

quite a number of them-- none of them came from Ogden, I don't believe-- any time we wanted anything, why we went to each other's room and got it, without asking, and it was always returned.

I didn't think much about it at the time. I did take the shirt, and let Mr. Carel have it, to use it, not to sell it,-- because my intentions were to return the shirt when I came back. I didn't intend to stay very long. Of course Mr. Carel didn't know anything about it, but what it was mine, because I had informed him before that I intended to go down there and get some of my clothes, and of course he didn't go with me to the room.

THE COURT: Had you been staying at this rooming house?

DEFENDANT OWYHEE: I had stayed there two days.

THE COURT: Did you have a key at this time, to the room that you got the shirt from?

DEFENDANT OWYHEE: No, sir. The room was unlocked. The room was right next to the bathroom, and I left a box of powder there. One of the boys carried it in there-- left it on the dresser. I figured it belonged to him, because it was all the same to me. I didn't need it any more anyway-- at the time. The room wasn't locked, and I really had access to the room because I left my clothes in there with the consent of this other fellow's roommate, and he showed me where to put them.

MR. EVANS: If the court please,-- I talked that over with Mr. Chambers, -- Robert Chambers-- who is <sup>the</sup> police officer on this particular assignment, and some of the officers down stairs have also talked with these boys. I am satisfied that Owyhee is guilty of Burglary in the 3rd degree, all right. I don't think he had any right to go in there; but what we purposed doing was that Carel enter a plea of guilty to petit larceny, which he is willing to do, because he took the shirt and sold it, and this defendant has entered this plea of guilty to third-degree burglary, and I think he is really guilty of that,-- and I was going to ask leave to file another information against ~~XXXX~~ Carel, charging him with petit larceny. They are both transients.-- You don't live here, do you?

DEFENDANT OWYHEE: No, sir.

MR. EVANS: Where is your home?