



Buffalo Tales



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A Double Murder in Odessa: The State of Nebraska vs. Frank Dinsmore

By Ross Huxoll

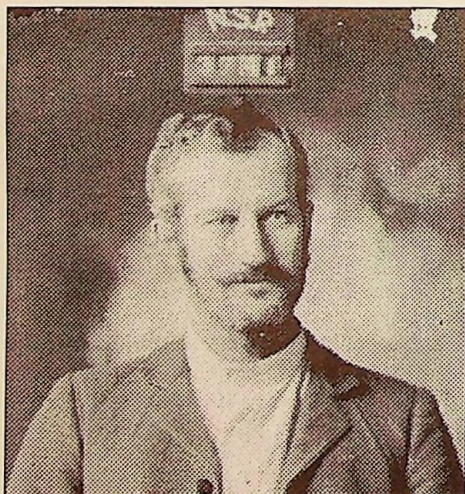
In August of 1898, Frank L. Dinsmore moved from Louisiana to Odessa, Nebraska where he worked as an agent for the Omaha Elevator Company. Dinsmore did not own a house of his own because his job required him to travel frequently. In Odessa, Dinsmore boarded with Mr. and Mrs. Laue and their three small children. On July 20, 1899, Dinsmore married Lillian Bloomfield of Chicago, Illinois. He had known her twelve years prior to their marriage, and they continued to reside with the Laue family after the wedding. Although unaware to anyone at the time, the Dinsmore marriage would be short-lived.

Around midnight on a cold December 4 night in 1899, Dinsmore called Doctor H.S. Bell of Kearney requesting that he come to Odessa immediately. According to Dinsmore, Fred Laue had killed Mrs. Dinsmore and then shot himself in the head. After contacting Dr. Bell, Dinsmore ran to a neighboring farm owned by B.F. Tussing for help. Because Sheriff Silas Funk was in Lincoln, his deputy sheriff, along with a constable traveled to Odessa. The lawmen found Mrs. Dinsmore lying motionless on the kitchen floor in front of the stove. As the two men entered the Laue's bedroom, they saw Mr. Laue lying face down on the bed with a bloody wound to his right temple. His right arm hung off the edge of the bed and a pistol, with one chamber empty, lay just beneath his hand. Dr. Bell noted that both of the deceased had probably been dead for at least two or three hours, as both bodies were quite stiff and rigid when he arrived at the scene. Not long after the three men arrived on the scene, an exhausted Dinsmore made his way back to the house. Dinsmore immediately told the three men what had

happened. He told Dr. Bell that he woke up when he heard a gunshot and ran downstairs to discover his wife lying dead on the kitchen floor while in an adjacent bedroom he found the lifeless Fred Laue lying on the bed. Mrs. Laue's accounts of the night substantiated Dinsmore's story. She told the lawmen that her husband had woken up around midnight, gave her a kiss, and bade her farewell. He then put a pistol to his head and shot himself.

Because Mrs. Dinsmore had no obvious wounds, Dr. Bell and Coroner Hodge insisted that the body be sent to Kearney for an autopsy. Suspecting foul play, the constable placed Mr. Dinsmore in his custody. Dr. Bell examined Mrs. Dinsmore's heart, lungs, stomach, liver, tongue, spleen, kidneys, and pelvic organs. He discovered that her lower lip and tongue were burned

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Frank L. Dinsmore
in the Nebraska State Penitentiary.
(Courtesy of Nebraska State Historical Society)

Director's Report

Our busy season is quickly approaching. Trails and Rails Museum is brimming with school groups this time of year. We will have a Season Kick-off on Friday, May 26 from 1-7 p.m. The 21st Annual **Wagons West** will follow on June 2-3. We are bringing back the fiddle contest, but with workshops this year too! Three UNK students designed special web pages for this event. Go to our web site and check out their amazing work!!!!!!

Construction Update: We will be setting up the displays in the new livery barn on May 2. The building has worked nicely for the Kearney Public School system to use for lunch during these windy days!!! We have heard several compliments about this new addition that would not be possible without your generosity!!

The depot renovation will be completed in early May. The Nebraska Department of Roads is providing us partial funding for this project through their "Transportation Enhancement Program." We are grateful for their support of preservation!

Inventory of our buildings and artifacts continues. This will be a lengthy process that might take four-to-five years to complete. After this process is complete, we are hoping to have a better method of organizing our artifacts with correct storage and cataloging.

Please help us thank **Cash-Wa Distributing** for sponsoring our booth at Kidz Explore 2006!!! We genuinely appreciate their on-going support!!!!!!

We would also like to thank **Laurie Wallace** for sponsoring our 2nd Annual May Day Extravaganza on Sunday, April 30 from 1-5 p.m. Check out our web site for details!

Summer Tour Guide Applications are currently being accepted. This is a fun atmosphere to work in. Please contact Jennifer for more information.

Sincerely, Jennifer

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by an acid substance. The doctor concluded that she likely died after ingesting either prussic acid or cyanide potassium. According to Dr. Bell, both of these acids were deadly and would leave little or no trace in the body. Armed with this information, the county judge issued a warrant for Dinsmore's arrest. Sheriff Silas B. Funk immediately arrested Dinsmore and placed him in the county jail in Kearney.

While Dinsmore lingered in the Buffalo County jail, rumors began to circulate around Kearney that Mrs. Laue would also be arrested. A surprising confession by Mrs. Laue, however, focused all of the attention on Dinsmore. She confessed to County Attorney Nye that Dinsmore had murdered both her husband and his wife. According to Mrs. Laue, Dinsmore was a hypnotist who had placed "hypnotic powers" over her that she could not resist. These "powers" that Dinsmore exerted over Mrs. Laue began the previous May and included sexual relations between the two. Mrs. Laue claimed that Dinsmore, unhappy with his marriage, became infatuated with her and he proposed that the two run away together. She reportedly refused his offer. Dinsmore then suggested that they kill their spouses. Mrs. Laue rejected the idea at first, but Dinsmore threatened violence if she did not comply. Along with his death threats, Mrs. Laue stated that he used his "unaccountable power" over her to make sure she kept quiet about his murder plot.

On the night of the murder, Mrs. Laue confessed that Dinsmore came down from his upstairs room and told her that he had killed his wife. Then, he informed her that he had to "finish the job," and went into the Laue's bedroom and shot Mr. Laue as he slept. With his murderous task completed, Dinsmore arranged the bodies in such a position that it appeared as if Fred Laue had

murdered Mrs. Dinsmore and then shot himself. After finishing her story of the murder scene, Mrs. Laue put her signature on a signed confession to be used against Dinsmore.

Based on Mrs. Laue's accusations, some people in Kearney began to contemplate taking the law into their own hands. With the threat of vigilantism, Buffalo County authorities made arrangements with Lincoln County to safeguard Dinsmore. Under the cover of darkness, Sheriff Funk and two deputies escorted Dinsmore via train to North Platte where he remained under armed guard in the Lincoln County jail until his preliminary hearing. To guard further against vigilantism, county authorities held Dinsmore's preliminary examination one day ahead of schedule. Sheriff Funk brought Dinsmore back to Kearney at 1:20 on the morning of his examination, and the prisoner was safely escorted to the jail under a heavy guard.

At his preliminary hearing Dinsmore pled "not guilty" to murdering Mr. Laue and waived further examination. No charges were filed against Dinsmore regarding the murder of Mrs. Dinsmore because the state decided to await the results of the chemist who was in the process of trying to determine the exact chemical make-up of the substance that caused her death. Meanwhile, the court subpoenaed Mrs. Laue as a witness for the state against Dinsmore and held her on a \$10,000 bond. Mrs. Laue's relatives attempted to pay the bond so she could remain in their custody, but County Attorney Nye preferred a more "secure" location in Kearney. Sheriff Funk deputized Mr. and Mrs. Alex McKelvey as "special guards" and they agreed to hold her in their home until the district court convened.

As Dinsmore waited to appear in district court, some interesting information began to surface that pointed to his guilt. A man that replaced Dinsmore at the Omaha Elevator Company, for example, found a receipt for prussic acid in one of Dinsmore's desk drawers, the same type of acid that Dr. Bell concluded may have killed Mrs. Laue. The state also obtained a package of cards that were found at the murder scene with the inscription "F.L. Dinsmore, Professional Hypnotist, Odessa, Nebraska." The state secured the cards as evidence to try and prove that Mrs. Laue's earlier statement about Dinsmore hypnotizing her was in fact the truth. The *Nebraska State Journal* also reported that while living in Beatrice during the early 1890's, Dinsmore routinely boasted of being a hypnotist and gave exhibitions of his "wonderful hypnotic powers about the hotel during the evening hours."

Because Dinsmore could not afford an attorney, the court appointed the Kearney law firm of Francis G. Hamer and Norris Brown to defend the accused. With the threat of mob violence and the high profile nature of the crime, Hamer and Brown asked Judge Homer Sullivan for a change of venue. Judge Sullivan granted the request and transferred the Dinsmore case to neighboring Dawson County. With the trial officially scheduled for March 12, 1900, County Attorney Nye prepared his arguments and evidence on behalf of the state, and Hamer and Brown did the same for their defendant.

Smith's Opera House in Lexington served as the location for the trial because the small courthouse could not accommodate all of the spectators. The prosecution first called Dr. Bell who testified that the blood from Laue's wound ran from the temple to the back of the head and that he found the body lying on its side, an impossible position to be in if Laue had in fact pulled the trigger himself. Dr. Bell concluded that Laue's body must have been moved after he had been shot. Next, B.F. Tussing testified that Dinsmore had awakened him around midnight and stated that Mr. Laue killed his wife and then himself. Tussing also testified that the murder weapon, a .32 caliber Smith & Wesson revolver, belonged to Mr. Dinsmore. Mr. Laue's twelve year old daughter, Gracie Laue, testified that her father had never owned a revolver, or gun, of any kind.

Finally, the prosecution called their principal witness to the stand, Mrs. Laue. She took the stand heavily veiled, dressed in black, and wore large dark glasses, reportedly so Dinsmore could not "hypnotize" her like he had done prior to the murders. Mrs. Laue testified that intimate relations between her and Dinsmore began on May 26, 1899 and continued until he married on July 20. After the wedding, their relationship ended for three weeks and then resumed. According to Mrs. Laue, Dinsmore had suggested that they murder their significant others on several different occasions and threatened to kill her if she did not comply. Along with this, she stated that Dinsmore held such strong "powers" over her that she did not have any idea what she was really doing.

During Mrs. Laue's cross-examination, she testified that her husband never owned a revolver. However, prior to her written confession she stated that her husband had purchased a revolver from Dinsmore for eight dollars. The defense also pointed out that Mrs. Laue made no accusations towards Dinsmore until after she too became a suspect. Mrs. Laue testified that she had agreed not to warn the victims prior to the night of their murders because Dinsmore had her under his powerful "spell." She referred to this "spell" as the principle reason she made conflicting statements regarding the case earlier.

As the day's proceedings concluded, Sheriff Funk placed Dinsmore in the Dawson County jail. The authorities erected a wire fence around the east and north sides of the jail as an added security measure against curious crowds. While Dinsmore sat in his cell, B.F. Tussing decided to take the law into his own hands. Tussing had been drinking and feared an acquittal, so he loaded his revolver and walked to the jail. Luckily for Dinsmore, the sheriff disarmed Tussing and placed him in an adjoining cell next to Dinsmore. The would be assassin eventually pled guilty to disorderly conduct and paid \$15.30 in court costs.

After the Tussing sensation had diminished, the trial resumed and new testimony was introduced. The prosecution called Mrs. Tussing to the stand who hinted that an intimate relationship existed between Dinsmore and Mrs. Laue. She recalled that Mrs. Laue and Mr. Dinsmore were often home alone. Mrs. Dinsmore liked to bicycle and was seldom at home. As a busy farmer, Mr. Laue was often absent from home. While alone with Dinsmore, the witness claimed, Mrs. Laue always locked the screen door. Another witness, Chief of Police Overmier of Kearney, testified that while at the murder scene Dinsmore growled, "I wonder how long I'll have to be in that G-d-jail" and grabbed Mrs. Laue's hand and stated, "I've got to go to Kearney, goodbye, don't give up." After Mr. Overmier's testimony, the prosecution rested.

The defense focused all of its attention on the closing arguments. Dinsmore's attorneys attempted to persuade the jury that Mrs. Laue was the real killer. Hamer, for example, suggested that Mrs. Laue fired the fatal shot that killed her husband and then poisoned Mrs. Dinsmore, the wife of the man whom she was determined to call her own. The defense portrayed Mr. Dinsmore as the one who had been hypnotized, not Mrs. Laue. Quoting Shakespeare, Hamer told the jury that "Hell hath no fury like a woman scorned."

Norris Brown addressed the jury in much the same manner. He denounced the testimony of Mr. Overmier and believed that the Locke Agency played a major role in persuading Mrs. Laue to lie about her written confession. Instead of quoting Shakespeare, however, Brown tried to play on the emotions and moral values of the jurors by reading them an excerpt from the Bible. He quoted Proverbs 2:16-18. "Deliver thee from the stranger

which flattereth with her words, which forsaketh the covenant of her God, for her house inclineth unto death, and her paths unto the dead." The defense rested with Brown's closing statement.

The prosecution's final arguments focused on the testimony of Dr. Bell, who stated that Mr. Laue could not have committed suicide but must have been killed elsewhere and moved to the bed. The county attorney appealed to the jury to uphold the values of the home, society's honor, and the protection of the citizens in general by finding Dinsmore guilty. Dinsmore's fate now rested in the hands of twelve men. At 4:30 in the morning the jury reached its verdict.

Court personnel, lawyers, and spectators crowded into the courthouse in the early morning hours to hear the jury's decision. When asked by Judge Sullivan if they had reached a verdict, the foreman announced that Dinsmore was guilty of murder in the first degree. After hearing the decision, Dinsmore reportedly cried bitterly for a long time. Brown and Hamer immediately filed a motion for a new trial. Judge Sullivan overruled the motion for a new trial and then sentenced Dinsmore to death by hanging on July 20, 1900, coincidentally on what would have been Dinsmore's first wedding anniversary. Dinsmore's lawyers filed an appeal to the Nebraska Supreme Court on June 19, 1900.

On March 6, 1901, the supreme court affirmed the district court's ruling and once again Dinsmore was sentenced to death. Dinsmore's lawyers, however, refused to give up and began pushing for executive clemency. They presented Governor Dietrich with letters and communications from individuals who opposed the death penalty. Surprisingly, Judge Sullivan wrote one of these letters. "It would establish a bad precedent," wrote the judge, "to hang a man on circumstantial evidence and allow another person, against whom there is alleged to be evidence of guilt, to go free without being complained against." Governor Dietrich saved Dinsmore's life by commuting his death sentence to life imprisonment. I cannot "see a man hanged on such testimony" reasoned the governor. The *Dawson County Pioneer* accurately commented on the work of attorneys Hamer and Brown when it reported that "Dinsmore's neck was saved from the hangman's noose" by his lawyers.

With Dinsmore's fate sealed by the hand of the governor, state penitentiary authorities officially admitted him to the prison. Dinsmore made the most of his new home in the state penitentiary. He served as an instructor for the advanced commercial courses taught inside the prison. The warden also put Dinsmore in charge of the prison hospital and pharmacy. Eventually, he received the nickname "Doc" around the prison and supposedly administered first aid to the warden who was injured during a riot at the penitentiary. Dinsmore apparently dabbled in "black market" drug sales while in prison. A trustee named Muller confessed that he sold morphine to Dinsmore for one dollar an ounce who then turned around and sold it to other inmates for three to five dollars an ounce. The charges must not have been proven because Dinsmore remained in good company with the warden.

In 1919, Dinsmore again benefited from an act of executive clemency when Governor McKelvey pardoned him on the Fourth of July. Nebraska's "Fourth of July Pardon Law" allowed the governor to pardon two convicts every Independence Day as a good will gesture. The pardoned convicts had to have written recommendations from the warden, attorney general, secretary of state, and the chief justice of the supreme court. After nineteen years of imprisonment, Frank L. Dinsmore walked out of the state penitentiary at the age of fifty-three. Ironically, after his release Dinsmore moved in with a man and his wife in Douglas County where he served as floor manager of a paper house. As for Mrs. Laue, she moved to Chicago with her three children and disappeared from the pages of history.

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Dr. Mark R. Ellis, Editor

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Supporting Membership	\$75.00
Life-Individual	\$275.00
Life-Couple	\$350.00

We have replaced the word 'Basic' to 'Family'.

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Upcoming Events

- May 26th (Friday)-1st-Annual Season Kick-Off
- June 3rd (Saturday) 21st-Annual Wagons West Celebration.

Trails & Rails Museum 710 West 11th Street (308) 234-3041

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