

13866

No. \_\_\_\_\_

# Supreme Court of Illinois

Lyttle

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vs.

Swift et al

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United States of America

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

Pleas, before the Honorable George Maness

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 <sup>Special</sup> 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  
Eighty Second. Held in pursuance of an order of said Judge herebefore

~~made entered of record~~ Present, Honorable George Maness Judge of the 7th Judicial  
Circuit of the State of Illinois.

Charles Haven States Attorney.

John S. Wilson Sheriff of Cook County.

Attest: Wm. L. Church Clerk.



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State of Illinois }  
Cook County } ss.

I, the subscriber, a Justice of the peace 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 15<sup>th</sup> day of December, 1857.

H W Reager, J. P.

And afterwards to wit, on the day and year last aforesaid, to wit December 29<sup>th</sup> A. D. 1857. there was filed in the office of the clerk of the court aforesaid, a certain writ of capias, which with the endorsement on the back thereof, 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 R. 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 30<sup>th</sup> day of November, A. D. 1857. at 4 o'clock

P. M. to answer the complaint of Myron H. Lytle,  
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 25<sup>th</sup> day of November, A.D. 1857.

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

Executed November 27<sup>th</sup> 1857. By arresting the  
bodies of the within-named Defendants, B. F. Swift,  
& J. S. Johnston, S. P. Swift not found in my county,  
and releasing them on special bail— 2 arrests, 50  
2 Special bails, 50— Mileage, 20. \$1. 20.

F. B. Bridges, Constable

I do hereby enter myself as special bail for  
the within-named defendants, B. F. Swift & J.  
S. Johnston— S. P. Swift not found—

D. M. Night.

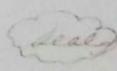
And afterwards to wit, on the said 29<sup>th</sup> day  
of December, A.D. 1857. there was filed in the office  
of the clerk of the court aforesaid, a certain appeal  
bond, which is in the words following, to wit—

Know all men by these presents, that we, Rich-  
ard B. Swift, James S. Johnston and George Scoville,  
of the county of Cook in the State of Illinois, are  
held and firmly bound unto Myron H. Lytle, in  
the penal sum of one hundred and ninety nine

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 30<sup>th</sup> day of November, A. D. 1857.

The condition of the above obligation is such, that whereas the said Myron H. Lytle, did on the 30<sup>th</sup> day of November A. D. 1857. before H. B. Keizer, a Justice of the Peace for the said county of Cook, recover a judgment against the above bounden Richard H. Swift and James S. Johnston, impleaded with Lyman P. Swift, for the sum of ninety nine dollars and costs, from which judgment, the said Richard H. Swift and James S. Johnston have taken an 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 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 30<sup>th</sup>  
 day of November, 1857

R. H. Swift   
 J. S. Johnston   
 George Scille 

H. B. Keizer  
 Justice of the Peace

And afterwards, to wit, on the same 29<sup>th</sup> day of December, last aforesaid, there was filed in the office of the clerk of said court, a certain Certificate of Deposit, which is in the words and figures following to wit-

No. A2233.  
State of Illinois  
R. F. Swift, Brother  
& Johnston  
Chicago  
Swift Ransom & Co  
New York

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

Chicago Sept. 16<sup>th</sup> 1857.

Fredrick Roper has deposited with us, Ninety nine Dollars in funds as stated below, to the credit of himself, to be paid in like funds, to his order hereon-

Currency \$ 99  
Gold \$ ~  
\$ 99 <sup>00</sup>/<sub>100</sub>  
R. F. Swift, Brother & Johnston  
By B. B. Chambers-

And afterwards, to wit, on the day and year last aforesaid, to wit December 29<sup>th</sup> 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 Ju.

The People of the State of Illinois,

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to the Sheriff of said county, Greeting—

We command you that you summon Myron H. Lytle, 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. Reuger, 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 29<sup>th</sup> day of December, A. D. 1857.

Wm L. Church, Clerk.

And afterwards, to wit, on the 7<sup>th</sup> day of January, A. D. 1858. said writ was returned in to the Court aforesaid, by said Sheriff, endorsed as follows, to wit—

Served by reading to James B. Bradwell, attorney for the plaintiff, in the case, and he accepts service— the 7<sup>th</sup> day of January, 1858. Fees— 1 service, \$ .50. 1 Mileage, 5. 1 Return, 10. \$ .65.

John L. Wilson Sheriff  
By J. Miles Deputy



in said Court, were had, and entered of Record,  
to wit—

2157

Myron H. Lyttle	} Appeal
as	
Richard R. Swift	
Lynnan D. 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. Higgins 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 R. Swift, James S. Johnston and Van H. Higgins, are held and firmly bound unto Myron H. Lyttle, in the penal sum of Three Hundred Dollars, for payment of which well and truly to be made, to said Myron H. Lyttle, his heirs or

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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 A. D. 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 Myron H. Lytle is Plaintiff, and said Swift and Johnston and Lyman P. Swift are Defendants, the said Plaintiff on the Fourteenth day of January, 1858 recovered a judgment against the said Defendants, Richard H. Swift & James S. Johnston, dismissing their appeal taken to said circuit court, from a judgment in said suit against them, for the sum of Ninety nine Dollars, damages, besides costs of suit, rendered by Harmon B. Peger, 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 <sup>the State of</sup> 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. H. 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~~ ~~inter of record~~ in a certain cause lately pending in said Court on the ~~Common Law~~ side thereof, wherein ~~Myron~~ ~~A Lytle~~ was Plaintiff and ~~Richard H. Swift & Co~~ were defendants

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

Ans \$2<sup>00</sup>

W. L. Church  
Clerk.

Myron A Lytle  
no 349

Richard K. Swift Esq

Record

13866

Filed May 13, 1858  
L. Leland  
clerk

Proceeds in

July \$22 00  
Dgs. \$990

fy 299

3/29

dec \$2 50