

13855

No. _____

Supreme Court of Illinois

Uchtman

vs.

Swift et al

United States of America }
State of Illinois }
County of Cook } SS

Pleas before the Honorable John
M Wilson Judge of the Cook County Court
of Common Pleas within & for the County
of Cook and State of Illinois at a regular
term of said Cook County Court of Common
Pleas begun and holden at the Court House in
the City of Chicago in said County on the
first Monday being the first day of
February in the year of our Lord one thousand
eight hundred & fifty eight and of the
Independence of the United States the eighty
second

Present the Honorable John M Wilson Judge
Carlos Raven Prosecuting Atty
John L Wilson Sheriff
Walter Kimball Clerk

Attest

Be it remembered that heretofore to wit
on the fifth day of March in the year of our
Lord one thousand eight hundred and
fifty eight, said day being one of the days of
the February Term of
the Cook County Court of Common Pleas
the following among other proceedings were
had in said Court and entered of Record
to wit,

Gerhard H Uchtman

Asst

^{vs}
Richard K Swift
Lyman P Swift &
James S Johnston

This day comes the said plaintiff by his Attorney and says he will no further prosecute his suit in this behalf as to the first count in his declaration filed herein, and due personal service of process of summons issued herein being had on said Defendants R K Swift and James S Johnston only, and they having been three times severally solemnly called in open Court, come not nor does any person for them, but herein they make default, which on motion is ordered to be taken and entered of Record, Wherefore said Plaintiff ought to have and recover of said Defendants Richard K Swift and James S Johnston impleaded with Lyman P Swift his damages herein sustained by occasion of the premises, And thereupon a reference is had to the Court to assess said plaintiffs damages herein hereafter

And afterwards to wit on the fifth day of March in the year aforesaid said day being one of the days of the February Term of

said Court the following among other proceedings were had in said Court and entered of Record to wit:

Gerhard H Uchtman

Asst

^{vs}
Richard K Swift &
James S Johnston
impleaded with
Lyman P Swift

This day again comes the said Plaintiff by his attorney and the default of the said Defendants R K Swift and James S Johnston having been heretofore to wit on the fifth day of February last past taken and entered of record, and a reference then had to the Court to assess said plaintiffs damages herein, and the Court after hearing the allegations and proofs submitted by said plaintiff and being fully advised in the premises, now assesses said plaintiffs damages herein to the sum of one hundred twenty dollars and twelve cents

Therefore it is considered that said plaintiff do have and recover of said Defendants R K Swift and James S Johnston impleaded with Lyman P Swift his damages of one hundred twenty nine dollars and twelve cents in form as aforesaid apayed

together with his costs and charges by him
in this behalf expended, and that he have
execution therefor

Whereupon said Defendants R K
Swift and James S Johnston pray an appeal
to the Supreme Court of the State of Illinois, which
is granted, on condition that they enter into
and execute their bond in the penal sum of
Two hundred dollars with good and sufficient
security to be approved by the Court

And afterwards to wit on the thirteenth
day of March in the year aforesaid, the Defend-
ants filed in the office of the Clerk of said Court
their appeal bond in the words and figures
as follows to wit

Know all men by these presents, That we
Richard K Swift James S Johnston and
Van H Huggins are held and firmly bound
unto Gerhard H Uchtman in the penal
sum of Two Hundred Dollars for payment
of which well and truly to be made to said
Gerhard H Uchtman his heirs or assigns
we bind ourselves jointly and severally our
heirs executors and administrators firmly
by these presents. Sealed with our seals and
dated this Eleventh day of March AD 1858

The condition of this obligation is such
that whereas in a certain suit in the Court

County Court of Common Pleas wherein
said Gerhard H Uchtman was Plaintiff
and said Richard K Swift & James S
Johnston impleaded with Lyman P Swift
were Defendants the said Plaintiff on the
Fifth day of March A D 1858 recovered a
judgment against the said Defendants
Richard K Swift and James S Johnston
for the sum of One hundred and twenty
nine Dollars & twelve cents damages besides
costs of suit from which said judgment
Richard K Swift and James S Johnston
said last named Defendants have pray-
ed an appeal to the Supreme Court of the
State of Illinois which appeal has been
granted upon said Defendants giving
this bond Now if the said above bounden
Defendants shall well and truly pay
the judgment costs interest and damages
in case the said judgment shall be affirmed
by said Supreme Court and shall duly
prosecute their said appeal the the above
obligation to be void otherwise of force

R K Swift

J S Johnston

Van H Higgins

Seal

Seal

Seal

Approved by me

John M Wilson Judge &c

State of Illinois }
Cook County } ss

I Walter Kimball Clerk of the
Cook County Court of Common Pleas within
and for said County and State do hereby
certify that the above and foregoing is
a true copy of orders entered of Record
in said Court and appeal bond filed
therein in the case wherein Gerhard H
Uchtman is plaintiff and Richard
K Swift Lyman P Swift and James
S Johnston are defendants



In testimony whereof I
hereunto set my hand and
affix the seal of said Court
at the City of Chicago in
said County this 29th day
of April A.D. 1838

Walter Kimball Clerk

600 lbs lot of Corn Meas

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G H Uchtman

vs

R H Swift et al

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Certificate

Filed May 18. 1858

L. Leland
clerk

Judt \$120.12

Dgs \$6.00

for 314

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\$ 1.75 paid
MCC