

SEEK TO SAVE RHEA'S LIFE

Lincoln Lawyer Will Apply for an Injunction to Prevent Hanging.

GOVERNOR MICKEY MAKES STATEMENT

St. Louis Man Presents Claim for Destruction of His Lunch Stand by Soldiers from Nebraska.

(From a Staff Correspondent.)

LINCOLN, July 8.—(Special)—The sympathizers of William Rhea, condemned to hang next Friday at the state penitentiary in this city, have taken a new tack by which they express confidence in their ability to postpone and possibly permanently block the execution. A judicial injunction will be the method relied upon to balk the hangman's noose, action in this direction being based on a technical construction of the law governing executions for murder and the granting of commutations by the governor.

Tomorrow T. J. Doyle, a Lincoln attorney, is expected to go before the supreme court with an application for an injunction to restrain Warden Beemer of the penitentiary from executing the sentence of hanging. Mr. Doyle is an opponent of capital punishment, as are many other members of the Lancaster bar and with whom he has consulted upon his intended action.

The chief contention which will be raised is that the condemned man, Rhea's execution for April 25, 1902, but former Governor Savage interposed by granting a respite until July 10, 1902, in accordance with which it is now proposed to march Rhea to the gallows and take his life. This Mr. Doyle declares, is tantamount to giving the governor the right to fix the date for an execution for murder, an act nowhere vested in him by the constitution or statutes, either implied or direct. The further point is raised that such an act by the governor is purely executive, whereas the fixing of a date for a hanging is purely a judicial matter and should alone be done by the courts.

Mr. Doyle today declined to outline his plans in full, although he admitted that the application for the injunction would surely be made. He stated that he had no objection to the correctness of his contention from a legal standpoint and his expressed confidence in the belief that the courts would sustain him and that Rhea would never hang.

Governor Mickey has issued a public statement defining his reasons for refusing to interfere with the ruling of the courts in this case. The governor has been subjected to persistent pressure for several weeks to commute Rhea's sentence and his decision to let the law take its course has stirred up some resentment against him in certain quarters. He states that the refusal to heed Rhea's plea has been the most unpleasant duty of his life, but he has tried to consider the case from a conscientious standpoint and to weigh it carefully and with full consideration of all the facts.

Statement by Governor.

In his statement the governor says: My attention has been called to several misleading statements that have been made concerning the Rhea case and while I have no objection to the matter I think it proper to state that my concurrence was reached after painstaking and careful consideration of the much more important question of what reason sufficient to satisfy my judgment and conscience that the death penalty should be imposed. I have no desire to give satisfaction to have the life of any human being under sentence of death; but I feel that my personal feelings in the matter are not of much importance, but the solemn judgment of the trial court assisted by twelve impartial jurors and afterwards affirmed by a unanimous court that the accused was guilty of an offense was rendered by a unanimous court. The discrediting opinion of Justice Sedgwick on the motion to quash the verdict is a rebuke to me, but the supreme court had unanimously affirmed the conviction and sentence of the lower court. Under the law I do not have the right to review the legality or justice of that judgment; that question has been settled beyond debate. The power to pardon, held by the governor, was never intended, in my judgment, to be used for other than annual reprieves.

It was the judgment of the court that the killing was premeditated and malicious, wanton and cruel, that the extreme punishment should be suffered.

Section 3, chapter II of the Criminal Code of Nebraska says:

... if any person shall commit any offense, whether it be deliberate and premeditated malice, or in the perpetration, or attempt to perpetrate any rape, arson, robbery or burglary, or by force, or by threats, or by any means to the same to be done, kill another; or if any person by wilful and corrupt perjury, or by subornation of witness, or by any other means, shall induce the conviction and execution of any innocent person, every person so offending shall be deemed guilty of murder, and thereof, shall suffer death upon conviction thereof, shall suffer death during life in the discretion of the court.

Rhee was found guilty of murder in the first degree and in the discretion of the jury he was sentenced to suffer death. I have been unable to find a single authority, criminal or otherwise, which would sustain the claim of palliation of the crime, and for that reason I have refused to interfere with the execution of the judgment.

Wards Preparing for Execution.

Meanwhile Warden Beemer continues his preparations for the execution Friday. Today he was authorized to secure the services of George Stryker of Omaha to aid in carrying the execution into effect. Mr. Stryker had charge of the Nebragind hanging last March. At the Niegengind hanging the warden was compelled to foot the bill for Mr. Stryker's services and also other expenses, but today the Board of Public Lands and Buildings decided that the state should foot the bill for any extra expenses incurred in the Rhea hanging, funds now being available for that purpose.

Farm Hands for West Nebraska.

The labor bureau today shipped a party of laborers to Holdrege, where they will assist in harvesting the wheat crop of Phelps county. Eight men made up the party, and everyone was a husky specimen of manhood, who wanted work and was not afraid to travel 300 miles to get it. By reason of the intercession of the labor bureau the men were able to secure the half fare rates offered by the rail-

roads to harvest hands, this concession having been granted to travelers from Lincoln the same as from Missouri river points.

The labor bureau today received numerous letters from farmers in western Nebraska, in which frantic appeals were made for laborers. The shortage in labor in the west is described as a grave affair, which may curtail the successful harvesting of the wheat crop unless early relief is forthcoming.

Governor Refuses Extradition.

Governor Mickey today refused to permit the extradition of O. D. Wolf of Seward county, Nebraska, to Summit county, Utah, on the charge of obtaining money under false pretenses.

The governor was convinced by Wolf's plan that the criminal prosecution would only be a cloak for the filing of a civil suit; hence it was shown that the Utah statutes made the crime charged only a misdemeanor and the governor was not disposed to honor a requisition which only charged a misdemeanor.

Wolf has not been in the custody of the Utah county sheriff at any time, that official failing to present satisfactory proof of his authority. Wolf went to his home in Seward county today while the Utah sheriff returned west empty handed.

Puzzled War Department.

Adjutant General Culver is at a loss to understand a communication that has just reached him from an attorney named H. Herbeau of St. Louis, which reads as follows:

I enclose you herewith an affidavit signed by John Pecur as to the acts of lawless persons during the loss of his stand and the neck of the rear carriage of the Twenty-second Nebraska regiment during the dedication of the World's Fair, April 25, 1902, at the fair grounds in Indianapolis and we hope that an amicable arrangement may be made, as the plaintiff is a poor man and can ill afford to stand this trial, as well as the action you will take in the matter, and oblige.

The former stand put out against the Twenty-second Nebraska National Guard accompanies the affidavit:

Sandwiches \$10.00

Peanuts 1.00

Lemons 2.00

Orange juice 5.00

One corn 1.00

Two iron roasting pans 15.00

One iron lamp 3.00

Two aprons 2.00

One barrel and contents 2.50

Four gallons gasoline 50

One set cutlery 1.00

One two-wheel cart 1.00

One set sundries 5.00

Loss of business 50.00

Total \$122.50

Actual payment \$122.50

To the effect that a number of members of the Twenty-second Nebraska regiment National Guard, encamped at the entrance of the World's Fair grounds, destroyed the stand and contents, drove him out with threats to kill him and committed the crime of arson under the laws of that state by setting same on fire, causing a total loss.

The adjutant general replied by endorsing on the bill information to the effect that there is no such regiment as the Twenty-second regiment National Guard.

He advised that the stand and contents, drove him out with threats to kill him and committed the crime of arson under the laws of that state by setting same on fire, causing a total loss.

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