

BROOKWAY & ELWELL, Editors. BLOOMSBURG, PA.

Friday, May 18, 1877.

THE WAR. A special dispatch to the London Dail

Telegraph says that the Russians met with a terrible defeat last Friday, in their assault on the Turkish lines at Batourm, Asia Minor. The dead and wounded Russians exceed 4,000 in number and they also lost many guns. The engagement lasted eight hours. The dispatch reads as follows :

The Ottoman troops were entrenched in the usual effective manner upon the slopes and ledges of these hills, and upon the ad-vance of the enemy, they opened on his col-umn a terrible and well sustained fire of cannon and musketry, which literally mowed the

non and musketry, which literally mowed the Russians down in swathes.

They fell by scores and hundreds on the plain before the Turkish position. During their attempts to make way against this fire a body of Turkish horse and foot, taking ada body of Turkish horse and foot, taking advantage of a thick forest, broke forth upon the flank of the Ruesian column and effected great slaughter. The Muscovites being upon ground perfectly open, and having no choice but t; fight or fly, in a short time the spot which was the seene of the flank movement became covered with dead and dying Russians. But the enemy quickly brought upreinforcements, and the battle was renewed with much determination. For many hours the efforts of the assailants were desperately maintained, but towards mid-day their artillery fire gradually slackened, and they at length withdrew after suffering very considerable losses.

There is an appearance of authenticity

about this, which has been lacking in previoureports of engagements. It purports to be the testimony of an eye witness and may b true. If so, the Russians have, as has been predicted, met with a decided reverse. The situation as regards the other powers remains

MR. HAYES' MARSHAL.

Frederick Douglass, the darkey Marchal of the District of Columbia is in trouble. It appears that in a recent lecture in Baltimore be abused the people of Washington in a perfeetly regardless style, going so far as to state that an honest man in that city was considered a fool. Douglass alleges that it was only his humorous and playful manner of staring matters, but the people of Washington are justly indignant and petitions are in circulation, signed by residents without regard to politics, asking for his removal. The appointment of Douglass was a mistake. He was mixed up in the Freedmen's Bank swindle and cannot be considered as a friend of the colored people. The Philadelphia Times draws his portrait in the following bitter lan-

The fact is that Mr. Douglass is in no sense of the word a representative colored man. His dark skin was a god-send to him in more senses than one. He has traded upon it and traveled upon it. His color he carried like a chip on his shoulder, and if there was any hotel clerk foolish enough to knock it off by refusing him a room, he would inquire if he, the clerk, knew, who he, Douglass was, as though the clerk was expected at once to execute an Oriental salaam, or he would retire like Ancient Pistol, after [cating the unsavory leek, swearing "All hell shall stir for this." His appointment to the place he now holds was inteuded as a recognition of the colored race, for his constant services to the party The fact is that Mr. Douglass is in no sens race, for his constant services to the party have been promptly paid in cash and in com-missions which netted him more than any work. And think so lightly of the colored race in this country as not to believe that there are hun-dreds of colored men who could fill this office with as much dignity and efficiency and much

The committee of the legislature who personally inspected the fishway at Columbia are unanimously of opinion that the contrivance is an utter failure. They do not believe that a shad has ever passed through it or ever can, and they will so report. For years the commissioners have pretended that the fish way was a success, and have made it the basis of fresh appropriations. The abandon-ment of the fishway will enable the legislature to adopt some practical plan for opening the river for the passage of shad. By co-on erating with the officials of the Reading railroad company who own the dam, there is little doubt that something can be done this season to secure proper sluces or fishways. If the company do not choose to repair the dam the fishway is already provided. If they do mend the break it may be done in such a way as to afford passage for the shad by the exercise of engineering skill. The Reading railroad company wiil find it to their intere to second the wishes of the people in this im portant matter. The Susquehanna rive must be opened.—Patriot.

The Permanent International Exhibition was opened in Philadelphia on May 10th, by the President of the United States, in the presence of a vast assemblage. Among the distinguished persons present were Gen. Grant, several members of the Cabinet, Gov. Hartranft, a number of foreign representatives, and officers of the army and navy. The speakers were Clement M. Biddle, Esq., President of International Exhibition, Mr. John Welsh, President of the Centennial Board of Finance, and Hon, Alfred T. Goshorn. Bishop Stevens opened the exercises with prayer, an Bishop Simpson closed them with a benedic tion. The musical portion included a chor al, "Angel of Peace;" the Hallelujah chorus. the "March of the Men of Columbia." and Whittier's Centennial Hymn, all given by powerful chorus of singers. The number of dmissions to the building during the after noon is estimated at 100,000.

To Our Lady Readers. Let us tell you what reached our desk this week. A magazine which supplies information on every article a lady or child can wish to wear, from the sole of her feet to the top of her head. Each article is richly illustrated underneath stands the description with the number of yards it takes to make it: and the nees the price at which you can purchase it classes are provided for. The wealthies I the least wealthy—ail can find qualities ted to their means. Interleaved between Fashion descriptions we first suited to their means. Interleaved between the Fashion descriptions we find page after page of original reading-matter; not such as overloads so many publications, but bright, suggestive, instructive contributions by our best lady writers, on subjects in which every sensible woman takes pleasure and interest. "The Kitchen," "The Home," "The Culti-vation of Beauty," "The Education of Chil-dren," "The Art of Dress Making," etc., etc.—all are standard articles on standard sub-jects.

Now, when we say, further, that this mag-Now, when we say, further, that this magazine, a monster volume of 116 pages, is only the "Spring" number of a publication which costs but 50 cents for a whole, year's subscription, our readers will understand why we consider it somewhat remarkable. It is published by Ehrich & Co. Nos. 287 and 289 Fighth Avenue, New York City, the enterprising merchants, who thus meet a great demand of the ladies who live away from the great metropolis, and yet are eager to learn of the vagaries of Fashion and of the price for which these vagaries can be purchased. The accompanying directions, according to which goods should be ordered, are to clear and simple, that a child could thus order its wardrobe. You will not regret subscribing to "Ehrichs' Fashion Quarterly."

Opinion of Hon, William Elwell, Overruling the Motion for a New Trial in the Cases of Hester, Tul-

ly and MoHugh. In the Oyer and Terminer of Columbia

County. Commonwealth Rule to show cause Patrick Hester. Patrick Hester,
Peter McHugh and shall not be grant ed. Patrick Tully.

OPINION OF ELWELL, P. J. MAY 10th, 1877.

We have given to the ten reasons why a new trial should be granted, filed by the counsel for the defendants careful consideration, and proceed to dispose of them in what we deem to be their appropriate order.

The fifth, relates to the jurisdiction of the Court over the offence alleged to have been committed by Patrick Hester. He was charged in the indictment as a principal offender, and the evidence was that he was an accessory before the fact. The murder in question was committed in Columbia county, in pursuance of a conspiracy at Ashland, in Schuvlkill county, where, according to the te-timony, this defendant advised, counseled and abetted the commission of the crime.

It was testified that in pursuance of the conspiracy Hester accompanied the perpetrators of the deed on their way to meet their victim, and at a point on the road where he left them, gave to one of the party his own pistol to be used upon the occasion, "as a sure" instrument of death.

By the map in evidence it would anpear faccording to the evidence of the accomplice Kelly) that this was within the county of Columbia. But as this was not specially brought to the notice of the inev. and was not important under the view which the Court took of the law, we do not base our conclusions upon it as an established fact in the CAUME.

The indictment was framed according to the previsions of the 71st section of the Criminal Code of 30th March, 1860, by which it is declared, that "it shall be sufficient in every indictment for murdet to charge that the defendant did feloniously, wilfully and of malice aforethought, kill and murder the deceased."

Section 44 of the same act provides, that, "if any person shall become an accessory before the fact to any felony, * such person may be indicted. tried, convicted and punished in all respects as if he were a principal felon," This statute is a transcript of that of 11 and 12 Victoria, Chap. 40. Sec. 1, and was intended to remedy the inconvenience of the common law and the practics under the statute of Edward 6, Chap. 24, Sec. 4, reported by the Judges to be in force in this State. 3 Binn. 360, Roberts' Digest, 409.

"An accessory before the fact," says Mr. Archbold, "may be punishable precisely as the principal felon. He may be charged in the indictment with having committed the offence as principal in the first degree; or, he may be indicted as accessory, as for a substantive offence; or, with the principal, at the option of the prosecutor. The indictment is of course in the same form as an ordinary indictment against the principal who actually committed the felony." 1 Archb. Pl. 78.

The Commissioners to revise the Criminal Code in this State say: "Th new principle of Section (44) is that which abolishes in felonies the technical distinction now existing between accessories before the fact and principa offenders. It was always the law in regard to misdemeanors, that there are no accessories all being regarded as principals."

One who procures a misdemeanor to be committed is guilty in the county where it is committed by his procuree. although his advice or procurement was elsewhere. Comth. vs. Gelespie 7 S. &

The statute has established as a rule of evidence, that an indictment charging the commission of a felony, is supported by proof that the accused was accessory thereto before the fact, and therefore a principal at the fact. This is but an application of the maxim, "what a man does by another he does himself," to the commission of felonies by advice or command. The principle thus adopted is as sound in morals and in law as in the ordinary transactions of life. We hold that under the statute this Court had full jurisdiction in the

case. The seventh reason alleges that Daniel Kelly, admitted by the Court to testify, was an incompetent witness and that his testimony should have been rejected. He had been convicted of a crime in Schuylkill county in 1874, the sentence for which had not expired when he was pardoned by the Governor. reciting as the fact, all that is required by Section 9, Article IV of the Constitution, to authorize him to grant a pardon. It was not competent for the defendants to attack the validity of the pardon by parol or other evidence of what occurred before the Board of Pardons tending to contradict the recitals of the Governor. The validity of a pardon cannot be questioned in this collateral manner, nor at all, except at the instance of the proper officer of the Commonwealth. Comth. vs. Hollowell

8 Wright 219. The conviction of burglary in 1869, under which Kelly remained in prison until discharged, before the expiration of his sentence by reason of credit for good behavior under the Act of 1861, did not render him incompetent. Inspection of the record shows that the trial, conviction and sentence in that case were in the Court of Quarter Sessions of Schuylkill county. If the trial was in fact in the Court of Oyer and Terminer, which under the statute has exclusive jurisdiction of the crime of burglary, and the entry in the Quarter Sessions was a clerical mistake, it might have been corrected by the proper Court; but as presented to us, it was the record of the Quarter Sessions. An exemplified copy was produced under the seal of the Quarter Sessions. We were bound to consider this record as importing absolute verity, and as a consequence to hold that the conviction was void and did not render the witness

incompetent. It was contended by counsels for de fendant that because Kelly was an accomplice, and becau e he was contra dicted in points by other witnesses, and his character for truth impeached, that it was the duty of the Court to instruct the jury to reject his testimony. In regard to this position it is enough to say that the credit to be given to a com-

petent witness is a question for the jury and not for the Court. The counsel for the defendants on the argument of their rule say, they have no fault to find with the charge of the Court. By reference thereto it will be seen that the credibility of the witness-s, especially of Kelly, was submitted to the jury with care ion acy instructions fully as strong as is warranted by the authorities, or as the defendants bad a right to require.

It is contended that the evidence of Kelly was accepted by the jury as true without corroboration. We advised the jury not to convict unless that witness was corroborated in material matters connecting the defendants with the offence. Whether he was corroborated was for the jury to determine; on that subject they had the testimony of S. G. Harris who saw Hester on the morning of the murder with seven or eight men at or near the place where Kelly testifies the conspirators were at that time on their way to meet their victim,-they had the evidence of the time of the arrival of Hester at home that morning corresponding with Kelly's testimony as to the time of his leaving the party

They had evidence as to the number of men at the scene of the murdercorresponding with Kelly's testimony as to the number after Hester and Skiverton had left them on the road .- they had evidence that Hester was at Ash land where K-lly says the plan of the murder was concocted the night before -that Tully and McHugh were absent from their work on the day of the murder,-that on the morning att rarrests were made of Donohue and Duffy for this murder, McHugh, Kelly, Tully and others named by Kelly as going to Hes ter's and informing him of these arrests. were seen by Mr. Morrison going a back way towards and near to Heater's house, -that Hester fled that night and Mc Hugh, Kelly and Tully the next daythat Tully changed his name to Brow and denied being in this part of the country when the murder was committed and that McHugh continued absent until his arrest years afterward.

The jury also had before them the anonymous letter written by Hester from Laselle. Ill., among other things inquiring of his family "if it was sus pected what route he had taken "-they had also the evidence of Lewis S. Parr us to admissions by Hester in a conversation with Dopohue in the jall-and they have found that the alibis sat up by all the defendants are false. Without discussing the matter of corroboration further, it is enough to say that there were facts and circumstances testified to by competent, and apparently credible witnesses; which, in material matters corroborate the testimony of Kelly. The evidence on the subject of alibi and some other points was contradictory but we cannot say that the jury ought to have disbelieved the witnesses for the Commonwealth.

The second branch of the seventh reason was not pressed by counsel or on the argument; but as it still stands upon the record, and alleges that the Court should have stricken out the evidence of E. R. Ikeler, it is proper to consider it.

On cross-examination Lewis S. Parr, witness for the Commonwealth stated that he had not, until lately, communicated important facts of which he obtained knowledge in 1869, consisting of admissions of guilt by one of the lefendants, while the witness police officer having him under his charge for this murder. Mr. Ikeler was admitted to testify that he was District Attorney at that time and that Parr then communicated to him the facts to which he now testifies.

In the case of Comth. vs. Wilson, 1 Grey, 337, the Supreme Court of Massa chusetts, in a case precisely similar in its facts on this point, held the corrob orating evidence competent,-a witness for the Commonwealth had testified to important facts against the defendant On cross examination he was asked when he first communicated what he had testified to which he replied "about six weeks ago." It was permitted to be shown that he had communicated the same facts to other persons, at or about the time of the occurrence, and it was said by Shaw, C. J.: "The rule excluding such testimony is confined to the examination in chief, and does not apply to a case where the other party has sought to impeach the witness on cross examination. The purpose of the cross examination in this particular having been to impeach the witness the evi-

dence is admitted." And again in the same Court it was held, per Bigelow J. that where an attempt is made to impeach the credit of a witness by showing that he had with held or concealed the fact to which be now testifies, it is competent to show that the witness at an early day, as soon as a disclosure could reasonably have been made, did disclose the facts to which he has testified. Comth. vs. Jenkins, 10 Grey, 489.

A witness can not be allowed for the purpose of strengthening his testimony on his examination in chief, to state that he had previously communicated to others the same facts, but, if it should become a material fact that the witness declared his knowledge to other persons, such persons may be called to the fact. Daniel & Dushore vs. The Merchants' Insurance Co. 11 Metcalf

So where a witness is contradicted or his character impeached evidence may be given of what he swore on a former trial in order to corroborate his testi mony. Henderson vs. Jones 10 S & R Cooke vs. Curtis 8 Harr, & John Md Rep 93. Conneticut vs. Wolf

Conn. Rep. 93. The answer of Parr that he had not communicated the important facts now related by him, laid the ground for an argument that his testimony was fabricated for the purpose of the trial. The evidence of Mr. Ikeler was not permit ted for any other purpose than to rebut the inference to be drawn from the failure of the witness to remember his early statement to the District Attorney, and to show that his testimony was not fabricated for the purpose of this trial.

The 6th reason alleges error in the admission of evidence of the existence of the secret order of which the defend. ants were members. Without this evidence the jury could not have understood the relation between the persons who it was alleged conspired to commit this crime. It was necessary for the purpose of enabling the jury to judge of the truth of the testimony of Daniel Kelly. Without proof of the fact that there were bonds of brotherhood in crime, binding them to secrecy and assistance to each other,

it would be almost incredible. that ten persons, met by accident in a public saloon would all, and at once agree to participate in a proposed robbery and murder. Upon full consideration we are satisfied that no evidence was a! mitted upon this subject which ought to have been excluded.

The evidence, if believed, established that although in the regular meetings of the Order to which the defendants belonged, crime was not concected, yet. it was understood and so precticed, the members were bound to obey the command of the superior officer of a division when requires to commit crime; and that the signs and pass-words of the order, called "the goods" were but aids in the work of iniquity. So that, while the society in its declared pur pose, may be innocent of wrong, there has been engrafted upon it a system of crime. It may therefore be likened to a tree which left to itself would bring forth good fruit, but which engrafted with scions of bitter fruit becomes a different tree: the functions of the original stock being now only to give life and productive power to the wild branches, the whole tree is concemned because of the fruit which it bears.

The evidence on this subject comes within the decision of the Supreme Court in the case of the Commonwealth vs. Carroll and others decided at Harrisburg on Monday last, since this opinion was written.

The first, second, third and fourth reasons, all relate to the remarks made by Mr. Hookes of Consell for the Cons. monwealth in his closing address to the

At the close of the address the Counsel for the prisoners by a writing filed, requested the Court to discharge the jury because of remarks which it was alleged misrepresented the" evidence, and were calculated to prejudice the inry against the defendants. We declined to comply with this request: a discharge of the jury at this stage of the case would have been tantamount to an acquittal. Having been once in jeopardy they could not again be placed on trial. Such a proceeding would be without a precedent, and the motion

was properly refused. The subject of granting a new trial on occount of remarks by the District Attorney whose closing speech to the jury in a capital case was fully considered in the case of Com'th vs. Twitch Il 1 Brew, 592 and Com'th vs. Harlon 3 Brew. 496. In the former Judge Brewster, and in the latter Judge Ludlow says that no case can be found in the books where a new trial has been granted for such a cause in a capital case. Judge Ludlow inquire : "How could it be possible ever to try and successfully convict a prisoner charged with murder if during the trial the Commonwealth's Counsel or even the prisoners, should in the heat of an argument say something which indirectly or by some possibility might affect the prisoners case."

If evidence is misstated or counsel assumes as proved that which can not fairly be inferred from the evidence, and attention is called to it at the time, the Court will always correct the Counsel. If he persists in going outside of a legitimate line of argument, and in misstating facts he may be stopped by the Court, and his conduct of the case in the face of objections may be so flagrant as to justify a new trial. can never become the practice to review a speech of several hours duration in order to ascertain if the line of argument was warranted by the evidence, or if some foreign matter had been introduced into the case to the prejudice of the defendant.

It was in evidence that the murder in question was committed by a band of conspirators, all of whom were members of a society usually known by the name of "Mollie Magnire"-that members of that society were known to each other by signs, pass-words and test, called "the goods,"-that members recognized power in the chief officer of a division called "the body master" to order the commission of crime-that members were bound to secrecy and obedience at the peril of evil conse quences to themselves if they disregard ed these obligations.

In his address Mr. Hughes strongly urged upon the jury the necessity of protecting the community against the perpetrators of crimes by men thus banded together; and to illustrate his argument he referred to the history of Ribbonism in Ireland and to several instances of bands of assassins in this country, and to the terrorism produced by their lawlessness and likened the practices of "the Mollie Maguires" to those of Ribbonmen in Ireland and the lawless bands mentioned as having exiated here. He expressly stated to the jury that he did not desire the conviction of the defendants on any other ground than that of guilt of the offence here charged as shown by the evidence in the case.

The counsel for the defendants had read from books, instances in which innocent persons had been convicted of murder upon circumstantial evidence and also upon express but false testimo ny, for the purpose of causing the jury to be cautious in their conclusions. On the other hand the counsel for the Commonwealth mentioned cases of crimes and convictions similar to that alleged against the defendants for the purpose as we presume of counter acting the effect upon the minds of the jury of the cases read upon the other side, and for the purpose of holding

them up to the performance of duty. We cannot say upon consideration of the able arguments upon both sides that the remarks of the closing counsel were calculated unjustly to excite the fears of the jury. At the very close of the case they were instructed by the Court not to allow their minds to be infinenced by the decisions of other cases whether found in the books or stated by counsel, but to be governed solely by the evidence in regard to the particular offence charged in the indictment, and we are not satisfied that they disobeyed these instructions. As the evidence was competent to show the existence of the criminal practices of the society of which the defendants were members it was competent for the counsel to comment upon as having a bearing on the

The eighth reason is not sustained. The fact stated does not come within the rule of after discovered evidence as held in Com'th. vs. Flanagan 7 W & S 424

The ninth reason points out no particular cause of complaint, but alleges generally that the conviction is unjust.

On the part of the Court we are not conscious of any error whereby injustice was done to the defendants. If on a review to which the defendants are enthird error should be found, most hearily would we rejuce at its correction, The tests upon an application for a

Was there any evidence to justify the Is a courty squarest the weight of the

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test mony? Is there any reasonable hope that another trial would produce a different

result? 1 Brew. Rep. 609. Applying these tests to the record this verdict ought not to be disturbed. The tenth reason alleges matter of fact which is not attempted to be sus tained by evidence.

The motion for a new trial is therefore overruled.

On Monday morning, the 14th inst., Court

THE PRISONERS SENTENCED

onvened at ten o'clock. A rumor had be- Law Giver. ome prevalent on the street that the prisners would be sentenced during the mornng, and the Court House was full of spectators waiting to hear the final doom of three uman beings judicially pronounced. Shortafter the ringing of the bell the three udges entered the Court room and took their seats upon the bench. It was apparent that there was a heavy weight upon their ninds, and their solemn and careworn countenances plainly showed that there was a nost unpleasant duty before them. Shortly after ten o'clock District Attorney Clark arose and said "May it please the Court, in the case of Patrick Hester, Peter McHugh, and Patrick Tuliy I now move for judgment, the Court directed the Sheriff to bring up the prisoners. In a few moments the Sheriff returned, Tully and McHuga shackled
together, and Hester alone. Judge Elwell
asked each of the prisoners to stand up, and
then inquired, "Have either of you anything
to save the return of you anything."

The sentence of the law now pronounced
by the Court is: "That you, Patrick Hester, the prisoner at the bar, be taken hence
to the jail of Columbia county from whence
you came, and from the set is a first last." be prisoners. In a few moments the Shero say why sentence should not be pronouned upon you?" Patrick Hester replied as "With due permission of the Court, your

Honor, I have a few remarks to make in regard to the testimony against me here. the first place, Kelly swore against me plot-ting this crime. I declare before the Court high Heaven and this bonorable Court and before the world, it is false on my part And also in regard to Mr. Parr, the po iceman, stating and swearing that I referred o this murder, with his statement of my renarks to Donahue in pr'son, it is also a falsehood. And in regard to this young man Harris saying he seen me at the toll-gate or thereabouts. I declare it is false. I never plotted or aided the murder of Rea or the robbery of Rea; and I knowed better, that it wasn't pay-day; I knowed pay-day was on Fridays; my business was to be about and see these collieries, when they paid, and collect taxes for individuals. I vell, your Honor, that they were after me | jail to await the Governor's action. for a long time, and even my horse was shot under me one evening coming home from Mount Carmei; the horse died the next morning. This I declare before the Court of Heaven and this world." Peter McHugh then said :

"Your Honor, in one part of the testimo-mon, I believe, and every person can see, is this, that he (and how Kelly could have tes-tified to that!) that he met that Harris. And another thing is Mr. Fetterman contradicted him in his testimony, and so also did Mr. Shuman. The two men that he says that passed the road along where he and his companions was concealed in the bush. Kelswears that Shuman had a team of mules; Mr. Shuman says that it was a single horse, Mr. Fetterman or Kelly says that one of the party walked up the road and passed by Fetterman contradicts him altogethe

man that was in the buggy, and Mr. And another thing—for my part I could have brought more testimony here, but I was without money, and I couldn't maintain them here or I couldn't pay their fare here to prove my innocence of that crime. And another thing, Mr. Morris Morrison who contradicted Kelly. He said that it was beween seven and eight o'clock that Kelly and ais companions (who alluded to me and others passing by the road) met Morrison on the road going towards Hester's house, Kelly said that it was between nine and ten o'clock and Morris Morrison said that it was between seven and eight before he went nto his work. And Morris Morrison that he wasn't within seventy-five yards of us, and Kelly said that he met us on the road, or, at least, that we met him, accord-ing to his allusion; and for my part, I claim to be innocent before God and man of the

And Morris Morrison was contradicted at the same time by Mr. Rhoads, the coal operator which I worked for, because he al-luded to that he could see us every day through Locust Gap.
So I think it is great injustice, but I sup-

ose my words is nothing.

In the way that the Schuylkill and Caron county courts—the sensation that they ave raised through the coal regions latelythere is a cloud over every person; any per-son that is claimed to be guilty, it doesn't make any difference who it is that comes be-fore the court for to swear against that man,

he is gui¹ty auyhow. And Kelly's character has been run down here; and if we had only finances to bring more men here from other parts of the coun-try where he has traveled through, we could show here, before the court of justice here. that he is a man that is not fit to be relied that he is a man that is not in to be relied upon in one shape or another—that is plain to show here, plain and clear enough.

Therefore, I am innocent of the crime; and if it comes to that, I am ready for death -but I have nothing to die for in that case. Patrick Tully spoke as fellows:

"I have a few remarks to make, but I don't suppose there is any use in making it. For my part, I never had any justice nor any defense in this case. I was arrested on the eleventh of November and brought to Pottsville jail. I had no friends there not even one—payer seen the friends there not even one-never seen the face of a human being there I knew. I had no counsel, no money to procure counsel. I was brought here, but on the trial I had no counsel here. I had no way to bring counsel or evidence; therefore I had to take whatever the Court gave me. I had no money and the Court didn't even ask on the stand whether we were provided with a de-fense or not. That is all I have to say. I am innocent of the crime I am convicted for; I know nothing of it."

THE SENTENCE.

Judge Elwell then addressed the prisoners in these solemn words : "You have been convicted of wilful and deliberate murder, the highest crime known to the law.

The boldness with which the conspiracy to murder Alexander W. Hea was formed and

executed has scarcely a parallel in the aunals of crime. On the evening of the 16th of October, 1868, ten persons without pre-concert met in a public saloon, when one of the number stated that the Superintendent of the Coal Ridge Colliery on the next morning would be on his way to the works with money to

pay the employees under his charge, and suggested that he be way-laid, robbed and murdered.

This proposition, startling and horrifying as it would be to the mind of any man not schooled in vice, nor accustomed to contem-plate the commission of crime was not only plate the commission of crime was not only received without a murmur of disapproval, but was at once and by all assented to as openly as it had been made. Without delay fire-arms were prepared for each conspirator. During that long night they waited and watched for day. As the morning dawned nine of the band started out to meet the deceased and accomplish their diabolical purpose. On the way one alleged lameness and fell behind. One left saying he would go to his work "to avoid suspicion." These have never been arrested. Another, and according to the testimony, an acknowledged plate the commission of crime was not only ording to the testimony, an acknowledged eader in crime, now standing here for judg-nent, gave his pistol into the hands of one

of the party for use upon the occasion, and left with the avowed intention of ap-pearing in another place on business that day.

The remaining six proceeded to the place appointed, and laid in wait for the deceased until be came, and there in the openday, upon a highway where persons were frequently passing, robbed and murdered him.

A jury of twelve hosest men, against whom you had no cause to object, after a full and impartial trial, conducted with due and to all the forms of law, and in which all doubtful questions were ruled in your favor, have found upon their oaths, that the ridence established beyond a reasonable joubt that you three were of that band of conspirators, and are guilty of the great

Six of your companions in guilt are either dead or are fugitives from justice—one, upon whose testimony, with corroborating J. Van Liew, facts and gircumany, facts and circumstances you were convicted is in prison awaiting his trial. All who are living may yet be brought to answer for their crime. Justice has moved with leaden feet in overtaking the perpetrators of this terrible tragedy; but at last it has seized upon you and brought to light an array of facts, from the consequences of which the earnest and able efforts of your counsel

could not save you.
You stand here to day convicted of a vio-lation of the laws of God and man. "Thou Law Giver. "Every person convicted of the Creat H. Hess, crime of murder in the first degree, his aidrs, abettors and counsellors, shall be sen-enced to suffer death," is the inexorable law of this Commonwealth. As the ministers of C. P. Fulimer, the law it is made our duty to pronounce that sentence. Its execution may not be long delayed. Be warned therefore to prepare for death, and for that judgment where J. M. Long. o secrets are hid.

Repeut and confess your sins before God o not into His presence with a lie upon Benjamin McHenry your lips. Although you, without mercy slew or caused to be slain the lamented Rea stew or caused to be stain the immented Rea yet it is possible you may be forgiven. Mercy, as well as justice and judgment belong to Him from whom we ask mercy in your behalf at the close of the dread sentence f the law. Seek it from that source. Elsewhere you have no grounds for hope.

Jackson McHenry At this point the three Judges arose and be sentence of death was pronounced:

execution within the walls of said jail or the yard thereof, and that you be hanged by the neck until you are dead. And may God have mercy upon your soul." Peter McHugh and Patrick Tully were

Parvin Swisher, Wm. C. Williams, hen severally sentenced in like manner. Judge Elwell was almost overcome with emotion, and Judges Shuman and Kr ckbaum were greatly affected, while strong men wept n all parts of the Court House. Such a scene has never before been witnessed in Columbia county. It was not so exciting, but far more solemn and affecting than the scene at the trial, when the jury came in J. H. Adams with a verdict of guilty.

John Eggert, The prisoners did not seem to be greatly agitated; whether their coolness arose from J. L. Freat, a consciousness of innocence, from a feeling James McMichael, W. B. Opdyk, of resignation to the inevitable, through Divine help, or from hardened guilt, we cannot say. They were conducted back to the J. W. Eck. Tiliman Mol arter,

THE PEOPLE AROUSED

The "Columbian" Endorsed

John Ruch, John G. Jacoby Any additional names will be David Gross, added on request. Silence now is W. H. Morton, consent to the iniquity F. S. Hunt, Harvey Whitmire

TO JOHN HERNER, JOSEPH E. SANDS AND W. F. McEwen SILAS W. MCHENRY COMMISSIONERS OF COLUMBIA COUNTY:

COLUMBIA COUNTY:

The undersigned citizens of said County J. F. Chamberlin, respectfully represent to your board that they are opposed to the exection of a County Pris-J. C. Sponenberg, re opposed to the erection of a County Pris on upon the scale of expenditure contemplated in the recent proceedings, and are Peter Reedy. of opinion that the said Prison should be Hudson Owen, erected upon the lowest available and substantial plan and contract which can be secured for the same, affording sufficient ac-Edward Kremser commodations, and not upon an objectional Henry Hoffman location at high cost. And in view of the Samuel Roat, complications and popular dissatisfaction which have arisen over this subject, they re-John Trump, H. H. Rhoads mest your board to dismiss or suspend proceedings for erecting a prison upon the Wet-Joseph Beaver, Sr. A L. Kline, I. Fetterman, Peter Mowrer, John C. Walter, zel plan involving an expense which will be unreasonable and oppressive.

B. Brockway, Eckhart Jacobs, M. S. Williams, W. M. Reber, S. M. Prentis C. R. Buckalew, Robt. R. Little, nas Hawkins E. R. Little, Varren Batain. C. M. Drinker, M. M. Russell. E. Orvis, W. Orvis, Fras. P. Drinker. J. J. Brower John K. Grotz, Jeremiah Welliver, A. L. Turn B. Frank Zarr, M. W. Nuss, John Laycock, C. M. Christman Daniel Morris, Isaac McBride, F. P. Billmeyer. Rohr MoHenry Joseph Pohe, Geo. W. Sterner, Stephen Knorr, Barton, F. B. Hartman, B. F. Hartman, L. Potter Widmyer, Shoemaker John Retnerd ames C. Sterner, Robert Roan B F Edgar, amuel Creveling Peter

Weaver, HEMLOCK.

Chas. Hartman John Appleman, Joseph Snyder Dennis Pursel, John Hartman W. E. Smith on Barnhar Jesse Ohl, Wm. P. Leidy, Vm. H. Shoema J. H. Faust, F. P. Harris, Wm. Ohl. John H. Wilson John G. Moore, Wm. P. Shoemake John Kistler, Hiram Rees H. D. Appleman, M. Ohl, M. A. Moore, Eli Ohl Samuel Ohl, Jacob Harris, John H. Pooley, J. A. Harris, E. D. Leidy, S. J. Marshall, T. O. Clees,

GREENWOOD & PINE. W. M. Eves,

Parvin Eves

oseph Leggett ohn Johnson,

r. W. Johnson,

A. P. Hellee, Amos Kitchen, Israel Bogert, E. M. Kisner, Wm. F. Robbins, J. C. Ladlow. ohn N. Hayman, Thomas Polk, James Greenly Amos Harlau, Thomas J. Swishe Jeremiah Burger, W. Shoemaker, T. F. Hayman, C. McCrew, Harrison Esler, Joseph Pursel, P. W. Sones, Robert Potter, Vm. Greenly, A. Wright, E. W. Greenly, T. M. Lyons, Geo. Greenly, C. M. Watts, Lemuel Kisner, Renization Lee V. H. Hayman,

Benjamin Lee

Mercantile Appraisement.

Clark Fidler

Wm. Drake,

M. Pettit,

M. C. Johnson

Thomas Wright, James Yocum,

A. C. Van Liew

Harvey Yohey, A. M. White, Wm. F.

R. B. Grimes,

John Muselman, J. S. Grimes,

A. D. Shultz, J. B. McHeury,

F. Karns.

E. P. Bender

Thus, B. Cole, R. P. McHenry,

I. J. McHenry,

Hiram Appleman

Peter Kase, M. G. Hess,

James Wirman, A. H. McCollum,

nuel Appleman

L. B. Stiles, A. W. Wilkinson,

B. G. Kase, P. L. Appleman, B. E. Long, Holland McHenry,

Wm. Patterson.

A. Mellenry,

Wm. Fairman.

I. Mordan, John R. Mordan,

Nelson Welliver

G. C. Runyan,

S. S. Lowry.

M. Hartman,

John Frantz.

W. C. Barnes,

Frank Bower,

W. B. Hartman.

T. Thompson,

C. D. Fowler,

P. Hill,

George Ruckle,

Market A. Markle

R. Bower,

Wm. Bower,

S. E. Smith

Frank Hegan.

Daniel Reedy,

J. W. Snyder, W. W. Snyder,

as. P. Freas,

J. D. Thompson

Francis Evans,

Billeg.

Billeg,

A Billeg,

Henry Helwig, H E Helwig,

E L Helwig, Chas Miller,

J Boyer, Robert Gorrell,

M Bieber,

S Gable

HERNER'S TOWNSHIP.

W. J. Knorr,

C. H. Westler, H. W. Witmoyer,

BERWICK.

nore F. Welliver, P. Runyan,

Franc's Runyar

MADISON.

Benjamin F. Gillmor Lewis Schuyler

len Shelhamer S. McHenry,

L. Lunger.

Baltis White.

BENTON.

m. E. Grimes,

J. E. Hagenbuch,

harles Lee, Jr.,

W. Johnson,

A. H. Fowler,

Wm. Muilley

Wm. Staley,

Wm. Appleman

Samuel Heacock, Eli Mendenhali,

A. T. Ikeler,

A. McHenry

I. E. Paterson,

A. D. Chapin

W. H. Smith

Isaac McBride

John Mordan,

Amos Wellive

Freas Fowler, T. E. Brittain,

James P. Williams,

Enoch Rittenhouse

John Eck, James T. Trump, J. H. Eck,

M. H. Rittenhouse, H. C. Freas,

Evans.

ranklin Rarig,

Geo. Mowrer, H. A. Long,

Charles Beaver, Michael M Hower,

Samuel Paul, Solomon Mowrer,

John Billeg, Jr.

Chas Billeg, Abraham Bitner,

W B Wagner, David Wagner,

John Whitner

Geo Getty, J P Walter,

Jacob Longenburger.

A B Walter

James Dile

Joel Cox.

Isnae Crawford

Harvey Heacock,

LIST OF DEALERS IN COLUMBIA COUNTY.

I hereby certify that the following list of dealers aton, returned and classified by me in accordance ith the several acts of Assembly, is and for the muly of Colum in, for the year 1877, is correct to

se best of my know edge and belief : BEAVER TOWNSHIP. inderlider, David, general merchandise humae, C. A rreisebach, George ossee, J. . . buman, F. L. BENTON TOWNSHIP Philip Creasy, H. S. Marr Daniel Wertman, ellenry, Rohr, general merchandise dellenry B.Son&Co " RESWICK BOSOCOM.

Freas Brothers, lumber dealers
Hockman, H. M., grucery store
Fowler, C. D. furniture store
Hughes, W. T. grucery store
Wilson, S. A. & Co, Grag store
Snyder, C. B. book store
Howman & Crispun, general merchandise
Hower, L. H.
Hug, K. H. drug store
Hosekarys, F. L. forniture store
ackson & Woodla, manufact Adams & Son, general merchandise Freas Brothers, jumber dealers ickingham, G. A. stove and tinware loss, David, porter bottler

BLOOMSBURG Caldwell, J. F. confectionery
Wagenseiter & U. wholesale notion store |
Headershot N. J. aring and grocery store |
Ollmore, William confectionery
Onl & Purse, general merchandise |
Indimore, William confectionery
Onl & Purse, general merchandise |
Indimore, William confectionery |
Ollmore, William confectionery |
Mendemiail, E. dry goods store |
Stroup, Davil, grocery store |
Stroup, Davil, grocery store |
United Strong Strong |
Ollmore, Dimbers and gas fitters |
Evans, A. J. clothing store |
Marr. C. C. grocery and dry goods |
Decker & Steckel, confectionery |
Kramor, William, grocery store | nusier & Son " "
ruhard, Louis, jeweiry store
thum, E. E. farmiture room

Woot, Thomas confectionery
Mover Bro.hers corner Main) drug store
Late & Stona, dry goods
Moistinery Whitian C boot and shoe store
Moistinery Whitian C boot and shoe store
Moistinery Whitian C boot and grocery
Hartman, H. C. carpet store
Liting C. A. drill slore
Loren, J. K. dry goods and grocery
false D. Brobst, confectionery
lass D. Brobst, confec orman, Ettas R. turniture store Albary, L. E. stoves and A. ware supert, A. M. Clark, Georgie A, book store clark, Georgie A, book store cent. J. B. confectionery Stecker, J. B. Bour and feed store Robonsburg Iron Co., general merchal Lockard, C. M. & J. K. deniers in coal Gress, Peter Pager Polytics Gross, Peter, beer bottler Gross & Brother, clothing store Bloomsburg Lumber Co dealers in lumber

BRIANCREEK. Ferwilliger, Andrew, grocery store CATAWISSA. larder, C. F. lumber and hardware larder, Thomas E, turniture Deamer, S. U. general merchandise dute, E. R. 6-41 yard Knittle & Abbott, dealers in number & John, J. & Son, general merchandise

Wm. W. Seybert. Martin Frantz, Michael M. Hartzel, Henry Fenstermaker, CENTRALIA. Eugene Lenhart, F. D. Bower, Murphy, C. G. general merchandise J.H. Bredbenner.

Millard, O. B., where Millard, O. B., where Mildhaels, G. W. greeery store Choraton, Andle, confectionery Styson, R. & Co. general merchan black, D. C. greeery store Millard, D. C. greeery store Millard, D. C. greeery store Only Styson of the Millard, D. C. greeery store Only S. George B. drug store Only S. George B. drug store Lewis A. Stiles, George Moorehead, Richard Thompso Davis, George, ir. drug store Fortner, A. B. stove & Unware Levi Bredbenner. CONTRGHAM TOWNSHIP Trautman, W. C. general merchandise PIERUNGCHEEK,

Ammerman, J. M. general merchandisc reishbach, B. F. lowell, G. M. tarrison, Jared delienry, J. F. Dyer & Brother, general merchandise

W H Billey, W F Rhoads H Fahringer, CENTRE TOWNSHIP. Lamon, J. F.
Whitmire & Irwin "
Whitmire & Irwin "
Brobst, Thomas, grocery store
Low Brothers & Co. general me
Wooley, L. W. dealer in coal M H Myers, Watkins, K U Lee, John Adams, HEMLOCK. Harris, F. P. general merchandise John Fetterman E Fetterman. LOCUST. John Snyder

ocum, Peter, general merchandise MAIN TOWNSHIP. Campbell, U. J. general merchandise Bodine, J. D. Berr, F. F. confectionery MIFFLIN TOWNSHIP ledler, J. H. general merchandise

B Beaver, Aaron Yoder, H. P.Cherington, John Rarig, J Scheaffer, Henry Fisher, At. St. Clair, Pa., Tuesday morning, the Coroner's jury on the victims of the Wadesville mine disaster rendered a verdict. They declared that the gas brought down by the fall of coal was ignited by the naked lamp of one of the victims, that the part of the mine where the explosion took place was considered very dangerous by both bosses and men; that the bosses were guilty of great neglect in not ordering the men to work with safety lamps exclusively; that the owners of the colliery are censurable for not complying with the requirements of the ventilation law, as with extra doors the lives erington, Owen, general merchandise of two of the men eight have been saved

ling the owners to comply with the law.

and that Sampson Parton, the mine inspect-

or, was grossly neglectful of his duties in

not visiting the colliery oftener and compel-

E. F. KUNKEL'S BITTER WINE OF IRON. It has never been known to fall in the cure of weakness, attended with symptoms of indisposition to exertion, loss of memory difficulty of breathing, weakness, horror of disease, highly sweats, cold feet, weakness, dimness of virton, languor, universal lasattude of the massular system, enormous appetite with dyspeptic symptoms, but hands, flushing of the body, dryness of the skin, pallid countenance and sruptions on the face, purifying the blood, pain in the back, heaviness of the eyelids, frequent black spots flying before the eyes, with suffusion and loss of sight, want of attention, etc. Sold only in \$1 bot-les. Get the Gennine. Depot and office, 259, North Ninth St., Philadelphia. Advice free. Ask for E. P. Kuukel's litter Wine of Iron, and take no oth make. Genuine sold only in \$1 bottles.

NERVOUS DEBILITY! NERVOUS DEBILITY! Debility, a depressed irritable state of mind, weak, norvous, exhausted feeling, no energy or ani-mation, confused head, weak memory, the conse-quences of excesses, mental overwork. This nervous debility finds a sovereign cure in E. P. Kunker's tter Wine of Iron. It tones the syste the mental gloom and despondency, and rejuven-ates the entire system. Sold only in at bottles, Get the genuine. Sold by all druggists. Ask for E. F. Kunkel's Eitter Wine of Iron, and take no other Genuine sold only in \$1 bottles, or six bottles for \$
All I ask is a trial of this valuable medicine. It we
convince the most skeptical of its merits.

NEVER PAILING WORM SYRUP. E. F. Kunkei's Worm Syrup never falls to destro P. Kunker's Worm Syrup never falls to destroy Pin, Seat and Stomach Worms. Dr. Kunker is the only successful physician who removes Tape Worm in two hofirs, head and all complete alive, and no fee till head passes. Common sense teaches if Tape Worms can be removed, all other warms can be read-Worms can be removed, an other warms can be read-ily destroyed. Send for circular to Dr. Kudkel, 209 I North Ninth fiteet, Philadelphia, Pa., or ask your drugglat for Kunkel's Worm Syrup. Price \$1 per oottle. It never falls. Used by chidren or grown persons with perfect safety.

folm, J. & son, general merchandise Sharpless & Son;
Hartman, William, furniture store Hartman, William, furniture store Hartman, William, store and boot store folm, William, store and tin ware Smith, J. M. drugs and hardware locking. J. B. general merchandise Constant, J. B. stores and tinware Fortaer, R. P. & Son, general merchandise Scales of the Milliam, merchandise Scales and the Milliam, merchandise Scales and L. H. grocery store Hille & Brother, general merchandise like & Brother, general merchandise Scales M. M. Hilbert & Killie & Brother, general merchandise Scott, George C. dry goods T 00 1 00 7 00 7 00 7 00 7 00 7 00

7:00 7 00 7 00 10 00 7 00 12 50 12 50 7 00 sier, Jacob, general merchandise ower, Z. T. dealer in coal and grain

MOUNT PLEASANT. Sands, Joseph, & Son, general merchandise 14 7 on MONFOUR.

ORANGE. an, D. K. general merchandise tier, M. C. confectionery larman, James B. general merchandise Low, C. W. & Son SUGARLOAF. Cole, E. & Son, general merchandise ROARINGCREEK.

SCOTT TOWNSHIP ung, Silas, general merchandise well, A. P. grocery store atte, A. B. general merchandise t, Hobert, stoves and thaware return. If discovery etsiling, Thos. & Co. grocery & feed store irtiman, T. W. confectionery shart, N. boot and shoe store eterich, W. E. geaeral merchandise

All persons who may feel aggrieved by the above dassification can have an opportunity of appealing by meeting the undersigned, June 9, 1877, at which time an appeal will be held at the Court House, in commencing at 10 o'clock a. m., and end

> GERA HOWER, Mercantile Appraiser.

A FINE BARGAIN.

A result of the consideration of the consideration

WESTERN DISTRICT OF PRINSVLVANIA, SIL

The undersigned hereby gives notice of his ap-pointment as Assignee of John S. Sterner of Blooms-burg, in the County of Columbia and State of Fenns syivanta, within said District, who has been adjud-ed a bankrup on his own petition by the Distric-Court of and District. Bloomsburg, April 21, 77-5w Assign TN BANKRUPTCY

WESTERN DISTRICT OF PENNSYLVANIA, SS. The undersigned hereby give notice of their appointment as Assignees of Nehemiah Reece of Buck Horn in the County of Columbia and State of Fenn spivanta, within said District, who has been acquided as Bankrupt on Court of said District.

CHARLES G. BARKLEY,
SAMUEL ENORS,
BIOCOMSDURY, APRILET, 777-2W
ARRIGHT