

IMPRISONMENT FOR LIFE

Governor Dietrich Commutes Frank Dinsmore's Sentence.

CONVICTED OF FRED LAUE'S MURDER

Executive Clemency Exercised to Have a Man's Neck from Noose Created by Circumstantial Evidence and Tongue of a Woman.

LINCOLN, April 29.—(Special.)—Governor Dietrich this afternoon commuted the death sentence of Frank Dinsmore, who was convicted of murder in Dawson county, to imprisonment for life. Dinsmore will be brought to the penitentiary tomorrow.

The attorneys who defended Dinsmore in the trial court and afterward in the supreme court appeared before the governor this afternoon and made an argument in favor of their application, which was filed last week.

Circumstantial Evidence.

Governor Dietrich said that he was moved to commute the death penalty to life imprisonment because on investigation he found that Dinsmore had been convicted on circumstantial evidence, while the testimony of Mrs. Laue was not circumstantial, yet it was much less satisfactory.

I do not believe in hanging a man on the testimony of a woman such as Mrs. Laue pictured herself to be, said he. Especially in view of the fact that she first testified under oath at the coroner's inquest that she saw her husband shoot himself and afterward just as emphatically and certainly swore that Dinsmore shot him.

Sometimes induced her to change her testimony. What it is to be said here, the fact that no complaint was filed against her charging her with even being an accessory to the crime by the county attorney who prosecuted Dinsmore, although the crime was committed in 1898, and said county attorney was in office until January 3, 1901, suggests with great force the suspicion that her testimony was purchased by a promise of immunity.

I can not consent to see a man hanged on such testimony. Besides that, the trial judge who sentenced Dinsmore to hang joined many others in their reasons why I should commute the sentence.

The crime for which Dinsmore was convicted was committed December 6, 1899. Proceedings were begun against Dinsmore in Buffalo county, but afterward a change of venue to Dawson county was taken because of the prejudice that existed against the accused in his own community.

A decision finding the man guilty was rendered by the jury and the case was appealed to the supreme court and argued before that tribunal about January 1, this year. The supreme court on March 14 delivered its opinion affirming the decision of the trial court. The defendant filed a motion for a rehearing, but his attorneys this afternoon took steps to have it withdrawn.

Immediately after reaching his decision Governor Dietrich issued a warrant to Warden Davis notifying him of the commutation of the sentence. Warden Davis left on an evening train for Kearney, where Dinsmore is now confined in jail, and will return with the prisoner tomorrow.

Judge Sullivan's Indorsement.

Numerous letters and petitions asking for the commutation of the sentence had been presented to the governor and among them was the following from Judge H. M. Sullivan of the district court:

BROKEN BOW, Neb., April 26, 1901.—I, C. H. Dietrich, Lincoln, Neb.—Dear Sir: Application has been made to you to commute the sentence of Frank L. Dinsmore from death penalty to life imprisonment, and I hope you will conclude in favor of this application, not because I have any doubt of the guilt of Dinsmore, but for the reason that the infliction of the death penalty is a relic of barbarism and cannot, as it seems to me, justify the name of civilization that should raise us above the infliction of a penalty that had its origin in a state of barbarism.

Warrant in the Case.

The warrant issued to Warden Davis in the Dinsmore case follows:

STATE OF NEBRASKA, Executive Department.—To Edward D. Davis, Warden of the State Penitentiary at Lincoln, Nebraska, and to all to whom these presents shall come: Greeting.

Whereas Frank L. Dinsmore was, by the district court of the state of Nebraska, and for Dinsmore convicted of the crime of murder in the first degree on the 21st day of March, 1900, and on said day was sentenced by said court to death by hanging; that said Frank L. Dinsmore is now confined in the county jail of Buffalo county, Nebraska, awaiting execution of said sentence;

None, therefore, under and by virtue of the authority in me vested by law, I, Charles H. Dietrich, governor of the state of Nebraska, for the reasons herein set forth, do hereby command you to forthwith proceed to conduct said Frank L. Dinsmore from the county jail at Kearney, in Buffalo county, Nebraska, to the state penitentiary of Nebraska, and receive him therein, to be imprisoned therein for his natural life at hard labor, Sundays and legal holidays excepted.

In witness whereof I have hereunto set my hand and affixed the great seal of the state of Nebraska this 29th day of April in the year of our Lord one thousand nine hundred and one, the thirty-fifth year of the state and of the independence of the United States the one hundred and twenty-first.

By the governor: CHARLES H. DIETRICH, G. W. Marsh, per Secretary of State, Frank McCartney, Deputy.

Nicholas Fox Also Benefits.

Governor Dietrich also commuted the life sentence of Nicholas Fox to imprisonment for fifteen years. Fox was convicted in South Omaha for killing his wife and was brought to the penitentiary July 1, 1892.

Fox is the man who assisted the firemen in the last two fires in the penitentiary. In South Omaha he was a member of the fire department and his early training made him a valuable assistant in the two emergencies. Petitions asking for the commutation of his sentence were circulated by members of the Lincoln and South Omaha fire departments. There is a difference of opinion whether his good time will date from the time he was received at the penitentiary or from the date of the commutation. If he is allowed good time for service under the life sentence his fifteen-year sentence will soon expire.

Omaha Woman Appointed.

E. L. Vance, commissioner to the Pan-American exposition, today appointed Representative Herbert Gage county, R. R. Randall of Lincoln and Miss Melton, Burdett of Omaha as his assistants. Mr. Hibbert's commission will date from June 1.

Funeral of Norris Humphrey.

Services over the body of Norris Humphrey, who committed suicide last night, will be held tomorrow morning at the family home. W. J. Bryan, long a personal and political friend of the dead man, will speak in the home and at the grave. L. B. Treeman, another close friend of long standing, will conduct the Knights Templar services.

WHERE THE BRIDGE STANDS

Railroads Want Supreme Court to Decide this Question.

INVOLVES COUNTY OF RICHARDSON

Case Arises Over Disputed Assessment—Attorneys for Companies File Motion for Rehearing.

LINCOLN, April 29.—(Special.)—A motion has been filed in the supreme court for a rehearing of the case of the Chicago, Burlington & Quincy and the Atchafalaya & Nebraska Railroad companies against the county of Richardson and the village, township and school district of Rulo. The case involves the right of the railroad companies to have their property taxed by the state, accompanying the motion is a brief which sets out the argument in favor of a rehearing.

The attorneys for the county of Richardson and the other organizations on that side of the case assert that a rehearing should be granted for the reason that in its last opinion did not decide whether a bridge in question is within the limits of the city of Rulo, the township of Rulo and school district 52. It is further asserted that if the court does not decide this question great annoyance, expense and litigation will result to the railroad companies.

The railroad companies involved in the litigation listed the west half of the bridge with the local authorities for assessment and took no steps to challenge the power of the assessors until three years after they had acted and the tax on their property had been levied. The court held that the assessment upon which the tax complained of was levied was void because levied by the local assessors instead of the state board, and hence that it was not necessary for the county to decide whether the bridge was within the corporate limits of the city of Rulo, since whether it was or not the assessment was void and consequently the tax was void.

Not in County Jurisdiction.

The assessment in controversy was made by the county authorities in the belief that they were authorized to do so by the provisions affecting the assessment of property generally. The court held that the property assessed was not within the jurisdiction of the county authorities for the purpose of assessment, but was within the jurisdiction of the State Board of Equalization by virtue of sections 39 and 40 of the revenue act. The appellants claim that those sections are unconstitutional and that the court overlooked this important fact when it rendered the decision.

In conclusion the brief says: "The questions here presented have never been called to the attention of the court before and reported decisions disclose. They are questions of paramount importance. We think that the method of assessing railroad property in this state is in flagrant violation of the provisions of the constitution and that a change in the mode of assessment of the case will lead your honor to the same conclusion. We insist that the statute of which we complain was passed for the purpose and with the intention of doing indirectly that which the legislature could not do directly, to wit, exempting railroad property from its just share of taxation for municipal, school and county purposes. Well does the writer remember that when an attempt was made in the legislature of 1887 to have the charter of the city of Omaha amended so that it should pay its just share of taxes towards the support of the city government and school district, the representatives and friends of every railroad in the state were arrayed against it and it was defeated, notwithstanding its evident justice."

System of Railroad Taxation.

As to the system of railroad taxation the brief says: "The inequality of the system is most striking when the case of the city of Lincoln is considered. While there are forty-three miles in the county there are not perhaps to exceed five miles in the city of Rulo. Multiply \$392 by five and the result will be \$1,960. On this sum the city of Rulo will be entitled to receive \$1,960, while the state board assesses. Yet the property thus assessed for the purpose of contributing towards the expense of maintaining the city government, if valued as other property in the municipality, would pay on a basis of \$42,000 instead of \$1,960.

"Look for a moment at the operation of this system of taxation in the county of Douglas. The Burlington is assessed in Douglas county under the name of the Omaha & Southwestern and the Omaha & North Platte. It has substantially four miles in that county and is assessed at \$6,560 per mile, or a total of about \$26,000. Its depot cost approximately \$300,000. Assuming that its property is assessed on a basis of one-fifth of the actual value the depot alone should be assessed at \$60,000, and if so assessed there would be only \$2,200 per mile for the track. Yet every one knows that the right of way alone in the city of Omaha, without the expenditure of a dollar upon it, is worth 100 times that amount."

Another illustration: The Union Pacific railroad now pays taxes to Douglas county on the west half of the bridge Omaha Pacific has in round numbers 467 miles of line in Nebraska. If 467 is divided into \$60,000 the quotient will be 128, or \$128 per mile, and consequently \$128 per mile would be added to the valuation of each mile in Douglas county. That county has thirty-three and one-third miles of Union Pacific road within its limits. If the bridge is assessed by the state board and the local assessors Douglas county would collect taxes on \$128 per mile or on \$4,485, instead of \$60,000 as it does now."

The attorneys who prepared the brief are John Gagnon and A. J. Weaver of Falls City and C. S. Smyth and Ed P. Smith of Omaha.

Nebraska Circus Begins Circuit.

FAIRBURY, Neb., April 29.—(Special.)—Campbell Brothers' show, which opened at this place, left here last night with its special train of fifteen cars. It goes from here to the Pacific coast, showing enroute at the larger cities.

30,000,000 Bottles.

are at present stored by the Anheuser-Busch Brewing Ass'n, St. Louis, Mo., U. S. A., to be filled with the famous Budweiser beer. This is an indication of the popularity of the brand. The empty bottles were collected by Geo. Krug, manager Anheuser-Busch branch, Omaha.

No Excitement Over Bank.

WESTFERRY, R. I., April 29.—The closing of the Mechanics' Savings bank, notice of which was given yesterday, did not create any visible commotion in financial circles here today. Withdrawals from other banks during the commotion were apparently more numerous than usual. It is expected the officers of the Mechanics' Savings bank will be authorized to accept the offer to affect the desired liquidation. Application for such authorization will be made at Providence during the day.

Ice Water for Firemen.

The Board of Police Commissioners held a brief meeting last night. Water coolers were ordered for each of the fire houses. The order was instructed to have twenty-five pounds of ice delivered daily to all the fire stations.

PLANS FOR THREE VACANCIES

President Names Crowder and Two Others to Be Brigadier Generals of Volunteers.

COMMISSION FOR CROWDER

President Names Him as One of the Brigadier Generals TO SERVE WHEN VACANCY ARISES

WASHINGTON, April 29.—Commissioners have been made out by President McKinley for James Allen, Enoch H. Crowder and Robert L. Hughes, in case vacancies occur in the list of volunteer brigadier generals while the president is away.

The military appointments announced today Enoch H. Crowder is made brigadier general and also a lieutenant colonel. He secures the latter promotion by the retirement of Generals Lieber, Barr and Closs.

The appointment as brigadier general of volunteers is a compliment given to engineers in the Philippines, a position he will hold until July 1. Colonel Crowder has been longer in the Philippines than any other officer of prominence. Major Stephen W. Groesbeck, whose name does not appear in the list made public today will be promoted to be lieutenant colonel.

The question whether the detail of Colonel Davis to be judge advocate general under the reorganization law creates a vacancy is yet undecided. Of the other engineers who are volunteers presented today, General Bliss is of the commissary department and has been collector at Havana since the occupation by the United States. General Allen is of the signal corps and has a record for good work during the Spanish war and since in the Philippines. General Balance is a major in the adjutant general's department at Manila and General Howse is lieutenant colonel of the Thirty-fourth volunteer infantry.

With respect to the office of chief engineer the following general plan of action will be followed: General J. M. Wilson, the incumbent, will retire on his own application next Wednesday. Colonel Henry M. Robert and Colonel John Barlow will be made chief of engineers successively and will make Colonel Peter C. Hains, now attached to the isthmian canal commission, the chief of the corps of engineers. He will be made a brigadier general in the line of the army before his statutory retirement in July, 1901, but the new chief of engineers will be Colonel George L. Gillespie, who will enter upon the duties of that office by next Monday at the latest and retain it until retirement in October, 1905.

The president today made the following appointments:

Postmasters: Kansas—Mahannah, D. E. Deputy, Nebraska—Niobrara, William R. Nash; Scribner, James M. Beaver, New Jersey—Orange, J. Rooney.

State: Conn.—Charles H. Egbert of Hillsdale, Durango, Mexico; George W. Colville of Oregon, at Barre, Idaho, Colombia.

War—Chief of engineers, rank of brigadier general, John W. Barlow, George L. Gillespie, Henry M. Robert.

Judge advocate generals, rank of brigadier general, Thomas F. Barry, John W. Closs, George B. Hains, Second lieutenant, Jasper N. Morrison, Enoch H. Crowder.

Judge advocate, rank of major, John Bidwell, Arthur Murray, Colonel, Jr. Second lieutenant, Casper H. Conrad, Jr. Second lieutenant, artillery corps, Robert F. McMillan.

Brigadier generals of volunteers, Merritt Barber, Tasker H. Bliss, Oscar F. Long, John G. Ballance.

Surgeons, rank of major, William D. Bell, Harold L. Coffin, Charles L. Furbush, Samuel D. Kraft.

Assistant surgeon of volunteers, rank of captain, Richard E. Griswold, M. E. Hughes, Charles S. Peck, Second lieutenant, William D. Bell, Harold L. Coffin, Charles L. Furbush, Samuel D. Kraft.

Second lieutenant, Forty-fourth volunteer infantry, Warren Windham.

First lieutenant, Twenty-sixth volunteer infantry, Hilden Olin. Second lieutenant, Twenty-sixth volunteer infantry, Jay H. Henning.

Navy—Passed assistant surgeon, rank of lieutenant, junior grade, Edward V. Armstrong. Boatwain, Dennis J. O'Connell. Interior—Indian agent, Fort Apache agency, Arizona, Cornelius W. Crouse.

PENSIONS FOR WESTERN VETERANS.

War Survivors Remembered by the General Government.

WASHINGTON, April 29.—(Special.)—The following persons have been granted:

Nebraska—Original—David C. Eastburn, Petersburg, R. Additional—James McKivitt, Charles S. Peck, Original—John H. Hunt, Eldon, S. John H. Swan, Page, R. Original—Widows—Special—acrued April 17, 1901.

Iowa: Original—Alexander McFarland, Francis M. Lang, Hull, S. Increase—Lewis A. New, Streator, Rk. 47; Anon A. Jorgen, Clear Lake, S. North Platte, It has substantially four miles in that county and is assessed at \$6,560 per mile, or a total of about \$26,000. Its depot cost approximately \$300,000. Assuming that its property is assessed on a basis of one-fifth of the actual value the depot alone should be assessed at \$60,000, and if so assessed there would be only \$2,200 per mile for the track. Yet every one knows that the right of way alone in the city of Omaha, without the expenditure of a dollar upon it, is worth 100 times that amount.

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Dismissance South Dakota Case.

The supreme court today handed down a decision in the case of Edward W. Speed as administrator of William B. Franklin and others, plaintiffs in error against Patrick B. McCarthy and others, which came from the Pennington county circuit court of South Dakota. The supreme court dismissed the case for want of jurisdiction.

Postmaster of Llewellen.

Senator Millard has recommended W. Rohlfing as postmaster at Llewellen, Neb.

Rural Free Delivery.

Rural free delivery has been ordered established in Iowa June 1 as follows: Knoxville, Marion county, (additional service), route embraces thirty-nine square miles, containing a population of 765; O. P. Young appointed carrier. The postoffice at Ritzville is to be discontinued. Washington, Washington county, route embraces 115 square miles, containing a population of 1,890; Milton White, H. A. Shannon and Alpheus Grumbling appointed carriers. The postoffice at Lexington will be supplied by rural carriers.

Des Moines Appointment.

L. D. Sheets of Des Moines was appointed tagger in the bureau of animal industry.

Bank Reserve Agents.

The Iowa National bank of Des Moines has been approved as a reserve agent for the First National bank of Omaha, Ia., and the Omaha National bank of Omaha, Ia., for the First National bank of Elwood, Neb.

Iowa Postmasters.

Iowa postmasters appointed: Pilotburg, Washington county, Samuel Hampshire; Pope Joy, Franklin county, R. L. Mendenhall.

Practice in Interior Department.

John B. Wanton of Watertown and Asa Forrester of Canton, S. D., were admitted to practice before the interior department.

Clerk in Philippines.

Louis G. Graessle of Clinton, Ia., was appointed a \$1,200 clerk in the subsistence department in the Philippines.

Purify the blood and put the system in order for summer work by using at this time a short course of Prickly Ash Bitters; it is the greatest blood purifier on earth.

The correct number of "THE DOTS" and list of prize winners will be published in The Sunday Bee, May 5.

CLOUDY AND PERHAPS COOLER

Washington Bureau Hazards Nothing Very Definite in Its Forecast for Nebraska.

WASHINGTON, April 29.—Forecast: Nebraska—Partly cloudy Tuesday and Wednesday; probably cooler Wednesday in western portion; southerly winds.

Iowa and Missouri—Partly cloudy Tuesday. Wednesday fair, continued high temperature; variable winds.

South Dakota—Fair Tuesday; continued high temperature. Wednesday probably showers; southerly winds.

Colorado—Fair Tuesday. Wednesday cooler and partly cloudy, possibly showers in northern portion; southerly to westerly winds.

Wyoming—Fair Tuesday. Wednesday cooler, possibly showers; south to west winds.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, April 29.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

Table with 4 columns: Year (1901, 1900, 1899, 1898), Maximum temperature, Minimum temperature, Mean temperature, Precipitation.

Maximum temperature... 85 79 69 70
Minimum temperature... 44 45 43 47
Mean temperature... 74 62 52 58
Precipitation... 10 48 00 00
Record of temperature and precipitation at Omaha for this day and since March 1:

Normal temperature... 55
Excess for the day... 19
Total excess since March 1... 49
Normal precipitation... 1.21 inches
Deficiency for the day... 1.21 inch
Total precipitation since March 1... 2.56 inches
Deficiency since March 1... 1.32 inches
Excess for cor. period, 1900... 40 inch
Deficiency for cor. period, 1899... 3.3 inches
Reports from stations at 4 P. M.

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SECRETARY OF STATE.

Minnesota Has No Firmer Believer in Paine's Celery Compound.

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