

No. 13795

# Supreme Court of Illinois

Jackson

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vs.

Swift

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

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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 holden at the Court  
House in the City of Chicago in said County on  
the first Monday being the second day of February  
in the year of our Lord one thousand eight hundred  
and fifty eight and of the Independence of the  
United States of America, the eighty second

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Present the Honorable John M. Wilson . . . Judge  
Carlos Haven . . . . . Prosecuting Attorney  
John L. Wilson . . . Sheriff of Cook County

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Attest

Walter Kinbale, Clerk

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Be it remembered that heretofore to wit on the twenty third  
day of March in the year of our Lord one thousand eight-  
hundred and fifty eight the following among other  
proceedings, were had in the said Cook County Court

( 1 )

of Common Pleas, in a certain suit then pending therein,  
wherein James Jackson is Plaintiff and R. K. Swift and  
others, Defendants.

" James Jackson . . .

vs

Richard, K. Swift, Symon } Affr

P. Swift & James, S. Johnston }

And now at this day comes the  
said Plaintiff by Mrs Spencer his Attorney and the said  
Defendant Richard, K. Swift and James S. Johnston co-  
impleaded with Symon, P. Swift, by Scates, Mr Allister  
Jewett & Peabody their Attorneys also come, and the Court  
having heard argument of Counsel on the Demurrer of the said  
Defendants to the Declaration of the said Plaintiff filed herein  
being fully advised in the premises overrules the said Demurrer  
and thereupon the said Defendants, Elect to stand by their said  
Demurrer, and being called three times severally solemnly in  
open Court comes not nor does any person for them or either of  
them but they herein generally make default Which is in Motion  
Ordered to be taken and entered for want of a Plea, Wherefore  
the said Plaintiff ought to have and recover of the said  
Defendants Richard, K. Swift and James S. Johnston  
impleaded with Symon, P. Swift his damages sustained herein  
by occasion of the premises.

And the Court having heard the allegations and proofs  
submitted and being fully advised in the premises now

assesses the damages of the said Plaintiff to the sum of Seven hundred dollars,

Therefore it is considered that the said Plaintiff do have and recover of the said Defendants Richard, K. Swift & <sup>James</sup> ~~Lyman~~ J. Johnston unpleaded with Lyman, J. Swift his damages \$700.00 of Seven hundred dollars in sum aforesaid by the Court assessed and also his Costs and charges by him about his suit in this behalf expended and have execution therefor.

And thereupon the said Defendants Richard, K. Swift and James, J. Johnston pray an Appeal to the Supreme Court of the State of Illinois, which is allowed to them on their filing their Appeal Bond in the sum of One thousand dollars to be approved by the Judge of this Court, the Bond and Bill of Exceptions to be filed in Ten days from this date.

And thereafter on the twenty seventh day of March A. D. Eighteen hundred and fifty eight the said Defendants accordingly filed in the Office of the Clerk of said Court, their Appeal Bond; which said Bond is in the words and figures following, that is to say.

" Know all Men by these Presents That we Richard, K. Swift and James, J. Johnston & Wm. H. Higgins are held and firmly bound unto James Jackson in the penal sum of One thousand dollars for payment of which well and truly to be made to said James Jackson his heirs or assigns

we bind ourselves jointly and severally, our heirs executors  
and administrators jointly by these presents. Sealed with our  
seals and dated this Twenty, seventh 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 James Jackson was Plaintiff and said Richard  
K. Swift and James L. Johnston impleaded with Symon  
P. Swift were defendants, the said Plaintiff on the Twenty  
third day of March A.D. 1858 recovered a Judgment against  
the said Defendants Richard, K. Swift and James, L. Johnston  
for the sum of Seven hundred dollars damages, besides costs  
of suit from which said judgment Richard, K. Swift and  
James, L. Johnston 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 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  
March 27<sup>th</sup> 1858.

R. K. Swift (Seal)

J. L. Johnston (Seal)

Van H. Higgins (Seal)

State of Illinois  
Cook County . . .

Walter Kimball Clerk of the Cook County  
Court of Common Pleas, within and for the County and State  
aforesaid do hereby Certify the foregoing to be a true and  
Correct Copy of the Order of Judgment Entered of record  
in said Court, together with the Appeal Bonds filed in my  
Office in ~~the~~ a certain suit heretofore pending in said Court  
wherein James Jackson was Plaintiff and Richard L  
Swift and others were defendants.

In testimony whereof I the said Walter  
Kimball have hereunto set my hand and  
affixed the Seal of said Court at Chicago  
in said County this twenty fourth day of  
March A. D. 1859  
Walter Kimball



375  
State of Illinois  
Cott County  
Court of Common Pleas

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James Jackson

v

R. K. Swift Et als

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Transcript

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Move to dismiss

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Filed May 14, 1860

L. Leland  
Clerk

\$700.00

\$25.00 Exp

13795