

No. 12812 $\frac{1}{2}$

Supreme Court of Illinois

Holmes.

vs.

Swift.

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[Faint, illegible handwriting]

Filed May 26, 1858.

L. Leland

Pat. N. H. 75,08 © E. L.

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State of Illinois }
County of Cook } ss.

Hear 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 Vacation 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 Fourth day of January
in the year of our Lord one thousand eight hundred
and fifty eight, and of the Independence of the United
States, the Eighty Second.

Present the Honorable John M. Wilson Judge
John L. Wilson Sheriff
Attest Walter Kimball Clerk.

Be it Remembered, That on the Seventh day of
January in the year of our Lord One Thousand Eight
Hundred and fifty Eight, 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:

Luther Holmes

vs

Appeal

Richard H. Swift

& J. S. Johnston impleaded with Lyman P. Swift

This day comes
the said plaintiff by Henry Clements Hoar his attorney
and it appearing to the Court that said defendants
impleaded with Lyman P. Swift have failed to file their
affidavit of merits on their appeal herein. It is there-
fore ordered, on motion of said plaintiff that this appeal
be dismissed at defendants cost, for want of affidavit
of merits, and that a writ of Proceidens do issue
to the Court below,

Therefore it is considered that said plain-
tiff do have and recover of said defendants his costs
and charges, in this Court and Court below, in the
behalf expended, and have execution therefor.

And afterwards to wit, on the Twentysecond day of
January in the year last aforesaid, said day being
also one of the days of said January Term of said Court
the following, among other proceedings were had in
said Court and entered of Record, to wit,

Luther Holmes

Appeal.

Richard H. Swift, - J. S.
Johnston impleaded with dynamo P. Swift

And now at
this day again comes the said defendants, impleaded
as aforesaid, by their attorney George Scoville, and
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 as
security.

And afterwards, to wit, on the same day
and year last aforesaid, the said defendants filed in
the office of the Clerk of said Court their Appeal
Bond in the words and figures following, to wit,

Know all men by these Presents, That we Richard
H. Swift, James S. Johnston, & Van H. Higgins are
held and firmly bound unto Luther Holmes in the
penal sum of Three Hundred Dollars, for pay-
ment of which, well and truly to be made to said
Luther Holmes, his heirs or assigns, we bind our-
selves jointly and severally, our heirs, executors
and administrators firmly by these presents.

Sealed with our seals and dated this nineteenth day
of January 1858,

The condition of this obligation is such
that whereas, in a certain suit in the Cook County

Court of Common Pleas, State of Illinois, wherein
said Luther Holmes is plaintiff, and said Swift
and Johnston, and Seymour Swift are defendants
the said plaintiff on the Seventh day of January
1858, recovered a judgment against the said de-
fendants, R. K. Swift & J. S. Johnston, dismissing
their appeal, taken to said Court of Common Pleas,
from a judgment in said suit against them for the
sum of Ninety five ⁰⁰/₁₀₀ Dollars, damages, besides costs
of suit rendered by Calvin D. Wolf Esq, a Justice of the
Peace of said County, from which said judgment,
dismissing said appeal, said last named defend-
ants have prayed an appeal to the Supreme Court
of the State of Illinois. which appeal has been grant-
ed, 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.

R. K. Swift Seal
J. S. Johnston Seal
Sam H. Higgins Seal

State of Illinois
County of Cook W. 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 22nd day of January A.D. 1858. in the case wherein Luther Holmes is plaintiff and Richard K. Swift and James S. Johnston impleaded with Leonard P. Swift are defendants, and I do further certify that no transcript of said case has been taken to the Supreme Court.

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

Walter Kimball Clerk

