

No. 13829

Supreme Court of Illinois

Nowlan

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 and for the County of
Cook and State of Illinois, at a regular term of said
Cook County Court of Common Pleas, begun and
helden 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 Independ-
ence of the United States of America, the Eighty
Second,

Present the Honorable John M. Wilson Judge,
Charles Haven Prosecuting Attorney
John L. Wilson Sheriff
Attest Walter Kimball Clerk.

Be it Remembered, That on the Twentieth day
of January A.D. One Thousand Eight Hundred
and fifty Eight, the said day being one of the days of the
January Vacation ^{Term} of said Cook County Court of Common
Pleas, the following among other proceedings were
had in said Court and entered of Record, to wit,

Catherine Nowlan

^{vs}
Richard H. Swift, Lyman
P. Swift & James S. Johnston

} Asst.

This day comes the said
plaintiff by Clarkson Tree her attorneys, and the said
defendants Richard H. Swift & James S. Johnston,
two of the above named defendants impleaded with Lyman
P. Swift, by Scate McAllister Jewett & Nabody their
attorneys, also come, and by leave of the Court, withdraw
their demurrer to declaration filed herein.

And afterwards, to wit, on the First day of February
A.D. 1858, being 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

Catherine Nowlan

^{vs}
Richard H. Swift, Lyman
P. Swift & James S. Johnston

} Asst.

And now at this day again
comes the said plaintiff by her attorneys aforesaid, and
it appearing to the Court that due personal service of
process of summons issued in this case has been
had on Richard H. Swift and James S. Johnston two
of the above named defendants, impleaded with Lyman

P. Swift, and they being severally three times solemnly called in open Court, come not, nor either of them, but herein they severally make default, and herein fail to plead to said plaintiffs action against them, 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 impleaded as aforesaid her 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 Ninety two Dollars and Sixty nine cents.

Therefore it is considered that said plaintiff do have and recover of said defendants, impleaded with Lyman Swift, her damages of Ninety two Dollars and sixty nine cents in from aforesaid by the Court assessed, and also her costs and charges in this behalf expended and have execution therefor.

And thereupon, the said defendants by their Attorneys aforesaid pray an appeal to the Supreme Court of the State of Illinois, which is allowed them on filing Bond in Three Hundred Dollars, with Van H. Higgins or James H. Rice as security. Bond and Bill of Exceptions to be filed in ten days.

And afterwards, to wit, on the Second day of February in the year last aforesaid, the said Richard K. Swift and James S. Johnston by their said attorneys, filed in the office of the Clerk of said Court, their appeal Bond,

which said Bond is in the words and figures following to wit.

Know all men by these presents, That we Richard K. Swift, James S. Johnston & Wm. H. Higgins, are held and finally bound unto, Catherine Nowlan, in the penal sum of Three Hundred Dollars, for payment of which, well and truly to be made, to said Catherine Nowlan her 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 First day of February 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 Catherine Nowlan was plaintiff and said Richard K. Swift and James S. Johnston impleaded with Lyman P. Swift, were defendants, the said plaintiff on the First day of February A.D. 1858, recovered a judgment against the said defendants, Richard K. Swift and James S. Johnston, for the sum of ninety two Dollars damages, besides costs of suit, from which said judgment, Richard K. 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 judgments, 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.

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 copy of all the orders had and entered of Record in said Court, and of the appeal Bond filed in my office on the Second day of February A.D. 1858, in the case wherein Catherine Nowlan is plaintiff, and Richard H. Swift James S. Johnston impleaded with Lyman P. Swift are defendants, and I do further certify that no transcript of said case has been taken to the Supreme Court.

In Testimony Whereof I hereunto subscribe my name and affix the Seal of said County at Chicago in said County this 14th day of May A.D. 1858.

Walter Kimball Clerk

Look to, Chapman Pleas.

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Catharine Howland

Richard H. Smith
et al.

~~#8~~ 13829

Cent Copy Order to.

Filed May 19. 1858
L. Leland
clerk

Indt. \$92.69

Dgs \$9.26

py 31/51

260

Fees \$1.50