

No. 12963

Supreme Court of Illinois

Fox

vs.

Swift et al

71641  7

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

Pleas before the Honorable the Judges of Superior Court of Chicago, within and for the County of Cook and State of Illinois at a regular term of said Superior Court of Chicago begun and holden at the Court House in the City of Chicago in said County and State on the first Monday being the third day of October in the year of our Lord one thousand eight hundred and fifty nine and of the Independence of the United States of America the Eighty fourth.

Present. The Honorable John M. Wilson, Chief Justice of Superior Court of Chicago.

Wm. H. Higgins & Grant Goodrich, Judges

Charles Stawen, : : : Prosecuting Attorney

John Gray, : : : Sheriff of Cook County.

Atties

Walter Kimball. Clerk.

Be it remembered that heretofore to wit on the sixth day of October (being one of the days of the October term of said Court) in the year of our Lord one thousand eight hundred and fifty nine, the following proceedings were had and entered of record in said Court, to wit:

"Royal Fox

vs

In Chancery.

Richard H. Swift

Lyman, P. Swift &

James, S. Johnson

This cause coming on to be heard upon the pleadings and proofs and upon a decretal order of reference made in this cause in this Court on the Tenth day of June A. D. eighteen hundred and fifty eight, by which order and decree it was referred to a Master in Chancery of the County of Cook aforesaid to take proofs of the material facts and allegations set forth in the Bill of Complaint on file in this cause on reading and filing the report of L. C. Paine Freer Master in Chancery of Cook County aforesaid showing that the Defendants were indebted to the Complainant at the time of filing the Bill of Complaint in this cause and still are in the sum of Three hundred and twenty dollars and twenty five cents on a certain lost check for the amount of said check with interest and premium on the same and in the further sum of Thirteen dollars and seventy two cents for interest and premium on a certain other check making in all the sum of Three

hundred and thirty three dollars and ninety seven cents

And it further appearing to this Court in and by said Report of said Master that the said Complainant has not paid Check in said Bill of Complaint mentioned and described and that he offered previous to the commencement of this suit to fully indemnify and save harmless the said Defendants, if they would pay said check to said Complainant, which they refused to do.

After hearing C. S. Higgins Solicitor for Complainant It is ordered adjudged and decreed and this Court now here doth order adjudge and decree by virtue of the power and authority in said Court vested that the said Defendants pay to the Complainant the said sum of Three hundred and thirty three dollars and ninety seven cents, with the interest thereon from the fourteenth day of June A. D. Eighteen hundred and fifty eight so reported due by the said Master in Chancery and also his costs of suit to be taxed, upon the Complainant executing a Bond in the penalty of five hundred dollars to the Defendants conditioned that the Complainant save the Defendants harmless from all costs damages or expenses by reason of the loss of said check ~~as~~ mentioned, set forth and described in said Bill of Complaint to be approved by the Clerk of this Court, and that the said Complainant upon executing said Bond shall be entitled to an execution out of this Court, to enforce the collection of this Decree in the usual manner and that this decree is hereby declared to be as lien upon the Real Estate of the said Defendants in the same manner and to the same extent as though a judgment had been rendered for the said amount in said Court in the Common Law side of said Court.

And thereafter to wit on the second day of November A. D. Eighteen hundred and fifty nine came the said Defendants and filed in the Office of the Clerk of said Court their Appeal Bond in words and figures as follows, to wit.

"Know all Men by these Presents that Richard H. Swift, James S. Johnston and James H. Res are held and firmly bound unto Royal Fox in the sum of Five hundred dollars for payment of which well and truly to be made to said Royal Fox 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 29th day of October 1859.

The Condition of this obligation is such that whereas in a certain suit in Chancery in the Superior Court of Chicago, County of Cook, State of Illinois wherein said Royal Fox was Plaintiff and said Richard H. Swift and James S. Johnston with Lyman J. Swift, Defendants, the said Plaintiff on the sixth day of October 1859 recovered a Decree against the said Defendants Richard H. Swift and James S. Johnston in favor of Lyman J. Swift for the sum of Three hundred and thirty three dollars & ninety seven cents damages besides costs of suit from which said judgment of the said Superior Court of Chicago said last named Defendants 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 named Defendants shall well

and truly pay the judgment, costs, interest and damages in case the said judgment of said Superior Court of Chicago, shall be affirmed by said Supreme Court and shall duly prosecute their said Appeal then the above obligation to be void otherwise of force.

R. H. Swift (Seal)

J. S. Johnston (Seal)

James H. Rees (Seal)

State of Illinois }
Cook County } S

I Walter Kimball Clerk of the Superior Court of Chicago, within and for the County of Cook in the State of Illinois Do hereby Certify the above and foregoing to be a true and correct Transcript of the Order and decree entered of record in said Court, together with the Appeal Bond now on file in my Office; in a certain suit in said Court on the Chancery side thereof, wherein Royal Free was complainant and Richard H. Gray and James S. Johnston impleaded with Lyman P. Swift were defendants. And I hereby further Certify that neither the said defendants nor any person on their behalf have taken from this Court or record of the proceedings aforesaid or taken any other steps or whatever towards prosecuting their said Appeal, since the making of the order aforesaid.

In testimony whereof I have hereunto set my hand and affixed the Seal of said Court at Chicago in said County this 20th day of April A.D. 1860.

Walter Kimball Clerk

337

Superior Court of Chicago

Royal Seal

— (w) —

R. H. Swift et al

Certificate
of non prosecution of appeal

Filed April 23-1860
L. Leland
Clerk

333,97
1,05
\$16,698.51 2/2

12963

\$2.00