

# Second Trial of Koch at Mankato

Several Days Consumed In Securing a Jury--Many Veniremen Called--  
Sheriff Deposed and Coroner Serves Summons--Jury  
Considered to be a First Class One.

The second trial of Dr. George R. Koch on the charge of murder in the first degree is now on, having begun at the very minute of nine o'clock Wednesday mornin. It took but ten minutes to get through with the preliminaries, and then the first juror was called.

Dr. Koch occupied a seat back of his attorneys, sitting beside his aged father, E. G. Koch. He wore a serious and resigned expression, as though he was entering upon an ordeal that would be long and tedious. His father is a very pleasant appearing man, with gray hair and beard.

In the front of this couple sat the attorneys for the defense, in a row, G. W. Somerville, L. L. Brown, W. D. Abbott, Pfau & Pfau and A. E. Clark. In front of these, still sat the state's attorneys, Gen. H. W. Childs, County Attorney Wilson and Albert Pfander. Lining the inner side of the railing were a number of the younger attorneys of the city and county, to whom the proceedings were a valuable object lesson.

Several outside newspaper men were present, among whom were W. P. McGuire of the Minneapolis Journal, C. W. Higgins of the Minneapolis Tribune, and J. W. Hawks of the St. Paul Dispatch, all being staff reporters. John McGreevy of the St. Paul Pioneer Press, and R. B. Liggett of the St. Paul

and A. E. Clark were associated with the defense.

Clerk of Court Thorne proceeded to call names from the box that contained the regular jury panel. The first name called was that of Charles Graf, but he had been excused.

D. L. Clements was then called. He had read accounts of the case in the Free Press and the Minneapolis Tribune. He was excused for actual bias, after examination. Mr. Clark examined for the defense and General Childs for the state. Witness was challenged by the defense.

The court made a suggestion that repetition in questioning be avoided, in order to economize time.

Geo. L. Stevens of Shelby said that he read the Free Press, St. Paul Dispatch and two farm papers. Excused for actual bias, after examination, on challenge by defense.

A. M. Schneeburger of Pleasant Mound said that he had read the Review, St. Paul Daily News and Minneapolis Tribune and a farm paper. He said that he had no opinion that it would take evidence to remove. The defense challenged for actual bias. The triers, after much consultation, found the challenge not true. The defense challenged peremptorily.

John Gremer of Danville said he took the Review, Minneapolis Tribune and Mapleton Enterprise. Challenge by de-

## DATA IN THE FAMOUS CASE.

Murder day--Nov. 1, 1904.  
First Mass Meeting--Nov. 4, 1904.

Second Mass Meeting--Nov. 19, 1904.

Organization perfected and evidence of witnesses taken before Justice Henningsen.

Dr. Geo. R. Koch was arrested for the murder of Dr. Louis A. Gebhardt, on the evening of Dec. 9, 1904, shortly before eight o'clock.

Dr. Geo. R. Koch was indicted by the grand jury for murder in the first degree, Dec. 16, 1904, shortly before five o'clock.

The trial began Dec. 27, 1904. Time consumed in securing jury--One week.

Number of veniremen called--245.

The jury--A. Rinke, Emil Rasmussen, Hans Larson, Martin Penning, Aug. Jaehn, Wm. F. Runk, James Addy, John Mack, Fred Engelbert, John Manderfeld, Jr., Wm. Berg and Jos. Grathwohl.

State spent whole week in presenting its side of the case. Defense consumed six days.

Case closed Wednesday, Jan. 18, 1905, jury retiring at 5:30 in the afternoon.

Jury came in at nine o'clock Friday morning, Jan. 20, 1905, after being out 41 hours.

Jury disagreed, vote being 9 to 3.

Dr. Geo. R. Koch was released on bail from the Brown County jail, Friday evening, January 27, 1905.

Period of incarceration--49 days.

Amount of bond--\$20,000.

Change of venue taken to Blue Earth County.

Court opened at Mankato, February 7, 1905.

Defendant was arraigned before Judge Cray.

Date of second trial was set April 19, 1905.

Bond was continued.

Victim of murder. This would not influence him as a juror in the case. He meant that he did not believe in capital punishment, but he could wholly lay this aside. Where the evidence is wholly circumstantial he would not act the same as where the evidence was positive, but he thought that in the present case his views would not affect him. The triers found the challenge not true. Mr. Gilman said that he read the Free Press and St. Paul Daily News. The state challenged for actual bias. He had not read much about the case, but had talked about it some. He said he did not believe all that he read or all that he saw. He had no impressions regarding the guilt or innocence of the defendant. He believed that a murder had been committed and that was about all. The challenge was found not true, and the state challenged peremptorily.

R. C. Hill was called. He had read about the case in the Review and Minneapolis Tribune. He had not heard anything about it since the February term. He had heard it discussed. The

## THE KOCH JURY

JOSEPH WADDELL, Farmer, Beauford.

W. H. WILCOX, Manufacturer, Mankato.

W. L. RAPPLEY, Farmer, Jamestown.

O. T. SEVERSON, Farmer, Medo.

W. E. BARNARD, Driver of Dray, Mankato.

WILLIAM BOSWELL, Farmer, St. Clair.

OLOF G. LUNDBERG, Retired Business Man, Mankato.

J. H. STEWART, Merchant, Mankato.

HARRY FOOTNER, Flour Packer, Mankato.

REDDIE M. ANDERSON, Carpenter, South Bend.

A. A. JUST, Farmer, Rapidan.

ALBERT HAGERMAN, Farmer, Mankato Town.

defense challenged for actual bias. What he read and heard created an impression on him and he formed an opinion as to the guilt or innocence of the accused, and he still had it, and it would require evidence to remove it. The challenge was admitted by the state and the juror excused.

Peter McGovern of McPherson was called. He takes the Free Press and Minneapolis Tribune. The defense challenged for actual bias, it was admitted and the juror excused without examination.

A. Latourelle of Danville was called, challenged by the defense for actual bias, the challenge admitted by the state, and the juror excused.

Martin Olson of Lake Crystal was called, and was challenged for actual bias by the defense. He had read of the matter in the Free Press and Lake Crystal Union. He had partly formed an opinion about the case, and had "some idea" as to the guilt or innocence of the defendant. He had expressed an opinion at Lake Crystal and other places. He still has the opinion that he then had, and it would take some evidence to remove the opinion. The challenge was found true.

R. J. Williams of Butternut Valley said that he had read of the case in the Free Press and St. Paul Pioneer Press. The defense challenged for actual bias. Mr. Williams had read and talked about the matter, and what he had read and heard led to his acquiring an opinion as to the guilt or innocence of the defendant, and he still had an opinion. It would take some evidence to change his opinion. He had never expressed an opinion, himself, that he could remember of. Answering Mr. Wilson, the juror said that he knew of nothing that would prevent him trying the case according to the evidence submitted. He had no opinion that would interfere with the impartial trial of the case by him. The triers found the challenge true and the juror was excused.

Patrick Madigan said that he has lived in Mankato since 1870. He takes the Review and Journal of this city. The defense challenged for actual bias, the state admitted it, and the juror was excused.

Martin Bowe of Decorah said that he takes the Free Press, Review, Minneapo-

lis Tribune and Farm, Stock and Home. The defense challenged for actual bias, it was admitted, and the juror was excused.

W. B. Walker said that he had lived in Mankato for forty years. He takes the Free Press, Review and Minneapolis Times. He had read and discussed the case, hearing opinions expressed and himself expressing an opinion. He still has an opinion, that it would take some evidence to remove. A challenge by the defense for actual bias was admitted by the state, and Mr. Walker was excused.

L. L. De Rosia said that he takes the Free Press. The defense challenged for actual bias. Mr. De Rosia said that his eyesight was very poor and he cannot read. The state admitted the challenge, and the juror was excused.

Judge Cray ordered that a special venire for fifty jurymen be issued, returnable at 9 a. m. tomorrow. He declared a recess at noon until 2 p. m.

Judge Cray states that it will be his policy to hold court from 9 a. m. until noon, and from 2 to 5 p. m. This will give the attorneys plenty of time to consult with their witnesses.

Sheriff Williams left at shortly after one o'clock, going east through the county, to fill out the special venire. He was accompanied by John Stevens. P. W. Pitcher picked up a few men in the city to serve on the venire.

such an opinion as would prevent him from being an impartial juror in the case. The triers found the challenge true, after some consultation.

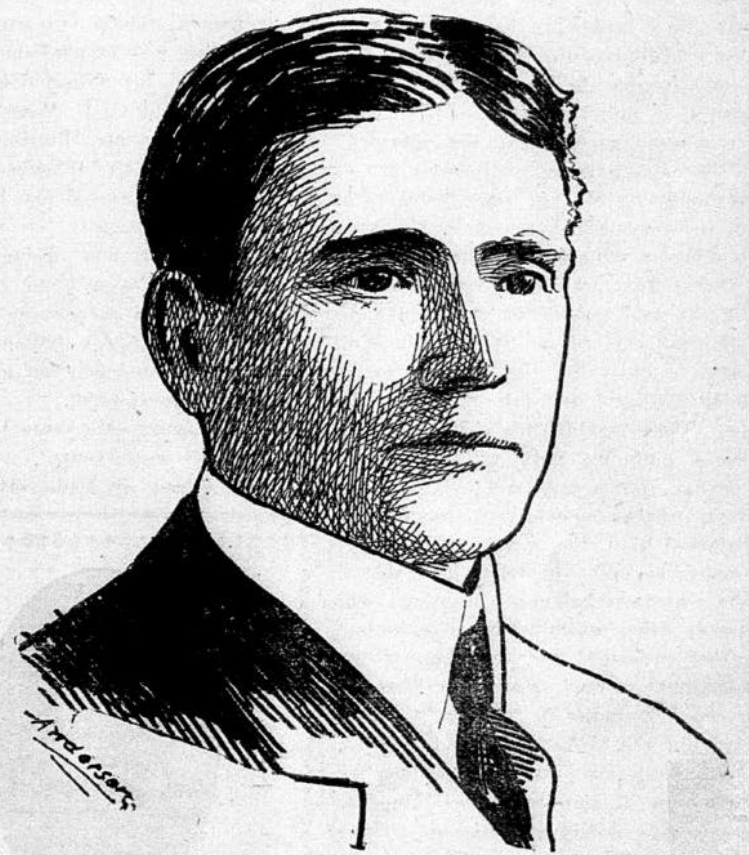
John Ward of Beauford was called. The defense had no challenge. He takes the Review and St. Paul Daily News. He stated that he had read about the case, hearing opinions expressed and himself expressing an opinion. The state challenged for actual bias. The juror said that he had read about the case and heard it talked about. He did not form any opinion about the guilt or innocence of the accused. He had talked about it, but not for the past two months. The challenge was found not true. The state used its second peremptory challenge.

A. B. Stedman was called. The defense challenged for actual bias and the state admitted the challenge. The juror was excused.

Joseph Waddell of Beauford was called. The defense had no challenge. Replying to Gen. Childs, the juror said that he had no conscientious scruples against capital punishment in case the evidence was sufficient. The state challenged for implied bias. In a case where murder in the first degree was charged, and the evidence was largely circumstantial, he would render a verdict of guilty if satisfied beyond reasonable doubt of his guilt. The challenge was withdrawn, and the state challenged for actual bias. This was



GEO. R. KOCH, The Defendant



DR. L. A. GEBHARD  
The Victim of An Assassin

Daily News arrived on the 10:45 a. m. train.

Sheriff Williams appointed P. W. Pitcher, A. C. Ingebrison, J. W. Wigley and E. P. Rutan as bailiffs for the adjourned term.

A fair audience was present, although the selection of the jury is the most tedious portion of a criminal trial. Among those present was Adolph Klaus, chief of police of New Ulm, who has taken a prominent part in getting the evidence together for the state. He will be present throughout the trial.

The members of the citizens' committee of New Ulm, that was largely instrumental in working up the case against Dr. Koch, are Mayor Charles Silverson, F. H. Retzlaff, W. Eibner, Ferd. Crone and Albert Pfander. Only the last named was present today, but the other members are expected to be present from time to time.

Sheriff Williams called the opening of the adjourned term in the usual manner. The roll of the petit jury was called, and all were found to be present except P. McGovern and E. L. Kendall. Charles Graf was excused from service on the jury because of the critical illness of his father, who has suffered three or four paralytic strokes lately.

The court asked whether the case of the State of Minnesota vs. George R. Koch was ready for trial.

General Childs stated that the state was ready. He said that the case had been transferred to this county from Brown, and he desired to file a certificate of the clerk of court of Brown county, being part of the minutes of the last trial. The court ordered it filed.

The court appointed W. A. Funk, W. N. Plymat and C. N. Andrews as triers to pass upon the bias of parties called to serve on the jury. They took seats directly in front of the judge.

General Childs stated that Albert Pfander was his associate counsel, and that County Attorney Wilson had been appointed to represent the attorney general's office at the trial.

The court said that the defendant was informed that if he intended to challenge individual jurors he must do so before they are sworn.

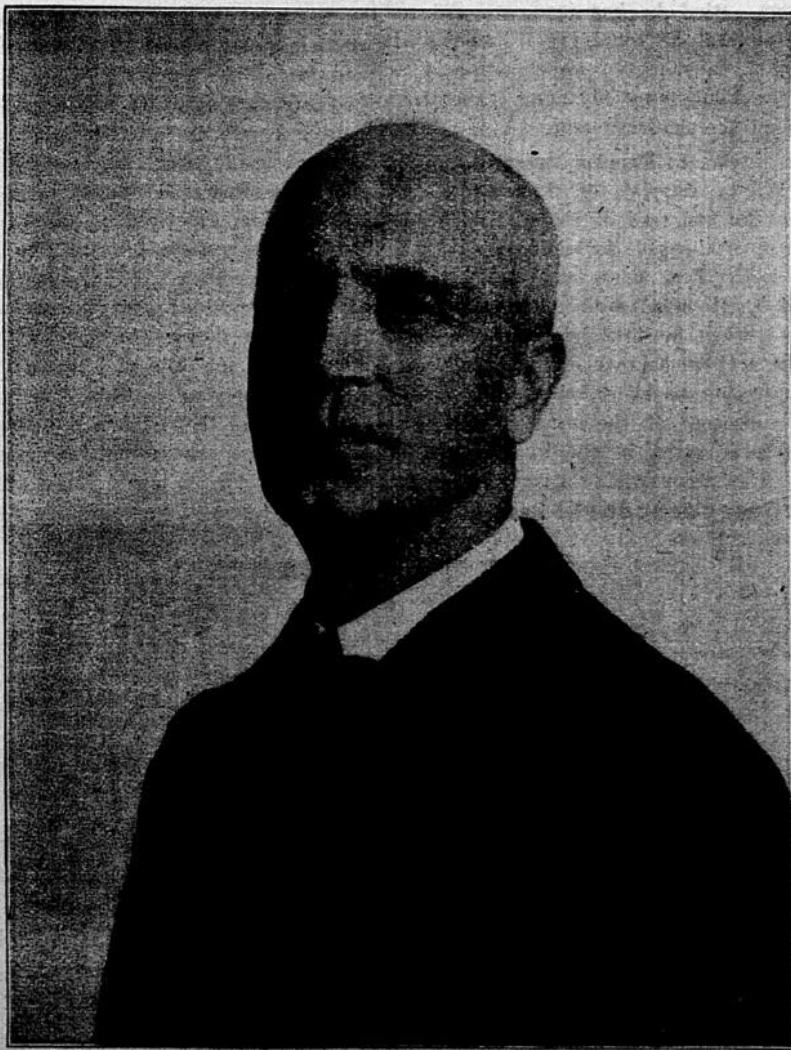
fense for actual bias was admitted.

Calvin Smith said that he took the Free Press, Minneapolis Journal and the Ledger. He said that he was not in good health, not having recovered from his recent attack of pneumonia. He said that he would dislike to take the chances of serving on the jury. He was excused by consent.

Capt. G. W. Haigh of Mankato township, said that he took the Review and reads the Minneapolis Tribune. He was challenged by the defense for actual bias. From what he had read and heard he had not formed an opinion on the case. He had not read enough of the case to get an opinion, he said. Had never expressed an opinion in the case, "very much." Had talked a little about the case, but had always said he had no opinion. He might have some impressions as to the guilt or innocence of the accused. He had been away from home so much and preoccupied by other matters that he had not formed an opinion. Mr. Clark sought to bring out about Capt. Haigh's "impression." Capt. Haigh said that he had an impression that there was such a case, and that was about all. It might take some evidence to remove the impression. Replying to questions by Mr. Wilson, Capt. Haigh said that he could try the defendant fairly and impartially. The impression in his mind would not prevent him giving a fair trial to the accused. The triers found the challenge true.

Arne Knutson of Medo said that he had read of the case in the Free Press and Minneapolis Farmers' Tribune. The defense challenged for actual bias. Mr. Knutson said that the articles he had read had made an impression on his mind as to the guilt or innocence of the accused and he had formed an opinion on this. He still had the opinion, and it would take some evidence to remove it. The state admitted the challenge and Mr. Knutson was excused.

Mr. Kendall's name was next called. Being absent, H. H. Gilman was called. He lives at Vernon Center, and knew of no reason why he could not act as juror in the case. The state challenged for implied bias. Mr. Gilman said that he entertained a conscientious opinion as to capital punish-



Lorin Leray

When court convened this afternoon Ed. Flynn of Good Thunder was called. The defense had no challenge. Gen. Childs asked whether he had conscientious scruples against capital punishment. Mr. Flynn replied that it depended upon the evidence. He was opposed to it. The state challenged the juror for implied bias. Mr. Flynn said that he would not like to serve where the evidence was circumstantial. Replying to Mr. Clark, the juror said that if he was convinced by the evidence beyond a reasonable doubt, even though the evidence was circumstantial, he would not have any conscientious scruples about returning a verdict of guilty. The court found the challenge true and excused the juror.

Miles Smith of Le Ray was called. He had lived in Le Ray two years, coming from Le Sueur county. He takes the St. Paul Weekly Dispatch. The defense challenged for actual bias, it was admitted and the juror excused.

Dan S. Felton said that he was born in Mankato and had always lived here. The defense challenged for actual bias and the challenge was admitted by the state and the juror excused.

Ed. L. Kendall was called and was present. He lives at Vernon Center and has been reading the Free Press and Minneapolis Tribune. The defense challenged for actual bias. He had read about the case and heard it talked of. He had formed and expressed an opinion. The state conceded the challenge and Mr. Kendall was excused.

R. K. Williams of Butternut Valley was called. He takes the Free Press and St. Paul Dispatch. The defense interposed a challenge for actual bias, the state admitted it, and the juror was excused.

Geo. Keith of Sterling said he takes the Review, the Mapleton Enterprise, Amboy Herald and a farm paper. He said that he did not read about the trial of the case, but read sketches of the case. The case had not been talked of much in his neighborhood, and he never heard it mentioned at Amboy but once, and at Sterling Center once. The defense challenged for actual bias. He had an opinion, based on the attorney's pleas which he read in the Minneapolis Tribune. Answering Mr. Wil-

son, the juror said that he was not sure that he is a farmer and has lived in Beauford thirty years. He has a family. He was accepted by both sides and was sworn. This was at 3:15 p. m.

Daniel Foley of Mankato township was called. The defense had no challenge. The state challenged for implied bias and the defense admitted it and the juror was excused.

John Nelson of Ceresco said that he takes the St. Paul Dispatch, Lake Crystal Union, and a Scandinavian paper. The defense challenged for actual bias.

The juror had read and heard about the case. He had formed an opinion, and still had it, and it would take some evidence to remove it. Answering Mr. Wilson, the juror said that he thought that he could try the case fairly and impartially. The challenge was found to be true, and the juror was excused.

This exhausted the panel. The court cautioned Mr. Waddell to be careful not to be talked to, and placed him in the care of the sheriff. A recess was then taken until 9 a. m. tomorrow.

During the afternoon the audience was somewhat larger than at the forenoon session and included many ladies.

Mr. Waddell, who was selected as a juror, is about forty-five years old and is well spoken of by those who know him as being a fair minded and honest man.

## Koch Is Confident.

As stated yesterday, Dr. Koch arrived in the city on the 4:45 p. m. train yesterday. He closed his dental office at New Ulm yesterday, where he had been enjoying a good practice since his first trial.

Dr. Koch is confident that the present trial will result in his acquittal. Neither he nor any of his relatives expect another disagreement. While feeling sure of the outcome, Dr. Koch fully realizes the position that he is in and feels the strain, and shows it to some extent as he sits in the court room.

Judge Cray has instructed the bailiffs not to allow any smoking in the court room, even before the opening of the sessions.