0372

BOX:
322
FOLDER:
3060
DESCRIPTION:
Suitterlin, Jacob
DATE:
09/20/88

3060

Witnesses;

Tho Reilly and others
for Ass't; other witnesses
after the same days
discharged at noon
[illegible]

220.

Endorsed

Geo Hill
20.6.85

Counsel,

Filed 20 day of Sept, 188 5

Pleads, Not guilty (2)

THE PEOPLE

48. 106 & 55 vs. P

Jacob E. Sutterlin

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]
(*Endorsement, etc.*)

JOHN R. FELLOWS,
District Attorney.

P 3 Sept 24/85
Ind. quash
P 3 May 6.
S.C.P. 18 Count or Counts
Five years
P. 3 May 17/86.

A True Bill.

Off for Term at request
of Def. Counsel
J. H. Draper 4/21

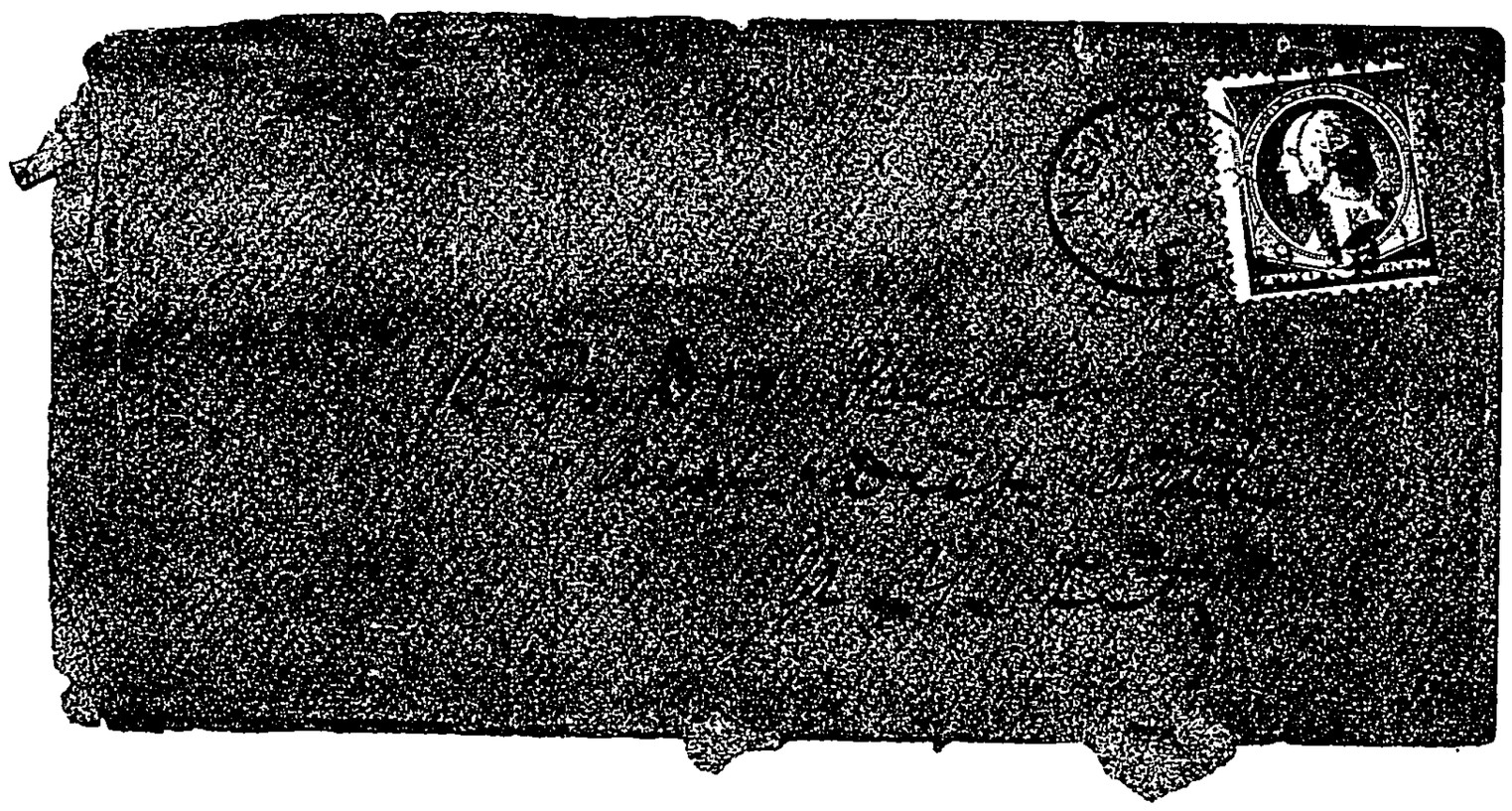
Foreman.

Apr 24/89 Part III
to be the trial
B.J.D.P.

POOR QUALITY ORIGINAL

E160

POOR QUALITY
ORIGINAL



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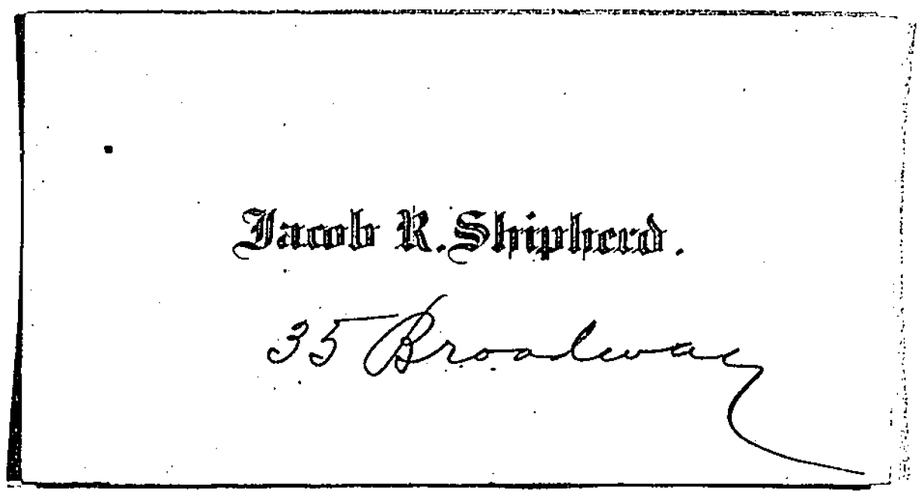

POOR QUALITY
ORIGINAL

LAW OFFICE OF
JACOB R. SHIPHERD,
[redacted],
P. O. BOX 3448; NEW YORK.

People v Sutherlin.

132 Park ave
Jany 2/59

Dear Sir: Thanks for your favor this a.m. Since I moved up here I do my down town Errands in the morning & do not reach my desk till noon: getting my mail in my P.O. Box. Hence I have but just found your favor on my desk — too late for today. I will look in 10.30 to 11 tomorrow a.m. & if I miss you please send note to my P.O. Box naming morning hour for Sat. or Monday and oblige

Yours truly J R Shipherd

2 B-Z Dox Parker Esq. check

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN,

NOTICE OF MOTION TO ADMIT TO BAIL

&

A F F I D A V I T.

George Hill,
Attorney for Defendant,
206 Broadway,
N. Y. City.

Service of a copy of within notice & affidavit admitted Dated Jan 30/80

Rhu Ostlen
Dist Att
per Beal

POOR QUALITY ORIGINAL

LEO 0717

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

STATE OF NEW YORK :
: ss:
City and County of New York:

JACOB E. SUITTERLIN being duly sworn says: I am 44 years of age. I was arrested January 28th, 1888, and have been confined in the Tombs ever since, over 15 months. I have never before been under arrest, nor have I ever been in a Court before my arrest herein, either as defendant or plaintiff, or even as a witness. I have supported my parents for the past 16 years, and I have taken every precaution to keep them in ignorance of my present unfortunate situation. My father is now past 83 years of age, and my mother past 82. They are now living in DEKALB County, Indiana, and I am their sole reliance for support. I lost two brothers in the Union Army while in active service, one from wounds received in battle, and the other in the Cavalry service while on a raid upon the enemy, from injuries and exposure.

About the year 1873, I organized an Institution for the improvement and cure of cases of stammering and stuttering, called the American Vocal Institute, an

POOR QUALITY
ORIGINAL

educational institution, which was carried on under my supervision and direction until my arrest herein.

In 1882, I was elected one of the trustees of the Breece Mining Company, and was connected with the Company from that time up to January 1888.

I am now and always have been desirous of making restitution of the moneys received and used by me, and if I can be restored to liberty, I shall enter into the contract for my personal services mentioned in the affidavit of Mr. C. V. Culver, and I have no doubt of my ability to make restitution within the time stated by him namely two years from the present time. I have no money and no means of making restitution except in some such manner as that proposed by Mr. Culver.

My misfortunes commenced on December 15th, 1886, when there was almost a panic on the Exchange, and I could not meet my engagements.

I have always endeavored to avoid giving publicity to the case, to spare my parents and my friends from the shame and humiliation consequent upon the facts becoming known, and there has been no publicity that I know of given to the case since my arrest in 1888, and I dreaded a trial of the case on that account.

POOR QUALITY ORIGINAL

In January 1888, nearly three weeks before my arrest, and after the facts became known to the President of the Breece Mining Company, I joined in transferring the balances standing to the credit of the Company, amounting to about $9,000 to another depository and gave the President, Mr. Rogers, and the attorney, Mr. Morgan all the information and assistance in my power to enable them to straighten out the affairs of the Company. I did not know at that time that there was any intention of arresting me, but was led to believe that I would be given an opportunity to make restitution, nor did I for a moment suppose that the facts and the information which I was then giving, would be used against me for the purpose of causing my arrest and imprisonment. In my conversations with Mr. Rogers and Mr. Morgan between January 10th and January 28th, the day of my arrest, the only object sought for and inquired about so far as I know was how I could make restitution, and no mention or intimation was made to me in regard to my arrest or imprisonment.

At no time either before or since my arrest have I had any intention of fleeing from the jurisdiction of this Court. On January 10th, 1888, the facts of the case were made known to the President and Vice President of the Breece Mining Company. On the following day and 17 days before my arrest I transferred about $9,000 as aforesaid. On January 20th, 8 days before my arrest I met Mr. Rogers and Mr. Morgan, the President and attorney of the Company, and stated to them the facts

POOR QUALITY ORIGINAL

of the case, and delivered to them the books and papers of the Company which were in my possession.

My health has been, and is now seriously impaired by reason of my long continued confinement .

If I should be liberated under a suspension of sentence I will use my best endeavors to make speedy restitution and to atone for the wrong doing with which I am charged.

Sworn to before me this : Jacob B Smitter
4th day of May, 1889. :
Gilbert Gleason.
Common Council Deeds
N.Y. County.

COURT OF GENERAL SESSIONS.

THE PEOPLE,

against

JACOB E. SUITTERLIN.

AFFIDAVIT OF JACOB E. SUITTERLIN.

George Hill, Esq.,
Attorney for Defendant,
206 Broadway,
N. Y. City.

POOR QUALITY ORIGINAL

2830

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

AFFIDAVIT OF JACOB E. SUITTERLIN.

George Hill, Esq.,
Attorney for Defendant,
206 Broadway,
N. Y. City.

POOR QUALITY ORIGINAL

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POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS.

- - - - - - - - - - - - - - - - - - - -x

THE PEOPLE

against

JACOB E. SUITTERLIN.

- - - - - - - - - - - - - - - - - - - -x

To John R. Fellows, Esq.,

District Attorney.,

Take notice that on February 1st 1889, at 11 A. M. or as soon thereafter as counsel can be heard the above named defendant will make application to a Judge of this Court sitting in Part I, thereof, for his admission to bail on the charge of forgery in the second degree on the eleven indictments which have been heretofore found against him, and that he will pray the Court to fix the bail at not more than $5,000.00 in the aggregate on said eleven indictments and that on said application he will use the annexed affidavit a copy of which is herewith served upon you.

Dated, N. Y. City, January 30th 1889.

George Hill

Attorney for the defendant,
206 Broadway,
N. Y. City.

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

City and County of New York, ss:

JACOB E. SUITTERLIN, being duly sworn says: I am the defendant above named, I was arrested on Saturday, January 28th, 1888, on the complaint of Charles A. Rogers, the President of the Breece Mining Company, charging me with having forged the name of Theodore Seymour, Vice-President of said Company, and thereby having defrauded said Company out of $1500.00

I have been in close confinement ever since, said 28th day of January, 1888, my health has been, and is now very seriously impaired by reason thereof. I have and have had for the past five months or more nervous dyspepsia, which has now become chronic, and my health is being impaired by reason of my long confinement. My vitality has been and is so reduced that my feet are cold all day, and it is with great difficulty that I can get them warm at night.

An indictment was found against me on said charge in September, 1888, and in October, 1888, 10 other indictments were found against me on the complaint

POOR QUALITY ORIGINAL

of said Rogers on a similar charge of forgery in the second degree.

At no time either before or since my arrest have I had any intention of fleeing from the jurisdiction of this Court. The facts of the case against me were made known to said Rogers, the President of said Company and to Charles V. Culver, the Vice-President of said Company, on January 10th, 1888. On Wednesday, January 11th, 1888, and 17 days before my arrest I transferred about $9,000.00 the balance of funds of said Breece Mining Company on deposit in my name as Secretary and Treasurer of said Company, and in the name of Vice-President of said Company, to said Rogers as President of said Company, I did this at the request of said ~~Rogers~~ Culver, after he had been informed of the facts of the case . On Friday, January 20th, at Mr. Roger's request I met Mr. Rogers and Mr. Morgan, whom Mr. Rogers introduced to me as the attorney of the said Breece Mining Company, and stated to them the facts of the case but I did not confess that I had committed forgery, on said day Mr. Morgan asked me to write my resignation as Secretary and Treasurer of the said Breece Mining Company, which I then did, and he asked to take some of the books and papers of the Company to his office, which he took and he asked me to bring over others the next day, and I did so. He also asked me to call at his office when he sent for me, which I promised to do, and I did. On Saturday, January 28th, 1888, I was told

POOR QUALITY ORIGINAL

that Mr. Morgan wanted to see me at his office, and I went to his office, but not finding him in I returned to Mr. Culver's office where I met the officer that arrested me.

I am informed and believe that the said Breece Mining Company, have commenced an action against the United States Trust Company of New York, and also an action against the Metropolitan Trust Company of the City of New York, in the Supreme Court of this State, to recover the moneys which it is charged I obtained from said Trust Companies, by means of the alleged forgeries on which indictments have been found against me as aforesaid. I am informed and believe that said actions were commenced before my arrest, and that my arrest was caused for the purpose of effecting a settlement with said Trust Companies.

My trial under said indictments has been adjourned from time to time at my request through my counsel Mr. George Hill, who has advised me that my rights and my interest require that the said suits against said Trust Companies should be tried first, before my trial on said indictments. I believe that my said arrest was caused for the purpose of aiding and assisting the said Breece Mining Company to recover its claims against the said Trust Companies, and not for the purpose of having me punished for my alleged wrong-doing and that the officers and attorneys of said Breece Mining Company desire my trial for the purpose of obtain-

POOR QUALITY ORIGINAL

ing evidence for use upon the trials of the actions now pending against said Trust Companies.

I have been unable to obtain bail in the sum of $10,000.00. I am informed and I believe that I can obtain bail in the sum of $5,000.00, but not more. I have assured and satisfied my friends, who have been enabled to procure bondsmen for me on said assurance, that I shall not flee from the jurisdiction of this Court; but shall at all times hold myself ready to answer when called upon . I desire to be admitted to bail that I may be enabled to work and earn money with which to make restitution to said Breece Mining Company of all moneys which I may owe said Company. I have no money whatsoever, nor have I been able to raise any during my imprisonment which has now lasted over a year.

Sworn to before me this 29th day of January, 1889. : Jacob E Smitherlin

William Smith
Notary Public
Nev. Co.

POOR QUALITY
ORIGINAL

Hon. H. A. Gilchrist
Justice Supreme Court,
Mar Jurisdiction.

POOR QUALITY
ORIGINAL

0390

THE NEW YORK HERALD,

BROADWAY AND ANN STREET, N. Y.

May 5, 1889

Hon. H. A. Sutherland,
Justice Supreme Court,

Dear Sir: Please excuse the liberty I take in asking your consideration for a few facts regarding J. E. Sutterlin, who is about to come before you for sentence.

I have no business relations in common with Mr. Sutterlin, but I have known him well and favorably for ten years, during which time he has been persistent in caring for every body but himself. In spite of the charges against him, men of good reputation in business stand ready to swear, I know, to advance him employment at a salary sufficient to enable him to gradually make restitution, which he earnestly desires to do.

He is the sole means of support of his parents, each over eighty years of age, and a penal sentence would

POOR QUALITY ORIGINAL

certainly kill this aged and highly respected couple.

He already has spent nearly a year and a half in prison, which, with the mental torture he has endured, has amounted to a great deal of punishment.

Should it be possible for you to temper justice with mercy to the extent of suspending sentence, in his case, he will at once be taken in hand by a number of friends — men of high character, who will see to it that you never have occasion to regret whatever clemency you may be pleased to show.

Again begging pardon for this unfeeling from of petition, I have the honor to be

Very Respectfully

Jon Roderick Brown,

John Robertson.

Court of General Sessions

The People

ag't

Jacob E. Sutterlin

Forgery 2 degree

REPORT.

For the District Attorney.

Dated December 28th 1882

Benjamin K. Dos Passos

Assistant.

POOR QUALITY ORIGINAL

2630

POOR QUALITY ORIGINAL

NEW YORK GENERAL SESSIONS.

The People

against

Jacob E. Suitterlin.

Hon. John R. Fellows,

District Attorney.

Dear Sir:--

In the above case, submitted to me for examination, I respectfully report as follows:--

The defendant is indicted for forgery in the second degree upon ten separate indictments for forging the endorsement of the name of one Theodore Seymour, vice-president of the Breece Mining Company, to ten certain certificates of deposit belonging to the latter company and issued by the United States Trust Company of New York in the joint names of said Seymour, vice-president, and the said defendant Suitterlin, then secretary and treasurer of said company. Each indictment contains a second count for uttering the forged certificates. It appears that the Breece Mining Company is a corporation organized under the laws of the State of New York and having one of its places of business in this city and that, at the time of the alleged forgeries, the defendant was the secretary and treasurer of said company and Theodore Seymour was its vice-president.

The defendant Suitterlin, having, from time to

POOR QUALITY ORIGINAL

time, the moneys of the company as such secretary and treasurer in his possession, was in the habit of depositing the same with the United States Trust Company; it in turn from time to time issued, by an arrangement with Suitterlin and Seymour, its certificate of deposit for the amounts respectively deposited, all the certificates providing that the money should be repaid to "the said company, by J. E. Suitterlin secretary and "treasurer and Theodore Seymour vice-president, or as-"signs."

In order, therefore, to withdraw the money, or negotiate the certificates of deposit, it became essential that Suitterlin and Seymour should both endorse the certificates before the Trust Company would make any payments thereon.

It seems, that Suitterlin as president of the Breece Mining Company, had possession of these certificates as such outstanding obligations of the United States Trust Company, and what he did with them, ~~is~~ to some advances best illustrated by the one which was made the basis ~~of the complaint before the Magistrate.~~ This certificate was issued February 25th, 1887, is for $1500, and is, in form and language, like the others above described

It ~~will~~ appear that Suitterlin endorsed this certificate with his own name as secretary and trasurer of the Breece Mining Company, and then having also the name "Theo. Seymour, V. P." in different style of ink endorsed upon the certificate, he ~~takes~~ took it to the American Loan & Trust Company on August 26th, 1887,

POOR QUALITY ORIGINAL

where he had a private account, and deposits it with that company, getting credit from the company for the amount of the certificate of deposit. The latter company thereupon obtains payment at a subsequent date from the United States Trust Company.

This amount, together with the other sums obtained by the defendant upon the remaining nine certificates, was used in his own business speculations as a stock broker and none of the moneys were turned over to the company of which he was treasurer. The total amount realized by the defendant upon the certificates was over $15,000. ~~The complainant claims that~~ the name "Theodore Seymour, V. P." was not written by the said Seymour upon any of these certificates and was not in any way authorized by him or the company, but ~~that~~ it was a forgery made by the defendant for the purpose of defrauding the company out of the moneys represented by the certificates. The defendant, ~~through his friends~~, admits ~~as I understand~~ that he did write Seymour's name upon the certificates, but that it was done with Seymour's consent and by his direction, and this ~~is~~ substantially his defense. If this were true, and there were nothing else in the case, of course in view of the fact that Seymour is dead and of defendant's previous good character, it would be difficult, if not impossible, to obtain a conviction, but, whilst there is no evidence as I am informed to corroborate the statement of the defendant that it was done with Sey-

POOR QUALITY ORIGINAL

0396

mour's knowledge and direction, there is other evidence besides the forgery pointing to the defendant's guilt, and this consists in the fact that several respectable witnesses will testify for the People that the defendant, shortly after his crimes were discovered, confessed on several occasions that he had "forged"the name Seymour and, to them, made other statements irreconcilable with the theory of innocence. In addition to this, evidence can be adduced of lay and expert witnesses going to show conslusively that the signature of Seymour was not written by him and is in fact a forgery. I think these facts, with the confession, make out a strong prima facie case for the People, and especially so when they are taken in connection with the other facts that, all the money was from time to time actually used and lost by the defendant in his own speculations, without the knowledge and consent of the company, thus characterizing his intent and showing a strong motive on his part for committing the crime. The sole point then is the assertion of the defendant that the endorsement was made by Seymour's direction. Here the natural query arises, what possible reason could Seymour have had, if he was willing that defendant should sign his name to these certificates, for not signing them himself as he was in duty bound to do as an officer of the company ?

I can conceive of no reasonable and consistent answer that defendant could give to this question, and

POOR QUALITY ORIGINAL

it shows that when the statement of the defendant is considered with all the other circumstances it does not bear the stamp of truth and I believe it would be rejected by a jury. In addition to the crime of forgery in the second degree the facts tend to show that the defendant has also committed that of embezzlement or grand larceny in the first degree, for which he could very properly have been indicted and I have no doubt that if he had he could have been convicted.

Upon the foregoing facts I am of opinion that it is the duty of the People to put the defendant upon trial.

All of which is respectfully submitted

B D Pratt
Asst Dist Atty

Dec 28th 1888.

Leopler Switzerland

Affid. of

Wm. W. Lewis.

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POOR QUALITY
ORIGINAL

8620

POOR QUALITY ORIGINAL

The People
vs
Jacob E. Switterlin

State of New York
City and County of New York } S.S.

William W. Jenks
Residence Murray Hill Hotel Place of business
280 Broadway being duly sworn says:
I have known Mr J. E. Switterlin and have
met him daily from 1877 to 1882, during which
time he impressed me as being a man of good
character, honest and straightforward in every
way - I met him among his friends and at
his own home, where I also resided and from
a close observation of him and from opinions
of his friends and acquaintances my regard
for him was very strong. Circumstances
separated us in 1880 and I have not seen so
much of him since, but I have not heard
anything to change my opinion of the man.
I am glad to have this opportunity of
testifying in his behalf.

Wm W. Jenks

Sworn to before me
this 29th day of September 1888

John B Green
NOTARY PUBLIC
KINGS COUNTY
(CERTIFICATE FILED IN N.Y.CO.)

POOR QUALITY
ORIGINAL

8060

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District Police Court.

The People of Complaint
Chas E. Rogers

vs.

Jacob E. Satterlin

STENOGRAPHER'S TRANSCRIPT.

June 13th 1888

BEFORE HON.

Charles Welde

Police Justice.

Lewis A Lajon

Official Stenographer.

E. 57th

POOR QUALITY
ORIGINAL

STENOGRAPHER'S MINUTES.

4th District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Charles E. Rogers

vs.

Jacob E. Sutherin

BEFORE HON.

Charles Weldo

POLICE JUSTICE,

June 13th 188 8

APPEARANCES: For the People, Chas. E. Morgan Esq.

For the Defence, H. H. Hurd Esq.

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WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
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Chas. E. Rogers	~~36~~	36		
Chas T. Morgan		39		

James C. Ryon

Official Stenographer.

1876 67 62

POOR QUALITY
ORIGINAL

4th District Police Court

New York June 13th 1888

The People ex Complaint of
Charles E. Rogers
agst
Jacob E. Sutterlin

Before Hon. Charles Welde
Police Justice

Appearances

For The People — Col. E. H. Morgan
" " Defence — Col. A. H. Shook

John L. Brinkshank, a witness for
The People being duly sworn testified
as follows.

Direct Examination by Col. Morgan

Q Where do you reside?

POOR QUALITY ORIGINAL

A Spring Valley, Rockland County, New State.

2 How old are you?

A Forty-five years.

2 What is your business?

A Banking business.

2 What was your business in the year 1886 and 1887?

A I was Assistant Secretary of the American Loan and Trust Company.

2 In this City?

A Yes sir.

2 When did you leave that Employment?

A About three months ago.

2 While acting in that capacity what were your duties?

A I was in charge of the loans.

2 Loans made by the Company?

A Yes sir.

2 Loans made to Customers of the Bank or applicants for loans?

A Yes sir.

2 Do you know the defendant?

A Yes sir.

POOR QUALITY ORIGINAL

Q How long have you known him?
A About three years, I can't say exactly how long — about that time.
Q Where did you first meet him?
A In the Trust Company.
Q Did he have business with the Trust Company while you were engaged there?
A He had an account there.
Q Do you remember in the Fall of 1886 or the Winter of 1886, that he had any business with the American Loan and Trust Company that came in your department?

Objected to by Mr. Nicholl.
Objection overruled
Exception taken

A Yes sir.
Q Do you remember the American Loan and Trust Company making him any loans upon certificates of deposit of the United States Trust Company?

POOR QUALITY ORIGINAL

Objected to by cn. Dikbok as improper
Objection overruled

A Yes sir.
2 You did make such loans to him?
A Yes sir
2 Do you recollect in whose name those certificates were?

Objected to by cn. Shook as not being the best evidence - the certificates being the best evidence.

Objection sustained

2 Look at that paper and examine the back of it - has it ever been through the American Loan and Trust Company?
A Yes sir.
2 Whose signature is that?
A W. D. Shaw, the Secretary's.
2 Was he Secretary of the Company at that time?
A Yes sir.

POOR QUALITY ORIGINAL

Q Whose stamp is that?
A The stamp of the American Loan and Trust Company.
Q Will you look at that paper and tell me what it is?
A Yes, that is a loan ticket.
Q In whose handwriting is it?
A In mine.
Q State what was the business custom of the bank in reference to making loans?

Objected to by a/w Shook as being immaterial and irrelevant

Objection overruled

Exception taken

A When the parties procured the loans through the officers they were sent to me with the security and this ticket was made out.
Q Did you make out this ticket?
A Yes sir.

POOR QUALITY ORIGINAL

2 At this time?

A Yes sir, it was a voucher passed to the receiving teller and placed to his credit.

2 That was the original entry?

A Yes sir.

2 Look at this paper and tell me what it is?

A That is a loan ticket.

2 In whose handwriting is that?

A Mine.

2 When did you make that out?

A On July 25th 1887.

(Paper offered in evidence and marked "People's Exhibit Number One" of June 13th, 1888.)

Mr. Shook objected to its introduction on the ground that the alleged forgery occurred on the 26th of August and the certificate this loan ticket is dated on the 25th of July.

Objection overruled.

POOR QUALITY ORIGINAL

Exception taken;

Q State the meaning of that number
A The number on the loan ticket.
you can find it in the loan book.
Q That is the loan to Satterlin and
Company?
A Yes sir.
Q made by the American Loan
and Trust Company?
A Yes sir.
Q To the prisoner?
A Satterlin & Company.
Q Do you remember who presented the
certificates at that time?
A I presume by Mr. Satterlin.
Q Did you ever have any certificates
deposited by the United States Trust
Company, in your department other
than those in the name of the Bruce
Mining Company as collateral?
A No sir.
Q Did you ever make any loan to
any persons upon certificates of
of deposit of the United States Trust Company

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POOR QUALITY ORIGINAL

issued to the Breece Mining Company other than that to Sutterlin & Company?

Objected to as being immaterial.

Q Do you remember the circumstance of his application for this loan or these certificates?

A Not this particular one.

Q On the certificates of the Breece Mining Company?

A Yes sir.

Q Did you ever make any other loans on certificates of the United States Trust Company issued to the Breece Mining Company except to Sutterlin & Company?

A Yes sir.

Q Is that in your handwriting?

A Yes sir.

Q Was that made in pursuance of a custom at your bank?

A Yes sir.

Q What is that?

A Payment of a loan.

POOR QUALITY ORIGINAL

Q Whose?
A Battelin & Company.
Q For how much?
A Forty-two hundred dollars.

(Paper offered in evidence and marked "Peoples Exhibit Two" of June 13th, 1888).

$1500 was on June 16th 1887, in all eighty-two hundred dollars. ($8,200.)

Cr. Morgan Two offered in evidence papers which were marked "Peoples Exhibits 3, 4 & 5."

Objected to by Cr. Shork

Objection overruled.
Exception taken

Papers admitted.

Q What is that?

POOR QUALITY ORIGINAL

A That is a credit ticket for a loan of $4000.

Q What loan was that?

A 1547.

Q The same date?

A August 26th 1887.

(Paper put in evidence and marked "Peoples Exhibit Six" of June 13th 1888)

Q What is that?

A A credit interest account.

Q On what?

A On a loan 1547. (Papers offered in evidence and marked "Peoples Exhibits Numbers 7 and 8 of June 13th 1888)

Q To whom?

A Luitelin & Company.

Q The same day?

A August 26th 1887.

Q What is that?

A Interest ticket.

Q On what?

POOR QUALITY ORIGINAL

Q Did at a payment of that loan made?

A I think it is a payment of $1,200 and the other is $4,200.

Q The Stone loan?

A Yes sir, there were other loans besides this.

Q There were other loans made?

A Yes sir.

Q What other loans had been made to him at that time?

Objected to as immaterial

Objection overruled

Exception taken.

By Mr Shook

Q Can you speak of your own knowledge, at the present time, without looking at those papers what the outstanding indebtedness was on the date of this credit ticket?

A It is impossible for me to re-

POOR QUALITY ORIGINAL

Collect things done a long time ago.
By Mr. Morgan (Continued)

Q Those are the original memoranda you made at the time?
A Yes sir.
Q Looking at that can you so testify?
A Yes sir.
Q What other loans were standing with him at the date of this certificate - August 26th 1887?
A There were two loan tickets; one of $3,000. and one of $1,200 making $4,200. One of June 23rd 1887 for $3,000 and one of $1,200. June 25th 1887, making $4200 on two certificates of the United States Trust Company deposit, one of $2,500 and one of $1,500.
Q There were three certificates deposited altogether?
A Yes and another one of $1,500.
Q What were the loans?
A $3,000. on June 23rd 1887; $1200 on July 25th 1887 and $2,500 on December 15-1886

12 16

POOR QUALITY ORIGINAL

Q What is that?
A An interest ticket
Q On what?
A Loan 2525.
Q The date?
A August 26th 1887.
Q For how much?
A $34.90
Q Credited to whom?
A To loan.
Q Whose loan?
A Sutterlin & Company.
Q Are they all in your handwriting?
A Yes sir.
Q What is that?
A A deposit ticket.
Q What date?
A August 26th 1887.
Q For how much?
A $1357.04 *
Q To whose credit?
A Sutterlin & Company.
Q In your handwriting?
A Yes sir.
Q Did you make these various memorandums at the time of the transactions that they represent?
A Yes sir.
Q Do they correctly represent the transactions that took place?
A Yes sir.

June 28th 93

POOR QUALITY ORIGINAL

Maurice A. Deeker, a witness called on behalf of The People being duly sworn testified as follows:

Direct Exam — by — Mr. Mangan

Q Where do you reside?
A At Orange, N.J.
Q What is your business now?
A I am a clerk in the American Loan & Trust Company.
Q How long have you been such clerk?
A About three years.
Q Are you still there?
A Yes sir.

POOR QUALITY ORIGINAL

Cresswell.

2 What are your duties and what were your duties?

A My present duties as those of Assistant Secretary.

2 What were they in 1886 and 1887?

A I was a general bookkeeper.

2 Will you look at that paper?

A Yes sir.

2 Is that in your handwriting?

A Yes sir.

2 What do you call that?

A A ticket

(Ticket offered in evidence and marked "Roper Exhibit 11" of June 13th 1888)

2 What does that represent?

A It means bills purchased or what is commonly called a note and the amount of the note paid is $8,000.

15 Tf 13

POOR QUALITY
ORIGINAL

2 Anything further?
A It's number 29 29 and it bears
some relation to Mr. Sutherlin.
2 What is the date?
A August 26 th, 1865.
2 Did you make that at the time?
A Yes sir.

POOR QUALITY ORIGINAL

A August 26th 1887. 14309.

Q Was that [illegible] Master's?

A Yes.

Q Did it represent a transaction then had by you?

A Yes, it represented this bill 2927, purchase Sutterlin, note for $1000.00 was paid August 26th, 1887.

Q What is that?

A Another ticket.

Q In your handwriting?

A Yes sir.

Q A transaction had by you on that day?

A Yes sir.

Q What is the amount of that?

A $1.50

Q What for?

A It means that the ~~[illegible]~~ fees which had previously been charged to purchase account were paid and the amount was $1.50.

Q What else?

A It shows it was called a Sutterlin bonchen to identify it. It was made

POOR QUALITY ORIGINAL

on the 26th of August 1887. that is my signature.

Q What is that?

A Voucher ticket.

Q Showing what?

A That the interest account was credited by sixty-seven cents; which was the amount on bills paid 26th and made on the 26th of August 1887.

Q The same number.?

A That is undoubtedly the same one, yes.

(Paper offered in evidence and marked "Peoples Exhibit 13" of June 13th 1888.)

Q These credit tickets were made by you about the time they were made?

A Probably on the same day.

Q Do they correctly represent the transactions had by you at that time?

Q [illegible]

A Yes sir.

Q They do? 18 18

POOR QUALITY ORIGINAL

A Yessir; they wouldn't have been made unless something calls for them.

Q Can you tell me what the pencil figure "two" marked on some of these papers mean?

A I didn't make it but I know what it is usually used for.

Q What for?

Objected to by Mr. Stark as incompetent.

Objection sustained.

By "The Court"

Q You didn't make them?

A No sir.

Q Somebody else made those?

A Yessir.

Q Do you know that stamp there?

A Yessir.

Q Who is it?

A Cors.

POOR QUALITY ORIGINAL

This should be Courtney Lawson's testimony on page 25

Q What is that on there?

A That is the check passed through the hands of the clearing House

Q was it paid by your bank?

A We put it in the clearing house. That is all we ever hear of it. I don't recollect particularly about that one check.

Cross Examination - by - our Shook

Q These tickets that have been shown to you will you be kind enough to hand them to me. Some of these were shown you and I understood you to say that they represented some transactions. Do you know what they do represent. Can you state what transactions they do represent?

A If you hold one up I will tell you what it means.

No 17 Pa

POOR QUALITY ORIGINAL

2 Exhibit "Ten" is shown you. Look at it. Do you know what transaction that represents beyond the fact that it represents a transaction?

A That was never shown me before.

2 Take Exhibits Numbers 11, 12 and 13 and look at them and state whether beyond the fact that they represent transactions of some description that you could state what transactions they represent?

A Yes, what each one represents. This bill is a purchase ticket and represents that bills 2927 for $1,000 is paid. The name is put in to make a more complete description of the bill purchased.

2 Can you tell that that represents anything beyond the fact, that there was a transaction at that time between the American Loan and Trust Company and Satterlin?

A That means just what I have stated. Bills purchased 2927, Bowickhe

21

POOR QUALITY ORIGINAL

Name Sutterlin was put to identify it from other bills purchased and was at that time paid

Q That is what it indicates?

A Yes sir, no more or no less.

John L. Lamon, a witness called for the People, being duly sworn, testified as follows:

Direct Examination by Mr. Morgan

Q Where do you reside?

A At 11 West 21st Street, this City

Q What is your age?

A Thirty years.

Q What is your business?

A I am a clerk in the employ of the United States Trust Company.

POOR QUALITY
ORIGINAL

Q: [illegible]

2 How long have you been a clerk there?

A I think I went in there in May 1881, if I am not mistaken. At all events it is seven years ago

2 Were you a clerk of the United States Trust Company in August 1887?

A Yes sir.

2 I hand you that paper state what it is?

A It is a check of the United States Trust Company and was drawn for some certificates of deposit of the Breece Mining Company August 26th 1887, number B.90091, amount $10,632.08 and being the principal and interest of a certain number of certificates.

Check offered in evidence and marked "Peoples Exhibit 14" of June 13th 1888)

Objected to by cnl. Shook

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POOR QUALITY ORIGINAL

Objection overruled.

Exception taken.

(Check admitted in evidence)

Q Was that check paid?
A Yes sir.
Q It came back to your bank through the Manhattan Company?
A Yes sir.
Q Have you examined that paper?
A Yes sir.
Q That was one of the certificates of deposit included in that check?
A Yes sir.
Q Was it paid on those Endorsements?
A Yes sir, the American Loan & Trust Company, J. Seymour, Vice President &c.
Q Will you look at that work ticket and tell me what it is?
A That is the signature book of the United States Trust Company where we take the signatures when accounts are opened there.

24 AK

POOR QUALITY ORIGINAL

2 with your customers?
A Yes sir.
2 Does it contain the signatures left with you when the Breece Mining Company opened an account with you?
A Yes, they were left with us when they opened an account with us, in book Number Four. (Signature Number 7440 on page 17)

2 The signatures in this book are the signatures upon which drafts were paid?
A Yes sir.
2 What is the date?
A May 7th 1884. (Book marked for identification. The entry is The Breece Mining Company; J. E. Satterlee, Secretary and Treasurer and Thos. Seymour. V. P. 18 Broadway.

Cross Examination by Mr Shook
2 How can you tell from this check
25 XXX

POOR QUALITY
ORIGINAL

that certificate number "A 47696" is included in it?

A I know that upon that date, August 26th, 1887, that a certain number of certificates were paid and that was one of them.

Q You remember that particular certificate?

A Yes and I remember when the thing was found out and I took the record of it and compared it with the ~~stub~~ stub of the check and it was the only payment made to them on that day.

Q Without examining your tickets and without examining the various certificates of deposit that were deposited with your company, can you tell what certificates were included in the payment of that check?

A Sir, it would be an absolute impossibility.

Q The only way you testify it is included in the check is by a process of reasoning and an examination.

26 Nov

POOR QUALITY ORIGINAL

of w that certificates came in to the United States Trust Company on that day - a subsequent examination?

A Yes and Composed that check.

Re-Direct Examination - by - Mr. Morgan

Q Did you make the entries on all these certificates, which made up this check?

A Yes, I did on that August 26th and the check is mine and I think I filled out the other certificates.

Q Refresh your memory as to the certificates you paid on that day, look at the back of those certificates and see if it is in your handwriting and see if it is the certificates you paid on that day - did you pay those on that date too? Are you able to swear positively that that check was given for certificates of the Breece Mining Company?

27 July

POOR QUALITY ORIGINAL

of total certificates came into the United States Trust Company on that day - a subsequent examination

A Yes and Compared that check.

Re-Direct Examination - by - Col. Morgan

Q Did you make the entries on all these certificates, which made up this check?

A Yes, I did on that August 26th and the check is mine and I think I filled out the other certificates.

Q Refresh your memory as to the certificates you paid on that day, look at the back of those certificates and see if it is in your handwriting and see if it is the certificates you paid on that day - did you pay those on that date too? Are you able to swear positively that that check was given for certificates of the book of the Breece Mining Company?

27 Ans

POOR QUALITY ORIGINAL

of w/at certificates came into the United States Trust Company on that day - a subsequent examination?

A Yes and compared that check.

Re-Direct-Examination - by- Col. Morgan.

Q Did you make the entries, on all these certificates, which made up this check?

A Yes, I did. on that August 26th and the check is mine and I think I filled out the other certificates.

Q Refresh your memory as to the certificates you paid on that day, now at the back of those certificates and see if it is in your handwriting and see if it is the certificates you paid on that day - did you pay those on that date too? Are you able to swear positively that that check was given for certificates upon the part of the Preece Mining Company?

27 Ans

POOR QUALITY ORIGINAL

including this one on that day?
A I will swear that those were given for sundry certificates of the Breece Mining Company on that day and that was amongst them.

Re-Cross Examination - by - Mr. Shurk

Q Do you do that from actual re-collection or only from the fact of your actual knowledge of the usual course of business?
A I recollect paying them because I remember sending them back to day that I wanted the Secretary's signature before I paid them, in addition to the stamp. Otherwise they would never have accrued to me again.
Q Which Certificate did you say you sent back, to have signed?
A It came first without the stamp and I wanted the Cashiers endorsement of it.

28 Jan

0432

MISSING PAGE (S) 29 AND 30

POOR QUALITY
ORIGINAL

David N. Carvalho, a witness called on behalf of the People, having duly affirmed testified as follows:

Direct Examination by Asst. Morgan

Q Where do you reside?
A 444 Fordham, New York City
Q What is your age?
A 34 years.
Q What is your business?
A I am a photographer and examiner of questioned handwriting.
Q How long have you been in this business of an expert in handwriting?
A Some twelve years.
Q Can you give the Court some idea of the experience you had in that line?
A I have testified in over two hundred cases in open Court.
Q Have you examined the words "Theo. Seymour, V. P." on the certificate of deposit on which this complaint is founded?

POOR QUALITY ORIGINAL

A Yes sir.

Q Have you seen this book before?

A Yes sir.

Q Have you examined the signature "Theo. Seymour" there?

A Yes sir.

Q In your opinion is that signature "Theo. Seymour" written by the same person who wrote that?

A It is not.

Q Have you any doubt about it?

A No sir, I have no doubt about it.

Q Have you made any photographs of either one of those signatures?

A Yes, of both.

Q What is that?

A That is a photograph, the upper carton is an enlarged photograph of the signature in the signature book of "Theo" Seymour. U. P. and the lower carton is an enlarged photograph of the signature of "Theo. Seymour" U. P." on the paper in Ques. here.

POOR QUALITY
ORIGINAL

Cross Examination by Mr. Shook

Q Did you take any other photographs Mr. Sarvalis?
A Yes sir.
Q Of the signatures of Mr. Seymour?
A Yes sir.
Q Did you bring them with you?
A Yes sir.
Q Do you know from where you got those signatures to make those photographs from?
A Yes sir.
Q These then are not the only signatures purporting to be the signatures of Mr. Seymour, of which you have taken photographs?
A Yes sir.
Q How many photographs have you taken of Mr. Seymour's signature?
A Seven or eight.

By The Court:

Q The signature here represents the

POOR QUALITY
ORIGINAL

signature book?

A Yes sir.

Q And the upper one is the signature ~~of~~ on the certificate of deposit?

A Yes sir.

(The cartons were marked "Peoples Exhibits "15" and "16" ~~of~~ June 21st 1888, and put in evidence)

By Mr. Shook (continued)

Q You say you have taken seven or eight photographs of the impression by the signature of Mr. Seymour?

A All my impression is there was certainly seven.

Q Where were these signatures?

A The Counsellor, Mr. Morgan, gave them to me.

Q Do you recollect on what documents they were?

A Yes sir

Q What documents?

A Similar to these.

POOR QUALITY
ORIGINAL

2 Did you take his signature on any other documents?
A Yes sir.
2 Other than those?
A Yes sir.
2 What other documents?
A Photographed from another signature book.
2 Whose signature book?
A The Metropolitan Trust Company's signature book.
2 Any other?
A Yes sir, the photographs and signatures on checks.
2 Anything Else?
A No sir, I think that is all.
2 Is that included in the seven or eight that you mentioned first?
A No sir; seven of the bonds, four checks and two signatures books; thirteen and these two will make fifteen altogether.
2 Then you were mistaken when you said seven or eight?
A Of the character of the one in

POOR QUALITY
ORIGINAL

suit.

Q You have taken then some fifteen or sixteen signatures of Mrs. Seymour?

A Yes sir.

Q And of that number seven or eight were taken from certificates of deposit similar to the one in suit here?

A Yes sir

Q You still have those photographs?

A The Counsel has.

Q They are in the possession of Mr. Morgan?

A Yes sir.

Mr. Shook here asked Mr. Morgan to produce at the next hearing all the photographs that the witness has taken of the signatures of Mrs. Seymour.

Charles E. Rogers, the complaining witness being sworn testified as follows

Re-called by Mr. Shook

POOR QUALITY
ORIGINAL

2 I want you to fix some dates cn. Rogers. Will you tell me how long before the 20th of January 1888 it was that you had the first conversation with cn. Butterlin in reference to the accounts of the Breece Mining Company?

A My first conversation I think it was January 12th. I have a memorandum which will give me the date.

2 Was that before or after the commencement of the actions against the United States Trust Company and the Metropolitan Trust Company?

A It was before.

2 It was before that that you had the first interview with him?

A Yes sir.

2 Can you tell me how long it was before?

A It was either the 11th 12th or 13th I think it was the 12th of January 1888

2 How many interviews did you have

POOR QUALITY ORIGINAL

with him before the 20th of January in all?

A I had an interview either the 19th or 20th. I can tell by referring to my book.

Q Do you had one on the 19th or the 20th, before you commenced these actions?

A Yes sir.

Q How long before?

A I don't remember when the actions were commenced against the Trust Companies Q You don't remember the date but you remember it was before?

A Yes sir.

Q Do you remember the date of the prisoner's arrest?

A I do.

Q At that time had the actions against the Trust Companies been commenced?

A I couldn't say; it was with our attorney. I couldn't say.

POOR QUALITY
ORIGINAL

Charles N. Mulligan, the Counsel for The People, being duly sworn testified as follows -

Re-called by - Cross Check

Q Do you recollect the date of the arrest of the defendant?

A Yes sir.

Q Had any action been commenced against the United States Trust Company or the Metropolitan Trust Company, at that time?

A My impression is I served the summons that day or the day before.

Q Against both Companies?

A I think we did, but I won't be positive.

Q It was at all events it was before the arrest that the actions were began?

A Yes. That is my impression

POOR QUALITY
ORIGINAL

By Mr. Shook — "Your Honor, I desire to renew my application in reference to the money found on the prisoner at the time of his arrest.";

By "The Court"

"Mr. Morgan do you make any claim on the money found on the defendants person";

A "No sir, not on behalf of my clients.

"Mr. Sheldon, do you make any claim on it";

A "No sir.

Adjourned to June 22nd and 23rd at 9 a.m. at the Lamb Police Court.

The above is a correct transcript of evidence taken by me in above matter.

James A. Lyon
Official Stenographer
137 East Eighth

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POOR QUALITY
ORIGINAL

The People of the State of New York
against
Jacob E Smitterlein

State of Ohio,
Champaign County ss.

John M Walden being duly sworn according to law says. I am a resident of Cincinnati in the State of Ohio, I am a Bishop of the Methodist Episcopal Church and know Jacob E Smitterlein, the defendant in the above Case. I first became acquainted with him in 1865. When I received him into my employ as Confidential Clerk and Book Keeper in my office, I at the time being Corresponding Secretary and having general charge and Management of the North Western Freedmans Aid Society in Chicago Ills. He sustained this relation to me nearly one year, and having ample opportunity to form a judgment of his character, I found him to be entirely trustworthy, in all financial and other matters entrusted to his care, He remained in this position until the work of the Commission ceased in 1866 He had previously been in the employ of Jacob R Shipherd Esq of the City of New York, who had equally favorable opportunity to test his honesty and fidelity. I have met Smitterlein but seldom since he went to New York. Know nothing of the nature of the Case now pending, but in view of his fidelity and strict honesty while with me, I earnestly Commend his Case to the Careful and ~~expectant~~ Considerate attention of the Court,

J. M. Walden

Sworn to before me and signed in my presence this first day of October 1868.

Levi Geiger Notary Public
In & for Champaign County Ohio.

People v Sutterlie

Affid. of

Bishop Walden

6

POOR QUALITY
ORIGINAL

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POOR QUALITY
ORIGINAL

Asst Secretary of Am Lo S.C
Dealers N.Y. with H.S. Lomas
Bankers - in 1886 & 1887.
Then General Bookkeeper —
Prove that Auditor Kad an
afe that a Auditor Rec-
in 1886 & 1887.

Ree if Auditor's Rec credits
to his afe Jnf 25/07 + 1200
on afe afloan No 2725.

He will also prove that
~~A check for 10~~ the Sum of
10.63205 was Jnf 26/8
passed to the credit of Auditor's
Rec on the books of the
Company. (The ~~check was to the~~
~~Jnf~~.

POOR QUALITY
ORIGINAL

Court of General Sessions

The People

vs

Jacob E. Switterlin

City and County
of New York } S. S.

Chas I. Ohrenstein being duly sworn deposes and says: I have known Jacob E. Switterlin several years and lived in the same house with him at 106 East 55th St. where I now reside spending most of my time with him before and after business hours. We worked together mornings attended lectures together Sundays and some evenings, discussed and exchanged views on many topics and I not only learned to know him well but learned to admire his character which was of a high order in every sense. He was a man in whom all moral principles were more than ordinarily developed - outspoken and honest almost to a fault; from my knowledge of him I am convinced that he meant to do right in all things and under all circumstances. He had no expensive habits, lived economically,

POOR QUALITY
ORIGINAL

neither drank or smoked and contented himself with such amusements as were offered in the house and without expense. His regularity and promptness at his home after business hours was marked. If he erred — judging from my knowledge of him — he did so under extenuating circumstances as he was notably outspoken on matters of a high moral order to society but seemed to practice the same in his daily life.

Sworn to before me
this 29 day of October 1888 } C. J. Ehrenstein

Otto A. Struss
Notary Public
Kings Cty. Cos.

Keppler Luitertin

Offd. 7

Chas. J. Bloomstein.

14

POOR QUALITY
ORIGINAL

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POOR QUALITY
ORIGINAL

Court of general sessions

The People
vs
Jacob E. Switzlin

City and County
of New York } S.S.

Samuel Montgomery being duly sworn. deposes and says. I reside at 104 East 55th St. I have known Jacob E Switzlin since March 1885. he has lived in my house and I have lived next door neighbour to him. Up to the time of his death I saw and talked with him almost daily. I know him to be a man of good habits. honest and industrious.

I met and talked with many persons who were under his treatment for speech impediments who also always spoke of him in the highest terms.

His daily life was that of industry. sobriety. economy. and honesty. in a word he was regarded by us all as a gentleman of more than ordinary worth.

Sworn before me this
29 day of December 1888

Samuel Montgomery

Adam C Schuck
Notary Public N.Y.C.

People v Sutherlin

Affid of

Samuel Montgomery

15

POOR QUALITY
ORIGINAL

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EDISON ELECTRIC LIGHT CO.

16 & 18 BROAD STREET,

New York, May 3 1889 188

Hon Henry Aldridge
Justice Supreme Court

Sir: Will you kindly permit a stranger & you personally to present a word or two on behalf of a man charged & tried under your notice for Criminal sentence -
The man - J. E. Smitterlin - has been long & favorably known & me as one who lived right & for others, than himself, and I find it impossible to believe him guilty of any premeditated wrong, during a familiar intercourse of several years my judgment would be that whatever may have been his Error it always

POOR QUALITY ORIGINAL

8701 S

EDISON ELECTRIC LIGHT CO. 2

16 & 18 BROAD STREET,

New York, ... 188

extraordinary pressure upon a dead mental balance rather than from deserved desire or ambition of gain It is known to me that the man has been the only support of aged parents for many years past & that they have happily been kept in ignorance of his defalcation & that sentence pronounced on him will be practically a sentence of death to them I am likewise aware of offers which are made by substantial parties which will guarantee to Sutherlin employment at a rate which will permit of his gradual liquidation of the monetary obligation lying against him

I do for myself & others who

POOR QUALITY ORIGINAL

2741 5

EDISON ELECTRIC LIGHT CO.

3

16 & 18 BROAD STREET,

New York, ... 188

Dear Henry Yes
Only assure you that no effort
will be spared to compel if such
be a course in his future
life that will justify and hold
you blameless & tempering
the justice you are bound to
administer with the mercy
it is doubtless often your
desire & privilege to grant
I may add that an appeal
by you from me is especially
fitting since there was a
time when I was not too
proud to ask & receive Yesenian
assistance from the man
who now claims my voice
in his behalf

With great respect

Wm. H. Johnson
Pres't E.E.L.Co

0454

EDISON ELECTRIC LIGHT CO.
RECEIVED BROAD STREET
NEW YORK.
REMOVED TO,
44 Wall St.

REMOVED TO
44 Wall St.

Hon Henry A Gildersleeve
Justice Supreme Court
City

POOR QUALITY
ORIGINAL

EDISON ELECTRIC LIGHT CO.

RESIDENCE BROAD STREET
NEW YORK.

REMOVED TO
44 Wall St.

REMOVED TO
44 Wall St.

Hon Henry A Gildersleeve
Justice Supreme Court
City

POOR QUALITY ORIGINAL

Court

People
—vs—
Jacob E. Switterlin

City and County of New York ss: Joseph H. Choate of said City. being duly sworn doth depose and say as follows:—

I have been personally acquainted with Jacob E. Switterlin. for upwards of twelve years last past. and employed him at one time to give special tuition to one of my children. He has always appeared to me to be an honest and faithful man. and an orderly and respectable citizen. I have no knowledge of the matters in which he now stands accused. but it would be quite inconsistent with his past character and conduct as I have observed them. that he should have been guilty of any Criminal intent.

Joseph H. Choate

Subscribed and (illegible)

POOR QUALITY
ORIGINAL

Sworn to before me
this 25th day of Oct. 1868

M L Dinsmore
Notary Public 78
City & County of S.F.

Leslie v Austin
Affdt. of
Joseph K. Clinton

POOR QUALITY ORIGINAL

SCHOOL OF THE VOICE
--D-McCALLUM--
--11-EAST-14TH ST--

People
vs
Jacob E. Switterlin

State of New York
City & County of New York } ss.:

Douglas McCallum being duly sworn says: I am 26 years of age. I reside at 14 West 6th Street NEW YORK, Sept 22. 1884
6th Street No 14 City & carry on my profession at 10 East 14th
Street in said City.

My acquaintance with Mr Jacob E Switterlin began in June 1880 when I came to him as a pupil. After one year from that date I was associated with him in his institution as instructor, having also a financial interest in the business which continued for several years. My business relations with him continued until about a year ago, when they were severed with mutual consent and with the very best of feeling upon both sides.

Anything I can say of the personal character of Mr Switterlin should be said in the strongest manner possible; in all his transactions during the time I have known him, has he been strictly truthful and honest. His word has always been faithfully kept and his sense of fairness toward everyone is greatly to be commended. In his capacity as teacher, he would always

POOR QUALITY
ORIGINAL

exercise great care in his representations to applicants, besides instructing many poor persons at a nominal tuition - he turned none away because of their inability to pay

The character borne by Mr Leitherlin has been an excellent one, not only during the time I have known him, but his past record has been one marked by the most praiseworthy actions and disposition. He is conscientious almost to a fault and will I am certain strictly execute to the letter any promise he may make

Sincerely yours
Douglas McCallum

Sworn to before me this 22nd day of September 1888
E. A. Macleay
Notary Public

P.S. Please present Mr Leitherlin's Gift. D. Douglas McCallum.

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

AFFIDAVIT OF A. E. REYNOLDS.

George Hill, Esq.
Attorney for Defendant,
206 Broadway,
N. Y. City.

POOR QUALITY ORIGINAL

0960

POOR QUALITY ORIGINAL

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

STATE OF NEW YORK :
: ss:
City and County of New York :

A. E. REYNOLDS, being duly sworn says: I reside at No. 106 East 55th Street, N. Y. City. I have known the defendant above named for several years last past. I was employed by him as a teacher in the American Vocal Institute, an educational institution orgainized and carried on by the defendant for the improvement or removal of impediments in speech . In my capacity as teacher and principal assistant to the defendant I became acquainted with his business and conducted a portion of his correspondence. His parents reside at Kendallville, Stuben County, Indiana, and I have frequently made remittances to them for the defendant for their support. From his statements made to me and from the remittances made by him each month, I am able to state that he supports his parents who are aged people over 80 years old, as I am informed and believe.

Sworn to before me this:
30 day of May, 1889. : A. E. Reynolds

John Whalen
Notary Public
N.Y.Co.

POOR QUALITY
ORIGINAL

Court of Quarter Sessions of the Peace.

The People
vs.
Sutterlin

State of Massachusetts.
County of Suffolk. } S.S.

Charles A. Rogers, being duly sworn, deposes and says, I am the President of the Bruce Mining and was such President during the year 1888. I know the defendant, Jacob. E. Sutterlin. On or about the 25th day of January 1888. I was in the office of Morgan & Worthington, Counsellors at Law, at #69 Wall Street in the City of New York. At the same time there were present the defendant, Jacob. E. Sutterlin, Charles V. Culver, and Charles R. Morgan. That at that time in response to questions asked him by Mr Morgan, the defendant Sutterlin confessed that he had forged the name of Theodore Seymour upon the back of certificates of Deposit issued by the United States Trust Company, to the Bruce Mining Company, and had collected and appropriated to his own use the proceeds

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there of to the amount of over $74.500 00.
Mr Morgan at that same time and in:
terview said to him " Mr Sritterlin
are you trying to shield anyone, are
you trying to shield Mr Seymour", to
which Sritterlin responded - " No, Mr
Seymour knew nothing about it" all
of which was in the presence of the
persons above named. That at a
previous interview had at the office
of the defendant #78 Broadway, at
which were present myself, the de-
fendant, and Mr Morgan, Sritterlin
confessed that he had forged the name
of Theodore Seymour to such certifi=
ates of deposit aggregating over $74.500
and that he had written the name of
Seymour thereon without his authority
and without his knowledge.

Charles A. Rogers.

Subscribed and Sworn to before me at the
City of Boston, County of Suffolk, State of
Massachusetts. this 11th day of May 1889.

In Witness Whereof I have hereunto
set my hand and affixed my official
seal the day and year last aforesaid.

Samuel E. T. Jones.
A Commissioner for the
State of New York residing
in said City of Boston.

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

AFFIDAVIT OF CHARLES V. CULVER.

George Hill, Esq.,
Attorney for Defendant,
206 Broadway,
N. Y. City.

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COURT OF GENERAL SESSIONS.

THE PEOPLE

against

JACOB E. SUITTERLIN.

STATE OF NEW YORK :
: ss:
City and County of New York:

CHARLES VERNON CULVER, being duly affirmed says: I do business at No. 45 Broadway, New York City, and am President of the American Investment Company, and am an officer and director of several other corporations

As such officer and director I am in a position to procure for the defendant, Mr. Suitterlin, a contract for his personal services to be rendered to a responsible company for a term of years, at a fair and liberal rate of compensation, which may be and would be commuted and converted into securities to be made available for the payment in full within a reasonable time, say two years, of his entire indebtedness, arising out of the transactions which were the occasion of instituting this action. If the defendant be at liberty to render the service, I can and will procure this contract for the defendant in order to enable him to make restitution to the parties injured, which he has at all times manifested an earnest desire to do.

From a long acquaintance with him in past

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years, having employed him, and otherwise had business associations with him, I always found him honest and honorable in his business dealings and trusted him accordingly. He was a man of exceptionally good personal habits, industrious, attentive to business, temperate and economical.

Whatever may have been the character or measure of his wrong doing in the matters on account of which he is now held I cannot but consider it the result of a temporary aberration originating in some sudden and intense pressure of circumstances to the force of which he yielded when in an impaired state of mind produced by depressing and distracting troubles. It is inconsistent with everything which I have known of his life and character.

I still have confidence in him, and believe that if he were at liberty he would be faithful to any trust hereafter reposed in him, and that he would devote his life to repairing any injury, suffered by any party through him, and to reestablishing his former good character.

I believe that the defendant has already been punished sufficiently for his wrong doing, and that a suspension of sentence in this case would be a wise exercise of judicial discretion from which society would not suffer.

Affirmed to before me this: Chas H. Culver
31 day of May, 1889. :
Geo. W. Carr
Notary Public
N.Y.C

POOR QUALITY ORIGINAL

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STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

POLICE COURT, 1 DISTRICT.

Charles A. Rogers

of No. 15 Jay. Street. aforesaid, being duly sworn, deposes and says,

that on the 26th day of August 1887,

at the City of New York, in the County of New York,

Jacob E. Smitterlin did unlawfully and feloniously make Engrave and utter a certain instrument in writing which purports to be Certificate of Deposit on the United States Trust Company of New York and which purports to have been indorsed by Theodore Seymour Vice President of the Bruce Mining Company having on said date an Office in premises No 18 Broadway New York City. That said Certificate of deposit was of the Value of Fifteen hundred dollars and that the said Smitterlin did feloniously obtain from said Trust Company the said sum of Money. from the said That the said Smitterlin admitted and confessed to deponent in the presence of a Witness that he did forge the indorsement of the said Seymour on said Certificate of deposit and did obtain said sum of Money from said Trust Company - deponent therefore charges that the said Smitterlin did feloniously forge said indorsement and obtained said money therein with the intent to cheat and defraud said Bruce Mining Company in violation of the statutes in such Case made and provided -

Charles A. Rogers.

Sworn to before me this 29th day of August 1887

Police Justice

POLICE COURT— 1 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles Rogers

vs.

Jacob E. Sutter

AFFIDAVIT.

Dated January 28 1886

[illegible] Magistrate.

Steidel Mfg. Co Officer.

Witness,

Disposition

POOR QUALITY ORIGINAL

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POOR QUALITY ORIGINAL

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.:

Jacob E. Smitterlini being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. Jacob E. Smitterlini

Question. How old are you?

Answer 43 Years -

Question. Where were you born?

Answer. Italy

Question. Where do you live, and how long have you resided there?

Answer. 106 East 107th Street upwards

Question What is your business or profession?

Answer. Barber -

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am not guilty and demand an Examination

Jacob E Smitterlini

Taken before me this 29 *day of* January *1895*

Police Justice.

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Sec. 151.

Police Court 1 District.

CITY AND COUNTY OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York,* GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Charles A Rogers

of No. 15 Jane Street, that on the 26 day of January 188 8 at the City of New York, in the County of New York,

Jacob C Smitterline did feloniously make forge cause utter & publish an instrument in writing which purports to have been a Certificate of Citizenship in the United States Court Pennsylvania, indorsed by Theodore Seymour for the sum of Fifteen Hundred dollars

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 28 *day of* January 1888.

Wm A Wakeman POLICE JUSTICE.

POOR QUALITY
ORIGINAL

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant—General.

Dated January 28 188 8

Wakeley Magistrate

Middleberg & Police Officer.

The Defendant

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

The within named

POOR QUALITY ORIGINAL

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BAILED,

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Police Court— 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Gustav Eyth
vs.
Albert C. Smithwick
2
3
4
Offence Forgery

Dated January 23d, 1894

Edward Reilly Magistrate.
Augustus Peters Officer.
D. D. Precinct.

Witnesses

No. ..... Street.

No. ..... Street.

No. 42 Greenwich St. Street.

to answer

Gustav Eyth

Albert C. Smithwick

Dismissed

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Albert C. Smithwick *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* ..... *Hundred Dollars,* ..... *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated ..... 188 ..... *Police Justice.*

I have admitted the above-named .....
to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....
..... *guilty of the offence within mentioned, I order h to be discharged.*

Dated ..... 188 ..... *Police Justice.*

POOR QUALITY ORIGINAL

0473

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Offence _____

1-2 _____

3 _____

4 _____

Dated _____ 188 .

_____ Magistrate.

_____ Officer.

_____ Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

RECEIVED AUG 31 1888 TO ANSWER

$ _____

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____

_____

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ Dollars, _____ *and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

Dated _____ 188 _____ *Police Justice.*

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

_____ *guilty of the offence within mentioned. I order h to be discharged.*

Dated _____ 188 _____ *Police Justice.*

POOR QUALITY
ORIGINAL

First District
Court

The People and
Charles A Rogers.
against
Jacob E Smith et al

Charged with
Forgery.
Before Hon
Rufus Wells
Court Justice

January 31st 1868

Appearances.
William A Stewart for the people
Vernon M Brown for the defts.

The persons being
present the examination
proceeded:

By Mr Brown
Defts Counsel

It appears
from evidence to induce a motion
at the present time in reference
to the property which motion
from the prisoners person at
the time of his arrest
The application is that

POOR QUALITY ORIGINAL

the property be restored by your honour orders. The grounds of the application and that there is a charge in the complaint in the case of an offence in regard to which the existence of property found upon the person of the defendant, would constitute no offence; There is no claim that the property belonged to the complainant in the case. And therefore it should be restored to him or such person as he may designate as the owners thereof.

I have made some examination of the law in respect to the matter and I can find no authority whatever; while the offence may have been justified in the course which he took under suspicion, and under the broad latitude which is given to officers, yet while

POOR QUALITY ORIGINAL

the facts are in possession of your honor, there is nothing in them to show any thing other than the money belonged to the prisoner your honor will see as the case stands at present that we go into the examination of this matter under the stigma of being a common thief with stolen property found upon our persons that is not the charge here. that the property was stolen! larceny is not the charge here; but forgery: and upon this complaint they must stand or fall as the case is presented to your honor.

Your honor will observe that at the present time this case stands simply upon the bald and naked allegation of a conclusion; that in connection of a conclusion of a crime and the complainant charges that the defendant has committed

POOR QUALITY ORIGINAL

of forgery, this is the whole of the case at the present time.

In entrance after the forgery is regularly and properly before your honor they made oral statements and a record of other alleged offenses; upon which your honor has fixed the prisoner in a very large amount of bail but all this is before your honor on the record is fifteen hundred dollars represented by the certificate which it is alleged that the prisoner forged, no accusation of anything else. Therefore it caused the to pay nothing of the rights of the prisoner in the matter this right to have the property restored which it cannot be proving him at a disadvantage most contrived by the law. And under the stigma of having been caught and arrested with stolen property upon his person of which

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there is not the slightest evidence
By the Court.

That motion is denied
for the present, you may renew it
later on but at this stage of
the case the motion is denied
Defendants Counsel
Exception
Defendants Counsel.

I desire to ask for a
further adjournment after the
examination, by the Court of the
Case as your honor will find
that the proceedings are by no
means free from complication.
I have not yet had the opportunity
to busy myself very fully with
all the facts in, of course I have
a general knowledge of them my
time has been mostly occupied
with various other matters except
such portions of my time as I
could devote to the case in con-
sultation with my client

POOR QUALITY ORIGINAL

I

And I am not in a position to go on with the examination. I am not as prepared as I think I should be in a case of this magnitude And it seems to me that I may appeal to your honors discretion And insist that such protection around my prisoner that he should be entitled to meet the charge in such a grave character as this.

By the Court.

Is the counsel when will you be ready to proceede with the case.

By mr Stewart.

As far as the complainants are concerned, the complainant resides in Boston

By the Court

We cannot keep that portion unless he resides there in a grave charge made

POOR QUALITY ORIGINAL

against the prisoner and he must
have some opportunity to prepare
himself.
By Mr Stewart.
The only point is this that
does not present, is the great
inconvenience that the princi-
pal witness is subject to. he
is a man engaged in business
in Boston and came out here
pursuant to adjournment to
day and return again upon
the adjourned day. may it con
sidered in coming he am
willing to forego.
By the Court.
This being the first ad-
journment that was asked for
you two Gentlemen better fix up
a day agreeable to you both.
By Mr Stewart.
I am quite willing
to accommodate Mr Hahn the
defendants counsel but it

POOR QUALITY ORIGINAL

seems to me that it will in any injure the rights of the prisoner by his counsel examining Mr Rogers, so far as he can go and then adjourning the further examination to some future day.

Mr Rogers testimony will be confined to the simple fact to the discovery of the forgery and the confession made to him.

Mr Kuser

I will have no objection to your taking the direct examination of Mr Rogers but I will cross examine him at the next session

Mr Stewart-

I consent to that we will go on as we can to day with Mr Rogers.

By the Court

Then we will examine Mr Rogers now and you will have the right to cross examine

POOR QUALITY ORIGINAL

Rui at the next session.

Samuel

Very well. Then we will proceed.

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Clinton A Rogers, the complaining witness being duly sworn deposes and says

By the Court

Q Where do you reside?

A Barton

Q What is your age?

A 57 years.

Q What is your business?

A Manufacturer of Iron Patterns.

Direct Examination

By Mr Stewart.

Q Have you any business address in Marion City?

A I have an office at 1st Day Street Marion

Q Mr Rogers have you any official connection with the Breece Mining Company?

Mr Leland

Objected to

Clyde Connell

Objected to any private corporation other than the Breece Mining Company appearing in this action by counsel or to take

POOR QUALITY ORIGINAL

any port in it the said counsel to state who he appears for.

By Mr Stewart.

I attended here in the beginning as the attorney and counsel for the United States Trust Company, seeking no kind of interior benefit or pecuniary profit by its representation before your honor to day, but merely in the interest of putting before your honor and the court the facts I now appear as counsel for the complainant after the Breece mining company the I propose examining that witness in this proceeding. the interests after the Breece mining company are at stake.

By Mr Shook.

I object to his appearing as the only interests before your honor are the interests of the state, these people appear here

POOR QUALITY ORIGINAL

~~not~~ for the purpose of recovering alleged money a public debt they have been defrauded, ~~and~~ not for the purposes of prosecution for the benefit of the county, the district attorney or some of his representatives are the proper persons to appear before your honor as prosecutors ~~and~~ not their counsel.

By the Court

Objection overruled. I allow the counsel to appear as counsel for the people.

Mr Shuck

Exception.

Q How long have you been president Mr Shuck

Let the witness answer the previous question

Q (Question repeated) Mr Rogers how you any official connection with the Breece mining Company

A I am president

Q How long have you been the

POOR QUALITY ORIGINAL

Presidint ?

Answer 1882

Q Do you know Jacob C Smutterlin ?

A Yes.

Q When did you first make his acquaintance

A At the annual meeting in 1882

Q Had he at that time any official

connection with the Breece mining

company ?

A At that time he was elected

secretary and treasurer.

Q Has he continued to be secretary

and treasurer ever since ?

Ans Yes

By the Court

Q Is he treasurer now ?

A He is not I suspended him

according to by laws and approved

by the trustees.

Q When was it ?

A about January one day last

week I don't remember the date

Q State on what date you suspended

him ?

POOR QUALITY ORIGINAL

Q I can tell by referring to my record. Refer to it & tell me on what day you suspended him?

A I think that was the 20th of January that I wrote the letter I am my confident that was the date.

By Mr Stewart.

Q Was that action on your part subsequently confirmed by the board of trustees?

Objected.

By the Court.

Q Who are the board of Trustees?

A Mr Culver Vice President and Mr Alonzo A Rogers and Mr Whitfield and Mr Henry Bradstreet. I believe that is all.

Q How is composed of five members?

Objected.

Q You notified the defendant on January or about January 20th that he was suspended from acting as Treasurer and secretary of the

POOR QUALITY ORIGINAL

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Breese mining company;

Agreed.

Q. With the consent of the board of directors or trustees?

A. They have given me —

Q. Answer my question: with the consent of the directors or board of trustees?

A. After that I had the consent I did it. Done it at that time.

Q. You didn't done it at that time?

Agreed.

Q. Then what you did do you did simply as President of the Company?

A. Acting under the by laws of our company.

By Mr. Stewart.

Q. Is this your signature (showing) to the complaint in this proceeding)

Agreed.

Q. Where was the office of the Breese mining company?

A. 18 Broadway.

POOR QUALITY ORIGINAL

Q. Did you then daily?
A. I was not

Q. After your election as President of the Breese mining company how often did you visit the habit of attending its meetings office
A. About 6 or 8 times a year possibly more sometimes.
Q. Was the office of the Breese mining company also the office of Mr Suttenlin?
A. It was.
Q. What arrangement did the Breese mining company have with Mr Suttenlin for obtaining its office there?
A. They paid him a salary for his services which included the office rent.
Q. As secretary and treasurer?
A. As secretary and treasurer
Q. He supplied the office and rendered his official services?
A. Yes sir

POOR QUALITY ORIGINAL

Q/ When did you first have your attention called to the signing by Mr Quitterlein of the name of Theodore Seymour upon the certificate of deposit of the United States trust company dated February 20/1889 for fifteen hundred dollars.

By Mr Coburn

Objected to upon the ground that it is assuming the whole issue of this examination and not law for conclusion and law for facts, the date when his attention was first called to the fact that the defendant signed the name of Mr Quitterlein?

By Mr Clement

I did not, I asked him when his attention was called to the signing of the name.

By the Court

The counsel waived the

POOR QUALITY ORIGINAL

witness when his attention was called to the signature on that certificate, is that your question Mr Stewart:

Mr Stewart

Will the stenographer read the question

Stenographer reading question

"When did you first have your attention called to the signing by Mr Sutherlin of the name of Theodore Seymour upon the certificate of deposit of the United States Trust Company dated February 25 1887 for fifteen hundred dollars."

Mr Shaw

Now I renew my objection

By the Court

I will deny your motion as to the whole of the question,

By Mr Shaw

I then move to strike out

POOR QUALITY ORIGINAL

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the words by Mr Sutter sir
By the Court
I grant the motion to
strike out that portion of the question
as follows " by Mr Sutter sir.
The witness I don't know that I quite
understand what you mean?
Q When did you first have your atten
tion called to the signing of the
name of Theodore Seymour upon
the certificate of deposit of the
United States Trust company dated
February 28 / 1887. for fifteen
hundred dollars.
A I can tell by referring to my
memorandum.
Mr Stewart
Q Refer to it then?
Mr Shearman
I have no objection to his
referring to his memorandum
if I have the opportunity to ask
him some questions before
he answers the last question.

POOR QUALITY ORIGINAL

By the Court

You can doso.

By Mr Shaw.

Q Now Mr Rogers you may put your hand back in your pocket and richard referring to that memorandum Can you now remember

A I can

By Mr Stevens.

Q when was it ?

A January 23d

By the Court

Q what year

A This year 1888.

By Mr Stevens.

Q will you kindly state to the Court in your own language the circumstances under which your attention was called to the signature of Mr Seymour upon those certificates; where you were and who was present and any thing that occurs to you as material to the

POOR QUALITY ORIGINAL

authenticity and truthfulness of the signature

By Mr Shaw

Lawyer.

By Mr Stewart

Question withdrawn.

Q Were you when your attention was called to this signature at the office of the United States Trust Company

By the Court.

Q Who called your attention to it?

A It was shown to me at my request, — the certificate of deposit.

Q By whom?

A A young man who I believe the president of the company directed to show me the certificate of the company.

Q How did you first discover the forgery of these certificates?

Objected to by Mr Shaw

Question withdrawn.

POOR QUALITY ORIGINAL

By Mr Stewart

When the certificate were shown you did you see the certificate that is here the one of February the 7th. Did he show you that also?

A He did

Why did you go to the trust company to see the certificate?

A Mr Sutterlin humbly told me he had committed a forgery

By Mr Shoan

I object to it upon the ground that the proper foundation has not yet been laid

By the Court

The question is already answered

By Mr Shoan

I desire to state it

By the Court

Motion Denied

Mr Shoan Excepts

POOR QUALITY ORIGINAL

By Mr Stewart

Q You say Mr Rogers that Mr Swittell told you that he had committed

a forgery

By Mr Shearn.

Objected to as leading

By the Court

Question admitted

Mr Shearn Exception

A Yes sir

Q Where?

A At the office of Mr Swittell's 18 Broadway

Q How long before your interview at the United States Trust Company did that interview take place?

A That was January 30th

Q What year

A This year

Q 1888?

A Yes sir It was January 30th that Mr Swittell made that confession to me,

Q 1888?

POOR QUALITY ORIGINAL

Ayers

Q Had you an occasion interview With Mr Quitterbie during the month of January this same month two years?

A I did

Q Where was it?

A At his office and also in the Street walking with him.

Q What was the subject of your conversation with Mr Quitterbie at his office, the first interview

By Mr Shuman

Objected to

By the Court

Question admitted

Mr Shuman

Exception

A The subject was in regard to moneys that were short in his account about seventeen or eighteen thousand dollars and he told me he had lost it in speculating in Kenyon

POOR QUALITY ORIGINAL

Cayessi

Q Had you an occasion interview With Mr Quitterlin during the month of January this same month & year?

A I did

Q Where was it?

A At his office and also in the street walking with him.

Q What was the subject of your conversation with Mr Quitterlin at his office, the first interview?

By Mr Shuman

Objected to

By the Court

Question admitted

Mr Shuman

Exception

A The subject was in regard to moneys that were about in his account about seventeen or eighteen thousand dollars and he told me he had lost it in speculating in Kerosene

POOR QUALITY ORIGINAL

And New England stocks

By Mr Shuman

I move to strike out the last part of the witnesses answer upon the ground that it is not responsive to the question, the question was what the subject was

By the Court

Motion Denied

Mr Shuman

Exception

Q Did you come to Newport for the purpose of performing your duty as President of the Bessie mining company and making some inquiry as to the financial condition of the company?

A I did that step was my whole

Errand

Q Did you immediately go to the office of the Bessie mining company?

A I did

Q And ask for a statement of its

POOR QUALITY ORIGINAL

financial condition?

A Said

Q To whom did you address that question?

A Mr. Satterlee

Q And what did he say in response to that question?

By Mr. Osborne

Subject to it, under the charge of gaining into anything except the charge of forgery.

By the Court

Objection Overruled

Mr. Osborne

Exception

Q (Question repeated) What did he say in response to that question

A He told me he had about eighteen thousand dollars on deposit in the United States Trust Company and about six thousand dollars on deposit at the Metropolitan Trust Company.

Q Did you take any steps to verify

POOR QUALITY ORIGINAL

the answers made by Mr Shutterly.
A I did I called at both after the
Company —
By Mr Shaw
I object to anything that
took place at the Trust company
they cannot bind us to anything
that took place at the trust com
pany
By the Court
Q Did you report to Mr Shutterly
the information which you
acquired at your visit to the
Trust company?
A I did the next day.
By Mr Stewart
Q And what did Mr Shutterly pay
to you as to any differences between
the amount which he took
you owe on deposit in the United
States Trust company and that
which you discovered was due
By Mr Shaw)
Objected to as incompetent

POOR QUALITY ORIGINAL

2-8

By the Court

Objection sustained

Q What did Mr Smith say to you when you informed him of your information acquired of the affairs of the Trust Company

By Mr Shook

Objected to as being immaterial and forming no part of the records of this office

By the Court

Question allowed

Mr Shook

Objection

A He told me that he had taken the amount of money which is about and used it in speculating in Bengore and New England stock

Q Did he say anything as to the amount of money that he was short?

By Mr Shook

Same objection

By the Court

Same Ruling

POOR QUALITY ORIGINAL

29

Mr Adams

Exception.

Q Did you think I stated the amount to him at that time

Q Did he tell you how he got that money out of the trust company fund at that time

Q Was there anybody else present at this conversation with Mr Quattlebaum?

A Mr Culver was with me at the time on the street and in his office

Q Did you see Mr Quattlebaum later at any interview?

A I did

Q Where and when was it?

A At his office

Q Mr Quattlebaum's office?

A Yes, 18 Broadway

Q When?

A January 20th

Q Was anybody present with Mr Quattlebaum & Mr Morgans

POOR QUALITY ORIGINAL

Q Did you have any conversation with him then about the differences in amounts?

By Mr Shuron

Objection to as being immaterial & irrelevant.

By the Court

Question allowed.

Mr Shuron

Exception

A She stated further that the amounts he got by signing the name of Mrs Seymour & me proved upon that point.?

Mr Shuron

I object to the word proved. Let him state what was said.

A (The witness) She said he signed the name of Mr Seymour without any authority from him, he signed it subject to a forgery.

By the Court)

Q In what amount?)

POOR QUALITY ORIGINAL

A United States Trust company
Fourteen thousand four hundred
dollars.

Q Did he say to you that he obtained
the money later on than signing
the deed?

A He did.

Q And used it for his own benefit
& Medill

Q Did he say so?

A He did

By Mr Stewart

Q Did he indicate or use any words
as to what use he made of it

By Mr Shroad

Objected to

By the Court

Objection Sustained

By Mr Stewart

Q Who is Mr Seymour?

A He was the former Vice President from
1883 I think he was at that time
while I am in office, he has not
been vice President from 1882
up to about the 1st of October 1882

POOR QUALITY ORIGINAL

Q Are you familiar with the hand writing of Mr Bynum?

A I am

Q In your business have you been familiar with the signatures of business men by have you been in the habit of comparing the signatures of business men so that you are able to pass judgement as to whether a person whose handwriting you are familiar with is genuine or imitated?

By Mr Shaw

Objected to

By the Court

Objection Sustained

Q Witness is shown the certificate attached to the complaint dated February 20th 1889) Mr Rogers do you see the words Rhodes Bynum V.P. upon the back of that certificate

A I do

Q Are you familiar with the hand writing of Mr Bynum?

POOR QUALITY ORIGINAL

A Law
Q Do that the Surrendering of Mr
Seymour?
By Mr Shorman
Objected to
By the Court
Objection Sustained
By the Court
You may Mr Stewart ask
him to the best of his knowledge
& belief if that is his signature
By Mr Shorman
If your Honor please that
is not the rule —
By the Court
I will allow you to ask
this question if he believes to the
best of his knowledge & belief
if that is his signature or not
his signature, the signature
of Mr Seymour in his Judgement
By Mr Shorman
Object to it
By the Court

POOR QUALITY ORIGINAL

Question admitted
Mr Dawson

Exception

By Mr Stewart

Q Do you to your best knowledge and judgement the signature of Mr Seymour on the back of that certificate?

A It is not to the best of my judgement.

By the Court

Q To the best of your knowledge and belief is that the signature of Mr Seymour (showing writing) A It is not.

By Mr Dawson

Same ruling

By the Court

Same ruling

Mr Dawson Exception

By Mr Stewart

Q Mr Rogers is Mr Seymour the Vice President of the Press Printing Company now?

POOR QUALITY ORIGINAL

35

1

Q. And so
Q. When did he cease to be
A. October 1st.
Q. Of what year?
A. 1887.
Q. By expiration of his term of office
Agreed
Q. By what course did he cease to
be your President of the Brunswick
Mining Company?
A. The annual meeting was the latter
part of September & the new
Board of Trustees was elected
and Mr Seymour was one
of them & when they organized
Mr Culver was put in as one
of the Trustees & President of the
Company — Mr Charles Culver
Defendants Counsel Mr Hubbard
Shows the Right to Cross
Examine this witness.

Sworn to before me
this 31st day of January 1889

Police Justice

POOR QUALITY ORIGINAL

Thomas M Morgan a witness called on the part of the people being duly sworn deposes and says

By the Court

Q What is your residence?

A 10 East 130th Street New York City

Q What is your age?

A 24 years.

Q What is your occupation?

A Lawyer.

The witness

Says I am in the employ of Morgan and Worthington of 69 Wall Street are the counsel for the Breece mining company. On the 30th of January at the request of the President Mr Rogers I went with him to number 18 Broadway the office of the Breece mining company and the office of the Secretary and Treasurer and we met Mr Sutherlin there and Stokes Lin-

POOR QUALITY ORIGINAL

By Mr Shook

Objected to Denial a general deposition to the statement of the evidence this for: according to his own statement that the counsel for the Brewer mining company with the President of that Company, this the relationship of counsel and client being established anything that took place then in the presence of client or the previous is a confidential communication By the Court

Objection Overruled

Counsel Excepts

Witness.

I had called them in reference to his deficiency. At the first instance I demanded of him - I said to him -

Mr Shook

I guess how will

POOR QUALITY ORIGINAL

permit me to make this remark
under your honors ruling that
is your honor's present ruling
to the last question. I shall claim
the right under the course of
this cautious testimony to go
into all that has passed in the
presence of Mr Spaulding in both
on this occasion (W) & also occasions
when the three were present
as to the plans which had been
laid by this Trust Company
& these people in this litigation
Mr Morgan.

If I hear your honor
I shall in all probability be
absent in Europe next week
By the Court.

How long do you intend
to be gone?

Mr Morgan

Hartwell.

By the Court.

If you are going to be

POOR QUALITY ORIGINAL

absent as your state it was
fair to go into that detail and
enquire the rights of the persons
& I must state it out.
Mr Morgan
Counsel can cross
examine me before I go.
By the Court
I did so I'll allow
the question
By Hendrickson
That he must answer
to me as the terms & papers
belonging to the Brace mining
and in his possession which
he was removed on, & he did
then deliver to me certificates
books & certain papers of the
company which I took
By Marshall
I tremble for the rule
of law which has stood the
test of ages as a compendium
relation between counsel & client

POOR QUALITY ORIGINAL

and I trust your honor is not to now going to evade that rule.
By the Court. Is the witness confining yourself to the question that is before the Court in regard to this case
The witness
I then asked him how he obtained the money that he had taken and stated to him that he had taken or that he had got it upon the certificate of deposit which were issued to the United States Trust Company to the company. I asked him how they were drawn to whose order payable and how dated they were drawn
He then began to explain himself as secretary and treasurer. I asked him how he obtained the signature of Mr Seymour to the papers and how he could obtain it

POOR QUALITY ORIGINAL

Juvaid Remote it.

I paid d. you mean that you forged it?

Juvaid I suppose so.

Juvaid did you attempt to imitate his signature?

He said that he didn't know that he did.

I asked him if Mr Seymour knew that he had done it!

Juvaid no

I asked him if Mr Seymour authorized him to sign?

And he said no.

I asked him when he commenced forging?

He said the first forgery was in December 1886. that he then forged a certificate & he assumed & he thought it was three thousand dollars. And that after wards in July & August 1887 he forged the balance

I asked him to what extent he

POOR QUALITY ORIGINAL

had forged the certificate and he said fourteen to fifteen thousand dollars. and was,

Afterwards saw him in my office I dont think that anybody was present then marked it was Asher Culver

Mr Culver is an officer of Reed and my Company

By Mr Stuart

Same the same objection

By the Court

Question allowed

Counsel Excepts

A 4/0 K Lee

By Mr Stuart Proceeds.

Witness I had a further conversation with him in regard to the matter and paid to him that I had seen the signatures of certain upon the certificates which he said that he had forged. and that I thought then a very clever imitation and I asked

POOR QUALITY ORIGINAL

Mr if he dident compare them
and he and me, he said he had
unfortunately written it in different
colored ink from what he
had written his own signature
I dont think I had any other
interview with him except
these two.
Mr Shoaf
I move to strike out what
he said in reference to the sig
nature upon the ground that
it has no reference to the charge
upon which this complaint is
based. You cannot try a
man for more than one
offence at a time.
By the Court
Motion Denied
Cornell Excepts
Mr Shoaf Reserves the right
to cross examine this witness

POOR QUALITY ORIGINAL

Charles A Rogers Recalled on
the Part of the People.
By the Court
Q You are President of the company
expected to fund so much
money in the Trust company?
A Yes Sir
Q Which your books showed?
A Yes Sir
Q And you received from the Trust
company a from two company
that you owed about Fourteen
thousand dollars.?
A We owe about from the two
company Eighteen thousand
dollars.
Q Of which your books bore no
account?
A Yes Sir
Q About Eighteen thousand dollars?
A Yes Sir
Q You are speaking of your own
knowledge?
A Yes Sir.

POOR QUALITY ORIGINAL

Q. Did the money was obtained by the signature of Seymour?

Counsel objected to Broadbent, he could only answer he did sell with consumption.

Q. Was Broadbent

A. Broadbent never did receive it.

Q. You had been fired out?

A. Yes.

Q. You stated that in October last he was deposed as Vice President of the company?

A. Sometime in October.

Q. Was it his duty to sign all vouchers?

A. It was.

Q. Up to that time?

A. It was.

The further hearing was then adjourned to Thursday February 9th 3 P.M. by consent of Counsel

POOR QUALITY ORIGINAL

Q And the money was obtained by the signature of Seymour 5 Cycles?

Q Called to Bridgeport?

A Yes to the co at home, he co. very unwell he is ill with consumption

Q When does he return?

A In Brooklyn

Q Does your home is residence?

A Yes sir.

Q Your book letter files are?

A Here.

Q You stated that in October last he was elected as Vice President of the company?

A Sometime in October.

Q Was it his duty to sign all vouchers?

A Yes.

Q Up to that time?

A It was

The further hearing was then adjourned to Thursday February 9th 3 P.M. by consent of Counsel

POOR QUALITY ORIGINAL

0521

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob R. Sinkerdin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob R. Sinkerdin —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob R. Sinkerdin,

late of the City of New York, in the County of New York aforesaid, on the fourteenth day of July, — in the year of our Lord one thousand eight hundred and eighty-six, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, to wit an order for the payment of money by the said commonly called bank checks,

which said forged bank check — is as follows, that is to say:

No. 147 New York, July 22 1886

Metropolitan Trust Company

Pay to the order of J. R. Sinkerdin

Five Hundred 00/100 ——— Dollars

$500 00/100

Breece Mining Company

J. R. Sinkerdin Sec't Treas

Treas Sanpoun V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT:—

And the Grand Jury aforesaid, by this indictment, further accuse the said

— Jacob K. Smithers —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob K. Smithers,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, to wit an order for the payment of money of the kind commonly called bank drafts,

which said forged bank draft —

is as follows, that is to say:

No. 147 New York, July 22 1887

Metropolitan Trust Company

Pay to the order of Jacob K. Smithers

Five hundred ^{00}/_{100} Dollars.

$500 ^{00}/_{100}

Breese Mining Company

Jacob K. Smithers Sec & Treas

Virginia City, Nev.

with intent to defraud, the said Jacob K. Smithers then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

206

Geo. Hill

Witnesses:

Chas Marvalho

Counsel,

Filed, 16 day of Oct 1888

Pleads, Not Guilty (16)

THE PEOPLE,

vs.

Jacob E. Smitterling

(11 cases)

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Lowell Lincoln *Foreman.*

POOR QUALITY ORIGINAL

2259

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob E. Switterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Switterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Switterlin late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of August in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$2500 These may certify that the United States Trust company of New York has received from Breece Mining Co. the sum of Twenty five hundred Dollars of current funds, upon which the said company will allow interest at the annual rate of two per cent from this date, and on 5 days notice will repay the like amount in current funds, with the interest to the said Breece Mining Co. by its Vice President & Secretary & Treasurer or their assigns on the return of this certificate which is assignable only on the Books of the Company. The right is reserved by the Company, upon giving ten days notice, to reduce the rate or discontinue the payment of interest on this certificate or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the Books of this Company.

No. A 48031
March 28 1887

N. C. Thornell
Secretary.

J. S. Clark
2d President.

the said Jacob E. Switterlin afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly, act and assist in forging on the back of the said instrument and writing a certain instrument and writing ~~commonly called an~~ ——— which said forged instrument and writing ~~commonly called an~~ ——— is as follows, that is to say:

Received, the sums on account of Principal and Interest of the within-in certificate, No. A 48031 as expressed against our signatures respectively.

When due	When Paid.	Interest.	Principal.	Signatures
2069	Aug 26/87	2069	2500	Paul Gwd & Co or order J E Switterlin Sec & Treas Theo Seymour V P

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
District Attorney

206

Witnesses;

Dan'l Hannah

Counsel,

Filed 16 day of Oct 1888

Pleads, Not Guilty (16)

THE PEOPLE

vs.

Jacob E. Smitterlin

(11 cases)

Forgery in the Second Degree.
[Section 511 ~~and 537~~, Penal Code.]
(*Endorsement, etc*)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lovell Smith *Foreman.*

POOR QUALITY ORIGINAL

0525

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Jacob E. Switterlin

The Grand Jury of the City and County of New York, by this indictment, accuse — Jacob E. Switterlin — of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Switterlin late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of August in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$2000# New York, New York Dec 29—1886.
These may certify that the United States Trust Company of New York has received from Breece Mining Co the sum of Two thousand # Dollars of current funds, upon which the said Company will allow interest at the annual rate of 2½ per cent from this date and on 5 days notice will repay the like amount in current funds with the interest to J. E. Switterlin Sec'y & Treas and Thos. Seymour V. Pres't or their assigns on the return of this certificate which is assignable only on the Books of the Company. The right is reserved by the Company, upon giving ten days notice, to reduce the rate, or discontinue the payment of interest on this certificate or pay off the principal. Such notice to be served personally or through the P.O. if directed to the address noted on the Books of this Company.
No. A 46948
J. S. Clark 2. V. President
E. L. Thorndike Secretary

the said Jacob E. Switterlin — afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the — back — other of the said instrument and writing a certain instrument and writing ~~commonly called an~~ which said forged instrument and writing ~~commonly called an~~ is as follows, that is to say:

Received the sums on account of Principal and Interest of the within certificate No. A 46948 as expressed against our signatures respectively.
When due. When paid. Interest. Principal.
Aug 26/87 33.06 2000.
Signatures
Bay Am'd Tr Co or order
J. E. Switterlin Sec'y & Treas
Theo Seymour V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
District Attorney.

Witnesses;

David Magrath

206
Obtain

Geo. Hill

Counsel,

Filed 16 day of Oct 1888

Pleads, Not Guilty (16)

THE PEOPLE

vs.

1st

Jacob E. Snitterling

(11 cases)

Forgery in the Second Degree.
[Section 511 ~~and 532~~, Penal Code.]
(*Endorsement, etc.*)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lowell Lewis *Foreman.*

POOR QUALITY ORIGINAL

1250

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob E. Suitterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Suitterlin —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Suitterlin,

late of the City of New York, in the County of New York aforesaid, on the sixteenth day of October in the year of our Lord one thousand eight hundred and eighty-seven, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, to wit: an order for the payment of money of the kind commonly called bank cheques which said forged bank cheque is as follows, that is to say:

No. 148 New York, Oct 16 1887

Metropolitan Trust Company

Pay to the order of J E Suitterlin

Sixty two 50/100 ——— Dollars

$62 50/100

Breece Mining Co.

J. E. Suitterlin, Sec'y & Treas

Theo Seymour, V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT:—

And the Grand Jury aforesaid, by this indictment, further accuse the said Jacob E. Suitterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows: The said Jacob E. Suitterlin late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, to wit: an order for the payment of money of the kind commonly called bank cheques which said forged bank cheque is as follows, that is to say:

No. 148 New York Oct 16 1897

Metropolitan Trust Company

Pay to the order of J E Suitterlin

Sixty two 50/100 Dollars

$62 50/100

Breece Mining Co

J E Suitterlin Secy & Treas

Theo Seymour, V P

with intent to defraud, he the said Suitterlin Jacob E. then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

206
Indict

Gs. Hill

Witnesses:

Elmira Marvalk

Counsel,

Filed, 16 day of Oct 1888

Pleads, Not Guilty (16)

THE PEOPLE,

vs.

Jacob E. Smitterlin

(1 case)

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Lowell Lincoln *Foreman.*

POOR QUALITY ORIGINAL

0650

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob E. Switterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Switterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E Switterlin late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of August in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

No A 46596
Nov 25th, 1886

New York

These may certify that the United States Trust Company of New York has received from The Breece Mining Company the sum of Three thousand Dollars & current funds, upon which the said Company will allow interest at the annual rate of two per cent. from this date, and on five days notice will repay the same amount in current funds, with the interest to the said company by J. E. Switterlin Secty. & Treas. & Theo Seymour V. Pt. jointly assigns on the return of this Certificate, which is assignable only on the Books of the Company. The right is reserved by the company, upon giving ten days notice, to reduce the rate or discontinue the payment of interest on this Certificate, or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the Books of this Company.

A. K. Donnell
Secretary

J. S. Clark
2. V. President

Received, the sums on account of Principal and Interest of the within Certificate, No. A 46596 as expressed against our signatures respectively

When due	When paid	Interest	Principal	Signatures
	Aug 26/87	45.66	3000.	Pay to the order of J. E. Switterlin Secy & Treas Theo Seymour V. Pr.

the said Jacob E. Switterlin afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the other back of the said instrument and writing a certain instrument and writing ~~commonly called an~~ ~~which said forged~~ instrument and writing ~~commonly called an~~ is as follows, that is to say:

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows,
District Attorney.

Witnesses;

Emma Hagerty

206

Geo Hill

Counsel,

Filed 16 day of Oct 188 8

Pleads, Not Guilty

THE PEOPLE

vs.

Jacob E. Smutterlin

(11 cases)

Forgery in the Second Degree.
[Sections 511 ~~and 534~~, Penal Code.]
(*Endorsement, etc.*)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lyman Lewis *Foreman.*

POOR QUALITY ORIGINAL

2959

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Jacob E. Sutterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Sutterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Sutterlin late of the City of New York, in the County of New York aforesaid, on the thirtieth day of July in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$1000.00 New York June 21, 1887

These may certify that the United States Trust Company of New York No 44901 has received from Breece Mining Co. the sum of One Thousand Dollars of current funds, upon which the said company will allow interest at the annual rate of two per cent. from this date and on 5 days notice will repay the like amount in current funds with the interest to J. E. Sutterlin Secy & Treas and Theo. Seymour Vice Prest or assigns, on the return of this Certificate, which is assignable only on the Books of the company. The right is reserved by the company, upon giving ten days notice, to reduce the rate, or discontinue the payment of interest on this certificate, or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the Books of this Company.

A. C. Thornell
Secretary

H. B. Clark
2d President

the said Jacob E. Sutterlin afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the back of the said instrument and writing a certain other instrument and writing commonly called a receipt for money which said forged instrument and writing commonly called a receipt for money is as follows, that is to say:

"Received, the sums on account of Principal and Interest of the within Certificate No 44901 as expressed against our signatures respectively

When due	When paid	Interest	Principal	Signatures
July 30/87	2	17	1000	J. E. Sutterlin Secy & Treas Theo Seymour, V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows,
District Attorney.

Witnesses;

Hanna Navarro

286

Geo Hall

Counsel,

Filed 16 day of Oct 1888

Pleads, Not Guilty

THE PEOPLE

vs.

Jacob E. Smitterlin

(11 cases)

Forgery in the Second Degree.
[Sections 511 ~~and 521~~, Penal Code.]
(*Endorsement, etc.*)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Part III Apl 24 89

Lowell Lewis *Foreman.*

POOR QUALITY ORIGINAL

6850

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob R. Swinkelein

The Grand Jury of the City and County of New York, by this indictment, accuse

Jacob R. Swinkelein

of the CRIME OF FORGERY IN THE SECOND DEGREE, *committed as follows:*

The said Jacob R. Swinkelein

late of the City of New York, in the County of New York aforesaid, on the Twenty-eighth day of August in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$1500.# New York There may certify that the January 25-1887
No A47336
United States Trust Company of New York
has received from
The Breece Mining Co. the sum of Fifteen Hundred Dollars of current funds, upon which the said company will allow interest at the annual rate of two per cent. from this date and on 5 days notice will repay the like amount in current funds with the interest, to J. E. Switterlin, Secy & Treas. jointly with Thos Seymour V.P. or their assigns, on the return of this certificate, which is assignable only on the Books of the Company. The right is reserved by the Company, upon giving ten days notice, to reduce the rate or discontinue the payment of interest on this Certificate, or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the Books of this Company.
H. L. Thornell
Secretary
J. T. Clark
2V President

the said Jacob R. Swinkelein —

— afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the back — of the said instrument and writing a certain instrument and writing ~~commonly called an~~ ——— which said forged instrument and writing ~~commonly called an~~ ——— is as follows, that is to say:

Genuine. The sums on account of Principal and Interest by the within certificate, No. A47336, as expressed against our signatures respectively. Signatures to order Drawn. When paid. Interest. Principal.
Aug 26/84 1758 1500

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Jacob R. Kellows,
District Attorney

Witnesses;

Chas Mansfield

206

Ordered C

Geo. Hill

Counsel,

Filed 16 day of Oct. 1888

Pleads, Not Guilty (16)

THE PEOPLE

vs.

Jacob E. Smitterlin

(11 cases)

Forgery in the Second Degree.
[Sections 511 ~~and 551~~, Penal Code.]
(*Endorsement, etc*)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lowell Sinnock *Foreman.*

POOR QUALITY ORIGINAL

9850

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob E. Snitterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Snitterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Snitterlin late of the City of New York, in the County of New York aforesaid, on the twentieth day of September in the year of our Lord one thousand eight hundred and eighty-seven, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, to wit: an order for the payment of money of the kind commonly called bank cheques which said forged bank cheque is as follows, that is to say:

No. 147 New York Sep 20 1887

Metropolitan Trust Company

Pay to the order of John Tayler three 75/100 Dollars

$3 75/100

Breece Mining Co

J. E. Snitterlin Secy

Theo Seymour V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT:—

And the Grand Jury aforesaid, by this indictment, further accuse the said Jacob E. Sutterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows: The said Jacob E. Sutterlin late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, to wit: an order for the payment of money of the kind commonly called bank cheques which said forged bank cheque is as follows, that is to say:

No. 147 New York Sep 20 1887

Metropolitan Trust company

Pay to the order of John Taylor

Three 75/100 Dollars

$3 75/100

Breece Mining Co

J. E. Sutterlin Secy

Theo Seymour V. P.

with intent to defraud the said Sutterlin the said Jacob E. Sutterlin then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

Witnesses:

Llewis M Farrells

206
ordered
Co Hill

Counsel,

Filed, 16 day of Oct 1888

Pleads, Not Guilty (16)

THE PEOPLE,

vs.

1st

Jacob E. Snitterlin

(11 cases)

Forgery in the Second Degree.
(Sections 511 and 531, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Lovell Lewis *Foreman.*

POOR QUALITY ORIGINAL

6650

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob E. Sutterlin

The Grand Jury of the City and County of New York, by this indictment, accuse Jacob E. Sutterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Sutterlin late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of August in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$1500 ff

New York, Feby 25 1887

No A47696

These may certify that the United States Trust Company of New York has received from The Breece Mining Comp'y # the sum of Fifteen hundred # Dollars in current funds upon which the said Company will allow interest at the annual rate of two per cent. from this date, and on 5 days notice will repay the like amount in current funds with the interest to the said Company by J. E. Sutterlin, Secy & Treas and Theo. Seymour Vice Pres or assigns, on the return of this Certificate which is assignable only on the books of the Company. The right is reserved by the Company upon giving ten days notice to reduce the rate, or discontinue the payment of interest on this Certificate or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the books of the Company.

H. L. Thornell Secretary

the said Jacob E. Sutterlin J. S. Clark 2d V. President

afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the back of the said instrument and writing a certain instrument and writing commonly called an endorsement which said forged instrument and writing commonly called an endorsement is as follows, that is to say:

Pay Am Loan & Trust Co or order J. E. Sutterlin Secy & Treas. Theo Seymour, V. P.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Jacob E. Sutterlin of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Jacob E. Sutterlin late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid having in his possession a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

$1500 No A47696

New York These may certify that the Feby 25 1887

United States Trust Company of New York has received from

The Breece Mining Comp'y #

the sum of Fifteen hundred # Dollars of current funds, upon which the said company will allow interest at the annual rate of two per cent from this date, and on 5 days notice will repay the like amount in current funds, with the interest to the said Company by J. E. Sutterlin, Secy & Treas and Theo Seymour Vice Pres. or assigns, on the return of this Certificate, which is assignable only on the Books of the Company. The right is reserved by the Company, upon giving ten Days notice, to reduce the rate or discontinue the payment of Interest on this Certificate, or pay off the principal. Such notice to be served personally or through the Post Office directed to the address named on the Books of this Company.

H. L. Thornell Secretary

J. S. Clark 2V. President

on the back of which said instrument and writing there was then and there written a certain forged instrument and writing commonly called an endorsement of the said last-mentioned instrument and writing which said forged instrument and writing, commonly called an endorsement is as follows, that is to say: Pay Am Loan & Trust Co or order

J. E. Sutterlin Secy & Treas Theo Seymour, V. P.

with force and arms, the said forged endorsement then and there feloniously did utter, dispose of and put off as true, with intent to defraud, he the said Jacob E. Sutterlin then and there well knowing the premises, and that the said endorsement was forged, against the form of the Statute in snch case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.