

No. 12828

Supreme Court of Illinois

Gatchens.

vs.

People.

71641  7

14 90

Jacob H. Gutchins

63
The People

1490

12528

1859

State of Illinois }
County of Cook } 4.
City of Chicago } p

Shas before the Honorable
Robert J. Wilson, Judge of the Recorders Court
of said City, at a Term begun and held at the
Court House of the City of Chicago, County and
State aforesaid, on the first Monday of, it being
the fourth day of April in the year of our
Lord One Thousand eight Hundred and fifty
nine and of the Independence of the United
States the Eighth third.

Present Hon. Robert J. Wilson, Recorder
of the City of Chicago

Carlos Wesen States Attorney

John Gray, Sheriff of Cook County

Attest: Jos. W. C. Forrest, Clerk of said Court

Be it remembered that on the fourth day
of April in the year of our Lord eighteen Hundred
and fifty nine, it being the Term of Court
aforesaid, the following among the proceedings
were had and entered of Record in said Court,
which proceedings are in the words and figures
following to wit:

The Sheriff returned into Court
the Writ issued in pursuance of Law for a
Grand Jury, returned executed by summoning
the following named persons to wit:

Y. B. Finley
J. H. Darrows
Robt. Sheppard
John Turner
G. W. Deering
Eli Bates
Austin Haines
W. H. Woodward

W. H. Carter
Ludwig Heigler
Wm. Turner
Gnos Ayres
G. H. Hays
Math. Jackson
F. A. Howe
J. Talliba

2.
Jos. Willard
G. M. Speer
J. J. Speer
Hiram Jorg
J. R. Woot
A. H. Lee
M. P. Proctor

who upon being called answered to their names, and gave their attendance at this Term, and were duly sworn in as a Grand Jury for the body of the City of Chicago, in the County of Cook and State of Illinois, and the Court having appointed F. A. Howe, one of their number, as Foreman, and they having received the Charge of the Court retired to consider of their presentments.

And afterwards to wit: on the eight day of April in the year last aforesaid, it being one of the days of the April Term of the Court aforesaid, the following among the Proceedings were had and entered of Record in said Court, which said proceedings are in the words and figures following to wit:

The Grand Jury came into Court and made (among others) the following presentment endorsed true Bill to wit:

The People etc.

Jacob W. Gutchins

Pass. counterfeit money

which said presentment is in the words

and figures following to wit:

State of Illinois 3
Cook County 3 fs
City of Chicago 3

Of the April Term of the Recorders Court of the City of
Chicago in the County of Cook and State of Illinois
in the year of our Lord one thousand eight hundred
and fifty nine.

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 Jacob W. Gutshins late of said City,
on the twenty ninth day of March in the year
of our Lord one thousand eight hundred and fifty
nine in said City of Chicago in the County and
State aforesaid then and there having in his possession
a certain false forged and counterfeited bank bill
which said false forged and counterfeited Bank
Bill is as follows (so far as the same can be re-
forth by the said Grand Jurors) viz.

2

No. 2615

B E 23

The Delaware City Bank will pay
Two Dollars on demand to the
Bearer

July 1st 1858

two

Wm. Smith Cash.

Delaware City

G. Maxwell [TWO]

Pres

WMS

the same false, forged and counterfeited Bank
Bill aforesaid did then and there unlawfully
feloniously and falsely pass to one Jeremiah
Clowry then and there being as true and
genuine with the intention then and there to
damage and defraud the said Jeremiah Clowry
by the said Jacob W. Gutchins then and there
well knowing the same Bank Bill to be
false, forged and counterfeited contrary to the
statute, and against the peace and dignity of
the same people of the State of Illinois

Carlos W. Hays Attorney

Endorsed

A True Bill

F. W. Howe, Foreman of the Grand Jury

Witnesses

Francis A. Pierce

Jacob Haffner

Jeremiah Clowry

Nichols D. Shiff

N. V. Cook

C. B. Farnell

P. R. Forrest

And afterwards, to wit: on the thirteenth day
of April in the year aforesaid, the following
among the Proceedings were had and entered
of Record in said Court
People

Jacob W. Gutchins

Passing counterfeit
money

Having been indicted

with a Copy of his indictment and a list of
the jurors and witnesses, and he being now
duly arraigned for Plea says he is not Guilty.
And now ifue being joined it is ordered by
the Court that a jury come, thereupon comes
of good and lawful men
a jury, to wit:

Wm. J. Sundell

Wm. O. Small

W. C. Johnson

Fred. Guernsey

Robt. M. Fisk

J. W. Dexter

Lewis Dennis

Lewis B. Kelly

Wm. J. Harris

Charles Avery

Henry Pierce

Jos. Bailey

who being duly empannelled and sworn, and
then hearing the testimony of witnesses,
arguments of counsel and instructions of the
Court retire to consider of their Verdict, and
afterwards return into Court and for Verdict
say: We of the jury find the Defendant Guilty,
and fix the term of his imprisonment at
one year in the penitentiary of this State at
Albany. Thereupon the Prisoner is ordered
to be remanded.

And afterwards, to wit: on the
fifteenth day of April in the year aforesaid,
the following among the Proceedings were
had and entered of Record in said
Court:

People

6.

"
Jacob W. Gutshuis

Passing counterfeit money

This day comes the said
Defendant by his counsel, and files a motion
for a new Trial herein.

And afterwards to wit: on the eighteenth
day of April in the year aforesaid, the following
among the Proceedings were had and
entered of Record in said Court:

People

"
Jacob W. Gutshuis

Passing counterfeit money

It is ordered by the Court,
that the motion for a new Trial heretofore
made herein by Defendants Attorney be and
the same is hereby overruled.

And afterwards and on the same
day as aforesaid the following among the
Proceedings were had and entered of Record
in said Court:

People

"
Jacob W. Gutshuis

Passing counterfeit money

This day comes the
counsel for the said Defendant and files
his bill of exception herein.

And afterwards, and on the
same day as aforesaid, the following among

the Proceedings were read and entered of Record
in said Court.

People

Passing counterfeit money

Jacob W. Gutschin's

And now again come the said
parties with their counsel and neither the said
Defendant nor his counsel for him saying anything
further, why the Judgment of the Court should
not now be pronounced against him on the
Verdict of Guilty heretofore rendered herein.

Therefore it is ordered and adjudged
by the Court, that the said Defendant 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 said County
within ten days of the Date hereof 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 Defendant Jacob W. Gutschin's and
confine him in said Penitentiary in a safe
and secure custody for and during the Term
of one year from and after the delivery
hereof, and all 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 and that execution
be given therefore.

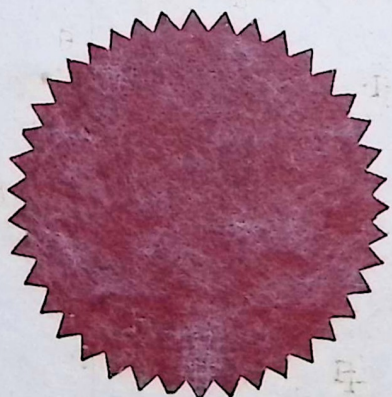
State of Illinois }
Cook County }
City of Chicago } J.

Joseph H. C. Forrest
Clerk of the Recorders

Court of the City of Chicago, County and State
aforesaid, do hereby certify, that the above
is a full and true Transcript of the Proceedings
entered of Record ^{in this Court} in the case of The People et
al Plaintiffs and Jacob H. Gutshuis Defendant.

In testimony whereof I have
hereunto set my hand and
affixed the seal of this Court
this 20th day of April A.D.
1854

Joseph H. C. Forrest
Clerk



(Bill of Exceptions)
Records Court of the City of Chicago

Jacob H. Gutching

vs

The People of the
State of Illinois

And afterwards to wit on the 13th day
of April 1839 at the Court House in the
City of Chicago in the County of Cook aforesaid
Before Robert Stilesau Judge of said County
Came as well the said Jacob H. Gutching with
his attorney & Counsel as the said People by their
said State Attorney Carlos Haven And the
jurors of jury being also called & came
being twelve good true and lawful men of the
City of Chicago aforesaid and being duly
qualified were sworn by the Clerk of said
Recording Court in the usual form to
try the issue between The People of the State
of Illinois and the prisoner at the bar:

The People to prove their said case or indictment
Then called as their first witness

Francis A. Perce who being sworn in usual form testified
as follows - I reside on the corner of Halsted Street
& 12th Street in this City - have seen Defendant
before two weeks ago Yesterday first time - he
came to my store - he wanted paper - I put
at his request 12 sheets of foolscap - he handed

me that Bill (Bill handed to witness Bill purporting to be a \$2 bill of Delaware City, Bank-Kangaz) it was new. I had my suspicion I took my detector - Could not find it reported - I took this piece out of the bill - I then went into the saloon again and found a later detector - and found that Bill laid down as a fraud - I came back in my store and told Defendant to look at the detector and he would under the head of Kangaz find it laid down as a dangerous fraud and counterfeit - I told him to go and get the Captain of the Police and have the man arrested that passed the bill upon him - he then left the store - I followed him - I next saw him at the corner of Halsted Street - I had got an officer to arrest him - he was pointed out - he was taken by the officer to Mrs. Blowry's store and searched - he took out his pocket Book all good money - (his pocket Book produced & identified) Among the money I saw two \$1 Bills - these bills (bills handed to witness) Wabell Bank, Nebraska & sundry good bills Silver money, change \$1 or so - there was I call some \$10,50 cents in good money not counting these Nebraska Bills - that Rod (a party) (produced & opened a pack consisting of a pocket Book

11.

Walter a memorandum book (some letters receipts notes & contracts) was the things taken from his pockets - that is all I saw in his possession am a good judge of money - have been a merchant 19 or 20 years - he was in my store on Tuesday March 29th Mr Forrest was next called and being duly sworn usual oath)

I have been a Banker since 1854 am acquainted with Bank bills - and have been in habit of examining Bank bills to determine whether they were genuine or spurious from your knowledge state the character of that Bill? (Bill ~~handwritten~~ above mentioned) objected objection overruled & deponent excepted Answer - There is a Delaware City Bank in State of Delaware - this has Kangas in the corner - this bill is what I call a fraud - there is no bank like this in Kangas - I can't tell whether the original Bills show on their face the State of Delaware crop ex - This is not what I call a counterfeit this is what I call a fraud these are the same money Prs & Cash as are to the genuine bill

Re examined This is a counterfeit Bill so far as it refers to the Delaware City Bank of the State of Delaware - But this Bill is of Kangas crop ex resumed there is no Delaware City Bank

of this State - I know there is a Delaware City Bank of Delaware - I can't swear that is a counterfeit of the Delaware City Bank of Delaware - I am not very well acquainted with the bills of that Bank all bills of this State are countersigned & registered on the face -

Jeremiah Clowry - was next sworn on the part of the People - said I reside in this City - I saw the defendant March 29th last - he came in my store - and wanted 10 sheets of paper - I put up the paper he handed me that (~~Bill of like Character Delaware City Bank But of a different number from the one~~ above mentioned) I examined it in the detector & did not find it a counterfeit - I handed him back \$1 bill and 90 Cents in change - that is the Roll of paper I put up for him -

Question Did you see those ^{things} taken from the prisoners? A. to overrule & Defendant excepted - Yes these are the things (litter pocket book wallet &c (above mentioned)) Crops examined

I examined the detector with defendant he looked over with me - I asked him if it was good - he said it was - I looked for the State of Delaware - did not look for Kansas

13- after the arrest I looked at the detector it
does show that it is a Counterfeit
- I think the first he asked when he came in
the store was whether I had paper - I won't
say that he did not ask me if the bill
was good

Re examined

Then you looked on the detector was
the bill described as a Counterfeit? or for
over & Duff's Ex. I can't tell whether it was
described as Counterfeit or fraud one or the other

Richard Shippey was next sworn - said our
police ~~man~~ ^{Chief} - arrested him March 29th
Mr Percu was with me - we went after
arrest to Clowry's Store - then I searched
him - these are the things. I took from
his pocket in this package (letting me
above mentioned) found these 2 \$1.
Bank Bills - Wabash Bank Nebraska
& this good money - these papers are just
as they were taken from him -
at the Armory the Keeper had these things
& I saw him take from a letter in this
package this \$1 bill (a bill purporting
to be Off - Suspension Bridge), this was after
he was taken to the Armory
The People here offered in evidence

a letter hereto annexed marked exhibit "A" ^{which said letter was a copy of a letter written by the defendant to his attorney} the reading of which the defendant objected. Objection was overruled and said defendant excepted - letter read in evidence

The People then also offered in evidence letter hereto annexed marked exhibit "B" ^{which said letter was a copy of a letter written by the defendant to his attorney} - which was objected to by the defendant. Objection was overruled and said defendant excepted - letter read in evidence

~~And the Court then said that these rules that each party article paper letter money and thing taken from the prisoner (using the package & contents aforesaid) could be read in evidence & were free to the reading & inspection of the jury & the People could read what they choose to the jury and the defendant's counsel the same - & which ruling the defendant's counsel then said they excepted~~

Henry Sockayo was next sworn said - I reside on 12th Street. Saw Defendant the next day he was taken up in this matter - he was in my store two days before - he wanted to buy 10 cents worth of paper - I rolled up in brown paper the paper - he paid me with a two dollar bill this is the bill/witness produced like Bill to the first herein mentioned. except differently (numbered) we looked at the detector - I stated

to him that had not the State upon it -
 he said it had & pointed to the words "Delaware
 City Bank" I pointed it out & showed to him
 that it did not have the State upon it and told
 him that was not the State - after looking
 over the detector I came to the conclusion
 the bill was good & took & paid him his

Change - He took me to the description of the bill
 under head of State of Delaware
 Crop ex - he looked over the detector with me
 Charles B Farnwell, was next sworn - I have been in
 the habit of examining bills ^{for purpose of determining whether they were genuine} (Bill first herein
 mentioned handed witness)

I consider this bill a Counterfeit
 Crop ex -

I only know by reputation that there is
 such a Bank as Delaware City Bank - I
 could not describe their general - I
 pronounce this a Counterfeit from its
 own appearance and ~~not~~ from my
 recollection of the Delaware City Bank
 of Delaware ^{I have been in habit of receiving bills of that name from}
~~this bill purports to be of Kansas~~
 - There is no Delaware City Bank in this State
 - Bills are often issued by Eastern Banks
 for Western Circulation at a small per cent
 as interest on which often is printed or marked
 the name of the place at which the same is
 put in Circulation

Mr Wadsworth was sworn. Said this bill (above mentioned) I
 consider a Counterfeit of the Delaware City Bank of the State
 of Delaware

#

The following is one of the two bills introduced in evidence being the actual

Bill passed to Writing Lockage & Copy & fac Simile of the Bill upon which is brought except the bill in Indictment is No 26152

(The Clerk is requested to assign this bill as per to the record in this Cause for Supreme Court)



No. 3614

BB



THE

DELAWARE CITY BANK

Will pay **TWO DOLLARS** on demand to the Bearer.

July 1st 1858

TWO

TWO



Cash.

J. Magwell

TWO

KANSAS

James
Hauptmann

The Peoples Atty now offered in evidence the Bill Spoken of by the Witness Clowry & Pierce which was objected to by Defendant on the ground of Variance - ~~it being described in the indictment as "Delaware" City Bank - whenever the words Delaware - occurred on the face of the Bill in question~~ and which objection was overruled & Defendant then & there excepted - and the Court also ruled that the jury was a liberty to suspect & take in evidence also the bill produced & spoken of by the Witness Sockaps

The People here rested & gave ~~no other evidence~~ ^{giving with them for their personal & examination the} save leaving to the ~~package~~ ^{jury} Attys ~~present~~ ^{to} ~~produce~~ ^{produce} ~~contracts or receipts~~ ^{the} above mentioned which the Defendants Counsel had not time during the progress of the trial to examine & know their contents. Witnesses on the part of the Defence -

The Defendant Called ~~for~~
 Peter Boyce who being Sworn - said he knew the Defendants had known him for about 1 1/2 years - that Witness has resided in the City of Chicago for the last 7 or Eight years - the Defendant has been in my employ several months - I know his brother - he has been my foreman at my mill in Michigan before the Defendant was my Engineer - I had Steam Mill there - his brother last Summer worked in filling up this Court House

Fuller

17.

Squire as his foreman. was ~~Fuller~~ foreman in October last had charge of the job - I know his hand writing - (letter marked exhibit (A) heretofore mentioned) shown witness said the body of the letter & signature was the hand writing of ~~the~~ Brother of Defendant I know the fact that some time last fall the Gutchins Boys wanted to get a Shingle & Saw bolt Machine &c & go in that business & that Defendant's brother John H. who worked for Fuller went to Michigan City in that neighbourhood to see about the same. he was at Buchanan & New Buffalo ~~also~~ - Defendant worked for me some 3 or 4 months until I quit and then he worked for Fuller who took the mill & the sawpion - he quit a spell when he worked for me because of inflammation in the eyes - he was ~~then~~ trouble all last winter fall - they were very bad - he sent for Doctors "stuff" first - he doctored with Doctor Bushman at Buchanan a place on M.C. R Road East of New Buffalo - nearest place to my mills - he used of to send for medicine & stuff for his eyes - he used to write to his Brother ~~for~~ in regard to it - my place was back place hard to get at - finally he went & boarded with the doctor a spell & returned again & done what he could until he left there about 1st January last.

and came here - he could not work at his business - I do know of his being offered since he came here in this city good wages in a Blacksmith Shop - which he had to refuse because of their condition - I know of his sending several times last fall for Doctor stuff for his eyes - he has been troubled for long time with them - they have been getting better of late look better now

I know "Ed" Andrews, he also worked for me & after I left he worked for Mr. Fisher - he attended a Steam Engine in the mill some times as engineer -

I know this Mr. Fraser to whom this 2^d letter (above mentioned "B" hereto annexed) is directed. he has been my foreman - he last summer had the Kansas Saw mill near me - he was engaged to be fitting up machinery & making some improvements - he only hired the mill he was furnished sawed lumber &c to those who wanted - he was trying to get out a patent on an improvement & got a shop last fall & winter

Cop. Ex - John H. the brother I have known about 2 years John worked 10 months before his brother came -

~~The~~ Brothers have boarded with me this winter - have several ~~brothers~~ - Duff has been out of employment sometime - Mr. Parks boarded with me

19 (The two belly Supposed Counterfeit shown us the)
 Have ^{never} ~~you~~ seen these bills or bills like them
 in the possession of Defendant or his Brother
 re op -

After I left Deft boarded with Frasier

The above is all the evidence & proceedings
 on the trial herein & is a true & correct statement thereof
 - The Counsel for the Defendant has addressed
 ~~the jury~~ ~~the jury~~ ~~the jury~~ - And the
 Ally for the Prosecution Closed

And the Defendant Submitted to the
 Court the following instructions - And which
 were in the words of juries following viz -
 all of which the said Court refused to
 give to the jury except the first - to the refusal
 of which each instruction so refused the said
 Defendant then and then to each refusal
 excepted

Recorder Court
 Jacob H. Gutches }
 ad3
 The People }

The Counsel for the Defendant ask the
 Court to give the following Instructions

1
 The intent to defraud, is the gist of the ~~perjury~~
 Charge for uttering and publishing as true: false

Given

and Counterfeit Bank bills - and such intent in order to convict the Prisoner under this Indictment, must be proved as alleged therein

2

Refer to

That all persons transacting or doing business within the limits of the State of Illinois are bound to know, and obey her laws. Hence if the jury believe from the evidence that the Complainant in this Case Jeremiah Blowry took and received of and from the prisoner the bill in question being of a less denomination than five dollars - that he said Jeremiah Blowry, has not in a legal sense been defrauded - And the Prisoner cannot therefore be convicted on this Indictment

3

If the jury believe from the evidence that the bill in question is a false forged and counterfeit Bill of some Bank of an other State or Territory of the United States - then the prisoner cannot be convicted of ~~passing~~ passing such bill in this State with intent to cheat and defraud the Taker

4th

The Fraudulent intent being the gist of the charge in this Case, that intent cannot be gathered from the uttering or passing of the bill

in question - when the Complainant Clowry
 as well as the Prisoner ^{both knew or} was bound to know
 that it was and is unlawful to pass or receive
 a foreign bill of the denomination of the bill
 in question, in this State for the purpose of payment
 or circulation

5-

To constitute a fraudulent uttering of
 the Bank note in question it must not only have
 been put away as true, but that it must have
 been innocently received by the Taker

6

If the Jury believe from the evidence that at
 the time Defendant offered the said bill to
 Jeremiah Clowry and at the time he said
 I Clowry received it, that he believed so received
 it believing it to be a bill of less denomination
 than two dollars of a foreign State or Territory
 meaning some other State than Illinois. then the
 said Jeremiah Clowry being by Law prohibited
 from receiving ~~the same~~ it & knowing thereby
 knowledge that he received it in violation of
 the Statute the Dept is entitled to a verdict

7

To find the Defendant guilty the jury must find
 from the evidence that at the time Defendant
 passed the said Bill he knew it to be a counterfeit
 - that it was in fact a Counterfeit Bill - and

that he so passed it with such knowledge with the intent to cheat and defraud Jeremiah Clowry and that it was received by said Jeremiah Clowry and he at the same time believing it to be genuine

8

Referred If the jury believe from the evidence that at the time Jeremiah Clowry received the bill, he took the same as a foreign Bill, that is a bill of some other State or Territory other than the State of Illinois - then the law is for the defendant & he is entitled to an acquittal

By the Laws of this State circulation of foreign bills is prohibited

9

Referred If the jury believe from the evidence that Gatchins only knowledge of the bill was that it was a fraudulent Bill - then proof of such knowledge does not sustain the allegation of knowledge of its being a counterfeit. The jury must be satisfied beyond all reasonable doubt that the prisoner knew the bill to be a counterfeit at the time he passed it to Clowry and that Clowry & that Clowry he done so to cheat & defraud Clowry - and that ~~it was received by said Clowry~~ they must further find that the said bill is a counterfeit & that Clowry received it believing it to be genuine

The Prosecution asked the following instructions to the giving of which the Defendant then & there objected to each of them respectively & separately which objections were overruled & Defendant excepted

given
If from the evidence the jury believe the note in evidence is counterfeit and that the prisoner passed it as charged upon Serenus Clowry knowing it to be counterfeit and with intent to defraud said Clowry then he is guilty of the offence charged in the indictment

given
In our State the fact that a bill note is of a less denomination than \$5. and issued by a Bank out of this State does not change the nature of the offence, and it is as much forgery to make pass utter or publish such a note as though the note had been issued by a Bank of this State and had been of the denomination of \$5.

After the giving of the above instructions matters given - the jury retired in the charge of a sworn officer - afterwards returned into Court -

With a verdict of guilty and fixing the term of Imprisonment one year in penitentiary

The Defendant then upon filed his written motion for a new trial - specifying the following as error

1st That the defendant had not been arraigned
or permitted to plead - no issue was joined

2nd That the Court had erred in permitting incompetent & irrelevant matter to go to the jury

3rd & In overruling the defendant's exception
to the above instruction, ~~refused~~ marked
refused - & overruling defendant's objections

to the people instructions marked given -
4th verdict contrary to Law & evidence

Which motion was overruled & Defendant accepted

And the defendant thereupon filed his motion in arrest of judgment upon the ground of the non arraignment of the prisoner at the Bar. which motion was also overruled.

Defendant excepted

And thereupon afterwards to wit on the 18th day of April 1839, in said April Term of 1839 of said Recorders Court - the said Court pronounced judgment against said Jacob H. Hutchins - and sentenced him to imprisonment in the State Penitentiary at Joliet ~~Alton~~ for the space of one year and re

And inasmuch as the several matters, so produced and given in evidence do not appear by the record of the verdict aforesaid the said Court for defendant did propose their said ^{ill} exceptions - & pray the Judge of said Court to sign the same. And I said Judge of said Recorders Court do certify that in my opinion the above bill of exceptions contains a full and true history and statement of all the evidence & proceedings on the said trial.

In Witness whereof I have hereunto set my hand & seal at the Court House in Chicago aforesaid this 18th day of April 1839. in April Term of said Court.

R. S. Wilkes
Recorder

Supreme Court
Jacob H. Gutches

vs Peffer Error
The People of the State
of Illinois

April Term A.D. 1858.

Defendant in Error

And now comes the said Jacob H. Gutches
Peffer Error by Garrison & Hudson his
attorneys and assigns the following grounds
of Error viz

1st The verdict was Contrary to Law & Evidence

2nd The Court erred in ~~exceeding~~ overruling the Defend-
er's exceptions & objections to the introduction of ~~that~~
ⁱⁿ + irrelevant & improper testimony to the jury

3rd The Court erred in refusing to give
to the jury the Instructions asked upon the
part of Defendant. Nos 2, 3, 4, 5, 6, 7 & 8 -

4th The Court erred in ~~its~~ ~~overruling~~ giving the
Instructions in behalf of the People -

5th The Court ~~erred~~ ~~erred~~ in overruling
Defendant's Motion for a new trial

6th The Defendant ought to have been
argued

7th The
in
b

As
you
have been in his favor - and the
Indictment does not show a crime charged
therein

And the said Plaintiff in Error prays that
said judgment & proceedings aforesaid may be
reversed annulled and altogether be set for
nought - and that he may be restored in
all things which he hath lost by occasion
of said judgment.

Garrison & Hudson
Atty's for Pffw Error

And now comes the said People of the State
of Illinois by Carlos Havana their Attorney
and say that there is no evidence either in the
record and proceedings or in the giving of
the judgment aforesaid - and he prays that the
Court now here may proceed to examine as well the
record and proceedings aforesaid as the matters
aforesaid above signed above signed for
error and that the judgment aforesaid
in form aforesaid given may in all things be
affirmed &c But because &c

Supreme Court
Sect of H. & G. & H. & H.
as Pffw Error
The People of the
State of Illinois
against Error

Garrison & Hudson
for Pffw in Error

"A"

Chicago Oct 23^d, 1858

Mr. J. N. Gatchers

Dear Sir

I just returned home last night & hasten to inform you how I got disappointed on my Indiana affair.

First I went to Centerville as you directed me but could not find any such man any where in the Country. I then started and went to Brown-Point to the Registers Office & could not find any such name as "Barriff" on the Book. But I found a name called "Billoff" but he does not live within 10 miles of Centerville. but the business was so delicate that I thought I would see you & find out whether you are mistaken in the name or not. But I think the Doctor is fooling us. So I think you better go and see the Doctor & try & find out the truth of the matter tell him if he will go & get you some of the stuff you will give him the money and then write to me and let me know just what he says. and if he will

I will come over Next Week and fetch the
Money". try & go immediately you can get
Ed. Andrews to run the Engine until you
come back.

Now about your Overalls & Shirts
I just got in time for the Train at
New. - Buffalo. & could not get it. Fuller is
not in town, but when he comes back
I will get your Clothes. Dont fail to go and
see him & let me know as I want to
make some Money before New. Year,
Yours, Brother
John. H. Goetschius

14

Bearders Camp

Robert H. Gatchins
attys

The People of the State
of Illinois

Bill of exception

Filed April 18, 1859
Jos. H. C. Forrest -
Clerk

Record & receipt of
Errors

Filed April 21, 1859

Garnson & Anderson
attys

"B"

Delavan Dec 20th 1853

Mrs Frances Sis

Some time since.

I wrote a note of enquiry to you to which
I have received no reply. I hope you
will be good enough on the receipt
of this to drop me a line and let
me know how you have succeeded in
your business also whether you are
able to furnish me with any thing
at present, how soon you will be
I want ^{all} the particulars concerning
matters of trust which will be an advantage
to you as well as my self. with soon
and oblige you friend

J M Thornton

PS Direct to Box 216 Delavan
Wis

John J. M.
Delavan