No. 12193

Supreme Court of Illinois

Bancroft

vs.

People

71641 7

State of Illinois }
County of Cook } L. D. Wilkinson and T. Ballingall hereby certify that they acted as prosecuting Attorneys in the above case, and that they verily believe, and it is their opinion that the following record contains a full and true history of all the proceedings had in the above case.

Dated this 27th day of February 1855.

I drew the indictment but was not present at trial and took no part in prosecution

T. Ballingall
States Atty pro tem:

I was prosecuting counsel as Vanplorcum after the trial of Pevers.

L D Wilkinson

[12193-1]

State of Illinois
County of Cook } ss
City of Chicago

Pleas before the Honorable Robert J Wilson Recorder of the said City of Chicago and presiding Judge of the Recorders Court of said City at a term thereof began and held at the Court House in said City of Chicago on the first Monday of February it being the fifth day of February in the year of our Lord one thousand eight hundred and fifty five and of the Independence of the United States the Seventy ninth

Present Honorable Robert J Wilson Recorder
Daniel M Sloy States attorney
James Andrews Sheriff
Attest Philip A Boyne Clerk

Be it remembered that afterwards to wit on the day and year last aforesaid of the same February Term of said Court

The Sheriff of Cook County returned into Court

[12193-2]

the venire for a Grand Jury issued from the names selected by the Common Council of the City of Chicago in pursuance of the provisions of the act of the General assembly of the State of Illinois creating the Recorders Court of the City of Chicago served by summoning the following named persons to wit G T Abby James Morgan James Long S R Ball William Butts James M Lowe A N Holden, Edward M Cornell W M Butler, George C. Cook, T Eggleston, A H Hoge, E B Kellogg T T Stafford, John B Busch, J H Leavenworth George Taylor T Benz and James Carney: Who upon being called answered to their names as following to wit George T Abbey James Morgan S R Ball William Butts James M Lowe Edward M Cornell W M Butler, George C Cook T Eggleston, A H Hoge, John B Busch, George Taylor, T Benz James Long and James Carney Whereupon for sufficient reasons made known to the Court James Carney and James Long were excused from further attendance as Grand Jurors at this term

The following

named persons were returned on the venire "Not found" to wit J P Stafford James Gamble Robert Smith Jno. T Smith and J D Dwyer

It is Ordered by the Court that attachment issue for the bodies of C A Holden E B Kellogg and James H Leavenworth returnable at two o Clock P M at the coming in of the Court this afternoon they having been duly served with process as Grand Jurors

It is further Ordered by the Court that a Special venire issue for six good and lawful men to complete the panel of the Grand Jury returnable forthwith which was duly returned served by the Sheriff of Cook County executed by summoning the following named persons to wit who upon being called answered to their names as following to wit J A Howe James McKee J H Aiken George Anderson J J Grannis and Theodorus Doty whom together with George Abbey James J Morgan J R Ball William Betts, James M Lowe, Edward McConnell, Wm M Butler, George C Cook J Eggleston A H Hoyt John E Busch

George Taylor and J Berg who gave their attendance at this term and were duly sworn in as a Grand Jury in and for the body of the City of Chicago in the County and State aforesaid and the Court having appointed Theodorus Doty one of their member Foreman and they having received the charge of the Court retire to consider of their present ments

And now to wit on the Seventh day of February in the year last afore said at the term aforesaid the Grand Jury come into Court and among other presentments made the following presentment endorsed a true Bill to wit

The People &c

16 v. Larceny

George Van Blariken
alias George Bancroft
and Edward Sowers

Which said Indictment is in words and figures following to wit

State of Illinois
City of Chicago } SS
Cook County

Of the February Term of the Recorders Court of the City of Chicago in said State and County in the year of our Lord one thousand eight hundred and fifty five

The Grand Jurors chosen, selected and sworn, in and for the City of Chicago in the County of Cook and State of Illinois in the name and by the authority of the people of the State of Illinois upon their oaths present that George Van Blarikem alias George Bancroft and Edward Powers late of said City on the sixth day of February in the year of our Lord one thousand eight hundred and fifty five in said City of Chicago in the County and State aforesaid one watch of the value of thirty dollars one watch chain of the value of eight dollars one pocket of the value of two dollars four pieces of gold coin called twenty dollar gold pieces of the value of twenty dollars each one Bank Bill of the payment of ten dollars and of the value of ten dollars six Bank Bills for the payment of five dollars each and of the value of five dollars each, one Bank

[12193-4]

Bill for the payment of two dollars and of the value of two dollars six pieces of gold coin called half eagles of the value of five dollars each eight pieces of gold coin called quarter eagles of the value of two dollars and fifty cents each, and four pieces of gold coin called double eagles of the value of twenty dollars each, the personal goods of Albert G Deshon then and there being found, did then and there feloniously steal take and carry away, contrary to the Statute and against the peace and dignity of the same people of the State of Illinois

J Ballingall
States Attorney
Pro tem.

And on the back of said Indictment is the following endorsement Viz "P. Gen. No. 643. Recorder's Court of the City of Chicago February Term 1853. The People of the State of Illinois vs Geo. Van Blarikin alias George Bancroft and Edward Powers. Indictment for Larceny. A true Bill. Theodore Doty, Foreman of the Grand Jury. Witnesses. Albert G Deshon F. Pettis G. A. Patterson. R. E. Goodrich Josiah McDonnell, C. P. Bradley, E. H. Willard John Bunger, Wm. Church. Filed Feby. 7. AD. 1853.
J A Boyne Clerk.

And afterwards Viz. on the same day and year last aforesaid at the term aforesaid the following proceedings among others were had, and entered of Record which said proceedings are in words and figures following Viz.
The People &c.

vs

George Van Blarikon alias — Larceny
George Bancroft and Edward Powers

And now at this day come the said defendants by R. S. Blackwell Esq. and move the Court for a severance trial in this cause, which is allowed by the Court. And afterwards to wit, on the twelfth day of February in the year last aforesaid at the term aforesaid the following among other proceedings very had and entered of Record in the Court aforesaid which said proceedings are in the words and figures as follows to wit.

The People
as Larceny
George Van Blarikon alias George Bancroft impleaded with Edward Powers.

This day come into open Court Albert G. Deshon as principal and acknowledges himself to owe and be indebted unto the People of the State of Illinois in the penal sum of Five hundred dollars to be levied of his Goods and chattels lands and tenements respectively. Yet to be void upon the consideration that the said Albert G Deshon shall personally be and appear before the Recorders Court of the City of Chicago now in Session at the Court House to testify and the truth to speak in a certain case now pending in said Court wherein the People of the State of Illinois are plaintiffs and George Van Blarikon alias George Bancroft impleaded with Edward Powers is defendant and shall abide the order of said Court and not depart the same without leave otherwise to be and remain in full

[12193-5]

force and effect.

And now towit on the thirteenth day of February in the year last aforesaid in the Court aforesaid the following proceedings among others were had and entered of Record which said proceedings are in words and figures as follows towit.

The People &c

vs Larceny

George VanBlariken alias George Barcroft impleaded with Edward Powers.

This day came the said People by L. D. Wilkinson Esq. prosecuting Attorney pro tem. and the said defendant as well in his own proper person as by L. S. Blackwell Esq. his counsel also comes. and the said Defendant by his counsel move the Court for a change of venue to the next county in this cause. and the Court having heard the arguments thereon orders that the same be overruled to which overruling by the Court the said defendant by his counsel then and there excepts.

And now come the said People by their said Prosecuting Attorney and the said defendant as well in his own proper person as by his Counsel aforesaid also comes. and he being furnished with a copy of his Indictment. a list of the Jury and Witnesses and he being duly arraigned and forthwith demanded of and concerning his crime alleged against him in the said Indictment how he would acquit himself. for plea herein in this behalf says that he is not guilty in

the manner and form as he is charged in the Indictment and of this he puts himself upon the Country. and the People do the like. and issue being joined it is ordered by the Court that a Jury come. thereupon come the Jurors of a Jury of good and lawful men to wit. Danforth Johnson. L. Doyle. J. R. Waywood. J. M. Green. D. C. Rawleigh. D. N. Howard. and Wilsey. G. A Johnson. D. J Lake. George C Rep. J. A. Bacon. and Sid" Caswell who being duly elected tried and sworn well and truly to try the issue joined between the parties according to law. and the evidence. and they hearing the testimony of the witnesses arguments of Counsels and instructions of the Court. retire in charge of an Officer of the Court to consider of their verdict and afterwards come into court and say. We of the Jury find the Defendant guilty in the manner and form as he is charged in the Indictment. we find the value of the property taken to be one hundred and sixty dollars. and fix the term of his imprisonment at four years in the Penitentiary of this State at Alton.

Thereupon it is ordered by the Court that the said defendant be remanded.

And afterwards to wit on the twenty second day of February in the year aforesaid and at the term aforesaid the following among other proceedings were had. and entered of Record. which said proceedings are in words and figures following to wit.

[12193-4]

The People &c

vs

Larceny.

George Van Blariken alias George Bancroft
impleaded with Edward Powers

This day come the said People by P. Ballingall prosecuting Attorney pro tem. and the said defendant as well in his own proper person as by his Counsel R. S. Blackwell also comes. and now neither the said defendant nor his Counsel for him saying anything further why the Sentence of the Court should not now be pronounced upon him on a verdict of guilty heretofore rendered in this cause.

Therefore it is ordered and adjudged by the Court that the said defendant George Van Blariken alias George Bancroft be taken from the Bar of this Court to the Common Jail of Cook County from whence he came. and from thence by the Sheriff of Cook County within fifteen days from and after the adjournment of this Court to the Penitentiary of this State at Alton and be delivered to the Warden or Keeper of said Penitentiary and the said Warden or Keeper is hereby required and commanded to take the body of the said George Van Blariken alias George Bancroft and confine him in said Penitentiary in safe and secure custody for and during the term of four years from and after the delivery hereof. one day of said term in solitary confinement. and the residue of said term at hard labor. and that he be thereafter discharged. It is further ordered by the Court that the said defendant pay all the costs of these proceedings

Exceptions.

The People
vs
George Bancroft alias
George Van Blaricum

In the Recorder's Court of the City of Chicago of the term of February A. D. 1853.
Indictment for Larceny.

Be it remembered that on this day and before the Jury were empanneled in this cause the defendant by his Counsel presented his petition and affidavits for a change of venue in this cause which said petition is in the words and figures following that is to say

People
vs
George Bancroft alias
George Van Blaricum

Larceny
February Term of the Recorder's Court
A.D. 1853.

To the Honorable Recorder's Court George Bancroft alias George Van Blaricum respectfully represents that he verily believes and fears that he will not receive a fair and impartial trial in the above entitled cause on the account that the minds of the inhabitants of the County of Cook in the State of Illinois are prejudiced against him. He further states that information of the above facts came to his knowledge this day. Wherefore he prays that said trial may be removed to the next County where the causes above complained of do not exist.

G. E Van Blaricum

State of Illinois
Cook County } George Bancroft alias George Van Blaricum being duly sworn deposes and says that all the allegations

[12193-7]

and representations contained in the above petition are true in substance and in fact.

Subscribed & sworn to before me this 13th. Feby 1853.

G. E. Van Blaricum

P. A. Boyne Clk Recorders Ct.

And thereupon moved the Court to grant the prayer of said petition. which said motion was heard by the said Court and overruled. It appeared that the States Attorney had notice of said motion. and was present in Court at the time of making the same. to which decision of the said Court in overruling said motion the said defendant by his Counsel then and there excepted. and prays that this his bill of exceptions may be signed and sealed. by the Court here and made a part of the Record in this cause which is done accordingly

R. S. Wilson (Seal)

February 13th. 1853.

Recorder &c.

People
vs
George Bancroft alias
George Van Blaricum

In the Recorder's Court of the City of Chicago February Term 1853.

Be it remembered that upon the trial of this cause. four jurors were called among whom were Aloyo A. Smith; Jacob H. Kingsley & Lewis Doyle who stated on examination by defendants Counsel that they were of the jury who tried Edward F Powers Indicted jointly with this defendant and had formed an opinion

& expressed it as to the guilt of the defendant but were accepted by the defendant and thereupon the Court of his own mere motion (and without having been challenged or accepted by the People) told said jurors to stand aside which they did. to which decision of the Court. the defendant by his Counsel then and there excepted. and prays that this his bill of exceptions may signed sealed & made a part of the Record. herein which is done accordingly

R. S. Wilson
Recorder &c.

February 13th 1855.

State of Illinois
County of Cook } ss
City of Chicago

I Philip A. Hoyne. Clerk of the Recorders Court of the City of Chicago in said County and State do hereby certify that the above and foregoing is a complete. true and correct copy of all the proceedings had and entered of Record in the above entitled cause wherein the People &c are plaintiffs and George Van Blarikem alias George Bancroft impleaded with Edward Powers is defendant as appears from the Records and papers on file in my Office

In witness whereof I have hereunto set my hand and the Seal of our said Court at Chicago this twenty second day of February in the year of our Lord eighteen hundred and fifty five

P. A. Hoyne Clk

[12193-B]

George Van Blaricum
— vs —
The People of the State of Illinois

In the Supreme Court of the State of Illinois Third Grand Division Of the term of June AD 1855.

And now comes the said George Van Blaricum by Blackwell, Ballingall and Underwood his attorneys, and says that in the record of the proceedings and in the rendition of the judgments aforesaid, manifest error hath intervened to his prejudice in this, to wit,

First It appears by the record aforesaid that the said Recorder's court erred in overruling the motion made by the said George Van Blaricum for a change of the venue in said cause.

Second It appears by the said record, that the said Recorder's court erred in setting aside Alonzo A Smith, Jacob H Kingsley and Lewis Doyle jurors accepted by the said George Van Blaricum.

Third It appears that the said court erred in rendering judgments for the said People, when by the laws of the land said judgments ought to have been rendered in favour

of the said George Van Blaricum Dect

And this the said George Van Blaricum is ready to verify by the said record when &c. Wherefore and for other errors appearing in the record of the proceedings aforesaid, the said George Van Blaricum prays that the said judgments may be reversed, annulled, set aside and for nothing esteemed, and that he may be restored to all things which he may have lost by occasion thereof &c

Blackwell Ballingall
& Underwood attys
for plaintiff in error

Let the writ of Error in the above case be made a supersedias. And it appearing that said plaintiff in Error is now in the custody of the Sheriff of Cook County under & by virtue of said judgment it is ordered that said plaintiff in Error be discharged from said custody upon his entering into a recognizance before the said Sheriff of Cook County in the sum of twelve hundred & fifty dollars with Doctor John Evans of Chicago as his surety, conditioned that the said plaintiff

[12193-9]

in Error will appear before the said Recorders Court and also before the supreme Court and abide by the orders of said Court as prescribed in section One hundred and ninety nine of Chapter thirty of the Revised Statutes Entitled "Criminal jurisprudence".

J D Caton
Just Sup Court Ill.

State of Illinois } Whereas it has been made to appear to the undersigned that the said plaintiff in Error has since the making of the above order been removed by the said Sheriff of Cook County to the penitentiary at Alton in the county of Madison in the state and that he is now confined in the said penitentiary and whereas it has been further made to appear to me that the bail required in the first order is insufficient; it is therefore ordered that the said plaintiff in Error be discharged from his said imprisonment upon his entering into a recognizance to the people of this state before the Sheriff of the said County of Madison where he is imprisoned in the sum of two thousand five hundred dollars with James Van Meticum and Floyd Higgins as his sureties, which recognizance shall be conditioned that the said plaintiff in Error shall appear at the next term of the said Recorders Court and at each subsequent term and also at the next term of the Supreme Court to be holden in the third district of said state on the first days of said Courts terms and file the transcript of this writ of Error and that he will be present and submit to such order as the supreme court may make in the premises and will not depart the court without leave.

See section 199 Crim. Code

J D Caton
Just Sup Court Ill.
Ottawa March 7th 1855.

Filed March 2d 1855.
A. Leland Clk.
By A. Wilson Dep.

Copy transmitted
Clk. Recorders Court
Cook with Clerk's Fees

Sheriff's Fees

State of Illinois, ss.

Supreme Court, Third Grand Division, at Ottawa:

The People of the State of Illinois,

To the Clerk of the ~~Circuit~~ Recorders Court of Cook — County, GREETING:

WHEREAS, in a certain plea between The People of the State of Illinois —— plaintiff-s and George Bancroft alias George Van Blancum — defendant, lately depending in the ~~Circuit~~ Recorders Court of said county, wherein judgment was rendered for the said People —— —————— and against the said Defendant — and the said Defendant having sued out a writ of error to reverse the judgment of said Court, rendered against him as aforesaid, to the Supreme Court, held at Ottawa, on the 2d Monday June last — and in pursuance of the said Writ of error — a transcript of the record and the proceedings in the plea aforesaid was transmitted. And, also, whereas it hath been suggested, on the part of said People —— that the said record has been diminished, inasmuch as a certified copy of the recognizance, ordered by Judge Caton to be taken or filed in said Recorders Court, —— hath not been sent up; and forasmuch as the said Supreme Court are not satisfied that there is a sufficient record sent in the plea aforesaid, but in the record there is a diminution: YOU ARE, THEREFORE, HEREBY COMMANDED, that, without delay, the said Copy — therein you cause to be transmitted to the Supreme Court, ~~to be~~ now held at Ottawa, ~~on the next~~ forthwith without any diminution or addition whatsoever, to the end that speedy justice may be done in the premises, according to law; whereof you are in no wise to fail; and send you then there this writ.

Walter B. Scates

WITNESS, the Hon. ~~Samuel H. Treat~~, Chief Justice of said Court, and the seal thereof, at Ottawa, this 5th day of July — in the year of our Lord one thousand eight hundred and fifty-five —

L. Leland Clerk of the Supreme Court.

(12192-12)

4

Bauer et alias Van Blaricum

v

People &c.

Certiorari —

Be it remembered that on the 8th day of March 1855 George Van Blaricum alias George Bancroft Resident of Indianapolis State of Indiana but now in the penitentiary of the State of Illinois in Madison County James Van Blaricum of Indianapolis aforesaid and Floyd Higgins of Cook County Illinois severally acknowledged themselves to owe ~~and be indebted~~ to the people of the State of Illinois the sum of twenty five hundred dollars lawful money to be made and levied of their several goods and chattels lands and tenements respectively if the said George Van Blaricum fail in the condition following that is to say: the condition of the above obligation is such that Whereas the said George Van Blaricum alias George Bancroft was on the twenty second day of February A D 1855 convicted by the Recorders Court of the City of Chicago of the crime of Larceny and sentenced to imprisonment in the penitentiary of the State of Illinois for the period of four years from and after his delivery to the Warden of said penitentiary and Whereas the said George Van Blaricum

alias George Bancroft hath sued out a writ of error to reverse said Judgment of conviction from the supreme Court of the Third Grand Division of said State and whereas the Honorable John D Caton one of the Justices of the said Supreme Court on an inspection of the Record of said conviction had ordered that the said writ of Error operate as a Supersedeas of the Judgment aforesaid and that the said George Van Blaricum alias George Bancroft be discharged from custody under said Judgment of conviction upon condition that he execute a recognisance with James Van Blaricum and Floyd Higgins as sureties conditioned according to the One Hundred and thirty ninth section of the 30th Chapter of the revised Statutes of the State of Illinois entitled Criminal Jurisprudence approved March 3d 1845 Now if the said George Van Blaricum alias George Bancroft shall be and appear before the Supreme Court of the State of Illinois for the 3d Grand division to be held at Ottawa on the second Monday of June next and submit to such order as the Court

may make in the premises and further that he will be and appear at the next term of the Recorders Court at the Court House in the City of Chicago Cook County Illinois on the 1st Monday of April next and at each subsequent term thereof on the first days thereof until the determination of said Writ of Error and shall not depart either of the said Court at any of the terms aforesaid without the leave of the said Courts respectively and shall submit to such Judgment as may be rendered in the premises then this recognizance to be void otherwise in full force.

Witness our hands and seals this 8th March 1855

Geo E Van Blaricum (seal)
James Van Blaricum (seal)
Floyd Higgins (seal)
Floyd Higgins (seal)

Witness J B Underwood

by J B Underwood his attorney in fact

Entered into and approved before me this 9th day of March A D 1855

John R Swain Shff Madison Co Ills
By S R Dolber Deputy

[12193-12]

Know all men by these presents that whereas George Bancroft alias George Van Blaricum was on the twenty second day of February A D 1855 convicted in the Recorders Court of the City of Chicago Illinois of the crime of Larceny and sentenced to the penitentiary of the State of Illinois for the period of four years from and after his delivery to the Warden of said penitentiary and whereas the said convict hath sued out a writ of Error upon said Judgment of conviction from the Supreme Court of the third Grand division of said State returnable at Ottowa in said division on the second Monday of June next and whereas the Honorable John D Caton one of the Justices of said Supreme Court hath upon inspection of said Record ordered said writ of Error to be made a supersedeas and the said convict to be discharged from said custody and whereas the Condition of such supersedeas and discharge from custody was the Execution of a recognizance by the said convict with the undersigned as Security in the penal sum of Two

thousand five hundred dollars con-
ditioned and conformely with the require-
ments of section one hundred and ninety
nine chapter thirty of the revised Statutes
of Illinois approved March 3d 1845
entitled "criminal Jurisprudence" and
whereas the Undersigned was executed a
bond which may prove defective and
being willing to execute in person or by
attorney such a bond as is required by
the said Statute

Now know all men by
these presents that I Floyd Higgins of the
City of Chicago County of Cook and
State of Illinois do hereby authorize
and empower Joseph P Underwood
to execute and deliver any bond which
may be necessary in compliance with
the order of the said Judge Caton
and the said Statute above recited
for the purpose of perfecting said super-
sedeas and discharging the said convict
from custody giving him the same
power which I might exercise if present
and hereby ratifying all and singular
his acts in the premises Witness my
hand and seal at Chicago this 6th day
of March A D 1855 Floyd Higgins (Seal)

The words "one thousand two hundred and fifty dollars" and the "dates" altered before signing

State of Illinois
Cook County

I Walter Kimball Clerk of the Cook County Court of Common Pleas hereby certify that Floyd Higgins whose name appears subscribed to the foregoing power of attorney and who is personally known to me to be the identical person who subscribed the same personally appeared before me and acknowledged that he had executed the same for the uses and purposes therein mentioned

In Testimony Whereof I have hereunto set my hand and the seal of said Court at Chicago in said County this day of March A.D. 1855

Seal

Walter Kimball
Clerk

And on the back of the said Recognizance is the following Endorsement to Wit:
Recorders Court of the City of Chicago

Filed March 12th 1853
P A Hoyne Clk

State of Illinois)
County of Cook) ss
City of Chicago)

I Philip A Hoyne Clerk of the Recorders Court of the City of Chicago in the County and State aforesaid Do hereby certify that the above and foregoing is a full true and correct copy of the recognizance an power of attorney on file in my office in a cause wherein the people of the State of Illinois are plaintiffs and George Van Blaricum alias George Bancroft is defendant;

In Witness Whereof I have hereunto set my hand and the seal of said Court at Chicago this 9th day of July A D 1855
P A Hoyne Clk

[12193-14]

Bancroft alias
vs
People &c.

Filed July 10. 1855.
A. Leland Clk.

4

Geo. Bancroft alias &c.

vs

The People &c.

4 P.D.

PAPERS

1855