

No. 13879

Supreme Court of Illinois

Gunderson

vs.

Swift, et al.

71641  7

United States of America

STATE OF ILLINOIS, COUNTY OF COOK, S. S. }

Pleas, before the Honorable George Manion

Judge of the Seventh Judicial Circuit of the State of Illinois, and Sole Presiding
Judge of the Circuit Court of Cook County, in the State aforesaid, and at a ^{Special} Term thereof
begun and held at the Court House in the City of Chicago, in said County, on the

Second Monday, (being the Eleventh day) of

January in the year of our Lord one thousand eight hundred and

Fifty Eight and of the Independence of the said United States the

Eight second

Present, Honorable George Manion Judge of the 7th Judicial
Circuit of the State of Illinois. }

Charles Horn States Attorney.

John L. Wilson Sheriff of Cook County.

Attest: Wm. Church Clerk.

Be it remembered that heretofore, to wit,
 on the 29th day of December, in the year of our Lord,
 one thousand, eight hundred and fifty seven, there
 was filed in the office of the clerk of the Court
 aforesaid, a certain transcript of record, which is
 in the words and figures following, to wit-

No 2713.

Gunder J. Gunderson as Richard R. Swift, Lyman P. Swift & James S. Johnston	}	Capias December 8 th /57. on oath of J.B. Bradwell, Plaintiff's agent- capias issues returnable in case special bail be given on the 14 th	Demand \$100. on oath of J.B. Bradwell, Plaintiff's agent- capias issues returnable in case special bail be given on the 14 th
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costs
 inst- at 4 P. M. capias to H. H. Demery Constable De-
 cember 14/57. Defendant comes in and waives ser-
 vice, and goes to trial. Plaintiff files a certificate
 of deposit for the amount of \$100. Dated June 13th
 1857. No 10449 signed R. R. Swift, Brother & John-
 ston by Rosenthal. No Defence being made Judg-
 ment rendered against R. R. Swift, and James
 S. Johnston. Lyman P. Swift not found- and
 in favor of the plaintiff Gunder J. Gunderson, for
 the sum of \$100. and costs Dec 16th /57. Defendant
 comes in and files his bond for an appeal to
 the circuit court.

State of Illinois }
 Cook County } p.

I, the subscriber, a Justice of
 the Peace for 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 17th day of December, 1857.

H. B. Ruger, J. P.

And afterwards to wit, on the said 29th day and year last aforesaid, to wit December 29th A. D. 1857. there was filed in the office of the clerk of the Court aforesaid, a certain writ of capias, which is in the words and figures following, to wit—

State of Illinois }
Cook County } J.

The People of the State of Illinois, to the any Constable of said county, greeting— You are hereby commanded to take the bodies of Richard R. Swift, Lyman P. Swift & James S. Johnston and bring them forthwith before me, unless special bail be entered; and if such bail be entered, you will then command them to appear before me at my office in West Chicago on the 14th day of December A. D. 1857 at 4 o'clock P. M. to answer the complaint of Gunder J. Gundersen for a failure to pay him a certain demand not exceeding one hundred dollars, and hereof make due return as the law directs. Given under my hand and seal this 8th day of December A. D. 1857

H. B. Ruger. (seal)
Justice of the Peace

And afterwards, to wit, on the said 29th day of December A. D. 1857. there was filed in the office of the Clerk of the Court aforesaid a certain appeal Bond which is in the words & figures following to wit

Know all men by these Presents, That we Richard B. Swift, James S. Johnston & Van H. Higgins of the County of Cook in the State of Illinois are held and firmly bound unto Gunder J. Gundersen in the penal sum of Two hundred and ten dollars lawful money of the United States; for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hands and seals this 14th day of December A. D. 1857.

The condition of the above obligation is such, that whereas the said Gunder J. Gundersen did on the 14th day of December A. D. 1857 before H. B. Ruger Esq, a Justice of the Peace for the said County of Cook recover a judgment against the above bounden Richard B. Swift & James S. Johnston impleaded with Lyman P. Swift for the sum of one hundred dollars & costs of suit, from which judgment the said Richard B. Swift & James S. Johnston has taken appeal to the Circuit Court of the County of Cook aforesaid and State of Illinois. Now if the said Richard B. Swift & James S. Johnston 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

Approved by me at
my office this
day of 1857

R. R. Swift (seal)
J. S. Johnston (seal)
Van H. Higgins (seal)

And afterwards, to wit, on the same 29th day of December last aforesaid, there was filed in the office of the Clerk of said Court a certificate of Deposit which is in the words & figures following to wit;

N^o 10449

Savings Department
of R. R. Swift, Brother & Johnston
Bankers

State of Illinois

R. R. Swift, Brother
& Johnston
Chicago
Swift, Ransom
& Co
New York

Chicago June 13. 1857

G. T. Gunderson has deposited with us one hundred Dollars in funds as stated below to the credit of himself, to be paid in like funds to his order hereon

Currency \$79
Gold \$21
\$100

R. R. Swift, Brother & Johnston
By Rosenthal

And afterwards, to wit, on the day & year last aforesaid, to wit, December 29th A. D. 1857 there was issued out of the office of the Clerk of said Court & under the seal thereof, the Peoples writ of Summons directed to the Sheriff of said County

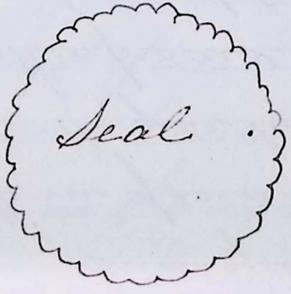
to execute & which is in the words & figures following
to wit,

State of Illinois }
Cook County }⁰⁰

The People of the State of Illinois
to the Sheriff of said County, Greeting;

We command you that you summon Gunder
J. Gunderson, if he shall be found in your County
personally to be and appear before the Circuit Court
of Cook County, on the first day of the next term
thereof, to be holden at the Court House in Chicago, in
said County, on the Second Monday of January next
to answer unto Richard R. Swift and James S.
Johnston on an appeal from the judgment of
H. B. Reger Esquire a Justice of the Peace within
said County.

And have you then and there this writ,
with an endorsement thereon in what manner
you shall have executed the same.



Witness, William L. Church, Clerk
of our said Court, and the seal thereof
at Chicago aforesaid, this 29th day
of December A. D. 1857
W^m L. Church Clerk

And afterwards, to wit, on the 7th day of
January A. D. 1858 said writ was returned into
Court aforesaid by said Sheriff endorsed as
follows, to wit, Served by sending to James B.

Bradwell attorney for Plaintiff in this cause and
he accepted service the 7th day of January 1858 -

Fees - 1 Service \$, 50. 1 Mileage - " 5. 1 Return 10
\$, 65 -

John L. Wilson Sheriff
By S. Miles Deputy

And afterwards, to wit, at the January Special
Term of said Court, to wit, on the 14th day of January
in the year last aforesaid, the following among
other proceedings, in said Court, were had and
entered of Record, to wit;

2138
Gunder T. Gunderson
vs.
Richard B. Swift &
James S. Johnston } Appeal

This day comes the said
Plaintiff by his Attorney, and the said defend-
ants having been three times severally solemnly
called in open Court, come not, nor does any
person for them, but herein they fail to prosecute
their appeal in this behalf. Therefore on motion
ordered that the appeal herein be dismissed
for want of prosecution, and affidavit of
merits, and that a procedendo issue to the
Court below. Therefore it is considered that
said Plaintiff do have and recover of said
Defendants, his costs and charges by him in
this behalf expended, and have execution
therefor.

bind ourselves jointly and severally, our heirs, execu-
tors and administrators, firmly by these presents
Sealed with our seals, and dated this sixteenth
day of January 1858.

The condition of this obligation is such,
that whereas in a certain suit in the Circuit
Court of Cook County, State of Illinois wherein
said Gunder J. Gundersen is Plaintiff, and
said Swift and Johnston and Lyman P. Swift
are Defendants, the said Plaintiff on the Four-
teenth day of January 1858 recovered a judgment
against the said Defendants Richard R. Swift
& Jas. S. Johnston dismissing their appeal taken
to said Circuit Court from a judgment in said
suit against them for the sum of One Hundred
Dollars damages, besides costs of suit rendered
by Harmon B. Reger Esq, a Justice of the Peace
of said County from which said judgment,
dismissing said appeal, said last named
Defendants have prayed an appeal to the
Supreme Court of the State of Illinois, which
appeal has been granted upon said Defend-
ants giving this bond,

Now if the said above ^{bondsmen} Defendants shall
well and truly pay the judgment, costs, interest
and damages, in case the said judgment
dismissing said appeal shall be affirmed
by said Supreme Court, and shall duly pro-
secute their said appeal, to said Supreme

9
Court then the above obligation to be void,
otherwise of force

R. R. Swift (seal)
J. S. Johnston (seal)
Van H. Higgins (seal)

State of Illinois, }
COUNTY OF COOK. } S. S.



I, WILLIAM L. CHURCH, Clerk of the Circuit
Court of Cook County, in the State aforesaid, do hereby
certify the above and foregoing, to be a true, perfect and complete
copy of all the papers filed & proceedings had and
returned of record
in a certain cause lately pending in said Court on the
Common law side thereof, wherein Samuel J.
Grudman was Plaintiff and

Richard H. Swift et al were defendants

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of our
said Court at Chicago, this 7th day of May A. D. 1858

Jun 2, 30

Wm L Church

Clerk.

Ernest J. Emerson
no 350
Richard H. Swift
Em

Record

Filed May 13, 1838
- Leland
- CLK

Just. \$100.00
Dep. \$50.00

350

13879
255

United States of America }
STATE OF ILLINOIS, COUNTY OF COOK, S. S. }

Pleas, before the Honorable George Maniemi

Judge of the Seventh Judicial Circuit of the State of Illinois, and Sole, Presiding
Judge of the Circuit Court of Cook County, in the State aforesaid, and at a ^{Special} term thereof
begun and held at the Court House in the City of Chicago, in said County, on the
Second Monday, (being the Eleventh day) of

January in the year of our Lord one thousand eight hundred and
Fifty Eight and of the Independence of the said United States the
Eighth Month, Held in pursuance of the order of said Judge

made & entered of record Present, Honorable George Maniemi Judge of the 7th Judicial }
Circuit of the State of Illinois. }

Charles Haven States Attorney.

John L. Wilson Sheriff of Cook County.

Attest: Wm. Church Clerk.

a full and perfect statement of all the proceedings and ^{of} the judgment before me in the above entitled cause

Dated this 17th day of December, 1857.

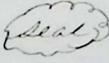
H. B. Keizer J. P.

And afterwards, to wit on the day and year last aforesaid, to wit December 20th A. D. 1857. there was filed in the office of the clerk of the Court aforesaid, a certain writ of capias, which is in the words and figures following, to wit—

State of Illinois }
Cook County }*ss.*

The People of the State of Illinois, to any Constable of said County, Greeting—
You are hereby commanded to take the bodies of Richard H. Swift, Lyman P. Swift, and James S. Johnston, and bring them forthwith before me, unless special bail be entered— and if such bail be entered, you will then command them to appear before me at my office in West Chicago, on the 14th day of December A. D. 1857. at 4 o'clock P. M. to answer the complaint of Gunder J. Gundersen, for a failure to pay him a certain demand not exceeding one hundred dollars, and hereof make due return as the law directs— Given under my hand and seal, this 8th day of

December, A. D. 1857.

H. B. Reger 
Justice of the Peace

And afterwards to wit on the said 29th day of December A. D. 1857. there was filed in the office of the clerk of the Court aforesaid, a certain appeal bond, which is in the words following to wit-

Know all men by these presents that we, Richard R. Swift & James S. Johnston & Van H. Higgins, of the county of Cook, in the State of Illinois, are held and firmly bound unto Gunder G. Gundersen, in the penal sum of Two hundred and ten dollars, lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly severally, and firmly by these presents - Witness our hands and seals this 14th day of December, A. D. 1857.

The condition of the above obligation is such, that whereas the said Gunder G. Gundersen did on the 14th day of December A. D. 1857. before H. B. Reger Esq. a Justice of the Peace for the said County of Cook, recover a judgment against the above bounden Richard R. Swift and James S. Johnston impleaded with Lyman P. Swift, for the sum of one hundred dollars, and costs of suit, from which judgment the said Richard R. Swift and,

James S. Johnston has taken appeal to the circuit court of the county of Cook aforesaid, and State of Illinois - Now if the said Richard H. Swift, and James S. Johnston shall prosecute his 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 -

Approved by me at } R. H. Swift (seal)
 my office this day } J. S. Johnston (seal)
 of 185 } Wm. D. Higgins (seal)

Justice of the Peace -

And afterwards to wit, on the same 29th day of December, A. D. 1857. there was filed in the office of the clerk of the Court aforesaid, a certain certificate of Deposit, which is in the words and figures following to wit -

No. 11026.
 State of Illinois
 R. H. Swift, Brother
 & Johnston
 of Chicago
 Swift, Hanson & Co.
 New York

Savings Department
 of
 R. H. Swift, Brother & Johnston
 Bankers.

Chicago Aug 25th 1857.

Gunder Gunderon has deposited with us, one hundred dollars, in funds as stated below, to the credit of himself, to be paid in like funds

to his order hereon.

Currency \$ 100
Gold \$ ~
\$ 100.

R. G. Swift, Brother & Johnston
By B. B. Chambers.

And afterwards, to wit, on the day and year last aforesaid, to wit, December 29th A. D. 1857. there was issued out of the office of the clerk of said court, and under the seal thereof, the Peoples writ of summons, directed to the Sheriff of said county to execute, and clothed in the words and figures following to wit-

State of Illinois }
Cook County } ss.

The People of the State of Illinois,
to the Sheriff of said county, Greeting-

We command you that you summon Gunder S. Gunderson, if he shall be found in your county, personally to be and appear before the Circuit Court of Cook County, on the first day of the next term thereof, to be holden at the Court House in Chicago, in said county, on the second Monday of January next, to answer unto Richard G. Swift, and James S. Johnston, on an appeal from the judgment of H. B. Rugey, Esquire, a Justice of the Peace within said county-

And have you then and there this writ, with an endorsement thereon, in what manner

Plaintiff by his Attorney, and the said Defendants having been three times severally, solemnly called in open Court, come not, nor does any person for them, but herein they fail to prosecute their appeal in this behalf. Therefore on motion ordered, that the appeal herein be dismissed, for want of prosecution and affidavit of merits, and that a procedendo issue to the Court below. Therefore it is considered that said plaintiff do have and recover of said Defendants, his cost and charges in this behalf, ^{expended} and have execution therefor.

And afterwards, to wit at the same term of said Court last aforesaid, to wit, on the 16th day of January, in the year last aforesaid, the following among other proceedings in said court, were had and entered of Record, to wit.

2134

Gunder J. Gunderson	} Appeal
vs	
Richard H. Swift & James S. Johnston	

This day come the said Defendants by their Attorney, and pray an appeal to the Supreme Court of the State of Illinois, which is allowed upon condition that they do forthwith execute and file their appeal Bond in the penal sum of Three Hundred Dollars, with Van H. Diggins as surety, conditioned according to law, which is done.

And afterwards, to wit, on the day and year last aforesaid, the said Defendants filed in said court, their certain appeal bond, which is in the words and figures following, to wit:-

Know all men by these Presents, that We, Richard K. Swift, James S. Johnston, and Barn A. Higgins, are held and firmly bound unto Gunder J. Gunderson, in the penal sum of Three Hundred Dollars, for the payment of which well and truly to be made to said Gunder J. Gunderson, 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 sixteenth day of January, 1858-

The condition of this obligation is such, that whereas in a certain suit in the Circuit Court of Cook County, State of Illinois, wherein said Gunderson is Plaintiff, and said Swift and Johnston, and Lyman P. Swift are Defendants, the said Plaintiff on the Fifteenth day of January 1858. recovered a judgment against the said Defendants, Richard K. Swift and James S. Johnston, dismissing their appeal taken to said Circuit Court, from a judgment in said suit against them, for the sum of one hundred Dollars, damages, besides costs of suit, rendered by Harmon B. Reger Esq. a Justice of the

Peace of said county, from which said judgment dismissing said appeal, 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 bounden Defendants shall well and truly pay the judgment, costs, interest and damages, in case the said judgment dismissing said appeal shall be affirmed by said Supreme Court, and shall duly prosecute their said appeal to said Supreme Court, then the above obligation to be void, otherwise of force -

B. F. Swift (seal)
J. S. Johnston (seal)

State of Illinois, }
COUNTY OF COOK. } s. s.



I, WILLIAM L. CHURCH, Clerk of the Circuit Court of Cook County, in the State aforesaid, do hereby certify the above and foregoing, to be a true, perfect and complete copy of all the papers filed ~~proceedings had~~ ^{decided of record} in a certain cause lately pending in said Court on the ~~Common law~~ side thereof, wherein ~~Gunderson~~ ^{Gunderson} was plaintiff and ~~Richard H. Swift et al~~ were defendant

IN WITNESS WHEREOF, I have herunto set my hand, and affixed the seal of our said Court at Chicago, this 7th day of May A. D. 1858

Just 2, 25

W. L. Church
Clerk.

Gusta Gundersen
no 351

Richard H. Swift Esq

Receipt

Filed May 13, 1888
Leland
Bell

Proceeds issued

Exp 100.00

Dep 85.00

pd. 299

Jan 25