

# SPERRY WILL NOT SERVE HIS TIME

Circumstances of Case Taken Into  
Account, Court Says in  
Passing Sentence.

Although sentenced to five years in the penitentiary at Bismarck, Clyde Sperry, convicted in Cass county of manslaughter in the first degree in connection with the burning of Kenneth McKenzie at Aneta, N. D., on the night of Oct. 16, 1909, will not have to serve the sentence, having been placed on parole by Judge Pollock Monday after passing sentence.

Citing chapter 174, pages 255, 256, 257 of the session laws of North Dakota, 1909, Judge Pollock said: "I do now in furtherance of justice suspend the execution of sentence this day imposed on said defendant and place him on probation to be under the control of the management of the board of trustees of the state penitentiary and he shall be subject to the same rules and regulations as apply to persons paroled from the penitentiary after a period of imprisonment therein."

Further in the order of sentence Judge Pollock cites that he has taken into consideration the character of the defendant and circumstances of the case, that Sperry is not likely to engage in an offensive course of conduct and that the public good does not command or require that the defendant shall suffer the penalty imposed by law.

"It appearing that the defendant was tried and convicted of the crime of manslaughter, in that he did, without any intent to commit murder but while engaged in an unlawful assault upon Kenneth McKenzie, cause his death, and that defendant has never before been imprisoned for crime either in this state or elsewhere," the opinion cites as reason for parole.