



Roseau County: District Court:
Criminal Case Files.

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State of Minnesota

County of Roseau,

ss.

The Complaint of R. J. Bell, County Attorney, of said
County, made before Robt. J. Knutson one of the
Justices of the Peace in and for said County, who, being duly sworn, on his oath
says, that on the 25th day of December, 19 28, at
the Town of Spruce in said County,
George Ryan did

wilfully, unlawfully and feloniously, without authority of law,
and without excuse or justification, and without deliberation or
premeditation, and with a design on the part of him, the said
George Ryan to effect the death of a human being, to-wit: Robert
H. Lobbell, kill and murder him, the said Robert H. Lobbell, by
means of a deadly weapon, to-wit: a firearm, commonly called an
automatic pistol, loaded with powder and bullets, by then and
there shooting him, the said Robert H. Lobbell with said firearm,
and thereby inflicting upon the body of said Robert H. Lobbell
a mortal wound, from which said wound, he, the said Robert H.
Lobbell did then and there die,

against the form of the statute in such case made and provided, and against
the peace and dignity of the State of Minnesota, and prayed that the said
George Ryan
may be arrested and dealt with according to law.

Subscribed and sworn to before me this 28th day of December, 19 28.

Robt J Knutson
Justice of the Peace

IN JUSTICE'S COURT

County of Roseau.

THE STATE OF MINNESOTA
AGAINST

George Ryan

CRIMINAL COMPLAINT

Filed this 28th day of December.

A. D. 1928

W. J. Tuttle
Justice of the Peace

3281

Robert Norris ✓
J. L. Delmore ✓
Carl Listug ✓
O. A. Rice ✓
Alfred Lund ✓
Andrew Johnson ✓
Nels Kopstad ✓
Helen Johnson ✓
Ulfert Kopstad ✓
Harvey Walker ✓
O. A. Rice recalled
Exhibit 'A' offered
and in absence of
objection admitted.
Helen Johnson recalled.
Rudolph Rice ✓
Russel R. Bush ✓
Selmer Norquist ✓
Rander Norquist ✓

State of Minnesota } ss.
 County of Roseau.

The STATE OF MINNESOTA, To the Sheriff or any Constable of said County:

Whereas, R. J. Bell, County Attorney,
 has this day complained in writing to me, on oath, that on the 25th day of
 December, 1928, at the Town of Spruce
 in said County, George Ryan did

wilfully, unlawfully and feloniously, without authority of law,
 and without excuse or justification, and without deliberation or
 premeditation, and with a design on the part of him, the said
 George Ryan to effect the death of a human being, to-wit: Robert
 H. Lobdell, kill and murder him, the said Robert H. Lobdell, by
 means of a deadly weapon, to-wit: a firearm, commonly called an
 automatic pistol, loaded with powder and bullets, by then and
 there shooting him, the said Robert H. Lobdell with said firearm,
 and thereby inflicting upon the body of said Robert H. Lobdell
 a mortal wound, from which said wound, he, the said Robert H.
 Lobdell did then and there die,

against the form of the statute in such case made and provided, and against the
 peace and dignity of the State of Minnesota, and prayed that the said

George Ryan

might be arrested and dealt with according to law.

Now, Therefore, You are commanded forthwith to apprehend the said
 George Ryan
 and bring him before me, to be dealt with according to law.

Given under my hand this 28th day of December, 1928.

Justice of the Peace.

II

IN JUSTICE'S COURT

County of Roseau

THE STATE OF MINNESOTA

AGAINST

George Ryan

CRIMINAL WARRANT

Filed this 28th day of December
A. D. 1911

Robert J. Tuntary
Justice of the Peace

10 28 1

Arthur Van Schoor II
Ex B offered and admitted
Mike Beureis ✓
Nels Larson ✓
Margaret Bell
Jessie Bennett ✓
Helmer Larson ✓
Archie Dahl ✓
Edson Edwards ✓
Luverne Dahlquist ✓
Omund Bennett
Ex B offered and admitted
Lewell D. Scull
O. A. Rice
2, E. offered and admitted

State of Minnesota
County of Roseau } ss.

I hereby certify and return, that by virtue of the within Warrant, I have arrested the within named Defendant, and have again now before the Court in custody.

Dated this 28th day of December 1911.

FEEES—Mileage, Miles, \$

Service, \$

Total, \$

O. A. Rice
Constable

State of Minnesota

SS.

County of Roseau.

The STATE OF MINNESOTA, To the Sheriff or any Constable, and to the Keeper of the Common Jail of said County:

You are hereby commanded to receive into your custody in the said Jail, and there safely keep

George Ryan

who is charged before me, one of the Justices of the Peace in and for said County, upon the complaint of

R. J. Bell, County Attorney, with having, on the 25th day of

December, 1928, in said County wilfully, unlawfully and feloniously, without

authority of law, and without excuse or justification, and without deliberation or pre-

meditation, and with a design on the part of him, the said George Ryan to effect the death

of a human being, to-wit: Robert H. Lobdell, kill and murder him, the said Robert H. Lobdell

by means of a deadly weapon, to-wit: a firearm, commonly called an automatic pistol, loaded

with powder and bullets, bythen and there shooting him, the said Robert H. Lobdell with said

firearm, and thereby inflicting upon the body of said Robert H. Lobdell a mortal wound, from

which said wound, he, the said Robert H. Lobdell did then and there die,

and is committed for further examination, to be held before me, on the 31st day of December,

1928, at 10 o'clock in the fore noon of said day, at my office in the Village of

Roseau in said County.

Given under my hand this 28th day of December, 1928.

Justice of the Peace

STATE OF MINNESOTA

County of Roseau } ss.George Ryan

I hereby certify that I have this day received into my custody the within named

and have lodged him in the common jail of the said County, as within commanded.

Dated this 28th day of December, 1928.O. A. Rice

Sheriff

By _____ Deputy

STATE OF MINNESOTA

County of _____ } ss.

within named _____ to the keeper of the common jail of the said County, as appears by his certificate endorsed thereon.

Dated this _____ day of _____ 192 _____

FEES - Mileage, _____ Miles, \$ _____

Committing to Prison. - - - .50

Total - - - \$ _____

Constable _____

IN JUSTICE'S COURT

County of Roseau.

THE STATE OF MINNESOTA

AGAINST

George Ryan

COMMITMENT BEFORE EXAMINATION

Returned and filed this 28thday of December1928W. J. Luntz
Justice of the Peace

12-2-24

1
2
3 State of Minnesota,) ss
4 County of Roseau.)

5 THE STATE OF MINNESOTA, TO THE SHERIFF OR ANY CONSTABLE OF SAID COUNTY:

6 WHEREAS, R. J. Bell, County Attorney of said County, has complained to me in
7 writing, on oath, that on the 25th day of December, 1928, at the Town of Spruce, in
8 said County, George Ryan did

9 wilfully, unlawfully and feloniously, without authority of law,
10 and without excuse or justification, and without deliberation or
11 premeditation, and with a design on the part of him, the said George
12 Ryan to effect the death of a human being, to-wit: Robert H. Lobdell,
13 kill and murder him, the said Robert H. Lobdell, by means of a deadly
14 weapon, to-wit: a firearm, commonly called an automatic pistol, loaded
15 with powder and bullets, by then and there shooting him, the said
16 Robert H. Lobdell with said firearm, and thereby inflicting upon the
17 body of said Robert H. Lobdell a mortal wound, from which said wound,
18 he, the said Robert H. Lobdell did then and there die,

19 and Ole J. Lund, Robert Norris, J. L. Delmore, Andrew Johnson Sr., Nels Kofstad,
20 Helen Johnson, Violet Kofstad, Russel R. Bush, Selmer Norquist, Rander Norquist,
21 Arthur Van-Schviack, Mike Bereis, Andrew Larson, Jesse Bennett, Helmer Larson, Law-
22 rence Lindberg, La Verne Dahlquist, Edison Edwards, Archie Dahl and Ormon J. Zeimet and
23 Harvey Walker
24 are deemed material witnesses, to be examined concerning the same on the part of the
25 State,

26 NOW, THEREFORE, You are commanded to summon the said Ole J. Lund, Robert Norris,
27 J. L. Delmore, Andrew Johnson Sr., Nels Kofstad, Helen Johnson, Violet Kofstad,
28 Russel R. Bush, Selmer Norquist, Rander Norquist, Arthur Van-Schviack, Mike Bereis,
29 ~~Andrew~~ Larson, Jesse Bennett, Helmer Larson, Lawrence Lindberg, La Verne Dahlquist,
30 Edison Edwards, Archie Dahl and Ormon J. Zeimet ~~and Harvey Walker~~ to be and appear before the undersigned
31 one of the Justices of the Peace in and for said County, at his office, in the Village
32 of Roseau, in said County, on the 31st day of December, 1928, at 10 o'clock in the
33 forenoon of said day, to give evidence and to testify the truth concerning the
34 premises.

35 Given under my hand this 29th day of December, A. D. 1928.

36
Justice of the Peace.

37 State of Minnesota,) ss
38 County of Roseau.)

39 I hereby certify and return that on the 29th day of December,
40 1928, I served the within summons upon the within named witnesses personally by exhibit-
41 ing ~~the same~~ and reading the same to each of them.

42 Expenses: \$

43
44
45
46 Sheriff.

State of Minnesota

} ss.

County of Roseau.

The STATE OF MINNESOTA, To the Sheriff or any Constable, and to the Keeper of the Common Jail of said County:

Whereas George Ryan was, on the 31st day of December, 1928 brought before Robt. J. Knutson one of the Justices of the Peace in and for said County, charged upon the oath of R. J. Bell with having, on the 25th day of December, 1928 at the Town of Spruce in said County wilfully, unlawfully and feloniously, without authority of law, and without excuse or justification, and without deliberation or premeditation, and with a design on the part of him, the said George Ryan, to effect the death of a human being, to-wit: Robert H. Lobdell, kill and murder him, the said Robert H. Lobdell, by means of a deadly weapon, to-wit: a fire-arm commonly called an automatic pistol, loaded with powder and bullets, by then and there shooting him, the said Robert H. Lobdell with said firearm, and thereby inflicting upon the body of said Robert H. Lobdell a mortal wound, from which said wound, he, the said Robert H. Lobdell did then and there die,

AND WHEREAS, It appeared to the said Justice from an examination of said George Ryan and other witnesses, upon oath, in the presence of the said George Ryan in regard to the offense thus charged, and from an examination of the whole matter that the said offense had been committed, and that there was probable cause to believe the said George Ryan to be guilty thereof; and whereas the said George Ryan ordered held to answer to the said charge was thereupon ~~required to enter into recognizance with~~ and ~~sufficient security for his appearance~~ Dollars for his appearance at the next General Term of the District Court to be held in and for the said County of Roseau ~~and answer to the said charge~~ has not offered sufficient bail for his appearance to answer for said offense;

THEREFORE, You, the said Constable, are commanded forthwith to convey and deliver into the custody of the said Keeper the body of the said George Ryan and you, the said Keeper, are hereby commanded to receive the said George Ryan into your custody in the said jail, and him there safely keep until he shall be thence discharged by due course of law.

Given under my hand this 31st day of December, 1928.

Robt. J. Knutson Justice of the Peace

STATE OF MINNESOTA

County of Roseau,George RyanDated this 31st day of December, 1928

I hereby certify and return that I have this day received into my custody the within named
and have lodged him in the common jail of the said County, as within commanded.

O. A. Rice

Sheriff

By _____ Deputy

STATE OF MINNESOTA

County of _____

within named _____
certificate endorsed thereon.

I hereby certify and return that by virtue of the within Warrant I have delivered the

to the keeper of the common jail of the said County, as appears by his

Dated this _____ day of _____ 192_____

FEES - Mileage, _____ Miles, \$ _____

Committing to Prison, - - - .50

Total - - - \$ _____

Constable _____

IN JUSTICE'S COURT

County of

Roseau,

THE STATE OF MINNESOTA

AGAINST

George Ryan

COMMITMENT AFTER EXAMINATION

Returned and filed this 31stday of December, 1928*Robert J. Winters*
Justice of the Peace

State of Minnesota

County of _____

I hereby certify that I have carefully
compared the within commitment and
returns thereon with the original commit-
ment now in my hands, and that the same
is a true copy thereof.

Dated _____ 192_____

Sheriff

State of Minnesota

ss.

County of Roseau.

The STATE OF MINNESOTA, To the Sheriff or any Constable, and to the Keeper of the Common Jail of said County:

Whereas George Ryan was, on the 31st day of December, 1928 brought before Robt. J. Knutson one of the Justices of the Peace in and for said County, charged upon the oath of R. J. Bell with having, on the 25th day of December, 1928 at the Town of Spruce in said County wilfully, unlawfully and feloniously, without authority of law, and without excuse or justification, and without deliberation or premeditation, and with a design on the part of him, the said George Ryan, to effect the death of a human being, to-wit: Robert H. Lobdell, kill and murder him, the said Robert H. Lobdell, by means of a deadly weapon, to-wit: a firearm commonly called an automatic pistol, loaded with powder and bullets, by then and there shooting him, the said Robert H. Lobdell with said firearm, and thereby inflicting upon the body of said Robert H. Lobdell a mortal wound, from which said wound, he, the said Robert H. Lobdell did then and there die,

AND WHEREAS, It appeared to the said Justice from an examination of said George Ryan and other witnesses, upon oath, in the presence of the said George Ryan in regard to the offense thus charged, and from an examination of the whole matter that the said offense had been committed, and that there was probable cause to believe the said George Ryan to be guilty thereof; and whereas the said George Ryan ordered held to answer to the said charge was thereupon ~~required to meet him or come once with~~ and and ~~sufficient security in the sum of~~ Dollars for his appearance at the next General Term of the District Court to be held in and for the said County of Roseau ~~and unless he said~~ has not offered sufficient bail for his appearance to answer for said offense;

THEREFORE, You, the said Constable, are commanded forthwith to convey and deliver into the custody of the said Keeper the body of the said George Ryan and you, the said Keeper, are hereby commanded to receive the said George Ryan into your custody in the said jail, and him there safely keep until he shall be thence discharged by due course of law.

Given under my hand this 31st day of December, 1928.

Robt. J. Knutson Justice of the Peace

IN JUSTICE'S COURT

County of

Roseau.

THE STATE OF MINNESOTA

AGAINST

George Ryan

COMMITMENT AFTER EXAMINATION

Returned and filed this 31st
day of December, 1928

Robt. J. Knutson

Justice of the Peace

State of Minnesota

County of

ss.

I hereby certify that I have carefully
compared the within commitment and
returns thereon with the original commit-
ment now in my hands, and that the same
is a true copy thereof.

Dated

192

Sheriff

STATE OF MINNESOTA

County of

Roseau.

George Ryan

Dated this 31st day of December, 1928

I hereby certify and return that I have this day received into my custody the within named
and have lodged him in the common jail of the said County, as within commanded.

O. A. Rice

Sheriff

By

Deputy

STATE OF MINNESOTA

County of

within named
certificate endorsed thereon.

Dated this day of 192

FEES - Mileage, Miles, \$

Committing to Prison, .50

Total \$

Constable

State of Minnesota,
County of Roseau.

In Justice Court,

In the Matter of The State of Minnesota against

Before Robt. J. Knutson,

Justice of the Peace.

George Ryan

To the Sheriff of Roseau County, Minnesota, and to the Keeper of the County Jail,
at the City of ~~Crookston, Polk County, Minnesota~~ Warren, Marshall County, Minnesota:

Whereas George Ryan was on the 31st
day of December, A. D. 192 8 brought before Robt. J. Knutson one of the

Justices of the Peace in and for said County, charged upon the oath of R. J. Bell

with having on the 25th day of December, 192 8 at the Town

of Spruce in said County wilfully, unlawfully and feloniously, without
authority of law, and without excuse or justification, and without deliberation or premeditation,
and with a design on the part of him, the said George Ryan, to effect the death of a
human being, to-wit: Robert H. Dobbell, kill and murder him, the said Robert H. Lobdell, by
means of a deadly weapon, to-wit: a firearm, commonly called an automatic pistol, loaded with
powder and bullet, by then and there shooting him, the said Robert H. Lobdell with said
firearm, and thereby inflicting upon the body of said Robert H. Lobdell a mortal wound, from
which said wound, he, the said Robert H. Lobdell did then and there die,

And Whereas, the said George Ryan was thereupon committed to the
County Jail of Roseau County, Minnesota, and a commitment issued therefor, which commitment is hereto attached.

And Whereas, the said County Jail at Roseau, Roseau County, Minnesota. is not in proper condition for the keep-
ing of said George Ryan

Now, Therefore, You, the said Sheriff, are commanded forthwith to convey and deliver the said

George Ryan

to the Keeper of the County Jail, at the City of ~~Crookston, Polk County, Minnesota~~ Warren, Marshall County,
Minnesota,

And You, the Keeper of said Jail, are hereby commanded to receive the said

George Ryan into your custody in said Jail. and there him safely keep until
the expiration of the term of the commitment hereto attached, or until he shall be discharged by due process of law.

Given under my hand this 31st day of December, 192 8

Robt. J. Knutson
Justice of the Peace.

State of Minnesota,
County of Marshall. ss.

I hereby certify and return that I have received into my custody in the common Jail of said County the within
named George Ryan

and have confined him therein to remain as commanded in the within writ this 3rd day of

January A. D. 192 9

John P. Borden
Sheriff, ~~Polk~~ Marshall County, Minnesota.

VI

State of Minn
do

George Ryan

Returned and
filed this 4th
day of January
1879.

Notary Public
Justice of the
Peace.

IN JUSTICE COURT
BEFORE ROBT. J. KNUTSON
JUSTICE OF THE PEACE.

PLAINTIFF.

GEORGE RYAN.

DEFENDANT.

ROBERT NORRIS, being first duly sworn, testified as follows:

Q. Where do you live?

A. At Williams, Minnesota.

Q. What is your occupation?

A. Editor and publisher.

Q. Were you at Roseau on Christmas Day, December 25th, 1928?

A. I was.

Q. Did you go to Williams that night?

A. I started for Williams.

Q. Where did you start from?

A. From Roseau here.

Q. Did you travel on State Highway No. 11?

A. I did.

Q. What time did you leave Roseau?

A. Approximately five or ten minutes after nine.

Q. On your way East to Williams, did you notice anything unusual on the road?

A. I did.

Q. What was it?

A. I saw the body of a man.

Q. You know the location?

A. It was approximately I should judge five miles East of Roseau. I can't say exactly.

Q. What else did you see there?

A. A parked car.

Q. Were the lights on?

A. Yes, sir.

Q. And where did the body lay?

A. I would guess about one hundred yards west of the car.

Q. On which side of the road, going East?

A. On the right hand side of the road going East.

Q. On what side of the road was the car?

A. On the left hand side.

Q. Was there any dwelling house near there?

A. Yes, sir.

Q. Now tell us what you did after that?

A. I didn't stop. I kept on driving down to the farmhouse which I afterwards found to be Mr. Lund's. I told him I had seen the body of a man. That I had seen a man lying in the road and didn't know whether he was hurt or dead, and suggested that he call the sheriff or coroner.

Q. Just a minute. Did you stop at any other house before you went there?

A. I did not.

Q. Go ahead.

A. He asked me my name and told me that I had better call and I told him I would. I went in the house and someone, I believe it was his wife, said that the sheriff or coroner would probably both be in church so I suggested that they come back with me to see just what had happened. So he and I and two sons, I suppose they were, came back with me.

Q. Drive back in your car?

A. Well, we had my car and another car. Mr. Lund took his car. The boys that were there took their car. Mr. Lund drove with me.

Q. After you went back what did you see then?

A. We saw the same as before. This man in the road, and the car.

Q. Was the man dead?

A. Apparently he was, yes.

Q. What next did you do?

A. We left the two boys there and Mr. Lund and I came on to town.

Q. And gave the alarm?

A. Yes, sir.

Q. About what time was it that you first passed this place?

A. Well, I can't say, maybe twenty minutes after nine. Maybe a little before.

Q. It is five miles or six out there as you say?

A. Yes, sir.

Q. And you left here about what time?

A. Five or ten minutes after nine, approximately ten minutes.

Cross-examination by Mr. Hegland.

Q. Have you any way of fixing the exact time?

A. I have not. Not the exact time.

By Mr. Bell: Q. Did you hear any whistle blow before you left?

A. I did not.

Q. You did not hear any shot?

A. No.

Mr. Bell - That is all.

DR. J. L. DELMORE being first duly sworn testified as follows.

Direct Examination by Mr. Bell.

Q. Your name is J. L. Delmore?

A. Yes.

Q. Are you a regular licensed physician and surgeon?

A. I am.

Q. How long have you been in practise?

A. Since 1909.

Q. Were you called to the scene of where a dead body was found on Christmas night?

A. I was not called. I went out there.

Q. What did you see there, Doctor?

A. I saw a dead body lying on the south side ~~side~~ of the highway.

Q. Do you know where the residence on the farm known as the Joe Dahlen farm is?

A. I know where the Dahlen farm is.

Q. Was it near that farm?

A. It was just to the west, probably 200 yards west of the entrance to the Dahlen farm from the highway.

Q. When you arrived there was there a car parked on the north side of the road near this farm entrance?

A. Yes, there was.

Q. Were the lights on?

A. The lights were on.

Q. Did you examine the dead body of this man?

A. I did.

Q. Did you know from your examination who he was?

A. I did.

Q. Who was he?

A. He was a patrolman by the name of Lobdell, Robert Lobdell, and if I

remember correctly his number was 1473 on his button.

Q. Was he dressed in his uniform?

A. Completely, yes.

Q. In what shape was he lying?

A. His head was to the east and his feet to the west; arms were at his sides on a slant of probably eight inches to a foot the hand from the body, stretched out in a position like this.

Q. Did you notice anything on his hands?

A. Well, in the left hand was a flashlight, the imprint of the flashlight was in the snow. In the right hand was a billy, I guess you call it.

Q. Was that tied to his wrist?

A. As to that I cannot say. I don't think it was though. The thong might have been slipped over the wrist, but it wasn't tied to it. He had his gloves on both hands.

Q. Did you examine as to how he came to his death?

A. I did an autopsy on him.

Q. At the time you were there?

A. At the time I was there,-----

Q. State what you found there.

A. I found a bullet hole in the left temple.

Q. Any other evidence connected with the bullet hole to show that the wound had been inflicted close or far away?

A. Surrounding the bullet hole and about an inch in diameter, was a black discoloration which looked like powder marks.

Q. Did you afterwards make an autopsy of the body?

A. I did.

Q. Where was that?

A. Here in the village of Roseau at the undertakers'. In the undertaking room.

Q. What did you find then, Doctor as to the wound?

A. We found that the bullet wound was caused by a bullet entering the left temple about an inch from the ear and on a line between the eyebrow and the attachment of the ear to the skull. It passed obliquely through the head and rested just underneath the scalp after penetrating through the skull again on the right side about two inches from the ear and about half an inch lower than it entered.

Q. You say you removed the skull in making this examination?

A. Yes.

Q. And did you find any obstacle in the skull or the brain? Did you find any bullet?

A. I found the bullet just under the scalp, yes.

Q. Indicate on your head about where the bullet was found.

A. Back here, on the side of the head.

Q. It had come out of the scalp?

A. It lay under the scalp with fragments of bone.

Butson: Q. What day was that autopsy?

A. December 26th.

Mr. Bell: Q. That was the day you made the autopsy?

A. Yes.

Q. Did you examine the body otherwise?

A. I did.

Q. Were there any marks or wounds?

A. No other wound that would indicate making anything but a skull examination.

Q. Well from your examination, what caused the death of this man?

A. The bullet entering the brain.

Q. Have you that bullet?

A. The sheriff has it.

~~STATES EXHIBIT A INTRODUCED IN EVIDENCE.~~

Q. What did you do with the bullet, Doctor?

A. What do you mean?

Q. Who did you give it to?

A. Turned it over to the coroner.

Q. I show you State's Exhibit A, Doctor, and ask you if that is the identical bullet that you extracted from the skull of Robert H. Lobdell?

A. It looks very much like it. In fact I believe it is.

Mr. Bell - That is all.

CARL LISTUG, being first duly sworn testified as follows.

Direct examination by Bell.

Q. Your name is Carl Listug?

A. It is.

Q. You are the coroner of Roseau County?

A. I am.

Q. Was such coroner on the 25th and 26th of December, 1928?

A. I was.

Q. Were you present at the time the dead body was found on State Highway No. 11 on Christmas night, near the farm known as the Dahlen farm?

A. I was called out after it was found.

Q. You were there?

A. I was there.

Q. Did you examine the body at that time?

A. I did.

Q. Did you know the dead man?

A. I did.

Q. What was his name?

A. Robert H. Lobdell.

Q. What is your business?

A. Furniture and undertaking.

Q. Did you take charge of the body?

A. I did.

Q. And have it removed?

A. I did.

Q. And where did you take it?

A. I took it to my undertaking parlor?

Q. Were you present when Dr. Delmore made an autopsy?

A. Part of the time, yes.

Q. Were you there when he extracted the bullet from the brain?

A. I was.

Q. What did he do with the bullet?

A. He handed it to me.

Q. I show you State's Exhibit A and ask you if that was the bullet that he handed to you?

A. It was.

Q. What did you do with the bullet?

A. I kept it until I turned it over to the sheriff at the inquisition.

Mr. Bell - That is all.

SHERIFF O. A. RICE, being first duly sworn testified as follows.

Direct examination by Mr. Bell.

Q. You are the Sheriff of Roseau County?

A. Yes, sir.

Q. Have been such sheriff for a number of years back?

A. Yes.

Q. I will ask you if you were present at the time that the body of Robert H. Lobdell was discovered on Highway No. 11 on the night of December 25, 1928.

A. I was there shortly after it was found.

Q. Did you look at the body at that time?

A. Yes.

Q. Did you know who it was?

A. Yes, sir.

Q. Who was it?

A. Robert H. Lobdell, Immigration Patrolman.

Q. I will show you State's Exhibit A and ask you if that is the bullet handed to you by the coroner, Carl Listug?

A. It is.

Q. And have you had that bullet in your possession up to the time that you brought it into court here?

A. I have.

Q. The identical bullet?

A. The same bullet.

Q. You know what form of a gun that comes out of?

A. I would think it was shot from a twenty-five automatic.

Q. A twenty-five automatic revolver?

A. Yes, sir. It has the appearance of having been shot from that kind of a gun.

Q. Are you familiar with the cartridges that go in various guns?

A. Somewhat, not with all.

Q. What kind of a bullet is that?

A. A steel jacket.

Mr. Bell - That is all.

OLE J. LUND, being first duly sworn testified as follows :

Direct examination by Mr. Bell.

Q. What is your name?

A. Ole J. Lund.

Q. Where do you live?

A. In Spruce.

Q. You know where the Dahlen farm is?

A. Yes, I do.

Q. How far do you live from there and in what direction?

A. I live about one and a half miles.

Q. Which one is west?

A. East I mean of the Dahlen farm.

Q. You heard Mr. Norris testify here?

A. Yes.

Q. Did he call at your house on the night of December 25th?

A. Yes, he did.

Q. Did he give you any information as to a man being on the road?

A. Yes.

Q. You may state just what you did then. What did he want?

A. He want me to go to the phone and call up the authorities at Roseau. He seen a man lying on the road.

Q. Did you call on the phone?

A. No, I refused. I told him to call because he seen the man and could explain it better than I could do.

Q. Did he call on the phone?

A. No, he didn't because I told him not to do that as all the folks in Roseau were at church and we could not get them on the phone at that time.

Q. What did you do then?

A. I told him that we would go with him in a hurry and see, and then we could go in to Martin Dahlen's and call up the authorities from Martin Dahlen's.

Q. Did you go to this place?

A. Yes.

Q. And who else was along?

A. Norris and I drove first and then my boy and Iver ^{Grindstuen} ~~Grindstuen~~ were right behind us.

Q. What was the name?

A. Palmer ^{Grindstuen.} ~~Lund~~ and Iver ~~Grindstuen~~.

Q. When you got to where the body lay what did you do then?

A. I put my flashlight on him and I could see he was dead. And then I and Iver rode up to John Dahlen's for to phone the authorities at Roseau and nobody was home there so we went back to the place where the man was laying.

Q. Did you see any car parked there on the road?

A. Yes.

Q. Where was this car parked?

A. About two yards west of John Dahlen's driveway. Two or three rods I mean.

Q. What side of the road did it stand on?

A. On the north side of the road facing west.

Q. And this driveway you speak of was the road that runs from the State Highway into the yard of this Dahlen farm?

A. Yes.

Q. Were the lights on in that car?

A. Yes, it was.

Q. And which way was it headed?

A. West.

Q. Did you come to town with Mr. Norris?

A. Yes.

Q. Did you go back there again?

A. Yes, sir.

Q. You gave the alarm that there was a dead man on the road?

A. Yes, I did.

Q. Did you know who this dead man was?

A. No, I didn't.

Q. From his dress what did you judge he was?

A. I knew he was one of the patrolmen.

Q. Was this a patrolman?

A. Yes.

Q. You and Mr. Norris came to town?

A. Yes.

Q. Did you leave anyone there at the scene where the body lay?

A. Yes.

Q. Who was that?

A. Iver ^{Grindstuen} ~~Grindstuen~~ and Palmer Lund.

Q. Were they there when you got back?

A. They were.

Q. Did you leave them there to watch the body?

A. Yes.

Q. Now before Mr. Norris came to your place, was there any other car prior to that time that passed your house? Would you notice?

A. I couldn't notice because it was that time in the evening when it was pretty quiet on the road.

Q. There were no other cars passing by?

A. I can't say.

Q. Did you hear Mr. Norris?

A. I hear him when he came to my place. I did not see his light. I could hear him but I could see his light when he turned into my yard.

Q. You have driven this road to Roseau and back many times?

A. Yes.

Q. And can you see the light of a car that is started on No. 11 from Roseau?

A. No, I can't.

Q. From your house?

A. No, I can't.

Q. Can you see it when you drive as far as Dahlen's? Can you see a car coming that direction if you are on the road?

A. If I am on the road then I can see it quite a ways.

Mr. Bell - That is all.

Mr. Hegland - Do you know what time it was that Norris drove up to your home?

A. It was about twenty-five minutes after nine.

Q. Have you any way to know that it was about that time or are you estimating?

A. I looked at the clock so I know it was about the time he came there.

Mr. Hegland - That is all.

ANDREW JOHNSON, being first duly sworn testified as follows:

Direct examination by Bell:

Q. Your name is Andrew Johnson?

A. Yes.

Q. Where do you live?

A. I live at Salol.

Q. How long have you lived there?

A. I think about eighteen years since I come up here the first time.

Q. You know the Joe Dahlen farm?

A. Yes.

Q. Did you pass that farm in a car on the night of Christmas, December 25, 1928?

A. Yes.

Q. Who was in the car with you?

A. Nels Kofstad and my daughter Mrs. Kofstad and two girls, Helen Johnson and Violet Kofstad.

Q. Did you pass the Joe Dahlen farm? About what time was it that you passed the Joe Dahlen farm?

A. I think it was around nine.

Q. Which way were you going?

A. We go East to Salol. We come from Roseau.

Q. You went East to Salol?

A. Yes.

Q. About what time did you pass the Dahlen farm?

A. At about nine.

Q. Nine o'clock?

A. Yes.

Q. What did you see there near the farm?

A. We met two men coming from the east on the road, Past, I think it was about 30 or 40 yards, there was a car standing.

Q. Was there a car standing on the road?

A. Yes.

Q. On the North side of the road?

A. Yes.

Q. Was there any light on that car?

A. That car was empty.

Q. Was there any light?

A. Yes, light was on the car.

Q. Where was that car standing as to the roadway into the Dahlen farm?

A. A little west from there.

Q. Just a little west?

A. Yes.

Q. And what did you see to the north of that car if anything, when you passed by. Did you see any men there 30 or 40 yards from the car?

A. We met a man west from the car.

Q. You met a man?

A. Yes.

Q. Which way was he going?

A. They were going west.

Mr. Knutson - Did you meet one man or two men?

A. Two men.

Mr. Bell - Did you see any man near this car that was lit up?

A. No, I don't see any man in the car.

Q. Not in the car, but by the car, this car that was standing on the north side of the road. Were there any persons there when you went by?

A. The car headed west. There was no man in the car.

Q. But was there any man close by the car?

A. I don't know.

Mr. Knutson - He means two men 30 or 40 rods west from the car.

Mr. Hegland - Were these two men that you saw that night walking side by side?

A. Yes.

Q. They were not standing still. They were walking?

A. Yes, they were walking.

Q. You sat in the front seat of the automobile?

A. Yes.

Q. You could plainly see through the windshield?

A. I could see two men that was all I could see.

Q. Were they walking close to each other or were they a foot or two apart?

A. They were close on the north side.

Q. Were they walking right in the track or on the side?

A. They were walking along the side.

Q. Can you tell that for sure? You are sure that they were on the side of the road and not in the automobile or wagon track?

A. I think they were on the wagon track.

Q. Where the automobiles, wagons and buggies go?

A. Yes.

Q. Were they so close to each other that they could touch elbows?

A. I think so. I think the man was near the car hold the hand over the other man.

Q. Stand up close to me and show me how close they were.

A. I think it was just so, the man that was on the inside winked with the hand.

Q. The man standing where you are standing winked with the hand? Could you tell how he was dressed?

A. No, I don't see so good so I can't say just.

Mr. Hegland - That is all.

Mr. Bell - You say that they were close to the car?

A. They were close to the car.

Mr. Knutson - How close were they to the car that was standing on the north side of the road?

A. Thirty or forty feet.

Mr. Bell - What he means is that he saw these two men about forty rods before they got there.

Mr. Knutson - Let us get this straight. You said that there was a car on the north side of the road with the lights on, the lights pointing the way you came from toward Roseau?

A. Yes.

Q. You said there were a couple of men on the road west from the car; and how far were they west from the car?

A. Thirty or forty feet.

Q. Thirty or forty feet, not rods?

A. Yes.

NELS KOFSTAD, being first duly sworn testified as follows:

Direct examination by Bell.

Q. Your name is Nels Kofstad?

A. Yes.

Q. You heard the testimony of Andrew Johnson?

A. Yes, sir.

Q. Were you in the car that he spoke of on Christmas night?

A. I was driving.

Q. Which direction were you going?

A. For Salol.

Q. Do you know where the Dahlen farm is?

A. Yes, sir.

Q. When did you leave Roseau?

A. Just exactly I can't say but it was probably about half past eight.

Q. And did you travel on State Highway No. 11?

A. Yes.

Q. And what did you see, if anything, near the Dahlen farm?

A. Well, we saw a car parked down the road just on the side of the road.

Q. Where was it parked?

A. On this side of the Dahlen farm, close to the road going into the Dahlen farm and a little farther down the road were the two men.

Q. Were there any lights on the car?

A. Yes, sir.

Q. You say there were two men. Could you see those men before you got to them?

A. Well, I presume we were maybe ten or fifteen feet from them to the car when I saw two men.

Q. Where were these men?

A. Well maybe twenty or thirty feet from the other car.

Q. And the lights on in this car were pointing which way?

A. On these men, shining west.

Q. And you drove by it?

A. Yes.

Q. When you drove by did you see them?

A. I saw two men and I was watching the road quite close and the light happened to shine on one and I recognized an overall.

Q. One of the men was wearing an overall?

A. Yes.

Q. What were they doing. What did you think?

A. My impression was that they were drunk. That they probably were drunk alongside of the car.

Q. Were they close together?

A. Yes, they were close together. One fellow seemed to be walking after the other man and stopping him, maybe to get him back to the car.

Q. Did you stop?

A. No, we kept on going. We slacked down and we decided that they were drunk men and we didn't stop.

Q. Did you notice any difference in size of the two men?

A. Yes, I remember one of the men was a little bit taller than the other man.

Mr. Bell - That is all.

Cross-examination by Mr. Hegland.

Q. Did you recognize that one of them had a patrolman's uniform on?

A. I couldn't see very well because the light was on us and I couldn't see very well except where the light shown on the side of the overall.

Q. What side was the man with the overalls on?

A. On the north side.

Q. And he passed on the farthest side from you?

A. Yes.

Q. And the other fellow was between him and the overall and your car?

A. Yes.

Q. And which of the two had the hand on the other?

A. Well the other man seemed to have the hand on the man that I recognized the overall on.

Q. Could you tell whether the overall was folded up and the bottom rolled up?

A. Well I really couldn't recall. I just remember the figures. One was shorter than the other and my recollection was because the light happened to shine on his side so when I was looking down at the road I realized I saw an overall.

Q. You could not tell what headgear any of them wore?

A. No, sir. I couldn't.

Q. Did you see any movement of the hand of the one that was nearest your car?

A. Well, No. I didn't. They were walking along and like one was putting the hand on the other fellow or reaching for him, and the expression I had was that they were maybe drunk.

Q. How fast were they walking?

A. Well, not very fast.

Q. Not going along as though they were trying to get somewhere?

A. I don't think they were going very fast

Q. You cannot tell that?

A. No, sir.

Mr. Hegland - That is all.

Mr. Bell - Q. As I understand it, you could see better by looking down at the ground than by looking up between where the lights were shining from your car and the other light?

A. Well, I suppose I had my eyes down when I was driving and watching my side of the road.

Mr. Bell - That is all.

HELEN JOHNSON, being first duly sworn testified as follows:

Direct Examination by Mr. Bell.

Q. Your name is Helen Johnson?

A. Yes.

Q. Where do you live?

A. At Roseau.

Q. How old are you?

A. Fourteen years.

Q. Were you in the Kofstad car going from Roseau to Salol on the night of Christmas, 1928.

A. Yes.

Q. Who was with you in the car?

A. Mr. Kofstad, Andrew Johnson Sr., Mrs. Kofstad, Violet Kofstad and myself.

Q. Do you know where the Dahlen farm is?

A. No, I don't believe I do.

Q. Did you pass a car parked on the road with lights on on this night?

A. Yes.

Q. Which side of the road was this car parked on?

A. On the left side, facing east.

Q. Would that be on the north side of the road or the south side.

A. North side.

Q. Did you see anyone near that car?

A. Yes, I saw two men in front of it.

Q. When you passed by?

A. The car was slightly ahead of ours and the men were about six feet in front of the car.

Q. When you saw them?

A. Yes.

Q. Were the lights on of the car that was parked there?

A. Yes.

Q. And the lights were shining in which direction?

A. West.

Q. What were these two men doing that you saw when you passed by?

A. Their actions seemed to be friendly. I took it that they were designating directions. The man that was farthest on the east side seemed to be turning back like this and pointing to a farmhouse over his shoulder just as we passed.

Q. Did you see him have any hold on him?

A. No, I didn't.

Q. Did your car pass by?

A. We slowed down as we passed, or rather after we passed.

Q. Did you see anything after you passed?

A. After we passed we turned around and looked out the back window.

Q. Who is we?

A. Violet Kofstad and I.

Q. Was there a window in the back of the car?

A. Yes.

Q. What did you see then?

A. I saw the two men going down the road, walking east. They were zigzagging across the road and it appeared as if they were punching each other around the shoulders. We went on a little farther and we saw the one man went in the ditch on the north side and later on the man came up from the ditch and they started tussling again. They went farther down the road and then we could just see the two men go close together. It seemed like one object. Then the one figure was running down the road and the other was lying still on the road.

Q. And you say that Violet was also looking out of the window with you?

A. Yes.

Mr. Bell - That is all.

Cross-examination by Mr. Hegland.

Q. When you say that you saw one man lying still in the road you were sure then that he lay flat on the ground?

A. Well it appeared like one black spot so I could not say whether he was stretched out or on his knees or otherwise.

Q. What was the other man doing?

A. We could see the one black spot going down the road. We could tell he was running by the way he moved.

Q. After you passed these two men, was Mr. Kofstad driving slow or ordinary speed?

A. Immediately after we passed I believe he slowed down and then took on ordinary speed.

Q. So you couldn't have watched the two men very long then?

A. No.

Q. Could you estimate in minutes how long you could see them from your back window?

A. It seemed like one or two minutes.

Q. And how far do you think they were away when you last saw them and the one looked like a dark spot in the road?

A. I can't say. They were so far away that they appeared like spots in the road.

Q. You didn't hear any shots?

A. No.

Q. When you got to Salol that night, that was where you were headed for?

A. We were headed for Warroad, but stopped at Salol.

Q. Did you talk about this?

A. Yes.

Q. Did you think it was something funny?

A. No, I didn't.

Q. You didn't think that anyone was hurt?

A. Yew, I had the impression that something had happened. But it was very likely that that spot could have been a coat he had thrown away while running. We didn't think that, though, at least I didn't.

Q. When you first saw them as you say seven or eight feet in front of the car, how close were these two men to each other then?

A. There was about a foot and a half between them.

Q. Were they touching each other then?

A. No.

Q. And were they walking side by side or was one a little bit behind the other?

A. One was slightly ahead of the other.

Q. Could you tell if they had anything in their hands?

A. No.

Q. Were you watching them through the side window or over the shoulders of the ones in the front seat through the windshield?

A. When I first caught sight of them I was looking at them through the side window, not the windshield, but the front window on the left.

Q. Could you tell how they were dressed?

A. Just as we passed I could see through the window on the left. I could see that one had on a boy's cap and I got it that he had on a gray overcoat but I couldn't see the bottom part of it you see.

Q. How was the other one dressed?

A. I never noticed the other one.

Mr. Hegland - That is all.

Mr. Bell - Q. When you were looking out the rear end of the car and saw these two men that you have described, did you report to the other members of the car what you had seen?

A. Not very clearly. I turned around every once in a while and told them what was happening, but we were so excited that we couldn't tell them just right, you know.

Mr. Bell - That is all.

VIOLET KOFSTAD, being first duly sworn testified as follows:

Direct Examination by Mr. Bell.

Q. What is your name?

A. Violet Kofstad.

Q. Where do you live?

A. At Warroad, Minnesota.

Q. How old are You?

A. 13 years.

Q. Attend school?

A. Yes, I do.

Q. What grade are you in?

A. Seventh.

Q. Were you in the car that Helen Johnson, that you heard on the stand, you heard her testimony, on the night of Christmas? Were you in that car?

A. Yes.

Q. And where were you going in the car?

A. We were on our way to Warroad.

Q. Was Andrew Johnson in that car?

A. Yes.

Q. Who is Nels Kofstad? Is he your brother?

A. Yes.

Q. Was your mother in the car?

A. Yes.

Q. Where were you going?

A. We were going to Warroad.

Q. And where did you start from?

A. From Roseau.

Q. Do you know about what time you started from Roseau?

A. No, I couldn't tell that.

Q. Did you pass a car on the highway that was parked and lighted?

A. Yes.

Q. Do you know where the Dahlen farm is?

A. No.

Q. When you approached that car did you see anything?

A. I saw two men in front of it.

Q. But when you passed by it what did you see?

A. I saw the two men who passed our car through the side window of the car.

Q. How far were they from the parked car?

A. I can't say how far.

Q. They were far in front of it?

A. They were far up in front of our car. They seemed to be walking along and had a hold of each other.

Q. Did you notice anything in particular about the two men?

A. No.

Q. Did you notice anything as to their size:

A. One seemed to be a little taller than the other. I saw the bottom part of the overalls on one.

Q. Did the car slack up and go slow past?

A. We slowed down a little bit after we passed.

Q. After you passed the car did you see anything?

A. They were still walking along and we saw one in the ditch on the left hand side of the road, on the north side.

Q. And where were you looking from then?

A. The back window of the car.

Q. Were you and Helen both looking out the back window?

A. Yes.

Q. What did you see after that?

A. They were still going along the road and we were quite a ways away by this time and we saw a black spot in the road and the other seemed to be running. And there seemed to be one we could not see and then there were two and one black spot got up and ran towards the west.

Mr. Bell - That is all.

Mr. Hegland - That is all.

HARVEY WALKER, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. What is your name?

A. Harvey Walker.

Q. Where do you live?

A. I live east of Roseau on the Sjoberg farm.

Q. Where is your residence on the Sjoberg farm as to the location of the Dahlen farm?

A. I don't know just how far, half a mile I suppose or something like that.

Q. Were you at home on the night of the 25th of December, 1928?

A. I was.

Q. Did you hear any shot fired that night?

A. I did.

Q. About what time of night was it?

A. Between half past eight and nine o'clock. Somewhere around there.

Q. You didn't notice the time?

A. I don't know exactly.

Q. Did you hear more than one shot?

A. Just one.

Q. Did you go out to the barn that evening?

A. I had just gone to the barn to take care of the horses and I was fixing the fire in the well house when I heard it.

Mr. Bell - That's all.

SHERIFF O. A RICE TESTIFIED ON REDIRECT EXAMINATION AS FOLLOWS:

Q. You stated Mr. Rice that on the night of finding the dead body of Robert H. Lobdell on State Highway No. 11, that you were out at the scene of the man's death about what time?

A. It was about in the neighborhood of ten o'clock. Possibly a quarter to ten.

Q. Did you make any effort to find the perpetrator of this deed?

A. Not right then. We made inquiries to the crowd if anyone had seen any car go by or anything. Our impression was that a car had passed, an alien or booze car, and that Lobdell had attempted to stop them. We were in a hurry to spread the alarm as to cars going past. So I went to Dahlen's place and telephoned several places, Warroad, Baudette, Thief River Falls and any place I could get in a hurry.

Q. Did you go to Salol?

A. Afterwards. I came out to the road again and spoke to Mr. Bush, one of the patrolmen. Previous to that he had informed me that Lobdell was to be at Salol at nine o'clock and report back to him if there was any occasion for it. I suggested to Mr. Bush that we go to Salol and find out if Lobdell had been there, and we did.

Q. What information did you get as to any car at Salol?

A. Well, we couldn't find that Lobdell had been there. I saw a light in the kitchen of Andrew Johnson's hotel and Mr. Johnson, Mr. Kofstad and Mrs. Kofstad and these two girls were all in the kitchen. They informed us that they had come from Roseau just a little while before and that they had passed a car facing west near the Dahlen residence.

Q. Did you get any information from Kofstad and Johnson as to seeing any person or persons when they passed the car?

A. Yes.

Q. After you got this information did you organize a search for the man?

A. Yes.

Q. Did you put men out on the roads, highways, avenues to head off anyone?

A. Yes, together with the rest of the patrolmen, the Government patrol there.

Q. Did you take the prisoner here into custody?

A. Yes/

Q. Where was that?

A. About six miles north of Roseau.

Q. When?

A. The morning of December 26th, about nine o'clock.

Q. Where was he when arrested?

A. He was coming through the swamp toward us, up to the road where we were parked with the car. He was coming from the East.

Q. Did you get any information as to this man that morning?

A. I got a telephone report that he had been in to John Norman's farm residence northeast of Roseau and had coffee, lunch or whatever it was.

Q. He has been in custody ever since?

A. Yes.

Q. Did you make a search of this man?

A. Yes, sir.

Q. What, if anything, did you find on his person?

A. We found a safety razor, bottle of liniment, some gloves in his pocket, and there was a pocket knife, scout knife with "Scout" stamped on it, and \$1.90 I think it was.

Q. Did you strip him?

A. We did after we got here to the office.

Q. What clothing did he have on?

A. He had an undershirt that appears to be a silk shirt and then an undersuit made of cotton, and then a blue serge suit, not very expensive material. Then he had two pair of overalls and an overall jacket on over the coat. The serge suit consisted of coat, vest and trousers.

Q. What did he have on his feet?

A. He had a pair of common hose, ordinary shoes, not coarse shoes, a pair of sheepskin packs or moccasins made of sheepskin with the wool in on top of the leather shoes, and a pair of four buck~~le~~ overshoes on top of the moccasins. No. 10 overshoes.

Q. When you drove out on the north side of town at what point did you first see this man?

A. I saw him on top of a ditch grade about a mile, not quite a mile, from what we call the Richardson Bridge north of Roseau. This ditch runs west into Mud Creek and I was driving. Two of the patrolmen were back of me in their car and I was ahead in my own car. When I looked to the east I saw a man on this ditch dump. I went back and looked and we couldn't see anyone again. He had disappeared. I told the boys we would drive the cars over the bridge out of sight of this ditch grade and we walked back across the bridge this way again and found some bushes, to see if we could see the man come out of the brush. We didn't see him for about ten minutes. Two of the officers with me went along the edge of the grade toward the point where we saw him first. I went out into the open and in about five or six minutes he came out and started in a southwesterly direction. I went back and got my car and we

started to go back on this road near the Richardson bridge. He veered off into the south and finally he came straight toward the car to where we were.

Q. Did he come directly toward you?

A. The last ten or 12 rods he did.

Q. Did he say anything.

A. Not until he got within possibly forty or fifty feet from us. He asked if he could have a ride.

Cross examination by Mr. Hegland:

Q. How far was he away when you first saw him?

A. Well it would hardly be a quarter of a mile.

Q. And from that time on did he walk away from you or toward you?

A. He veered off to the south more and more. He walked away from the end of this ditch grade where I saw him come out the second time, toward the Roseau River more.

Q. Were there any other cars or searchers on the other side of him?

A. Yes, to the east.

Q. How far east?

A. I can't say as to that. They were scattered through the timber in a line on the east side.

Mr. Hegland - That is all.

Mr. Knutson - What did you do when he came up to the car, up to where you were?

A. Well I held him up. Told him to hold up his hands and I had to tell him twice to hold up his hands, and put the handcuffs on him and questioned him some as to where he was going and where he had been.

Q. What did he say?

A. He said he was walking through the timber looking for a job to cut pulp and that he had come from Bemidji. There wasn't much talk until after we got in the car and on the road into town. He did not say anything to speak of.

Q. Did you tell him at that time what you were holding him up for?

A. He asked what it was all about. I told him that he had a ride in a car the day before and something was missing out of the car. He said, "I didn't steal anything." That is the answer he gave. I told him I didn't say he stole it, but that there was something missing out of the car. That is about all that was said until we got to town here.

COURT ADJOURNED UNTIL 1:30 P. M.

Mr. Bell - If the Court please I wish to introduce State's Exhibit A in evidence.

Mr. Knutson - Any objection?

Mr. Hegland - We say nothing.

Mr. Knutson - If there is no objection it will be admitted.

Re-Direct examination of Helen Johnson, by Mr. Bell.

Q. You testified, Miss Johnson, that after the car passed the parked car going east, that you looked out the rear window of the car?

A. Yes.

Q. Did you at that time see any other car coming in that direction, or the lights of any car?

A. Later on, after we had seen the one man in the road and the other running down the road, we saw the lights of a car. We watched them for a few seconds, then they went out. We didn't see them any more.

Q. Was that car coming from the direction of Roseau?

A. Yes.

Mr. Knutson - Did you meet any car between Roseau and the place where you saw these two men in the road?

A. I don't remember.

Q. Do you remember if you met any car on the other side?

A. We had reached Salol but we didn't meet any before we came to Salol.

Mr. Bell - You saw the lights of a car coming from Roseau?

A. Yes.

Q. How far away was that?

A. I can't say.

Mr. Knutson - It was a car behind you that you saw going the same way you were?

A. Yes.

Mr. Bell - That is all.

RUDOLPH RICE, Being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Rudolph Rice?

A. Yes, sir.

Q. Are you a deputy sheriff of Roseau County?

A. I am.

Q. Were you present on the night of Christmas on Highway No. 11 where the dead body of a man lay out east here five miles?

A. Yes, I was.

Q. Do you know where the Joe Dahlen farm is?

A. I know the Dahlen farm. I always thought it was Martin Dahlen, but I knew it was the Dahlen farm.

Q. What time was it you were out at that place?

A. When we first went out there it was around ten o'clock. I don't know exactly, but it was around ten o'clock.

Q. Was there any car with lights on parked in that neighborhood?

A. When we came there were several cars with lights.

Q. Was any car parked near the roadway into the Dahlsen farm?

A. Yes, there was.

Q. Do you know whose car that was?

A. It was a car that the Immigration Border Patrol used.

Q. What side of the road was that on?

A. On the north side of the road.

Q. Were the lights on?

A. Yes.

Q. Did you see the body of the man killed there?

A. Yes.

Q. Do you know who he was?

A. Yes.

Q. What was his name?

A. Robert H. Lobdell.

Q. Did you make any effort that night or the next morning to trace anyone who might have committed that deed?

A. Yes, we did, all that night and the next morning until about nine or nine-thirty the next morning.

Q. Where did you start at?

A. We first were out at the scene of the murder or where the body was found and then we went back to town. I went back to town in our car and waited in town until my father and Bush came back from Salol. Then we went to all the hotels to see if there were any strangers there. Then we came back up in front of Sjoberg's corner and there the Immigration men or Border Patrol were. There were seven or eight of them, Carl Listug and Eli Brandt. We all went out there again. Father and Bush went north somewhere, they said they were going north to the road around Spruce and we were going out east to work from where the body lay. We searched all around there all night looking for tracks and looking for anything at all. We looked on both sides of the road for a distance of three miles and back from the state road about a mile and in all buildings around there until about five o'clock in the morning, when Bush and another officer, I don't know what his name was, said they had found a track, a fresh track from back of Skog's barn out to the state road. Part of the men were in town then and part were out where we were, out by Mr. Dahlen's so we decided we would all drive in to town and get something to eat and rest and then go out again.

We got a few miles east of town and there we met Chief Nooney from International Falls and William Anderson, one of the Senior Immigration Patrol from International Falls, and we talked to them. Then we went back and drove in two cars. We drove right up to Skog's then. Bush said the tracks were back of Skog's barn. We tracked them then east of Nicoli Nelson's place.

Q. Was this a moonlight night?

A. It was a bright moonlight night.

Q. By Nicoli Nelson's place you mean where he lives?

A. Yes, where he lives.

Q. About how far is that from where the body was found?

A. Don't know exactly, but it is less than half a mile.

Q. Does Nicolli Nelson live on the north or south side of the highway?

A. On the North side.

Q. What did you do then?

A. He told us where to turn in by Nicolli Nelson's. He said the track ran right by the road there. He and this other officer had followed the track out to the state road and from back of Skog's barn. So we drove right up to Skog's barn in the two cars and then we got out of the cars and Bush took us back and we followed to where the track started.

Q. Where did the tracks lead from?

A. Where we started to follow them was right back of Skog's barn, but Bush and this other officer, I believe his name was Phillips, had been tracking him out to the State road, but we didn't do that then. Bush said he and Phillips had followed them out to the state road. I didn't see the tracks where they left the state road.

Q. Then what did you do?

A. We followed those tracks. We went North from Skog's or rather then they turned west and went southwest for probably half a mile or less. They followed the inside of groves all the time. They never went right out in the open. They did in one place and there the man evidently had run because they were longer steps than an ordinary person could take walking. We followed those steps for a little ways then we got to John Mattson's. We followed them across that muskeg or swamp and right up to where the track went up to the road in front of John Mattson's house. We saw Mr. Mattson in his yard and we went over and talked to him and asked him if he had seen anybody and he said he hadn't and we told him about the track we were following and he said that was probably why his dog had barked so about six o'clock in the morning. Then we went in to John Mattson's. We asked if we could get something to eat there. We went in to eat. We called up town while we were there.

Q. How many men were with you there?

A. There were three besides myself. Mr. Bush, Nooney and Anderson. As I was calling up, Mrs. Norman, she had heard the call or something, told me that a man had just been there and had something to eat at their place at seven o'clock. So we went and got Mattson to take his car and take us down to Norman's.

Q. You didn't follow the tracks?

A. We never followed the tracks from Mattson's to Norman's.

Q. What direction is Norman's from Mattson's house?

A. Northeast I think it is. I can't say the direction right there because that track mixed me up.

Q. You didn't follow the track any farther than up to Mattson's house?

A. We rode to Norman's and when we got to Norman's there were two men outside there and a car parked. We asked them which way the man had gone and they told us straight along the grade, south. We went in the car then up to the first corner where the road branched off and there we stopped the car and looked for tracks. We found what we believed to be the same tracks we had followed all night across the swamp. We got in the car again and drove the next mile. In the meantime we were looking to see if anyone had left the road because we could see the tracks in the snow. At the next mile we got out again where the road branched off. We looked to see and the tracks went straight north.

We did that at the next corner also. Then we went to the third section line three miles from Norman's. There were two cars of us then. The Sheriff from Lake of the Woods County and his deputy were there and there Anderson and I left the rest of them. We couldn't find the track we had been following at the third section line on the road. We looked around there for quite a while, possibly fifteen or twenty minutes and we decided to go back to the section line a mile south where we were sure we had seen the tracks. The rest of them went on. There was just Anderson and I and John Mattson driving the car. Sheriff Slind and his deputy were also in the car.

We went back to the line and there we found his tracks again and we started out on foot following them north. We went up a little ridge then a mile and we found where his tracks had left the road and gone west into the woods. Anderson and I followed this track. We followed his tracks through the trees. They wound around staying in the groves wherever he could. He seemed to be working north and had to go into a few openings. We came up to the tracks where he had gone up to a house about a half mile west of the grade there. I think it is Nick Vilz's homestead. He had tried the door evidently and looked in all the windows. He didn't go in.

He went west on the grade in front of the house running east and west. Then he followed that grade for about, it wasn't any great distance, it was less than one-eighth of a mile, and he left the grade there and went south into the brush and timber. There was no timber next to the road, but farther in there was low brush about five or six feet high and the tracks ran through that brush. They went in and out. They would go around a clump of brush and come out again. An awfully crooked track winding in and out. He finally wound around like this until he came to some deserted buildings. There was a dwelling house and a barn. They were probably a quarter of a mile from the grade he had left and gone south. But he had walked probably four or five times that distance to get there because he wound back and forth so much. The track went right by that barn and from there they went south to that road that runs northeast from Richardson's bridge where he was picked up.

Q. Did you see him?

A. I never saw him until I got in here to Roseau that I am sure of.

Q. Do you know where he was picked up?

A. I know where he was picked up. I could show you, but I don't know exactly the description.

Q. Is that where you came out at?

A. That is where we lost him. We were afraid that he had probably stopped someone and gotten a ride and got away from us.

Q. Is there any brush or timber growing north of the Nicoli Nelson place?

A. Yes there was brush and timber for a ways but he went west and southwest from there. He went north and southwest but there was a long stretch there where there was no timber.

Q. Did his tracks show that he tried to keep under cover where he came to a timbered, brushy place?

A. They did. He walked a few feet inside of the brush all the time, on the inside of the groves. He walked there whenever there was a chance.

Mr. Bell - That is all.

Cross-examination by Mr. Hegland.

Q. He fell in the ditch?

A. He came to the big ditch while crossing the muskeg and he walked on the ice and fell through the ice.

Q. Was that before you tracked him to Norman's?

A. That was before he came to Mattson's or Norman's either one.

Q. What ditch was that? Was it a lateral or...?

A. I think it was ditch No. 7. That was the ditch I thought it was but I never looked it up to see. It is the first big ditch running east and west out in that muskeg as you come from the south. It was running north and south.

Q. On this side of the Mattson's place?

A. Yes, sir. South of the Mattson place.

Mr. Knutson - You said you did not follow his tracks?

A. No.

Q. How do you know the tracks leading from Mattson's to Norman's were the same.

A. We were following his tracks all the time. They were big tracks for one thing.

Q. Describe them.

A. They were real big tracks, had been made by a big shoe and had been made by real coarse rubber on the heel. You couldn't tell much by the sole because he would kind of dig in, but the heel would print in most places and was plain. Seemed to be made from heavy grained rubber.

Q. Was the grain in the track laid north from Mattson's the same as the grain in the track laid north from Norman's? Did you measure the size of the print?

A. We didn't measure the print.

Q. Did they appear to be the same size?

A. They were the same size, or they appeared to be the same size.

Q. The track you followed from Skog's barn to the Mattson farm and the track you followed from Norman's were they of uniform size?

A. They were.

Q. They were the same kind of tracks?

A. Yes.

Mr. Hegland - Did you say that the heel made a cross grained imprint in the snow that would be very plain?

A. Not all the time, but most of the time the heel made a very plain imprint in the snow.

Mr. Hegland - That's all.

RUSSELL BUSH, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. What is your first name?

A. Russell Bush.

Q. What is your occupation?

A. Patrol Inspector in the United States Immigration Service.

Q. How long have you been in the service?

A. A little over four years.

Q. You heard the testimony of Rudolph Rice as to following the tracks of a person from the scene of action to the northeast?

A. Yes.

Q. Do you know where Norman's residence is?

A. Yes.

Q. Do you know where the Dahlen farm is?

A. Yes.

Q. Were you there the evening of Christmas Day where the body was found?

A. Yes, sir.

Q. Did you see the body?

A. Yes.

Q. About what time was that?

A. About ten-thirty.

Q. Did you recognize the corpse there?

A. Yes, sir.

Q. Who was it?

A. Robert Lobdell.

Q. What was his occupation?

A. Patrol Inspector in the United States Immigration Service.

Q. Where was the body laying?

A. Right on the highway just slightly off the center of the road on the south side and about, I should judge, 150 yards this side of the entrance to the Dahlen farm.

Q. Was there a car parked near the entrance to the Dahlen farm?

A. Yes.

Q. Do you know whose car that was?

A. Yes.

Q. Whose car was it?

A. A Government car.

Q. Who used that car?

A. The patrol unit at this station used it at Roseau.

Q. Who used it that night?

A. Robert Lobdell.

Q. Where are you stationed?

A. At Roseau.

Q. What was the duty of patrolman Lobdell that night in the way of reporting. Had he any special appointment?

A. He was supposed to report in at the Salol Hotel at nine o'clock.

Q. Who should he report to?

A. He didn't need to report to anyone. He was to drop in at the hotel so that in case we needed him we could get in touch with him there and know where he was at.

Q. Were the lights on this car that was parked in the road near the entrance to the Dahlen farm?

A. Yes.

Q. After you went out to the scene of the murder or death, did you go to Salol from there?

A. Yes, I did.

Q. Anyone with you?

A. Sheriff Rice was with me.

Q. What was your object in going to Salol?

A. To find out if Lobdell had been at Salol at nine o'clock.

Q. What did you learn, if anything?

A. No one at Salol had seen him at all that evening so I learned that he had not been there at all.

Q. Did you get any information from anyone there?

A. Yes, I received some valuable information from Andrew Johnson Sr. and from Kofstad.

Q. From the information you got there did you form any idea as to the time of the murder?

A. From the information I received, I came to the conclusion that it was somebody walking that did the shooting.

Q. Did you institute a search that night or the next morning?

A. Yes, we immediately drove back to the scene of the shooting and searched the buildings in that vicinity at that time.

Q. Anyone with you?

A. The sheriff was with me and patrol inspectors Ruth and Sandberg from Warroad.

Q. And what if anything did you find?

A. We found where Lobdell had turned the patrol car around and headed back west again.

Q. How did he do that turning, and where?

A. He turned around in the driveway of Lund's place, the man that testified here, the first place east of Dahlen's.

Q. Did you notice whether he turned his car on the road?

A. I thought perhaps he had, but found out later he didn't.

Q. He had turned on the driveway into the Lund place and gone back?

A. Yes, sir.

Q. Where was the car parked?

A. It was parked on the north side of the highway just west of the entrance to the Dahlen place.

Q. Did you commence a search for tracks that night?

A. Yes, sir.

Q. You and Mr. Rice?

A. Yes, sir.

Q. You may tell us just what you did?

A. Sheriff Rice and I first came into Roseau and there met the patrol from Warroad, by that time they were there too, and the patrol from Baudette were there. There the bunch of us had a talk and we decided to go in different directions. The Sheriff and his deputy went North and the rest of us went out east. Don't know what time we got back out there, but I think it was about one or two o'clock.

There we searched both sides of the road and in both directions to see if any tracks had left the road. Being unable to find any near the road, patrolman Phillips and I decided to go back a little ways from the road and search for tracks. We went back by the Skog farm and followed a sled road that ran northeast through the woods. After going up this road a little ways we noticed some fresh tracks coming in from the south into this sled road, and on the north side of the sled road there were tracks from the north. The tracks met there and seemed to run into each other and then we were puzzled because they didn't go either east or west. We decided to backtrack these tracks that came from the south first to see if they had come from the highway. We did backtrack them and they ran back through Skog's yard and right past his barn and followed the sled road from Skog's to Nicoli Nelson's where they came out on the highway.

I decided to notify my Chief of what I had found and as he was down toward Roseau we drove down that way, and after telling him what we found he said we would go right back there and follow those tracks north. So chief patrol inspector Nooney and inspector Anderson, Rudolph Rice and myself drove up to the Skog farm. Then from the Skog farm we started following the tracks north.

Q. Were these tracks that started from the highway at Nicoli Nelson's and up to Skog's farm, the same as the tracks that led from the Skog farm running north?

A. Yes, they were. We went back to where I first had backtracked these tracks on that sled road and there were the tracks had puzzled us, where they had appeared to come from the north and go to the north, and we started north on those tracks. After going about a hundred feet or so, whoever made these tracks had turned around and headed north, apparently been walking backwards for 100 feet.

These tracks led north for a short ways and they circled back around west and crossed that ditch grade and went west from the ditch grade and circled around back north again and east a ways, and then straight north across the muskeg following this ditch. After going perhaps a mile or so along this ditch, the tracks headed northwest until they came to another ditch out there. It does not run straight east and west, it runs northwest by southeast. He followed this ditch a ways and then he got right down in the ditch and walked a long ways until he broke through the ice. You could see where he had broken through the ice. Then he got back out of the ditch again and walked across the muskeg and headed nearly directly toward the Mattson place.

Q. What direction would that be?

A. It would be northwest. He came right out at the Mattson place, or at that school house at the Mattson place. His track came out on the road there.

Q. Had he been at the Mattson house?

A. No, he hadn't. When we got to Mattson's we saw Mr. Mattson in the yard and he came out to talk to us. We asked him if we could have something to eat as we were all hungry. He said we could so we went in the house to get breakfast. This was about eight o'clock. While we were in there Rudolph Rice called up town to find out if they had learned anything yet. While he was talking, someone from Norman's, who evidently was listening on the phone, said that a man had had three cups of coffee there at seven o'clock that morning. So we got Mr. Mattson to take us over to Norman's in his car.

At Norman's there was a car from Roseau, and we noticed a Norquist boy was standing there, so we asked him if there was anybody up North searching. He said there were a couple of patrolmen up there and also the sheriff and deputy from Baudette. We began going north along that ditch road and there we found these tracks again walking north on the ditch road. We had one man standing on each fender to keep watch if they could see any tracks running off the ditch road going off through the brush.

We drove north about three miles that way, stopping every once in a while to see if the tracks were still on the grade. After going north about three miles we lost the track. Rudolph Rice and Anderson went back south to pick up the track again and the rest of us went north to the Meshalt farm.

Patrol Inspector Langdon and myself went east from Meshalt's on the ditch grade to head the man off in case he was coming that way. We had gone less than a quarter of a mile when we heard yelling back at the Meshalt farm and Patrol Inspector Phillips and the two Meshalt boys were yelling and told us that the man had been apprehended north of Mud Creek on the Sprague road. So we went back to town with Phillips.

Q. Did your posse track these tracks from the Nicoli Nelson farm to Mattson's and from Mattson's to Norman's by the roadway?

A. No.

Q. Then the tracks leading from Mattson's to Norman's were not traced at that time?

A. No, they weren't.

Q. Were they traced after that?

A. I can't say.

Q. Were you out afterwards?

A. Yes, I was up east yesterday.

Q. Were you up to Norman's?

A. Not yesterday.

Q. When?

A. The day before yesterday.

Q. Did you follow any tracks between Norman's and Mattson's?

A. It was impossible to find tracks then. There were lots of tracks but

we couldn't tell which were his and which weren't.

Q. These tracks that you found after leaving Norman's, were they similar to the track that you followed from Nicoli Nelson's to Mattson's?

A. Yes, they were.

Q. Did they have any particular mark about the shoe?

A. He had been wearing a large overshoe and you could see the cross grain marks on the heels.

Q. Did you ever examine the overshoes that he wore and that were taken off him? What was on the heels of those?

A. Heavy cross grain marks across the heels the same as on most overshoes.

Q. Was it a large size overshoe?

A. Yes.

Mr. Bell - That is all.

SELMER NORQUIST, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. What is your name?

A. Selmer Norquist.

Q. Where do you live?

A. About three miles north of Roseau, 3½ miles.

Q. How far do you live from the Norman residence?

A. About a mile.

Q. Were you at the Norman home the night of Christmas?

A. Yes, sir.

Q. What were you doing there?

A. Helping them with sick people.

Q. Was Mr. Norman sick?

A. Yes, sir.

Q. Erhard Norman, was he sick?

A. Yes, sir.

Q. Who else was there then helping you take care of them?

A. My brother and Enger Sjoberg. That was all except the family.

Q. Did anyone come in that morning and get coffee?

A. Yes, sir.

Q. Did you know who he was?

A. No, never saw him before. I didn't see him before I opened the door for him.

Q. Did he come in from the front or kitchen door?

A. The kitchen door that faces east.

Q. East side of the house?

A. Yes.

Q. And the front door faces which way?

A. South.

Q. What did he want?

A. He wanted coffee?

Q. Did he get coffee?

A. Yes.

Q. Who served the coffee?

A. I did.

Q. How many cups did he drink?

A. Two and a half.

Q. How was this man dressed?

A. He had a cap on, overall jacket, his trousers--I can't say exactly what kind of trousers. It looked to me as if he had overalls but can't say for sure.

Q. Were they rolled up?

A. Yes, they were partly rolled up. A lot of ice and snow on them.

Q. How far up did the ice and snow go?

A. It reached pretty near up to the knees.

Q. Did you see this man afterwards?

A. No, I didn't see him afterwards.

Q. You didn't go to the jail to see him?

A. No, I didn't.

Q. Did you ever see this man here before?

A. It seems to me that his face looks the same as the one that was down to Norman's, but he has a different jacket on and he has no cap on now, and he had a cap on when he was there.

Q. What time of the morning was this?

A. About seven O'clock.

Q. Did you see him go out the door? What door did he go out of?

A. He went out the kitchen door.

Q. Then what did he do? Which way did he go out the kitchen door?

A. He went around the house and went north.

Q. The north side of the house?

A. No the south side of the house.

Q. Was he very long going around the house?

A. No, he wasn't very long going around the house.

Q. Did he look in the windows going around the house?

A. I didn't see him.

Q. Did you say that you were looking out the windows?

A. No, I wasn't.

Q. You didn't see him after he left? You don't know which way he went then?

A. Yes, he went north.

Mr. Hegland - Cross examination.

Q. Did you talk to him while he was having his coffee?

A. A little.

Q. What was said?

A. He asked me which way was south. I told him which way south was. He asked me which way was north and I told him which way north was. He asked me what the name of the town south was and I told him that. Then he asked me where Warroad was and I told him and pointed the direction to Warroad. He asked me where the boundary line was and I pointed the direction to the boundary line. He asked me how far it was and I told him about how far it was and that was all that was said.

Q. You are sure that was all the conversation and talk that there was?

A. Yes.

Q. Was he pretty red faced when he came in there?

A. Yes, he looked to be a little red in the face and looked very much excited.

Q. Did he take his cap off while he was in the kitchen? Did he have it pulled over his eyes any?

A. Not very much, No, I don't think he had it pulled over his eyes.

Q. You could clearly see his eyes?

A. Yes.

Q. Did he talk broken or good English?

A. He didn't talk broken but I don't know whether he talked good English.

Q. Could you tell from his talk what nationality he was? Could you tell whether he was a Swede, a Scandinavian or an Irish man?

A. I thought he was not Scandinavian.

Q. But you could not swear positively that the man that was at the house is the same man that is sitting behind me?

A. No, I wouldn't swear positively, but he looks to be the same to me.

Q. When did you see him next after you served him coffee?

A. I didn't see him at all until today.

Q. Haven't you seen him at all until today?

A. No.

Q. 'ou were not at the coroner's inquest?

A. No.

Q. Did you happen to notice what kind of shoes he had on?

A. I noticed that he had big shoes, that is all I noticed.

Q. Could you tell if they were low buckled or high buckled shoes?

A. No. There was a lot of snow on them and I did not notice.

Q. You remember whether he had recently shaved or whether he had a few days growth of beard?

A. He looked to have a few days of beard.

Mr. Bell - Did you notice any marks on his face?

A. No, I didn't.

Q. What was the color of his hair?

A. I don't know. He had a cap on all the time.

Mr. Bell - That is all.

RANDY NORQUIST, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. What is your name?

A. Randy Norquist.

Q. You are a brother of Selmer Norquist, the witness who just left the stand?

A. Yes.

Q. Were you at the John Norman Marm residence on the night of Christmas?

A. Yes, sir.

Q. What were you doing there?

A. I was helping them there while they were sick.

Q. You were helping them through the whole night?

A. Yes.

Q. Were you there the next morning?

A. Yes.

Q. Did a stranger call there at the house while you were there?

A. Yes, sir.

Q. What did he want?

A. He wanted coffee.

Q. Was he served with coffee?

A. Yes.

Q. You noticed how he was dressed? How was it?

A. He had an overall jacket on, a cap on, overshoes and dark trousers.

Q. Did you notice any snow or ice on his trousers?

A. Yes, I did.

Q. How far up?

A. Pretty close to the knees.

Q. What did he have on his head, if anything?

A. He had a cap.

Q. What kind of a cap was it?

A. It was a dark one.

Q. What was his complexion?

A. It was kind of reddish.

Q. Did you notice any mark on his face? Did you notice the color of his hair?

A. No.

Q. How long was he in there?

A. About two or three minutes.

Q. Did he seem to be in a hurry to get away?

A. He did.

Q. Do you know what way he came into the house?

A. The kitchen.

Q. What side of the house is the kitchen door on?

A. On the north.

Q. What side is the front door on?

A. On the south.

Q. Did you see him leave?

A. I waited until he got around the house and then I went out and looked around the corner.

Q. Which way did he go out?

A. Through the kitchen.

Q. Did you see him after he went out of the house?

A. He was about half way down to the road before I saw him again.

Q. You didn't see him through the window when he went out?

A. No.

Q. Did you afterwards see this man?

A. I saw him down at the jail here a couple of hours after he had been at Norman's.

Q. Did you recognize him as the man who was at Norman's?

A. Yes, sir.

Q. Did he say anything to you while he was in the jail?

A. No, he didn't.

Q. Did you ask him any questions?

A. No, sir.

Q. Were you positive that he was the same man that was at the Norman house?

A. Yes, sir.

Q. That was about what time?

A. When he was at Norman's you mean?

Q. Yes.

A. About seven o'clock.

Q. Did you know in which direction he came into the Norman yard?

A. No, I don't.

Q. Look for any tracks up there?

A. We didn't look for any just then.

Q. Did you afterwards?

A. No.

Q. Who else was there?

A. My brother and Enger Sjöberg and Mrs. Norman were all that was up.

Q. How was the little girl?

A. She was sleeping.

Mr. Bell - That is all.

Mr. Hegland - Cross examination.

Q. When you say he wore dark trousers do you mean it could have been overalls or any other kind of pants?

A. Yes.

Q. You were not sure whether they were overalls or any other kind?

A. I only noticed that they were dark.

Q. Did you think it looked suspicious to have him come in at that time? What did you think about it?

A. I thought probably it was someone who had come across from Canada. An alien or something.

Mr. Bell - Q. Did anyone at the house phone after he left?

A. Yes. Mrs. John Norman.

Q. Who did she call up do you know?

A. Well she tried to get the sheriff I guess.

Q. Had you heard of this man being killed the night before?

A. Not before he went out, no.

Q. After he went out?

A. Then Mrs. Norman told us about it.

Q. But she hadn't told it to anyone before?

A. Not before.

Mr. Knutson - Is that man in the courtroom now?

A. Yes, sir.

Q. The defendant there behind Mr. Hegland?

A. Yes.

Defendant - I am afraid you are mistaken, brother. I was out in the woods alongside of a campfire.

Mr. Bell - That is all.

ARTHUR VAN SCHVIACK, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Arthur Van Schviack?

A. Yes.

Q. Where do you live?

A. I live south of Badger on highway No. 11, about one mile.

Q. How long have you resided there?

A. Since last May.

Q. Did anyone stop at your place for lodging on Christmas Eve?

A. Yes, sir.

Q. About what time of night was that?

A. Between 10:30 and 11 o'clock.

Q. What time did he leave there?

A. About ten o'clock or a little after on Christmas morning.

Q. You may tell us how he came there.

A. Well, I had been hauling wood that day and my team was warm so I left the blankets on them and went out later to take the blankets off and feed them. I saw someone come across the yard about half way between the house and granary and he said "Hello" like someone that knew me so I spoke and waited till he approached. Well he asked to sleep in the barn. I told him 'No, it is too cold for anyone to sleep in the barn this time of the year. I have a bed upstairs.' I asked him where he was from. He said he was from Alaska. I asked him where he was going. He said he was going south. I asked him if he stopped at Badger. He said "No, there was a hotel up there and it was closed." He asked if I would give him a bed that night. So I got him to come to the barn with me. I fed the horses and took him up to the house and asked him if he was hungry. He said no, but he would drink a cup of coffee. I told him I didn't have any coffee, that I did not allow my children to drink it.

He said that was all right, so I took him upstairs and showed him the bed and he was standing there with the light and he said I could take the light, that he didn't need it. I went down stairs and he bid me goodnight and I let him sleep until ten o'clock. Then he got up and came down. He had a good hearty breakfast. He gave me a card and said that was who he was.

Q. Have you ever seen this man before?

A. Yes, sir.

(pointing at defendant)

Q. Is that the man that stopped at your house the night you speak of?

A. Yes, sir.

Q. Did you see this man at the jail?

A. Yes, Friday night. I believe it was Friday night.

Q. Did you have any talk with him?

A. No, sir. Never said a word.

Q. Did he say anything?

A. Well, someone asked him if he had ever seen me, and then he said, 'I never seen him before.'

Q. You heard him say that?

A. Yes, sir.

Q. You say he gave you a card?

A. Yes.

Q. Have you that card with you?

A. Yes, sir.

Q. Let me see it. Is this your hand writing?

A. That is my writing on the back, December 25, 1928.

Q. Did you write that on there?

A. That morning, I think it was Christmas morning, when he gave me the card.

Q. We offer State's exhibit "B" in evidence.

~~State's exhibit "B" introduced in evidence.~~

By the Court: If there is no objection it will be received.

Q. Has that card been out of your possession except in the courtroom here?

A. At the Sheriff's office Friday night it was given back to me and they told me to keep it.

Q. You showed it to the sheriff?

A. Yes, sir.

Q. Was there anyone there that morning? Any of the neighbors see this man?

A. Well, I don't know, but I have two brothers that live with me, one is 14 and one 12.

Q. I mean outside of that.

A. Not that I know of.

Q. There was a neighbor man there sometime afterwards the next morning?

A. I don't say.

Q. Mr. Beir~~es~~ is a neighbor of yours, was he around there the next morning?

A. Well no, I don't think he was. That is not over at the house.

Mr. Bell - That is all.

MIKES BEIREIS, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Where do you live?

A. I live a mile south of Badger.

Q. Do you live in the neighborhood of Otto Van Schviack?

A. Yes.

Q. How far from his house?

A. Across the road on the east side, about ten rods from his place.

Q. I ask you if you ever saw this defendant that I am pointing to now?

A. Well, I wasn't close enough to him to recognize him, but there was a man that stopped off across the road, that is what one of the small boys told me.

Q. You don't know whether you recognize him or not?

A. I wasn't close enough to him to see.

Q. Did you see a man there that morning?

A. I was told there was a man over there and I seen where he had left the place and started north that morning.

Q. Left Van Schviack and started north?

A. Yes.

Q. Did you see him after that? Did he go north?

A. He went north. I saw him going north, yes.

Q. Did you watch him after he went north?

A. No, I didn't watch him.

Mr. Bell - That's all.

NELS LARSON, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Nels Larson?

A. Yes.

Q. Where do you live?

A. One mile west of Fox.

Q. Near the state highway?

A. Yes.

Q. Did you entertain any man on Christmas Day at your place?

A. Yes.

Q. Will ask you, pointing to the defendant here if that is the man?

A. Yes.

Q. What time of day was it he called at your house?

A. About one o'clock I guess.

Q. One o'clock in the afternoon?

A. Yes.

Q. What, if anything, did he want?

A. He wanted coffee?

Q. Did you serve him with coffee?

A. Yes, and some sandwiches.

Q. Was he taken into the kitchen?

A. Yes. The young lady was there.

Q. Did you have any conversation with him?

A. No, he didn't say a word to me. He talked a little to her.

Q. How long did he stay there?

A. I should judge about fifteen minutes.

Q. Where did he go then?

A. He went east. Down the road east.

Q. Did you see him after that time up till now?

A. ~~Yes~~ No.

Mr. Bell - That is all.

MARGARET BELL, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Margaret Bell?

A. Yes.

Q. How old are you?

A. 14 years.

Q. Were you riding in the automobile with your father and your brother Robert on Christmas Day?

A. I was.

Q. And where had you been?

A. We had been about six miles on the other side of Greenbush.

Q. When did you come back to Roseau with the car?

A. When we entered Roseau it was four o'clock.

Q. Did we pick any man up on the road?

A. We did, right west of Roseau.

Q. And where did that man get out at?

A. By Habstritt's corner, right where Habstritt's building is.

Q. What seat did he occupy?

A. He occupied the back seat on the left hand side of the car going east.

Q. And what seat did you occupy?

A. I occupied the seat opposite him in the back.

Q. Same seat?

A. Same seat.

Q. Did you see that man afterwards?

A. Yes.

Q. Where?

A. In the jail.

Q. Did you identify him as the man that was in the car?

A. I did.

Q. Did he say anything to you?

A. He did not.

Q. Did you say anything to him at the jail?

A. No, I didn't.

Q. While he was in the car did he speak?

A. The only conversation we had was when my brother told him that the ride would not be very far, and he said it would help.

Q. What did he say when he got out?

A. Much obliged, colonel.

Q. Did you see which way he went?

A. He went down the street on the same side from the corner by Habstritt's on the same side.

Q. Pointing to the defendant, is he the same man that was in the car.

A. It is.

Q. How was he dressed, do you know?

A. He had an overall jacket and overall pants.

Q. What did he have on his head?

A. I do not know.

Q. What was his complexion?

A. Red. He had a red face.

Q. Was there anything peculiar that you noticed on his face?

A. A kind of mole on his left lip.

Q. You think the mole was on the left side of his face?

A. Yes.

Mr. Bell - That is all.

JESSE BENNETT, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Your name is Jesse Bennett?

A. Yes.

Q. Where do you live?

A. In Roseau.

Q. Were you in Roseau on Christmas Day?

A. I was.

Q. Pointing to the defendant in this case, have you ever seen that man before?

A. I have.

Q. When did you first see him?

A. I saw him getting out of the car at the Habstritt corner.

Q. What time was that?

A. It was between three and four in the afternoon.

Q. Did you know where he went?

A. He went over to Oveson's pool hall and stopped there a moment as though he was going to go in, and then walked over to the Encore Cafe.

Q. Where were you standing when he got out of the car?

A. I was standing in front of the Encore Cafe. He came inside and walked behind the counter and took a package of cigarettes, walked back toward the rear part of the building to pay Mr. Lindberg, who was standing in the doorway of the kitchen. He then walked up to the end of the candy counter and opened his package of cigarettes, walked over to the counter where Mr. Lindberg handed him ten cents, went outside and stood in front of the door there for a minute or so while he smoked his cigarette.

Q. What kind of cigarettes did he buy?

A. Camels.

Q. Did you see him after that?

A. Not until I saw him in the Sheriff's office the next morning.

Q. When was that?

A. The next morning.

Q. Did you have any talk with him?

A. No, I didn't.

Q. Was it the same man in the sheriff's office that was in the Cafe?

A. He was.

Q. Had you had any conversation with him since that time?

A. I have not.

Mr. Bell - That is all.

HELMER LARSON, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Helmer Larson?

A. Yes.

Q. You live at Roseau?

A. Yes.

Q. Have you ever seen this defendant here that I am pointing at?

A. Yes, I have.

Q. Where did you see him?

A. I saw him at the Encore Cafe on Christmas Day.

Q. About what time of the day?

A. It was about five minutes to four.

Q. Where were you?

A. I was standing alongside of the candy counter where the cash register stands on.

Q. Tell us what, if anything, this man did?

A. This man came in the door and stopped at the counter alongside of me for a short period. There was nobody back of the counter so he walked back of the counter and opened the wall cigarette case and helped himself to a package of camels. He then walked right back to the heating stove and Mr. Lindberg came out of the kitchen and he handed him money paying for this package of cigarettes. Lindberg immediately walked up to the register. The man walked back with him and stopped, that is right across from the cash register alongside of the candy counter on the opposite side. While he was waiting for his change he tore the end off his package of Camels and then Lindberg had made change and this man walked up and got his dime. Right after that I walked outside and sat down in my car which was right in front of the Encore Cafe entrance. This man followed me out shortly afterwards and stopped about five feet north of the entrance in front of the Cafe and lit a cigarette and smoked it.

Q. Did you see where he went from there?

A. I did not as I was waiting for my wife to come out and we were going out into the country.

Q. Did you see him after that.

A. I saw him at the county jail Friday evening.

Q. Did you have any conversation with him?

A. No, sir.

Mr. Bell - That's all.

ARCHIE DAHL, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Archie Dahl?

A. Yes, sir.

Q. What is your position?

A. I am manager of the local Penney Store.

Q. Pointing to the defendant here, I ask if you have ever seen that man?

A. I am quite sure I have.

Q. When was that?

A. Well I saw him twice. I saw him on Christmas day between four and four-thirty, and in the sheriff's office Friday morning.

Q. Where did you see him about four-thirty?

A. Where Rice's house used to stand on No. 11 at that turn. Right on the turn. As I was making the turn he came past me.

Q. At the end of this street?

A. Yes.

Q. On the village line?

A. Yes.

Q. Pass him there?

A. He passed me there. I was making the turn and while I was making it he passed me.

Q. What did you notice, if anything, in regard to his wearing apparel?

A. Well he had on an overall jacket and overalls and a hat. A dark hat and he had a handkerchief around his neck which was underneath the collar of the overall jacket. As to his shoes I thought he had rubbers on. I was under the impression that they were rubbers, but they may have been overshoes.

Q. Did you see him again after that?

A. No. I went back towards town and ^{he} kept on Number 11 going east.

Q.

EDSON EDWARDS, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Pointing to the defendant, Mr. Edwards, have you ever seen him before?

A. Yes, I have.

Q. When and where?

A. I saw him on Christmas day and again at the county jail.

Q. What time Christmas Day?

A. It was about a quarter to five I should judge.

Q. Where was that?

A. It was between the town line of Spruce and the Village of Roseau where the Larson corner is. About halfway between there on State Highway No. 11.

Q. Which way was he going?

A. He was going East.

Q. Did you see him any other time that day ?

A. Well, he rode with us.

Q. When did he ride with you? At the time you spoke of?

A. Yes, on Christmas Day.

Q. About where did you pick him up?

A. We picked him up about half way between Wenner's and Rice's corner on the highway, about a quarter of a mile east of the village limits or less than a quarter of a mile.

Q. How far did he ride with you?

A. He rode to where the county road goes to Malung, I think it is two miles.

Q. From the town line?

A. Yes.

Q. Did you have any conversation with him?

A. Yes.

Q. Who was with you?

A. Luverne Dahlquist.

Q. What was the conversation?

A. We asked him where he was going and he told us he was going to Warroad and Baudette and that he knew a man at Baudette and had some business there. He asked us our name and in turn he reached with his right hand in his left coat pocket and pulled out a card and gave it to us. I looked at the card and handed it to Luverne Dahlquist. He looked at it and gave it back to me and said 'You are quite a long ways from home.' He said (yes).

Q. Do you remember what was on the card?

A. There was a man's name and his home address and his business.

Q. Was it something like this? (Showing witness card)

A. Yes.

~~SOVEREIGN EXHIBIT "C" introduced in evidence.~~

Q. You handed it to Luverne Dahlquist?

A. Yes.

Q. Who did he give it to?

A. He gave it to me. He looked at it and handed it back to me.

Q. What did you do with it?

A. I stuck it in the windshield of the car. I left it in the

windshield of the car.

Q. Do you know what became of it?

A. I won't swear as to what became of it.

Q. What became of the car?

A. It was put in the garage and locked.

Q. Was the card in there at that time?

A. Yes.

Q. Did you see the defendant after that?

A. Yes.

Q. Where?

A. In the jail.

Q. Had any conversation with him?

A. Yes, I did.

Q. What did you say to him?

A. Well first one of the officers asked if he had ever seen me and he said 'no.' Then I asked him if he didn't remember the two fellows that gave him a ride and he said, 'No, I don't.' And then I asked him if---

Q. Did you tell him where the ride was?

A. I told him the ride was East of town.

Q. Did you call his attention to anything else?

A. I don't remember that I did.

Q. Did you see which way he went after he got out of the car?

A. He walked around behind the car, or rather we started up, and then we went south a mile and turned around and came back.

Q. What direction was he going?

A. He was going east.

Q. Was it the same man?

A. I don't swear that it was. There was a man walking along, I should judge we were a quarter of a mile from him, and his back was to us.

Q. You couldn't tell for sure?

A. No.

Mr. Bell - That is all.

Crossexamination by Mr. Hegland.

Q. You drove one mile and turned around and came back?

A. Yes.

Q. You estimate that the man, if it was the same man, had proceeded east about a quarter of a mile?

A. Well somewhat. It was about a quarter of a mile.

Q. You know where No. 11 crosses the railroad track? How near was he to that?

A. He was a good deal closer to this road than he was the railroad crossing.

Mr. Hegland - That is all.

LUVERNE DAHLQUIST, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. Your name is Luverne Dahlquist?

A. Yes.

Q. Where do you live?

A. At Roseau.

Q. You heard the testimony of Edson Edwards?

A. Yes.

Q. I want to ask you, pointing my finger at the defendant, if you ever saw that man before.

A. I am positive I have seen him before.

Q. When?

A. On Christmas Day when I gave him a ride of about two miles, possibly not that far.

Q. Anyone with you?

A. Edwon Edwards was with me.

Q. Where was that?

A. We picked him up, I should judge some two blocks from the city limits going east.

Q. And how far did he ride with you?

A. He rode with us as far as the road going across the muskeg to Malung. It is a sort of Y on No. 11.

Q. Where did he get off?

A. He got out at the road going to Malung.

Q. Did you have any conversation with him while you were driving?

A. Well we stopped. I thought it was somebody that I knew or we would not have stopped. He was on the left hand side of the road walking east and so then I stopped. I was probably ten feet ahead of him and I looked back. Before we passed him I said to Edson, 'I think that is one of the Grahns' because his hair reminded me of the Grahns, sort of blondish. So we stopped and he walked behind the car and I noticed it was a stranger, but I looked back and saw a new Chevrolet coming behind and thinking that it was safe I said, 'We will give him a ride for a mile or two.'

He gets in and we asked him where he was going. He said he was going to Warroad and then to Baudette to see a friend, that he had

some business there. We then drove a little ways and he asked my name. Well, I don't give my right name to strangers so I told him my name was Johnson. And then he said, 'here is mine.' So he reached with his right hand and pulled out a card, it says 'Colonel Harry Martin, M. E.' On the left hand corner 'Johannesburg South Africa' and on the right hand corner it says 'Member of the International Secret Service Police.'

Q. Show you State's Exhibit C and ask you what that line is on the back?

A. That is my own handwriting.

Q. Did you put that there?

A. Mr. Rice brought the card back to me on the day after on the 26th and had me sign my name on it and put the name on the back and the date.

Q. What did you do with the card when you got it?

A. I gave it to Edson. He gave it back to me and I took a glance at it and handed it back to him. Edson in turn put the card in the windshield of the car.

Q. What became of the car?

A. I came up town and drove in front of the Encore Cafe and we sat there and talked for a few minutes. Then I decided to put the car in the garage and go home.

Q. Did you do that?

A. Yes, I did.

Q. What garage did you put it in?

A. In the Scenic Garage.

Q. Was the card in the windshield then?

A. It was.

Q. Were the doors locked in the car?

A. No, it wasn't. One door was locked and the other was open. On going home I called up my brother and asked him if he had already locked the car. This was a few minutes afterwards, and he said he had but was going up town or was going to do something.

Q. Who is your brother?

A. Emmett Dahlquist.

Q. When you left the car this card was in the windshield?

A. Yes.

Mr. Bell - That is all.

Cross examination by Mr. Hegland.

Q. What did he have on his head?

A. As to his garb I cannot say because as I saw him I am positive he had a cap on. I was looking back to see the car behind me and didn't pay any particular attention to what he wore.

Ormund J. Zimet, being first duly sworn testified as follows:

Direct examination by Mr. Bell.

Q. What is your name?

A. Ormund J. Zimet.

Q. Where do you live?

A. St. Paul. 192 West Central Avenue.

Q. Were you any relation to Robert H. Lobdell?

A. Yes, sir. I was. Brother-in-law.

Q. Were you here after his death?

A. Yes, sir.

Q. What day was that?

A. I arrived here on the train the 27th.

Q. And did you see the body?

A. Yes, sir.

Q. Where did you see it?

A. At the undertaking parlor.

Q. Carl Listug's?

A. Yes, sir.

Q. While there did you make any search of his clothing?

A. Not at the time.

Q. But you did make such a search?

A. Afterwards, yes.

Q. Afterwards? When was that?

A. About three o'clock in the afternoon.

Q. Of what day?

A. Of the 27th.

Q. December 27th, 1928?

A. Yes, sir.

Q. What if anything were you particularly searching for?

A. I was looking for the registration card of his automobile and his bank book.

Q. Did you find either?

A. I found a bank book and check book, also a handkerchief and a white card in the overcoat pocket that Lobdell had on.

Q. A white card?

A. Yes, sir.

Q. What did you do with the card?

A. I glanced at it and saw it was something about South Africa on it, but

paid no particular attention to it at the time and put it in my own pocket.

~~State's Exhibit "D" introduced in evidence.~~

Q. Can you identify the card? (shows witness card)

A. Yes, that is my writing on the back of it.

Q. Did you place that on there for the purpose of identification?

A. Yes, sir.

Q. What did you do with the card?

A. I turned it over to the coroner.

Q. Carl Listug?

A. Yes.

Mr. Bell - That is all.

Re-direct examination of Carl Listug.

Q. Will ask you if you have ever seen that card before?

A. Yes, sir.

Q. Who did you receive it from?

A. I received it from Ormund Zamet on the afternoon of December 27th.

Q. What did you do with the card?

A. The moment I saw the card I had him sign his name and the date on the back side. I kept the card in my possession until the sheriff came down. Then I turned it over to him.

Q. What time was that?

A. The evening of December 27th.

Re-direct examination of O. A. Rice.

Q. I show you State's Exhibit "D" and ask if that is the card handed to you by the coroner Carl Listug?

A. Yes, sir.

Q. Have you had it in your possession ever since?

A. I have.

Q. And in your possession until presented here?

A. Until now, yes, sir. Q. We offer State's exhibit "D" in evidence.

By the Court: If there is no objection it will be received.

Q. RE-direct examination of Luverne Dahlquist.

Q. In connection with State's Exhibit C, the card you testified to as having been received from the defendant while riding in your car; did you go down to the car with the sheriff and get that card?

A. I did.

Q. Did you get it?

A. Yes.

Q. That was in the windshield then, was it?

A. Yes, it was.

Q. Was the car locked?

A. Yes.

Q. Did you have the key?

A. No, my brother had the key.

Q. Did you get it that time?

A. No.

Q. You were there when the sheriff got the card? You were with him then?

A. My brother, myself and the sheriff.

Q. Your brother unlocked the car?

A. I don't remember.

Q. Anyway the car was locked?

A. Yes.

Q. And the card was still in the shield where you had placed it the first place? ⁱⁿ

A. Yes.

Q. And you took it out of the car?

A. I took it out of the car. I handed it to Mr. Rice, the sheriff.

Mr. Bell - That is all.

Re-direct examination of Mr. Rice.

Q. Show you State's Exhibit "C" and ask you if you saw that card before.

A. I have.

Q. Where did you receive that card?

A. I received it from Laverne Dahlquist over in the Scenic garage. Took it from the corner of the windshield. The door on the side we approached the car was locked at the time, and either Emmett or Laverne unlocked the door at the time. I don't remember which.

Q. You had been there to get the card before and the car was locked?

A. We saw the card in the windshield.

Q. And was it in the same place when you went back?

A. Yes.

Q. And you have had the card in your possession ever since until presented to the court?

A. Yes, sir. Q. We offer State's exhibit "C" in evidence.

By the Court: If there is no objection it will be received.

~~State's Exhibit "C" admitted in evidence.~~

Mr. Bell - State Rests.

Mr. Hegland - Defendant rests.

Taken and sworn to before me this 31st day of December, 1938.

State of Minnesota,) ss
County of Roseau.)

In Justice Court,
Before Robt. J. Knutson,
Justice of the Peace.

State of Minnesota,) ss
Against)
George Ryan.)

TO THE DISTRICT COURT OF ROSEAU COUNTY, MINN.:

The defendant in the above entitled action having had a preliminary examination before me, and having been held to answer the charge therein preferred against him at the next term of the District Court, I hereby make return of the proceedings had before me therein, pursuant to the statute, as appears from my docket, viz:

State of Minnesota,) ss
County of Roseau.)

In Justice's Court,
Before Robt. J. Knutson,
Justice of the Peace.

The State of Minnesota, Plaintiff,) ss
Against)
George Ryan.)

December 28, 1928. Complaint in writing made and filed by R. J. Bell, setting forth that on December 25, 1928, at Town of Spruce, in said County, George Ryan did wilfully unlawfully and feloniously without authority of law, and without excuse or justification, and without deliberation or premeditation, and with a design on the part of him, the said George Ryan to effect the death of a human being, to-wit: Robert H. Lobdell, by means of a deadly weapon, to-wit: a firearm, commonly called an automatic pistol, loaded with powder and bullets, by then and there shooting him, the said Robert H. Lobdell with said firearm, and thereby inflicting upon the body of said Robert H. Lobdell a mortal wound, from which wound, he, the said Robert H. Lobdell, did then and there die. Warrant issued.

Warrant returned by O. A. Rice, Sheriff, Roseau County, Minnesota, with certificate showing defendant under arrest and before the Court in custody. Warrant filed.

R. J. Bell, Esq., County Attorney, appeared on the part of the State. Defendant without counsel.

Warrant read to the defendant, who admitted that he was charged by his true name, and entered a plea of not guilty. Defendant stated that he demanded a preliminary examination.

By consent of parties, to allow the State to procure witnesses, and to enable the defendant to procure counsel, cause adjourned to December 31, 1928, at 10 o'clock, A. M.

Commitment issued, which was returned by the Sheriff with certificate showing defendant in custody in jail. Commitment filed.

Summons for witnesses issued, directing the officer to summon Ole J. Lund, Robert Norris, J. L. Delmore, Andrew Johnson, Sr., Nels Kofstad, Helen Johnson, Violet Kofstad, Russel R. Bush, Selmer Norquist, Rander Norquist, Arthur Van Schoiack, Mike Bereis, Nels Larson, Jesse Bennett, Helmer Larson, Lawrence Lindberg, La Verne Dahlquist, Edson Edwards, Archie Dahl, Orman J. Zeimet, and Harvey Walker, material witnesses on the part of the State, to appear before me on December 31, 1928, at 10 A. M., to testify.

December 31, 1928, at 10 o'clock, A. M. Case called. Defendant in Court. R. J. Bell, Esq., County Attorney, appeared on the part of the State, M. J. Hegland, Esq., on the part of the Defendant.

Stipulated and agreed in open Court, by the parties hereto, thru their respective attorneys, that the testimony of all witnesses to be examined at this hearing be taken in short hand notes by Borghild Martin and by her transcribed as soon after the examination as conveniently may be done. That such transcribed short hand notes shall then be considered and used as the testimony in this examination with the same force and affect as if originally taken down by the presiding justice of the peace and subscribed by each witness, respectively, the signatures of the respective witnesses being waived by the defendant.

Pursuant to said stipulation, Borghild Martin was sworn as reporter.

Robert Norris, J. L. Delmore, Carl Listug, O. A. Rice, Ole J. Lund, Andrew Johnson, Jr., Nels Kofstad, Helen Johnson, Violet Kofstad, Harvey Walker, Rudolph Rice, Russel R. Bush, Selmer Norquist, Rander Norquist, Arthur Van Schoiack, Mike Bereis, Nels Larson, Margaret Bell, Jesse Bennett, Helmer Larson, Archie Dahl, Edson Edwards, Luverne Dahlquist and Orman J. Zeimet were called as witnesses on the part of the State, and being duly sworn, testified. All testimony offered was taken on short hand notes by the reporter.

State's exhibits "A" "B" "D" and "C" were marked, identified and admitted in evidence.

State rests.

Defendant rests.

It appearing that the offense charged in the complaint and warrant herein had been committed, and that there was probable cause to believe defendant guilty thereof, I ordered that he be held to answer therefor at the next General Term of the District Court to be held in said County.

Commitment issued, which was returned by O. A. Rice, Sheriff, with certificate showing defendant in custody in jail Commitment filed.

Commitment issued to Marshall County jail.

January 4, 1929. Commitment to Marshall County jail returned with certificate of John P. Bordewich, Sheriff, showing defendant in custody in that jail Commitment to Marshall County jail filed.

January 10, 1929. Transcript of testimony taken herein filed by Borghild Martin, reporter. Pursuant to stipulation herein, I dispensed with the signing of such testimony by the respective witnesses.

January 15, 1929. Summons for witnesses returned by O. A. Rice, Sheriff, with certificate, showing service upon the persons therein named, on December 29, 1928. Summons for witnesses filed

January 25, 1929. Certified and returned to the Clerk of the District Court a copy of the docket entries together with all papers and proceedings had before me in said action. Transcript of costs issued.

Robt. J. Knutson,
Justice of the Peace.

State of Minnesota,) ss
County of Roseau.)

I hereby certify that I have compared the foregoing with the original entries in my docket, and that the same is a full and correct transcript therefrom, and of all the proceedings had before me in said action; that the complaint, warrant, commitments, testimony and examinations of witnesses, together with all process and other papers relating to the action and filed with me, or had before me therein are herewith returned and attached, and numbered from No. 1 to No. 7, inclusive; and that together with the foregoing transcript, they contain a full, correct and complete statement of all the proceedings had before me in said action.

Given under my hand this 25th day of January, A. D. 1929.

Robt. J. Knutson
Justice of the Peace.

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STATE OF MINNESOTA
COUNTY OF ROSEAU

Justice

DISTRICT COURT

State of Minnesota

Against

George Ryan
vs.

TRANSCRIPT AND RETURN TO
DISTRICT COURT

State of Minnesota,
County of Roseau,
District Court.

Filed Jan 28 1929
W. F. Kline Clerk

ROBT. J. KNUTSON



Attorney for

Roseau, Minn.

353

Case No.

Original

STATE OF MINNESOTA

County of Roseau

DISTRICT COURT

Fourteenth Judicial District

The State of Minnesota

Plaintiff

vs.

George Ryan

Defendant

RECORD FOR COMMITMENT

(Sec. 10797 G. S. 1923)

State of Minnesota
County of Roseau,
District Court

Filed June 8, 1927

A. A. Frycklund Clerk

STATE OF MINNESOTA,)
(ss:
County of Roseau.)

IN DISTRICT COURT,
Fourteenth Judicial District.

The State of Minnesota

vs

George Ryan, Defendant

RECORD FOR COMMITMENT

(Sec. 10797 G. S. 1923)

The above named defendant having been duly tried and convicted of the crime of Murder in the second degree, at the regular April 1929 general term of the District Court in and for the County of Roseau, State of Minnesota, at the Court House in the Village of Roseau, in said County and State, on April 10, 1929, the Honorable Andrew Grindeland, of Warren, Minnesota, Judge presiding, and a jury; R. J. Bell, County Attorney of Roseau County, Minnesota, and Charles Loring, of Crookston, Minnesota, appearing in behalf of the State, and M. J. Hegland, of Roseau, Minnesota, appearing in behalf of the defendant under appointment by the Court; and said defendant having been found guilty of said crime, as charged in the Indictment herein, the following is the testimony directed by the Court to be made a part of the commitment record:

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ROBERT NORRIS: I live at Williams, Minnesota. Am in the newspaper business. I was in Roseau on the 25th of last December, Christmas day, and about ten minutes after nine that night, 5 or 10 minutes after 9 I started for Williams on highway number 11 east, in a car, alone. Approximately 5 miles east of Roseau I saw the body of a man along the road and a parked car. The car was parked just west of a culvert there that run into a farm house. The car was right at the road. It didn't stand right on the road but it was just west of it, just off of the road. The body I would estimate was about 100 yards this way from the car. The car was headed west. The lights were on the car. I did not notice whether there was anybody in the car. The body was lying just outside of the track to the south, practically parallel with the road. The head was to the east. I went on up the road to a farm house whom I found to be man by the name of Lund. I spoke to him and come back to the scene with Mr. Lund and two boys. We stopt and one of the boys looked at the man, felt of his head to see whether it was cold or not. Mr. Lund and the other boy went up to the farm house that was near and they came back saying that there was nobody home. I looked at the body, but not closely. Mr. Lund and I came on into town and saw the coroner.

DR. J. L. DELMORE: I am a practicing physician and surgeon, and have practiced for many years at Roseau. I had occasion last Christmas to go out to the Dahlen place. When I got out near there I found a man dead besides the road. He was Robert H. Lobdell. I think those are his initials. This was in the town of Spruce in Roseau county. The body lay on the south side of the highway number 11, with the head to the east, the feet to the west, the body of a young man in the uniform of an Immigration Border Patrol; wore an overcoat, the regulation overcoat, a black fur cap, and he carried the Border Patrol emblem on his cap and one on his coat. I don't know whether he had leggings on or long trousers. I know that he had overshoes on. There was a bullet wound in the left temple and around that wound was a black discoloration. In my opinion I thought the discoloration was due to powder marks. The body was picked up and put in a car and brought to Roseau. Before it was picked up I noticed what he had in his hands or vicinity of his hands. In the left hand was a flash light. It was a loop of a billy over his right hand. The billy was there, yes. He had a pair of gloves on. I did an autopsy on the body after it was brought to Roseau. I found that there was a penetration of the skull in the left temple, diagonally thru the head and an emerging bullet wound behind the right ear and the emerging wound was about half to three quarters of an inch lower than the wound of entry. It had gone direct thru the brain. The wound extended clear thru under neath the scalp. It didn't penetrate the scalp, and the back. Under the scalp on the back side of the head there was a number of pieces of bone and a small bullet. (Bullet so found received in evidence as State's Exhibit A.) In my opinion the cause of death of Robert H. Lobdell was that bullet wound.

Before the body was removed I noticed he had a belt and revolver on his person. The revolver and holster hadn't been used. The revolver was in the holster. It was loaded. All the cartridges were there except one. There was no empty shell in it. I am not well enough acquainted. It was a regulation revolver. It was a real revolver, not an automatic. The flap of the holster was buttoned, and buttoned over the revolver.

It is purely problematical how long he had been dead. Whether a body is stiffer not, that is about the only way we can tell, and the body was still fairly limber at that time. It usually takes-- altho it varies in different people--usually takes about four hours for rigor mortis to set in. I was out there 5 minutes to 11. I should imagine he had been dead between two and three hours.

CARL LISTUG: I am the coroner of Roseau County. I had occasion on last Christmas night to examine a body found between 4 and 5 miles east, on highway number 11, east of Roseau. I recognized the body as that of Robert H. Lobdell. (Description of how laying omitted)

The overcoat was partly opened and he had a heavy service revolver in the holster, and the flap of the holster was buttoned. I examined the revolver. I found, as to its contents, five loaded shells. The barrel was entirely clean and one of the chambers in the revolving part of the revolver was empty. The chamber for that was right on the barrel, that is, right under the hammer. There was no discharged cartridge in it; just the empty chamber of the cylinder.

I took the body to Roseau to my undertaking parlor. Took it with the overcoat right on it. When we got to my undertaking parlor, we examined the clothing to see if there was anything of value--in the first place, while the doctor was there, just a brief examination and especially to see if there was anything of value, like money, and we found a purse with a little silver in it. I don't remember just how much it was. That wasn't in the overcoat. That was in one of the trouser pockets. Did not examine the overcoat pockets thoroly at that time. We put our hand into all of them to feel if there was anything like a pocketbook or anything like that, but we did not examine the overcoat very thoroly. I took the overcoat and hung it up at my undertaking parlor. It remained hanging up there about, oh, just a short while until I removed all the rest of the clothing and then I packed them in a carton and took them into the furniture store and kept them there. Whether I packed them into a carton before Mr. Ziemet, a brother in law of Mr. Lobdell, came up, or not, I can't remember. This clothing were in my charge and in my custody all of the time from the time I removed them from the body until Mr. Siemet came to town.

(Cross Examination) The next morning after this body was brought in, there was quite a few people that came to the undertaking parlor. There was quite a few there while we were--they came up to the doorway anyway while the autopsy was on. I was not in the parlor there all of the time when the people were there. The brother in law came up the next day, on the 12:30 train. I didn't pack the overcoat and other clothes before he came up; just took them in so as to preserve them, to keep them.

DR. DELMORE (Recalled) While you were performing that autopsy with Mr. Listaug, Mr. Listug and nobody else was in that room. No one during that autopsy had access to this overcoat except Mr. Listug and myself. I did not take anything out or put anything into that overcoat. I didn't see that Mr. Listug take anything out or put anything into.

NELS KOFSTEAD: (On direct Examination by Mr. Loring)

Q. Where do you live? A. Warroad.

Q. Q. And how long have you lived up there at Warroad? A. Well, moved up there in 1912, I think.

Q. And before that did you live somewhere down here in Roseau county? A. Yes, sir.

Q. Were you in the village of Roseau on Christmas day? A. Yes, sir.

Q. Did you have occasion to leave the village of Roseau on Christmas night? A. Yes, I did.

Q. In what manner did you leave the village? A. I drove back in a Ford sedan.

Q. That is a closed car? A. Enclosed.

Q. With what sort of windows in them--glass windows? A. Glass.

Q. And who was with you in the car? A. My grand father and my mother and my little sister, Violet, and her brother Eugene, and my counsin Helen Johnson.

Q. As you sat there in the car how were you arranged? A. I was driving the car and my grand father was sitting in the front seat along side of me, and the rest of them were sitting in the back seat.

Q. As you left Roseau which road did you take? A. Number 11.

Q. About what time was it when you left Roseau? A. I couldn't say for sure because it was after half past eight.

Q. Which way on number 11 did you drive? A. Towards Warroad.

Q. That is going east on number 11? A. Yes, sir.

Q. Do you know where the Dahlen place is out there? A. Yes.

Q. Did you see anything unusual as you approached the Dahlen place? A. Yes.

Q. What did you see? A. At first we saw a car. I saw the headlight of a car, and I didn't know if it was coming our way. I figured that was coming our way and then I saw two men walking in front of the lights.

Q. About how fast were you driving when you saw these people? A. Well, not so very fast.

Q. Well, what did you do as to speed when you passed by? Did you go faster or slower? A. I slowed down.

Q. And about how fast were you driving as you passed this car and these men? A. I don't know but it was not so very fast because I had--the first impression I had, I thought maybe it was some fellow--man that was drunk so I slacked down and I wasn't driving so very fast.

Q. When you got closer what did you see? A. They was walking towards us, or one man started to kind of walk away from the other man, and the other man was evidently trying to get him back to the car that was parked there.

Q. Were the lights of this car lit? A. Yes, sir.

Q. Which way were they pointing? A. They were faced, going this way (indicating) towards Roseau.

Q. Towards Roseau. And on which side of the road was the car standing? A. The car was on the right hand side before going to Roseau. It was on our left hand.

Q. North or south of you? That is, I mean was the car that was parked, standing on the north or south side? A. It was on the north side.

Q. And do you recall about how it stood relative to the Dahlen place? A. It was standing right close to the crossing.

Q. Did you notice whether there was anybody in the car? A. I don't know.

Q. You don't know that. Well, about how long did you observe these two men as they were standing in front of the car, or moving in front of the car? A. Well, when we met these two men--I don't know--they probably were about fifty feet on this side of the car we met them, and I wasn't driving so very fast until we had passed the other car.

Q. And did you look at these men at all when you went by them? A. Well, yes, I glanced to the side.

Q. Did you glance back at all after you had got by? A. I did.

Q. What did you see? A. One of the men, I believe, started running.

Q. Did you see what the other one was doing? A. And the other man was walking after him evidently trying to get him back to the car.

Q. Did you notice how these men were dressed? A. Yes, I remember one had an overall on because he come just in line with one of the headlights on the car.

Q. Did you see what sort of clothes the other man had on? A. I couldn't tell so well because he was right in between the lights.

Q. Did you see these men walking at all, the two men? A. Yes, I did.

Q. Now, did you notice the manner of walking of the man with the overalls on? Notice his gait? A. To a certain extent, yes.

Q. Have you seen the defendant here walking at all since that time? A. I have.

Q. Did you notice whether or not there was any similarity in the gait of the man with the overalls on that you saw that night, and the defendant here? A. There was.

Cross Examination, by Mr. Hegland:

Q. How fast were you driving on that trip to Warroad? A. I remember the roads were slippery so I didn't drive very fast. I believe I

even mentioned it down here I am not going to drive so very fast.

Q. Well, what do you mean by very fast? A. Well, Ford sedan-- I never drive very fast.

Q. Well, that doesn't give us any idea. Is very fast, 25 miles an hour? A. I probably average about 20 when I am driving.

Q. And that is what you think now you averaged that night?

A. Yes, I probably drove about twenty.

Q. And when you passed these two men that you saw you slowed down even from twenty miles an hour? A. I did.

Q. Well, how fast do you think you went when you passed them, in your best judgment? A. I probably slacked down to less than ten miles an hour.

Q. Now, during even that time you couldn't have seen these two men very long, could you? A. Not so very long.

Q. It was just as you flash lights as we will call it or your light from the car flashed on them? A. It was not my car. It was their lights.

Q. And how many minutes or seconds do you think you did see them? Did you see them for more than one minutes? A. No, I don't think we did.

Q. It would be somewhere around one minute just as they passed this light that you saw them. A. Yes.

Q. And during that time did I understand you to say that one was running? A. When they were walking towards us there, I believe, when they come right towards us, just about opposite our car, one started to run.

Q. And just before he started running was he walking fast?

A. Not so very fast. He was walking along just about a natural gait I would say.

Q. Now, when did you see this defendant walk here in town?

A. When I was in the court room. I was in the court room in there and he walked from in here and into the other room with Sheriff Rice.

Q. And do you think you can judge that that walk was the same as you saw that night? A. I recall--kind of refreshed my memory.

Q. Now, was there anything peculiar with this walk to distinguish it from any other man's walk? A. I couldn't describe. I couldn't describe any particularities that I can remember.

Q. Well, it is all guess-work then that you think that now it is the same walk that you saw that night? A. I believe everybody walk different.

Q. Yes, but right then. Describe in what different way this man walks from you or me or anybody else? A. I am sure I couldn't do that.

Q. You noticed that he had an overall on. Did you notice any other garment that he had on? A. Yes, I did.

Q. What was that? A. I couldn't say exactly, but I remember this man with the overall on, he had--whether it was jacket or coat, I couldn't say, but he had something, either his coat or some other garment on.

Q. Could you tell what kind of a jacket or coat it was? A. No, I could not.

Q. Was it one to match the cloath of the overall? A. It was dark.

Q. You couldn't tell the color of the overall. A. Yes, sir.

Q. Well, couldn't you then tell the color of the coat too?

A. No. I happened to glance and that is one of my impressions that I remember I saw it was overall cloth. It looked like it looked blue.

Q. The lights from the other car standing still flashed on, on from top to bottom didn't it? A. That flash struck that side he had the overall, on the side, and we were at an angle so that I saw it was a blue overall. It looked much like a blue overall.

Q. And those lights were 50 feet ahead about? A. Not necessarily because these men were walking away from the car meeting us.

Q. Yes, but at the time you saw them they were about 50 feet ahead of the car. A. That is just about when we passed them.

Q. Yes, just as you passed them and that was so far ahead of the other lights that its lights flashed all around him, didn't they?

A. We saw him before we passed him.

Q. Yes, but you couldn't tell the color of his coat when you could tell the color of his overall? A. No, because it was just when the lights reflected on the side of his overall that I could see that.

Q. From the other car. A. Yes.

Q. Could you tell what head gear he had on? A. No, I couldn't do shtat.

Q. You couldn't tell whether it was hat or a cap. A. I can't remember that.

Q. And could you tell whether he had mitts on? A. No, I couldn't.

Q. Could you tell whether the overalls were turned up at the bottom or not? A. No, I couldn't do that.

Q. And do you know for sure whether he had, whether he wore an overcoat or not? A. No overcoat. It was either jacket or coat.

Q. It didn't come down any further than say half ways between the knee and the hip? A. Yes, just about as far as my coat would come down (indicating.)

Q. Yes, just like the ordinary frock of the coat. A. Yes.

Q. Did you see the face? A. I couldn't. Of course, I did see the face. I did see the whole man.

Q. There is nothing on the face that you could identify or recognize. A. No, I couldn't say that.

ANDREW JOHNSON: You are the same Andrew Johnson that the witness who was just on the stand (Nels Kofstead) spoke about as being in the front seat of his car? A. Yes.

Q. As you drove east with him there on No. 11, out towards Mr. Dahlen's place, did you see anything unusual? A. No, We met two men, who went side by side.

Q. What did you first see up there. Did you see anything of any other car? A. We see the first the car which they got.

Q. Where was the car that you saw? A. It was on this side on Dahlen's farm.

Q. About what time was it that you went by Dahlen's farm there?

A. I think round nine.

Q. Were the lights on the car? A. Yes, they was good lights on the car.

Q. Did you see whether or not there was anybody in that car as you went by? A. No, there was nothing in the car.

Q. Did you notice whether or not the door of the car was open?

A. Yes, the door was open, on this side (indicating). You see the car run to this side--south side.

Q. On the south side. A. Yes, sir.

Q. And what did you see of the men? What were they doing?

A. I see them walk side by side. One man hitting his hand over other, "winking" at him with this side. (Taps on left shoulder of court reporter sitting to his right)

Q. With his right hand. He had it on the shoulder of the other man. A. Yes, "wink" with it.

Q. And with the left hand he was making some signal? A. Yes.

Q. And did you notice anything more about them? A. No.

Cross Examination, By Mr. Hegland:

Q. * * About all you saw was that there was two men side by side. A. Yes.

Q. And it appeared to you that one man had his hands on the other's shoulder? A. Yes.

Q. Now, how were they walking, on a trot or an ordinary walk?

A. Yes, it is pretty hard to say. I think them walked slow.

Q. When you did see them did you make any remark to Kofstead with you? A. Yes. * * Well, we said there that I think it was some men who was drunk.

Q. And did you believe that there were two or at least one of them drunk? A. Yes.

HELEN JOHNSON:

Q. How old are you? A. Fourteen years.

Q. And how long have you lived here in Roseau, do you remember?

A. All my life.

Q. And what grade are you in in the school? A. I am a sophomore in the high school.

Q. And do you remember being here last Christmas day in Roseau? A. Yes.

Q. And did you go anywhere on the evening of Christmas, that night? A. Yes, we went to Warroad.

Q. With whom were you riding? A. Nels Kofstead, Andrew Johnson, Sr., Mrs. Kofstad, Nels' mother, and Violet Kofstead, his sister, and Eugene Kofstead, brother.

Q. Eugene is a small boy is he? A. Yes.

Q. And do you remember how you were arranged in the seats, where you sat and where the others sat? A. Mrs. Nels Kofstead was at the wheel. On his right sat Andrew Johnson, Sr. In the left corner of the back seat I sat. On my right sat Violet Kofstead and on her right sat Mrs. Kofstead with the little boy on her lap.

Q. Now, do you recall about what time it was when you left Roseau in that car? A. I should judge about 9 o'clock.

Q. Now, when you got out on the main highway did you see anything unusual? A. The first thing I noticed out of the way was the lights of a car parked on the left hand side of the road, facing east.

Q. You said the left side of the road. Do you mean the north side or south side? A. The north side.

Q. Well now, the car itself, which way was the head of that car? Was it towards Roseau or toward Warroad? A. Toward Roseau.

Q. Were there any lights lit on the car? A. Yes.

Q. What lights were those that were lit? A. I noticed the two front lights, the two main lights--head lights.

Q. Now, beside the car, did you see anything, any men or any people? A. In front of the car about 4, 5 feet, there were 2 men.

Q. Well, what were those men doing when you first saw them?

A. They seemed to be designating directions.

Q. You say that one seemed to be designating directions or something. How was he doing that? A. He was pointing over his shoulder like this.

Q. With the thumb. A. Yes.

¹/₂ Q. And what next did they do? A. We looked. I looked out the side window and saw them moving their arms and we didn't see much more until we had passed. Then we looked out the back window and saw them zig-zagging down the road in a westerly direction. They seemed to be punching each other about the shoulders. Then after they had gone a ways, the one figure was seen to go down to the ditch on the north side. After that he got up from the ditch, and he began tussling again. Then there appeared to be just one black spot on the south side of the road. Later the spot gradually changed to two spots, the one remaining on the south side of the road and the other running down the road in a westerly direction.

Q. Well now as you drove up there, was Nels driving fast or slow? A. He was driving at a moderate rate of speed until after we had passed the car when he slowed down somewhat.

Q. And in what position did you get in the backseat so that you could look out? A. We turned around, turned our heads and looked out the back window.

Q. About how long do you think you were looking out the back window there? A. I would say about one or two minutes.

Q. And as you looked out there, after you had gone by, did you see the lights of any other cars anywhere? A. Yes, we saw the headlights of a car coming from Roseau, after the little incident had occurred. I should say about half a minute or so after.

Cross Examination, by Mr. Hegland:

Q. Well, you think Kofstad that night as he passed these men was driving about 30 miles an hour? A. Yes.

Q. Could you tell what kind of clothes they had on, these two

men? A. I noticed only the one man. He was farthest to the west. He appeared to be clothed in an overcoat, a boy's cap of a light color, tan or gray, some shade, and that was about all I noticed on him.

Q. You have seen the patrolmen, immigration patrolmen on the streets in Roseau, haven't you? A. Yes, sir.

Q. You know what overcoat they wear? A. Yes, sir.

Q. Could you tell whether it was one of those overcoats?

A. No, I didn't notice at all.

Q. And the other fellow you couldn't tell at all, what kind of clothes he wore? A. No.

Q. And could you tell whether he had an overcoat on or not?

A. No, I didn't.

Q. Now, could you tell which of the two, the one with the overcoat or the other fellow, which was ahead when they came walking toward your car? A. The one with the overcoat was ahead.

Q. And you say that one man was pointing his thumb backwards. Now which one of the two men, the one with the overcoat that was doing that, or the other fellow? A. The one without the overcoat.

Q. Did he point as far as you could tell back along the road or to the side of the road? A. He seemed to be pointing in a northeasterly direction.

Q. That wouldn't be straight from the car then that was behind them? A. No, I didn't take it to be to the car.

Q. Then right after you passed I believe you stated that you looked out the back of the car? A. Yes.

Q. And then is the time you saw the two men zig-zagging. Were they touching each other when they zig-zagged? Were they holding arms together or one touching the other? A. Well, they seemed to be punching each other. I wouldn't say they were touching each other all of the time, but--

Q. --they seemed to be punching? A. Yes. Well, they seemed to be motioning like this (indicating). That is about the only motion. The one seemed to be behind the other and still sort of trying to punch each other.

Q. Well, they were both striking, stretching out their hands towards the other? A. Yes.

Q. Then can you state how many feet or yards they were behind your car when you first saw this punching as you describe it? A. No, I couldn't say. Immediately when they got behind the car they kept on punching each other all of the while they were running down the road.

Q. Were they walking fast then or ordinary gait? A. They were sort of running fast.

Q. When you finally saw a black spot in the road, how many feet do you think that was behind your car, in reference to a block? A. Well I couldn't tell that because it was just one spot and sort of blurred and misty. I couldn't say.

Q. You had no light at all to go by except the moonlight and snow. A. Yes.

Q. There was no other reflection from any other light then.

A. No..

Q. How did that spot look? A. It didn't seem to be any particular shape, but it just appeared to be one black blotch.

VIOLET KOFSTEAD:

Direct Examination, by Mr. Loring:

Q. How old are you? A. Thirteen.

Q. And where do you live? A. Warroad.

Q. Do you go to school up at Warroad? A. Yes.

Q. And what grade are you in? A. Seventh.

Q. * * Well, do you remember seeing anything unusual after you got out a ways on that highway? A. We saw a car parked on the left hand side of the road.

Q. Which way was the head end of the car? A. Pointed west.

Q. Did you see anything else besides the car? Did you see any people? A. I saw two men in front of it.

people?---A.

Q. When did you first see those two men? A. About half a block away we could see the figure of the two men from the car.

Q. What were those two men doing? A. Sort of scuffling along the road by the car.

Q. Well, did you notice what they were doing as you passed?

A. Sort of had hold of each other and running.

Q. Well, how much of that did you see before you got by them, and how much did you see when you were looking out the back window with your cousin Helen (Johnson)? A. Just as we passed they were just hanging on to each other and sort of pushing.

Q. And as you looked out the back window, what did you see?

A. They were still in the same position--running. And we saw one figure down in the ditch and one figure standing up.

Q. Which side of the road? A. On the north side.

Q. On the north side was where they went into the ditch. A. Yes.

Q. Then what happened after they went down into the ditch on the north side? A. He got up again and he started in the same way scuffling down the road and we turned around the other way and turned back again and we saw a figure laying in the road, a black spot.

Q. Then did you see anything of the other man? A. Well, as we looked again we saw a figure running down the road, west.

Q. Did you notice anything about how the men were dressed as you went by them? A. I noticed the leggings on one man.

Q. And which was that, the man that had an overcoat on or the other? A. I didn't notice an overcoat.

Q. Did you notice how the other man was dressed, the one that didn't have leggings on? A. No.

HARVEY WALKER:

Direct Examination, by Mr. Loring:

Q. Mr. Walker, you live on the Sjoberg farm out east of Roseau?

A. Yes, sir.

Q. And about how far east of Roseau is that? A. Oh, four miles or such a matter; four and a half probably.

Q. Which direction is that from the Dahlen place? A. That is west of the Dahlen place.

Q. About how far west from the Dahlen place? A. Oh, I suppose half, three quarters of a mile, something like that. I don't know just exactly.

Q. And which side of the road are you on? A. The south side.

Q. I refer now to number 11, the trunk road by there. A. Yes.

Q. And were you at home Christmas night, December 25th, 1928?

A. Yes, sir.

Q. What were you doing round there in the evening? A. Doing the chores, milking the cows and so on.

Q. Well now, did you hear anything unusual that evening? A. Yes I heard a shot fired.

Q. About what time did you hear that shot fired? A. Well, I couldn't say exactly, but it was somewhere between half past eight and nine. I should judge it was close to nine.

Q. And where were you at the time that you heard that? A. I was in the well-house on the east side of the barn building a fire in the stove I had in there.

Q. And where in relation to the window of the well-house were you? A. I was real close by the window. The window is in east of the well house and I was close by the window.

Q. And from the noise you heard, what direction did that shot appear to be from? A. It appeared from the east. That is where I thought it come from, from the way the sound come in there.

Q. What kind of a night was it? A. Well it was a still night, bright moon-light.

Q. Had you been home all day that day? A. Yes.

BENJAMIN FRANKLIN

Direct Examination, By Mr. Loring:

Q. Do you live here in Roseau? A. Yes, sir.

Q. Did you see anything of Robert H. Lobdell, the immigration inspector, or patrolman, in Roseau that evening? A. Yes, sir, I saw him in the evening.

Q. About what time did you see him? A. About 8:30

Q. Where? A. In the Encore Cafe (in Roseau).

Q. And what did he do when you saw him? A. Well, I saw him leave the cafe. He walked up to the cigar case and lit a cigarette and came out. He had been eating in one of the booths.

Q. Was he in uniform? A. Yes, sir.

RUSSEL BUSH

Direct Examination, by Mr. Loring:

Q. You are a patrol inspector of the immigration service? A. Yes, sir.

Q. What is your station now? A. Baudette, Minnesota, now.

Q. What was it last Christmas time? A. Roseau, Minnesota.

Q. Were you in Roseau on Christmas? A. Yes, sir.

Q. Were you the chief patrolman here at Roseau? A. I was patrolman in charge at that time, in charge of the detail that was stationed here.

Q. What position did Robert H. Lobdell hold in the service?

A. He was patrol inspector, also stationed here at Roseau.

Q. I show you Exhibit D and ask you if that is your signature attached to that document? A. Yes, it is.

Q. And I will ask you whether or not those were the written orders under which patrolman Robert H. Lobdell was acting that night.

A. Yes, they were. (Offered and received in evidence).

Q. When did you first learn of the death of Robert H. Lobdell?

A. Shortly after 10 o'clock, about 10:10 I should judge.

Q. Then what did you do? A. Well, immediately got a car and drove out to the spot where he was killed.

Q. Did you find the body lying in the road? A. Yes, sir.

Q. When you got out there in what position was the body? A. Well, it was lying on his back, his head pointed towards the east and his arms down along his side and they weren't close up to his side; they were perhaps six or eight inches from his side, his hands were.

Q. What part of the road? A. It was on the south side of the road.

Q. Then was the car still standing there when you got out?

A. Yes, sir.

Q. Were the lights lit? A. Yes.

Q. About where was the car standing? A. The car was east of the body, oh, about perhaps 4 ~~inches~~ hundred feet. (400 ft.)

Q. Did you examine the car tracks? A. Yes, sir.

Q. The tracks of his car? A. Yes.

Q. And from those tracks could you determine where he had turned round in the road? A. Yes.

Q. Where had he turned around? A. At Ole Lund's place. That is about between half and three quarters of a mile east of Dahlen's place, I should judge.

Q. Let me ask you how lobdell was dressed at the time you found him there lying on the road? A. He was in full uniform, his overcoat was unbuttoned; he had on a pair of leather gloves and he had a flash light lying by his left hand, and his black-jack right near his hand too; hand sort of covered part of the black-jack. His revolver was in the holster and flap buttoned down.

Q. Did you examine that revolver to see what the contents of it were? A. Yes, sir. There was 5 loaded cartridges in it. It was a 45 Colt double action revolver. There are six chambers in the cylinder of that revolver.

Q. And you said that five of them were loaded; that is, there were cartridges. A. Yes, sir.

Q. Was the other one empty or did it have a discharged cartridge in it? A. No, it was empty. There was not a shot. It is our custom just to carry five shells; to carry nothing under the hammer. I examined the barrel. It had not been discharged since it was cleaned.

Q. Then, what did you start to do when you left there? A. I drove to Salol. I took the patrol car so as to save that.

Q. When you came back from Sabl what did you do. A. Began looking

for tracks.

Q. Well, just tell us where you looked for tracks. A. Well, I looked along the highway first, all side roads and I couldn't locate anything, so I went up north of the highway about a quarter of a mile and started traveling east. There was fresh snow out there. I thought I would be more likely to find the tracks, and while following the sled track east of the Skog place I noticed some fresh foot prints coming from the south, and they entered into the sled track but on the opposite side of the sled track instead of going on north, there was tracks there also coming into the sled track.

Q. When you say "coming in" you mean that the toes of the tracks were toward the sled track. A. Yes.

Q. What did you do when you found that evidence? A. Well, I looked in the sled track to see if there was any foot prints going in either direction.

Q. And did you see any? A. No.

Q. Well, when you found no tracks going in either direction along that sled track, what did you do then? A. I began following the tracks that came from the south back towards the highway. I followed them and they led me right thru the Skog's place past a barn and right out to the highway.

Q. Right out to highway number 11. And that would be at a point in what direction where you had found Lodbell's body? A. West of there about a quarter of a mile.

Q. Then what did you do when you came out to the highway?

A. Why, I decided to let my superior officer know what I had found, Inspector Nooney.

Q. Then what did you and he do? A. We went back to where I first found the foot prints and we started tracking him north.

Q. You say you followed his foot prints that came towards the sled tracks from the north? A. Yes, sir.

Q. What did you find as you followed north? A. After I followed them about oh 100 feet perhaps little more why the tracks suddenly started going in the other direction, just as if some man had been walking backwards and then turned around.

Q. That is, the toes were pointing then towards the north instead of the south. A. Yes. (Map, Exhibit E, hung on wall. Witness steps up to map and uses pointer) We began northeast of Skog's place just a short distance and we went north just a short distance and made a circle west and then west across this ditch grade. We went north of Hall's place. * * We got on his trail again over at this sheep ranch and following him north along this ditch grade and until we got up to about there, and he cut across. He left that ditch grade and he cut diagonally across to this ditch number 7 and then he cut down thru the ditch and broke thru the ice. We followed the trail thru there and found where the man had broke thru the ice and he immediately got up out of the ditch on the north side and he followed the ditch along on the north side until he got to the J. Mattson farm. It was 8 o'clock when we arrived and we stopt at Mattson's place to get something to eat and there we heard that a man had been seen. We got Mr. Mattson to take us to the Norman farm in his car.

Q. Those tracks, were they clear imprints of the shoes or overshoes or whatever this man may have had on so that you could recognize it? A. It was quite easy to recognize that they had been made by overshoes. They appeared to be fresh tracks.

Q. I show you Exhibit F which is a pair of overshoes and ask you whether you have seen those overshoes since the time of Lodbell's death? A. Yes I have.

Q. And where did you see them? A. I saw them in the sheriff's office.

Q. Well now, those tracks which you saw and which you were following, did they bear any resemblance to these overshoes? A. Yes, they did. They were exceedingly large tracks with broad heel and broad toe, and I noticed distinctly that the heel had a cross-mark across in it, that is, the track.

Q. Did you notice any design or figure in the ball of the foot?

A. I noticed something but I couldn't tell what it was by the track.

Q. Could you tell whether or not there was some design on the overshoes at that point? A. Yes.

Q. --where the Maltese cross appears on these overshoes. Now, those tracks that you saw north of the Norman's place, did they bear any resemblance to the tracks you had been following up to the Mattson place? A. Yes, they were similar tracks.

Q. What would you say as to whether or not they were made by the same pair of overshoes? A. Well, I would say that they were made by the same pair.

Q. Well, where did you follow them? A. We followed them north. Oh, it was about two and a half miles, I guess. We got up about to here and we lost the tracks.

Q. You followed them along the section line on the west side.

A. Yes, that was right on the ditch grade.

Q. On the west side of 32, 29 and 20. All right, what did you do when you got up there two miles and a half? A. After I had lost the tracks why I went on up to this ditch up here about a mile and a half further and I began going west over ~~here~~ here. I decided that if the man may have gone out in this country some place there I could head him off up here, but after I had left and got up here about an eighth of a mile somebody called to me over here and said that the man had been apprehended.

Q. And you dropped the search at that time. Who was with you on this search along here from the time you started down by the sled tracks at Skog's place? A. It was Rudolph Rice, the deputy sheriff, and Frank Nooney, my chief patrol inspector, and William Anderson, senior patrol inspector.

Q. Did you make any search in the vicinity of where you found the body out there to see if you could find any shell of this bullet that had killed Lobell? A. Yes, I did.

Q. Did you find any such at any time? A. Yes, I found a 25 calibre Colt automatic shell--not a Colt, but a 25 calibre shell.

(Testimony of other patrol officers making search omitted)

SELMER NORQUIST:

Direct Examination, by Mr. Loring:

Q. You live about 3 miles north of Roseau, do you not? A. Yes.

Q. And were you at the Norman place on Christmas night and the morning of the following day? A. Yes, sir.

Q. And did you spend the night there at the Norman place?

A. Yes, sir.

Q. Were you taking care of some sick person? A. Yes.

Q. And did any one call at the place there in the morning?

A. There was a stranger that called there about 7 o'clock.

Q. And did you notice his appearance at all? A. Well, he looked in a hurry--to be kind of in a hurry.

Q. Did you notice how he acted? Did he act in a normal way or was there something about his actions that attracted your attention?

A. Well, he didn't act very much different from anybody else but he was little excited to my notion. He was kind of in a hurry.

Q. When did you first see him? A. When I opened the door for him.

Q. Did he knock or something? A. Yes. I was in the kitchen when I heard the knock. He knocked on the kitchen door.

Q. Did you have a light there? A. We had a lamp burning.

Q. What side of the house was the light on, the kitchen, or where the windows were? A. There was one window on the west side and one window on the north side.

Q. Well, what was the conversation between you and him when he came in? A. Well, he asked for coffee first and he asked if he could have a cup of coffee.

Q. Did you give him the cup of coffee? A. Yes, I gave him the cup of coffee.

Q. Anything else? A. Well, he had something to eat.

Q. How many cups of coffee did you give him? A. I gave two and a half.

Q. And then he had something to eat besides that? A. Yes.

Q. Well, what did he talk about? A. He asked where Warroad was and which direction it was from there and he asked how far it was to the boundary line and he asked the direction north and direction

south.

Q. Did you notice the condition of his legs-- A. Yes.

Q. --or garments below his knees? What was that condition?

A. He had kind of snow and ice about half ways up to his knees.

Q. How long did he stay with you? A. Oh, about seven, eight minutes; maybe ten.

Q. And then what did he do? A. He left. He says, "Much obliged." and he went.

Q. And did you notice in which direction he went? A. Yes, he went north.

Q. That is, right directly north from the house or did he take or go to the road? A. No, he went out the line and then went north.

Q. What direction did he go from the house to get to the north?

A. He went round the house south a ways and turned west to the get to the road.

Q. Did you go out doors then or soon after he left? A. No, I watched him in the window, but my brother went out.

Q. You watched him from the window as he went round the road north.

A. Yes.

Q. And how soon after that did you go out of the house? A. Oh, I don't know. Hour, half hour, or something like that. I went out when the patrolmen searching for him come over.

Q. After that did you follow any tracks? A. Not then. Well, I can't remember. It must have been about half a day afterwards or something like that.

Q. Well, did you look at the tracks then some time that day?

A. Yes.

Q. How did you know that they were the tracks this man made as he came there? A. Well, I didn't know if it was the same tracks but I picked out a big shoe and followed that track.

Q. Well, did you look at the tracks where he went from the house towards the road? A. Yes.

Q. And then did you look at the other tracks in the other direction where he came? A. Yes.

Q. And did you follow those back for any distance? A. Yes. I followed them back for a little ways.

Q. What direction did they come from? A. Well, it was kind of tramped up there then so that I couldn't easy tell which direction they come from but they looked like they come from southeast.

Q. Did the tracks indicate that the man who made them had been around the buildings at your place before he came in? A. I think he did.

Q. Well, where had he been? A. He had been round the house and then on the west kitchen window and he had been round a threshing machine and he had been round kind of a shed there--looked to be. It was tramped up round the shed so that you couldn't see very plain.

Q. And where from there did the tracks come from? A. Well, I couldn't exactly say where they come from--kind of walk back and forth.

Q. Oh, they had been walking back and forth. A. Yes.

Q. Did you notice whether the tracks showed that he had been inside of those buildings? A. No. It was only the little shed there that he could have possibly been in. That is the only building he could have been in.

Q. Do you remember about how far you walked back on these back tracks in order to tell what direction they came? A. Oh, about an eighth of a mile or something like that.

Q. At the time when the man first came there had you heard anything about the death of Lobdell? A. I had heard about the death of some fellow. I didn't know who it was.

RANDY NORQUIST:

Direct Examination, by Mr. Loring:

Q. Were you with your brother up at Norman's place on Christmas night 1928? You heard your brother's testimony now on the stand? A. Yes

Q. Did anybody come there to the farm? A. Yes, there was a stranger come in there.

Q. Have you ever seen that man since? A. Well, I seen down in jail

Q. Is he in the court room here now? A. Yes.

Q. Where does he sit? A. Sitting behind Mr. Hegland's chair.

Q. And what did you notice about the condition of his clothes as he came in there that morning, if you noticed? A. Well, he had an overall jacket on and dark cap and dark trousers and pair of overshoes. (Balance of testimony corroborates previous witness)

ARTHUR VANSCHOIACK:

Direct Examination, by Mr. Loring:

Q. Where do you live? A. About a mile southwest of Badger.

Q. And were you living there last Christmas day? A. Yes, sir.

Q. And do you have a family? Do you live on a farm? A. Well, it is my four brothers, but there was only two little boys at home at that time.

Q. Well, did anybody come to your place on that day? A. Yes, there was some one come there in the evening, about 10, 11 o'clock at night.

Q. Was it a man or a woman or what kind of a person? A. It was a man.

Q. Have you ever seen him since? A. Yes, I have seen him since.

Q. Is he here in the court room? A. Yes, sir.

Q. Where is he seated? A. Well, behind Hegland and in front of that other gentleman.

Q. Is that the man there (pointing to defendant) A. Yes, sir.

Q. Well, what talk did you have with him? A. Well, the first thing, I was in the granary, and I heard somebody say hello and then I looked to see who it was and I thought probably it was some of the neighbors and when he come up I saw he was a stranger. He wanted to know if I would let him sleep in the barn that night and I began to kind of ask him who he was. I told him no, it is too cold; you will freeze, and I asked who he was and he said he was looking for a place to stay over night. He wanted to get down south he said. Well, I asked if he didn't stop up to Badger. I said there is a hotel up there and sometimes people can't get room. Well, he said, no he didn't stop there and I told him, well, it is so cold he couldn't sleep in the barn. I would keep him in the house.

Q. Did you keep him in the house? A. Yes.

Q. Did he stay all night? A. Yes, sir.

Q. What time did he leave the next day if he did leave? A. Well it must have been somewhere close to 10 o'clock or maybe little after.

Q. What day was that that he left? A. That was the 25th.

Q. Christmas day? A. Yes, sir.

Q. Well, how did he act when he went to bed? A. Well, about like any other person.

Q. Did you have any talk with him about who he was or anything of that kind? A. Well, the next morning he came down the stair steps; he wanted to know my name and then he handed me a card. He said, "This is who I am, my name," he said.

Q. I show you Exhibit H (card) and ask you whether or not you have ever seen that card before? A. Yes, sir.

Q. Is that the card that he handed to you? A. Yes, sir.

Q. How do you know it is? A. My name is on the back of it.

Q. Did you write that on there yourself? A. Yes, sir.

Q. You said that you recognize this defendant as the man who was at your place the night before Christmas. Now, did you see him again at any time before you saw him now in the court room? A. Yes, sir.

Q. When was that? A. I believe it was the Friday night after Christmas, in the jail.

Q. Did you have any conversation with him at that time, or did the deputy have any conversation with him in your presence there?

A. Well, it was either the jail keeper or deputy that told him to stand up.

Q. Where was he then? A. Lying down on the cot in the jail, in Roseau. He was in a cell or cage.

Q. What was the conversation? A. They just told him to sit up, somebody wanted to see him and the guard that was with me asked him if he ever seen me and if he knowed them fellows that come in.

Q. What did he say? A. No, he never seen them before.

Cross Examination, by Mr. Hegland:

Q. How was this man dressed that came to your place? A. Well, he had on a hat and full suit of overalls, jacket and pants, and black overshoes.

Q. What kind of hat was it? A. Well, it looked to be a felt hat, ordinary looking hat.

Q. Did he have any bundle with him? A. No.

Q. There was nothing in his hands or on his back? A. No.

Q. No knap-sack or satchel? A. Nothing that I seen.

SHERIFF O. A. RICE.

Direct Examination, by Mr. Loring:

Q. Did you see anything of the defendant on the morning after Christmas? A. Yes, certainly.

Q. Where were you and where was he when you first saw him on the morning after Christmas? A. North here about six miles.

Q. Can you show us on that map, exhibit, which hangs up behind you where you were? A. Just about here (indicating on map) northwest quarter of 26.

Q. Well, were you afoot or in an automobile or how were you?

A. I was on foot when he came up to me there.

Q. But when you first saw him? A. I was in the automobile then.

Q. And were you traveling on that road across that section?

A. Yes, driving up this way?

Q. You were going northeast were you? A. Yes.

Q. Well, when did you first see him and where was he? A. When I got up to this land between section 34 and 13. There is some telephone poles from here, intersection of the section line, on that angle road there and there is several telephone poles and there is no grade in here. It has been open; it has been clear over here. There has been some brush but the section line has been cleared towards this ditch here between 18 and 19 and there is a ditch grade and when I came in line I was looking around here and when I came in line with this line here between 13, 19 and 24, I saw a man between this clearing, opening. There isn't much brush. This is all cleared. There is a little brush up here and it happened to me that went off on the south side so I stopped the car and got out and it was two men in another car back of me and I told them that I saw a man over here and we stopped there probably a couple of minutes and looked. I drove on over across the bridge, Mud Creek bridge here, with the car so that we could get out of the sight of the with the automobiles. Then I went back over here a little ways and there was some groves of brush here so that I could look over this way. This part here is clear and the other two men they were in the other car. We stood there for a few minutes and couldn't see anything. Then the other two men went long Mud Creek and over towards the point where I saw him first and I went back down here on foot a little ways and we had seen a man come out here, down here. I couldn't exactly say the spot but it was on this quarter here, northwest of 19 and they waved and I waved. I think we both all saw them at the same moment.

Q. When you say they waved, what men? A. Those two men that walked along here that was in the other car and then I went back and got my automobile and the two men that was with me, they went back over along this line between 18 and 19 and 13 and 24 this way, slowly, and and the man we saw was walking down thru here. I went and got my car and came up on this same angle road back again.

Q. Going towards southwest. A. And then we watched him walk and he veered off towards south more and more, towards Roseau river and as he kept veering off I moved the car down further and finally he turned and came towards us and he kept on coming towards us in a circle, somewhere near the way this shows here and when he came up within 35 feet, 40 feet, he hailed me and asked me if he could have a ride.

Q. And what did you say to that? A. I told him yes.

Q. And did you give him a ride? A. Yes.

Q. What occurred after he asked you for the ride and you said you would give him a ride? A. He came up to the edge of the road grade. There is a slight grade on that angle road and a small ditch on each side.

Q. Any fence? A. No, no fence there. There is a fence further back that he had gone thru back in here. Well, he came up to the road

to the edge of the ditch and I had a star on my coat and I turned it out so that he could see it if he wanted to and I ordered him to hold up his hands and he raised his hands part ways. I told him again and he raised them up and I told him to come across the ditch and he did and I put the hand cuffs on.

Q. And did you take him from there to the jail? A. Yes, I took him in the car.

Q. What was the condition of his clothing, if you noticed, especially below the knees? A. That was wet. That appeared to be frozen snow sticking to his overalls, on the inside and some on the outside.

Q. When you took him down to the jail did you undress him?

A. Up in the office I did.

Q. And was the snow and ice melted out of the overalls at that time? A. No, it wasn't, not all of it. There was small pieces left.

Q. I will show you these overalls, Exhibit F, and ask you where you got those? A. I took them off this man's feet that I arrested.

Cross Examination, by Mr. Hegland:

Q. * * Did he ask you what he was arrested for? A. He asked me what it was all about.

Q. Did you inform him? A. Well, I didn't tell him that he was arrested for shooting anybody.

Q. When was he first told that he was arrested for shooting anybody? A. In the office up here after we got back to Roseau.

Q. Before you told him what he was arrested for you had asked him a number of questions, hadn't you? No, not particularly.

Q. Hadn't you asked him where he came from and where he was going? A. Yes.

Q. That is before he knew what he was charged with? A. Oh, I can't say. I think my recollection is that we informed him of what the trouble was. He asked several times what was it, what was up. That is the words he used.

Q. He appeared to be ignorant of what he was arrested for?

A. Well, he seemed excited some.

Q. Yes. Well, didn't he seem anxious to find out what he was arrested for? A. No, not particularly. I would say that he took it cool.

Q. Yes, but he continually asked what it was all about?

A. No, not continually.

Q. About how many times? A. Well, I couldn't say for sure.

Q. Well, was it once? A. Oh, yes, it was more than once but it wasn't half a dozen times.

Q. And from that time on he was questioned by you and your deputies and by patrolmen, sometimes singly and sometimes in groups?

A. Some, as to where he had come from and where he had been.

Q. And to explain his actions that night. You asked particularly about that, didn't you? A. Some, yes.

Q. And that continued for several days? A. Oh, no. Did not.

Q. Well, how long did it continue? A. Oh, sometimes we didn't talk to him at all when we came in the jail and sometimes we did; just held a little conversation--didn't ask any questions particularly and other times we did.

Q. And you were anxious to find out for sure whether this was the right party? A. Yes, sir.

Q. And for that purpose you tried every honorable means to get information from him, didn't you? A. Yes, we didn't use any dishonorable means.

Q. When he was arrested what kind of headgear did he have on?

A. He had on a cap.

Q. Just an ordinary dark black cap? A. It was brownish cap with very small checks in it, slightly grey checks.

Q. Now, you searched, of course, his pockets? A. Yes.

Q. Outside of his wearing apparel he didn't have any satchels or knap-sack? A. What he had on his person he had in his pockets.

Q. Now, in his pockets did you find any revolver? A. No, sir.

Q. Did you find any cards similar to Exhibit H? A. No, I did not.

Q. Did you find any money? A. Yes, there was little money--silver.

Q. Did you find any letters of identification? A. No. There is some writing, sort of memorandum book with some figures on of days and there was part of an old newspaper.

Q. Could you tell where that newspaper was published? A. Yes.

Q. Where was that? A. In Iowa somewhere--Sioux City, Iowa.

Re Direct Examination, by Mr. Loring:

Q. Do you remember what time it was when you were out there on the grade and picked up the defendant? A. It was little before 9 in the morning, the morning after Christmas.

Q. And did you go out there in response to some report that you received? A. Yes. * * I got a telephone call in the morning from Norman's farm. Mrs. Norman phoned me.

Q. When you stripped the defendant and looked over his clothing you told counsel I believe you didn't find any pistol or revolver on him? A. No, didn't.

Q. Did you find anything about any of the pockets that suggested anything to you? A. Yes.

Q. What did you find? A. The right hand pocket on his jacket, blue overall jacket appeared that something had laid in there; it was bulged out some, that is all.

Q. Would it be something light or something heavy that laid in there? A. Well, it appeared something that would pull the cloth out.

Q. What did you notice about his cap? Did you notice anything about it peculiar at the time you stripped him? A. The cap had the appearance of having been folded.

Q. And how did you determine that? A. First by the looks of it and then I dropped it. I think there was some one in the office. We was talking about his hat and cap business. I dropped the cap on the desk in there and it fell folded--collapsed folded.

Q. I show you this box of stuff. Is that the stuff you took off his person? A. Yes, sir.

Q. Is it all the stuff that came off his person? A. Yes, all this here.

Q. Enumerate what is in there? A. There is a pair of cotton gloves, one dirty handkerchief, a piece of overall cloth, and a small bill-fold or pocket book or something like that--leather, and a jack-knife, and a safety razor. I don't know the make. And a flash light, and a Great Northern time table and a watch and a small looking glass and a black spool of thread, and a package of bandage, sterilized bandage, I guess they call it. Small lead pencil--part of a small lead pencil, couple of safety pins and a piece of paper here with some figures on it, names and days, and a part of an indelible pencil, small match box--small box of matches, some cigarette papers in a little package and a small amount of Camel cigarettes--broken package, and this piece of newspaper.

Q. Well, just what did he have on, clothing? A. He had two suits of underwear, rather light suits, and a blue serge pants and two pairs of blue overalls on. And he had a blue serge vest and a blue serge coat and a blue overall jacket on, brass buttons in it, and a dark shirt, heavy shirt. He had stockings on his feet and black leather shoes and a pair of sheep skin mocassins with the wool turned in and a pair of number 10, four buckle overshoes.

Q. How about Exhibit F. Did you see anything of them on him?

A. Yes, these are the overshoes he had on.

NELS LARSON

Direct Examination, by Mr. Loring:

Q. Where do you live? A. One mile west of Fox (Roseau County)

Q. And were you living there on Christmas last? A. Yes.

Q. Do you know the defendant in this case, George Ryan, who sits behind Mr. Hegland? A. Yes, sir.

Q. Did you see anything of him on Christmas Day? A. Yes.

Q. Where did you see him on Christmas day? A. He called and wanted some coffee. He come in on my place on Christmas day, about 1 o'clock.

Q. Have any talk with him there? A. No, not very much. He said he was going to Baudette.

Q. And when he left your place which direction did he go?

A. Went east.

Q. Are you right on highway number 11? A. Yes, sir.

Q. About how long did he stay at your place getting coffee?

A. Oh, it was about 15 minutes.

Q. Did he have anything more than coffee? A. Yes, sir, he had some bread and butter; he had meat and some sauce and cake.
Q. Did you go to the jail and see this man after he was arrested?
A. No, I saw him down in the court house.

MARGARET BELL

Direct Examination, by Mr. Loring:

Q. You live here in the village of Roseau? A. Yes.
Q. And what grade in school are you in? A. I am Sophomore in high school.
Q. How old are you? A. Fifteen.
Q. Were you out riding with your father and brother on Christmas day? A. Yes.
Q. Well, when you came back where were you? A. We were riding from Greenbush when we met this man. We were about 2 miles from Roseau.
Q. What man are you talking about? A. That man sitting behind Mr. Hegland.
Q. The defendant in this case? A. Yes.
Q. You saw him there on that day, did you? A. Yes.
Q. Well, what happened when you saw him? A. We stopt the car and my father asked him if he wanted a ride, but he didn't hear him and so he came up and so he asked if he could have a ride and my father said certainly.
Q. How far west of Roseau were you then? A. Two or two and a half miles west of Roseau.
Q. And what time was that in the afternoon? A. Round 4 o'clock in the afternoon.
Q. And what happened when he asked if he could have a ride?
A. Well, he got in and sat on the left hand side of me, in the back seat.
Q. Who was sitting in the front seat? A. My father and my brother.
Q. Your father is Mr. Bell (county attorney) who sits behind me.
A. Yes.
Q. And did you have any talk with him as you went along? A. Well, my brother mentioned that he wouldn't get a ride very far but it might help, and he didn't answer him.
Q. And how far did he ride with you? A. He rode to Habstritt's corner where Habstritt has his office down here in Roseau.
Q. What happened there? A. Then he got out and he said, "Much oblige, Colonel," addressing my father.
Q. Did you notice anything about his appearance that attracted your attention? A. He had a very red face and he had a mole on his front left lip.

ROBERT BELL

Direct Examination, by Mr. Loring.

Q. * * (Witness corroborates previous witness) Do you remember how he was dressed? (Referring to occasion of giving defendant ride to Roseau) Well, he had on an overall jacket and a hat and he had a bandana round his neck. I can't just say what the color of the bandana was, but he had on quite a few clothes. You could tell that because he was pretty heavily dressed.

JESSE BENNETT

Direct Examination, By Mr. Loring.

Q. You live here in Roseau? A. I do.
Q. And were living here last Christmas time? A. I was.
Q. Did you see anything of the defendant on that day? A. I did.
Q. Where did you see him? A. I saw him first when he got out of Mr. Bell's car at Habstritt's corner.
Q. Where did he go from there? A. He walked down the street about a block to the pool hall, Oveson's pool hall, and he just stopt there a moment, just glanced.
Q. Did he go in? A. No, he didn't.
Q. Where did he go from there? A. He wandered across the corner of the block over to the other side of the street and walked up to the

Encore Cafe.

Q. And did you go into the Encore cafe, or were you already in there and saw it? A. Just about as he was across the street, we turned and walked into the cafe.

Q. Did you see what he did in the cafe? A. He stood by the counter for a minute and there wasn't a waiter there and so he walked round back of the case and took a package of cigarettes, and Mr. Lindberg was standing between the kitchen and dining room and he started back there and gave him a piece of money.

Q. And then what did he do if you noticed? A. And Mr. Lindberg walked up back of the counter, and he walked up to the candy counter on the other side and opened his cigarettes, took one out and lit one.

Q. Did he go out? A. Yes.

Q. And did you notice in what direction he went from there?

A. No,

Q. Have you seen him since? A. I have.

Q. Where did you see him? A. I saw him in the sheriff's office the next morning?

Q. Did you recognize him there? A. I did.

ARCHIE DAHL

Direct Examination

Q. You live here in Roseau? A. I do.

Q. Did you see anything of the defendant on Christmas Day? A. Yes.

Q. Where did you see him? A. A mile east of the north bridge on the highway.

Q. How did you come to see him there? A. Well, we were driving east and passed him on the corner--cross roads, a mile east of the bridge of the road number 11.

Q. Did you see him again on that day? A. No.

Q. About what time was that in the day? A. Oh, I should judge about 4:30 probably little later.

Q. He was walking, was he? A. He was walking.

Q. How did you happen to take a good look at him? A. Well, he was walking slow and I was driving slow. Coming in back of him I thought it was one of the local men living out there and perhaps would pick him up and take him along. Seeing he was a stranger I turned around instead and came back. When we passed him I should judge he was six inches or a foot from the car. He didn't move out very much.

Q. Did you see his face? A. Yes, clearly.

Q. * * Did you notice the kind of head gear that this man had on when you saw him on the road? A. I think He had a dark felt hat on.

EDSON EDWARDS

Direct Examination, by Mr. Loring:

Q. You live in Roseau? A. Yes, my home is here.

Q. What were you doing the latter part of the afternoon of last Christmas Day? A. Well, I was in town here and talking to some of the fellows and I went out for a ride in the afternoon.

Q. With whom did you go? A. LaVern Dahlquist.

Q. And you two were alone in the car? A. Yes.

Q. Which way did you go? A. We went east from Roseau on trunk highway number 11.

Q. And about what time? A. Well, I should judge about quarter to 5 or somewhere there.

Q. Did you see anything of this defendant on that trip? A. Yes, I did.

Q. Where did you see him? A. Well, I should judge about 2, 3 blocks east of the city limits in Roseau, on trunk highway number 11.

Q. What kind of a car was it? A. Buick coupe.

Q. Just one wide seat? A. With a rumble seat.

Q. And when you caught up with the defendant, if you did catch up with him, what was done? A. Well, we stopt and asked him if he wanted a ride.

Q. What did he say to that? A. Well, I don't remember whether he replied or not but anyway he accepted and he got in the car.

Q. He got into this coupe. How did you sit down in the coupe?

A. LaVern was on the left side driving and I was in the middle and he was on the right.

Q. Any conversation with him while he was in the car? A. Yes, there was.

Q. How far did he ride with you? A. I think it was approximately 2 miles; not quite.

Q. What was said back and forth between you there? A. Well, the first thing, I guess, he was inquiring as to who we were and then introduced himself by means of a card and then there was some talk about where he was going and how far it was to different towns.

Q. Well now when he introduced himself by means of a card what did he do? Did he give you a card? A. Yes, he reached in his pocket and gave me his card.

Q. I show you Exhibit K and ask you to look that over, and ask you whether or not the card that he gave you was that card or one like it? A. It is one very much like it.

Q. How about the printing that was on it? A. It was the same printing.

Q. What did he say? What were his remarks when he gave you that card? A. Well, I looked at the card and remarked that he was quite a ways from home?

Q. What did he say to that? A. He said yes he was.

Q. How did it come that he didn't ride any further than this little over a mile with you? A. Well, we were just out riding and there was a good road going south there and so we generally turn on that road and go south as we go out riding.

Q. And where did you let him out? A. We let him out on the highway number 11, it is two miles east of town, I think.

Q. And did you see what he did when you let him out? A. Well, he got out of the car and walked around behind the car and started east.

Q. Yes. Walking? A. Yes.

Q. And did you ever see anything of him again? A. Yes, I did. I saw him in the jail.

Q. Well, did you see him again that day? A. Well, I wouldn't swear that I saw him.

Q. Did you see a man on foot on highway number 11 again?

A. Yes, I did.

Q. How far south did you drive on this road? A. We drove one mile.

Q. And then what did you do? A. Turned around and came back.

Q. As you came back towards highway number 11, did you see anybody? A. Yes, I did.

Q. What did you see? A. Well, there was a man walking east on the highway quite slow.

Q. What was done with this card after he gave it to you? A. Well, I looked at it and then I handed it to LaVern who was driving and he glanced at it and gave it back to me and I held it in my hand until after he had got out of the car and when he got out of the car I put it in the windshield. There was an opening in the windshield and I ~~tee~~ stuck the card in the windshield.

Q. Well, what was done with it when you came in? Did you leave it there or did you take it away? A. No, I left it. That is the last I had the card. I left it in the windshield.

Q. Did you see him in the jail, you said, afterwards? A. I did.

Q. Did you talk to him there in the jail? A. I did.

Q. What did you say to him? A. I asked him if he remembered seeing me.

Q. What did he say to that? A. He said no; that he was sorry but I was mistaken; that he had never seen me.

Q. Did you remind him of his ride? A. I did.

Q. Did you notice anything about how he was dressed? A. Yes. From his first appearance I noticed that he was dressed--well, he had on overalls and an overall jacket and a cap, but he wasn't dressed in a suit or anything like that.

Q. Did you notice his cap, what color it was? A. Nothing more than a dark cap.

LAVERN DAHLQUIST

Direct Examination, by Mr. Loring:

Q. You heard the testimony of the witness who was just on the stand about the ride you gave the defendant on Christmas afternoon?

A. I did.

Q. Do you recall that? A. Yes, sir.

Q. Do you recollect the conversation that took place in the car? A. I do. On coming up to this man we drove a little to the side of the road and opened the door. He immediately jumps in the car, and I asked him if he was going far. He said yes, he was going to Baudette. I then started the car and there was a Chevrolet coach or sedan behind us. Well, I told him that I would drive quite fast so that he might get a ride from this Chevrolet when we let him off. On the way then he asked our names and I told him my name was Johnson, and he said, "Here is mine." So he pulls in his pocket underneath his coat somewhere and pulls out a card and then if I am not mistaken that is about all the conversation that was held.

Q. I show you Exhibit K and ask you whether or not it was that card or one like it? A. This is the card.

Q. How do you know that? A. By my signature on the back of it.

Q. Do you know what was done with the card afterwards? A. After he gave that to Edson, Edson handed it to me. Edson then put it in the windshield and the car was then put in the garage and I looked immediately after.

Q. And by whom was the card taken out of the car? A. The card was taken out by myself.

Q. How was the defendant dressed when you picked him up? A. As to his dress I didn't take particular notice.

Q. Did you notice anything about his headgear? A. How I happened to notice his cap, just from the rear, I noticed the color of his hair, and if I am not mistaken he had a dark colored cap.

Q. Did you go over and see him in the jail? A. I did.

Q. Did you remind him of the ride? A. No, I didn't talk to him.

Q. When you saw him in jail did you recognize him as having seen him before? A. I did.

MR. ZIEMET

Direct Examination, by Mr. Loring:

Q. Mr. Ziemet, you are a brother in law of the deceased, Robert H. Lobdell? A. Yes, sir.

Q. And did you come to Roseau shortly after Christmas? A. Yes, sir. I got up here the 27th of December.

Q. Did you see the coroner and go to the coroner's place of business when you came here? A. Yes, sir.

Q. Did you see anything of the wearing apparel of Lobdell there in the coroner's place? A. Yes, sir.

Q. The immigration officer's uniform? A. Yes, sir.

Q. Where was that? A. It was hanging in the morgue on some hooks.

Q. Did you have occasion to go thru the pockets? A. Not just at that time.

Q. Well, did you at any time, later on in the evening? A. I went thru the pockets.

Q. Well, what did you find in the pockets? A. In the overcoat pocket I found a handkerchief and a package of cigarettes, matches, and a card.

Q. I show you Exhibit L and ask you whether or not that is the card that you found in Lobdell's overcoat pocket? A. Yes, it is.

Q. How large a man was Robert H. Lobdell? A. He was about five feet, six, seven tall.

Q. And about how heavy? A. About 150 pounds.

Q. Married man? A. Yes, sir.

Q. Your sister is still living? A. Yes, sir.

Q. She was living with him at the time but visiting in St. Paul.

A. Yes, sir.

DR. J. L. DELMORE (Recalled)

Direct Examination, by Mr. Loring:

Q. Were you in Roseau or the vicinity of Roseau on Christmas Day? A. I was.

Q. Do you recall seeing the defendant at any place at or near Roseau on that day? A. I do.

Q. Where did you see him? A. On the highway number 11 between the three mile turn and Fox. This was in the afternoon.

Q. Was there anything that called your special attention to him there? A. In the first place he was walking on the same side of the road

that I was driving, which isn't the usual custom here. In other words, he was walking against the traffic. And the other thing is that my first impression was when I saw him was that it was Ole Holland. That was the first glimpse. I was hitting along about 40, 45 miles an hour and it was the fact that I had to turn out of my side of the road that drew my attention to this particular man. And he had his hands in his pockets and his face was quite red and head down like this (indicating) and kind of looked up and smiled as we passed him. He had on a dark hat and when I went by him I noticed that he ear laps on it.

Q. What shape were those ear laps? A. They come up like this.

Q. Witness indicates from his fore-head back down around his ear and back. How did those ear laps appear with reference to the ear laps of a cap? A. They would be just like they had been on a cap.

Q. Well, what would you say as to whether or not he had on both a hat and cap? A. I couldn't say that. I was going pretty fast.

MR. LORING: We rest.

MR. HEGLAND: We rest.

CHARGE TO THE JURY

Gentlemen of the Jury:

This is a case of the State of Minnesota against George Ryan. By the indictment herein, the defendant George Ryan is accused by the Grand Jury of the County of Roseau and State of Minnesota, by this indictment of the crime of murder in the second degree, committed as follows: The said George Ryan being then and there armed with a dangerous and deadly weapon, to-wit; a loaded firearm, a more particular description of which weapon to the grand jury unknown, did on the 25th day of December, 1928, at the town of Spruce, in the county of Roseau and State of Minnesota, wilfully, unlawfully and feloniously, without authority of law and without excuse or justification, and without deliberation or premeditation, and with the design on the part of him, the said George Ryan, to affect the death of a human being, to-wit; Robert H. Lobdell, kill and murder the said Robert H. Lobdell, by means of a deadly weapon, to-wit; said above described firearm loaded with powder and bullets, by then and there shooting the said Robert H. Lobdell with said firearm, and then and there inflicting upon the head and person of said Robert H. Lobdell a mortal wound of which said mortal wound the said said Robert H. Lobdell did then and there die.

To this indictment the defendant has pleaded not guilty and by his plea of not guilty the defendant denies that he committed the offense and this places the burden upon the State to prove the matters alleged in the indictment.

The indictment is merely an accusation and you as jurors are to determine from the evidence whether or not that accusation is true or not true.

The defendant at the outset of the trial is presumed an innocent man and this presumption continues until overcome by a preponderance of the evidence that establishes the guilt of the defendant beyond a reasonable doubt. When I say his guilt must be established beyond a reasonable doubt it does not mean that it must be established conclusively or beyond any doubt. It is not absolute certainty that is required, but reasonable certainty. The rule does not require that you should lay aside your reason or your common sense and be governed by sentiment. In considering the question of defendant's guilt or innocence, your minds and consciences as reasonable men must be so convinced by the evidence that you would be willing to act upon it in matters of the highest importance to yourselves. If it comes up to that point, then the proof amounts to proof beyond a reasonable doubt.

The jury are the exclusive judges of all questions of fact, of what the witnesses say and the weight that should be given to the testimony of each and all of them. The law you are required to take to be as the Court gives it to you. As jurors you cannot rightfully say that you thoroughly believe from the facts and circumstances in evidence that the accused is guilty and yet that his guilt is not proven. Such belief, if founded upon all the evidence, is proof.

The statutes of Minnesota defines murder in the second degree as follows: "Such killing of a human being is murder in the second degree when committed with a design to effect the death of the person killed or of another, but without deliberation and premeditation, and shall be punished by imprisonment in the state prison for the offender's natural life."

I do not know, Gentlemen of the Jury, that any explanation that I may be able to make would make the definition of murder in the second degree clearer than it is made by the language of the statute which I have just read to you.

Robert H. Lobdell was an immigration patrolman, and it appears from the evidence that it was his duty to patrol the road between the village of Roseau and Salol, and that at the time that he was murdered he was on duty attending to his duty as an immigration patrolman.

In order to convict of this charge, it must appear that the defendant at the time of the killing had a design to effect the death of Robert H. Lobdell. The intention with which an act is committed, being but the mental state of the party accused, direct proof of it is not required. Nor, indeed, can it ordinarily be shown. But it is generally derived from and established by all the facts and circumstances attending the doing of the act complained of as disclosed by the evidence in the case.

If you find that the defendant fired the shot which killed Robert Lobdell, the intent with which the defendant fired the shot must be determined by you from all the evidence in the case. If the jury finds from the evidence beyond a reasonable doubt that the defendant committed the crime charged in the indictment, it is not material whether he had any adequate motive for so doing. Still it is always competent as well as of the greatest importance to show a motive on the part of the defendant for the commission of the crime of which he is accused. If there be a motive which can be assigned, the adequacy or inadequacy of it is a matter of no controlling importance. What would be a motive to one mind might not be to the other.

Whether a motive is adequate to induce the commission of crime depends on the particular character of the defendant. The history of the crime shows that murders often are committed from

motives comparatively trivial and slight, not merely from malice and revenge, but to give a small pecuniary advantage and to drive off for a time pressing difficulties.

The evidence in this case by which it is sought on the part of the State to establish the guilt of the defendant is what is called circumstantial evidence. In the commission of crime, criminals as a rule seek seclusion and secrecy, and experience has taught us that circumstantial evidence must be resorted to in order to detect and punish crime. Circumstantial evidence is the proof of such facts and circumstances connected with or surrounding the commission of the crime charged as tend to show the guilt or innocence of the person charged. Circumstantial evidence is legal and competent in criminal cases, and if it is of such character as to exclude every reasonable hypothesis other than that the defendant is guilty, then it is entitled to the same weight as direct testimony. And if these facts and circumstances are sufficient to satisfy the jury of the guilt of the defendant beyond a reasonable doubt, then such evidence is sufficient to authorize the jury to find a verdict of guilty.

But, where a conviction of a criminal offense is sought upon circumstantial evidence alone, the prosecution must not only show beyond a reasonable doubt that the alleged facts and circumstances are true, but such facts and circumstances must be absolutely incompatible upon any reasonable hypothesis other than that of the guilt of the accused. It is not enough that all the circumstances proved are consistent with or point to the defendant's guilt. The circumstances must not only be in harmony with the guilt of the accused, but they must be of such a character that they cannot reasonably be true in the ordinary nature of things and the defendant be innocent.

Circumstantial evidence may carry conviction to the mind as positively as direct and positive evidence, and when circumstantial evidence is as convincing as positive evidence, it should be relied upon and acted upon to the same extent. In other words, circumstantial evidence is just as legal and just as effective as any other evid-

ence, provided the circumstances are of such a character and force as to satisfy the minds of the jury of the defendant's guilt beyond a reasonable doubt.

You must be just to the defendant and equally just to the State. As manly, upright men, charged with the responsible duty of assisting the Court in the administration of justice, you should put aside all sympathy or sentiment, all consideration of public approval or disapproval, , and look steadfastly and alone to the law and the evidence in the case, and return into court such a verdict as is warranted thereby.

The testimony of the witnesses and the exhibits introduced constitute the evidence. You cannot rely upon the Court nor upon any statement of the attorneys as to what the evidence is. You are the exclusive judges of what the witnesses said, the weight that should be given to the testimony of each and all of them, and the law imposes on you the duty of going upon your own recollection of what the testimony of the witnesses is.

In determining the credit to which a witness is entitled and the weight which shall be given to his evidence, you may probably take into account his interest in the result of the trial, his relation to the parties to the suit, the influence he may be under, his kinship to the parties, if any, and his demeanor upon the witness stand. If there be conflict in the evidence as there is in nearly every case, you should, if possible, reconcile it with the true and find the facts.

Now, Gentlemen of the Jury, the evidence is all in. The task of counsel is done. The Court has given you the law, and the responsibility will now rest upon you of doing justice between the people of the State of Minnesota upon the one side and the prisoner at the bar of this Court, charged with the most serious offense, upon the other.

And, Gentlemen of the Jury, if you find from the evidence beyond a reasonable doubt that at the time and place as alleged in

the indictment, the defendant George Ryan killed Robert H. Lobdell with a design to effect the death of Robert H. Lobdell in the manner and form as charged in the indictment, then you should find the defendant, George Ryan, guilty of murder in the second degree as charged in the indictment. On the other hand, if you do not so find, you should find him not guilty.

This is a criminal case and before a verdict can be rendered it must be unanimous. Every member of the jury must agree to the verdict. Swear an officer.

(Verrdict of guilty.)

PROCEEDINGS UNDER SEC. 10797 G. S. 1923

(April 11, 1929)

MR. BELL: Your Honor, I now move that this Court pass sentence on George Ryan, convicted of the crime of murder in the second degree.

Defendant Sworn.

Examination by the Court:

Q. Mr. Ryan, under the law, the Court is required to ask you questions and make a record of your answers. And it is well for you, for your future well-being to tell the truth which you have been sworn to testify. What is your true name? A. George Ryan.

Q. Have you gone by any other name? A. No, that is the only name that I have.

Q. Where were you born? A. Well, as near as I know, New York City. I am not certain of that.

Q. When? A. I don't know that either; neighborhood of about thirty-one years ago.

Q. Don't you know when your birthday is? A. No, sir, I don't.

Q. Where is your residence now? A. I don't happen to have any.

Q. Your father living? A. Not that I know of.

Q. When did you last know of your father living? A. Well, I left my residence when I was five years of age.

Q. You left your parents? A. I did.

Q. Well, who did you go to after you left your parents?

A. Well, I left in company with an uncle of mine.

Q. Well, we will come back to that later. Are you a married man? A. No.

Q. Have you ever been married? A. Never have been.

Q. Single man all the time? A. Yes.

Q. Do you belong to any church? A. No, I don't.

Q. Have you ever belonged to any church? A. Never have.

Q. You are not baptized and confirmed then? A. No, I am not.

Q. Well, what schooling have you had? A. Well, I have been to college, but I have never gone to any public school. I paid my way.

Q. You have been to college? A. Well, I wouldn't care to say

that.

Q. How is that? A. I don't care to say as to what college I have been but I have finished college.

Q. How many years? A. Just one year.

Q. One year. But you don't want to say what college. A. No, sir, I don't.

Q. Well, what were you studying when you were in college? What did you take up? A. I have good reasons for not answering that question. I have orders not to answer. I would be telling.

Q. What is that? A. I say I have orders not to answer that question to any one as to what college I went to.

Q. Orders from whom? A. From people that I was working for.

Q. So you refuse to answer that? A. Yes, I refuse to answer that question.

Q. Well, what is your physical condition? Are you healthy and strong? A. Yes.

Q. Have you learned any trade or profession or vocation of any kind? A. Well, I worked for several years as an automobile mechanic.

Q. Well, your mental condition is normal? A. Yes, sir.

Q. Were you in the World War? A. I was.

Q. Where did you enlist? A. Canada.

Q. From what place? A. From Winnipeg.

Q. When? A. In 1915.

Q. And what part of the army, in the navy or-- A. Infantry.

Q. What camp? What is the name of the camp? A. I didn't go to camp.

Q. You enlisted and went right over? A. I enlisted and I was three weeks before I went over.

Q. Didn't you have some training before you left? A. Not very much.

Q. Have training after you come over to Europe? A. Yes.

Q. Where? What camp? A. At Liverpool that is where we landed.

Q. What is the name of the camp at Liverpool? A. Well, there was no name for any camp there that I know of. I know that I didn't go to any camp.

Q. Well, who had charge of the training camp where you were?

A. The officers.

Q. Well, name the head officer? A. That I can't do.

Q. Can't do that. Well, how long did you serve? A. 38 months.

Q. Were you at the front? A. I was, yes.

Q. Wounded? A. No.

Q. Taken prisoner? A. No, I wasn't taken prisoner.

Q. Served in the infantry for 38 months. And where were you discharged? A. I was discharged therein Winnipeg, in 1919.

Q. What month? A. Well, it was during the winter.

Q. Well, January or February? A. Well, I don't know for sure whether it was January or February.

Q. Have you got your discharge papers? A. No, I haven't.

Q. Do you know where they are? A. No, I don't.

Q. Have you ever had them? A. I crossed the line with my discharge papers.

Q. When? A. Well, it was in 1919.

Q. Well, when you came back from the World War, did you come thru the United States or did you come thru to Canada and Winnipeg?

A. To Canada.

Q. And then you were discharged. Well, how many times have you been arrested before? A. I was court martialled once over in France but outside of that I haven't been arrested.

Q. Where? A. I said I haven't been arrested in this country.

Q. Oh, you have not been arrested at any time? A. Never here in America.

Q. Well, in Europe then? A. Well, that was during the war.

Q. Were you arrested during the war? A. I was court martialled.

Q. Court martialled. A. Well, I was court martialled and ordinarily a man would receive a dishonorable discharge if he was court martialled but I didn't get any dishonorable discharge.

Q. You got honorably discharged? A. I did. That is, in 1919.

Q. Yes. That was after the war was over? A. Two years that I was court martialed.

Q. Well, where was that discharge recorded? Where is the record of it? A. Well, the only place that I know that you will find a record of it, one place is Winnipeg.

Q. Do you know where? A. At the barracks of the Highlanders. It is there on the main street.

Q. Barracks of the Highlanders. Were you a Scotchman? A. No, that isn't a Scotchmen's outfit. They call them the Highlanders but it is an English regiment.

Q. Never served any time in any prison except the time that you were court martialed. A. I wasn't placed in prison.

Q. For what were you court martialed? A. Well, for something I wasn't guilty of.

Q. For what? Shirk your duty as a sentinel? A. No.

Q. What was it? A. I do not care to say that.

Q. You don't want to say that. Well, how far back can you remember? You say you left your parents when you were five years old?

A. Five years.

Q. Your mother living? A. Not that I know of.

Q. When did you last know that your mother was living? A. Well, it was when I left my residence. That is the last I know of her.

Q. Is that when you were five years? A. Well, yes, when I was five years of age.

Q. Well then you don't know anything about your father or mother. A. Only from what my uncle has told me, that is all.

Q. Well, what has your uncle told you? A. He told me that that was my parents in New York city, but he didn't say where in New York city.

Q. You don't know whether they are living or dead? A. No, I don't.

Q. Have you any brothers? A. I haven't.

Q. Any sisters? A. Not that I know of, I haven't any.

Q. Well then we will start with you as at the time you came to your uncle when you were five years old. Where was he living at the time? A. Well, I don't know where he was living at the time. I know that we went to Pittsburg, Pennsylvania.

Q. Pittsburg, Pennsylvania? A. That is quite some time afterward.

Q. How old were you when you went to Pittsburg with your uncle?

A. It was several years afterwards.

Q. Well, how old were you at that time? A. I don't know exactly.

Q. Well about? A. Well, that I don't know. I know that it was several years. I couldn't say the exact number of years.

Q. Well, you know about how old you were. According to your best recollection, and best judgment, how old were you? A. Well, I would say probably eight or nine years, but that is only a guess.

Q. Well, what was your uncle doing in Pittsburg? A. That I never could find out.

Q. Well, at that time you say you were about eight years old. Did you attend any school at that time? A. Never went to school.

Q. Never went to school. A. Never a day.

Q. Well, what was your uncle doing? A. He didn't seem to do anything as near as I know of.

Q. Well, how long did you live with your uncle there at Pittsburg? A. I stayed with him until I was just about 11 years of age and then I left him.

Q. Well then where did you go? A. Then I started traveling.

Q. Been traveling ever since? A. Practically, yes.

Q. Well, when you were 11 years old what were you doing, when you started to travel? A. Well, I was in the habit of selling newspapers.

Q. Selling newspapers where? A. On the streets.

Q. Well, what streets? A. Various towns.

Q. Well, what cities? A. I have sold newspapers in several different towns.

Q. Well, at that time when you first started out after you left your uncle when you were 11 years old, where were you then? A. I left Pittsburg and started west.

Q. Where did you go? A. Well, Chicago was one place that I was in.

Q.

Q. Sell papers in Chicago? A. No, I didn't sell any newspapers in Chicago.

Q. What were you doing in Chicago? A. I wasn't doing anything.

Q. How? A. I had some money with me and I paid my expenses. I didn't do any work there.

Q. Well, how long were you in Chicago and not doing any work?

A. Well, round two or three months. I was there during one winter.

Q. And then your money was gone? A. No, I still had a little money.

Q. Well, where had you made the money you had? A. I got that before I left.

Q. Got it from where? A. Well, my uncle had given me money and I didn't spend it all.

Q. Well, can you give me his name? A. Well, I could, yes, but I would rather not.

Q. You could but you don't want to do it, is that it? A. I would rather not. I wouldn't want to embarrass him any.

Q. Well, would that embarrass him? A. I don't know whether it would or not. It might. I have never been in the habit of writing to him only very seldom; only once.

Q. Where is he living now? A. Well, I would rather not say that.

Q. Well, you came to Chicago when you were 11 years old, stayed there about three months, and where did you go next? A. I went west.

Q. West, where? A. Clear to California.

Q. What city in California? A. Why, I have been in several cities in California.

Q. Well, what city did you come to when you left Chicago? A. The first city I came to since I left Chicago was Los Angeles.

Q. How old were you then? A. I wasn't very old.

Q. Well about? A. Just about 11 years of age.

Q. Well, who furnished you with money to go from Chicago to Los Angeles? A. I didn't pay any railroad fare.

Q. How did you travel? A. Well, I walked part way and part ways I got rides on the highway and rode freight trains.

Q. Well, how long were you in Los Angeles? A. Well, I wasn't there very long. I would say about two months.

Q. What were you doing? A. I wasn't doing anything. I didn't do anything.

Q. You were not doing anything? A. No, I didn't do any work there at that time.

Q. Well, where did you get your money for your maintenance? A. I had a little money.

Q. You had a little money. Well, you must have got quite a good deal then from your uncle? A. Yes.

Q. Well, how much money did you have when you left your uncle?

A. Well, I had considerable money.

Q. Well, about how much? A. Several hundred dollars.

Q. Well, you don't mean to say that you earned several hundred dollars? A. I didn't earn it.

Q. Well, how did you get it? A. He gave it to me.

Q. Your uncle gave it to you? A. He did.

Q. In cash? A. In cash, yes.

Q. For what? A. He was in the habit of giving me money.

Q. Well, after you had been in Los Angeles, where did you go?

A. I went from there to Mexico.

Q. What part of Mexico? A. I went to Nogales.

Q. What is the name of the town? A. They are Mexican towns.

Q. What is the name of it? A. Mazatlan. It is on the west coast of Mexico.

Q. What were you doing in Mexico? A. Just traveling.

Q. Well, how much money did you have left of the several hundred dollars that you got from your uncle when you got to Mexico? A. Well, I had some money. I don't know the exact amount, but I know that I had money when I went down there and I had money when I came back.

Q. Well, did you have any money left from what you had received from your uncle? A. Yes.

Q. How long did you stay in Mexico? A. About five months, I would think.

Q. What were you doing down there those five months? A. Well, I traveled about 1200 miles south of the boundary.

Q. 1200 miles. A. And back to the United States again.

Q. Well, did your money still last? A. It did.

Q. Traveled cheaply then. A. Yes, that is cheap country down there.

Q. And you weren't doing anything. A. I never done any work in Mexico.

Q. Well, after you came back to the United States where did you go? A. I went to Texas.

Q. What part of Texas? A. I went by way of San Antonio.

Q. Well, what were you doing there? A. I merely traveled thru the town.

Q. Just traveled again. How long did you stay in San Antonio? A. About half a day.

Q. And then where did you go? A. I went up north.

Q. Where? A. Well, it has been a long time ago. It is hard to remember all those things, altho I know that I traveled north.

Q. Well, I am asking according to your best recollection? A. Well I went up by way of Fort Worth.

Q. How long did you stay in Fort Worth? A. I didn't stay there very long.

Q. What were you doing there? A. I wasn't doing anything.

Q. Well, after you left Fort Worth, Texas, where did you go? A. I went thru the state of Missouri.

Q. What part of Missouri, what town? A. Springfield is one.

Q. Well, what were you doing there? A. I didn't do anything there.

Q. How long did you stay in Springfield, Missouri? A. Just over night.

Q. Then where did you go? A. That I don't remember where I went from there.

Q. Next place you came to after that that you can remember? A. I traveled around the country considerable but I couldn't say exactly.

Q. Well, where is the next place you can remember that you were after you left Missouri? A. That I don't know.

Q. Well, you remember some place you have been since? A. I remember places I have been since but not just at that time.

Q. Well, the next place that you can remember then. A. Well, I have traveled heavy round the country since I have been 11 years of age.

Q. And all of the time traveling on the money you got from your uncle? A. No.

Q. Well, how did you make money when you weren't working? A. Well I have sold newspapers sometimes. That is one thing I have done.

Q. Were you selling newspapers in Texas or Missouri? A. I never sold any in Texas or Missouri.

Q. You didn't. Well, tell me some place after you left Missouri that you can remember that you were. A. Well, I was places that I have been working years ago. I can tell you that.

Q. Well, name them? A. I worked on quite a number of farms.

Q. Where? A. Well, in the state of Ohio, Indiana, North and South Dakota, Minnesota.

Q. Well, where did you work in North Dakota. A. There was one place that I worked, St. Thomas, North Dakota.

Q. St. Thomas. That is just straight west from here. Who did you work for there? A. I worked for a man five miles from town.

Q. Give me his name? A. His name is Pat Kelly.

Q. Pat Kelly. A. I think his name is in the atlas. It was then, as far as I know.

Q. How long did you work for Pat Kelly at St. Thomas, North Dakota? A. I worked there for about three months and a half.

Q. What year? A. Well, I don't know the exact year.

Q. Well, about how many years ago? A. Well, I would think it would be around, not more than three, four years ago.

Q. Was it in the summer or fall? A. That was in the spring.

Q. Where did you go to after you left there? A. I went to state of Kansas.

Q. How long did you stay there? A. About six weeks.

Q. You said you had been working for farmers in Minnesota. Where did you work for farmers in Minnesota? A. Well, I have worked between Willmar and the Great Northern line that runs south from Willmar. I have worked for several farmers on that line in Minnesota.

Q. Can you name some farmers that you have worked for? A. Well, I can tell where their farm is but I don't know their names.

Q. You don't know the name of the owner. You don't know the name of the one you worked for? A. No, I don't.

Q. Well, when you left the farming community around Willmar where did you go? A. I went to South Dakota.

Q. Where? A. Well, I have been in several places in South Dakota.

Q. Well, name some of them? A. Well, all last winter I traveled thru those Bad Lands of South Dakota, and Black Hills.

Q. What were you doing down there? A. I wasn't doing anything; just traveling.

Q. For anything, or had any business at all? A. No.

Q. Where did you get your money with which to travel? A. I had money that I had been working for.

Q. Well, where did you go then after you left the Bad Lands? A. I went to North Dakota.

Q. Where? What place? A. A place there on the Soo Line.

Q. What is the name of the place on the Soo Line? A. It is just a little town.

Q. Yes. A. I don't know the name of it. I know about where it is, but I don't know the name of the town.

Q. Well, name the nearest town? A. It is somewhere in the neighborhood of about sixty miles from Devils Lake.

Q. East or west? A. It is north, but I don't know whether it is east or west or not--whether it is northeast or northwest.

Q. On the line going to Kenmare? A. Between Kenmare and Thief River Falls.

Q. On this side of Minot or on the other side. A. That would be east of Minot, northeast.

Q. Well, what were you doing there? A. I was working there.

Q. Who did you work for? A. I don't know the man's name.

Q. Well, what were you doing? A. I worked there in the spring, running an engine--McCormick-Deering.

Q. What were you doing? A. Plowing with a McCormick-Deering.

Q. Farm work? A. Yes.

Q. Where did you go when you got thru there? A. I went back to Kansas.

Q. What part of Kansas? A. I went to a town called Victoria.

Q. How long did you stay there? A. I was there about three weeks.

Q. And where did you go next? A. From there I went up to North Dakota.

Q. What part? A. I went to a town they call Upham. North of Towner. Worked on a threshing machine.

Q. That was last summer. A. Last summer.

Q. What month? A. Well, about the month of September--August, September and October.

Q. Last fall then? A. Yes.

Q. What was the name of that town? A. Well, it is between the town they call Deep and Upham, and Bantry and Maxbass is on that line.

Q. Well, after you left that place around Maxbass or Upham where did you go last fall? A. I went to South Dakota.

Q. What place in South Dakota? A. To a place they call Volland. It is fourteen miles from Yankton.

Q. And what time was that? A. Well, that was in the month of--about the last of October.

Q. Well, how long did you stay there? A. I stayed there for several weeks.

Q. What were you doing? A. I was picking corn there.

Q. And what did you do after you got thru with that work? A. I started traveling again.

Q.

Q. Where did you go? A. To Willmar, Minnesota.

Q. Well, what month was that? A. Well, it was as near as I know some time round in November.

Q. Well, what were you doing in Willmar? A. I just traveled; I didn't do anything. I didn't work there.

Q. How long did you stay there? A. Several hours.

Q. Well, where did you go next? A. I went from there to Breckenridge.

Q. Well, what time did you get to Breckenridge? A. I got there about the next day.

Q. November? A. Some time round the latter part of November.

Q. How long did you stay in Breckenridge? A. Just about half a day.

Q. Where did you go next? A. I went from there to Fargo.

Q. And how long did you stay in Fargo? A. About half a day.

Q. Where did you stop in Fargo? A. I didn't stop there over night.

Q. How? A. I got there in the morning and I didn't stop over night.

Q. Where did you go after you left Fargo? A. I went from there to Grand Forks.

Q. How long did you stay in Grand Forks? A. Several hours.

Q. Where did you stop there? A. I didn't stop there over night.

Q. Where did you go after you left Grand Forks? A. I went from there to Bemidji.

Q. What month did you get to Bemidji? A. Well, it must have been in December when I got there.

Q. And how long did you stay in Bemidji? A. I was there just about half a day.

Q. Where did you stop then? A. I didn't stop in any hotel.

Q. Well, when you left Bemidji, where did you go? A. I started to travel across country.

Q. That is in December; started to travel across the country.

A. Some time in December.

Q. Travel along the railroad or otherwise? A. No, I went cross country.

Q. Well, did you strike any towns? A. No.

Q. Well, after you left Bemidji where did you next stop? A. Well, the next stop from Bemidji was where that sheriff picked me up.

Q. Out here east of Roseau? A. Several miles from this town.

Q. Well, how long had it taken you to travel across country from Bemidji to Roseau? A. Well, I judge it took me just about two weeks.

Q. And where did you stop during those two weeks? A. I stopt sometimes in old buildings. Sometimes I stayed out in the woods.

Q. Well, you came to the town of Holt down here on the Great Northern, didn't you? A. I don't know of any town by that name.

Q. Well, what was the first town around--railroad town you struck after you left Bemidji? A. I wasn't in any towns.

Q. Down here in Badger? A. No, sir, I wasn't in the town of Badger.

Q. Yes, but weren't you at this man's house? He sits back there, with the whiskers. Stand up. (Mr. Arthur Vanschojak stands up)

A. He has me mixed up with some one else. I didn't stop with any man. He said that I did.

Q. Didn't you stop with him? A. I did not.

Q. You did not. Well, you came along the ridge here from Badger to Roseau, didn't you? A. I don't know the directions. I know that I came thru the woods from Bemidji to this country.

Q. Weren't you on the ridge here? Didn't you get a ride with the County Attorney, Mr. Bell, that sits down there? A. No, I did not.

Q. Did not. Didn't he pick you up down here on the road somewhere in between here and Fox? A. I have heard people say that he did but he certainly didn't pick me up.

Q. Didn't pick you up? A. Well, how did you come to Roseau then?

A. Well, I was going across the country and I seen a man out there with a car and when I seen him I figured I would ask him the directions.

Q. Where was it you saw a man with a car? A. Out in the woods.

Q. Out west or east? A. I couldn't say whether it was east or west or not.

Q. Was it on the highway? A. Well, it was some kind of a logging road, it looked like, to me.

Q. How far from Roseau? A. I don't know how far.

Q. Well, you say you got a ride. Where did he take you? A. Took me up here to this town.

Q. To this town here. Well, when did you get to this town? How long did you stay here? A. I have been here ever since.

Q. How? A. I have been here ever since except since I went to Warren.

Q. Didn't you leave this town and go out east? A. No, sir.

Q. Didn't you even go into the Encore Restaurant and get some cigarettes? A. The sheriff told me that there had been a man getting cigarettes and I explained to him that I hadn't got any cigarettes.

Q. Answer my question. Did you go in here in a restaurant in this village and buy a package of cigarettes, Camels? A. No, I did not.

Q. Did you ask anybody for the road to Baudette? A. No, I did not.

Q. Well, how did you come to be out there where the sheriff found you? A. Well, I was on my way to town and from there I was figuring on going to International Falls.

Q. You were on your way from here? A. I was going to town. I didn't know which way town was.

Q. Well, but you left this town? A. I didn't leave any towns except when I left Bemidji. That was the last town I have been in.

Q. Oh, you mean to say that you weren't in Roseau here at all then. A. Not until the sheriff brought me in.

Q. Then all these men that say that they saw you here in town and saw you go in here and buy a package of Camel cigarettes are not telling the truth then when they say they saw you. A. I don't say they are not telling the truth. I say they certainly have me mistaken with some one else.

Q. Well, when the sheriff found you out here, where did you come from? Where had you stayed that night? A. I had stayed at a camp fire.

Q. Camp fire where? A. There is a camp fire just about 10 miles from where he picked me up. I offered to go out there and show him and I am satisfied it is there yet, but they didn't want to go out.

Q. Ten miles from where he got you? A. I would say it would be just about ten miles from where I had walked from five o'clock in the morning until I met him.

Q. Which direction was the camp fire? A. It would be to the right but I don't know whether that is east or west.

Q. Well, the sun was shining in Christmas day. A. Yes, but I didn't know the direction.

Q. Well, you know the sun rises in the east and sets in the west, you know that? A. Yes.

Q. Well then which way was it? A. That I don't know, whether it was east or west, or north or south.

Q. You don't know. A. I know it was to the right where I was.

Q. Which way were you facing when you say it was to your right? A. Well, I don't know the directions. If I had a map I could show you the directions.

Q. Well, you know where the sun is. A. I didn't take particular notice of any sun rise. I did not know which was the directions.

Q. You mean to tell me that you left Bemidji and traveled across the country and never had been into a town from the time you left Bemidji until the sheriff brought you here into Roseau? A. That is it exactly and I have done the same thing last winter. I did the same thing last winter in the Black Hills, and never been in town. People out there can tell you the same thing. That is true. I traveled thru those hills for weeks and never seen a town.

Q. Wasn't there an immigration agent that picked you up on the road east of here and wanted to know where you were going and where you came from? A. No, there was not.

Q. There was not. You mean to tell me you had not seen any immigration officer at all before--after you were arrested? A. I saw several here in this town.

Q. You saw several here in this town. Well, when did you see Robert H. Lobdell? A. That man I don't know.

Q. Did you see him after he was killed? A. They offered to take me over there and show him to me, but I didn't see him.

Q. Well, you mean to tell me now then under oath that you had nothing to do with the killing of Mr. Robert H. Lobdell? A. I certainly do. I claim that I am not guilty.

Q. And you claim that you were not in town here and that you were not in the restaurant and bought Camel cigarettes? A. I wasn't in the town.

Q. You hadn't been in this town. A. Never was in this town; never went here before.

Q. Until the sheriff brought you in here. A. Yes.

Q. And you mean to tell me that is the God's truth? A. That is the truth.

Q. Have you ever been in Vancouver? A. Yes, I have been in the town of Vancouver.

Q. Out on the coast? A. Yes, it is in British Columbia.

Q. When were you there? A. I was there quite a number of years ago..

Q. What year, do you know? A. No, I don't know the exact year.

MR. BELL: Was you in Saskatoon, Canada?

DEFENDANT: I have been in Saskatoon, but that isn't a town, I don't think. I have been across the territory that is called Saskatchewan.

Q. Well, Saskatchewan is the name of the province, A. Yes.

Q. But Saskatoon, that is a town. A. No, I haven't been in that town.

Q. Been in Regina? A. Yes, I have been in Regina.

Q. Prince Albert? A. I couldn't say for sure.

Q. Edmonton? A. Yes, I have been in Edmonton.

Q. When were you in Edmonton? A. Well, it has been a number of years.

Q. Well now, you were telling me that you were an automobile mechanic. Where did you learn that trade? A. I learned it in the various garages that I have worked in.

Q. Well, you hadn't been working in the garage. Worked on the farm. A. I have worked in garages and on farms.

MR. BELL: Wasn't you in Saskatoon last fall?

DEFENDANT: No, sir, I wasn't in Canada in last fall.

MR. BELL: You wasn't in Saskatoon. You weren't arrested in Saskatoon last fall?

DEFENDANT: No. No, I wasn't.

THE COURT: Mr. Hegland, have you got any questions?

MR. HEGLAND: I have not.

THE COURT: You, may stand up. Now, Mr. Ryan, have you anything to say yourself why I should not impose sentence upon you at this time?

DEFENDANT: Well, all I can say is that I am not guilty. You may find that out some time.

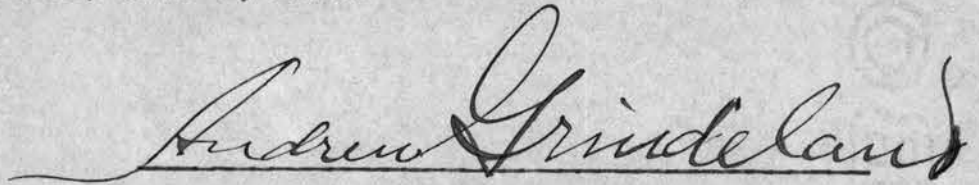
SENTENCE.

You, George Ryan, having been on trial for the killing of Robert H. Lobdell, and having been duly convicted of the crime of murder in the second degree, IT IS ORDERED, That as punishment therefor, you be confined at hard labor in the State Penitentiary at Stillwater, Minnesota for and during the rest of your natural life. You may be seated.

IMPRESSIONS OF THE COURT

George Ryan is a produce of the slums of New York City. He has been a tramp ever since he was eleven years of age. He is cool, unscrupulous, and would not hesitate to kill a person to carry out his plans. His policy, I believe, has been to make a living dishonestly.

Warren, Minnesota, June 7, 1929.

A handwritten signature in cursive script, reading "Andrew Grindelau". The signature is written in dark ink and is positioned above a horizontal line.

District Judge.