

TRIAL OF EX-SHERIFF STILL IN PROGRESS

(Continued from Page 1)

deal; liquor he bought tasted like that he was used to drinking...

Wayne Goucheour on direct examination stated he had lived here all his life and knew Henry Koebel and Julia Kaufmann...

Henry Koebel was recalled to the stand and testified to having been at the Kaufmann home several times...

George R. Sayles, county clerk was sworn and testified that he had seen Koebel get out of the car...

William Weber, justice of the peace, was next sworn and testified as to records in his office consisting of 33 warrants that had been issued...

Mr. Campbell stated he found fees collected by Sheriff Quinton less than those accounted for in 1922. Some were in county court cases...

as shown by the returns. Several of these were identified by comparing fee book with entries on the docket.

The attendance at the trial showed a very large crowd even with the bad roads and the wintry weather...

The larger part of the afternoon session of the district court yesterday was confined to the important, but uninteresting testimony of O. M. Campbell...

The witness testified as to the various fees in which it was alleged in his report had not been accounted for by the sheriff in making his report.

The technical and slow process of the testimony of the accountants was, however, much more rapid than in other cases where the character of testimony was used.

W. C. Mercham, chief deputy clerk of the district court of Lancaster county, was next sworn and identified some eight cases in the Lancaster district court in which the sheriff of Cass county had served instruments.

Objection by defense to offering evidence of fees prior to the periods named in grand jury indictments was sustained.

Objection of defense to reading certified copies of returns from district courts of Johnson and Platte counties sustained because of fact that no cross examination on them could be had.

The testimony then switched back to the liquor issue, when Carl Ryder, sheriff of Adams county, described the facts of the arrest of C. H. Koebel at Nebraska City on the evening of July 1, 1923.

Howard McCulloch, deputy sheriff of Otoe county, had seen test of liquor from Koebel's bottle.

The cross examination of O. M. Campbell was made by Paul Jensen, chief counsel for Mr. Quinton. Had audited offices of four sheriffs of different counties in the state.

Mr. Campbell was shown report of sheriff with item of case of A. F. Hase vs. Ben Turner, where \$1.25 was accounted for when this fee was charged in audit as not being paid.

reporting fee. Said had not charged items to sheriff in order to make the amount appear large, and had only to verify that there was in fact no name in title of case on this same day.

In case of Mayfield vs. Keckler, an item of \$1.50, alleged to have been included in report for second quarter, when earned and collected in third quarter...

The witness was badly muddled on cross examination by Mr. Jensen, as different items of his audit were attacked by the able defense counsel...

Judge Troup called the attorneys to the bench strongly urging that there be a slight effort made to complete the case before Sunday and offered to hold night sessions if it would relieve the situation...

Cross Examination Continued With the resumption of the trial this morning, cross examination of the accountant O. M. Campbell was continued by Attorney Jensen of the defense counsel.

The sum of \$56 charged against the sheriff in the case of the Manley State Bank vs. Edgar Spence, was the first item challenged. Witness said he thought error was made in reading the returns; might have been \$55.50.

C. J. Pankonin, of Louisville, was called to stand. Stated he had been foreman of the grand jury in November, 1923. Had saw the bottle of liquor shown in the case of Urvyn vs. Urvyn...

A. G. Long, of Murray, was sworn and testified that he knew Walter Sans. Had seen beer at Sans home. Reproduction was made of the Journal of the State Auditor, showing Sans's receipt for money paid on January 2, 1922...

Objection by defense to offering evidence of fees prior to the periods named in grand jury indictments was sustained.

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Another case taken up was a fee of \$6 in the Plattsmouth State Bank vs. Hall action. Mr. Jensen inquired if this item was not for mileage. Witness replied it was not for mileage.

In the Acme Harvesting Machine Co. vs. Cummins case, where a fee of 50 cents was charged as unpaid, item was shown witness and he was asked if this was not the same given in sheriff's report for 1923 as Pease vs. Cummins.

Item in arrest and serving warrant in justice court was reduced by witness from \$3 to \$2. Sam Parcel, item of \$3 was referred to witness who was asked if this was not the same as reported in State vs. Parish.

Witness was asked by Mr. Jensen if there were not a number of warrants for "John Doe" which were there. He had investigated, but did not find any substituted names for the John Doe warrants.

In the case of Bodie vs. Jean, item of \$7.50 was reported by sheriff, being 50 cents short of making correct total, witness stated.

The witness was questioned as to the case of Mummert vs. Baumgart, to which amount of \$15 was added in his audit, as unpaid by Mr. Quinton. Campbell stated it would require time to investigate this.

bell was asked as to charge of \$1.75, and that of the report made by the sheriff of \$1.70. Witness stated that correct as to time paid into the treasury.

In case of Livingston Loan and Building association vs. Larson, the sum of \$8.50 was charged in two places. Witness could not state as to whether he had examined them or not.

Witness questioned as to returns for 1922. Cases of Bank of Commerce vs. Spence were separate instruments and property charged.

In the case of First National Bank vs. Sharp, witness was asked if he had not included mileage in the sum alleged to have been unpaid by Quinton. Declared he had not.

In county court cases Robler vs. Tonak, fee of \$8, witness asked if date of case reported in district court. Witness stated he did not know.

Mr. Jensen asked witness why, in making returns in insanity cases, the fees of sheriff had sometimes been reduced to \$3 and other times left at \$5.

C. J. Pankonin, of Louisville, was called to stand. Stated he had been foreman of the grand jury in November, 1923.

George Sayles recalled to stand. Had in his office the sheriff's report for 1921, and in which showed the receipt to sheriff for money paid on January 2, 1922.

Miss Mia Gering, county treasurer, was called to stand and stated the amount paid by sheriff had been paid in January and placed in the 1921 business of the office at a later date.

James M. Robertson was sworn and testified that grand jury was convened on November 13, 1923, and the indictment against defendant returned on November 27th.

Mrs. Vesta Swenaker testified that she knew Mrs. Julia Kaufmann; lived on opposite side of street about a block north; could see Kaufmann home on many cars going to and from Kaufmann home.

Mrs. Chester Welshimer lived on South 10th street and knew Mrs. Kaufmann. Had seen good many cars both day and nights; number varied; mostly men, strangers to her.

Fred Kaufmann was sworn. Testified that he lived on farm near his place. Knew Julia Kaufmann and her place. Had asked her where he had produced bottle and he had paid her \$1.50 for it.

In State vs. Richard Wells an item of \$2 charged on that Sheriff Campbell. Witness stated corresponding item contained in sheriff's report for \$2 listed under "State vs. Mills."

Asked as to case of Sam Periel; witness stated he had reported under item "State vs. Mills," but found fee reported under title "Sam Parish."

In the case of R. Davis vs. B. Davis et al an item of \$6 appeared whereas sheriff had accounted for \$6.50 and in the opinion of witness the cases were the same as that reported in case of Davis vs. Barkhurst.

Had checked case of Plattsmouth Loan and Building association vs. Larson. Morton and found the same report as in the case of Plattsmouth Building and Loan association vs. Cronwell.

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Had in the office records of fees paid in by the county sheriff. Dates were correct as to time paid into the treasury.

Had issued receipt on November 21, 1923, while the grand jury was in session, for \$91, the sum of \$75 for county court fees.

Receipts covering payments totaling \$515.75 were read. Witness asked if there were records of fees paid on April 1st of that year. The defense objected to question as not applying to statutory provision.

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At the afternoon session of court yesterday, the time between that covered in the Journal's report and adjournment at 5:30 was marked by the clearing up of some of the matters which had been brought out in the grueling cross examination of M. Campbell, the state auditor, and the concession by Mr. Greenfield, the auditor of Mr. Quinton.

The cross examination of Mike Tritsch undertaken yesterday, was conducted by A. L. Tidd. Tritsch stated receipt to sheriff for money paid on January 2, 1922, had been changed to a date of December 30, 1921.

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cluded in sheriff's reports to have been \$524. Asked what had been deducted. Was impossible to tell what figures. Said they were in the Manly bank case; guessed at figures.

Witness had found a case of Livingston Loan and Building association vs. Cronwell. Was four months apart. Could not explain the lapse of time.

Stated that by foreign fees was meant sums paid over in cases being tried in courts outside of Cass county, but where sheriff of this county made a sheriff. Admitted no report available except the sheriff kept a record of foreign fees.

Had seen the report of Mr. Campbell and checked the same; it only covered fees in Cass county courts.

Had found a case that compared with case of Davis vs. Barkhurst in 1921. And Davis vs. Davis in 1923. Might have referred to prior case, \$37.50 amount shown in audit and a later fee of \$6 reported. Witness admitted were not the same case.

In Gerdes vs. Gerdes case, paper for sheriff not shown. On appearance docket a fee of \$5.25 shown; also Gerdes vs. Gerdes, another case, for fees, \$5.25. The case of Gerdes vs. Gerdes on the appearance docket; no case such as given on sheriff's report.

Witness stated that Clymer case, and that of the Marine Bank might be a foreign case. Had run after him and followed him into basement. Found a quantity of beer there.

Greenfield's report showed less shortage than Campbell's; had found beer and grape juice. Campbell's report, Campbell audit had been up to November 27th. Witness' report had covered since that time to the first of the year.

A. L. Tidd was the next defense witness sworn. Stated he was a lawyer; attorney for defendant. Knew of Livingston Loan and Building association. Witness had charge of legal business.

On cross examination, witness said he had not examined the sheriff's fee book, but had seen the fee book limited by building association cases himself.

The scene shifted back to the alleged protection of liquor vendors issue at the conclusion of Mr. Tidd's cross examination.

Witness declared he did not get evidence from the soldiers limited and did not have search warrant. Searched one room and the basement. Sans had told him the stuff was beer.

Witness stated he had never heard of Sans selling liquor from November, 1921, to August, 1922.

Grebe said he knew Julia Kaufmann during the time he was a deputy state sheriff. Was state deputy sheriff and constable during all this time.

Chas. Lovjoy was one of the men; could not remember the name of the other man. Had not seen the second man, but thought he was in Omaha.

Harry E. Arms, Omaha, civil engineer for U. P. R. R. company, had been sergeant in regimental headquarters. Was sergeant in charge of First week in August, 1922.

Chas. Lovjoy was one of the men; could not remember the name of the other man. Had not seen the second man, but thought he was in Omaha.

On cross examination, Mr. Greenfield stated the total fees for 1922 in-

ter Sans having a place where could buy liquor. Received a report on a visit of Sheriff Quinton at Hyers' office, reported that beer and a little wine. Had discussed several places as well as Sans.

On cross examination Hyers said Quinton had not told him of drinking any beer at Sans home; had said there was some beer and wine there.

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