILLINOIS, TO THE SHERIFF OF *Marion*
COUNTY GREETING. We command you, that of the Goods and Chattles, Lands and Tenements and real es-

tate of *James Snyder* _____

you cause to be made the sum of _____ dollars and
_____ cents damages, and the sum of *One hundred and fifty-eight*
dollars and *Thirty* _____ cents cost, in said Supreme Court, which *Isaac*

McCallum _____

lately recovered against *him* _____ before the Justices of our
said Supreme Court, as appears to us of record, and make return hereof in nineto days.

WITNESS the Hon. WALTER B SCATES, Chief

Justice of our said Court, and the Seal thereof, at

Mount Vernon, this *fifteenth*
day of *July* _____ in the year

of our Lord one thousand eight hundred and *fifty-seven*.
Noah Johnston
Clerk of the Supreme Court.

15705
15

181.05
3.38
177.67
181.05

Isaac McCallum

in } fees for costs

James Smyth

Costs of 158-36

Docket fee 1.25 off

\$157.05

Returned by Correction
by order of Clerk

Superior Court at
Mt Vernon, Mo.

Nov. 5th 1857

W. J. Eastwood S^{ky}
M^o C^o S^{ky}

By J. Smith atty

E. D. No 101

Isaac McClelland } Appel for Marine
 in } Reversed & Remanded
 James Snyder } at cost of defendants.
 Dependents Costs.

Nov. 1856	To entering appearance of Dept. City.	"	20
"	" Making for bill & stating same	"	37
"	" Copy, Certificate and Seal	"	75
"	" Postage	"	30
		\$	1 62
Vincent's Clerk fees - Certificate here from the Vincent's Court			179 65
		\$	181 27

A True Copy from my Record.

Joseph Johnston clk
 "

Isaac McClellan } Appeal from Mariner
 vs } Revenue & Remances
 James Snyder } For Cost of Defendants.

Nov. 1856.

Plaintiffs Costs.

To filing transcripts from Circuit Court	15
" Drafting Cause	16
" Entering appearance of plaintiff's Attorney	20
" " Orders	25
" " Motions	20
" Filing Papers	115
" Furnishing Abstracts	15 40
" Entering final Judgment	30
" Copy, Certificate and Seal	80
" Entering Opinion of Court	80
" Copy, Certificate and Seal	1 30
" Docket fee	1 25
" Making Court bill and Entering same	37
" Execution & Sheriff's return	68
" Postage	30
	<hr/>
	\$22 50

Circuit Clerk's fees - Transcripts &c. &c. }
 Certified true from Circuit Court } 135 80

Deduct above charge of Docket fee \$158 30
 A True Copy from my Record - 1 25
 \$157 05

Wash Johnston Clerk
 //

P. 216

Isaac McCallum
by } cont. bill
James Snyder

cents \$158.³⁴
Deduct for 1.25 off
\$157.05

The Dr. of \$1.25 is now charged to
under the estimate and is therefore
deducted

And for special reasons to set a said
fee bill the ^d Snyder, ~~part~~ out.
1st There was no judgment which
authorized the ^d Clerk of the Supreme
Court, to tax in his fee bill the
Costs of the Circuit Court,

2 Where new trial is granted by
reason of the misdirection of
the judge in the Court below
the previous costs of suit abide
the final determination of the
suit upon its merits, & the Clerk
is directed to tax the costs against the party
for other good sufficient reason. The
^d Snyder by his attorney moves
the Court to direct, a set off of
the fee bill issued by the Clerk of the
Supreme Court ~~as~~ as follows:

W. S. O'Connell
Att. Gen.
Snyder

1837. November Term

James Snyder, app^{ee} }
 vs }
 Isaac McCallum, app^t }
 Isaac McCallum, app^t. }
 of Supreme Court of
 Grand Jurisdiction
 Mo. to quash
 a writ of habeas

Dear Sir

You will please take
 Notice that I will appear in the Supreme Court
 the next at Mount Vernon Jefferson Co
 Illinois on the 2nd Monday in November
 AD 1837 and will then & there in said
 Court make a motion, to quash the ex
 ceution of a writ issued in the above
 Cause, or stay the Court, on said writ
 issued on a judgment, awarded and
 remanded, between the above parties,
 at the November term 1836.

Oct 28th 1837 . . . James Snyder,
 for McCallum

I have received a copy of above
 notice, Oct 28th 1837.

Isaac McCallum

47

James Taylor appn

by

Isaac McMillan appn

Filed Nov. 10. 1857

N. Johnston Clk

SUPREME COURT OF ILLINOIS.

FIRST GRAND DIVISION.

NOVEMBER TERM A. D., 1857.

Record Page.

ABSTRACT.

James Snyder
vs.
Isaac McClelland.

} Motion to retax Fee bill, &c.

James Snyder, at the Marion Circuit Court, obtained a verdict for some \$300, against Isaac McClelland. Motion for new trial made by McClelland, and overruled, exceptions taken and Judgment entered upon the verdict; appeal granted, cause brought into this Court, and tried at Nov. Term, 1856, and the Judgment of the Circuit Court was reversed and cause remanded, for a new trial.

The Clerk of the Supreme Court, in July, 1857, obtained from the Clerk of the Circuit Court, fee bills of the costs, which had accrued in the Court below, and included them in the fee bill of this court, and taxed the entire costs against Snyder, appellee; and issued execution therefor, dated &c.; wherefore, said Snyder moves the Court to quash said process, and order that the Clerk retax the costs, excluding the cost of the Court below.

JAMES SNYDER,

By O'MELVENY, his Attorney.

My dear Sir,

M. C. C. C.

8838

Office

SUPREME COURT OF ILLINOIS.

FIRST GRAND DIVISION.

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JAMES SNYDER,
By O'MELVENY, his Attorney.

Snyder

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M. C. Clifton

47

Troyden

27

M. C. Bellam

Portugal

No costs to be
Taxation this
case —

8838