THE DEGREE IS MANSLAUGHTER

Public Opinion Says He is Even Guiltier Than He is Announced.

HOW ALL THE BALLOTS STOOD

Remarkable Fluctuation in the Figures of the Voting.

THE CHANGES MADE SLOWLY

The Verdict Agreed Upon as a Compro-

Interviews With Counsel For Defense and Prosecution-What Judge Neville Says-Lauer in the Dungeon Cell.

After nearly forty-eight hours of anxious waiting, the feeling of suspense shared alike by the accused, his friends and the public, was terminated Saturday mornng by the verdict of the twelve men empanelled to try the case. By that verdict John W. Lauer has been adjudged guilty of the murder of his wife, though under such circumstances as would make the crime one of the third degree, or manslaughter. THE CLOSING HOURS.

On Friday night, when the jury retired to their room for further deliberation, for three hours they discussed and rediscussed the case in all its bearings. At 11 o'clock, almost to the turn of the minute, they decided upon the verdiet, and according to their instructions, retired for the night, ready to make formal return of their action to the judge in the morning. They slept soundly all night. At a few minutes beforesix o'clock, Foreman Chas. J. Ryan woke up and pounded upon the door to summon Deputy Grebe. He was allowed to go out and wash and make his toilet, and in a few minutes his colleagues on the jury were preparing themselves for their appearance before the judge. Breakfast was soon over, and the jury returned to

At a few moments after 8 o'clock they filed slowly into the judge's chamber, which was filled with a breathless crowd of those eager to hear the result. The most solemn silence pervaded the court room as the jurymen greeted Judge Ne-

The prisoner had been sent for a few moments before, and shortly made his his appearance, followed by his two sisters, Minerva Lauer and Mrs Tiedeman. His face betokened but little emotion, however much he may have felt. The look of keen anxiety on the contrary was plainly noticeable on the countenances of the two ladies, who eagerly scanned the faces of the twelve, hoping to read the verdict. Judge Savage sat by the accused, Judge Thurston being too ill to be

The supreme moment had come, and Judge Neville, turning to the jury said: "Gentlemen, have you agreed upon a "We have, sir," replied the foreman,

Chas. J. Ryan, advancing to the desk and handing up the verdict. Judge Neville took it, and in a clear voice rend:

In District Court, THE STATE OF NEBRASKA Verdict. JOHN W. LAUER.

"We, the jury, duly empannelled and sworn to try the issue joined in the above entitled cause, do find the defendant, John W. Lauer, guilty of manslaughter. CHAS. J. RYAN,

Foreman." During the reading of the verdict Lauer's face did not betray the movement of a muscle. The same calm expression of stolidity that has marked his demeanor during the trial was there, Even when the final word, manslaughter was pronounced, he remained immovable

Hardly had the last word been spoken when Miss Lauer turned towards her convicted brother and gazed long and appealingly at him. She did not weep, though it was plainly noticable that she had hard work to control her emotions. Mrs. Tiedeman, the married sister, too was visibly agitated.

The judge turned to the jury and quietly said:

"Gentlemen: You have had a long siege of it in this trial, and you certainly have borne your burden well, and discharged your duty. You are discharged." Judge Savage gave the usual notice that he would present a motion for a new trial, and the jury filed out, repairing to their respective homes. Lauer was taken back to prison, his sister, Mrs Tiedeman, accompanying him to his cell in the county iail.

WHAT HIS COUNSEL SAY. Judge Savage was waited upon in his office by a reporter for the BEE shortly after the announcement of the verdict, and questioned as to what course the counsel for defendant would pursue. "I

have not seen Judge Thurston to-day," said he; "he is too ill to consult with me, but I have no hesitancy in saying that we shall move for a new trial, and in case that is denied, as it probably will be, shall appeal the case to the supreme court at Lincoln. No, I can't say when the motion will reach that tribunal, probably not before July. I must confess that I am disappointed at the verdiet, for I hoped that it would be something far different. In the supreme court I hope that we shall have opportunity to secure a learing which shall not be affected in any way by the public feeling in and about Omaha. Not that I intend to east any reflections upon Judge Neville. Nothing of the kind. I believe that he has acted conscientiously-according to the dictates of his convic-

In reply to another question of the reporter, Judge Savage said: "Lauer was very much disappointed at the verdict, though he did not appear, I will admit, to be much affected. He has been buoyed up lately by the hope of an acquittal. Miss Minerva Lauer feels per-haps more terribly disappointed at the result of the trial than any one. She has throughout been consident that her brother would be acquitted. She did not seem | again, two ballots would be made within | Gibbons, H. H. Bushman, W. H. Meo realize that it was within the range of fifteen minutes of each other. During Curdy,

possibility that her brother would be con-

"I did not expect that the jury would bring in a verdict of murder in the first degree," said General Cowin to a reporter who met him Saturday afternoon, "To tell the truth I did not want such a verdict-I did not want to see Lauer hung. But I did expect that the verdict would gree. Still, I cannot say that the prosecution is disappointed. We are inclined to regard the result as a victoryt was certainly better than acquittal. Lauer had the advantage of being accorded the best defense that any man could possibly secure, and the fight was made on our side under certain great disadvantages that I need not name."

"The case will be appealed?" "Yes, so the counsel for defense say, I believe. But they ought to be satisfied with well enough, not try to better it. I am inclined to doubt that the case will ever be taken into the supreme court. In case a rehearing is had, new evidence is liable to come out, which may result in the conviction of Lauer of murder in the first degree. Just as in the Bohannan case, the verdict was changed from one of murder in the second degree on the first trial to one of murder in the first degree on the second trial."

JUDGE NEVILLE TALKS. "The verdict is a peculiar one," were the words of Judge Neville. ut-Saturday morning in question of reporter. "More than that I don't care to say at present. Until the case is finally settled I prefer to remain silent on the question of the propriety of the verdict."

"When will you sentence Lauer?" "Not until the end of the present criminal term-probably not for five or six

"According to this verdict," concluded Judge Neville, "the element of malice or premeditation was not imputed to Lauer in the slaying of his wife. The conviction was secured under section 5, chapter 2, of the Criminal Code, which reads as follows:

"If any person shall unlawfully kill another without malice, either upon a sudden quarrel, or unintentionally, while the slayer is in the commission of some unlawful act, every such person shall be deemed guilty of manslaughter, and upon conviction thereof, shall be imprisoned in the penitentiary not more than ten years or more than one year."

"IN THE DUNGEON CELL." A few moments before 12 o'clock Saturday a reporter for the BEE, having secured a permit from Sheriff Coburn, entered the county jail for the purpose of seeing Lauer. Notwithstanding the protests of the assistant jailor that the prisoner did not want to see the newspaper men and would not talk to them, the scribe was finally ushered into the presence of the convicted man. His cell is located in the extreme eastern wing of the building, stands on a solid stone pier, almost a separate prison by itself, and is known as the "Solitary." It is reserved for occupation by the most dangerous criminals, and so completely secure is it in itself and surroundings that escape in any

of the jail on which the "solitary cell" is located, and past three heavy iron and was announced, and expressions of dissteel doors, before Lauer's apartment is reached. The cell is really a cell within a cell, the inner one being an iron cage, in which the prisoner is kept most of the time. The outer cell is -more roomy and spacious, and here it is that he is allowed to receive his friends. Here it was that the newspaper man found him sitting with his sister, Mrs. Tiedeman.

As the BEE man entered the cell, the heavy iron door closing with a harsh, grating noise behind him, Lauer jumped nervously to his feet, from the rockingchair in which he was sitting, and greeted the intruder askance.

"Well," he said inquiringly. "You want to talk about the verdict?" he continued. "I prefer to say nothing about it at the present time. What will my lawyers do? Go and ask them, they can tell you everything. I believe they have intimated that they propose to push for a new trial."

"You desire to have that course pursued, do you?" queried the reporter.

Mr. Lauer did not answer this question, but he did remark that he thought the newspapers were partially responsible for the result of the trial. "Though I must say," he added "that during my trial, the newspapers have treated me better than I had anticipated. The BEE has done the square thing by me during the trial."

"Yes," interrupted Mrs. Tiedeman, the sister, "John has never spoken in a complaining manner of the way the papers have treated him during the trial."

"The fact is," concluded Mr. Lauer, 'the projudice against me has been created not so much by the newspapers as by other means. It has been caused in another quarter altogether." [What the other quarter" was he declined to

Again Mr. Lauer repeated that he did not want to talk. He turned to his seat. The BEE man bowed himself out of the presence of brother and sister, the heavy door closed and the interview was at an

Lauer's actions are not those of broken down man at all. He appears if anything less constrained-more at ease-than during the trial or before. During the brief interview he smiled coolly as he gave utterance to his sentiments on the prejudice that had been worked up against him. If he feels any deep concern over the verdict of the jury he certainly succeeds admirably in preventing his countenance from betraying

THE FIGHT IN THE JURY ROOM. The contest over the verdict, in the jury room, according to all reports, must have | and kind consideration of the sheriff and been one of the most bitter ever known in the history of the Nebraska bar. The body retired at a few moments before 4 o'clock Thursday afternoon; it came out for formal report to the judge at 8 o'clock Saturday morning. During the intervening time, twenty-six ballots were taken. The first one was made without any discussion a few minutes after the jury retired to the room, the last one at 11 o'clock Friday night. Sometimes a ballot would be taken only after three or four hours of warm discussion; occasionally,

the discussion the utmost good feeling prevailed, though the arguments over the various points of evidence and equity

were long and enrnest. The BEE presents to its readers the vote of the jurymen at each ballot. It should be borne in mind that those who voted "not guilty," did so simply on the proposition of "murder in the first degree"; that many who so voted were in favor of returning a verdict of murder in the secbe that of murder in the second de- ond degree or manslaughter, instead of a verdict for first degree. From the varying figures of the ballots, the reader can judge of what the contest in the jury room must have been:

FIRST BALLOT. SECOND BALLOT. Not guilty..... THIRD BALLOT. Not guilty..... FOURTH BALLOT. The fifth, sixth and seventh ballots were the same as the two preceding. EIGHTH BALLOT. Not guilty..... NINTH BALLOT. Not guilty..... TENTH BALLOT. Not guilty..... Guilty Manslaughter..... ELEVENTH BALLOT. Not guilty.... Guilty.... Manslaughter.... TWELFTH BALLOT. Not guilty..... Manslaughter..... THIRTEENTH BALLOT. Not guilty..... FOURTEENTH BALLOT.

Not guilty.... FIFTEENTH BALLOT. Not guilty.... Murder-Second degree..... Manslaughter..... SIXTEENTH BALLOT. Not guilty.....

Manslaughter.... SEVENTEENTH BALLOT. Guilty Manslaughter..... LIGHTEENTH BALLOT. Not guilty.....

NINETEENTH BALLOT. Guilty..... Manslaughter..... TWENTIETH BALLOT. Murder second degree..... 4 Manslaughter.... The record of the next five ballots was not preserved. On the twenty-sixth and

final ballot the entire twelve east their

vote for a verdict of manslaughter. THE "PUBLIC OPINION." All Saturday the theme of discussion in public places throughout the city was the verdict. The opinion had been generally expressed that the jury would manner whatsoever would be utterly im- either find the prisoner guilty of murder possible. One passes up a winding in the second degree or would be unable to the second story to agree. It was a great surprise, therefore, when the verdict of manslaughter appointment, and sometimes something deeper were general. Hardly a man could be found who had expected an acquittal, although when the trial commenced there were numbers of them. Long before its close, however, in fact shortly after the evidence was begun, "public opinion" believed John Lauer guilty.

> The greatest excitement prevailed when it became known that the jury had agreed. All the papers issued extra editions, and in spite of the bad state of the weather, they sold fast. After reading all they contained, the greatest curiosity was expressed as to the incidents when the verdict was announced. Everybody who was present in the court-room was questioned as to Lauer's looks and actions, how Miss Lauer received the verdict, and questions of a similar char-

The opinion has been freely expressed that if Lauer and his counsel know what is best for them they will not push the motion for a new trial. It seems to be the general feeling that in case of an acquittal an emergency would arise, the result of which would be worse for the prisoner than the sentence resulting from this trial. With the present verdict the severest penalty of the law is ten years in the penitentiary, which can be shortened to about seven by good behavior. "Public opinion" considers this mild punishment, but, as a lawyer remarked to a BEE man, "Lauer can run his risks of a new trial if he wants to, and, I tell you, it will be a terrible risk."

A LEGAL OPINION. Ex-Attorney General Dilworth, who has had extended experience in criminal and other cases, is in the city. In conversation with a BEE reporter he said that he had carefully read the evidence in the Lauer case and given it close consideration, and it indicated to him more features of premeditated murder than murder in the second degree. "However, others may differ with me on this point,' said he. "I hardly think the verdict was consistent with the evidence. It should have been murder in the first or second degree. Still, I do not think that the supreme court will interfere with the verdiet for manslaughter."

Jury Room, Omaha, Douglas County,

Nebraska. The following resolutions, passed by the jury accompanied the verdiet: Resolved, That this jury recognize the humane treatment received at the hands of the court, and also the conscientious the faithful and prompt attendance of his deputies.

Resolved. That we desire to express to the court and its officers the sense of obligation for many acts of kindness and attention.

Resolved, That we are under especial obligation to Sheriff Wm. Coburn and his deputies. Chas. J. Ryan, foreman; Frederick B. Lowe, John Steer, D. Morris, Frank Kammer, C. R. Croft, George Bird, Patrick McArdle, Wm. F. Wilson, Joseph

Gents' Furnishing Goods.

From the \$40,000 bankrupt stock. In this stock are about \$10,000 worth of mens' goods and we have decided to hold a special sale of them, as we want to run them off quick. The following prices will convince that we are selling them at less than one half the actual cost to manufacture.

400 DOZEN Unlaundried White Shirts.

1 lot nice Unlaundried Shirts, 24c worth 60c 1 lot good Unlaundried Shirts, 49c worth 80c 1 lot extra goo t Unlaun'd Shirs, t68e worth \$1 These shirts are all well made up with linen bosom, reinforced front and a good quali-8,000 DOZEN

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1 lot white laundried shirts, 25c each. 1 lot good white laundred shirts, 75: each. 1 lot extra fine white shirts, 98c each. This is one of the best shirts manufactured It is made of very fine muslin and linen bo som and bands, reinforced fronts and well

800 DOZEN.

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1 lot colored shirts with collars, 49c
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1 lot colored shirts with collars attached or 3 separate collars and cuffs, 98c. separate collars and cuffs, 98c.

We have the above shirts in all the newstyles, in plaids check, striped and dotted, and in light or dark. They are well made up and from two to four separate collars attachod. We guarantee each of the shirts to be worth double the price we ask.

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Arrangements Perfected For the Celebration in April.

The committee appointed to have charge of the celebration of the sixtyseventh anniversary of Odd Fellowship in America, which is to occur in Omaha April 26, have issued an announcement to the officers and members of all subordinate lodges in the state giving details of the affair. The Exposition building has been rented for the banquet and ball, and no pains or expense will be spared to make the celebration a success. Every lodge in the state is expected to help out in the matter of members in attendance. Committees will be at the depot to meet all incoming trains and distribute badges to Odd Fellows. Both the railroads and hotels have agreed on reduced rates for the occasion, and everything points to a

general attendance. Wanted to exchange for stock of Hard ware and general merchandise, 560 acres of fine Thayer county (Neb.)land; five lots in Genoa (Neb.); good store building (best corner); good dwelling (best loca-tion) in Essex (Iowa); also eighty acres one-half mile from town of Essex (Iowa), seeded in blue grass For further par-ticulars, address John Linderholm, Central City, Nebraska.

Commercial men take notice G'd Centr'l Hotel, Kearney, Neb., has changed hands. T. C. Brainard, Prop.

In the county court yesterday, Richard O'Keeffe made application to qualify as administrator of the estate of Victor Du Cros, in the sum of \$6,000.

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The Clearances. The clearances for the week ending March 20, as reported by Manager Hughes, are \$3,023,466.84. For the same date of 1885 the clearings are \$1,765,475.20. The increase for 1886 is \$1,257,931.56.



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S. R. CALLAWAY.

The time for receiving tids for bridges over flue River and Fancy Creek is extended to March 21th.

March 23th.

S. R. CALLAWAY, General Manager.)

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