

The Plattsmouth Journal

TRIAL OF C. D. QUINTON OPENS THIS MORNING

LARGE ARRAY OF LEGAL TALENT PRESENT AT BEGINNING OF TRIAL.

MORNING SPENT IN ARGUMENTS

Defense Attacks Indictments and Try to Have Matter Quashed But Overruled by Judge.

From Monday's Daily—

The district court room in the Cass county court house was the goal of many hundreds of the residents of the county today as the first trial of the parties indicted by the recent grand jury was called for hearing.

The first case called was that of Sheriff Carroll D. Quinton, who was indicted by the grand jury on the charges of malfeasance in office in connection with alleged violations of the liquor law by Walter Sans and on a charge of the same preferred against Julia Kaufman, as well as indictments charging him with having failed to make quarterly reports and accurate ones as well as making false oath to the accounts filed.

The defense at the opening of the court offered a motion to quash the indictments filed against the sheriff on the grounds that in the indictments against the sheriff on the liquor law violations the charges did not specifically charge either Sans or Mrs. Kaufman with definite charges of the possession of liquor that the sheriff might have knowledge of. The charges, based on the reports and accounts of the sheriff and the fact that he did not keep fee books, were attacked by Mr. A. L. Tidd of the defense counsel on the grounds that the section of the statutes under which the indictment was drawn did not contain any provision covering the sheriff. Mr. Tidd also attacked the changes in the laws made in the statutes in 1922 and in which words had been inserted by the commission that had carried out the revising of the statutes. Objection was also made to E. P. Stewart acting as sheriff under the appointment 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 Jensen of Nebraska City and A. L. Tidd of this city, while the interests of the state 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 recess of the court and when Judge Button overruled the motions of the defense the case of the State of Nebraska vs. C. D. Quinton was advanced to hearing.

When the jury was called the question of the eligibility of John Beeson, C. A. Mathis of Greenwood and Will Chapman of Union, who had been summoned by sheriff Quinton to act on the jury, was brought up before the court. The defense moved that these men be included in the panel. Judge Begley stated he was charged, had the sheriff make his return and if the men were drawn before the indictments by the grand jury were made they would be allowed to serve.

This afternoon at 3:30 the examination of the jury was completed and the following were chosen to try the issues in the case: John Beeson, Fred Stock, V. T. Arn, W. W. Coatsman, Henry Brockman, William Michael, H. C. Gaebel, E. N. Ahl, Theodore Davis, George J. Klingler, F. P. Dyers, Henry Kirsner.

From Monday's Daily—

The average person who has confined his activities to the simple home life or the strict observance of the life of a real good, law abiding citizen was given a real education in the trial now on in the district court in which the illicit liquor traffic is being given a hearing as the prosecution in the case of the State of Nebraska vs. C. D. Quinton is battling to try and fix on the defendant the fact that he had knowledge of the possession and sale of intoxicating liquors both by Walter Sans and Julia Kaufman, in following up the indictments made by the grand jury.

Yesterday afternoon the opening statements were made and the case started by the introduction of evidence on the part of the state and to almost every question that was asked by the state there was objection raised by the defense which served to lengthen the trial of the case.

The first witness yesterday was County Clerk G. R. Sayles, who identified the election of Sheriff Quinton and his home at the office. Mrs. Fay Grassman testified that she had visited at the Kaufman home and saw some liquid but did not know personally whether it was beer or not. Liquid had been in bottles and cans.

Mrs. Hazel Fritch testified that she

had been at the Kaufman home and that Mrs. Kaufman had lived in the neighborhood for two years past, was neighborly with them. Had seen stuff called "home brew" there several times. Questioned as to quantity, witness stated that there had been a ten gallon jar and also in bottles. Had drunk beer there which had given her a headache. On cross examination by Attorney Tidd, witness stated that she was the wife of Tony Fritch, arrested by Quinton for disturbing the peace.

John Lamphere, aged 17, testified to having been at a party at Kaufman home and that wine had been served there. Served on more than one time. He had drunk a half-pint. Mrs. Kaufman had served wine on this party which was given by her daughter. On cross examination by Tidd, witness did not know whether the liquid was cherry juice or not.

Sheriff Carl Ryder of Otoe county was called to the stand and stated that he had arrested a man named Koebel in July, 1923, and had secured a pint of white liquor. Had brought here on request of grand jury and turned over to the foreman of the grand jury. At this portion of the testimony an adjournment was taken to await the arrival of the bottle, which was in the custody of C. J. Pankonin of Louisville, foreman of the grand jury.

This morning at 9 o'clock when the court convened, Mr. Ryder resumed his testimony and identified the bottle and contents as that taken from Koebel which had been given to the grand jury. C. J. Pankonin identified the bottle and stated that a part of the contents had been sent to the state chemist at Lincoln for analysis.

Wayne Goucheour, 20 years of age, testified to being in Omaha with Koebel and afterward driving him to the Kaufman home where Koebel got out of the car and went into the house. On returning to the car he had a bottle and had instructed Koebel to drive him to Nebraska City. Koebel had taken several drinks from the bottle and had been arrested at Nebraska City and the bottle taken by Sheriff Ryder. On cross examination, the witness stated that he had not been in the Kaufman house. He testified that Koebel had no bottle with him when he crossed the Platte river bridge. He had not told Quinton of the liquor at Kaufman's. He had been placed in jail at one time by Quinton. On re-direct, witness stated that he had seen Sheriff Quinton and Mrs. Kaufman in conversation on the streets of Plattsmouth several times. Did not remember dates, but thought it was in the evening some time in the summer.

Chief of Police Jones was called and testified that he had heard reports of Julia Kaufman selling liquor. He had talked with the sheriff about the bootlegging at Kaufman's about six months ago. They had sent men out to the place to buy liquor. Jones stated that John Fife was the man and had not gone on account of Mrs. Kaufman knowing him. Did not know of anyone else being sent there. On re-direct, Mr. Jones stated he did not know of anyone ever arresting Mrs. Kaufman. On question by Mr. Tidd, witness did not know of Holmes being sent out there.

Ralph G. Batty was then introduced and testified that as chemist for the state he had analyzed the contents of the bottle seized and it had been taken from Henry Koebel and found it contained 49.3 per cent alcohol and was a mixture of alcohol and water. He had found the bottle at his office. Later Mr. Pankonin testified as to the bottle having been left there.

One of the chief witnesses of the state was Walter Sans, residing south of Plattsmouth, who, it was charged, had been protected by Sheriff Quinton in his bootlegging. He testified to several conversations with the sheriff in Plattsmouth relative to his being careful about his selling so as not to get caught and at no time of being warned of state men being here to round up the liquor sellers. On cross examination, Mr. Sans stated that he had started making beer in 1920. Did not tell the sheriff that it was intoxicating or that it was near beer. First time the sheriff had been at his home was looking for a still, later had brought some mules there for Tom Cromwell and did not stay long. Grebe was with the sheriff when at the Sans home first time. In July, 1922, the sheriff was at the Sans home and in company with witness and Mrs. Sans, witness testified he and the sheriff had drunk a bottle of beer. Witness had made the beer himself. In conversations claimed between the witness and sheriff they had been held on the streets of Plattsmouth. Sheriff had proposed subject and told Sans several times to be careful. One conversation had been in the First National bank and had asked the sheriff about the attitude of the county attorney and sheriff told him he thought he (county attorney) would not bother him. Witness stated he had been arrested and fined \$300 in 1921 and in 1923 had been given a sentence of sixty days in jail. On re-direct, witness had stated that he was not afraid of prosecution by Quinton. On cross examination he stated he had not told the sheriff he was selling intoxicating liquor.

Mrs. Bertha Sans testified that the first time Sheriff Quinton came to her home was in the fall of 1921 when with William Grebe he was searching for a still. The sheriff had said that they were not bothering anyone with beer or wine but were looking for a

still. There were five cases of quarts of beer and 30 quarts of wine in the cellar at the Sans home. Witness did not know how long the wine had been made. In July, 1922 witness stated the sheriff and her husband had drunk a bottle of beer at their home. On cross examination the witness stated that the first conversation had been in the basement at the Sans home. Witness did not make beer. Witness denied stating that wine was for family use to the sheriff. Did not know that sheriff had been told beer was intoxicating and in searching the cellar or basement, Grebe had been told by the sheriff to go ahead and look over the liquor. Grebe had opened cases and sheriff had come in later and Grebe had told him there were five cases of beer.

At the conclusion of the testimony of Mrs. Sans there was an adjournment taken for dinner by the court and several hundred spectators that filled the court room. A large part of the audience at the morning session was ladies.

From Wednesday's Daily—

When the session of the district court was closed yesterday afternoon at 4 o'clock there were rumors that 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 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 conference continued for two hours.

CASE AGAINST WILLIAM GREBE IS UNDER WAY

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IS CHARGED WITH ASSAULT

Elmer Gaines Was Assaulted by William Grebe in May, 1923, it is Claimed in Indictment.

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The second of the cases of parties indicted by the grand jury was brought to trial this morning in the district court and the attendance was quite large, almost reaching the proportions of the crowd that filled the court room at the Quinton trial and thru the long and tiring process of selecting the jury the greatest interest was shown by the audience among which appeared a goodly number of ladies who were getting a lesson in the processes of the law courts for the first time and others who had their interest aroused in the Quinton case and wished to hear all the trials of the parties indicted by the grand jury.

The case of the State of Nebraska vs. William Grebe is one in which the defendant was indicted by the grand jury on the charge of having committed an assault on one Elmer Gaines in May, 1923 on the highway in Cass county, Nebraska.

The entire morning was given over to picking a jury and it was until 12:30 when the jury was finally agreed upon. The ones chosen to try the issues of the case are: R. E. Foster, E. B. Chapman, William Mickle, John Copple, P. F. Dyer, John Beeson, W. W. Coatsman, George Klingler, Theodore Davis, H. H. Horton, V. T. Arn, J. L. Carnicle.

The opening statements of the attorneys for the state and defense were made at the assembling of the district court in the afternoon and the taking of testimony at once commenced.

Elmer Gaines was the first witness examined by the state and testified that on the night of May 21, 1923, he, with his brother, Harold, had attended an alumni banquet at Valley, Douglas county, and had left there at 10:30 to return home to Plattsmouth. They had crossed the Platte river wagon and auto bridge some time between midnight and 1 o'clock. Were about a mile and a half south of the bridge on the highway in their Ford roadster when a light had flashed on their windshield from the rear. Just after crossing the Burlington tracks a car had come up by them and they thought that it was going to pass them but it did not, witness had put on some gas and gone on. Someone in the car had said, "You, why don't you stop?" Witness stated no reply had been made by him or his brother and they had gone on. The third time the car came up someone had shot the front tire of the car in which witness was riding and the car had stopped. At that time the defendant, Grebe, had come up and witness had asked who he was. Grebe had hit him in the face and said, "That's who I am," and showed his star. Grebe had then ordered them out of the car. In reply to question witness stated that Grebe had no search warrant. On examination the witness stated that he did not know that the men following were officers of the law, there had been nothing said about the law by any of the parties. Grebe did not tell why he was searching the car. On cross examination witness stated that the car was using number 20-5234 Nebraska. On re-direct witness stated that car had never been used for illegal liquor traffic and that he had no connection with liquor business.

County Treasurer Mia U. Gering was called to the stand and identified certain receipts issued from her office for sums of money paid by Sheriff Quinton into the treasury of Cass county for fees, which the state desired to show were not paid on the times specified by law. These receipts were objected to by the defense on the ground that the receipts were not read to the jury by Mr. Dwyer.

The next witness called was Georgia Denson, aged 16 years, who testified to having been at the Kaufman home on a number of occasions and on two of these having been served with beer, the last time had been in August, 1923, the witness thought. Witness had not tasted beer before her visits to the Kaufman home. The witness had quit school last year in the eighth grade. On cross examination the young witness stated that it might have been near beer and also that she had never reported the matter to the sheriff.

James M. Robertson, clerk of the district court, was called to the stand to identify certain files taken from the records of his office in case where the fees had been alleged not to have been accounted for by the sheriff on the indictment of the grand jury.

O. W. Campbell of Lincoln, general public accountant, was then called to the stand to testify as to the check made of the books of Sheriff Quinton and the record of fees paid in cases in which the sheriff had served papers. The accountant had checked the years 1921-22-23 up to and including November 23rd. Mr. Campbell stated that he had gone to the original records in the cases and checked the sheriff's account there and later checked with the sheriff's own books.

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TEMPORARY SHERIFF TAKES OFFICE TODAY

GOVERNOR RELIEVES QUINTON OF DUTIES PENDING OUTCOME OF TRIAL.

E. P. STEWART IS MAN NAMED

Change Effective at 7 O'Clock This Morning—Action Follows Opinion by Atty. General.

From Monday's Daily—

Following closely on the answer of Attorney General Spillman to the inquiries of Governor Charles W. Bryan 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. Quinton of Cass county, and the naming of E. P. Stewart of this city 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 chief law enforcing officer of the county.

It was announced at the offices of Governor Bryan at Lincoln that the action followed a telephone conference 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 governor to relieve him of his duties as sheriff. "And I have issued an order suspending him from performing his official duties, pending the determination of the indictments brought against him," the governor stated. "The order prohibits him from performing the duties of sheriff. I have appointed E. P. Stewart of Plattsmouth temporarily to the position of sheriff."

The proposition of the temporary suspension of the sheriff has been discussed for several days following the action of the grand jury in voting the indictments against the sheriff, as well as other parties and over the state a great deal of interest was taken in what action the governor would take in the matter.

The work of serving the summons on the extra jurors and witnesses has been looked after the past few days by County Clerk George Sayles in the cases in which Sheriff Quinton was made a defendant.

SOME FINE CHICKENS

From Monday's Daily— George W. Olson, the well known truckman, has at his home a very fine flock of Barred Plymouth Rock chickens, 500 in number, which are as fine as any that can be found in the county. "Ole" is very proud of the fowls and justly so.

Big line of foot balls at the Bates Corner Book and Stationery Store.

SMALL FIRE TODAY

From Monday's Daily— This noon a very narrow escape from a serious fire occurred at the living rooms of Mr. and Mrs. Harry Leoses over the Royal Cafe. The children were playing in the living 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 were ignited and in a blaze and it required some speedy work to check the spread of the fire. As it was only the curtains were burned and the woodwork around the window scorched quite badly.

YOUNG MAN PLEADS GUILTY TO SHOOTING

Outcome of Shooting of John Schoeman Near Louisville Yesterday is Holding of Youth.

From Tuesday's Daily—