

No. 13864

# Supreme Court of Illinois

McGre<sup>v</sup>~~e~~ey

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vs.

Swift et al

United States of America  
State of Illinois }  
County of Cook } ss.

Now before the Honorable John W.  
Wilson, Judge of the Cook County Court of Common  
Pleas, within and 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 and fifty Eight and of the Inde-  
pendence of the United States the Eighty second.

Present The Honorable John W. Wilson, Judge  
Carless Harew Prosecuting Attorney  
John L. Wilson Sheriff

Attest

Walter Kimball, Clerk

Be it Remembered, That on the Third day of  
March A.D. One Thousand Eight Hundred and  
fifty Eight, said day being one of the days of the  
February Term of said Cook County Court of Common  
Pleas, the following, among other proceedings, was  
had in said Court and entered of Record, to wit,

William McGreevey

<sup>vs</sup>  
Richard H. Swift, Lyman P. Swift  
and James S. Johnston

} Assumpsit.

This day comes the said plaintiff by Bradwell and Colby his attorneys, and the said Defendants Richard H. Swift, James S. Johnston by Scates, McAllister, Jewett & Peabody their attorneys, also come, and the Court after hearing said defendants demurred to first Count in plaintiff's Declaration, overrules the same, and thereupon defendants elect to stand by their said Demurrer, and they being severally three times solemnly called in open Court, come not not either of them, but herein they severally make default, which on motion is ordered to be taken, and is hereby entered, for want of a plea.

Wherefore said plaintiff ought to have and recover of said defendants his damages sustained by reason of the premises, and the Court having heard the proofs and allegations, submitted and being fully advised, now assesses the damages herein to the sum of One Hundred and Ten Dollars.

Therefore it is considered that said plaintiff do have and recover of said defendants, Richard H. Swift and James S. Johnston his damages of One Hundred and ten Dollars, in form aforesaid by the Court assessed, and also his costs and charges in this behalf expended and have execution therefor.

And thereupon the said Defendants submit their motion for a reassignment of the damages herein assessed which motion the Court now overrules, and the said defendants pray an appeal to the Supreme Court of the State of Illinois, which is allowed on filing Bond in Two Hundred Dollars to be approved by the Judge of this Court, to be filed in ten days.

And afterwards, to wit. on the Thirtieth day of March in the year last aforesaid, the said Defendants Richard H. Swift and James S. Johnston by their said Attorneys filed in the office of the Clerk of said Court, their Appeal Bond in the words and figures following, to wit,

Know all men by these presents, That Richard H. Swift and James S. Johnston and Tansie Higgins are held and firmly bound unto William McGreevy in the penal sum of Two Hundred Dollars, for payment of which, well and truly to be made, to said William McGreevy his heirs or assigns, we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these presents.

Scaled with our Seals and dated the Fourth day of March A.D. 1858,

The Condition of this obligation is such that whereas in a certain suit, in the Cook County Court of Common Pleas, wherein said William McGreevy

was plaintiff, and said Richard H. Swift, & James S. Johnston impleaded with Leiman P. Swift, were Defendants. the said plaintiff on the Third day of March AD. 1858 recovered a judgment against the said Defendants Richard H. Swift and James S. Johnston for the sum of One Hundred and ten Dollars damages beside costs of suit, from which said judgment Richard H. Swift and James S. Johnston said last named defendant have prayed 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, then the above obligation to be void, otherwise of force.

Approved by me  
John M. Wilson

Judge.

R. H. Swift Seal  
J. S. Johnston Seal  
Van H. Higgins Seal

State of Illinois }  
County of Cook } ss.

J. Walter Kimball Clerk of  
the Cook County Court of Common Pleas, within  
and for said County. Do hereby certify, that the  
foregoing is a true and correct copy of the order  
of judgment. Had and entered of Record in said

Court on the 3rd day of March A.D. 1858, and  
also of the Appeal Bond filed in my office on the  
Thirteenth day of March A.D. 1858. in the case  
in which William McGrovey is plaintiff and  
Richard H. Swift, Lyman P. Swift and James  
S. Johnston are Defendants.



In Testimony Whereof I hereunto  
subscribe my name and affix  
the Seal of said Court at Chicago  
in said County this 21st day of  
April A.D. 1858.

Walter Kimball Clerk

Bookb. let. of Com Pleas.

346  
Wm M. Murray

Rich<sup>d</sup> K. Smith  
et al

1858

Cont Copy order of  
judgment to App. Bond

judgt \$ 110.00  
Dys. 1855.50  
py 296.

306

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