

No. 13875

# Supreme Court of Illinois

Edwards

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vs.

Swift, et al.

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71641  7

United States of America

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

Pleas, before the Honorable George Manis

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 Eight Second

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

Carlton Haven States Attorney.

John L. Wilson Sheriff of Cook County.

Attest: Wm L. Church Clerk.

Be it remembered that heretofore, to wit, on the 22<sup>nd</sup> 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—

John R. Edwards

Demand \$ 80<sup>00</sup>

vs  
Richard R. Swift

Nov 20<sup>th</sup> /57. Summons issued

Lyman P. Swift &

to Bogue, Constable, returnable

James S. Johnston

Nov 25<sup>th</sup> 8 a m. Returned.

served by reading to R. R. Swift and Johnston, the other Defendant not found, Nov 20<sup>th</sup> /57. Nov. 25<sup>th</sup> /57. case called for Trial. Defendants fail to appear, suit being on certificate, and judgment was rendered in favor of Plaintiff, and against the Defendants R. R. Swift and J. S. Johnston,

impleaded with L. P. Swift for the amount of

J P costs paid  
by Defts

Judgment: \$ 80<sup>00</sup>

+ costs

Nov. 25<sup>th</sup> /57. Defts R. R. Swift and Johnston pay  
appeal and file Bond with Wan. H. Higgins as  
security, which is approved, and appeal allowed.  
appeal taken to the Circuit Court of Cook  
County.

Justice Fees  
Doc 12 1/2  
Sums 18 1/2  
Order 25  
Judgt 25

Bond & app 50  
Transcript 50  
paid for judgt 150

Const. Bogue  
Fees. 150

State of Illinois }  
Cook County } p.

I certify the foregoing is a true Transcript of all the proceedings before me, in the above entitled cause, from my Docket, and that said Transcript and the papers herewith transmitted to said Court, contain a full and perfect statement of all the proceedings before me—

December fourth 1857.

Calvin D'Wolf   
Justice of the Peace.

And afterwards to wit, on the day and year last aforesaid, to wit, December 22<sup>nd</sup> A. D. 1857. there was filed in the office of the clerk of the Court aforesaid, a certain writ of summons, which, with the endorsement on the back thereof, is in the words and figures following, to wit—

State of Illinois }  
Cook County } p.

The People of the State of Illinois, to any Constable of said County, Greeting,  
You are hereby commanded to summon Richard B. Swift, Lyman P. Swift, and James S. Johnston, to appear before me at my office in South Chicago, on the 25<sup>th</sup> day of November, A. D. 1857. at 8 o'clock A. M. to answer the com-

plaint of John R. Edwards, for a failure to pay him a certain sum not exceeding one hundred dollars, and hereof make due return as the law directs—

Given under my hand and seal this 20<sup>th</sup> day of November, A. D. 1857.

Calvin D'Wolf   
Justice of the Peace

Served by reading to the within-named Richard K. Swift, and James S. Johnston, this 20<sup>th</sup> of November, 1857. Lyman P. Swift not found—  
Fees \$1.50.

C. Bogue  
Constable

And afterwards to wit, on the said 22<sup>nd</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, Richard K. Swift, and James S. Johnston, ~~and~~ as principal, and Van H. Higgins as security, of the county of Cook, in the State of Illinois, are held and firmly bound unto John R. Edwards, in the penal sum of one hundred and eighty 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 25<sup>th</sup> day of November, A. D. 1857.

The condition of the above obligation is such, that whereas the said John B. Edwards did on the 25<sup>th</sup> day of November, A. D. 1857. before Calvin D'Wolf, a Justice of the Peace for the said County of Cook, recover a judgment against the above bounden Richard B. Swift and James S. Johnston, impleaded with Lyman P. Swift, for the sum of eighty Dollars, besides costs of suit, from which judgment, the said Richard B. 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 B. 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 }  
 my office this 25<sup>th</sup> }  
 day of November, 1858 }

C. D. Wolf  
 Justice of the Peace

R. B. Swift (seal)  
 J. S. Johnston (seal)  
 Wm. H. Higgins (seal)

And afterwards to wit, on the same 22<sup>nd</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 A 2415.

State of Illinois  
 R. H. Swift  
 Brothers &  
 Johnston  
 Chicago  
 Swift, Ransom & Co  
 New York

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

Chicago Sept. 19. 1857.

John R. Edwards has deposited with us, Eighty Dollars, in funds as stated below, to the credit of himself, to be paid in like funds, to his order hereon -

Currency \$ 80  
 Gold \$ ~  
 \$ 80.  $\frac{40}{100}$

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

And afterwards, to wit, on the same 22<sup>nd</sup> day of December, in the year last aforesaid, the said Plaintiff, by George F. Crocker Esq. his attorney, filed in said court, his appearance, which is in the words and figures following, to wit-

John B. Edwards  
 vs  
 Richard E. Swift  
 and James S. Johnston  
 impleaded with Lyman  
 P. Swift

In Cook County  
 Circuit Court.  
 Of the January Term,  
 1858.

And now comes the said  
 Plaintiff, by his Attorney, George F. Crocker, and  
 enters his appearance in this cause—

George F. Crocker  
 Plaintiffs Attorney

And afterwards, to wit, at the January  
 Special term of said court, to wit, on the 15<sup>th</sup>  
 day of January, A. D. 1858. the following, among  
 other proceedings, in said Court, were had and  
 entered of record, to wit—

John B. Edwards  
 vs  
 Richard E. Swift  
 Lyman P. 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, <sup>by him</sup> in this behalf expended, and have execution therefore.

And afterwards to wit, at the same Term of said Court last aforesaid, to wit, on the 16<sup>th</sup> day of January, in the year last aforesaid, the following among other proceedings in said Court, were had and entered of Record, to wit-

John R. Edwards	} Appeal
as	
Richard H. Swift	
Lyman P. 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

8  
said court, their certain appeal bond, which  
is in the wads 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  
John R. Edwards, in the penal sum of Three  
Hundred Dollars, for payment of which well  
and truly to be made to said John R. Edwards,  
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  
John R. Edwards is Plaintiff, and said Swift  
and Johnston and Lyman P. Swift are de-  
fendants, the said plaintiff on the Thirtieth  
day of January, 1858. recovered a judgment  
against the said Defendants Richard R.  
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 Eighty Dollars, damages, besides  
costs of suit, rendered by Calvin De Wolf 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 bounden Defendants  
shall well and truly pay the judgment, costs, in-  
terest 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-

R. 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 &  
entered of record  
in a certain cause  lately pending in said Court on the  
Common Law side thereof, wherein John R  
Edwards is Plaintiff and  
Richard H. Swift et al are 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. 1885

Jun 2, 1885

Wm L Church  
Clerk.

John R. Edwards  
358  
Richard H. Swift *Chad*

Record

13875

Filed May 18. 1858  
S. Deland  
blk

paid \$ 8000  
deposited 800  
pg 315

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Dec 2. 35 P<sup>2</sup> 4 *Chad*