

THE DAILY BEE.

Saturday Morning, June 28.

LOCAL BREVITIES.

John Green, the quarryman, has just received a new rock-crusher, weighing eight tons.
The Omaha market was never better supplied with fruit, and the prices are all very reasonable.
Chris Barba, employed at the Omaha smelting works, had a leg broken Wednesday evening by getting it caught in a cable.
The funeral of the late S. S. Caldwell will take place from the family residence, No. 1922 Davenport street, at 10 o'clock Saturday morning.

A SENSATIONAL TRIAL.

The Case of the State vs. Ex-City Marshal Guthrie for Bribery.

Higgins, a Boss Gambler, Makes Some Startling Statements.

Mayor Chase's Demand for a Team of Horses.

Charley Branch Tells an Interesting Story.

Dist. Atty. Godwin and Lawyer Baldwin Have a Lively Row.

Causing Considerable Excitement and a Great Deal of Comment.

Scenes and Incidents of the Trial.

All preliminary skirmishing, in the shape of dilatory motions, having been disposed of, the trial of the case of the State vs. Roger C. Guthrie, city marshal, indicted for bribery, was begun yesterday in the district court, before Judge Neville. The court-room was filled with interested spectators, among whom were the proprietors of the various gambling houses, who were there as witnesses, and other members of the sporting fraternity. The space within the rail was taken up by members of the bar, who no doubt were attracted there by curiosity and the expected sensational features of the trial.

The jury is composed of the following: J. P. Manning, constable, Alexander Atkins, merchant, T. H. Taylor, farmer, James Donnelly, farmer, J. B. French, grocer, O. B. Sharpless, railway man, William Fitch, ice-dealer, Jacob Williams, commission merchant, Dennis Andrews, capitalist, Patrick McArdle, farmer, H. C. Krum, real estate man, and W. P. Welsh, carpenter.

Shortly after court convened yesterday District Attorney Godwin was directed by Judge Neville to state his case to the jury. During the progress of the statement, C. J. Green, one of the defendant's counsel, objected to something said by Mr. Godwin. The district attorney turned to the judge and said, "I hope I know enough to state my case properly and I hope to God the court will intervene between me and these cavilers," referring to the defendant's counsel. The court here rapped upon the desk and stated to Mr. Godwin that he would not permit any more such reflections upon this tribunal, and if, during the progress of the trial here, he should make another remark of that kind to the court he would dismiss him from the case and appoint some one who would conduct the case properly. "Proceed at once," said Judge Neville, and Mr. Godwin concluded his statement to the jury without interruption. The district attorney stated very minutely his case to the jury, even going as far as to give the time of day and the exact place where the amount was paid over to the defendant, as alleged in the indictment.

Mr. Baldwin then made the statement for the defense to the jury and said he was simply serving society rumor. The men by whom the defendant was convicted had indicted him for continuing to violate the law, while Guthrie, who when this office was tendered him was found in the United States with his hands covered with the grim and sweat of honest toil, and who had been a good city marshal was to be made their victim.

When Mr. Baldwin had completed his statement to the jury he requested the court to order all subpoenaed for the state to leave the court room and six gamblers as their names were called paid the penalty of being witnesses by absenting themselves from the trial.

Mr. Godwin then asked the court to quash all indictments pending against the proprietors and heads of the various gambling houses, in which indictments they are charged with bribery in order to get them to give evidence in the case now before the court. Judge Neville made the proper entry when Attorney Baldwin arose and in his most solemn manner said, "In the name of the people of Douglas county I object to the quashing of these indictments." "They are quashed," said the court, "call the first witness," and Mr. C. S. Higgins took the stand.

After stating his business he continued: About one year ago his gambling place was closed by order of city officials. He was taken to the office of the marshal to see how the boys did not object to the payment of one fifty dollars, but the payment of the second was too much. The marshal replied that that amount was not a drop in the bucket, as they were making large sums every day. The defendant Mr. Branch, Attorney Godwin, and Mr. Branch were long having paid its amount before, or in some other way, did not have a share in the pool.

He paid the money to Branch to get to open the houses again. This money was paid to Branch after he had the conversation with Guthrie. A talk was had with the mayor before the houses were closed. In pursuance of this payment he again opened his house and has been running ever since without being closed or himself arrested, until about three weeks ago. He had had several short conversations with the defendant who always referred him to Mr. Branch. He did not see Branch pay the money to the defendant.

CROSS EXAMINATION. He had kept a gambling house in this city for nearly twelve years and his house was the only one in the last administration so far as being open was concerned, the same as at all other times. He did not see Branch make Guthrie's agent. He never had a conversation with Guthrie until after the house had been closed, but the matter of payment to be allowed to keep open had been talked of among the gamblers some time before, but he had had a conversation with the mayor who had met him, and asked the witness to go over to Homan's barn and look at a team of horses which he said the "boys" were about to make him a present of. Witness asked the mayor if he was fool enough to accept such a present. The mayor asked "why?" and the witness told him that whenever he drove down street, the gamblers

would say, "There goes the mayor behind the gamblers' horses." Mr. Chase then said he would have a small and something "not very small" the team was worth \$400 and the mayor gave assurance that if the amount were paid him all would be well. Brucker's house refused to pay its part, \$100, and the scheme fell through and the houses were closed.

THE ORDER TO CLOSE. Came between the middle and twentieth of June. The order was given by a policeman. Two weeks were consumed making negotiations for keeping open. Witness never talked with any official before the closing up, except Mayor Chase, and Branch. There was a constant talking about "putting up" or "shutting up" during the two weeks before closing up. He did not make Branch a go-between, but he came to witness. He went to see Chase, who was the head, and find out why he had shut them up. Chase told him to go and see the marshal. He told Guthrie he had come to see him about opening up. Defendant refused to open up with witness, who was referred to Branch.

"SATISFACTORY ARRANGEMENTS" were soon made with Branch by witness and one hundred dollars was paid him in front of McNamara & Duncan's. He was told by Branch that he might go and open up. Upon being asked the question witness stated he had been indicted on three different charges, but the complaints had been quashed upon an understanding with the district attorney. He did not think he was guilty under the law as charged in the indictment. "You paid the money," asked Godwin, "because they had their hands at your throat; you paid it to be allowed to run your house in violation of law?" Here Colonel Smythe, who had so far said nothing, objected. "I only asked the question," said Godwin, "so that every attorney could have a chance." "I insist hereafter," said the colonel, "that the district attorney shall call this defendant 'Guthrie,' and not 'Guthrie.'" The court made no order and the trial proceeded.

CHARLES M. BRANCH was next called. Higgins, who had testified last, his best friend Godwin, Baldwin objected and he was not allowed to testify. "I will allow him to testify," said Judge Neville. "Take your exception," "How do you know I want one," said Mr. Baldwin.

Witness Branch then stated he knew Guthrie ever since he had been city marshal. He was told by Godwin to go on and tell all he knew about the case, and the witness stated they were closing up because the marshal was in want of funds, who said a fund would have to be raised or they must close. A hundred dollars per month was wanted by Guthrie from each house. This conversation took place two or three days before the closing up. He met Guthrie some time before.

PALD GUTHRIE MONEY. He got \$100 from Higgins, \$100 from Goodly Brucker, and \$100 from Kennedy. He received this money on July 15th or 16th, 1883, on one of which days he saw the marshal on Twelfth and Dodge streets, at which time and place he gave Guthrie the \$300, who said "All right, you need it, and he went back and told the other houses, who did not pay him, because he did not have much to give away at that time. Witness had never paid him money before that time to keep open. Guthrie came to witness and said the money would have to be raised or the houses would have to close. Witness told him he could not raise that amount, but he would go and see the other houses. Fifty dollars per month was agreed should be paid afterward. This agreement was made at the time of the payment of the \$300 to Guthrie and

on that basis until state fair time. He did not pay any money until after fair time, when \$150 was given him to be paid Guthrie, which witness received from Kennedy, Brucker and Higgins. There was no talk about some one else paying Guthrie but he stopped because he was taken before the large grand jury and he said he would have nothing more to do with it. He was never referred by Guthrie to any third party who was to collect it. He had paid the \$300 to all the gambling houses to run, and the \$150 was paid for the same purpose. He had had a conversation with Guthrie since that time, four weeks ago, who told him that no bill could be found against him, if he declined to answer, for the reason that

MIGHT BE IMPLICATED HIMSELF in the charge of bribery; he went to see Guthrie and told him that he did not want to go "over the top" on the charge. Guthrie told witness "road" on the charge.

WAKE UP THE MENAGERIE. said the District Attorney. That's right," said Smythe, "the monkey always starts the show."

On cross-examination witness stated that he was first introduced to Guthrie back of the court-house. He had a talk with him, who said the gamblers ought to do something and open up. Guthrie said if the houses wanted to keep open they would

HAVE TO PUT UP and he told him (the witness) to tell them so. He so told them. Guthrie said the money would have to be put up by the next Monday or Tuesday night or they would have to shut up. No one, however, would have to shut up. On the witness matter was talked of. The gamblers, Guthrie said, would have to put up or stay shut up. Witness gave him \$300 on the 15th or 16th of July, 1883, in the drug store on Dodge and Twelfth streets. Witness said he shook hands with Guthrie there and told him the amount would be found all right. Guthrie told him to go and open up. He paid him \$150 afterwards in the city building after dark one night.

HE GOT THE MONEY. from Brucker and Higgins. He had been asked these facts in the grand jury room. Three indictments had been found against witness, district attorney also consulted his attorney upon this question. He had had a conversation with Guthrie while the grand jury was in session. He told Guthrie he had refused

to testify who told him to stand "pat" and all would be well. Witness first came to Omaha three years ago, had been married once. When he paid Guthrie \$300,

HE HAD \$1,000 which he got neither from Texas or Kansas. Baldwin said that the witness was living in notorious and open adultery with a woman not his wife, which fact itself weakened the credibility of the testimony of the witness on the stand. This, Mr. Baldwin stated, was his reason for putting the question.

Said Mr. Godwin, "If these charges which you recount, and allege this man is guilty of being a married man, of living with a woman not his wife--if crime you mention were good cause for disbarring an attorney practicing at this bar, you could have been disbarred long ago, and

COULD BE DISBARRED NOW". The court room, which had been almost noisy a minute before, became so quiet a whisper could be heard. The spectators on the rear seats stood up first to see what might be done by Mr. Baldwin, and in a moment all were on their feet, a few even standing on the seats. Judge Neville looked the picture of contempt at such proceedings, and seemed stunned at the charges made by Mr. Godwin against Mr. Baldwin.

During the utterance of these aspersions upon Mr. Baldwin, he remained speechless, not even rising from his seat. When Godwin had finished, Mr. Baldwin arose, and drawing himself up to his full height, denounced the action of the district attorney, called upon the court for protection, and finally ended his denunciation by calling the representative of the State

"LIAR, and shaking his closed manum extremity in his face. Smythe moved up to Mr. Baldwin and tried to quiet him, but Mr. Baldwin was excited and would not be still. Finally Judge Neville, to avoid any disturbance in his tribunal dismissed the jury, but stated to the irate attorneys that he was not adjourned and would be summarily punished as contempt, if violation of his rules of decorum would be committed by either party.

Mr. Godwin then took his hat and started for the door of the court room to gain which he was compelled to pass immediately by Mr. Baldwin, who was sitting in a chair. When he was directly in front of his opponent Godwin stooped over and spoke in a whisper to Mr. Baldwin who jumped up from his seat, absorbing up his coat sleeves, again broke out into an execration calling the district attorney a -- liar. Mr. Godwin moved on out of the court room. "Mr. Sheriff," said the court,

"TAKE MR. BALDWIN INTO CUSTODY." "If your honor please," said Mr. Baldwin, "Mr. Sheriff," again said the court, "take Mr. Baldwin into custody."

Deputy Sheriff Crowell had by this time crossed the room to where Mr. Baldwin was standing, and was trying to quiet the enraged attorney.

"If your honor please," said Mr. Baldwin, "I warned you gentlemen of the consequence," said Judge Neville, and now you must suffer it."

Mr. Connell and Mr. Ambrose, who were sitting near Mr. Baldwin when the district attorney whispered to him, had been all this time trying to engage the attention of the court. At length the ear of the judge was obtained by Mr. Connell, who stated in behalf of Mr. Baldwin that Godwin in passing by his brother attorney

HAD CHALLENGED HIM to go out and fight. Mr. Ambrose corroborated Connell's statement. Upon this explanation the court ordered the sheriff to release Mr. Baldwin from custody. Court was then adjourned after the judge had said that a settlement of these difficulties would have to be effected on this morning upon the convening of court.

"I am content with that until tomorrow morning," said Mr. Baldwin, "but it must be settled before this trial goes on."

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