

SCENES IN THE COURT ROOM.

The Slow Work of Getting a Jury For Lauer's Trial.

A NORTH OMAHA MYSTERY.

Railway Notes and Personal—Two Masquerades Last Night—The Gas Company's Position—Police Points.

The Great Trial.

The proceedings in the Lauer case Monday made it manifest that every point in the trial was to be hotly contested. Gen. Cowin's rigid examination of would-be juror Bell created the impression that similar tactics would be pursued yesterday. In consequence of this, as well as of the intense interest in the case which is felt upon every hand, the court room was well filled in the morning at an early hour. The audience was composed of all sorts and conditions of men and a few women whose curiosity led them to brave the stare of the hundreds present.

Before the court convened, John W. Lauer, the accused, was led into court by Deputy Sheriff Phillips. He at once recognized the sent behind his lawyers which he occupied Monday, and resting his head upon his left hand he gazed fixedly before him. To all appearance he was the least interested of the spectators in the room. As before, his sister sat at his right hand and from time to time gave him an encouraging smile or a reassuring look. Her modest appearance and evident grief created a great deal of sympathy. Her presence adds greatly to the fortitude of the prisoner, who is undergoing an ordeal, which, whether innocent or guilty, few men are ever called upon to endure.

A few moments after he arrived in the room Judge Savage put in his appearance, and walked over to where he was sitting. Lauer greeted him with a smile and extended his hand, which was heartily grasped by his lawyer, who also exchanged a pleasant greeting with Miss Lauer. The first juror to take his seat was George Bird, and at 9:30 o'clock, when Judge Neville called the court to order, all the members were present. As their names were called Lauer could not help casting furtive glances at the faces of the men who were possibly destined to decide the question of his life or death. If he felt any emotion at the thoughts which their appearance must inevitably have called to his mind he was able to conceal his feelings perfectly, as not a muscle of his face moved, and not a shadow marred the serenity of his countenance. Owing to the lateness of Gen. Cowin and Judge Thurston in arriving it was not until after 10 o'clock that the first steps in the case were taken. The jury who sat in the box this morning were William Morony, Frank Kramer, Joseph Fretman, A. J. Vanalstine, A. C. Reed, F. B. Roe, H. J. Ramon, George Bird, P. McArdle, Bruce Biers, Alexander Richardson.

A special venire for thirty men had been issued by the court and the men who had been summoned early in the morning were nearly all present. In accordance with the desire of the defense to obtain jurors who lived at some distance from the scene of the tragedy, the sheriff had obtained fifteen men out of his venire from Waterloo precinct.

DRAWING THE JURY. The first man to be summoned to the jury box was J. F. Williams, a family man who was summoned by the sheriff's questions by Mr. Estelle, and was subjected to further examination by the judge who declared he saw no reason why he should be discharged. He was then summoned to the eight peremptory challenges of the defense and the four of the prosecution. After a moment's consultation with Judge Savage, Mr. Thurston said abruptly: "I challenge Mr. Richardson." Mr. Richardson accordingly walked out of the box, his place being taken by J. F. Cusack, whose opinion in regard to the case was known to the state, having organized the Farmers Union Pacific band as well as many others. Mr. Tozer takes great pride in his latest attempt, and this band, although composed of young men, promises to be one of the leading musical organizations of the city. The object of the party last evening was to raise money for instruments, uniforms, etc.

TWO MASQUERADES.

The North Omaha Cornet Band—Gaynor's hall was well filled with about thirty couples last evening, the occasion being the first annual private masquerade party given by the band of North Omaha. The affair was a success socially as well as financially. This band was organized about three months ago by the Farmers Union Pacific band as well as many others. Mr. Tozer takes great pride in his latest attempt, and this band, although composed of young men, promises to be one of the leading musical organizations of the city. The object of the party last evening was to raise money for instruments, uniforms, etc.

"That finishes the panel," said Clerk Jiams, as he read the name of Joseph Fretman who was not present in court. "Our honor," said Judge Neville, "Mr. Estelle, 'Mr. Grebe is now in Waterloo precinct trying to obtain jurors.' " "What time will he be back?" inquired the judge. "It will be impossible for him to bring the jurors into court before the arrival of the one o'clock train."

"In that case," said Judge Neville, "I will adjourn court until 2 o'clock this afternoon."

"That suits me exactly," remarked Gen. Cowin, as he paced up and down in front of the bench with his hands deep in his trousers' pockets.

This adjournment so early in the day was a great source of disappointment to the spectators who filed slowly out of the room in the manner of people who have been disappointed in some form of amusement. Lauer sat impassively listening to the conversation and when the adjournment was announced, he offered his arm to his sister and walked quietly out of the room.

At the beginning of the morning's session, Mrs. Goetschius, the mother of the late Mrs. Lauer, was present. However, when it was ascertained that no testimony would be brought out in the afternoon she went home.

The hands of the clock in the district court were exactly on the stroke of two when the doors were thrown open and John W. Lauer and his sister, Miss Minerva, entered. The latter had discarded the veil which concealed her clear cut features. She took her accustomed seat beside her brother and chatted for a few moments with Deputy Sheriff Phillips before the court was convened. Court was called at 2:10, but the special venire of fifteen from the country had not yet arrived, the train being ten minutes late. When they did arrive, fifteen minutes later, N. W. E. Perkins was called to the jury box, and after questioning by the state was challenged for cause and discharged. The defense excepted, Henry Smith was then called and declared a fair juror.

The state then peremptorily challenged Bright Heers, this being their third challenge. William Denton was next summoned, and as he believed he could not bring in a verdict of guilty on circumstantial evidence he was excused on challenge for cause by the state. The next man called was Joseph Gibson, and Henry Smith was then called and was

retained, there being no challenge for cause.

The defense eleventh peremptory challenge was against Joseph Fretman, and he was excused, J. C. Weston being next called.

Mr. Weston had conscientious scruples against the infliction of the death penalty and was excused. C. R. Croft called in his place and was a fair juror.

The defense was then called for its twelfth challenge, and the court announced that they would waive the right. This left it to the state to make its fourth challenge, and William Maroney was excused. R. W. Barber was then called in turn and upon the ground that he had already formed an opinion in the case, and was excused. William Clark was also excused on the same grounds, together with Alonzo Stephens, who was next called. F. Burgess was summoned and answered to the question as to whether he had any conscientious scruples against capital punishment.

"I haven't any scruples against hanging any man," he replied.

He was peremptorily challenged by the defense, making the thirteenth juror man so challenged. Messrs. Reaper, G. Swazey and H. J. Rolfs were called and in turn excused upon the ground of having already formed an opinion. David Turney was then called and was retained, there being no challenge for cause.

This called for the fourteenth peremptory challenge by the defense, and Mr. Turney was excused. This exhausted the special panel and a new venire of twenty men was ordered by the court.

While the sheriff was obtaining the jurors called for by the special venire Judge Savage and District Attorney Estelle, who were seated upon opposite sides of the table, started a conversation to relieve the tedium of the waiting. This was the first time during the progress of the trial that the prisoner scrutinized the features of the prosecuting officer. His eyes moved restlessly from the face of Mr. Estelle to that of his opponent, Judge Savage, as if entering a mild sort of protest at the intercourse between the man who was trying to save his life and the man whom he thought was endeavoring to convict him.

The next man summoned to the jury box was P. A. Hurley.

"Have you formed any opinion in regard to this case," asked the district attorney.

"Well, at the time the affair occurred I chimed in with public sentiment and did form an opinion. I have changed it since then, however, and now—"

"Hold on," interrupted Mr. Estelle quickly. "I don't want to know what your opinion is."

"Oh," replied Mr. Hurley, "I thought you wanted to know my judgment about the case."

He was then questioned closely by the lawyers for the prosecution regarding his scruples in relation to the infliction of capital punishment, and as his views were not in accordance with those of the court, he was discharged for cause.

"We object," said Judge Savage jumping to his feet, "this man is a competent juror. Judge Neville, however, decided that at the trial he should be discharged for cause, to which decision the defense took exception."

The first man found in the special venire who had no regard to the guilt or innocence of the defendant was Francis Tunkie. It being the turn of the prosecution to issue a peremptory challenge, Mr. Reed was excused from serving. The next man to be accepted as a fair juror, was W. E. Wilson.

"Defendant's fifteenth challenge," said the court. There was immediately a proximity of the heads of the counsel for the defense, as a result of which Mr. Thurston challenged Francis Tunkie, who walked slowly out of the box. Name after name was called without result, and at 5 o'clock the court adjourned. There are at present eleven jurors. The prosecution and the defense have the right to one peremptory challenge each, and it is probable that the evidence will be begun to-day. Over one hundred men have already been summoned as jurors, and there is a special venire for fifteen more in the morning. The jurors who have up to this time been accepted are as follows: P. J. Williams, Frank Kramer, A. J. Vanalstine, F. B. Roe, H. J. Ramon, G. R. Craft, Patrick McArdle, Henry Bushman and Joseph Gibbons.

THE NORTH OMAHA CORNET BAND.

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The band played several selections last evening between acts, every one of which was finely rendered. The young men who compose the North Omaha Cornet band are as follows: John A. B. Tozer, A. J. Laugen, Frank Kaine, P. H. Cosgrove, Will Trukey, Luke McDermott, John Curry, Bart Nichols, Al Tozer, George Reed, Henry Knezer, and the band is directed by the Chief Walker, Wm. Clark, John Reed, Elinor Neustrom, Dick Viceroy and Dan Gibson.

SOUTH SIDE SOCIAL CLUB. This club terminated the series of parties for the season with a private masquerade last evening at No. 4 engine house. About thirty couples were present en masse and all had a pleasant time.

Instructed to Fight. The long expected letter from the home office in Philadelphia has been received by Secretary Barker, of the gas company. It is written by Secretary Bodine, and conveys the information that the company proposes to fight the city, instigated by Mr. Lauer and his sister, Miss Estelle, "Mr. Grebe is now in Waterloo precinct trying to obtain jurors."

"What time will he be back?" inquired the judge. "It will be impossible for him to bring the jurors into court before the arrival of the one o'clock train."

"In that case," said Judge Neville, "I will adjourn court until 2 o'clock this afternoon."

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NO THREE HUNDRED DOLLARS!

Mayor Boyd Sits Down on the Thurston Hose Team Appropriation.

THE COUNCIL DOES LIKEWISE.

A Resolution Introduced Looking to the Purchase of the Gas Works—The City Hall Discussed—Minor Business.

City Council Proceedings.

The regular meeting of the city council was held last evening, President Bechel in the chair and present Messrs. Bailey, Dalley, Furay, Goodman, Lee and Thrane.

Mayor Boyd reported that he had approved the ordinances passed at the last meeting, including the special appropriation ordinance, except the item of \$300 to defray the expenses of the Thurston Hose team. In support of this veto the mayor said: "The Thurston Hose company as an organization has never been in any manner connected with the fire department; besides I am informed that two-thirds of those who are to take part in the game are not residents of Nebraska, but are professionals who live in Illinois, Iowa and Missouri, and make their living by athletic sports. The city of Omaha has for several years, as most of the freight, mail, and volunteer companies render no service. According to the auditor's report there are but \$1,094.46 in the fund. As the expenses of the fire department are at least \$2,000 per month, there will not be sufficient funds to pay salaries for the fiscal year; and for this, if for no other reason, I must withdraw my approval. It is hardly necessary for me to tell the members of the council that money cannot be appropriated for any purpose, or any liability whatever incurred by resolution of the council, unless the mayor concurs therein."

The following were nominated by the mayor and confirmed by the council as registrars:

First Ward—First district, Isaac Ruben; Second district, Alfred Viney; Third district, Henry Eversford.

Second Ward—First district, James Donnelly, sr.; Second district, John F. Dalley.

Third Ward—Matt Hoover.

Fourth Ward—First district, W. J. Mount; Second district, James G. Carpenter.

Fifth Ward—First district, John Cummins; second district, B. F. Redman.

Sixth Ward—First district, Charles Wilkins; second district, John Carr.

The city physician submitted his report showing the deaths for the month of February to have been forty-two and the births sixty-two.

A petition was received from residents of that portion of the city lying south of the Union Pacific track, east of the Fourth street, asking for police protection. The petition was granted and the marshal was instructed to place an officer at that part of the city.

DISCUSSING THE CITY HALL. A true copy of the resolution passed at the last meeting of the board of education transferring \$30,000 to the city for the erection of the city hall, was received. Mr. Lee said that he had seen the plan that had become of the city hall, as nothing had been heard of it all winter.

Mr. Furay replied that nothing could be done in the matter until the next session of the legislature, and that he would be introduced to allow the city to issue the bonds.

Mr. Lee said that Furay was mistaken, as there was nothing to hinder the council from beginning the construction of the foundation with the funds furnished by the board of education.

Mr. Furay again denied the right of the council to do so, when Mr. Thrane interrupted by saying that the council through the committee on the street paving, presented to the city council a petition requesting that a call be made for bids for paving with "Trinidad asphalt," or other asphaltum of as good quality. This petition was called forth, in consequence of an expressed opinion of a member of the council, and a member of the board of public works, that if the property owners on Saunders street should select "Trinidad asphaltum," that they could not have that material, because it had not been included in the paving materials advertised for at the recent letting of contracts for paving. The majority of the property owners in district 54 having chosen Trinidad asphaltum, they could not be placed on the same footing as citizens of other paving districts, to have the advantage of any concession that the company handling the Trinidad asphaltum may make in competition with other materials.

The petition above mentioned was referred by the council to the committee on paving. At the last meeting of the council when this petition should have been reported by the committee and acted upon by the council no action was taken by the committee. Although the time given for the property owners to close the material for paving the street had almost expired, and although the chairman of the paving committee has expressed the opinion that under the recent bids we cannot have Trinidad asphaltum, yet the committee has deliberately smothered in the committee a petition from citizens asking the privilege of exercising one of the most important rights that the city charter gives us, i. e. to elect the chief engineer of the city street shall be paved.

While we have not a very great regard for the legal acumen of the gentlemen of the committee, yet the fact that they have smothered in the committee a petition from citizens asking the privilege of exercising one of the most important rights that the city charter gives us, i. e. to elect the chief engineer of the city street shall be paved.

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OMAHA BRANCH OF Crane Bro's Manufacturing Company, CHICAGO, ILLS., MANUFACTURERS OF AND JOBBERS IN Wrought Iron Pipes, Pumps, Belting and Hose And every variety of materials for Steam and Gas Fitters and Plumbers, Elevators and Factories.

14th and Dodge St., Omaha, Nebraska. RAILWAY NOTES. Another Cut—The M. P. Strike Locally—The Speed Recorder. The latest cut by the Santa Fe in Pacific coast rates was promptly met yesterday morning by the Union Pacific, which formally announced rates of \$90 for a round-trip ticket to the Pacific coast, good for ninety days.

Mr. E. A. Curtis, of the "Contractor" Chicago, is at the Windsor. BROKE HIS LEG. Councilman Ford's Misfortune—The Thurston Again. Mr. George Kay received yesterday a letter from Frank Parmalee, who accompanied the Thurston team to New Orleans. Mr. P. says that on account of the rain the races were postponed until the 10th-to-day. He says that the Omaha boys are confident of being allowed to run and that they will come in for first place. According to Mr. Parmalee, Councilman Ford slipped and broke his leg the latter part of last week and will start for home at once. His injuries are not considered serious.

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F. M. ELLIS & Co. Architects and Building Superint'd. OMAHA, NEB., and DES MOINES, IA. Office, Cor. 14th and Farnam Streets, Room 111. GEORGE BULLINGHOF with F. M. Ellis.

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Has the largest list of property, the cheapest and best, the easiest terms; no matter what kind of property you want, by all means examine his list before purchasing elsewhere. Lots for Sale. In every desirable addition to the city. Generally salesmen with bugles. READY AT ALL TIMES To Show Property. C. E. MAYNE.