

CHIMINAL PRACTICE COURT

Be it Remembered, That, to-wit: on February 4, 1921, the Notre Dame Criminal Practice Court convened pursuant to law, with the regular Judge, Francis J. Vurpillat, presiding and following officers attending, to-wit: Louis C. Lujan, Clerk of the Court, and Peter Smith, Sheriff. The court being opened in due form the following proceedings were had and orders made, to-wit:

The Grand Jury for the term are hereby ordered to be called for service on February 11th, and the Clerk is directed to issue venire for said jury returnable at the time stated.

The Court does now appoint James R. Emschwiller Prosecuting Attorney, and E. W. Gould, Assistant Prosecuting Attorney, till the further order of this court. Come now said appointees and qualify by taking the oath of office.

The Court appoints Thomas Plouff and John W. Gleason as Jury Commissioners, who come and take the oath as such Jury Commissioners.

Come the Jury Commissioners and report to the court the drawing of the following qualified citizens as Grand Jurors for the present term of this court, to-wit: Lyle Miller, John Cochran, Daniel Lynch, James Hodler, George Dever and Thos. Keating.

The Clerk is hereby directed to issue venire for the grand jury, returnable Friday, February 11, 1921.

Ordered that court adjourn till Friday, February 11, 1921.

Friday, February 11, 1921, court met pursuant to adjournment with the regular judge and officers in attendance. The following proceedings were had and orders made, to-wit:

In re Grand Jury,
February Term, 1921.

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

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

Hugh Hittem and Isaiah Fight sat at opposite sides of an ordinary table, engaged in an effort at settlement of their accounts. A heated controversy arose in the course of which Hugh Hittem abruptly jumped to his feet and, striking his fist on the table, said, "You are a d—lying crook." Isaiah Fight jumped up and at Hittem, striking him with his fist, a general fight ensuing in which Hittem badly beat up Fight. This occurred in Brownson Hall Rec. Room, Notre Dame, St. Joseph County, Indiana, on February 4th, 1921.

Come now the Grand Jury and return into open court the following indictments: Indictment No. 1 against Isaiah Fight for assault and bottery; Indictment No. 2 against Hugh Hittem for assault and battery; Indictment No. 3 against Hugh Hittem for provocation. The court orders bench warrants for the immediate arrest of the indicted persons.

Comes now the Sheriff and brings into court Isaiah Fight, and Hugh Hittem under arrest and makes re-

turn on the warrants issued to him for their arrest, to-wit: (insert).

The Court now designates Eugene Peyton and John W. Niemic as attorneys to defend the prisoners. Come now said attorneys and on motion the bonds of the said defendants is fixed at \$100 each for their appearance in this court to answer the respective charges on next Friday, February 18, 1921.

Court ordered to adjourn till Friday, February 18, 1921.

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

State of Indiana

vs.

Isaiah Fight

Indictment for

Assault and Battery.

Comes now the defendant and presents his bond for his appearance from time to time throughout the case, which bond, heretofore approved and accepted by the sheriff, is approved by the court. Defendant appearing by his counsel, Eugene Peyton and John Niemic, moves to quash the indictment. State appearing by James Emschwiler and Edward W. Gould, arguments are heard, and the court being advised, overrules the motion to quash the indictment, to which ruling the defendant excepts. Defendant is arraigned and for his plea says he is not guilty. The case is set for trial Friday, February 25th.

State of Indiana

vs.

Hugh Hittem

Indictment for

Assault and Battery.

Come parties by counsel and th's

case is set for trial Friday, February 25th. The bond heretofore accepted by the sheriff is approved.

State of Indiana

vs.

Hugh Hittem

Indictment for

Provocation.

Come the parties and this case is set for trial Friday, February 25th. The bond heretofore accepted by the Sheriff is approved.

Ordered that court adjourn till Friday, February 25th, 1921.

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

State of Indiana

vs.

Hugh Hittem

Indictment for

Assault and Battery.

Counsel for the State and the defendants appear and the defendant appears in person. Defendant pleads not guilty. The following men are empanelled, charged and sworn to try the case and the same is submitted to them for trial, to-wit: Eugene Oberst, James Clark, John E. White, Louis Glotzbach, William Duncan, Matt. McEnery, Pat. O'Connell, Geo. O'Grady, Hiram Hunt, Albert Hicks, A. Stanley Bradbury and Eugene Hines, twelve good and lawful men, householders or freeholders of St. Joseph County and legal voters therein. The statement of facts and the law of the case are presented and argued by counsel. The opening argument for the State is made by James Emschwiler who is followed by Eugene Peyton in the first plea for the defendant, this argument in progress at time of adjournment.

Cause continued for trial Friday, State of Indiana
March 4th, 1921.

State of Indiana vs. Iasiah Fight
for assault and battery, and State of
Indiana vs. Hugh Hittem for provo-
cation, are continued till Friday,
March 4th.

Comes now the sheriff and makes
return of the venire, showing the fol-
lowing petit jurors summoned for
service this day, to-wit:

Ordered that court adjourn till
Friday, March 4, 1921.

Court convened again on Friday,
March 4, 1921. The case of the State
of Indiana vs. Hugh Hittem was re-
sumed for trial. Arguments for the
defendant were concluded by Messrs.
Eugene Peyton and John Niemice.
The closing arguments for the state
were made by Messrs. James Emsch-
willer and Edwin Gould. The court
then instructed the jury. The jury
retire in charge of a sworn bailiff.
The jury now return into open court
their verdict, which is as follows:

State of Indiana,

County of St. Joseph, ss:

In the Notre Dame Criminal Prac-
tice Court, January Term, 1921.

We, the jury, find the defendant,
Hugh Hittem, not guilty.

(Signed)

J. Stanley Bradburry,
Foreman.

It is therefore ordered, adjudged
and decreed that the defendant,
Hugh Hittem, is not guilty of as-
sault and battery on Isaiah Fight, as
charged in the indictment and that
he go hence acquit.

State of Indiana
vs.
Isaiah Fight
Indictment for
Assault and Battery.

Defendant comes in person and by
his attorneys, Eugene Peyton and
John Niemice. Comes also the Pros-
ecuting Attorney, James Emschwil-
ler, and his assistant, Edwin Gould.
The defendant waives arraignment
and for his plea says he is not guilty.
Defendant waives trial by jury and
the cause is submitted to the court
for trial. Facts are presented and
the arguments heard after which the
court finds the defendant guilty of
assault and battery as he stands
charged in the indictment, and as-
sesses his punishment at a fine of \$5
and the costs of the action. Judg-
ment accordingly.

State of Indiana

vs.

Hugh Hittem

Provoking
Assault and Battery.

Defendant appears in person and
by his counsel and come also the
state's attorneys. Defendant waives
trial by jury and the case is submit-
ted to the court for trial. Facts are
presented and argued by James
Emschwiler and Edwin Gould for
the State and by Eugene Pepton and
John Niemice for defendant. Court
finds defendant guilty as charged, of
provocation of Isaiah Fight, and as-
sesses his punishment at a fine of \$5
and the costs of the action. Judg-
ment accordingly.

Ordered that court adjourn till
March 17, 1921.