Nebraska State Historical Society

# Plattsmouth Journal. The

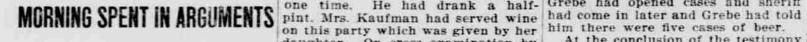
#### VOL. NO. XXXIX.

PLATTSMOUTH, NEBRASKA, THURSDAY, DECEMBER 13, 1923.

NO. 45

# TRIAL OF C. D. **QUINTON OPENS** THIS MORNING

LARGE ARRAY OF LEGAL TAL- disturbing the peace. ENT PRESENT AT BEGIN-NING OF TRIAL.



### Defense Attacks Indictments and Try the liquid was cherry juice or not. to Have Matter Quashed But Overruled by Judge.

From Monday's Daily-

The district court room in the Cass turned over to the foreman of the county court house was the goal of grand jury. At this portion of the many hundreds of the residents of testimony an adjournment was taken at 4 o'clock there were rumors that the county today as the first trial of to await the arrival of the bottle, the parties indicted by the recent which was in the custody of C. J. grand jury was called for hearing. Pankonin of Louisville, foreman of

The first case called was that of the grand jury. Sheriff Carroll D. Quinton, who was indicted by the grand jury on the court convened, Mr. Ryder resumed charges of malfeasance in office in his testimony and identified the botconnection with alleged violations of the and contents as that taken from the liquor law by Walter Sans and Koebel which had been given to the on a charge of the same preferred grand jury. C. J. Pankonin identi- ence continued for two hours. against Julia Kaufman, as well as in- fied the bottle and stated that a part dictments charging him with having of the contents had been sent to the the jury were called by the court and failed to make quarterly reports and state chemist at Lincoln for analysis. accurate ones as well as making false oath to the accounts filed. /

indictments filed against hte sheriff out of the car and gone into the to a resident of his home locality in vs. William Grebe is one in which on the grounds that in the indict- house. On returning to the car he regard to the fact that he woud not charges of the possession of liquor Nebraska City and the bottle taken the indictments of the grand jury. that the sheriff might have knowl- by Sheriff Ryder. On cross examinaedge of. The charges, based on the grounds that the section of

had been at the Kaufman home and still. There were five cases of quarts that Mrs. Kaufman had lived in the of beer and 30 quarts of wine in the neighborhood for two years past, was cellar at the Sans home. Witness neighborly with them. Had seen did not know how long the wine had stuff called "home brew" there sev- been made. In July, 1922 witness eral times. Questioned as to quan- stated the sheriff and her husband tity, witness stated that there had had drank a bottle of beer at their been a ten gallon jar and also in home. On cross examination the witbottles. Had drank beer there which ness stated that the the first converhad given her a headache. On cross sation had been in the basement at examination by Attorney Tidd, wit- the Sans home. Witness did not make ness stated that hse was the wife of beer. Witness denied stating that

I

Tony Fritch, arrested by Quinton for wine was for family use to the sher-disturbing the peace. iff. Did not know that sheriff had John Lamphere, aged 17, testified been told beer was intoxicating and to having been at a party at Kauf- in searching the celar or basement, man home and that wine had been Grebe had been told by the sheriff served there. Served on more than to go ahead and look over the liquor. one time. He had drank a half- Grebe had opened cases and sheriff on this party which was given by her him there were five cases of beer. daughter. On cross examination by At the conclusion of the testimony Tidd, witness did not know whether of Mrs. Sans there was an adjournment taken for dinner by the court and several hundred spectators that

Sheriff Carl Ryder of Otoe county was called to the stand and stated filled the court room. A large part that he had arrested a man named of the audience at the morning ses-Koebel in July, 1923, and had secur- sion was ladies. ed pint of white liquor. Had brot From Wednesday's Dailyit here on request of grand jury and

When the session of the district court was closed vesterday afternoon developments of a startling nature had developed in the trial of the case of the State of Nebraska vs. C. D. Quinton that attacked the stability

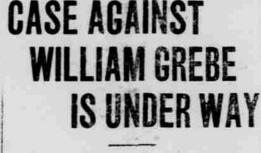
This morning at 9 o'clock when the of the jury and the attorneys for the state and defense were closeted with Judge Begley for a half hour when a hurried adjournment was taken of the court for the day and the confer-It was 6:30 when the members of

dismissed from service in the case fol-Wayne Gouchenour, 20 years of lowing disclosures made as to the age, testified to being in Omaha with conversation that one of the members The defense at the opening of the Koehel and afterward driving him to of the jury, Henry Brockman of Elmcourt offered a motion to quash the the Kaufman home where Koebel got wood, had been alleged to have made

uor law violations the charges did Wayne to drive him to Nebraska City. fendant. Quinton, regardless of the committed an assault on one Elmer or Mrs. Kaufman with definite the bottle and had been arrested at the state in the prosecutions under in Cass county, Nebraska. This action, which was clearly

ion the witness stated that he had "against the fairness of the trial, was "ime for the noon recess that the reports and accounts of the sheriff not been in the Kaufman house. He too rank to be overlooked by the members of the jury were finally and the fact that he did not keep fee testified that Koebel had no bottle court and in view of this the court books, were attacked by Mr. A. L. with him when he crossed the Platte made the dismissal of the jury.

Tidd of the defense counsel on the river bridge. He had not told Quin- The case of Sheriff Quinton will be the stat. ton of the liquor at Kaufman's. He tried at the next term of the district



JURY IS SELECTED THIS MORN-ING TO TRY ASSAULT AND BATTERY CASE.

Elmer Gaines Was Assaulted by Wil- attorney they must wait five days be- children were playing in the living Change Effective at 7 O'Clock This liam Grebe in May, 1923, it is

From Wednesday's Daily-

Claimed in Indictment.

The second of the cases of parties

indicted by the grand jury was brot From Monday's Dally-

to trial this morning in the district Last evening following the snowcourt and the attendance was quite fall a car was ditched near the Glen large, almost reaching the propor- Perry farm on the K C highway and tions of the crowd that filled the quite badly mashed up in the wrock. court room at the Quinton trial and The car was occupied by F. M. Johnthru the long and tiring process of son and E. P. McDonald, both of Omselecting the jury the greatest inter- aha. The two occupants of the car est was shown by the audience among state that the road had been made which apeared a good by number of quite slippery by the melting snow ladies who were getting a lesson in and which caused their car to skid the processes of the law courts for off the roadway into a small ditch.

the first time and others who had The men both escaped serious injury. Outcome of Shooting of John Schoetheir interest aroused in the Quin- although they were covered with the ton case and wisehd to hear all the broken bits of glass from the windtrials of the parties indicted by the shield and hadly shaken up in the mix-up, but were otherwise unin- From Tuesday's Dallygrand jury.

The two men telephoned for inred. The case of the State of Nebraska assistance from this city and a service car from one of the local garthe defendant was indicted by thements against the sheriff on the liq- had a bottle and had instructed vote for the conviction of the de- grand jury on the charge of having ages made the trip out and brought in the damaged car and the two oc- a 16-year-old boy residing in the vinot specifically charge either Sans Koebel had taken several drinks from evidence that might be presented by Gaines in May, 1923 on the highway cupants of the car.

The entire morning was given over WOMAN'S RELIEF CORPS greed upon. The ones chosen to try the issues of the case are: R. E. Fos-From Monday's Daily-

ter, E. B. Chapman, William Mickle, John Copple, P. F. Dyer, John Beeson, W. W. Coatman, George Kling-

er, Theodore Davis, H. H. Horton,

The opening staements of the at-

torneys for the state and defense

were made at the assembling of the

he, with his brother. Harold, had at-

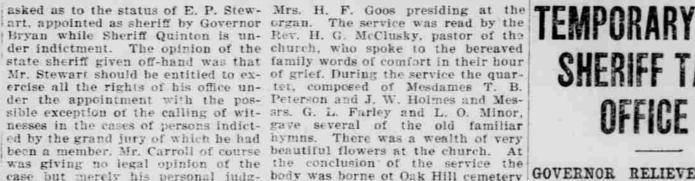
tended an alumni banquet at Valley.

Douglas county, and had left there

Witness

V. T. Arn, J. L. Carnicle.

nenred



ment as to the eligibility of Mr. Stew- where it was laid to rest. art and in which the appointee of the governor should have the right to act. One of the reasons of the full exercise of the office by Mr. Stewart From Monday's Dafly-

CAR GOES INTO DITCH ON

CHARGED WITH ASSAULT has been the fact that the board of This noon a very narrow escape county commissioners have not been from a serious fire occurred at the able to approve the bond of Mr. Stew- living rooms of Mr. and Mrs. Harry art as on an opinion oby the county Leoses over the Royal Cafe. The

fore meeting after making the call. room above the cafe and being cold decided to start the oil stove and while doing so one of the children struck a match near the curtains at the windows and in a second these THE ROAD SOUTH OF TOWN were ignited and in a blaze and it re- From Monday's Dailyquired some speedy work to check

SMALL FIRE TODAY

woodwork around the scorched quite badly.



## man Near Louisville Yesterday is Holding of Youth.

Last evening Justice William Webheld a session of his court at the cinity of Louisville who was charged with having been responsible for the shooting of John Schoeman on the highway southeast of Louisville vesterday shorely after the noon hour. ELECTS NEW OFFICERS

SHERIFF TAKES **OFFICE TODAY** GOVERNOR RELIEVES QUINTON OF DUTIES PENDING OUT-COME OF TRIAL.

# E. P. STEWART IS MAN NAMED

Morning-Action Follows Opinion by Atty. General.

Following closely on the answer of the spread of the fire. As it was on- Attorney General Spillman to the inly the curtains were burned and the quiries of Governor Charles W. Bryan window as to the scope of his powers under the recent act of the legislature allowing the chief executive to remove county and city officials, Governor Bryan last evening announced the temporary suspension of Sheriff C. D.

> to act during the trial of the charges against Sheriff Quinton in the district court. The order made last night was effective this morning at 7 o'clock and Mr. Stewart was today exercising the functions of the chie law enforcing officer of the county.

It was announced at the offices of Governor Bryan at Lincoln that the ffice of County Attorney A. G. Cole action followed a telephone conferand had before him Carl Meisinger, ence with Sheriff Quinton and his legal representatives in this city as well as Judge F. W. Button, who had heard the arguments in the preliminary on the submission by the defendant of a plea of abatement.

Sheriff Quinton requested the both the injured man and the young governor to relieve him of his dutie nan charged with the shooting it as sheriff. "And I have issued as seems that Mr. S hoeman was return. order suspending him from performing to Louisville on the road that ing his official duties, pending the The members of the Woman's Re- runs north and south leading into the determination of the indictments ght against him."

drawn did not contain any provision by Quinton. On re-cirect, witness special jury called in January. covering the sheriff. Mr. Tidd also stated that he had seen Sheriff Quinattacked the changes in the laws ton and Mrs. Kaufman in conversamade in the statutes in 1922 and in 'ion on the streets of Plattsmouth which words had been inserted by several times. Did not remember the commission that had carried out dates, but thought it was in the evethe revising of the statutes. Objec- ning some time in the summer. tion was also made to E. P. Stewart acting as sheriff under the appoint- "nd testified that he had heard rement of Governor Bryan.

The court was presided over by Judge James T. Begley, with Judge F. W. Button of Fremont as the ruling judge and who passed on the objections raised by the defense.

The defense was in charge of D. W. Livingston and Paul Jessen of Nebraska City and A. L. Tidd of this city, while the interests of the state there. On re-direct. Mr. Jones stated were represented by W. A. Patrick assisted by D. O. Dwyer of this city.

The arguments at the opening of the court continued until the noon recers of the court and when Judge Button overruled the motions of the ed and testified that as chemist for defense the case of the State of Ne- the state he had analyzed the conbraska vs. C. D. Quinton was advanc- tents of the bottle alleged to have ed to hearing.

When the jury was called the ques- found it contained 40.3 per cent altion of the eligibility of John Beeson, cohol and was a mixture of alcohol C. A. Mathis of Greenwood and Will and water. He had found the bot-Chapman of Union, who had been the at his office. Later Mr. Pankoon the jury, was brought up before been left there. the court. The defense moved that One of the chief witnesses of the these men be included in the panel. state was Walter Sans, residing south Judge Begley stated that he would of Plattsmouth, who, it was charged, have the sherif make his return and had been protected by Sheriff Quin-

F. P. Dyers, Henry Kirsner.

From Monday's Daily-

fined his activities to the simple stay long. Grebe was with the sher- district court, was called to the stand for illegal liquor traffic and that he

ed by the state there was objection had been given a sentence of sixty raised by the defense which served to days in jail. On re-direct, witness lengthen the trial of the case. The first witness yesterday was prosecution by Quinton. On cross

ton and his bond and oath of office. toxicating liquor.

and saw some liquid but did not home was in the fall of 1921 when Presbyterian church and the choir Yesterday afternoon State Sheriff Sunday. know personally whether it was beer with William Grebe he was searching who sang so beautifully and for the Tom Carroll was at the court house, and pens. Mrs. Hazel Fritch testified that she beer or wine but were looking for a ily.

utes under which the indictment was had been placed in jail at one time court it was thought today or by a In the afternoon session yesterday. Fred Kaufman, brother-in-law of Julia Kaufman, testified that in August, 1923, he had gone out to the tome of Julia Kaufman and bought booze. Witness stated it tasted like Chief of Police Jones was called

whiskey. He had purchased a halfpint and for which he paid \$1.50. On ports of Julia Kaufman selling liqcross examination, the witness stated uor. He had talked with the sheriff that he had been arrested by state bout the bootlegging at Kaufman's about six months ago. They had by Sheriff Quinton. He had no still men once for being drunk, but not or had anything to do with a still, uor. Later stated that John Fife was stated in replies to questions by Mr. at 10:30 to return home to Plattsthe man and had not gone on account Livingston of Mrs. Kaufman knowing him. Did

Deputy County Clerk Will T. not know of anyone else being sent Adams was then called and testified he did not know of anyone ever arto the fact of reports filed by Sheriff Quinton on the office of the county resting Mrs. Kaufman. On question clerk and some of which had been by Mr. Tidd, witness did not know witnessed by him as deputy clerk. of Holmes being sent out there. These reports were for 1922-23. Ralph G. Batty was then introduc-

County Treasurer Mia U. Gering and they thought that it was going bearer. was called to the stand and identi- to pass them but it did not, witness Miss fied certain receipts issued from her had put on some gas and gone on, standard bearer. office for sums of money paid by Sher- Someone in the car had said, been taken from Henry Koebel and iff Quinton into the treasury of Cass you, why don't you stop?" county for fees, which the state de- stated no reply had been made by MORE TROUBLE OVER sired to show were not paid on the he or his brother and they had gone

times specified by law. These re- on. The third time the car came up summoned by sheriff Quinton to act nin testified as to the bottle having ceipts were objected to by the defense someone had shot the front tire of in the case but objection was over- the car in which witness was riding ruled and the dates and amounts of and they had stopped. At that time the receipts were read to the jury by the defendant. Grebe, had come up Mr. Dwyer. and witness had asked who he was.

The next witness called was Geor- Grebe had hit him in the face and if the men were drawn before the in- ton in his bootlegging. He testified gia Denson, aged 16 years, who testi- said, "That's who I am," and showdictments by the grand jury were to several conversations with the fied to having been at the Kaufman ed his star. Grebe had then ordered made they would be allowed to serve, sheriff in Plattsmouth relative to his home on a number of occasions and them out of the car. In reply to From Tuesday's Daily-This afternoon at 3:30 the exami- being careful about his selling so as on two of these having been served question witness stated that Grebe nation of the jury was completed and not to get caught and at no time of with beer, the last time had been in had no search warrant. On examithe following were chosen to try the being warned of state men being August, 1923, the witness thought, nation the witness stated that he did issues in the case: John Beeson, here to round up the liquor sellers. Witness had not tasted beer before not know that the men following Fred Stock, V. T. Arn. W. W. Coat- On cross examination, Mr. Sans stat- her visits to the Kaufman home. The were officers of the law, there had man. Henry Brockman. William ed that he had started making beer witness had quit school last year in been nothing said about the law by Michael, H. C. Gaebel, E. N. Ahl, in 1920. Did not tell the sheriff that the eighth grade. On cross exami- any of the parties. Grebe did not Theodore Davis, George J. Klinger, it was intoxicating or that it was nation the young witness stated that tell why he was searching the car. near beer. First time the sheriff had it might have been near beer and al- On cross examination witness stated

been at his home was looking for a so that she had never reported the that the car was using number 20still, later had brought some mules matter to the sheriff. The average person who has con- there for Tom Cromwell and did not James M. Robertson, clerk of the stated that car had never been used

home life or the strict observance of iff when at the Sans home first time. to identify certain files taken from had no connection with liquor busithe life of a real good, law abiding In July, 1922, the sheriff was at the the records of his office in case where ness. citizen was given a real education in Sans home and in company with wit- the fees had been alleged not to have the trial now on in the district court ness and Mrs. Sans, witness testified been accounted for by the sheriff on in which the ilicit liquor traffic is he and the sheriff had drank a bot- the indictment of the grand jury.

being given a hearing as the prose- the of beer. Witness had made the O. W. Campbell of Lincoln, gen- From Wednesday's Lailyention in the case of the State of Ne- beer himself. In conversations claim- eral public accountant, was then call- The newest venture in the news- court, assisted by the bailiffs, Wilbraska vs. C. D. Quinton is battling ed between the witness and sheriff, ed to the stand to testify as to the paper field in Nebraska, the Daily liam Atchison and Oscar Howe. to try and fix on the defendant the they had been held on the streets of check made of the books of Sheriff Sun of South Omaha, has stepped out fact that he had knowledge of the Plattsmouth. Sheriff had proposed Quinton and the record of fees paid in splendid shape with a fine, little possession and sale of intoxicating subject and told Sans several times in cases in which the sheriff had daily that is dedicated to the resi- whose excellent work as bailiff at the liquors both by Walter Sans and ot be careful. One conversation had served papers. The accountant had dents of the south side of Omaha and grand jury has assured him a regular Julia Kaufman, in following up the been in the First National bank and checked the years 1921-22-23 up to in its columns keeps the public well job of bailifting when the opportunindictments made by the grand tury, had asked the sheriff about the atti- and including November 23rd. Mr. informed with the happenings in ity offers, as Mr. Atchison is one of

started by the introduction of evi- ty attorney) would not bother him. checked the sheriff's acount there torship of E. N. Strahl who is cer- depended upon. dence on the part of the state and to Witness stated he had been arrested and later checked with the sheriff's tainly supplying a real paper to his almost every question that was ask- and fined \$300 in 1921 and in 1923 own books.

had stated that he was not afraid of

County Clerk G. R. Sayles, who iden- examination he stated he had not tion for the kindness extended by and well patronized tified the election of Sheriff Quin- told the sheriff he was selling in- friends and their sympathy during the illness and at the death of our Mrs. Fay Grassman testified that Mrs. Bertha Sans testified that the beloved wife, mother and sister. Mrs.

she had visited at the Kaufman home first time Sheriff Quinton came to her Peter J. Vallery, the members of the From Wednesday's Daily-

The body arriving at the church, or not. Liquid had been in bottles for a still. The sheriff had said that floral tokens .- Peter J. Vallery and coming in to testify in the case of was borne into the chancel as the they were not bothering anyone with children; Mr. Jno. Bergman and fam- the State of Nebraska vs. C. D. Quin- soft notes of the pipe organ were I ton and while here Mr. Carroll was heard in one of the familiar hymns,

lief Corps met Saturday at their lown and young Meisinger was prorooms in the court house and the ceeding south toward his home, hav- stated. "The order prohibits him session was attended by a very pleas- ing been out hunting and with him from performing the duties of sher he representation of the ladies and at the time were two dogs which

of the officers for the ensuing year. for and for which he entertained a position of sheriff. district court in the afternoon and lected:

the takign of testimony at once com-Mrs. Thomas Wiles, president. Elmer Gaines was the first witness

president examined by the state and testified that on the night of May 21, 1923, president.

Mrs. L. B. Egenberger, treasurer. Mrs. Elizabeth Forbes, secretary. Mrs. O. C. Hudson, chaplain.

Mrs. H. J. Streight, inside guard. mouth. They had crossed the Platte airs. Nannie Leist, conductress. river wagon and auto bridge some time between midnight and 1 o'clock. ductress

Were about a mile and a half south Mrs. John Fight, guard. Mrs. Mary Voodra, first standard ed to have moved the master of the of the bridge on the highway in their

Ford roadster when a light had flash- bearer ed on their windshield from the rear. Mrs. William Cowles, second stand- high strung temperament, and he Just after crossing the Burlington and bearer.

Mrs. George Dodge, third standard entering the back of the car and tracks a car had come up by them

two striking Mr. Schoeman in the Hermie Windham, fourth back of the head.

APPOINTED SHERIFF

E. P. Stewart, Member of Grand Jury Finds Path Roughened by Action of Governor Bryan.

The path of the officeholder is appointee of Governor Bryan to the office of sheriff during the trial of Sheriff Quinton, has found and while named by the governor as acting sheriff Sunday night he is still acting as a private citizen.

The governor states that he did not know that Stewart was a member of 5234 Nebraska. On re-direct witness the grand jury panel that indicted the sheriff of Cass county, when the naming of the temporary sheriff was made and as the result the appointment is in the air and under the instructions of Judge James T. Begley. County Clerk George R. Sayles is handling the matter of summoning witnesses and other affairs of the

The jury is under the supervision of William Atchison of Elmwood, Vesterday afternoon the opening tude of the county attorney and Campbell stated that he had gone to that section of the state metropolis. the reliable and substantial citizens statements were made and the case sheriff told him he thought he (coun- the original records in the cases and The new paper is under the edi- of the county and can be absolutely

### FUNERAL OF MRS. VALLERY

aha dailies. The Journal has receiv- From Tuesday's Daily-Yesterday afternoon the funeral services of the late Mrs. Peter J. Vallery were held at the First Presbyterian church, preceded by a short prayer at the home of her sister, Mrs. John Bergman, where the body has been since coming from Havelock

iff. I have appointed E. P. Stewart much interest taken in the naming were greatly attached to their mas- of Plattsmouth temporarily to th

The following officers were se- warm affection. From the story told The proposition of the tempor it seems that the dogs were on one suspension of the sheriff has been d ide of the road and their master on cussed for several days following th Mrs. Martha Peterson, senior vice he other as the car of Mr. Schoeman action of the grand jury in votin was approaching and Carl whistled the indictments against the sheriff a Mrs. Frances Purdy, junior vice for the degs, who started to cross the well as other parties and over the road as the car was coming on. One state a great deal of interest was dog made it across safely while the taken in what action the governor

other was in the car's path when would take in the matter. the young man claims he cried to The work of serving the summons Schoeman to stop, but which the on the extra jurors and witnesses driver of the car failed to hear and has been looked after the past few Mrs. Mart Buttery, assistant con- when the car had passed the dog lay days by County Clerk George Sayles in the road kiled by the wheels of in the cases in which Sheriff Quinthe passing over its body. This seem- ton was made a defendant.

animal to great anger as he is of a fired at the rear of the car, the shot

After hearing the evidence in the

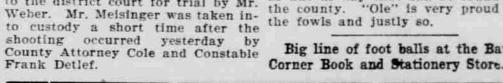
Frank Detlef.

From Monday's Daily-

George W. Olson, the well known truckman, has at his home a very fine flock of Barred Plymouth Rock case, the young man was bound over as fine as any that can be found in to the district court for trial by Mr. the county. "Ole" is very proud of

SOME FINE CHICKENS

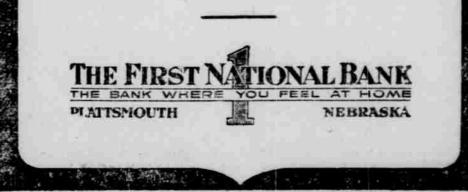
Big line of foot balls at the Bates

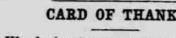


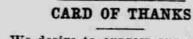


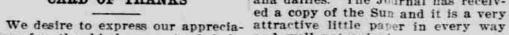
this Bank, we give you the assurance that our constant endeavor will be to give you, not the kind of service that some imaginary "average" depositor requires, but the personal, individualized service that YOU require.

Come in and talk the matter over with us, or better still, bring your initial deposit.











A LIVELY YOUNGSTER

locality that has heretofore had only

ed a copy of the Sun and it is a very

STATE SHERIFF HERE

small departments in the larger Om-