

# SPERRY IS GUILTY, VERDICT OF JURY

**Twelve Agree at 1:30 O'Clock in  
Morning After Being Out  
Thirty-Four Hours.**

Clyde Sperry is guilty of manslaughter in the second degree and the penalty is fixed at five years in the state prison.

This was the verdict returned by the jury at one o'clock this morning in the Cass county district court after deliberating 34 hours, during which time the 12 men came in for additional instruction two times. The first was yesterday afternoon when they were called in by Judge Pollock and the second time at 1 o'clock last night.

Both times they asked to have that portion of the testimony relating to the confession of Sperry in the butcher shop of Simon McKenzie at Aneta, N. Dak., in the presence of States Attorney Skulason, Sheriff Ed Johnson and Mr. McKenzie, father of Kenneth McKenzie, the 12-year-old boy who burned to death on the night of October 16, 1909, and for which crime Sperry was tried.

The defense will make a motion for a new trial and the arguments will be heard by Judge Pollock April 1. Judge Pollock has also set the date for passing sentence April 12.

While the verdict was read Clyde Sperry, the defendant, sat in the court room. He failed to show outward signs of the ordeal and maintained the old time composure he has held thruout the trial. His father, M. E. Sperry, who has been the constant companion of his son since the case started, was not present. Attorneys for both sides and a few interested persons were in the court room.

J. A. Black was foreman of the jury. It is said the jury stood eleven for conviction and one for acquittal until the final agreement was reached. The jurymen were dismissed when they had rendered their findings.

The crime for which Clyde Sperry was tried was committed in Aneta, N. Dak., on the night of Oct. 16 1909. Kenneth McKenzie was walking through a park carrying a lantern and delivering meat for his father. He was taken home that evening after 8 o'clock badly burned. He told his father that two men had thrown him down and poured the oil from the lantern on his clothing setting it on fire.