

13783

No. _____

Supreme Court of Illinois

Thomas et al

vs.

People

71641  7

State of Illinois }
County of Cook }
City of Chicago } 1/2

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

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

Carlos Mason, States Attorney

John Gray, Sheriff of Cook County

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

Let it be remembered to wit: on the fourth day of April in the year last aforesaid, it being the Term of Court aforesaid, the following among the proceedings were had and entered of Record in said Court, which proceedings are in the words and figures following to wit:

The Sheriff returned into Court the Venue facias formerly issued, by which it appears to the Court that the following named persons were duly summoned to appear this morning to serve as Grand Jurors at this Term of this Court to wit:
F. W. Howe, J. V. Darrow, John Turner,
J. B. Finley, Rob. Sheppard, Geo. Bates,

Wm. H. Carter	Jos. Williams	G. W. Deering
Ludwig Hegler	G. W. Speer	A. Hers Lee
Wm. Turner	J. G. Speer	M. P. Reardon
Austin Hines	Wm. Fox	W. H. Norwood
Eben. Day	D. N. Holt	L. Saliba
Math. Johnson	Emos Ayres	

who upon being called answered to their names and gave their attendance at this Term as Grand Jurors. And thereupon F. A. Horse, one of their number, was appointed Foreman of the said Grand Jury, who were duly sworn and charged by the Court and thereupon retired to consider of their presentments.

And afterwards, to wit, on the ~~thirtieth~~ ^{thirtieth} day of April in the year last aforesaid, it being one of the days of the Term of Court aforesaid, the following among the proceedings were had and entered of Record in said Court, being in words and figures as follows to wit:

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

The People of the State of Illinois

2371

Henry Thoma, Margaret Thoma
vs Francis Blatter

Harvey

which said presentment is in the words and figures following to wit:

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STATE OF ILLINOIS, }
CITY OF CHICAGO, } ss.
COOK COUNTY. }

3 Of the April 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 fifty-eight. ~~eight~~ nine

The Grand Jurors chosen, selected and sworn, in and for the City of Chicago, in the County of Cook and State of Illinois, in the name and by the authority of the people of the State of Illinois, upon their oaths, present that Henry Thomas, Margaret Thomas & Francis Blatner late of said City, on the 10th day of May in the year of our Lord, one thousand eight hundred and fifty-eight, in said City of Chicago, in the County and State aforesaid.

One hundred gold coins of the ~~value~~ species commonly called "Eagles" of the denomination of ten dollars and of the value of ten dollars each and fifty gold coins of the species commonly called "half Eagles" of the denomination of five dollars and of the value of five dollars each and twenty five gold coins of the species called quarter eagles of the denomination of twenty shillings and of the value of two dollars ^{and fifty cents} each

and money
the personal goods, of Christian Jacobi
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.

C. Haven State's Attorney.

STATE OF ILLINOIS,

CITY OF CHICAGO,
COOK COUNTY.

ss.

Of the 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 fifty eight.

aforsaid as aforsaid

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And The Grand Jurors, chosen, selected and sworn, in and for the City of Chicago, in the County
of Cook and State of Illinois, in the name and by the authority of the people of the State of
Illinois, upon their oaths, ^{do further} present that ~~the said Henry Thomas, Margaret Thomas & Francis~~^{Blatner}
late of said City, on ~~the twentieth~~ day of *July* in the year of our
Lord, one thousand eight hundred and fifty eight, in said City of Chicago, in the County and
State aforsaid. *being then and there bailed to one Christian*
Jacobi of certain goods and money to wit one hundred
gold coins commonly called "Eagles" of the denomination of
ten dollars each of the value of ten dollars each,
fifty gold coins commonly called half eagles and of
the value of five dollars and of the denomination of
five dollars and of the value of five dollars each,
and fifty gold coins of the denomination of two dollars
and fifty cents and of the value of two dollars and
fifty cents each did then and there feloniously
convert the same to their own use with the intent

~~the personal goods of~~ ~~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.

C. Haven, State's Attorney.

RECORDER'S COURT

OF THE CITY OF CHICAGO,

April Term, 1858.

THE PEOPLE OF THE STATE OF ILLINOIS

Henry Thoma
Margaret Thoma
& Frances Blattner

INDICTMENT FOR

Larceny

A TRUE BILL.

J. A. Howe

Foreman of the Grand Jury.

WITNESSES.

Anna Maria Suttler
Jacob Rhem
C. P. Bradley
Magdeland Schaffer
J. C. Bradley
J. Sumbard. H. A. Kaufman.
J. H. Dixon. W. M. Douglas.
Peter Shank
Thomas C. Downell

Filed April 13th A. D. 1858.

For H. C. Forrest, Clerk.

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

The People of the State of Illinois

2371

vs
Henry Thomas, Margaret Thomas, Imps.
with Francis Blattner

Harmony

This day came into open
Court Henry Thomas & Margaret Thomas as Principals
and John Uhley as surety and severally acknowledge
themselves to owe and be indebted unto the People of the
State of Illinois in the penal sum of One Thousand
Dollars, to be levied of their goods and chattels, lands and
tenements respectively;

Yet to be void on the condition that the
said Henry Thomas and Margaret Thomas shall personally
be and appear before the Recorders Court of the City of
Chicago on the first day of the next Term, to answer
unto the People of the State of Illinois on an Indictment
for Harmony, now pending in said Court against them
and shall abide the order of said Court and not depart
therefrom without leave, otherwise to be and remain
in full force and effect.

And afterwards, to wit: on the eighteenth
day of April in the year aforesaid, it being one of

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the days of the Term of Court aforesaid, the following
among the Proceedings were had and entered of Record
in said Court, being in the words and figures following
to wit:

2371

The People etc. Harris
Henry Thoma, Margt. Thoma
vs Francis Blatter On motion it is
ordered by the Court
that this cause be continued to the next Term on
payment of the costs of Anna M. Gutter, witness
for the People from Pittsburg.

And afterwards, to wit: on the
fourteenth day of June in the year aforesaid, it
being one of the days of the June Term of the
Court aforesaid, the following among the proceedings
were had and entered of Record in said Court,
being in words and figures as follows to wit:

The People etc

2371

" Harris
Henry Thoma, Margt. Thoma
vs Francis Blatter
The Defendants herein
having been furnished with a copy of their indictment
and a list of the jurors and witnesses, and thus being
now here duly arraigned for Plea severally say that
they are Not Guilty.
And now issue being joined it is ordered
by the Court that a jury come, thereupon comes

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a Jury of good and lawful men to wit:

G. G. Wilder	Elias Olson	P. Crosby
Yant. Mills	Thos. Freese	Yant. F. Wolf
F. Harding	W. G. Gifford	W. M. Merrill
W. P. Riordon	Henry Burwell	J. P. Protsford

who being duly empanelled and sworn and they hearing a part of the testimony of witnesses, and the hour of adjournment having arrived, it is ordered by the Court that the further consideration of this case be postponed until the coming in of the Court to morrow morning at nine o'clock.

Thereupon came the said Defendants Henry Thomas and Margaret Thomas as Principals, and John Schlager as surety, and renewed the Bail heretofore given herein, being in the sum of One Thousand Dollars, conditioned on their appearance from day to day.

And afterwards, to wit, on the fifteenth day of June in the year aforesaid, it being one of the days of the Term of Court last aforesaid, the following among the Proceedings were had and entered of Record in said Court, being in words and figures as follows to wit:

The People

Garrett

Henry Thomas, Warrant.

Thomas & Francis Blatter

This day again
came the said parties

2271

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with their counsel, and the Jurors aforesaid also come, and they hearing further testimony of witnesses, as also the arguments of counsel and instructions of the Court retire to consider of their Verdict, and afterwards return into Court and for Verdict say: we of the Jury find the Defendants Guilty on the second count, to wit: Harreny as Bailees of Gold coin to the amount of nine Hundred Dollars, and fix the Term of their imprisonment at Two years each in the Penitentiary of this State. ~~at ~~the~~ ~~same~~ ~~place~~~~

Thereupon come the said Defendants by their counsel and move the Court for a new Trial therein.

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

	People etc	Harreny
2371	"	
	Henry Thomas	
	Marat. Thomas	
	Francis Blatter	

It is ordered by the Court that the motion

for a new Trial heretofore made in this case be and the same is hereby overruled, to which overruling the counsel for the Defendants then and there excepts.

And afterwards, to wit: in the Term aforesaid the said Defendants come and file their Bill of Exceptions, which in the words and figures following to wit:

Recorders Court of the City of Chicago.

Henry Thoma
Margaret Thoma
Francis Blatner

ads

The People of the
State of Illinois.

Afterwards to wit at the June Term A.D. 1859. of the said above court held at the Court House in the City of Chicago in County of Cook aforesaid and before the Honorable Robert S. Wilson, Judge of said ^{Court}, to wit on the 14th day of June in said June Term A.D. 1859. - the aforesaid indictment and issue joined as aforesaid therein came ^{out} to be tried by of a Jury of the City of Chicago in the County of Cook aforesaid for that purpose duly empannelled good and lawful men of the said city aforesaid. At which day came as well the said People by their States Attorney Carlos Haven, as well as the said Defendants Henry Thoma & Margaret Thoma by their Attorneys Top & Adams and the said defendant Francis Blatner and his attorney Charles Cameron also came. And the jurors of ^{the} jury aforesaid, empannelled to try the issue aforesaid being called also came and ~~were~~ ^{were} then and there

in due manner chosen and sworn to try the said issue.

And the said People to maintain and prove said indictment and issue on their part called as witness.

Anna Maria Suttler - who being sworn said (through an Interpreter also sworn) that she knew Christian Jacobi that they - Jacobi four children of Jacobi and herself first came to this city in July last year - they came together stoped at an English house dont know the name nor where - said she first saw Jacob ~~Steen~~ when she first came to the city at the same house Jacobi had about \$2000 with him Jacobi staid ten days with her - had the money in his bed in a leather bag - a leather bag such as is used by Germans to hang over the shoulders - three pockets in it - when Jacobi left the money was in the Straw Matrap in the bed the straw matrap was over it he put it there and told me to lock the door when I went out - I dont know how much money was there when Jacobi left. The Sunday before two hundred dollars was stolen - said she knew Thoma & Wife and knew the other defendant - became acquainted with Thoma & Wife before Jacobi left - he left in the morning - miped money after Jacobi left a day and 1/2 or two, and after dinner when witness went down to dinner the bag was there.

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when returned from dinner found the bed dis-
arranged and the leather bag on the top of
the bed - dont know how much money was gone
not able to tell - money was secured in a
linen stocking did not know how many
packages of money there was in the leather bag
before she left - for dinner the package was
about as large round as a cent and about 6
or 7 inches deep it was a linen stocking the money
sewed in - when she discovered money was gone
she went down in the yard and cried - said money
was gone - saw Mrs Thoma - asked her if she had
seen any of the money among her people - she said
she had not - Witness then went up stairs again
- Jacob's little girl ~~then~~ came up stairs & told
witness to come down ^{to see Mrs Thoma} that Mrs Thoma sent her -
she went down - had some money - the package that
was left - the linen stocking - Mrs Thoma asked her
for it - went in Mrs Thoma's room where she was
cooking - witness was crying - Mrs Thoma asked me
for the money - told me that officers were after
Jacob for the murder of his wife - that the
Constables would take the money and divide
it among themselves - frightened me by telling
that the officers would get it and the children
would lose it - when I gave her the money she
gave me her name - told me to write it down
and write down her husbands name - it was Henry
Thoma - Baker in Chicago when I was coming

away - told me her name again and that when I wanted money to write for it - I gave the money that was in the stocking - not that found in the barn by the officers - was in the back room - at first time there was another woman with a child when conversation took place present Blatner was present and he said I had better give up the money - I had the money then in ~~the~~ stocking - cant say how long before I left Chicago - Mrs Thoma told me to go away when I gave up the money - I went away - Mrs Thoma came to see me - Mrs Thoma came to me the evening before I left for Pittsburgh - told me that if the children wanted money to write - I was locked in with the children - after the day the money was taken till I was back to Pittsburgh - after I came back from Pittsburgh - did not see Mrs Thoma - saw her when she was first here in the Marshall Office - I asked her for the money Mrs Thoma then told her she had not given her the money - the coin was ~~is~~ american gold round as a large cent - dont know the value - did not see the money - on the same day I gave money in the stocking to Mrs Thoma the other money was found in the Barn - think it was on the same day not sure - money was found by the officers - and that found was the same size as that given to Mrs Thoma - it was american gold - the money in stocking was sewed in two places - I had taken

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thirty two dollars out of it preciously - took no more out - Mrs Thoma took it out and counted it - same day after dinner in kitchen of New England House after she told Mrs Thoma about losing money - said I had the money all yet - half an hour before she gave money - saw Mrs Thoma that afternoon twice - after Mrs Thoma took the money out she sent for witness by the girl - Jacobi put the money in the linen stocking in Germany - it had never been opened until she paid board as directed by Mrs Thoma and gave her the ~~rest~~ ^{rest} of the money in the stocking to keep - Blatner was present and they said the officers would get it and divide it and I had better give it to them I gave the stocking with the money sewed in it to Mrs Thoma -

On cross examination by the counsel for Thoma & wife witness said - I have lived with Jacobi two years - worked for him in field in Germany I left Pittsburgh with him in July 1858 - stayed with him a week in Chicago - stayed in the same room with Jacobi in New England House - knew he had money in bag because it was hanging over his shoulder - he took money out of it at times - took it out same bag - saw him take ~~it~~ ^{money} out of another stocking not the one left - Monday morning after the two hundred dollars had been ~~stolen~~ stolen - when he counted it the last time I saw him have the linen stocking

Jacobi went away on Monday - he put every thing
 into it (the bag) and locked it - this was the last
 time I saw Jacobi have it - I saw him when
 he was counting it - was not there all the
 time he was counting it - went down stairs - I
 saw he was counting them (stockings) do not know
 how many he had - more than one linen stocking
 tied together - dont know whether tied or sewed -
 dont know whether Jacobi took any money out
 of the bag when he left - I was not up stairs
 then - I was down in the yard when he went
 away ^{with} ~~Gun~~ ^{and men} ~~xxxxxx~~ - he did not speak to me - about
 two days after Jacobi left I think I saw the linen
 bag - it was Monday he counted the money - paid
 my board the day the officers were looking after
 Jacobi - same day I lost the money - about 1/2
 hour after she saw leather bag on bed - Mrs Thoma
 told me I had better pay my board - that they
 were going to take Jacobi away - Mrs Thoma
 came up in my room - this was before I lost
 the money - before dinner 1/4 or 1/2 hour after
 dinner I came down a crying and told Mrs Thoma
 that the leather bag was cut and part of the money
 was lost - went up stairs again Mrs Thoma went
 in stable she said they were looking for Jacobi
 - when I was in her room Mrs Thoma called to
 me from the stable - I staid up stairs until
 Mrs Thoma sent Jacobi's little girl for me
 - told me I should come down and see the

German woman and bring every thing with
 me - I carried everything with me and locked the
 door when I came down Mrs Thoma sent the
 child out - when I came in Mrs Thoma's room
 there was there a woman with a child - another
 stout woman ~~and~~ a bakers boy - Mrs Thoma
 asked me whether I had the money with me, ⁱⁿ the
 linen stocking I said yes - she told me to give
 it to another stout woman - the woman said
 no she could not take it she must ask her
 husband - I did not offer the money to the stout
 woman - she had ~~no~~ conversation with me -
 Mrs Thoma said stout woman had property -
 Mrs Thoma told woman with child to go away
 that it was getting late - woman went away was
 sitting outside did not come in while I was ~~sitting~~
 there - I stayed $\frac{1}{2}$ or $\frac{3}{4}$ of an hour I left at 3
 or 4 o'clock - Mrs Thoma and the shoemaker were
 in the room when I gave money to Mrs Thoma - did
 swear on examination before esq Milliken that
 Mrs Thoma troubled me very hard for the money -
 said the officers would get it - I did not wish
 to give her the money - gave to her everything
 in the stocking - in the stocking as it was -
 had the stocking in my pocket in my dress
 - immediately after ^{dinner} Mrs Thoma told me to give her
 the money - I gave it - she told me to go off -
 I went away - saw the woman no more nobody
 present but the shoemaker (the Defendant Blaine)

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the other woman outside in Bakers shop - there were two rooms there the Bakers shop and the room in which they were - Blatner was in ^{the} same room when money was given - at time it was given Mrs Thoma on one side of me and Blatner on the other.

Crop examined by Charles Cameron Atty for
Prisoner Blatner - - - - -

Dont know how long afterwards I left the city after the day the money was stolen - Constable went with me to Pittsburgh - Mrs Thoma told me the same day I gave up the money that the officers were after Jacobi - saw shoemaker in Mrs Thoma's room same day - he told me I had better give up the money - Marshall Rhem came to see me about Jacobi - Jacobi Witnes and children came from Pittsburgh together - Jacobi and wife went out one evening - he returned alone - upon his return told me his wife was with a friend - wanted me to travel with him - said he was going to buy land had the same bag in which the money was - he said his wife was going to stay with a friend until she got well had the same bag all the time - I knew her in Germany - she could walk a little - Jacobi's wife told me she wanted me to take care of the children - first knew ^{Jacobi} had killed his wife when Mrs Thoma told me - I have been in Family way by a man in Germany - Child was born the latter part of August 1858 a month or soon - left Germany 6th of May 1858 - I know Jacob Rhem

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I did not say to any one at New England House that I was Jacob's wife & that Jacob's youngest child was mine - I never said Jacob's wife was dead - Jacob's oldest child ~~is dead~~ seven years old she said so - I did not tell her to say so - the smaller girl told me that the taller girl ~~said~~ said her mother was dead - told the little one that her sister should not say so - that her father ^{was} ~~had~~ gone after her mother told little one so - because Jacob had told me when he bought land he would go after his wife & I thought he had bought land and gone after her. This was before Mrs Thoma told me that the officers were after Jacob - at the time I gave money to Mrs Thoma I think Jacob had been gone about 2 days - did not know when he was gone - he said he was going to buy land - did not say when he left how long he would be gone - I did not know when he would be back - came from Pittsburgh last Saturday night - I have talked with no one about this matter since examination before esquire Milliken - have never talked to them about it - have never talked to any one about this matter - no one has talked to me about it - not a word.

Re. examination:

The bag was cut open when I found it on the bed - It had a lock on it & was locked - dont

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know Mrs Fazackey - has seen Landlady of New England House - dont know whether Mrs Fazackey (present & pointed out to witness) was or is the Landlady. - - - - -

Magdalena Schaffer being also duly sworn on the part of the prosecution - said that she lived at 565 State Street - knew the Defendant Henry Thoma - by his bringing bread - & resided at the same place - Thoma furnished me bread last July - my husbands name is Andrew Schaffer - I have seen Jacobi twice - once in our house when he was going in the country - at the time he was in our house he said he was going to Blue Island to buy a Farm - I believe it was second day after Jacobi left city Marshall I. When came to my house looking after Jacobi saw the Defendant Henry Thoma same day or second day after my husband and Jacobi went to Blue Island - I asked the Deft Henry Thoma what he thought about that affair of Jacobi - he said his wife (Margaret Thoma) had been over to New England House to act as interpreter - he said he thought it would be best to take the money from the Suttler girl - the officers would get it - cant say for certain whether he said all or part of the money - he said the Suttler woman had the money in the bag and would not give it up.

but finally she had forked over - shelled out - my husband (Andrew Schaffer) had not returned at this time - I believe he staid a day longer - saw Jacobi the same day in the forenoon - was talking with my husband - he was talking about taking Jacobi to Wheeling - saw Maria Ann Suttler (the witness) first time at the examination before esquire Milliken - Jacobi never had any conversation with me - saw Thoma in kitchen of my own house - went in Bar-room - asked Thoma there what he thought of that Jacobi affair asked him nothing else - this was after the officers had gone after Jacobi - when Thoma came to the house it was after Rhem was there - dont know how he called the Suttler girl - thought he said something to the effect that she was Jacobi's wife - he said he thought that woman had better put the money away - that after all the officers would get it - that she had the money in a bag - that finally she forked over -

Cross Examination by Mr Toss -

I testified before Milliken a man came after me - I did not converse with Rhem previously - The day after Mr Bradley was there and asked my husband if he thought Jacobi had the money with him - (this conversation was objected to by ^{defendants} plaintiff, objection was overruled and defendants ~~accepted~~) ans. I said no I did not think he had taken all the money because I had heard this conversation

with Thoma - I told this conversation to my husband the day after he came back - told Bradley in the middle of the day - dont know how long after I told my husband - it was before the rumor was that they had found the money - I have had some talk with Thoma about something his wife said about me - a Mrs Miller lives in Edina Place said I had robbed my husband of \$400 I went to see Mrs Miller & said Mrs Thoma had said so - I went to see Mrs Thoma she laughed and said she had never been in Mrs Miller's house - had no great fuss about it - an old man persuaded me to be quiet - at first Thoma & wife was quite pleasant - cant say that Thoma told me to leave the house - he called my husband names - said something about a miserable pack - I am not kindly or evily disposed towards Thoma & wife - the German word used by Thoma translated by "forked over" - was understood by the word that she had given or paid something - I said before Milliken on examination when asked if she understood it answered it as she answered here - I did not ~~not~~ at time of examination send my husband to one of the officers to say I knew something - - - -

Jacob Rhem - was not sworn said am City Marshall was so last July - first saw Anna Maria Suttler (the witness) 2 or 3 days after Jacobi left the city - dont know what day

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he Jacobi left - think I went to Blue Island
 on Thursday - saw Mrs Schaffer before I went -
 started to Blue Island at 2 o'clock P.M. - came
 back next night - saw Suttler & Thoma's wife
 the same day - I knew Thoma's wife - a vacant
 lot between Thoma's house and New England
 House - Thoma's house south - Blatners house
 1 or 2 doors north of N. E. House - when I returned
 from Blue Island I stationed an officer at N. E.
 House to prevent Anna Maria Suttler from
 going away - dont remember how long she and
 children were in custody - I saw the money that
 was found it was American Gold - it was found
 the day I returned from Blue Island in the Barn
 I arrested Jacobi at Danville in this state he had
 no money - about 4 to 6 weeks after money was found
 I took Jacobi to Pittsburgh - (do you know of
 Jacobi's Atty coming from Pittsburgh and going
 to see Thoma's wife objected to and objection over-
 ruled & defendents accepted) - Jacobi's Attorney
 came from Pittsburgh and went to see Thoma's wife
 - the next day after he went away I went to their house
 I asked them for the money the Suttler girl ~~got~~ gave
 them; they said they never had it; this was some
 two or three months since; witness Suttler was
 not here then she came about 3 weeks after; I
 asked Thoma's wife if they had the money she said
 they had not; the Suttler girl asked them for the money
 in my presence and they denied having it.

Cross examination by Cameron,
 First saw the witness Suttler last July; at New
 E. House; also the 4 Children; told her I wanted
 Jacobi; I think I told her for the Murderer
 of his Wife; she told me she did not know where
 he was; had a conversation with her (Suttler) at
 N. E. House about money after I came back
 from Blue Island; I searched her and found \$60
 in Gold on her; she has been at and to my office;
 had no conversation with her except to interpret
 questions and answers of Mr Miller at the time
 she made the complaint; before esquire Milliken.

C. P. Bradley was next sworn I
 was in Pittsburgh fore part of July last; came
 home July 13th chief of Police of Pittsburgh came with
 me as far as Cleveland; I have an office of
 Detectives in this city; after I came home rec-
 eived a Telegraph from Mayor Weaver of Pittsburgh
 relative to the murder of Jacobi's wife; instituted a
 search found Suttler girl at N. E. House; on Friday
 or Saturday after I had been to Blue Island; I went
 with them; one of my men was in charge of the
 N. E. House; had them to question her ^(Suttler) about the
 money; instituted a search for money; my men of
 them searched the Barn; I started round to Schuffel,
 on my way back met J. Bradley; learned from him
 which was objected to & objection overruled and
 Deft's ~~accepted~~ that the money was found;

Cross examination by Cameron,
 First saw the witness Suttler last July; at New
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 of his Wife; she told me she did not know where
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 on my way back met J. Bradley; learned from him
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 Deft's ~~accepted~~ that the money was found;

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the money was shown to me; what was it? (objected to and objection ^{was} overruled and Defendants excepted) answer the money was American coins 20. tens & fives & 2 1/2 pieces the whole amount was (\$ 785) seven hundred & eighty five dollars; this was also excepted to by Defendants Counsel overruled and Defendants excepted a few days after the Suttler and children went back to Pittsburgh; saw Mrs Thomas when Suttler girl was there on side walk in front of N.E. House she acted as interpreter for me in conversation with Anna M Suttler I dont remember date when girl returned from Pittsburgh; several months after she left; she came with the clerk of Mayor Weaver of Pittsburgh; dont understand the German Language; understood that enough to know that she denied having the money Jacobi was convicted last October at Pittsburgh for the murder of his wife and hanged on the 26th of may last.

Thomas C. Bradley was next called and sworn on the part of the prosecution; said I am a detective am one of C.P. Bradley's officers; belong in his office; was at N.E. House in July last in relation to Christian Jacobi matter; saw Suttler girl the first time was on Friday morning July 16th; the witness Suttler was in a front room up stairs with a child the other children down stairs; on Monday after I searched her for some money there; money was found in a Barrel in the Barn back of N.E. House by Jefe Lumbard one of our detectives in my presence

saw Mrs Thoma & Blatner there several times; I went also to Blue Island; after coming back from Blue Island; went there on Sunday morning; went for Mrs Thoma to interpret for her, she went up stairs with me talked ~~with~~^{to} Anna Maria Suttler (the witness) in German; brought some soup to children; saw a bag or leather wallet there; a dark colored; shape of Lady's Reticule; when I saw it, it was cut or torn on side near down to the bottom; after money was found Suttler girl remained there till next Friday after money was found; Mrs Thoma was there ~~4~~⁵ times as interpreter; I think while I was there Mrs Thoma was the only person I allowed to see the Suttler girl; Mrs Thoma interpreted for me what the girl Anna Maria Suttler said about the money; this interview was between nine & eleven o'clock; The money we found that Sunday morning the money we found was American Gold Coin \$20 \$10, \$5 & \$2,50 the Suttler girl saw it; the money delivered to Mrs Thoma was not this money; this money was retained and forwarded to Pittsburg; the money delivered to Mrs Thoma was that left in the linen stocking in the bag on the bed - - - - -

Thomas O'Donnell: (being next duly sworn) that he had just come from the jail in the charge of an officer where he was now & had been several weeks confined on a charge of Sarceny that he knew Francis Blatner one of the Defendants herein that he and Blatner were put in the same cell in the jail had occupied

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same cell with Blatner ^{about} two weeks; (Did you have a conversation with Blatner while in the cell in regard to the Jacobi money); this was objected to by the Defendants respectively & objection overruled & Defts each of them excepted; Court ruling and instructing the jury that said conversation should not be taken as evidence against Thoma & wife; but could only be received as evidence against Blatner; witness stated he had a conversation with Blatner while in the cell; Blatner asked him if he knew any thing about Saw; witness told him he had been a policeman in New York fourteen years; Blatner then wanted to know if he swore at the trial different from what he had done on the examination whether he would be punished and what they could do with him; this & answer was objected to by Cameron Blatner's counsel, objection overruled and Deft excepted; I told him if he had sworn to one state of facts already at the examination and should swear differently now, they ^{would} punish him for one or the other; I asked him what he had sworn to; he said he had sworn that he knew nothing about the money that he was there and ~~knew nothing about the money~~ no money was delivered, I asked him if he knew any thing about it; he said he did that he knew all about it; that he was present when the Suttler girl handed over the money; that it was in a stocking sewed in; & ~~in~~ in the evening when Thoma came ~~home~~ they cut the stocking ^{open} and counted it that

there was about one thousand dollars all in gold that Mrs Thoma agreed to give him three hundred (~~\$300~~) dollars (\$300) but she had not given him but \$200 and that he was sorry that he had any thing to do with it; that he had not had any luck since he got it; that Thoma and he were for giving up the money when the Atty from Pittsburgh called for it, and if it had not of been for the damned Bakers wife they would have given it up; but she would not let them; he said there was nothing against Thoma before the Magistrate but the testimony of a woman that Thoma said they had finally made the Suttler girl shell out; He said he would have got \$25 for swearing for Thoma if the Marshall had not watched him to close; he told me this of his own accord; after I told him that I had been on the Police & knew something about Law I reported it to the Marshall; I never knew any thing about the matter until Blatner told me; and dont know now anything except what he told me Croft examined by Cameron - said I have been in jail about 4 weeks; the Grand Jury have found an indictment against me for Larceny of some old clothes; I have not been tried; I took the clothes I am quiet of that but I was drunk when I took them; I dont expect to get off any easier because I have testified here to day in this cause have been promised nothing by the officers; I have

been policeman in New York 14 years I said to Blatner; Judge Maxwell was chief of the police had his court in the Park; I came from Ireland I never got any wages as Policeman; I never was attached to any police force; I have acted against a Policeman two or three times I lived in New York dont remember the place nor street; dont know on what street the Astor House is in New York or on what street the Park is; cant tell where Trinity Church is; I am a catholic went to Church several times in New York do not remember the street, ^{on which} any of the churches were or their names; never was a policeman at all except I helped a Policeman once or twice; My father is a farmer in Ireland he has two farms one in the county in which he lives and the other in another ~~the~~ county; I dont know how large the farm was in the county where he lived I dont know the name of the county or where the other farm was.

H. A. Hauffman also sworn said - I am a detective Policeman; arrested the Deft Blatner at his Farm on the Illinois Central Rail Road 60 miles from this city; he was shoemaking; his store is a new wooden building; his farm was about a mile from his store; on the way up to this city I read the warrant to him; said he had nothing to do with it, that he was at Mrs Thomas; Anna Maria Suttler was there; Mrs Thomas wanted him to take the money he would not do it;

William M. Douglass, next sworn am detective policeman; in the Marshall office; I was asleep, John C. Miller Atty and Blatner were talking; I put down what was said; he said last Spring on going to pay for stock had lost his money said he had paid over five hundred dollars on his place, and for stock since then.

Crop examined. said had expended his money since last June a year ago; Miller was asking him about the price of the farm; 40 Acres; told Miller that he had been a shoemaker in Chicago and had a stock of shoes; that just before Jacobi came here he had to get a bill extended 4 weeks because he lost his money; the bill was about \$40.

The foregoing is all the evidence on the part of the People and Prosecutions.

The Defendants then called and examined the following witnesses on their part.

Theodora Shellham. being sworn testified as follows; I am married my husbands name is Thomas Shellham; works in Carpenter Shop; have been in Chicago 5 years; am acquainted with Thoma & wife; was in Thoma's house last summer; think in July; was there in the afternoon; saw Anna Maria Suttler there; she came in while witness was there; she came alone; came into the middle room; the dining room; Mrs Thoma was there; Mrs Thoma's father ^{also} in the room; dont know his name; nobody else there; knows Caroline Schneider; she came in afterwards; after Anna Maria Suttler; when she Anna Maria came into the room she cried and said there was some money stolen from her; nothing more said about the money; Anna Maria Suttler the witness had a bag; said some money had come out of it; there was nothing else said there but Mrs Thoma told the girl she must take care of the money or it would all be stolen; a little girl came after Maria afterwards; did not hear Mrs Thoma tell little girl to go out; would have heard it if ~~they~~ she had said it; witness was in room when Maria Suttler (the witness) left; witness went away soon after six o'clock.

Cross examined - Maria came in soon after dinner left soon; in about an hour Caroline Schneider left; did not stay long; left before Maria Suttler Caroline Schneider had no child; Mrs Thoma did

not tell witness at any time when Maria Suttler was present to go home; witness did not at any time when Maria was present go in Bakers shop; did not hear Mrs Thoma ask Maria Suttler to give her the money; would have heard if she had asked; witness went home with her husband; he came for her at six o'clock; Jacob Webber was in room once when Maria Suttler was there; dont know how long; think he was there when Maria left; if Maria Suttler had given the money or bag to Mrs Thoma witness must have seen it; Maria showed the stocking with the money in it there put it away under her apron; remained in the room I dont know how long; think about (or) half an hour; heard Mrs Thoma tell Maria Suttler she should give the money to somebody that could take care of it; she then offered it to Mrs Thoma; Mrs Thoma refused to take it because she had no property.

The bag was a gray bag; cannot tell size saw nobody have it but Maria Suttler; Maria Suttler there once; might have been there an hour or less in dining room; front is Bakers shop; Bakery in back part; dining room between, they were in middle room; besides witness Mrs Thoma and Maria Suttler Caroline Schneider Jacob Webber; Mrs Thoma Father and little girls; cant tell exactly how long Caroline stayed $\frac{1}{2}$ hour probably left in the evening she came again & got something must have been near 6 o'clock P.M. went right away; think Webber stayed $\frac{1}{2}$ an hour

dont know exactly; sat and stood sometimes he spoke
 of the money; dont know to whom; said nobody
 should take it; thought it was better if nobody
 should take ~~said so~~; but dont know to whom;
 Anna Maria Suttler, not there then when Webber
 made the remark; Webber was in the room when
 Maria went out; nobody said any thing about
 it but Webber; Blatner also came in dining room
 they told Blatner that that woman had come
 & that she wanted to give somebody a bag with
 money to take care of; Mrs Thoma said this after
 Maria went out; ~~Blatner~~; Blatner was not there
 when Maria Suttler was there; I testified before
 Milliken; did swear before him she saw the bag
 she said she showed the bag and said some
 money was taken out of it & put it away again,
 witness stayed in dining room during the time
 Maria Suttler was there; did not stay in dining
 room all the evening; went out on sidewalk
 had her baby on her arm; fine weather at noon
 in the evening rainy; said at Milliken's ^{that} it rained
 a little in the evening; went out several times with
 her baby on the sidewalk ~~walked~~ during the ~~evening~~
 afternoon; before and after Maria Suttler left;
 Mrs Thoma's father went in Bakers Shop and
 sold bread; after Maria ^{went} away she was not in
 room back of dining room at all; thinks that
 when she was on sidewalk Blatner was in the
 middle room; thinks he was there once;

Re-examination — did not stay on sidewalk much longer than five minutes at any one time; cant tell exactly whether door was open between shop and dining room; there was a door between Baker's Shop and dining room;

Caroline Schneider — was next sworn said am married; my husbands business; saloon and boarding house; in October will have been in this city seven years; have known Thoma & wife longer than three years; have known them well during that time; have seen Maria Suttler in New England House and once in Mrs Thoma when officers were after Jacobi; Mrs Thoma told me in her store; that the girl told her that some of the money had been stolen and the girl wished some one to take care of it; I went over there & Maria Suttler was sitting down crying; Mrs Thoma told me to take it the money that I had property and could take care of it; I would not do it; the woman just testified was present (Theodora Schellham) Blatner young man a workman of Thoma and another man were present; came in at the front of the store; came back or away just before supper time; got some cakes & bread saw the woman who testified here last on the lounge in the dining room.

Cross examination — was at Mrs Thoma's three times that afternoon; stayed about 10 minutes.

1st & 2^d time about 5 or 10 the 3^d time; 1st time saw old man & Mrs Thoma 2^d time saw Anna Maria Suttler the woman Mrs Thoma & Blatner 3^d time a little before 6 o'clock saw the witness Mrs Shellham who testified sitting on Lounge dont know who wailed on her; 2^d time in the dining room Mrs Thoma told me to take the money and take care of it; that she Mrs Thoma could not take it she was poor; witness would not take it; 1st time Mrs Thoma said the girls money had been taken or stolen; saw nobody but Mrs Thoma the first time; never saw the bag that had the money in it; when I left the 2^d time Blatner Mrs Thoma Theodora Shellman Maria Suttler and a young man standing by the table were there; Mrs Thoma has a child now about three months old.

Jacob Weber - was next sworn & testified that he drives the bread wagon for Henry Thoma the defendant has been in his employ 11 months since 15th of July 1858; knows Anna Maria Suttler saw her at Thoma's house about three weeks after he came there; it was the same ^{day} officers went after Jacob; Maria came in back dining room & kitchen together Mrs Shellham was sitting there Mrs Schneider came afterwards nobody else was there when Maria came in; Mrs Thoma's

Father and Blatner came in afterwards; when she first came in she was crying; she said she had lost some of her money & that the bag was cut open and money taken out; wanted some one to take care of it; offered it to Mrs Thoma & Mrs Schneider neither would take it; Maria then went out; I stayed until $\frac{1}{2}$ past 3 went off came back at 6 o'clock was in the room all the time the girl was there; If Mrs Thoma had asked Maria for the money I would have heard it; if Mrs Thoma had said to Mrs Shellham that it was cloudy she had better go home I should have heard it; she did not say it; the Suttler girl had the youngest child with her when she came in; did not hear Mrs Thoma tell little girl go off; if she had so told her I would have heard it; If Maria Suttler had come back before $\frac{1}{2}$ past 3 I would have seen her.

Crop examination — was in the room $3\frac{1}{2}$ hours; the dining room; Mrs Shellham was there; don't know how long; Mrs Schneider only a little while; came in and walked out we had just got up from table when Maria came in she stayed about $\frac{1}{2}$ ^{an} hour had seen her out on sidewalk of N.E. House that morning several times; when she came in she said she had lost her money bag cut open and money

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taken out; wanted Mrs Thoma to take the money; Mrs Thoma said she would not take the money she had not property to give security Mrs Thoma told her to give it to Mrs Schneider that she had property; set the day down I went to work for Thoma.

Re examined - when I say I said nothing I mean when Maria Suttler was there; cannot say whether I said anything after Maria left.

Caroline, Schneider, recalled by court - says that Maria Suttler had small girl with her at the time she witness was there.

Mrs. Fozackly. was next sworn testified that she is married; her husband kept New England House last summer; Jacobi the Suttler girl staid there 13 or 14 days & occupied a three bedded room; Maria Suttler was with him I did not know that the Suttler girl was Jacobi's wife; the room has one window open on to vacant lot on 2^d floor on south side; window on second floor; Maria Suttler paid me about 11 o'clock A.M.; this was last July; officers were in the house at the time the money was stolen; window could not have been reached ~~from~~ without

a ladder window is in sight of Thoma's & Schneiders Buildings can also be seen from side walk - - - - -

Anton Bergh - was next sworn says that he has resided in this city for five years & upwards; that he is well acquainted with Henry Thoma, & wife; & knows their character; & their character for honesty is good.

The foregoing is a true and correct statement and history of all the evidence and proceedings on the trial of this cause.

And hereupon after hearing the counsel for the respective ^{parties} ~~counsel~~, the court read the following instructions to the Jury. -

The defendant Francis Blatner by his Atty & counsel C. Cameron submitted the following written instructions to the Court which ~~was~~ ^{were} given to the jury.

7th

If the jury believe from the evidence that the Deft Blatner received the gold coin in question from the Defendants Henry Thoma & Margaret Thoma and not from Jacobi or any of his agents then they ~~jury~~ must find him not guilty; his being an indictment for larceny as bailer and not for receiving stolen goods or money.

D.C.

Unless the jury believe from the evidence that the Deft Francis Blatner was bailee of gold coins of the denomination and value described in the indictment, and that such gold coin was the property of Christian Jacobi, and was deposited with the said Deft by said Jacobi, or some persons by him authorized so to do, and that said Deft converted the same or any part thereof to his own use, with intent to steal the same they must find him not guilty.

The jury are the judges of the law and the facts, and must determine the guilt or innocence of the Defendants from the whole facts developed in the case by the witnesses on the stand. And they are also ^{sole} judges of the credibility of each witness and if they believe that the witness O'Donnell wilfully & falsely swore to any material fact while upon the stand they are at liberty to disregard his whole testimony.

The Defendants Henry Thoma & Margaret Thoma his wife asked the following instructions which were given.

1st.

In criminal cases the presumption of Law is that the parties charged with crime are innocent, and this presumption is to be regarded by the jury as matter of evidence to the benefit of which the parties charged are entitled and which must be removed

or rebutted by proof before the parties charged can be convicted.

2d.

In order to find the Defendants or any of guilty the jury should believe not only that the facts proved are consistent with the prisoners guilt but also that they are ^{not} with any other rational conclusion and if the jury believe in the present case that the facts testified may reasonably exist and yet the Defendants or any of them be innocent the jury should find ^{such} ~~the~~ Defendants or defendant not Guilty.

3d.

The declarations or admissions of the Deft Bletner testified to by the witness O'Donnell as having been made by Bletner while in jail and subsequent to the alleged commission of the crime with which said Defendants stand charged, are not evidence against Henry Thoma & Margaret Thoma and the jury should ^{dis}regard all proof of said admissions & declarations in ^{wholly} passing upon the guilt or innocence of said Henry & Margaret.

4th.

Unless the jury believe from the evidence that the Defendants Henry Thoma & Margaret Thoma were Baileys of gold coins of the denomination and value described in the indictment and that such gold was the property ~~was the property~~ of Christian Jacobs and was deposited with the said Henry & Margaret

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and was by them converted to their own use with the intent to steal the said gold coin they must find the defendants Henry Thoma & Margaret Thoma not guilty. —

5th.

If the jury believe from the evidence that the witness Anna Maria Suttler has wilfully and corruptly testified falsely in any material particulars they may discredit her evidence altogether.

6th.

The indictment in this case contains two counts the first for Larceny at common law for feloniously taking and carrying away the property described in the said first count, the second count is for Larceny under the Statute as Bailee, the jury should return their verdict upon both counts stating in their ~~and~~ verdict whether the defendants or any of them are guilty or not guilty upon the first count and also whether they or any of them are guilty ^{or not guilty} upon the second count of the indictment.

7th.

In order to convict the defendants or any of them of Larceny as Bailee's as charged in the second count of the indictment; the prosecution must prove that gold coin of the denomination or denominations and of the value alleged in the indictment, was deposited with such defendant or defendants as Bailee or Bailee's and if they do not believe or have any doubt from the evidence that such gold coin was deposited

with any of the Defendants they should find such defendants or defendant not guilty.

The People by their States Attorney submitted the following written instructions which were given and read to the jury to the giving and reading of which the defendants respectively by their Attorneys aforesaid objected and to each of them respectively objected which objections were overruled and the defendants respectively then and there excepted.

1st.

If the jury believe from the evidence that Margaret Thoma received the money from the witness Suttler mentioned in the indictment as a Bailee of the same and the jury further believe from the evidence that the defendants Henry Thoma & Francis Blatner knowing that said Margaret Thoma had said money as a bailee of the same afterwards with such knowledge converted the same money to their own use with intent to steal the same and the jury further believe from the evidence that said money was the money of Christian Jacobi then the jury should convict such defendant or defendants as they believe from the evidence to have converted the same as aforesaid.

To the giving of which the Defendants objected which objections were overruled and defendants excepted.

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2d.

" If the jury believe from the evidence that the money or any portion thereof mentioned in the indictment came to the possession of the defendants or either of them as the money of Christian Jacobi and the jury further believe from the evidence that the defendants or either of them converted such money to their own use with intent to steal the same and the jury further believe that said money or any portion thereof was the money of Christian Jacobi then the jury should convict such defendant or defendants as they believe from the evidence to have ^{so} converted to their own use as aforesaid "

To the giving ^{& reading} of which the defendants respectively objected which objections were overruled and the Defts then and there excepted —

3d.

If the jury believe from the evidence that the defendants or either of them received the money mentioned in the indictment of the virtue Suttler as the property and money of Christian Jacobi and the jury further believe from the evidence that the defendants or either of them afterwards converted the same money to their own use with intent to steal the same as charged in the indictment then the jury should convict such defendants or defendant as they shall believe from the evidence to have converted said money as aforesaid .

To the reading of which Defts respectively objected objection overruled and Defendants ~~Accepted~~ —

4th

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If the jury believe from the evidence that Margaret Thoma one of the Defendants received the money described in the indictment from Anna Maria Suttler and that she received the same to be returned to the owner and that she afterwards converted the same to her own use with intent to steal the same, and the jury further believe from the evidence that Henry Thoma & Francis Blatner advised and encouraged such conversion of the said money to her own use they the said Francis Blatner and Henry are equally guilty with Margaret Thoma ~

To the giving and reading of which instructions the Defendants respectively objected and objections ^{was} overruled and defendants excepted ~

5th.

If the jury believe from the evidence that the witness Suttler gave the money mentioned in the indictment to the defendants or either of them to be returned upon request to the owner thereof and that the said money was the money of Christian Jacobi then the said defendants or such of them as received said money became the Bailees of said Christian Jacobi, and if the jury further believe from the evidence that the said defendants or either of them converted the same to their own use with intent to steal the same they should convict such defendants. ~

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To which above instruction the defendants respectively objected which objection was overruled and Defts excepted.

6th.

An accessory is he ^{or she} who stands by and aids abets or assists or who not being present aiding abetting or assisting hath advised and encouraged the perpetration of the crime he or she who thus aids abets or assists advises or encourages shall be deemed and considered as principal and punished accordingly.

To the giving ^{of reading} of ~~which~~ ~~defendants~~ of the instruction aforesaid to the jury the defendants each of them respectively objected which objection was overruled and Defendants excepted.

After the said instructions had been given as aforesaid & excepted to as aforesaid the jury retired in the charge of a sworn officer (William B. Calhoun,) Deputy Sheriff and after deliberation and returned into court with the following verdict which was in writing and in the words and figures following

" We the jury do not find the defendants guilty on
" the first count in the indictment but do find them guilty on
" the second count - to wit - Larceny as Bailees of gold
" coin to the amount of nine hundred dollars and
" fit their time at two years each in the State Pen-
" -itentiary "

" F. Harding Foreman "

And which verdicts rendered in open court entered of record, ~

Whereupon the said defendants each for himself & herself by their counsel aforesaid entered motion for a new Trial upon the following grounds - viz -

That the verdict was contrary to law.

That the verdict was contrary to the evidence

That the verdict was unwarranted from the evidence

That the defendants respectively had not been proved to be the bailees of Jacobi that there was no evidence warranting the jury to find the property was Jacobis or that they had converted the same ^{either} feloniously or otherwise or either of them That the court had erred in permitting incompetent evidence to go to the jury & in overruling Defendants objections & in excluding proper evidence That the court had erred in giving instructions to the jury on behalf of the people which were objected to by Defendants. There was no proof of larceny committed by either defendants of the count on which they were convicted No proof of legal demand ~

Which motion was overruled & defendants excepted Defendants then filed their motion in arrest of judgment which motion was overruled and defendants ^{respectively} excepted Defendants were sentenced each to ~~the~~ ^{the} penitentiary for two years. And inasmuch as the above evidence and proceedings do not appear of record the above named defendants respectively pray their bill of exceptions signed sealed and allowed in due form of Law

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according to the Statute in such case made and provided ~

And therefore I Carlos Haven States Attorney who acted as prosecuting attorney on the trial of the above cause do certify that in my opinion the above bill of exceptions contains a full & true history of the proceedings on said trial and in witness whereof in pursuance of the Statute in such case made and provided I have hereunto set my hand and seal to this at the Court House in the City of Chicago on the 14th day of August A.D. 1859. in the June Term of the Recorders Court of the City of Chicago for the year A.D. 1859.

Carlos Haven (seal)
States Atty.

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And afterwards, to wit: on the same day as last
aforesaid, the following Proceedings were had among
others and entered of Record in said Court, being
in the words and figures as follows to wit:

People

Larney

Henry Thoma

Margt. Thoma

Francis Blattner

This day came the People
by Carlos Warren Yates

Attorney and the said Defendants as well in their own
proper persons, as by their counsel Cameron & Adams
also come, and now neither the said Defendants nor
their counsel for them saying anything further why
the judgment of the Court should not now be
pronounced against them on the Verdict of Guilty
heretofore rendered in this cause:

Therefore it is ordered and adjudged
by the Court that the said Defendants Henry Thoma,
Margt. Thoma & Francis Blattner be taken from
the Bar of this Court to the Common Jail of Cook
County from whence they came, and from thence
by the Sheriff of Cook County within ten days of
the Date hereof 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
bodies of the said Defendants and confine them
in said Penitentiary in a safe and secure custody,

for and during the term of two years each, 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 they be thereafter discharged.

It is further ordered by this Court that the said Defendants pay all the costs of these proceedings and that execution issue therefore.

State of Illinois }
 County of Cook }
 City of Chicago } ds

I, Joseph H. C. Forrest, Clerk
 of the Recorders Court of
 the City of Chicago, County and State aforesaid,
 do hereby certify, that the within and foregoing
 is a true and complete ~~correct~~ Transcript of the
 Record of said Court, as entered in a case, wherein
 the People of the State of Illinois were Plaintiffs and
 Henry Thomas, Marat. Thomas and Francis Mattner
 Defendants, as also of the Bill of Exceptions as
 filed by the said Defendants.

In witness whereof I have hereunto
 set my hand and affixed the seal of
 this Court this 14th day of August
 A. D. 1859.

Joseph H. C. Forrest
 Clerk

I have Examined the foregoing record
to find no Error for which a superseding
should be called

A. D. Eaton

Henry Thomas
Margaret Thomas &
Francis Blatner
vs

Of April Term AD 1860

The People of the
State of Illinois

Afterwards to wit in the April Term
AD 1860 of the Supreme Court of the
~~Supreme Court~~ of the State of Illinois

Before the Judges thereof come the said
Henry Thomas Margaret Thomas and
Francis Blatner plaintiffs in Error
by H. Garrison their attorney

And say that in the record & proceedings
and also in the giving of Judgment
there is manifest Error in that to wit
The Indictment and matters therein
contained are not sufficient
in Law for the said People to have
and maintain their aforesaid
Indictment conviction & judgment
thereof against them

And the said Plffs in Error
each severally specifies the following
grounds of Error

The court erred in permitting the
case to go to the jury there being no

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Evidence tending to prove either count in
the indictment

- 2 The verdict was contrary to Law
- 3 The verdict was contrary to the Evidence
- 4 The verdict was unwarranted by the Evidence
- 5 There was no Evidence of Bailment
- 6 There was no evidence that the money belonged to Jacobs and that the same was taken or converted without his consent
- 7 There was no proof or Evidence that either of the plaintiffs in Error were Baileys of Jacobs

8th

There was no proof of Arriano Furande at the time the money was delivered or delivered at all

9th

There ~~was~~ was no proof of Conversion felonious or otherwise on the part of either of the Peffsin Errors

10th

There was no proof that Larceny as Bailees had been committed

11th

There was no proof that any crime had been committed or that \$900 in gold had been received of Jacobs & converted as charged in the indictment by either of said Peffsin Errors

11th There was no proof of legal demand for the money of either or any of the defendants or of all of them

12th Henry Thomas or Blatun was never even asked if they know of the money & the same was not demanded of them — (a demand is out violence of Convulsion) in Criminal Law —

13th The jury Erred in not regarding the Law as laid down in Defendants instructions & in disregarding the same

14th The Court Erred in giving & reading the instructions asked for on the part of the People and in overruling Plaintiffs in error objections to the same & to each of them

15th The Court Erred in permitting incompetent irrelevant and immaterial Evidence to go to the jury & in overruling Plaintiffs in error (Each of them) objections to the same, & in excluding proper Evidence offered on the part of Plff; in error also erred in permitting hearsay testimony to go to the jury —

There was no proof that Larceny of any kind had been committed. & the Court therefore Erred in not rendering judgment for the Piffin Errors & for Each of them

19th

The Court Erred in overruling the the Piff in Error or motion for a new trial— And Erred therein as against Each of said plaintiffs in Errors

19th

The Court Erred in overruling the motion in Arrest of Judgment & in sentencing the said plaintiffs in Errors & Each of them

20th Also Erred in the rendition of Judgment as against plaintiffs in Error in Manner and form as appears by Record—
Specially as against Margaret Thomas she being a Married woman

21st

The judgment should have been for Piffin Error and Each of them and also the verdict

22^d

The cause being ordered to be tried at the May term A.D. 1839. The Court Erred in remanding the jury to June term A.D. 1839 after the Piffs ^{in fact} had been discharged at said term, — or cause at May term disposed of —

23^d

The Court & Recorder had no jurisdiction of the persons of Piffs in Error

24th

The Recording Court not holding a term once a month as Required by Law had ceased to have jurisdiction —

25th

The Court Erred in continuing the cause from April Term to June term without Consent of Piffs, in Error — 1

26th

The person of Christian Jacobs. Should have been produced & sworn of the ownership of the coin and as to the Balance and amount of gold in purse — his ~~not~~ appearing the Piffs in Error should have been discharged each of them

27th

The Piffs in Error being found not guilty on the first count of the indictment their innocence was established & they should have been discharged & judgment in their favor given

Wherefore Petrs in Error pray that the
judgment aforesaid for the above
other errors manifestly appearing
of Record, may be revoked reversed
Annulled and altogether held for
nought and that they and each
of them may be restored to all things
which they have lost by occasion
of the judgment aforesaid

A. Garrison

Atty for
Petrs in Error

And now comes the said Defendant
in Error by ~~Wm~~ Bushnell its Attorney &
Joins in Error and says there is
not error in the Indictment judgment
conviction & proceeding, in the above Cause
but said Judgment ought in all
things be affirmed

D. Jones
states atty

Supreme Court

Henry Thomas

Margaret Thomas

Francis Blaine

vs Off. in En

The People &

Agreement of
Errors

A. Garrison

5 #
Supreme Court

Henry Thoma
Margaret Thoma
+ Francis Blatner

vs

The Peoples re

Record

21 P.D.

Filed April 19. 1860
L. Deland
Clk.

1860

13783

78. W. Clk.

Garrison &
Anderson
City.