

14504

No. _____

Supreme Court of Illinois

People

vs.

Hildreth

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division

No. 4

PEOPLE'S CAUSES.

Heldress

People

1454

Supreme Court of Mexico

The People
Left Huddell
vs

The People

It is stipulated that the time to
file abstracts in this case be extended
eight days from this date
April 23 1863

W. Jones
State atty

⁴
Sap Count

Helianth

4

People

population

Filed Apl. 23^d 1863

Leland

Ch.

State of Illinois,
Cook County

I James Bradwell ~~do~~ Judge of the
County Court for and within the County
of Cook do hereby certify that Lorenzo
Greenman whose affidavit is hereto annexed
came before me this fifth day of July
A.D. 1862. and swore or made oath to said
affidavit, and that I examined him fully
touching his property & the value thereof
and that ^{it is my opinion formed} from said examination ~~is~~ that
the said Greenman owns the property stated
in said affidavit and is worth the amount
stated in said affidavit and that ^{in my opinion} he is a good
responsible man to become the surety of
the said Jefferson Hildbreth

And I do further certify that
James Hildbreth came before me and
made the affidavit hereto annexed and
that I examined him fully touching
his property & the value thereof and
that I believe he owns the property
set forth in his affidavit and that
he is worth the amount there stated,
under my hand and seal this 5th day of
July A.D. 1862.

James B. Bradwell
Judge of the County Court of Cook County

Set forth in his affidavit - and that

CERTIFICATE OF MAGISTRACY.—F. Fulton & Co., Printers and Binders, 148 Lake Street.

STATE OF ILLINOIS,

COOK COUNTY.

SS.

I, LAURIN P. HILLIARD, Clerk of the County Court of said County,
Do HEREBY CERTIFY, that *Wm James B Bradwell Esq.*,
whose name is subscribed to the proof or acknowledgment of the annexed instrument in
writing, was, at the time of taking such proof or acknowledgment, a Justice of the Peace
in said County, duly commissioned, sworn and acting as such, and authorized to take the
same; and further, that I am well acquainted with his handwriting, and verily believe that
the signature to the said proof or acknowledgment is genuine; and further, that the
annexed instrument is executed and acknowledged according to the laws of the State of
Illinois.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said
Court, at the City of Chicago, in said County, this *fifth* day of
July A. D. 1862.

L P Hilliard Clerk.



Jefferson Hildbrath
alias Jeffery Hildbrath

Indictment for

June

Term, 1862

Grand Larceny

STATE OF ILLINOIS,
City of Chicago,
COUNTY OF COOK. } ss.

Loranzo Freeman

being duly sworn to qualify, touching his responsibility to become bail for the above named defendant, saith the following is a true and correct statement of his real and personal property, and of the amount of debts owing by him:

I own the following real estate:

Lots 1 & 2 in Block (7) in the Town of ~~valpreais~~ of ~~valpreais~~
Porter County, State of Indiana, Ten (10) acres
of land in the Town of valpreais state & county aforesaid,
commencing 4 rods and seven tenths north of a point
where the east side of Lafluyett street crosses or intersects with the
north line of the town of valpreais, thence south 80 rods, thence
west 4 rods to the place of beginning, it being a part of the
north west quarter of sec (24) Township (5) range (6) west,
Lots nos 7 & 8 in Block No (5) in Woodhulls addition
to the Town of valpreais - and a good Brick House on these
lots, Lots No (6) in Block (22) and lots (5) and (7) in
the Town of valpreais. (10) acres of land in the Town
of valpreais with (3) good frame House on it. in the City
of Chicago, ^{Cook County} the following property Lot (4) in Block
(124) in the school section addition to Chicago a good
(3) story frame House - Lot (25) feet front by (140)
deep the above property is worth Eighteen thousand
Dollars, property in Chicago worth six thousand Dollars

I own the following personal property:

House Furniture in the City of Chicago worth
five hundred Dollars. I have notes, ⁺ judgments in
valpreais coming to me to the amount of three thousand Dollars

I do not owe to exceed the sum of \$2700 and am worth the sum of \$16,900 over
and above the debts aforesaid.

Loranzo Freeman

Subscribed to before me, this *fifth* day of *July*
A. D. 1862.

James B. Bradwell
Judge of the Court of Cook County Clerk.

Jefferson Hildreth alias
Jeffery Hildreth

Indictment for

James
Grand Larceny

Term, 1862.

STATE OF ILLINOIS,
City of Chicago,
COUNTY OF COOK. } ss.

James Hildreth

being duly sworn to qualify, touching his responsibility to become bail for the above named defendant, saith the following is a true and correct statement of his real and personal property, and of the amount of debts owing by him:

I own the following real estate:

In Porter County, Indiana

value of \$

East half of the south East quarter of sec(11) in Township(33) range(17) north west quarter, of sec(11) Township(33) range 7. The southeast half of the south east quarter of sec(36) Township(33) range 7. (20) acres of land in sec(26) Township(33) range(17) Ten acres of land in Township(33) range(17) - worth two thousand & four hundred dollars

I own the following personal property: *In Porter County Indiana*

Stock Horses(4) colts(2) cows(4) young cattle(4) head sheep(40) head and all kinds of farming tools reaper - corn sheller - wagons, harnesses & grain - wool - (20) head Hogs & other personal property

I do not owe to exceed the sum of \$400.00 and am worth the sum of \$3,150 over and above the debts aforesaid.

Subscribed to before me, this

Fifth

day of

James Hildreth
July

A. D. 1862

James W. Braddock
Judge of the County of Cook Clerk.

4 Aldrich

The People v.

Filed Nov. 5. 1862
L. Veland
C.R.

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

APRIL TERM THEREOF, A. D. 1863.

JEFF. HILDRETH, *Plaintiff in Error*, }
 ^{adsm.} }
THE PEOPLE, *Defendant in Error*.

POINTS AND AUTHORITIES FOR PLAINTIFF IN ERROR.

1. The verdict is defective, because it is too general. It should have found the property stolen and its *value*.

1 Scam. R. 392.
3 Gil. R. 33.

2. The judgment should be reversed, because there is no evidence that the bills were genuine; nor the existence of the bank that issued them. It seems from the testimony of Snyder, (see Record, pp. 22, 24,) that the bills purported to be issued by foreign banks.

3 Greenleaf's Ev. 153.

E. VAN BUREN,
Att'y for Pl'tff in Error.

4 A 2
Jeff Hildreth
no

The People

Points

Ref in error

Filed Apr 27, 1843
J. Hildreth
cm

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

APRIL TERM THEREOF, A. D. 1863,

THE PEOPLE OF THE STATE OF ILLINOIS }
vs. }
JEFF. HILDRETH.

ABSTRACT OF RECORD.

This was an indictment for larceny.

- 4 The indictment was found in the Recorder's Court of Chicago.

The indictment alleges that defendant stole ten one hundred dollar bank bills, and twelve hundred and seventy dollars in current bank bills of the value of \$1,270.

The defendant pleaded not guilty.

- 14 The case was heard in the June term, 1862, in the Recorder's Court of Chicago.

21 On the trial the people proved, by Frederick Snyder, that he was working for Magnus & Kirkway buying cattle; that on the 24th of January, 1861, he brought into the city a lot of cattle, which were taken to the Southern Michigan yards; there were 31 head; Hildreth negotiated for the purchase of the cattle.

24 The witness further testified as follows: "I told Hildreth afterwards that if I could get thirty-two dollars and fifty cents per head I would sell the cattle. Hildreth said, If I can get a man to take them cattle at that price, can I make something by it? I told him yes. This was in the afternoon. He went home with me. Hildreth told me that he would see that man, and if he would take them he would let me know in the morning. I saw him the next morning at the yards. He told me that he did not see that man and he *could not take the cattle*. I told him that it made no difference. He said that he would help me sell them. I told Hildreth that I could sell them to Rhineman better than he could. Rhineman and Jeff. went into the yard. In ten or fifteen minutes they came out of the yard. Rhineman said that Hildreth told

him that he had bought the cattle of Snyder. *I told Rhineman that was so.* I asked him how much Hildreth said he had paid me for the cattle. He said Hildreth told him that he had paid me thirty-two dollars and fifty cents per head. I then told Rhineman that I had not sold them, and that they belonged to Magnus & Kirkway. We then went
 22 into the office at the yards and there found Nichols, and we figured up what the cattle came to. Rhineman asked Nichols who he should pay. Nichols said pay me, as I have something coming out for charges for freight. An order was drawn up by Phineman and given to Nichols.

This witness further testifies that an order was drawn up for \$1,270, payable to T. Nichols, or bearer, upon Cragin & Co. Nichols gave the order to witness. Witness and Hildreth went down town together. They went together to Cragin & Co.'s office. Witness took the order
 23 out of his pocket-book. Hildreth took it in his hand. Hancock came, and Hildreth handed him the order. The Clerk handed Hildreth \$270, in bank bills, and checks on Sturgis for \$1,000.00. They went to
 24 the bank. Hildreth presented the check, and received the money and handed it to witness.

This witness further testifies that he told defendant that he wanted to get the money in United States or Iowa; this was Eastern currency, and he could do nothing with it; that they went together from place to place to get the money changed. They finally went to a banker on the corner of Randolph and State streets. Just as they came out defendant snatched the money (bank notes) out of his hands and ran off with it.

On his cross-examination he stated, that when he offered to sell to defendant he said he must have Treasury notes or Iowa money. That he handed Jeff. the order right after they went into Hancock's place.

Jacob Magnus testified that his father was a partner of Kirkway; that
 30 witness sent Snyder with the cattle; that about two weeks after he shipped the cattle he saw defendant in jail, and defendant said he would like to give him back his money—what was left, and the balance in notes; that if he had known it was his money he would not have taken it from Snyder.

On his cross-examination he said, that in the first conversation witness told him that if he would settle the debt he would see that he got clear. That was all the conversation he had with him. On the second conversation witness told him that if he would settle the debt he would see that he got clear.

Thomas Nichols testified that he was present at the cattle yards.
 34 Rhineman, Hildreth and Snyder came into the office, and he figured up what the cattle came to; they came to \$1,270.00. Rhineman asked who he should pay for the cattle. Witness told him to pay him. He said

he would give witness an order on Craigin & Co. He gave him the order. Witness asked Hildreth if any of the money was coming to him. He said, No, not a cent.

This witness, on his cross-examination, testified to the arrest of defendant.

- 38 John McAuly testified to the fact that he went to Indiana and arrested defendant, and that he took from him \$240.00 in bank bills.

On his cross-examination he testified that he arrested him without any warrant; that he hand-cuffed him and brought him to Chicago, in company with Thomas Nichols.

It was also proved by Sanford Green that defendant said he had no interest in the money.

The same fact was proven by Jacob Fry.

- 39 Moses Rhineman testified that he bought the cattle of Hildreth; that he gave him thirty dollars per head, and \$10 extra.

He further testifies as follows: "I saw Snyder afterwards. He asked me how much Hildreth said he paid for the cattle, and then asked me if I had bought them. I told him yes. He asked me how much I gave for them. I told him that I gave thirty dollars per head and ten dollars extra. Snyder then said that Hildreth gave him thirty-two dollars and fifty cents a head for them.

- 40 W. Shaffer testified that he was at the Phoenix Stable when Hildreth and Snyder came to the Phoenix Stable. Hildreth bought a grey horse and said he would pay for him as soon as he could get a check cashed. Hildreth and Snyder went away. They came back and Hildreth wanted to get some United States or Iowa money, and said he wanted to pay this man (pointing to Snyder). He further testified that Hildreth and Snyder went to several places to get the money changed into United States or Iowa money.

- 41 Witness went to the corner of Washington and State streets, where he saw them (Hildreth and Snyder) going south. Hildreth was in the middle of the road (on horseback) and Snyder was walking on the sidewalk. The horse was walking. Witness then asked Snyder if Hildreth had paid him. Snyder said, No, he had not got his money yet; that Hildreth had agreed to pay him, so that he could go to Iowa.

- 42 That when witness got at the corner of Washington and State streets he saw Hildreth and Snyder at the corner of Washington and State streets. They went south—Hildreth in the middle of the road and

Snyder on the side-walk. The horse was walking. Witness spoke to Snyder and asked him if Hildreth had paid him. Snyder said, No, I have not got my money yet.

- 45 Frederick Snyder was re-called, and testified that at the time of the trade Mr. Talcott did not enquire of him whose cattle those were, nor whether they were for sale, and witness did not reply that they were his, or had been, but he had just sold them to Hildreth.

E. M. Talcott testified, on the part of the defense, as follows: I remember of hearing of this transaction. I was passing through the cattle yard some time in the last of January last, and I asked Snyder if them cattle were for sale. He said no, he had sold them to Mr. Hildreth. Hildreth was standing by. I asked Hildreth if he had bought them, and he said that he had. My impression is that this was the day before Rhineman bought them.

- 46 L. D. Merrill testified that at the time of the transaction Hildreth and Snyder came to the Phoenix Stable. Hildreth wanted to buy a horse, and, in the presence of Snyder, said that he had a draft on the bank, and would go down and get the money and come back and pay him.

They went away and came back, and Hildreth wanted to exchange some bank bills for United States or Iowa money.

They again left and came back, and Hildreth then said that he wanted the money for Snyder; that he had bought a lot of cattle of him and wanted to pay him. Snyder was present and did not deny it.

- 44 James Hildreth testified to declaration of Magnus, contradicting him.

- 48 Daniel Heath testified as follows: Snyder came to the Phoenix Stable, my place of business. I asked him if he was the man who lost his money. This was in January or February last. He said he was, and that he would tell me the circumstances. Snyder then said that he had sold Hildreth a lot of cattle, and that he was to pay him in United States or Iowa money; that the draft was taken in his own name, and that he gave it to Hildreth to get the money on it; said that Hildreth handed the money to him, and that it was not such money as he had agreed to give him, and that he passed it back to Hildreth and told him that he must have the kind of money which he agreed to give him; that he then told Hildreth that he must get him United States or Iowa money; and that after he gave him the money the second time he snatched it away from him and ran off with it.

Merrill, the jailor, sworn and said: I let Magnus, or the man who claimed to be the owner of the money, in the jail. I heard Hildreth tell

him he would not give him a cent to settle the case, but that he would let the people know that he was no such man, and that if Magnus came there to abuse him he better go home. He heard only one conversation. A good deal of other conversation passed which he could not remember.

50 Darius Dusenberry said he was present when Magnus came to talk with defendant both times. In first conversation Magnus talked low, and he did not hear what he said; heard Hildreth reply that it was an honest debt and it should be paid. Defendant said it was his own money. He did not say that if he had known it was his money he would not have taken it. The second time Magnus was there defendant said he would fight it through; made no proposition to settle.

51 The defense here rested, and the people called J. Conrad, who testified as follows: I am in the banking business; have been for five years. (Looks at the bills.) It is current funds here. It was current here through the month of January last. It is worth one hundred cents on a dollar.

A. M. Hoyt was sworn on part of the people, and said that at the time defendant was arrested, there was a conversation about Snyder. Shaffer said that he met Snyder running down Madison street. Asked him if he had got his money. He said no.

16 The jury found a verdict in the following words: "We, the jury, find the defendant guilty of larceny of twelve hundred and seventy dollars, as charged in the indictment, and fix his punishment at three years in the State penitentiary."

52 The defendant moved for a new trial, which was overruled.

4 P. 9.

Left Kildreth
vs 3

The People

Abstract-

Index Office 27. 1863

Seal

Mk

In the Supreme Court of the State of Illinois
April Term A.D. 1863

Jeff. Wilder & Co
vs
The People &c }

Points & Authorities for Defts.
in Error -

The verdict, though informal,
contains in substance all
that is required -

The jury find the defendant
guilty of Larceny of \$1270. as
charged in the indictment.
This cannot be interpreted as
meaning a larceny of anything
not mentioned in the indictment,
for such a larceny would
not be "as charged" &c.

Bank notes are considered &
treated as money & the true
rule of their value as respects

The graduating the offense of larceny is the sum which upon their face they promise to pay.

2 Har. & Gil R 407

The record page (p. 24 & 25) shows that the bills stolen were current money & that the discount on them was not more than one per cent. This is presumptive evidence of the existence of the bank and the genuineness of the bills

4 Denis 364

3d Greenl 80, 153

D. J. Jones

State's atty -

Jeff-Hildreth
vs - 4 101

The People vs
Points & Authorities
for Depts in Error

Filed May 1, 1869.
Leland
CR.

SUPREME COURT OF ILLINOIS,

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Jeff Kildan
vs

The People

Abstract

Filed April 27, 1863
J. L. Leland
MR

Supreme Court of the State of Illinois
April Term thereof A.D. 1863

Jeff. Hildredt }
vs }
The People }
}

Points & Authorities for Defts in
Error -

The verdict, though informal, contains in substance all that is required -

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This cannot be interpreted as meaning a larceny of anything not mentioned in the indictment, for such a larceny would not be "as charged" &c

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4 Denis 864

3 Brent Co, 153

D. P. Jones

State Atty. —

Jeff- Wildred⁴th
us

The People &c

Points & Authorities
for Defts in Error

Filed May 1. 1863.
Leland
Ch.

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The defendant pleaded not guilty.

- 14 The case was heard in the June term, 1862, in the Recorder's Court of Chicago.

- 21 On the trial the people proved, by Frederick Snyder, that he was working for Magnus & Kirckway buying cattle; that on the 24th of January, 1861, he brought into the city a lot of cattle, which were taken to the Southern Michigan yards; there were 31 head; Hildreth negotiated for the purchase of the cattle.

- 24 The witness further testified as follows: "I told Hildreth afterwards that if I could get thirty-two dollars and fifty cents per head I would sell the cattle. Hildreth said, If I can get a man to take them cattle at that price, can I make something by it? I told him yes. This was in the afternoon. He went home with me. Hildreth told me that he would see that man, and if he would take them he would let me know in the morning. I saw him the next morning at the yards. He told me that he did not see that man and he *could not take the cattle*. I told him that it made no difference. He said that he would help me sell them. I told Hildreth that I could sell them to Rhineman better than he could. Rhineman and Jeff. went into the yard. In ten or fifteen minutes they came out of the yard. Rhineman said that Hildreth told

him that he had bought the cattle of Snyder. *I told Rhineman that was so.* I asked him how much Hildreth said he had paid me for the cattle. He said Hildreth told him that he had paid me thirty-two dollars and fifty cents per head. I then told Rhineman that I had not sold them, and that they belonged to Magnus & Kirckway. We then went
 22 into the office at the yards and there found Nichols, and we figured up what the cattle came to. Rhineman asked Nichols who he should pay. Nichols said pay me, as I have something coming out for charges for freight. An order was drawn up by Phineman and given to Nichols.

This witness further testifies that an order was drawn up for \$1,270, payable to T. Nichols, or bearer, upon Cragin & Co. Nichols gave the order to witness. Witness and Hildreth went down town together. They went together to Cragin & Co.'s office. Witness took the order
 23 out of his pocket-book. Hildreth took it in his hand. Hancock came, and Hildreth handed him the order. The Clerk handed Hildreth \$270, in bank bills, and checks on Sturgis for \$1,000.00. They went to
 24 the bank. Hildreth presented the check, and received the money and handed it to witness.

This witness further testifies that he told defendant that he wanted to get the money in United States or Iowa; this was Eastern currency, and he could do nothing with it; that they went together from place to place to get the money changed. They finally went to a banker on the corner of Randolph and State streets. Just as they came out defendant snatched the money (bank notes) out of his hands and ran off with it.

On his cross-examination he stated, that when he offered to sell to defendant he said he must have Treasury notes or Iowa money. That he handed Jeff. the order right after they went into Hancock's place.

Jacob Magnus testified that his father was a partner of Kirckway; that
 30 witness sent Snyder with the cattle; that about two weeks after he shipped the cattle he saw defendant in jail, and defendant said he would like to give him back his money—what was left, and the balance in notes; that if he had known it was his money he would not have taken it from Snyder.

On his cross-examination he said, that in the first conversation witness told him that if he would settle the debt he would see that he got clear. That was all the conversation he had with him. On the second conversation witness told him that if he would settle the debt he would see that he got clear.

Thomas Nichols testified that he was present at the cattle yards.
 34 Rhineman, Hildreth and Snyder came into the office, and he figured up what the cattle came to; they came to \$1,270.00. Rhineman asked who he should pay for the cattle. Witness told him to pay him. He said

he would give witness an order on Craigin & Co. He gave him the order. Witness asked Hildreth if any of the money was coming to him. He said, No, not a cent.

This witness, on his cross-examination, testified to the arrest of defendant.

- 38 John McAuly testified to the fact that he went to Indiana and arrested defendant, and that he took from him \$240.00 in bank bills.

On his cross-examination he testified that he arrested him without any warrant; that he hand-cuffed him and brought him to Chicago, in company with Thomas Nichols.

It was also proved by Sanford Green that defendant said he had no interest in the money.

The same fact was proven by Jacob Fry.

- 39 Moses Rhineman testified that he bought the cattle of Hildreth; that he gave him thirty dollars per head, and \$10 extra.

He further testifies as follows: "I saw Snyder afterwards. He asked me how much Hildreth said he paid for the cattle, and then asked me if I had bought them. I told him yes. He asked me how much I gave for them. I told him that I gave thirty dollars per head and ten dollars extra. Snyder then said that Hildreth gave him thirty-two dollars and fifty cents a head for them.

- 40 W. Shaffer testified that he was at the Phoenix Stable when Hildreth and Snyder came to the Phoenix Stable. Hildreth bought a grey horse and said he would pay for him as soon as he could get a check cashed. Hildreth and Snyder went away. They came back and Hildreth wanted to get some United States or Iowa money, and said he wanted to pay this man (pointing to Snyder). He further testified that Hildreth and Snyder went to several places to get the money changed into United States or Iowa money.

- 41 Witness went to the corner of Washington and State streets, where he saw them (Hildreth and Snyder) going south. Hildreth was in the middle of the road (on horseback) and Snyder was walking on the sidewalk. The horse was walking. Witness then asked Snyder if Hildreth had paid him. Snyder said, No, he had not got his money yet; that Hildreth had agreed to pay him, so that he could go to Iowa.

- 42 That when witness got at the corner of Washington and State streets he saw Hildreth and Snyder at the corner of Washington and State streets. They went south—Hildreth in the middle of the road and

Snyder on the side-walk. The horse was walking. Witness spoke to Snyder and asked him if Hildreth had paid him. Snyder said, No, I have not got my money yet.

- 45 Frederick Snyder was re-called, and testified that at the time of the trade Mr. Talcott did not enquire of him whose cattle those were, nor whether they were for sale, and witness did not reply that they were his, or had been, but he had just sold them to Hildreth.

E. M. Talcott testified, on the part of the defense, as follows: I remember of hearing of this transaction. I was passing through the cattle yard some time in the last of January last, and I asked Snyder if them cattle were for sale. He said no, he had sold them to Mr. Hildreth. Hildreth was standing by. I asked Hildreth if he had bought them, and he said that he had. My impression is that this was the day before Rhineman bought them.

- 46 L. D. Merrill testified that at the time of the transaction Hildreth and Snyder came to the Phoenix Stable. Hildreth wanted to buy a horse, and, in the presence of Snyder, said that he had a draft on the bank, and would go down and get the money and come back and pay him.

They went away and came back, and Hildreth wanted to exchange some bank bills for United States or Iowa money.

They again left and came back, and Hildreth then said that he wanted the money for Snyder; that he had bought a lot of cattle of him and wanted to pay him. Snyder was present and did not deny it.

- 44 James Hildreth testified to declaration of Magnus, contradicting him.

- 48 Daniel Heath testified as follows: Snyder came to the Phoenix Stable, my place of business. I asked him if he was the man who lost his money. This was in January or February last. He said he was, and that he would tell me the circumstances. Snyder then said that he had sold Hildreth a lot of cattle, and that he was to pay him in United States or Iowa money; that the draft was taken in his own name, and that he gave it to Hildreth to get the money on it; said that Hildreth handed the money to him, and that it was not such money as he had agreed to give him, and that he passed it back to Hildreth and told him that he must have the kind of money which he agreed to give him; that he then told Hildreth that he must get him United States or Iowa money; and that after he gave him the money the second time he snatched it away from him and ran off with it.

Merrill, the jailor, sworn and said: I let Magnus, or the man who claimed to be the owner of the money, in the jail. I heard Hildreth tell

him he would not give him a cent to settle the case, but that he would let the people know that he was no such man, and that if Magnus came there to abuse him he better go home. He heard only one conversation. A good deal of other conversation passed which he could not remember.

50 Darius Dusenberry said he was present when Magnus came to talk with defendant both times. In first conversation Magnus talked low, and he did not hear what he said; heard Hildreth reply that it was an honest debt and it should be paid. Defendant said it was his own money. He did not say that if he had known it was his money he would not have taken it. The second time Magnus was there defendant said he would fight it through; made no proposition to settle.

51 The defense here rested, and the people called J. Conrad, who testified as follows: I am in the banking business; have been for five years. (Looks at the bills.) It is current funds here. It was current here through the month of January last. It is worth one hundred cents on a dollar.

A. M. Hoyt was sworn on part of the people, and said that at the time defendant was arrested, there was a conversation about Snyder. Shaffer said that he met Snyder running down Madison street. Asked him if he had got his money. He said no.

16 The jury found a verdict in the following words: "We, the jury, find the defendant guilty of larceny of twelve hundred and seventy dollars, as charged in the indictment, and fix his punishment at three years in the State penitentiary."

52 The defendant moved for a new trial, which was overruled.

In the Supreme Court of the State of Illinois
April Term A.D. 1863.

Jeff Hildreth
vs.
The People.

Points & Authorities for Deft.
in Error.

The verdict, though infernal,
contains in substance
all that is required -

The jury "find the defendant
guilty of larceny of \$1270. as
charged in the indictment"

This cannot be interpreted
as meaning a larceny of
anything not mentioned in
the indictment, for such
a larceny would not be
"as charged" &c.

Bank notes are considered
& treated as money & the

true rule of their value as respects the graduating of the offense of Larceny is the sum which upon their face they promise to pay.

2 Har. & Hill R 407

The Record (p 244 & 25) shows that the bills stated were current money & that the discount on them was not more than one per cent. This is presumptive evidence of the existence of the bank & the genuineness of the bills.

4 Denis 364

3 Grant. Ev. 153

J. D. Jones
State Atty

Jeff Hildred¹⁰¹
no 4
The People's

Points & Authorities
for Depts in Error

Filed May 1, 1863.
Skel and
Ch.

pages 125

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

Shas

before the Honorable Robert S. Wilson,
Recorder of the City of Chicago and Presiding Judge
of the Recorders Court of said City, at a Term thereof
begun and held at the Court House in the City of Chicago
in the County and State aforesaid, on the first Monday
of, it being the Third day of February, in the year
of our Lord One Thousand Eight Hundred and
Sixty Two and of the Independence of the United
States the Eighty Fifth.

Present: Hon. Robert S. Wilson, Recorder of the City of Chicago
Charles Haven, State Attorney,
A. C. Hering, Sheriff of Cook County.

Attest: J. H. C. Forrest, Clerk of said Court.

Be it Remembered, to wit,
on the Third day of February in the year last aforesaid,
it being the term of Court aforesaid, the following

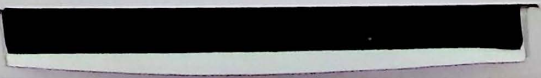
27
ing among the proceedings were had and entered of
Record in said Court, which proceedings are in the words
and figures following, to wit:

The Sheriff returned into Court, the
Venire Facias formerly issued by which it appears to the
Court that the following named persons have been duly
summoned to appear this day and serve as Grand Jur-
ors at this Term of Court, to wit;

George Lotts,
Wm. Klinger,
J. W. Pearson,
J. M. Moore,
Aug. Washfield,
Wesley Meringer,
Jas. Clew,
Mark Mitchell,
Geo. W. Cantone,
Jas. M. Kennedy,
Peter Bracken,
A. J. Wright,

J. W. Pipell,
Wm. Bacheller,
Wm. Tillinghast,
G. A. Knuffler,
Benj. H. Skinner,
Elias Johnson,
Wm. Curew,
Chas. Larrabee,
Math. Laflin,
John M. Kennedy,
J. G. MacLay.

who being called answered
to their names and gave their personal attendance as
Grand Jurors at this term of Court as a Grand
Jury in and for the body of the City of Chicago, and
Jas. G. MacLay, one of the said Grand Jurors, having



3^d

been appointed Foreman of said Grand Jury, they were duly sworn in and charged by the Court and thereupon retire to consider of their presentments.

And afterwards to wit at the Term last aforesaid, to wit, on the Seventh day February A. D. 1862, the following among other proceedings in said Court were had and entered of Record, to wit:

The Grand Jury came into open Court and among others, made the following presentment, endorsed "True Bill" to wit;

State of Illinois
City of Chicago
Cook County } ss.

Of the February term of the Recorder's Court of the City of Chicago, in said State and County, in the year of our Lord one thousand eight hundred and sixty two,

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

4th

the authority of the People of the State of Illinois, upon their oaths present, that Jefferson Wilderth alias Jeffery Wilderth late of said City, on the first day of February in the year of our Lord one thousand eight hundred and sixty two, in said City of Chicago, in the County and State aforesaid, one hundred bank bills of the denomination of ten dollars each and of the value of ten dollars each, one hundred bank bills of the denomination of five dollars each and of the value of five dollars each Twelve hundred and seventy dollars in current bank bills of the value of twelve hundred and seventy dollars of the certain issues and denominations to the Grand Jurors unknown, the personal goods and money of Frederick Snyder 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.

And the said Grand Jurors chose, 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 further present that Jefferson Wilderth alias Jeffery Wilderth late of said City, on the first day of February in the year of our Lord one thousand eight hundred and sixty two, in said City of Chicago, in the County and State aforesaid, one hundred bank bills of the denomination of ten dollars each and

5th

of the value of ten dollars each, ten hundred bank
bills of the denomination of five dollars each and
of the value of five dollars each, twelve hundred
and seventy dollars in current bank bills of the den-
omination of bills to the Grand Jurors unknown and
of the value of twelve hundred and seventy dollars, the
personal goods and money of Jacob Magnus and
Michael Kirchny Men 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

Carlo Haven
State Attorney.

which said True Bill has the following endorsement
to wit:

" P. G. No. 3289.

Recorder Court of the City of Chicago, February Term 1862
The People of the State of Illinois

Jefferson Kildreth alias Jeffry Kildreth.

Indictment for Larceny.

A True Bill, Jas. G. MacLay, Foreman of the Grand Jury
Witnesses: Frederick Snyder, John McAuley, Thos. Nichols
Jacob Magnus, Ed. Hughes, Sam. Stevens, J. G. Conrad.

Filed the Seventh day of February A. D. 1862.

J. K. C. Forrest, Clerk.

6th

And thereupon to wit, on the same day and year last aforesaid, the following among other proceedings in said Court were had and entered of Record to wit:

People vs.

3289.

Indictment for Larceny.

Jefferson Hildreth alias
Jeffry Hildreth

This day come the said People by Charles Haven State attorney and the said defendant as well in his own proper person as by his Counsel E. Van Buren Esq. also comes and said Defendant having been duly furnished with a Copy of his Indictment and a list of Witnesses and Jurors and he being now here duly arraigned for the same, that he is not guilty in manner and form as charged in the Indictment;

Whereupon the Court orders the said Defendant to be remanded.

And now comes the said Defendant by his Counsel E. Van Buren Esq. and moves the Court for a continuance of this cause.

And afterwards to wit at the term last aforesaid, to wit on the Eighth day of February A. D. 1862 the said Defendant by E. Van

7th

Barn Esq, his Attorney filed in said Court his certain affidavit for a continuance, which said affidavit is in the words and figures following to wit;

" In the Recorders Court of the City of Chicago

by The People

vs

Indict for Larceny

Jeffrey Hildreth

State of Illinois } ss.
Cook County }

Jeffrey Hildreth being sworn says he is the defendant in the above Indictment.

This deponent says that on the examination before the magistrate in this case, Frederick Snyder the Complainant was the principal witness in this cause - that on that occasion the said Snyder testified that the money alleged to have been stolen in this case, was the avails of a lot of cattle that had been sold in this City by defendant Hildreth for him, that he had not sold the cattle to said defendant, and that defendant had handed the money over to said Witness who claimed to be the agent of the real owner of said cattle, that witness and defendant went together in the Western Marine and Fire Insurance Company in this City to get it changed

8th

in United States Treasury Notes and Iowa money and that just as they had come out of the Bank the defendant snatched the money from said Witness and immediately jumped on his horse, and immediately rode off with it, first on a pretty fast trot, then on a little slower trot and then when said Witness nearly overtook him on a gallop.

All the above facts are very material facts in this case, and each and every of them this defendant believes and expects he will be able to disprove by the testimony of Horace Becker and Henry W. Chaffer, and he expects and believes he will be able to prove by said Witnesses that said Witness Snyder admitted to them that he had actually sold the said cattle to said defendant, and he also expects to prove by said Witnesses that said defendant did not take the money from him at the time and place by said Witness alleged, and that he did not get on to his horse and immediately ride off on a trot from the Western Insurance Bank or in the manner stated by said Witness, and he expects by said Witnesses to disprove other material facts, testified to by said Witness Snyder on said Examination.

That this defendant can not safely proceed to said Trial without the benefit of the testimony of each of said Witnesses, that he can not prove the same facts by any other witnesses, that the said Witnesses each reside in the State of Indiana, and are now

9th

as this deponent believes in said State - that this deponent can not procure the testimony of said Witnesses at this term of this Court, but can as he believes procure their testimony at the next term of this Court. That this application is made in good faith and not for the purpose of delay.

Jeffrey Wildreth.

Subscribed and Sworn to
before me this 7th day of February
A. D. 1862.

Jo^l H. C. Fornest "
Clerk.

And afterwards to wit; at the Term last aforesaid, to wit on the Twelfth day of February A. D. 1862 the said Defendant by C. Van Zuren Esq., his Attorney, filed in said Court his certain further affidavit for a continuance of this cause, which said affidavit is in the words and figures following to wit;

" Records Court of the City of Chicago.

The People

Jeffrey Wildreth

Indictment for Larceny.

10th

State of Illinois }
Cook County } p.

James Hildreth being sworn says, that on the eleventh day of February 1862 he this deponent went to see Henry W. Chafer and Horace Baker the two Witnesses named in the affidavit of Jeffrey Hildreth hereto annexed at their respective residences in the State of Indiana, for the purpose of procuring their attendance as Witnesses for the above defendant in this suit at the present term of this Court. That this deponent saw each of said Witnesses and endeavored to induce each of them to attend this Court as Witnesses as aforesaid and earnestly solicited them to do so, but that each of them refused to do so. That said Chafer stated to this deponent that he had taken a bad cold, and was taking medicine, and could not attend the present term of this Court, but stated that he would attend at the next term of this Court, if the said Trial was postponed. That said Baker stated to this deponent, that his wife was sick and he could not attend the trial of this cause at the present term, but also agreed and promised this deponent that if the said case was continued he would appear as such Witness at the next term of this Court. This deponent further says he is the father of the defendant Jeffrey Hildreth and that he made the effort to procure the attendance of said Witnesses in good faith. That he actually travelled about twenty

seven miles by land to see said Witnesses.

11th

James Wildreth.
Subscribed and Sworn to
before me this 12th day of
February A. D. 1862.

Jo. H. C. Fornet
Clerk

And Thereupon to wit: on the
same day and year last aforesaid, the following
among other proceedings in said Court were had and
entered of Record to wit:

People vs.

3289.

Jefferson Wildreth alias
Jeffry Wildreth

Indictment for Larceny.

This day again come
the said Defendant, ^{as well in his own proper person as} by his Counsel C. Van Buren
Esq. and the said People by Carlos Mason Esq.
State attorney also comes, and the Court, having con-
sidered the motion heretofore made herein by the said
Defendant, for a continuance of this cause, doth sus-
tain said motion, and order that this cause be
and the same is hereby continued until the next

12th

term of this Court.

And afterwards to wit at the term last aforesaid to wit; on the Fifteenth day of February A. D. 1862., the following among other proceedings in said Court were had and entered of Record to wit;

3289. *vs* Indictment for Larceny.
People
Jefferson Wildreth, alias
Jeffry Wildreth

This day again come the said Defendant, ^{as well in his own proper person} by C. Van Buren Esq. his Attorney and the said People by Charles Haven, State Attorney, also comes, and on motion of the Attorney for the said Defendant, it is ordered by the Court, that the said Defendant be held to bail in the penal sum of three Thousand Dollars, conditioned on his appearance on the first day of the next term of this Court.

13th

And afterwards to wit; at the April Term of said Court to wit; on the Fourteenth day of April A. D. 1862; the following among other proceedings in said Court were had and entered of Record, to wit;

People

3289.

Indictment for Larceny.

Jefferson Wildroth, alias
Jeffrey Wildroth

This day again come the said Defendant ^{as well in his own proper person} by C. Van Buren Esq. his attorney and the said People by Carlos Haven Esq. State Attorney also come, and the said Defendant by his attorney now comes and moves the Court for a continuance of this cause, and the Court being fully advised in the premises, it is ordered that this Cause be and the same is hereby continued accordingly.

And afterwards to wit, at the June Term of said Court, to wit; on the Fourth day of June A. D. 1862; the following among other proceedings in said Court, were had and entered of Record, to wit;

14th

3289.

People

Indictment for Larceny.

Jefferson Wilderth, alias
Jeffry Wilderth

This day again came the
said Defendant, ^{as well and his own proper persons as} by his attorneys Van Buren and
Felker and the said People by Joseph Knapp Esq.
States attorney also came, and now issue being joined,
it is ordered by the Court that a Jury come,
thereupon comes a Jury of good and lawful men
to wit;

J. W. Crane,	H. G. Byrd.	J. A. Gage,
Jas. W. Adams,	T. C. Ester,	Joseph Miller,
T. B. Botsford,	J. A. Wheeler,	John Deavitt
F. C. Barber,	Henry Rang,	James Wilcott

who were duly empanelled and sworn, and the hour
of adjournment having arrived, it is ordered by the
Court, that the further consideration of this cause
be postponed, until the coming of the Court to
morrow morning at nine O'clock.

And afterwards to wit at Term
last aforesaid, to wit, on the Fifth day of June
A. D. 1862,, the following among other Proceedings
in said Court, were had and entered of Record

15th

to wit;

People vs.

3289.

Indictment for Larceny

Jefferson Hildreth, alias
Jeffrey Hildreth

And now again come
the said parties by and with their Counsel and
the Jurors aforesaid also comes, and they hearing
the Testimony of Witnesses, and the hour of adjourn-
ment having arrived, it is ordered by the Court, that
the further consideration of this cause be postponed
until the coming of the Court to morrow morning
at Nine o'clock.

And afterwards to wit at the
Term last aforesaid, to wit; on the Fifth day of
June A. D. 1862, the following among other proceed-
ings in said Court, were had and entered of Record
to wit;

People vs.

3289.

Indictment for Larceny.

Jefferson Hildreth, alias
Jeffrey Hildreth

And now again come the

16th

said parties by and with their Counsel, and the Jurors aforesaid also come, and they hearing the arguments of Counsel and instructions of the Court, retire in charge of a sworn officer of the Court, to consider of their Verdict, and afterwards return into Court again and for Verdict say;

"We the Jury find the Defendant guilty of Larceny of Twelve Hundred and Seventy Dollars, as charged in the Indictment and fix his punishment at Three years in the State's Penitentiary"

Thereupon the Court orders the said Defendant to be remanded.

And now comes the said Defendant by his Attorney J. M. Felker and moves the Court for a new trial and in arrest of Judgment in this Cause.

And afterwards to wit; at the Term last aforesaid, to wit; on the Twelfth day of June A. D. 1862 said Defendant by his Attorney J. M. Felker Esq., filed in said Court, his certain motion for a new trial and in arrest of Judgment which said motion is in the words and figures following to wit;

17th

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

Recorder's Court of the City of Chicago
June Term A. D. 1862.

The People of the State of Illinois

v Indictment Grand Larceny.
Jeff. Wilderth

Now comes the defendant
Jeff. Wilderth and by his attorney Samuel Mc.
Fisher moves the Court to arrest the judgment in the
above entitled cause, and to grant to the Defendant
a new trial, for the following reasons;

1st That there was a fatal variance, between
the Indictment and the evidence to sustain it; in
this to wit; It, in the first count charges the Lar-
ceny of the goods and money of Frederick Snyder, in
the second count it charges the Larceny of the goods
and money of Jacob Magnus and Michael Kirschwy
and the evidence offered to prove that the goods and
money of Snyder, Magnus and Kirschwy, were bank
Notes, introduced on the Trial.

2^d That the Court erred in permitting Isaac
arlev, Magnus and Nichols to swear to the con-
fession of the prisoner, when they each one of them
distinctly stated that they did not recollect the
whole of the confession, and did not state the whole
of it to the Jury.

be witness
page 12. 12

See evidence 3^d
page 37
12th

The Court erred in allowing the prosecutor to ask Daniel Heath, if from what Snyder told him, his mind was impressed that the money was Snyder's in this to wit; Heath should have sworn to what Snyder told him and the jury should have drawn the conclusion, whether the money was Snyder's or not, from what Snyder told Heath and what Heath testified he told him.

4th The Court erred in giving the first Instruction for the Jury in this to wit; its tendency was to mislead the jury as to the Law, and it presupposed that there was no evidence of any other act done by the purchaser, then to accept the offer of the vendor, which it is not true according to the evidence.

5th The Verdict of the jury is not warranted by the evidence given in said cause,

6th That it is contrary to Law.

7th The Judgment ought to be arrested, because the Indictment charges the Bank Bills as the goods and money of Jacob Magnus and Michael Kischewy, whereas it should charge under our Statute against Larceny - that they were Bank Bills the property of Jacob Magnus and Michael Kischewy.

8th It charges that the Bank Bills were the personal goods and money of Fredrick Snyder, whereas it should charge that they were Bank bills the property of Fredrick Snyder - Bank Bills not being goods within the meaning of the Statute

and Bank Bills not being money within the meaning of the Statute.

19th

Samuel M. Felker
attorney for Defendant.

And afterwards to wit at the Term last aforesaid, to wit; on the Thirtieth day of June A. D. 1862, the following among other proceedings in said Court were had and entered of Record, to wit;

People vs.

3289.

Indictment for Larceny
Jefferson Wilderth, alias
Jeffry Wilderth

This day again come the said People by Joseph R. King, State attorney, and the said Defendant as well in his own proper person as by his Counsel S. M. Felker Esq. also comes, and the Court now overrules the motion for a new trial and also the motion in arrest of judgment heretofore made herein by the said Defendant, to which overruling of the Court the said Defendant by his Counsel then and there excepts, and now 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 in this cause.

Therefore, it is ordered and adjudged by the Court that the said Defendant Jefferson Wildreth alias Jeffry Wildreth be taken from the bar of the Court to the Common Jail of Cook County, from whence he came, and from thence by the Sheriff of Cook County, within Ten days from and after the adjournment of this Court, to the Penitentiary of this State at Joliet, 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 said defendant Jefferson Wildreth alias Jeffry Wildreth and confine him in said Penitentiary in a safe and secure custody, for and during the term of Three 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 and that Execution issue therefor.

Prosecution

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Be it further Remembered that the People
to prove their said issue called as a witness
Frederick Snyder who being duly sworn in open
Court testified as follows.

^a Frederick Snyder, I reside in Chicago. I am a Butcher, In last
January I was working for Magnus & Kirchmeyer
buying cattle in Iowa. On the 24th day of last
January I brought into this City a lot of Cattle,
The Cattle came in on the Galena Railroad and
were taken to the Michigan Southern yards, in this
City. Mr Nichols has charge of those yards, the
Cattle were put into the yard on Friday, There was
thirty One head of Cattle, I know Jefferson Hildbreth,
I met him in the morning of the day that I got in
the City, Friday morning, I met him after I put the
Cattle in the yards, I met him at the yards, I had
a conversation with him, He asked me if the
Cattle were for sale, I told him that I did not know
yet, until I saw Kirchmeyer, I left Magnus in Iowa,
After a while I found that Kirchmeyer was down
east, I told Hildbreth afterwards, that if I could
get thirty two Dollars and fifty Cents a head I would
sell the Cattle, Hildbreth said if I can get a man
to take the Cattle at that price, can I make
something by it, I told him yes, This was in the
afternoon he went Home with me, Hildbreth told
me that he would see that man and if he would
take them he would let me know in the morning.

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I saw him the next morning, at the yards. He told me that he did not see that man and he could not take the cattle, I told him that it made no difference, He said that he would help me sell them, I told Hildbreth that I could sell them to Rienaman better than he could, Rienaman & Jeff then went into the yards, In ten or fifteen minutes they came out of the yards, Rienaman said that he had bought the cattle at thirty dollars and fifty cents per head, I said, I do not believe it, Rienaman said that Hildbreth told him that he had bought the cattle of Snyder, I told Rienaman, that was so, I asked him how much Hildbreth said he had paid me for the cattle, He said that Hildbreth told him that he had paid me thirty two dollars and fifty cents a head, I then told Rienaman that I had not sold them, and that they belonged to Magnus & Kirchmeyer, we then went into the office at the yards and there found Nichols. we figured we figured up what the cattle come to, Rienaman asked Nichols, who he should pay, Nichols said pay me as I have something coming out for charges - for freight, an order was drawn by Rienaman and given to Nichols, (Order here presented & given in evidence)
"Chicago Jan 25th 1862.

Craig & Co pay T Nichols or bears
twelve hundred and seventy dollars and charge to
account of Rubel & Rienaman.
(Enclosure. Please pay the

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beaver in full. T. Nichols"

Nichols gave the order to me and told me to go and get the money. So Hildreth and me went down town together. Hildreth said that he wanted to stop at the Phoenix Stable to buy a Horse, we went into the stable and saw Merrill. Hildreth tried to buy the Horse for seventy dollars and made the bargain and told them that when he came from down town he would pay them, we both then started for Craigin & Co's office I did not ask Hildreth to go, we went to the office & Hancock was not in, we then sat down. Hildreth asked me to show him the order, I took it out of my pocket and showed it to him. Hildreth took it in his hand and said that it was drawn on Mr Nichols, name, Hancock came in & Hildreth handed the order to him, Hancock told his Clerk to give Hildreth the money, on the order. The Clerk gave Hildreth two Hundred and seventy Dollars in Bank Bills and a check on Solomon Sturges for one thousand dollars, we then started to go next door to the Bank, Hildreth had the check, we went in to the Bank and he handed it to the Clerk and the Clerk gave him the money in two Packages, Hildreth handed it to me, in all three Packages, I put it in my pocket, I told Hildreth I wanted to get it in United States money or Iowa money, I told him that I could not do anything

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with eastern currency, I knew most of the money
which we got from Hancock. It was current money
here. Hildbreth told me that the man on State Street
where he wanted to buy the Horse had some treasury
notes, and that he would just as live have that
kind of money as treasury notes, we then went to
the Phenix stable on State Street. Merrill said that
he had not more than a couple of hundred dollars,
and did not know how much was in Treasury
notes, I then said that I would go to the Bank and
get it. Chaffer came in and said that a Mr.
Becket on the west side had sold a lot of Horses
to the Government and had a lot of Treasury notes,
about four thousand Dollars, so Hildbreth & me
started to go over there, Chaffer said that Becket
had just as live have this money as treasury notes, as
he had to pay it right out again, Chaffer and
Hildbreth whispered something together, I did not
hear what they said, we went over there and did not
find Becket, soon Chaffer came, he rode the same Horse
that Hildbreth had bought, Chaffer got off of the
Horse. & Hildbreth asked him if he could try the
Horse, Chaffer told him that he could try him,
but must not get out of his sight, I then told
Hildbreth that I could not wait any longer and
that I was going to the Bank to get my money
exchanged. I started over Randolph Street Bridge,
and Hildbreth rode the Horse along. I went into a

5th

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Brokers on Clark street and Hildreth waited on the Horse in the street. I went into a Brokers office and asked him how much he would change the money for. He asked me one per cent; I then went to Cambells office another Broker & he was not in, Hildreth was outside waiting on Horse Back, I saw him when I came out, dont know whether he was there when I went in, I did not see him, when I came out of the first Brokers office. Then we went to the western marine Bank, I went in & Hildreth was outside, I talked with him when I went to the Br. I. Company on State street, I told him that I thought one per cent was too much, He said that he thought that I would get it cheaper. I went into the Bank alone & he came in, I presented the money to the Banker, I was in there fifteen minutes. then he came in in four or five minutes after I went in, they charged one dollar per hundred, Hildreth told me in the Bank that he knew where he could get it cheaper, he could get it for fifty cents per hundred, I turned round and asked him where it was. He said right across the way, so we went out and shut the door, he went out first and just as I came out he snatched the money out of my hands, He ran and jumped on his Horse and went off. His Horse was standing outside of the Bank, he was not tied, He went off on a gallop, I first was frightened so that I could not stir. I started after him towards State street, He was half a Block ahead of me

6th
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I run up state street and holloved, after a
while he slacked up a little, He then went off towards
Wabash Avenue, and run his Horse as fast as he
could go, he got on twelveth street, the last I saw of
him he was going as fast as he could, I saw Shaffer
when I went to the Western W. Insurance Co. He was
standing on the corner of state street, I saw him next on
the corner of Madison Street, & state street, looking
down Randolph street towards the Bridge, I did not
see him whilst I was going to the Bank, Hildbreth
had passed the place where Shaffer stood, Shaffer
asked me if I had got my money I said no, He
said that it was about time you had it, Hildbreth
had got out of my sight before I reached Wabash
Avenue, I then went to Wicks Hotel, and from
there to Mr Bradlys office, I did not find Mr Nichols
at the Hotel, I made a complaint to Mr Brady and
he sent parties in pursuit of Hildbreth, Hildbreth made
the trade about the Horse with Merrick, Shaffer had
nothing to do with the Horse, but let Hildbreth
have him to ride.

Crop Examination

When Hildbreth sold the Cattle to Rienaman
they went together, I knew that Hildbreth was going
to try & sell the Cattle, When Rienaman came out
of the yards, he told me that Hildbreth said that
he had bought the Cattle of me, Rienaman asked
me if that was so, I told him yes, Rienaman asked

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me what Hildbreth paid me for the cattle, I told him that he was to pay me thirty two dollars and fifty cents per head for them, I told him afterwards, that I was in fun, we had not separated, it was not five minutes, it was before we went to the cattle yard office. Rienaman said that we would go to the office and we would see. we went to the office and figured up what the cattle come to. I had some talk with Hildbreth he did not propose to buy the cattle, the talk I had with Hildbreth was after Rienaman had bought the cattle, The day before he asked me what I would take for the cattle, I told him, thirty two dollars and fifty cents per head, I knew Hildbreth two years, I have seen him about the cattle yards, I have seen him buy cattle. I have seen him sell cattle. Hildbreth & me came together down on the State street cars, The first place we stopped at was the Phinix Stable. when Hildbreth bought the horse said that when he came from down town he would pay for him, when I told Hildbreth that I would take thirty two dollars and fifty cents a head for the cattle, I told him that I must have treasury notes or Iowa money, He talked about the horse with Merrill, I am sure that he did not say any thing about having an order or check, I did not tell him in the cars that the order would not draw such money as I wanted, I might have talked to

of the
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him about the order on the cars, I have talked with Magnus about this matter. it was the day before that I told him about the Treasury notes & Iowa funds. I handed Hildbreth the order right after I went into Hancock's place, we was there about ten minutes after I handed the order to Hildbreth before Hancock came in. Hildbreth kept the order in his hands, he showed the order to the Clerk of Hancock, the Clerk said that he must wait until Hancock came in, Hildbreth handed the order to Hancock & got some money, he kept the money in his hands, we went next door to the Bank - he presented the check & got the money, from there we went to state street, then to the Phoenix stable, after Sturges handed the money to Hildbreth he handed it ^{immediately} to me, I saw Merrill at the Phoenix stable, I was at the Phoenix stable the next day, I know Daniel Heath, I never had any conversation with Heath, I remember no conversation with Heath about me being the man whose money was run off with, I never told him that Hildbreth had bought some cattle of me and was to pay me in Treasury notes & Iowa money, I did not say to him that Hildbreth had drawn the money on the draft and that I had given it back to him as it was not such money as he had agreed to give me, I did not tell Heath that Hildbreth had given me the money and that I passed it back again, I did not tell Heath that

9th

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he gave me the money the second time and then snatched it out of my hands & Run off with it, Heath did not ask me why I did not say thief when he snatched the money, I said in the stable that I tried to hire a Team to follow him, that conversation took place Sunday morning, I did not tell Shaffer on the day that the money was snatched from me that I thought Hildbreth had gone to the Welch Hotel to get the money changed, I did not tell Shaffer that Hildbreth had gone to get the money that he promised me, when Jeff took the money from me I was standing on the steps, I was on the last step, The Horse was loose, Jeff ran to jump on the Horse, He rode on a gallop, He passed the Phoenix Stable on a trot, on Washington street I got near up to him, When he got by the Phoenix stable he turned the corner and went as fast as the Horse could go, I was about one block and a half behind him, He turned the second corner from the Phoenix stable on State street, I saw him after he turned the corner on Wabash Avenue, he was about two or three blocks ahead of me, Shaffer did not ask me if Hildbreth had paid me, When Jeff gave me the money at Surges Bank I saw that it was on the Wheare Bank of New Hampshire, I put the whole of the money in my pants pocket on the right side, I know that I put it into my pocket, I did follow somewhere on state street, I followed,

~~He~~
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all the way stop him, Stephens heard me
holler, I do not know what street I was on when
I hollered, I did not converse with Hildbreth
when he was on his Horse, I did swear before
the Magistrate that I did not holler, I did swear
that I did not know what I did, I mean to swear
now that I knew I hollered, Because people have
told me so, I did not know myself that I
hollered, I swore before the examining magistrate
that I did not know whether I hollered or not,
that I did not know what I did.

Reexamination.

I did not know what took place after the
money was snatched, But do recollect what
took place up to that time.

Jacob Magnus. sworn?

I live on State Street, my buisness last winter was
buying cattle in Iowa and shipping them here, I know
Owyder he has been in my employ about two years,
He came in here last winter with forty two head of
Cattle, Michael Kirchny is a partner of my
Fathers, I do buisness with him, Kirchny was
here in Chicago, The Cattle belonged to my Father
& Kirchny, I found this transaction out about
two weeks after it happened, I was in Iowa at the
time it took place, I have been into the Jail
to see Hildbreth, I sent Owyder off about Tuesday or
Wednesday and expected him back with money.

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Omyda did not come & I borrowed some more money, The cattle were shipped on the twenty second day of last January, I went into the Jail to see Hilbreth about two weeks after the cattle were shipped, I had a conversation with him, He said that he wanted to see me alone the Jailor was present, as quick as he saw the Jailor he stopped talking, I saw him again, the Jailor was not present, I asked him how he came to take the money, he said that he liked to give me my money back what there was left of it, & the balance in notes, He said that if he had known that it was my money, he would not have taken it from Omyda, I went to see old man Hilbreth at John Funds, there was no more said in Jail by us.

Crop Examination.

Hilbreth was in the hind part of the Jail in a Cell, I had some talk with him whilst the Jailor was present, I did tell him that if he settled the debt that I would see that he got clear, this was the second time I talked with him, I had to talk with him in Jail the first time in a cell, he told me that he wanted to see me alone, that was all the talk I had with him at that time, The second time I talked with him was about two weeks after the first time, I told him that if he settled the debt I would see that he got clear, I told him that when I got my money I would not say any thing against

19th
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Straw Bail, when I first went in he said that if he had known that it was my money he would not have taken it. This was the second time, I never did say to him that he settled I would see that he got clear. He did not say that he would not settle, maybe he said it, the first time, I do not know. Hildreth did not tell me the second time that it was an honest debt, and that he meant to settle it, But would not give one cent to settle this case, and that he had been wrongfully accused and that he was bound to fight it through, I do not recollect that I told him - if he settled I would see him clear, I do not recollect that I said anything to him about Straw Bail, Maybe I said so I do not recollect it. I merely went to see him as a friend in jail, as I knew him before, I do not recollect my asking the jailor to let him out, I do not remember all that took place between us in jail, I do not recollect what was said the first time, The second time he told me that he would give me the money back, if I was satisfied that he would get clear, I have known him four or five years, I do not recollect all the conversation I had with him. There was a man in the cell with him when I talked with him.

Reexamination through an Interpreter.

People had once ^{expressed} objected to by defence as being matters upon which the objection overruled.
defence, excepts.

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I first went to the jail the same day I came back from Iowa. It was in January last when I shipped the cattle. in February last - I first saw him in jail it was about the tenth or twelfth of February it might have been the seventh, I cannot tell exactly. The first time I went to see him. I went to the Jailor and asked him where Hildbreth was, The Jailor showed me the cell. when he saw the Jailor, he said that he wanted to see me alone, I had not much conversation with him the first time, because he said that he wanted to see me alone. That was all the conversation I had with him the first time. At the second interview two or three days after the first. Hildbreth told me to go to his Father and that he would settle it, and give me what money he had and his notes for the balance of the money and pay them when they came due, he told me that if he had known that it was my money he would not have taken it. But that he thought it was a green Dutchman and it did not make much difference.

Crop Examination.

There was nothing said at the second time except what I have already mentioned, There was nothing said about straw Bail, I do not recollect it, at the first conversation the Jailor was present, and he would not speak much. because he was present. I do not recollect the first conversation because he said that he wanted to see me alone. I do not

14th
34
recollect that there was any thing said about
him getting clear, The second time there was no
one present. I saw his Father last Tuesday at the
Washington House. I did not tell his Father that
if he settled with me that I would not appear against
his son. I did not tell him that if he did not
pay me, I would send his son to the Penitentiary.
I do not recollect whether there was any one
else was present when I saw Jeff in Jail except the
Jailer.

Re examination.

I told Jeffs Father that he had better settle
the thing according to Mr Hoynes proposition,
I told Mr Childreth Jeffs Father that Miller, Hoynes
partner thought that he had better settle the thing
when his son would come off with a lighter
punishment, I and his Father went to Hoynes &
Millers office together, Mr Miller told Mr Childreth
that if he settled and returned the money his son
would get off with a shorter punishment.

What Hoynes & Miller said objected to by Defent
objection overruled. and defendant excepted.

+ entry -
Thomas Nichols sworn.

I live at Whicks Hotel. I am one of the proprietor's. I
keep the Hotel & the stock yards, I was in charge of those
yards in January last. I was present when Childreth
Myers & Bicnaman came in to the office to figure
about some cattle. it was on Saturday the twenty fourth

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day of last January, I was in the office, Rienaman
Hildreth & Snyder came in talking together, Rienaman
asked me to figure the cattle up, I figured up and they
came to twelve hundred & seventy dollars, Rienaman
asked who he should pay for the cattle, I told him to
pay me for the cattle, He said that he would give me
an order on Braigim & Co. he wrote the order and handed
it to me, I asked Hildreth if any of the money
was coming to him & he said no, not a cent, I told
Snyder that I would endorse the order and give it to
him, I did so, & Snyder went off. I saw the cattle,
Snyder was a hired man to Magnus & Kirchny,
the cattle belonged to them, when I gave Snyder
the order it was about eight in the morning, I
heard of this transaction the next day, from what
I heard I went down to Mr. Brady's office, I found
Snyder at Brady's office, Snyder made a statement
& Brady asked me to go and help find Hildreth,
I said I could not go, Brady then said that he
wanted me to go and that he would send an officer
with me, He sent John McCallly and I went with
him, we went to Calumet because I thought that
he would go that way, he lived off that way in
Porter County Indiana, we then turned about &
come home, McCallly came with a team and
I went with him, we went to Brasas Haven, we got
track of him there, we then went to Garban
Porter County Indiana, we met Hildreth at Garban,

18th and which I do not remember.

Reexamined.

34 I asked Hildbreth in my office if he had any interest in the money. I asked him because I had an interest in the money of One hundred and fifty dollars coming to me for freight.

Cross examined.

I told Hildbreth that I wanted my money that I did not mean to do him any harm. I have not received my pay yet from Hildbreth. I advanced the freight. I look to Magnus & Kirchny for my pay. I claim a part of this money as my own because I advanced the freight.

John M. Brady sworn.

I was Police officer of Chicago last Jan & February. I recollect the time Snyder came into our office, and made complaint against Hildbreth. Brady sent me after Hildbreth. I went with Snyder down to Wick's Hotel. we went to a place called Hebron. I arrested him there & searched him. I found two hundred and forty dollars on him. (There a Package is handed the Witness) that contains the money taken from him. I looked at the bills which I took from him. (Witness looks at a roll of Bills) they are the ones which I took from him. they are on the Wheare Bank of Hampshire. The search was made up stairs. I asked him what money this was, he said that it was all he had left of the twelve hundred

19th and seventy dollars, he said that he had paid his debts with it. he said that he had nothing to show that he had paid it out, there was nothing more said I brought him up here.

Cross examination.

Mr Nichols was in the Room when this conversation took place, there was some conversation in regard to settling matters, I told him that I had no power to do it. I handcuffed him. I put the handcuffs on in the Room where I arrested him. I had no warrant to arrest him, I am a Police officer & deputy Sheriff, I have been in the Special detective business for six or eight years, I did not know that I subjected myself to an indictment for kidnaping. I know that I stand indicted for Robbery & kidnapping in the state of Indiana, There was no endeavor used to get a warrant in the state of Indiana, There was nothing said about trying him there, I did not show a revolver to any one and say that was my authority for taking him, we did not change sleigh at Crown Point nor horses, we stood at Crown Point twenty minutes more or less, we came into this state, we came along pretty fast, I have been a detective a good many years, I am generally a witness in every case where I go to arrest a man, I have arrested four hundred men in my time and been a witness in all of those cases, I put Mr Nichols feet into the sleigh because

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1886

he would not get in, I gave the money to the Clerk of the Police Court, Charles Hoelgeson. I have seen the money once since when the safe was open or I saw the Package sealed & this is the same Package.

Thomas Nichols Recalled.

I was not present when the conversation took place between Hildreth & McLeelly.

Samuel Green, sworn.

I live in Chicago, I know Nichols & Hildreth, I was present when they were making a settlement for some Cattle, I recollect Nichols asking Hildreth if any of the money was his and he said no.

Jacob Hry, sworn.

I know Hildreth, I was present when a conversation took place between Nichols & Hildreth, Rienaman, myself and several others heard Rienaman tell Nichols that he wanted to pay for the Cattle, he gave an order for the money, Nichols asked Hildreth if any of the money belonged to him & Hildreth said no, the amount was between twelve and fourteen hundred dollars.

People Recalled.

Defence.

Moses Riesenman, sworn.

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I bought the cattle, I bought them of Hildbreth; Snyder was standing outside of the yard. Hildbreth sold them to me as his own cattle. He asked me thirty three dollars per head. I told him that I would like to help him out of the scrape if he had bought a dear lot of cattle. He said that he had bought them for thirty dollars per head. I told him that I would give him that for them. He said that he would not take that. So I told him that I would give him ten dollars extra. There was forty two head. I saw Snyder afterwards. He asked me how much Hildbreth said he paid for the cattle, and then asked me if I had bought them. I told him yes. He asked me how much I gave for them. I told him that I gave thirty dollars per head & ten dollars extra. Snyder then said that Hildbreth gave him thirty two dollars & fifty cents a head for them. Hildbreth wanted me to pay for the cattle as quick as I could. Snyder was not present when Hildbreth said this. Hildbreth said that he had borrowed the money of Edl Hughes to pay for them and he wanted to pay him back as quick as he could. The conversation was before I paid for the cattle. Snyder afterwards said that when he told me that Hildbreth bought the cattle, he was in fun.

Cross Examination.

We went into the office at the cattle yards to settle for the cattle. Snyder said ^{that he was present when the cattle were sold} immediately at the gate ^{that he had been there} something about being in fun. He told me he had sold the cattle to Hildbreth. I afterwards heard that the cattle were Magnums and Snyder was his agent. There was no one else present when I bought them that I remember except Snyder, Hildbreth, & myself. I asked Hildbreth

cross is grand

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who I should pay for the cattle. Nichols said pay me, I
drew my order on Craigin & Co for twelve hundred and seventy
dollars and gave it to Nichols, Hildbreth was by and made no
objection, Nichols asked Hildbreth if he had any interest in
the money, and he said no, not a cent.

W. Shaffer, sworn.

I live in Lake County Indiana, I have heard of the
transaction between Snyder & Hildbreth, I was in here with
Horns in last January, I was out on Mabash Avenue with
a horse along with Mr. Heath. I came up to the Penix
Stable - saw Merrill, Hildbreth & Snyder there. Hildbreth bought
a Grey Horse there, and said that he would pay for him as
soon as he could get down town to the Bank and get
a check cashed or get some money, I am not certain which
he said, Hildbreth and Snyder went away, Snyder was present when
Hildbreth talked about getting a check cashed, They came
back and Hildbreth enquired of me & Merrill if we had any
Whitell states or Iowa money, I told him that the
money which I had was Indiana money, Merrill
spoke and said that he had some at the White House.
Hildbreth said that he wanted to pay this man (pointing
to Snyder) for a lot of cattle, and enquired if we knew of any
one who had Whitell states money, Merrill said that
Becket had some, I spoke up, and said, yes, he has
been selling a lot of horses to the Government, and would
be as likely to have some as any one, Hildbreth wanted to
buy a ~~lot~~ Buster & Harnup, Hildbreth told Merrill
that if he took the horse to Becket he would pay

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him, for him, Snyder, Merrill & Hildbreth & myself was present. Snyder & Hildbreth then started for Becket's, I went to Becket's I took the horse along and put him in the stable. I stood there a few minutes and they came, Hildbreth & Snyder came up and asked if I had seen Becket, I told them that I had not, Hildbreth then said that he wanted to try the horse and got on him, I told him not to ride him off far, as he went off Snyder put his hand on him and said I have not time to wait, I want to go to Iowa on the train that goes at half past eleven, I want you to pay me, Hildbreth said I am not going away. I will be right back. Hildbreth told Snyder to come on and asked me if he could ride the horse, I told him that Merrill said that I must get my pay for him, then they went off, Snyder walking on the side walk and Hildbreth riding, I overtook them at the corner of Randolph & LaSalle street, they went up to the corner of Clark & Randolph street, there they stopped and talked, Hildbreth said to me I will pay you or Lew Merrill for the horse when I come up to the stable at noon, I then went to Root & Bach's music store, I then started for the Phoenix stable, When I got on the corner of Washington & State street I saw Hildbreth & Snyder going south, I went up to the Phoenix stable, I was on the corner of Washington & State street when I saw them going south, Hildbreth was in the middle of the Road and Snyder was walking on the side walk, the horse was walking, I do not know whether they were talking together, I then spoke to Hildbreth & said you pay Merrill when you get up to the stable, I then spoke to Snyder and asked him if

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42

Hildbreth had paid him, Snyder said no, I have not got my money yet. He said that Hildbreth had agreed to pay him so that he could go out to Iowa on the half past eleven O'clock train, I told Snyder that it was time for him to get it, as it was time for him to go. The Phenix Stable is on the corner of Adams & State Street, Snyder said I guess Hildbreth will pay me ^{or give me my money} when he gets up to the stable, Hildbreth was walking his horse until he got to the stable. I said to Snyder he has not stopped to pay for the horse, and I want seventy dollars out of him.

When we got up to the stable Hildbreth was half a block ahead of us, Snyder said I must hurry along, Snyder said that when he sold the cattle to Hildbreth he agreed to pay him in United States money or Iowa funds, so that he could go out on the eleven O'clock train. When I first saw them they were crossing the street. I did not see them after I left them on Clark & Randolph street again until they got to Washington & State streets.

Crop examination.

I have lived at Brown Point Indiana, I have lived at the Plank Road House in this city, I have been trading in horses for six years, I have a brother here at the Plank Road House, I did not see him when I was here last January, I had been here about two weeks before I saw Snyder & Hildbreth. I brought my horses to the Phenix Stable, I had three horses, I have seen Hildbreth here two years ago, I know him, when I first came to the stable from Wabash Avenue Snyder & Hildbreth & Merrill

25th

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were there & Merrill said that he had sold Hildbreth a Horse, Snyder & Hildbreth was present, I heard an intrest in the Horse, Snyder was standing by, I did not know Snyder, I can swear that Snyder was with in hearing distance, Hildbreth said that he owed (Snyder) something to him, saying this man and that he wanted to get some money to pay him, I knew that Snyder was close by, I said that Snyder was present and heard the conversation, I remember it because I wanted to get my pay for the Horse, I saw them next at Becketts Stable, I never was with Hildbreth a good deal, I have seen him off & on, Hildbreth has bought cattle for the same man that I did, Hildbreth & me had no private conversation before we went to Becketts Stable, When I let him have the Horse I thought that he would return again, I expected that I would get the money for the Horse, when they started away I followed on after them, They turned down on Clark street, Hildbreth said that he would pay Merrill for the Horse, I just got on the corner of Washington & State street, ^{as} they were crossing the side walk, I then walked up with Snyder, I had not waited there at all for them to come up, they were walking along Hildbreth was riding on the walk Snyder & myself was walking, they were on the side of the street, we walked pretty fast, & Snyder was in a hurry, I said that Hildbreth was not much ahead of us, I was not fixing Snyders attention, I was just walking along with him, Hildbreth when he turned the corner was on a trot, I told Merrill that he had better goe up to Wicks Hotel and get his pay for the

26th
44

Horse, When Snyder and me talked about the money
Hildreth was a few feet ahead of us, When Merrill &
I came out of the stable Hildreth was two or three blocks ahead
of us, He was not hurrying away, I did not see him
again untill I got to Hebron Indiana, I saw him Sunday
night, - Hildreth had not got home, I was sitting in
the House when he came in, He enquired for me as soon
as he came in, I never said that the Horse was not worth
five Dollars, Some one might have said so, I do not
know whether it was said, or not, I have not stated that
the Horse was run down, At the Hotel in Hebron
Hildreth offered to pay me, but the ~~Madison~~
Detective McCaully got hold of the money, I was
asked to count the money, The Detective said I want
the money and I will see that you get your pay for the
Horse, I next saw Hildreth at the first examination, I have
not had a conversation with him, I was in the jail to
see him, I did not talk with him except that I said
before then - all, Charles Fogel was at Hebron sitting in
the Room, He was not with the officer, I did not say to
Fogel or Nichol that I met Snyder at the corner of
State & Madison Street, running and asked him if he
had got the money and he said no, & run on, I saw
Fogel & Nichol at Hebron, Hildreth's Father came for
me to come here & testify, I came here voluntarily, I
expect to get paid for my time, Hildreth's Father said
that he would pay me well for it, - Hildreth's wife paid
Merrill for the Horse, Fogel & Nichol spoke about

~~27th~~

their money being snatched, I told them that I did not believe that was true, because Snyder and Hildreth had walked right along up to the Phoenix stable with me. Snyder said to me that Hildreth had not paid him, I think that I told Hazel & Nichols that Hildreth had bought the Battle and failed to pay Snyder.

Frederick Chrysler, Recalled by Defence.

Question. At the time of the trade, did Mr Talcot enquire of you whose cattle those were and whether they were for sale. & that you replied that they were yours or had been, But that you had just sold them to Hildreth.

(Answer)

I know Mr. Talbot by name and have seen him. I never
said any such thing on that day, nor on ~~the day before~~ ^{I had considerable talk with some} ~~the day before~~.

I never had any conversation with Talbot et al.

C. H. Talbot. Sworn.

I remember of hearing of this transaction. I was passing through the Battle yards sometime in the last of January last and I asked Snyder if them Battle were for sale. He said no that they were sold to Mr Hildbreth. Hildbreth was standing by. I asked Hildbreth if he had bought them and he said that he had.
My impression is that this was the day before Bineman bought the same cattle ~~at~~ ~~the~~ ~~same~~ ~~place~~
~~XXXXX~~ Bineman bought the cattle.

L. D. Merrill, sworn.

I heard of this transaction, I was at the Phenix stable, Snyder and Hildreth came there in the morning, Hildreth wanted to buy a Horse, I told him I had one to sell, we went into

28th

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the stable and looked at him, He said that he had a Draft on the Bank and would go down and get the money, and come back and pay for the Horse. Snyder was present. They went away together and come back together in about one hour. Hildreth wanted to exchange some Bank Bills for United States or Iowa money and asked me if I had any to exchange with him. I told him that I had three or four hundred dollars and if I had any I would exchange with him. Snyder said that there was not enough of it. They went off then. I saw them in about one hour and a half afterwards. Hildreth said that he wanted the money for Snyder, and that he had bought a lot of Cattle of him and wanted to pay him. Snyder was present. Snyder did not deny that Hildreth had bought the Cattle of him.

Crop Examination.

I was at the Phoenix stable with Horses for sale, from Lake County Indiana, I live about seventeen miles from Hebron & about six miles from Brown Point. I know a man by the name of Shaffer. I have seen him out there. I was not in Company with him. He traded Horses for me. I think he fetched in a Horse. I have seen him off Year for two years. I have seen him at the ten mile House at his Brothers and at Brown Point. we did not come in together. I have employed strangers to sell Horses for me. Shaffer was at the Phoenix stable and I got him to sell the Horse for me. I know Hildreth I saw him last fall at Smiths. Hildreth wanted to buy a Horse of me I told him I had Horses

29th

47

for sale, we agreed upon the price for the Horse. it was seventy Dollars, ^{*}I think Shaffer went to Becket's stable, I do not recollect whether I sent him there or not, I told Shaffer not to let the Horse go unless he got the money, I thought by the talk of Snyder & Hildreth that they went to Becket's stable, Hildreth & Snyder started for Becket's to get the money changed. I should think that Hildreth had the Horse sent over to Becket's where he could get the money. I next saw Snyder & Hildreth going down state street, Hildreth spoke about buying a Buggy I am not certain whether it was a Buggy or a sleigh. after that day I next saw him in jail, I saw him before the magistrate, I never had a word of conversation with Hildreth since, I might have talked this over with others, I presume I have. I returned to Indiana, I did not see Hildreth there, I never said that the Horse was not worth four shillings, I was down to Hildreth's after the Horse or my pay, I staid here two or three days then I went there, His wife paid me for the Horse in Bank Bills, I do not know what Bank they were on, I heard that Hildreth was here. I have passed the time of day with him, I think he was in jail here before I started for my pay. I heard that the Horse was in the Sheriff's hands at Valparaiso, Ind.

James Hildreth, sworn,

I am the Father of the Defendant. I know Magnus when I see him, I saw him last Tuesday at the Washington Hotel, he came in there, I was sitting in my

30th

46

Chair most asleep. He caught me by the Cap. I saw him talking with Cner. He said old man what are you going to do with this matter about your Boy, I said that I did not know that I could do anything, he said if you do not pay me that money I will send him to the Penitentiary, I told him that I could not help that, he said I am going to swear myself that he told me that he snatched the money, I would pay me six hundred dollars in money and the Balance in notes if I would let him out. Magnus said that he would fetch another man to swear that he saw him snatch the money, I told him that I could not help that, He then said that if I would pay him the money he ^{could} ~~would~~ go away and ^{could send} ~~send~~ his witnesses out of the way, and if you do not pay me I will send him to the Penitentiary, then you will be glad to come to me to sign a paper to get him out, then when you pay me the money, I will, for I have nothing against him.

Crop Examination.

He did not have anything else to say. But kept telling me about the same thing, He said that he could go off and send his witnesses off. He did not say anything to me about Magnus proposition.

Daniel Heath, sworn.

I remember of hearing of this transaction, I was in charge of the Phenix stable, Cnyder came to my place, of business Sunday. He came in and I asked him if he

3rd

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was the man who lost his money, this was in Jan or February last. He said he was, and said that he would tell me the circumstances, Snyder then said that he had sold Hildreth a lot of cattle, and that he was to pay him in United States or Iowa money, said that the Draft was taken in his own name and that he gave it to Hildreth to get the money on it, said that Hildreth handed the money to him and that it was not such money as he had agreed to give him, and that he passed it back to Hildreth, and told him that he must have the kind of money which he had agreed to give him, that Hildreth took the money and went off with it and soon came back and said that he had not exchanged it, but handed the same money back to him the second time, that he then told Hildreth that he must get him United States or Iowa money, and that after he gave him the money the second time he snatched it away from him and run off with it.

Crop Examination.

I came here in October last from Haverhill, Mass. I used to keep a livery stable there. I have been in the Grocery business, I have dealt in Boots & Shoes, I never saw Snyder until that Sunday that I recollect of, I never had Shaffer in my employ, I never had Merrill in my employ, I was in the Phew's stable in January last. Merrill spoke about Snyder being the man who lost his money. (~~question~~) ~~At the time of this~~

320

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conversation, from what Snyder said was your mind impressed that the money belonged to Snyder or Childreth.

Objected to by Defendant, objection overruled and Defendant excepts.

(Answer) ~~It was not impressed that Snyder owned the money.~~ ^{said at this conversation} If you say that you do not remember all that Snyder asked you then, if he (question) Did not Snyder say something which gave you the impression that ^{he claimed to own the} ~~it was his~~ money. if so what was it.

Objected to by Defendant, objection overruled and Defendant excepts.

Ms Merrill, ^(Answer) ~~It was not~~ ^{he} did not give me any such impression. ^{Snyder} sworn.

Dorus Duesenbury sworn. I let Magnus or the man who claimed to own the money in the jail, I heard Childreth tell him that he would give a cent to settle this case but that he would let the People know that he was no such man, and that if Magnus came there to abuse him, he had better go home. ^{Heard only one conversation, a good deal of other conversation passed between them which I do not remember & could not hear,}

I was in the same cell with Childreth when Magnus talked with him, both times, I remember when Magnus came to talk with Childreth, the first time, he came there he spoke to Childreth very low, I did not hear what Magnus said, I heard Childreth reply that it was an honest debt and that it should be paid, Childreth said that it was his own money, Childreth did not say, that if he had known that it was his

23rd

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money he would not have taken it. The second time that Magnus was in Hildreth told him that he would fight it through. Hildreth made no proposition to settle.

Cross Examination.

(question) you mean to say that you did not hear it.
yes, I did not hear it.

Reexamined.

I could hear all that Hildreth said, if any such proposition had been made I should have heard it.

Cross examined.

I was not particularly interested in hearing all that was said, I did not hear all that Magnus said, I heard all that Hildreth said. I have plead guilty to an indictment for assisting to make counterfeit money, in the W. S. Bank in this City. But I am not yet sentenced. Defence Rested

J. Conrath, sworn, called by the People, to prove the existence of the Bank & the genuineness of the Bills.

Objected to by Defendant, objection

overruled - & defendant's excepts.

I am in the Banking business, have been for five years, (Looks at the Bills) It is current funds here, it was current here through the months of January and February last. It is worth one hundred cents or a dollar.

A. M. Hojel, called by People & sworn.

I was one of the parties who pursued Hildreth, I went to Indiana, I know Chaffer, I met him at Lebanon

34th

before Hildebreth was caught, I had a conversation with him, we was up stairs in the Hotel in a private Room, I suppose it was a private Room, There was a conversation there about Snyder. Shaffer said that he met Snyder running down Madison street, near the theatre and asked him if he had got his money, & Snyder said no, and run on.

Cross Examination

He told me that he met Snyder on the corner of Madison & State street and asked him if he had got his money, and that Snyder said that he had not, ^{he said that he thought the Deft was very foolish in taking the money} He said nothing about Snyder running, I did not say that he said Snyder was running, This conversation was interrupted by a third person coming into the Room.

James Hildebreth. I do not know what Deft did with the money, I have never seen it.

(People Rested)

(Defence Rested)

The Counsell for Defendant moved in arrest of Judgement and filed his motion therein also for a new trial and filed his motion in writing. The court overruled said motions and the defendant by his Counsel S. M. Yelkwa to the said ruling of the said court then & there excepted and prayed an appeal to the Court of the state.

53

Illinois and Attenders this
 his Bill of exceptions to which
 the said Judge R. S. Wilson has
 set his hand and seal this 12 day
 of June A.D. 1862

R. S. Wilson
 Recorder

And now comes the said defendant and
 says that in the record and proceedings
 aforesaid and in the rendition of the judg-
 ment aforesaid there is manifest error
 in this to wit

The court erred in admitting
 improper evidence on the part of the
 People

2 The court erred in overruling the motion
 in arrest of Judgment

3 The court erred in rendering the Judgment
 aforesaid in manner & form aforesaid

Samuel M. Selker

Def's Atty.

4 That there was no evidence of the
 genuineness of the Bank Note alleged to
 be stolen or that there was any such Note

5 The verdict is against evidence and
 sustained by law

E. M. Brown
 Atty for Defendant

State of Illinois }
County of Cook, } ss.
City of Chicago }

54

J. Joseph K. C.
Forrest, Clerk of the Recorders Court of the City
of Chicago, County and State aforesaid, do hereby
certify the above and foregoing, to be a true and
complete copy of all the proceedings entered of Record
and of all the papers on file in a certain cause
heretofore pending in said Court, wherein The People
of the State of Illinois are Plaintiff and Jefferson
Wildenrath alias Jeffery Wildenrath is Defendant.



In Witness Whereof, I have
hereunto set my hand, and
affixed the Seal of said Court
at Chicago, this 19th day
of June A. D. 1862.

Jos. K. C. Forrest, Clerk

State of Illinois
County of Cook
City of Chicago

5-55 I Joseph Knox States
Attorney do hereby Certify that in
my opinion the foregoing Record
contains a full & true history of the
proceedings had on the trial of the
case of The People vs Jefferson Hildreth
therein mentioned. Joseph Knox
States Attorney

And I do further Certify that in my
opinion formed from having
prosecuted the case, hearing the evidence
& seeing the witnesses, that in case a
Supersedeas is awarded in said cause,
that it is a proper case in which to
admit the defendant to Bail, until
another trial. Joseph Knox
States Attorney

Let a supersedeas issue in the
above cause

Ottawa June 26. 1862.

J. D. Eaton

After carefully inspecting the foregoing record
in the case of Jefferson Hildreth vs The People & the
Certificate of the States Attorney there to attached, I am
of opinion that the prisoner ought to be admitted to bail.
It is therefore ordered that the Sheriff of Cook County

discharge the said Jefferson Hildreth from
Custody upon his entering into a recognizance
to the People of the State of Illinois before said Sheriff
in the sum of two thousand dollars with with James

Hildreth & Lorenzo Freeman Sureties, Considered that
he will appear at the next & every subsequent term of the
recorders Court to be holden in the city of Chicago ^{on the first day thereof} under the
determination of the work of error and that he will be
present & submit to such order as the supreme Court

shall make in the premises and that he will not
at any of the terms of either
of the said courts at which
he shall be bound to appear
depart the Court without
leave

J. Boutwell
Ch. Just. Sup. Court
Ill.

Filed June 26th 1862
L. Del. and
Clerk

The People vs
James Jefferson Hildreth
New assets of
order for support

Supreme Court of the State of Illinois
April Term A.D. 1862

Jeffery Hildreth
vs
The people of the
State of Illinois } Error to the Recorders
Court of the City of Chicago

And now comes the
said people of the State of Illinois
by A. P. Jones States Attorney and
says that in the record and
proceedings aforesaid and in the
recitation of the judgment aforesaid
there is no error wherefore he prays
judgment &c

A. P. Jones
States Attorney

STATE OF ILLINOIS, }
SUPREME COURT, ss.

The People of the State of Illinois,

To the Clerk of the Recorder's Court for the County City of Chicago, Cook County Greeting:

Because, In the record and proceedings, as also in the rendition of the judgments of a plea which was in the Recorder's Court of the City of Chicago, Cook County, before the Judge thereof, between The People of the State of Illinois

plaintiffs and Jefferson Hildreth alias Jeffery Hildreth

defendant....., it is said manifest error hath intervened, to the injury of the aforesaid defendant

_____ as we are informed by his complainant _____ and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgments thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 26th day of June in the Year of Our Lord One Thousand Eight Hundred and Sixty two

L. Leland
Clerk of the Supreme Court.
J. B. Rice

Jefferson Hilduth
No. vs.
The People &c.

WRIT OF ERROR.

This Writ of Error is made a
Supersedeas, and as such is to be
obeyed by all concerned.

L. Leland

J. B. Rice Clerk
Deputy

FILED June 26th A. D. 1862

L. Leland

J. B. Rice Clerk
Deputy



SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

APRIL TERM THEREOF, A. D. 1863,

THE PEOPLE OF THE STATE OF ILLINOIS }
vs. }
JEFF. HILDRETH.

ABSTRACT OF RECORD.

This was an indictment for larceny.

4 The indictment was found in the Recorder's Court of Chicago.

The indictment alleges that defendant stole ten one hundred dollar bank bills, and twelve hundred and seventy dollars in current bank bills of the value of \$1,270.

The defendant pleaded not guilty.

14 The case was heard in the June term, 1862, in the Recorder's Court of Chicago.

21 On the trial the people proved, by Frederick Snyder, that he was working for Magnus & Kirckway buying cattle; that on the 24th of January, 1861, he brought into the city a lot of cattle, which were taken to the Southern Michigan yards; there were 31 head; Hildreth negotiated for the purchase of the cattle.

24 The witness further testified as follows: "I told Hildreth afterwards that if I could get thirty-two dollars and fifty cents per head I would sell the cattle. Hildreth said, If I can get a man to take them cattle at that price, can I make something by it? I told him yes. This was in the afternoon. He went home with me. Hildreth told me that he would see that man, and if he would take them he would let me know in the morning. I saw him the next morning at the yards. He told me that he did not see that man and he *could not take the cattle*. I told him that it made no difference. He said that he would help me sell them. I told Hildreth that I could sell them to Rhineman better than he could. Rhineman and Jeff. went into the yard. In ten or fifteen minutes they came out of the yard. Rhineman said that Hildreth told

him that he had bought the cattle of Snyder. *I told Rhineman that was so.* I asked him how much Hildreth said he had paid me for the cattle. He said Hildreth told him that he had paid me thirty-two dollars and fifty cents per head. I then told Rhineman that I had not sold them, and that they belonged to Magnus & Kirckway. We then went
 22 into the office at the yards and there found Nichols, and we figured up what the cattle came to. Rhineman asked Nichols who he should pay. Nichols said pay me, as I have something coming out for charges for freight. An order was drawn up by Phineman and given to Nichols.

This witness further testifies that an order was drawn up for \$1,270, payable to T. Nichols, or bearer, upon Cragin & Co. Nichols gave the order to witness. Witness and Hildreth went down town together. They went together to Cragin & Co.'s office. Witness took the order
 23 out of his pocket-book. Hildreth took it in his hand. Hancock came, and Hildreth handed him the order. The Clerk handed Hildreth \$270, in bank bills, and checks on Sturgis for \$1,000.00. They went to
 24 the bank. Hildreth presented the check, and received the money and handed it to witness.

This witness further testifies that he told defendant that he wanted to get the money in United States or Iowa; this was Eastern currency, and he could do nothing with it; that they went together from place to place to get the money changed. They finally went to a banker on the corner of Randolph and State streets. Just as they came out defendant snatched the money (bank notes) out of his hands and ran off with it.

On his cross-examination he stated, that when he offered to sell to defendant he said he must have Treasury notes or Iowa money. That he handed Jeff. the order right after they went into Hancock's place.

Jacob Magnus testified that his father was a partner of Kirckway; that
 30 witness sent Snyder with the cattle; that about two weeks after he shipped the cattle he saw defendant in jail, and defendant said he would like to give him back his money—what was left, and the balance in notes; that if he had known it was his money he would not have taken it from Snyder.

On his cross-examination he said, that in the first conversation witness told him that if he would settle the debt he would see that he got clear. That was all the conversation he had with him. On the second conversation witness told him that if he would settle the debt he would see that he got clear.

Thomas Nichols testified that he was present at the cattle yards.
 34 Rhineman, Hildreth and Snyder came into the office, and he figured up what the cattle came to; they came to \$1,270.00. Rhineman asked who he should pay for the cattle. Witness told him to pay him. He said

he would give witness an order on Craigin & Co. He gave him the order. Witness asked Hildreth if any of the money was coming to him. He said, No, not a cent.

This witness, on his cross-examination, testified to the arrest of defendant.

- 38 John McAuly testified to the fact that he went to Indiana and arrested defendant, and that he took from him \$240.00 in bank bills.

On his cross-examination he testified that he arrested him without any warrant; that he hand-cuffed him and brought him to Chicago, in company with Thomas Nichols.

It was also proved by Sanford Green that defendant said he had no interest in the money.

The same fact was proven by Jacob Fry.

- 39 Moses Rhineman testified that he bought the cattle of Hildreth; that he gave him thirty dollars per head, and \$10 extra.

He further testifies as follows: "I saw Snyder afterwards. He asked me how much Hildreth said he paid for the cattle, and then asked me if I had bought them. I told him yes. He asked me how much I gave for them. I told him that I gave thirty dollars per head and ten dollars extra. Snyder then said that Hildreth gave him thirty-two dollars and fifty cents a head for them.

- 40 W. Shaffer testified that he was at the Phoenix Stable when Hildreth and Snyder came to the Phoenix Stable. Hildreth bought a grey horse and said he would pay for him as soon as he could get a check cashed. Hildreth and Snyder went away. They came back and Hildreth wanted to get some United States or Iowa money, and said he wanted to pay this man (pointing to Snyder). He further testified that Hildreth and Snyder went to several places to get the money changed into United States or Iowa money.

- 41 Witness went to the corner of Washington and State streets, where he saw them (Hildreth and Snyder) going south. Hildreth was in the middle of the road (on horseback) and Snyder was walking on the sidewalk. The horse was walking. Witness then asked Snyder if Hildreth had paid him. Snyder said, No, he had not got his money yet; that Hildreth had agreed to pay him, so that he could go to Iowa.

- 42 That when witness got at the corner of Washington and State streets he saw Hildreth and Snyder at the corner of Washington and State streets. They went south—Hildreth in the middle of the road and

Snyder on the side-walk. The horse was walking. Witness spoke to Snyder and asked him if Hildreth had paid him. Snyder said, No, I have not got my money yet.

- 45 Frederick Snyder was re-called, and testified that at the time of the trade Mr. Talcott did not enquire of him whose cattle those were, nor whether they were for sale, and witness did not reply that they were his, or had been, but he had just sold them to Hildreth.

E. M. Talcott testified, on the part of the defense, as follows: I remember of hearing of this transaction. I was passing through the cattle yard some time in the last of January last, and I asked Snyder if them cattle were for sale. He said no, he had sold them to Mr. Hildreth. Hildreth was standing by. I asked Hildreth if he had bought them, and he said that he had. My impression is that this was the day before Rhineman bought them.

- 46 L. D. Merrill testified that at the time of the transaction Hildreth and Snyder came to the Phoenix Stable. Hildreth wanted to buy a horse, and, in the presence of Snyder, said that he had a draft on the bank, and would go down and get the money and come back and pay him.

They went away and came back, and Hildreth wanted to exchange some bank bills for United States or Iowa money.

They again left and came back, and Hildreth then said that he wanted the money for Snyder; that he had bought a lot of cattle of him and wanted to pay him. Snyder was present and did not deny it.

- 44 James Hildreth testified to declaration of Magnus, contradicting him.

- 48 Daniel Heath testified as follows: Snyder came to the Phoenix Stable, my place of business. I asked him if he was the man who lost his money. This was in January or February last. He said he was, and that he would tell me the circumstances. Snyder then said that he had sold Hildreth a lot of cattle, and that he was to pay him in United States or Iowa money; that the draft was taken in his own name, and that he gave it to Hildreth to get the money on it; said that Hildreth handed the money to him, and that it was not such money as he had agreed to give him, and that he passed it back to Hildreth and told him that he must have the kind of money which he agreed to give him; that he then told Hildreth that he must get him United States or Iowa money; and that after he gave him the money the second time he snatched it away from him and ran off with it.

Merrill, the jailor, sworn and said: I let Magnus, or the man who claimed to be the owner of the money, in the jail. I heard Hildreth tell

him he would not give him a cent to settle the case, but that he would let the people know that he was no such man, and that if Magnus came there to abuse him he better go home. He heard only one conversation. A good deal of other conversation passed which he could not remember.

50 Darius Dusenberry said he was present when Magnus came to talk with defendant both times. In first conversation Magnus talked low, and he did not hear what he said; heard Hildreth reply that it was an honest debt and it should be paid. Defendant said it was his own money. He did not say that if he had known it was his money he would not have taken it. The second time Magnus was there defendant said he would fight it through; made no proposition to settle.

51 The defense here rested, and the people called J. Conrad, who testified as follows: I am in the banking business; have been for five years. (Looks at the bills.) It is current funds here. It was current here through the month of January last. It is worth one hundred cents on a dollar.

A. M. Hoyt was sworn on part of the people, and said that at the time defendant was arrested, there was a conversation about Snyder. Shaffer said that he met Snyder running down Madison street. Asked him if he had got his money. He said no.

16 The jury found a verdict in the following words: "We, the jury, find the defendant guilty of larceny of twelve hundred and seventy dollars, as charged in the indictment, and fix his punishment at three years in the State penitentiary."

52 The defendant moved for a new trial, which was overruled.

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Jeff Kildreth

vs

The People

Abstract

Filed Apr 27 1863

J. L. Leland CM