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Famous Pig Stealing Case

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In one famous case in the 1950s concerning Illinois's rich agricultural heritage, Justice Ralph Maxwell authored the opinion with a masterful narrative of three drunks who stole nine pigs.

In 1954, Sam Hermens, Hal Griffith, and Clarence Davis were indicted for larceny for the theft of nine hogs in Greene County. Griffith and Davis pleaded guilty, but Hermens pleaded not guilty. As a result of Davis's testimony, a jury found Hermens guilty and sentenced him to the penitentiary for three to five years. Hermens appealed to the Illinois Supreme Court. Hermens's argument was that the evidence was not sufficient to show that he participated in the theft, and if he did, he was too drunk to have intent.

Justice Maxwell began his opinion about "three very bibulous miscreants and nine little pigs that illegally went to market. Alcohol, one of our best clients played the leading role, supported by the defendants, its puppets." The three friends had "camaraderie and perfect harmony" during their drunken exploits, but the "dull and sober atmosphere of the court room destroyed the beautiful friendship and loyal devotion." Griffith testified in favor of Hermans, but Davis, "whose friendship was as brief as his acquaintance," testified for the State. Justice Maxwell goes into great detail about the day of the theft; the consumption of "a quart of whiskey, a quart of wine, and 18 bottles of beer;" the subsequent drive to Jacksonville to sell the pigs; and the return of the pigs to their rightful owner.

In detail, Maxwell noted the "evidence offered by the State, including the stark, mute testimony of the pigs." The "famous creatures are going to become a part of the permanent archives of this court by reason of the six beautiful photographs and will remain here as a precedent for the guidance of all the courts and counsel in all future pig cases." Confusion from various terms used by the witnesses finally crystalized after the State introduced the testimony of a pig owner who confirmed that "swine," "hogs," "pigs," and "shoats" were appropriate designations for "these little creatures, thus legally establishing, at long last, the oft-heard profundity that 'pigs is pigs.'"

While Justice Maxwell clearly had fun writing this opinion, there was a legal issue at hand—whether Davis was a credible witness for the State. Hermans and Griffith both testified that

Griffith was the ringleader of the theft with Davis's help but that Hermans was home asleep due to excessive drinking and only went along to Jacksonville to drink more. The Supreme Court reversed and remanded the case because Hermans's guilt was not established beyond a reasonable doubt: Davis's testimony lacked material corroboration, and Hermans and Griffith believably denied Davis's statements. It is unknown what happened in the case upon its return to Greene County.

Because of the subject matter, and Maxwell's clever opinion, the case gained national attention with newspapers across the country carrying extensive quotes from the opinion. One newspaper carried the headline, "Down-to-Earth Opinion" and began the story, "if Sam Hermans stole them pigs, the fact ain't been proved." The Illinois Supreme Court, "for the most part abandoned the six-bit words that courts and attorneys usually use in favor of plain old American, which ordinary citizens as well as pig thieves, and possibly even the pigs can understand."

For an enjoyable read, please see *People v. Hermans*, 5 Ill. 2d. 277 (1955).