

complaint more definite and certain in the particulars stated in motion. Motion overruled to which defendants separately except.

Defendants file separate demurrer to complaint which is sustained by the court. Plaintiff files amended complaint.

Defendants file separate demurrer to the amended complaint. Court overrules demurrer to amended complaint, to which ruling the defendants separately except.

Defendant, Simpson, files separate

answer in two paragraphs, and the defendant, Williams, also filed separate answer in two paragraphs.

Plaintiff files motion to strike out the second paragraph of separate answer of defendant, Simpson. Motion sustained to which ruling said defendant excepts. Plaintiff files motion to strike out the second paragraph of answer of defendant, Williams, which motion is also sustained, and to which ruling said defendant excepts.

Case continued.

CRIMINAL PRACTICE COURT

In re Grand Jury,
April Term, 1921.

Come now the grand jurors, heretofore regularly drawn and summoned for service at the April Term, 1921, of the Notre Dame Circuit Court, who are now sworn and qualified to discharge their duties as such jurors. The Court now instructs said grand jury in open court and they retire in charge of a sworn grand jury bailiff to begin their work.

The Court does now appoint as Prosecuting Attorney for the State of Indiana, to prosecute its pleas at this term of court, Edward J. Lennon; and as Deputy Prosecuting Attorney, J. Stanley Bradburry is appointed.

The following statement of facts is submitted to the Prosecuting Attorney for presentation to the Grand Jury, upon which to base any indictments, to-wit:

STATEMENT OF FACTS FOR GRAND JURY.

Hough S. Breaker and Ura Halpin decided to break into the house of

John Carroll which is situated on the corner of Main and Colfax Streets in South Bend, Indiana. Pursuant to plans, they went to the house at 8:00 o'clock, p. m., January 3, 1921. Breaker went to the rear door, while Halpin stood watching and waiting to give any alarm necessary to avert detection and thwart their plans. Just as Breaker was putting a skeleton key into the door lock, Mrs. John Carroll, suddenly opened the door, and, seeing Breaker, ran frightened and screaming from the house. Breaker hurriedly went in and, finding a watch, a lady's wrist watch of South Bend Watch Co. make, 16 jewels, gold filled case, valued at \$50, together with a gold band for holding the watch which was valued at \$10. While this was transpiring, Halpin blew a whistle at the approach of a policeman, and both Breaker and Halpin blew a whistle at the approach of a policeman, and both Breaker and Halpin ran from the house, Breaker taking with him the watch and band attached.

In South Bend, a week later, Breaker and Halpin sold the watch

and chain-band to Isaac Treeball, for \$15. The watch has engraved on it the monogram J. C., which stands for Jennie Carroll, Mrs. Carroll's name. Isaac Treeball has a shady reputation for dealing in other people's property, and he knows the bad reputation of Breaker and Halpin. He knows the real value of the watch and band and he observes the monogram when he buys them from Breaker and Halpin.

Next day after purchasing the property, Treeball sold the same to John Day, representing to him at the time that the letters J. C. stand for Jim Cook, and stating that Cook had failed to redeem them from pawn for a loan of \$25, and Day thereupon bought the watch and band for that sum.

Day gave the property to his wife as a present and in a few days thereafter Mrs. Day, while visiting at the home of Mrs. Carroll, displayed her gift, which Mrs. Carroll immediately recognized as her watch and band, recently stolen from her.

Come now Joseph W. Nyikos, John T. Riley, Francis J. Galvin, Eugene M. Hines, James F. Young and William E. Shea, s the regular Grand Jury, and return into open court the following Indictments, to-wit:

Indictment No. 4, against Hough S. Breaker and Ura Halpin for conspiracy to commit a felony;

Indictment against Hough S. Breaker and Ura Halpin, in two counts, namely, for burglary and grand larceny;

Indictment against Isaac Treeball for receiving stolen goods.

The court orders bench warrants for the arrest of Hough S. Breaker and Ura Halpin on indictments Nos. 4 and 5, and for Isaac Treeball on indictment No. 6.

Comes now the sheriff and brings into court the indicted persons under arrest and makes return of the warrants.

The court now appoints John C. Cochran and Edward S. DeGree as attorneys for the several defendants in the cases.

Court now fixes the bonds at \$500 for each defendant, which bonds are now executed and approved, filed and accepted in behalf of each defendant, and the cases are continued and set for trial, April 22, 1921.

Court convened pursuant to adjournment with the regular judge and officers in attendance. The following orders made, to-wit:

State of Indiana

vs.

Hough S. Breaker,

Ura Halpin

Indictment for Conspiracy to
Commit a Felony.

Comes defendant in person and by his counsel, and come also the attorneys for the State.

Defendants move to quash the indictment, which motion the court overrules, and to which ruling defendants except.

Defendants are now arraigned in open court and for their separate pleas, say they are not guilty.

Come now the regularly selected petit jury venire of twelve men chosen to try the pleas of this court at this term.

Defendants separately challenge the array. Challenge overruled, to which defendants separately except.

Jury is empanelled, sworn and accepted to try the case.

Facts are submitted and the arguments of counsel for the State and the defendants are made. The court

then instructs the jury which retires to deliberate on the case, in charge of a qualified bailiff. Come now the jury into open court and return their verdict: "We, the jury, find the defendants not guilty. E. W. Gould, Foreman."

In accordance with the verdict, the court does now adjudge, order and decree that the defendants go acquit of the charges in the indictment.

The court, regularly convening again, the following proceedings were had, to-wit:

State of Indiana

vs.

Hough S. Breaker,
Ura Halpin.

Indictment for Burglary and
Grand Larceny

Defendant comes in person and by his counsel, and the State also appears by its representatives.

Defendants separately move to quash the indictment and each count thereof. The court overrules the separate motions to quash as to each of the counts of indictment, to which ruling on each count, the defendants separately except.

Defendants now waive arraignment and for their separate pleas say they are not guilty.

Case is submitted to the jury which is duly empanelled and sworn and accepted to try the case. Trial is concluded on the statement of facts presented, the arguments of counsel are heard, and the jury is instructed by the court, and now retire in charge of a sworn jury bailiff to deliberate on the case.

Come the jury and return into open court their verdict, to-wit: "We, the jury, find the defendants, Hough S. Breaker and Ura Halpin, guilty as

they stand charged in the indictment, of grand larceny, and we find that Hough S. Breaker is 67 years of age, and that Ura Halpin is 75 years of age. E. W. Gould, Foreman."

Motions for new trial overruled and judgment on the verdict. Defendants sentenced according to the indeterminate sentence law.

The regular judge and officers convened court in regular session and the following proceedings were had, to-wit:

State of Indiana

vs.

Isaac Treeball

Indictment for Receiving Stolen
Goods.

Defendant appears in person and by his counsel and files motion and affidavit for change of venue from the judge. After argument by counsel for State and defendant on this motion, the defendant asks and is granted leave to withdraw motion. Motion withdrawn.

Defendant moves to quash the indictment. Motion overruled.

Defendant now waives arraignment upon the indictment and for his plea, says he is guilty as charged.

Defendant's counsel make earnest pleas for suspended sentence in behalf of their client, Isaac Treeball. The State resists the plea. Court finds, in accordance with the plea of the defendant, that he is guilty of receiving stolen goods as charged in the indictment and finds that he is 37 years of age.

The court sustains the plea for suspended sentence, and the defendant is permitted to go on his own recognizance during good conduct, subject to order of court.