

12656

No. _____

Supreme Court of Illinois

Swift, et al.

vs.

Kelly.

No 318. 377

318

R. N. Swift - et al

Jas. Kelly

on Mo to dismiss

Appeal

Suggestions as

Amicus Curiae

Filed May 4, 1858

W. Leland
clerk

1858

12656

In Supreme Court April term 1858.

R. H. Swift et al	}	Appeal On motion to dismiss Appeal
Ats Jas Kelly		

N. B. Scates as Amicus Curiae
~~He defends~~ resists the motion to dis-
miss the appeal on the following grounds: viz:

- 1st The appeal was taken to the April term of
this Court 1857 - and this Court at this
term has no jurisdiction of this appeal
Per stat 45 p 420. sec 51. H. Cam R 286.
- 2nd If this Court can now examine this record
for the purpose of dismissing this appeal,
it can also now try this cause.
- 3rd The judgement of affirmance is a judg-
ment for the debt in the court below
and the amount of the bond is made suf-
ficient to cover the judgement below
- the condition is to cover the judgement
in the Circuit Court
- 4th The appeal was taken on the 27th day
of March 1858.

5th One or more plaintiffs or defendants may take an appeal.

Rev stat '45 p 324 ~~see~~ 63.

" 420 " 51.

And may use the name of Co defendants for that purpose.

W. B. Seates

Counsellor of Sup. Court