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Umberger Murder.

Cross-Examination of the Widow of the Murdered Man by Gen. Coffroth.

A REMARKABLE WITNESS.

TERRIBLE, DAMAGING, DAMNING TESTIMONY OF LITTLE NANNIE HORNER.

Minutely Describes their Appearance and Dress.

ATTORNEYS AND AWAITED JURORS, AY-PERHAPS, JURORS AND AUDIENCE BY HER INTELLIGENT ANSWERS AND COLLECTED AND POSITIVE MANNER.

THE COURT IS WORKING RAPIDLY AND THE CONSUMMATION EXPECTED TO HAVE ITS TWENTIETH ARE TO-AT THIS EVENING.

When Court opened Saturday morning, Mrs. Umberger, widow of the murdered man again took the stand. She was dressed in deep mourning and had a haggard, pathetic expression of countenance.

Mrs. Nancy Umberger Cross-examined by General Coffroth—I am 57 years old; I can see pretty well; Mr. Umberger had two pocket-books in his vest; I saw him put them there; he had a pocket in the inside of his vest, they were large brown pocket-books, can't tell when I seen them last before that; did not count the money; he often told me how much money he had; I didn't see all the money; could not tell what kind notes he had; it was gold and paper, kept some of it in the pocket-book and some in a drawer; the gold was in a bag; I don't know the size of it; there was some gold in the pocket-book, I think; I don't know whether he put the pocket-book in his vest or not; I saw him take the bag out of the drawer; they were full; can't tell how thick they were; can't tell the denominations of the notes; I seen the money within 2 or 3 years; don't know my husband exchanged his paper money for gold with Mr. Rose; I often seen him put gold and notes in the pocket-book; can't tell denomination of the notes; can't tell when I saw the gold money in the pocket-book last; after we got the money in the pocket he walked out to the sitting room and I followed of course; when I came out he hallooed, "I want your money or your life;" I was a step behind my husband; my husband hollowed; I can't say what he said; they looked him back; he hollowed and they hollowed too; the men hollowed behind as they stood for his money or his life; I don't know what he said; didn't see him attempt to pull the handkerchief off.

Q. Didn't he make a grab at the handkerchief and pull out a name known over in that township, saying, "Are you going to rob me?"

A. I didn't hear what he said; I won't say whether there were four or five shots fired before I went out; just as I went out of the door I heard one shot, and I heard one just as I was in the kitchen; then I heard one shot out, and then he came and tumbled down beside me, dead; there were shots in the ceiling and perhaps some in the side of the room; I didn't see them take any money out of his pockets; the shots were fired very fast; then I ran into the kitchen and rang the dinner bell; I rang the bell and kind of looked in; I didn't see him come out, but I heard him coming; I suppose I asked if he was hurt, but he was dead; didn't search his pockets. Albright Boots came there first after the men left; I don't tell how long he lay on the floor; he was laying there when Doris came; he laid there till after the inquest; that was not very long; I don't think it was two hours; I know he had no money when he fell down there; I felt and knowed the money was gone and the men were gone; I didn't open the safe to see whether pocket-book was gone; tall man's face was nearly all covered; didn't notice his hair; he had striped overalls on; I didn't notice his other clothes; he had no hat on when sitting there; think he had had on when he came in and took it off; the little man seemed to have a mask on; his hair was dark or gray; the beard didn't look natural; it was above and below the mouth; I could see his eyes, nose, forehead and cheeks; I couldn't tell what kind of hair he had a hat on; didn't see his hair; had kind of dark clothes on; I couldn't tell what kind particularly but I think there was red and white in both handkerchiefs; had never seen defendants before that night; didn't hear the tall man talk at all; I knew at the time of the moment I saw him; I saw him plainly; I saw his eyes, nose and forehead; when I saw them at Rauch's they were not disturbed; they were the same; she recognized little man by his size, eyes and nose; and I heard his voice at Rauch's; I heard them talk with them; I didn't see at Rauch's; I could not recognize the men; I didn't say there I could not be sure these were the men; I was not cross-examined at Rauch's; I was a witness at the hearing before Judge Barr and recognize them; I say I recognized them as the men that were at our house that night; I described before Judge Barr the kind of mask that was on the little man's face and I think I described the handkerchief that was around the tall man's neck; my husband was 72 or 73 years old; I had been married to him about 30 years; we had no child; he had lived subjected to as not a cross examination; I made a mistake before I married him; I married twice; I married my first husband when I was 17 years old; I married him; had 3 children by him; one of them are living; one is a grocer and two of the boys live three miles from where I live and the other one live in Latrobe; I don't know age of one in Latrobe; both are grown men; my daughter lives about half a mile from where I live; Umberger was a widower when I married him; he had one child by a former wife; it and before we were married my husband was collecting money coming to him; I gave some parties that came and paid him money; he was sickly during the winter; he was not able to hoe a stock or do anything; one of my grandsoldiers, Geo. Horner, was doing the feeding; he lives of Noah Horner; Noah lives in Latrobe; George has been there a couple of months; he went down to the grocery at Westley Smith's four over a mile from our place towards Forrestdown; we live three miles from Forrestdown and two from Jennertown; he started a litter before dark; the strangers came soon after he was gone; he stayed with me till after the sale; a public road run past the house where I lived at that time; I don't think there was prayer meeting that night; I would know it if there was prayer meeting; there's a church in Jennertown; George Horner came back that night about half an hour after Umberger was shot; he was back before the lawyer; I don't know who sent for the lawyer to hold inquest; Geo. Horner is pretty near 18 years old; he is not as large as a man.

Re-direct—I went to the office of the lawyers and told my story before I went before Judge Barr.

POSITIVE IDENTIFICATION.

Never in the forty-seven years that I have practiced law have I in any case, civil or criminal, seen or heard a better witness, in any court, than that little girl," whispered "Uncle John" Cessna to a HERALD reporter, as little Nannie Horner, the ten-year-old grand-daughter of the murdered man, who witnessed the murder of her infirm, gray-haired grandfather, left the witness stand. Her testimony was clear, straight-forward and to the point; and her identification of the "short" man and "long" was most positive.

Never was a witness in any case ever tried in a Somerset county court subjected to a more rigid, thorough, ingenious cross-examination than was she at the hands of General Coffroth, the senior counsel for the defense, but his failure to elicit the slightest contradiction or variation from her examination-in-chief, was most signal. She recounted the story of the two strangers coming to the lonely farm-house on the fatal February night; of their representing that they were Bedford county officials on the hunt for stolen goods, and of their search of Mr. Umberger's house; told how the unsuspecting old farmer had shown them from room to room; how, becoming suspicious of the strangers, he had placed his pocket-books, containing a lifetime's hard-earned savings, in his inside vest pocket; their return to the family room, when the "little" man whipped out a revolver, and, pointing it at Mr. Umberger, demanded

"YOUR MONEY OR YOUR LIFE."

She then told of the struggle and the firing of the fatal shot. Pointing to Joe Nicely, the witness said: "There is the short man;" and, pointing to Dave, "there is the long man."

She described minutely how both men were dressed. She was shown an overcoat that was found at the house of David Nicely at the time of his arrest and identified it as the coat worn by the "long man" on the night of the murder by a

LITTLE BROWN PATCH

on the side. "I know that these are the men by their size, eyes, noses, voices and motions," said the witness. She said the "little man" wore a brown derby hat, with a piece out of the rim, and was positive that the hat shown her (the one Joseph Nicely was wearing when arrested,) was the one worn by the "little man" that night.

While the witness was being examined the prisoners showed unusual signs of nervousness and uneasiness, and their relief was apparent when she left the stand.

Nannie Horner was called and testified that she was ten years old last July; I know and lived with Umberger, and was there the night he was killed.

Mr. Cessna—"Begin the story in your own way, and tell us what happened that night and hour."

There were two men came in; I heard them rap; they sat down close to the stove, on two chairs; they sat there about one hour; they talked some; said they came from Bedford, and had a search warrant for to hunt some jewelry that belonged to Mr. Masin, the peddler; they took out a paper and read it; the little man read it, and then put it in his pocket again; they said they had searched Frank Reiple's house; they were all in the sitting room; the light was burning; grandpap said they could look, but there was nothing there; they got a candle and started in the parlor, and the little man, and grandpa and I went along; the tall man and Ella Stearn was in the other room; they looked around in there and then went in the bedroom, and the upper drawer of the bureau was opened; they took all the things out; then they opened the lower, and then the next drawer was opened; and the next one was opened, and there the money was laying; grandpap said that was a little money to pay his hands, and they had no business with it; after they shut the drawer they went out in the room, and then my grandfapand the little man went back and looked under the bed, and they wanted grandpap to pull the bureau forward, and he told me to go and tell grandma to come in, and she came in and said they might pull it forward and look behind it; they then pulled out a bureau drawer and could look down where the pocketbooks were, and grandpa took them out and put them in his vest and walked out in the room, and was followed by the little man, and I was behind him; when they got out the little man said:

"YOUR MONEY OR YOUR LIFE;"

he was pretty close to grandpa and had a revolver in his hands, pointed towards grandpa and grandpa faltered and looked under the bed, and they wanted grandma to pull the bureau forward, and he told me to go and tell grandma to come in; and she came in and said they might pull it forward and look behind it; then they took out a bureau drawer and they could look down where the pocket books were, and grandpa took them out and put them in his vest and walked out in the room, and was followed by the little man, and I was behind him; and when they got out the little man said, "Your money or your life;" he was pretty close to grandpa, and had a revolver in his hands pointed towards grandpa; grandpa hollered and threw up his hands; one button was buttoned on his vest; and then they began to shoot; and when they shot twice I ran out and did not see any more.

I went around the house and when out heard our bell ring; I heard the men running and then I ran around the house and in the front door; I found grandpap on the floor in the kitchen and he was dead; I do not know whether the pocketbooks were gone or not, but the men were gone.

The stove is about in the middle of the room; I was sitting down while they were there; the big man had a red and white handkerchief tied around his face, and had striped pants on; both had overcoats on; the tall man had a brown bleached coat on.

[An overcoat was there produced and witness asked to examine it.]

I saw that overcoat at our house that night; the little man had on an overcoat not as white as this one; yes, the black one is the one the little man had on; the small man had a brown hat on; it had a hole torn in it on the rim; it was on the little man's head; I noticed the hole there.

PICKS OUT THE HANDKERCHIEF.

"Take this bunch of handkerchiefs and pick out the one that was around the man's face, if you can," said Mr. Cessna.

[Witness was handed a bunch of handkerchiefs and picked out a red and white spotted one.]

This is the one the big man had on; I do not know the others; saw it taken out of his pocket at Rauch's; saw Dave Nicely and Joe there, and heard them talk; I was not at hearing here the other evening; they are here; they are them.

[Witness went over and pointed out the prisoners.]

The little man had a beard on his face; it was a gray beard; don't know whether it grew fast or not; it came up to his nose and down his cheeks; the hair was kind of curly; I heard the man talk at Rauch's; the size, voice, and motion of the two men look alike; voice is just the same.

Cross-examination—One of the pocket books had a gum band around it, and the other a leather string; the big man had a cap on; the small man a hat; he took his cap off; I am positive that that is the handkerchief; I was sitting right behind him, but could see the spots; I have seen it three times—at Rauch's, that night, and here; saw them pull it out of Dave Nicely's pocket, and Ella Stearn said it was the handkerchief and I said so, too; the overcoat the big man had on had a patch on it; saw one of the coats at Kooser's office; did not see the handkerchief there; saw the black coat there; did not see the light one; the little man had the light coat on; it had one of the buttons off and a little brown patch on it—on the side; I have not seen that coat before since the man had it on at our house; I heard them talk at our house and at Squire Rauch's; I recognized the men there. If it was not a beard he had on it was not the man that was at our house; it was the man; the beard came up to his ears close; he may have been shaved.

Re-examined—Whose pocket was the handkerchief taken out of?

"Dave Nicely's. These pants here was the ones Dave had on."

WHAT SHE FIRST SAYS SHE LAST SAYS.

Cross-examination by General Coffroth. Went into the room with the little man and grandpa; there was two pocketbooks; one was kind of a brown and the other kind of a black; the big one was black; gum band around one and leather string around the other; the big one had the leather string around it; Mr. Umberger put the pocket-books in his vest; put them in his vest the second time he was in the room; I ran out of the room after two shots had been fired; did not see anybody take the pocketbooks; when I came back grandpa was lying on the floor dead; do not know whether the pocketbooks were on him then or, not; saw the men come into the house; the large man had a cap on; the small man had on a hat; the tall man came into the room and then took off his cap; the small man kept his hat on; the large man had a handkerchief around his head; recognize the red and white handkerchief shown; was close enough to see the spots; never saw any like it; am certain it is the handkerchief; have seen the handkerchief three times; seen it that night, seen it at Rauch's and see it now; have not seen it since I was at Somerset; did not see it at the hotel; saw it at Mr. Rauch's office; Ella said it was the handkerchief and I said it was, too; did not say it was because she said so; Ella said it first and I said so, too; did not see it at all in Somerset; spoke to Mr. Cessna about the case; told Mr. Rauch about it; told the men who came over from Johnstown; do not know what their names were; did not say that one man had a black hat on with a hole out of the rim; did not know who they were until I see them; they did not say they were hunting for money; they sat down to get warm; both men sat by the stove; I walked around behind the stove; the lamp was on the table about ten feet from the stove; I walked past them and stood behind the stove to warm my feet; saw one of the overcoats shown at Rauch's; cannot say which one; saw one at Mr. Kooser's office; did not see the handkerchief at Kooser's office; saw the dark coat at Kooser's office; saw the light coat at our place that evening; the little man had on a dark coat; there were one or two buttons off the light coat; there was a patch on the side of the light coat; seen the patch that night; nobody told me that there was a patch on it; was near the coat at Squire Rauch's; the big man had no overcoat on at Squire Rauch's; the little man had; could not say whether it was the light or dark one; they did not tell me to look at it when I was at Rauch's; looked at it at our house here; I had nothing else to look at; had a candle and a lamp; the stove door was also open which made some light; heard the big man talk when he came out of the room; the large man said "are you going up stairs" and the "little man says "it is not worth while"; heard the big man talk at Squire Rauch's; I recognized his voice; when he was at Umberger's he had a handkerchief tied over his mouth; they tied a handkerchief around his mouth at Squire Rauch's; Ella Stern tied it around; he talked while it was around his mouth; they asked him if it was too tight and he said "no, taint"; positive I recognized the voice; could not be mistaken; nobody told me he was the man; Ella Stearn did not tell me it was the man; heard the little man talk at grandpa's and again at Rauch's; do not know whether he had a mask or not; he had a beard; do not believe the beard was fast to him; if the beard and hair of the little man on the night of the murder was natural he must have shaved it off before I saw him at Rauch's; he did not have a beard at Rauch's; am positive it was his voice; do not think I am mistaken; talked to lots of people about the case; they asked me how the men looked; told them how they looked; Ella told them they had masks on; but I did not say that; there was no strangers at the house on the day of the murder; there was strangers there the week before; did not see two men come to the house that day; the peddler Maxom went past the house the evening of the murder; he was in a wagon, said he wanted to stop but did not see anybody when he passed; I did not see him going past; Ella saw him.

Re-direct—Know Mr. Rauch; he pulled the handkerchief out of Dave Nicely's pocket; saw the handkerchief on the night of the murder; saw it again at Rauch's and again here; did not see it anywhere else; [Witness was shown light overcoat and found patch on it. Was shown dark overcoat and said she identified it by the torn buttonholes; also identified the overalls]; the overalls were worn by Dave Nicely; think it was the dark overcoat that I saw at Rauch's but am not sure.

Dr. W. F. Walker—Am a practicing physician; practiced since 1885; knew Herman Umberger; made examination of the body and found two bullet holes—one in the right shoulder and one below the left shoulder; found this bullet between the shirt and body; (exhibits bullet) the bullet went into the body between the seventh and eighth ribs; probed, but could not find it; I would consider it a fatal wound; have no doubt about the cause of his death; died from a bullet wound; could not say whether from a gun or pistol—might be either; made examination about 2 hours after the murder; attended Coroner's inquest; was notified by same Squire Henry Rauch; the bullet between the ribs went in the direction of the heart. Cross examination—Was called to Umberger's about 9 or 10 o'clock; notified by Squire Rauch.

Henry Rauch—Was Justice of the Peace on February last; the inquest was held under my direction; was there when Dr. Walker made the examination; saw the probing.

Hammer Caufield—On the 27 of February was at school—am a school teacher; board at Peter Baughman's. On the evening of 27 of February Mrs. Baughman heard the bell out on the porch; called my attention to it; I then heard the bell myself; we then concluded that there was something wrong; Peter Baughman and myself started in the direction of the bell; went on to Herman Umberger's; when we got there found Mrs. Umberger, Nellie Stearn, Ed. Friedline and several other parties I am unable to name; when I came in saw there was quite a commotion; saw Mr. Umberger lying on the floor of the kitchen; think he was dead from his appearance; shortly after went out to see if we could find any tracks; found tracks up the pike; followed the tracks 6 or 8 rods on the pike only that evening; made no further inquiry or examination that evening; next morning went back to Umberger's with Mr. Kimmel and from there Mr. Mowry went up on the hill with me from the pike; saw tracks of two parties leaving pike about 20 to 30 yards from Umberger's across the field into the woods on the east side of the pike; the tracks were coming towards Umberger's house; the tracks led from the pike into the woods, then back again to the pike near Umberger's house; from the tracks would say that one man wore gum boots and the other leather boots or shoes; Mr. Umberger's house was in view from point in the woods to which the tracks led; the front of the house facing the pike; could see quite a distance on the pike in both directions. The witness then detailed in full the tracking of the parties to a point called Burnt Cabin; the tracks were distinct and plain; had been made in wet snow and being frozen during the night left them very distinct; tracks on the east and west side of the Johnstown pike were the same; length of steps were about the same; did not measure the tracks or steps; from their length of stride would judge that they were going at a rate to make a reasonable speed; followed the tracks from bridge over stream below Jennertown; the bridge is over stream nearest Jennertown; it is the first stream east of Jennertown; we followed the tracks along the stream on the north side.

Cross-examination—Come over to Umberger's early in the evening and made an examination of the tracks that night; examined tracks 8 or 10 rods above the house towards Jennertown; on the mountain about 4 miles from Umberger's found tracks going westward; did not find tracks going west until next morning; the east tracks turned off at elbow of road above Picking's.

Dr. Walker recalled—Have two bullets in my possession; they are both centre fire bullets; there is a larger cavity in one than the other.

Cross-examination—Never discovered that different size bullets came in the same box of cartridges; they are put up in regular sizes. (The bullets were then placed in charge of the Court Stenographer for keeping.)

Henry Rauch—Examined the bullet holes in the house; saw one place where bullet struck the joist and glanced; two bullets stuck in the wall between the bookcase and the kitchen door; about nine feet high from the floor; they were about five inches apart; have the two bullets in my possession that were taken out of the wall the next day.

Made draft submitted to Mr. Caufield showing Jennertown road and pike from Umberger's over the mountain to Westmoreland county. The map is a correct representation showing bridges, streams etc.

Rufus Rauch—I examined for tracks coming to or going from Umberger's; found tracks going to Umberger's on the north side of bridge west of Picking's at the bend of the road; they went through the field and bottom; there is a stream there; the tracks were sometimes close to the stream and sometimes further away; followed the tracks three quarters of a mile; this brought us to Walters, they did not go any further west; tracks were made by two men, one with leather boots or shoes and the other with rubber boots; the leather boot track was longer than the rubber boot track; measured them at different places about a dozen times.

Cross-examined—Was going west and found the tracks coming east from the mountain to the Jennertown pike; followed the Jennertown pike north and found first tracks at bridge just beyond Jennertown.

Rufus Shaffer—Made an examination of the tracks above Mr. Umberger's where they went into the field; saw the tracks where they came out this side of Jenner towards Umberger's; I was on horseback; went up to Squire Rauch's to put up my horse; went from there across the bottom and came out on the pike above Picking's; we lost the tracks at the Haines Church; could not find the tracks again until we got to Walter's, which was about half a mile from the church; followed them up the mountain and came down the other side until we came to Burnt Cabin or Stone Bridge; then we lost the gum boot tracks; the snow was partly gone; the one with leather boots or shoes left the pike and went up behind a laurel bush on the other side of Burnt House; we went further, saw tracks, but could not say they were the same tracks, because the snow was thin; saw the tracks above Walter's about three-quarters of a mile; these tracks followed closely and regularly until we got over to the Burnt House; one of the tracks was made by a leather boot or shoe, and the other by a rubber boot; saw tracks going east and west, and as near as I can tell they were the same tracks; have seen Dave Nicely's tracks since then; saw them on the 5th of March; he had on a pair of leather boots. [Witness was shown pair of boots which he identified as worn by Nicely on the 5th of March.] Saw the boots on the feet of Dave Nicely on the 5th of March when we brought him across the mountains; he made the tracks with these boots; the other tracks were not then in existence; did not measure the tracks; examined tracks on February 27th; did not measure the tracks or stride, but as near as I could judge by my eye, they were the same; did not measure any tracks but depended on my eyes; judging from rotation of steps would say they were the same; did not measure tracks going up or coming down the mountain; would say from the steps that they were walking fast.

Cross-examined.—Was one of the parties that helped to work up the case; did not know that there was a reward offered; did not say that I expected to get anything for it; suppose I am like a lawyer and will take anything I can get; got the boots from David Nicely on the 5th of March in the afternoon in Westmoreland county; got them in his house; he was a shoemaker; had them in the room where he was working; he put the boots on; he was here at the hearing before Judge Baer; the boots were marked; Dave Nicely had them on when coming over the mountains; the boots were marked before he put them on.

Re-direct—I marked the boots at Nicely's house; the mark is still there.

Albert Hoffman—On the night of the 27th of February was at the grocery or post-office; went over to Umberger's the next morning after the murder; did not look for tracks until we came to the bridge near Jenner; followed the tracks to Burnt Cabin; tracks were made by two men; one with leather boots or shoes, and the other with gum boots; the tracks on the mountain were like those at the bottom; Caufield and Shaffer were along.

Cross-examination—The tracks looked alike; should say it was eight or nine miles from Burnt House to the bridge; found tracks going west about three-fourths of mile from Walters; made no measurement of the tracks.

Solomon Bowman—Was at the inquest; was member of the inquest jury; the inquest was held between 10 and 1 o'clock; Henry Rauch was the Justice of the Peace; the doctor was named Walker; saw him examine the dead man; looked for tracks; went up the pike from Umberger's about fifteen rods; then went back to the house; a Mr. Detty then come with a lantern; we then went up the hill and tracked two men from the pike through the field towards my building; followed the track halfway through the woods where they stopped beside a small, fallen tree; looked as though they had sat down; found a paper sack there, but nothing in it; think they had a lunch in it; think there was crackers and cheese in it; the bag was greasy which makes me think there was cheese in it; the tracks went straight back to the pike again near Umberger's; the track were made by two men; it appeared to me that the tracks were made by a leather boot or shoe and a gum boot; the tracks were the same going and coming from Umberger's.

John A. Kimmel—Live in Westmoreland County in Ligonier Valley, about two and one-half miles from Ligonier; know David and Joseph Nicely; Dave was at my place on the 25th of February, sawing wood; I asked him to work for me the next day; said he could not as he was going away; said he could not help me either Tuesday or Wednesday because he was going away.

Cross-examination—Did not say where he was going; did not say he was going to Pittsburgh to see a doctor because he was sick; just said he was going away on Tuesday.

Hamilton Smith—Live in Ligonier; know the two prisoners; have known them pretty much all their lives; they live about three miles from Ligonier; have seen Dave Nicely during the last six months. The last time I saw him was the morning after he was arrested; saw him on the morning of the 27th of February between 11 and 12 o'clock; Seal Burnett was with me; we were in Mr. Wellers store on the corner of the diamond; Mr. Burnett says Smith it is about time to go to dinner and we started out of the store towards home and as soon as we were out on the pavement saw Dave Nicely coming cut-kornER across the diamond; went home and my wife asked me if I had got the mail, I went back up town for the mail; saw Dave Nicely going in direction of Stoystown pike; that is the pike leading into Somerset county; it was in the neighborhood of 11 o'clock, the mail time is about 11 o'clock. He was on the second square from the Diamond when I saw him; he was walking alone; it is not the way they go when they go home; they live Southwest from Ligonier; he had on a cap.

Cross examined.—He was not half way from the Diamond up stre-t; he could get to Barrons that way by crossing the creek.

Re-direct.—Was within 15 or 20 feet of him; he had a cap and an overcoat of grayish colors [the witness could not identify the cap nor the overcoat shown him,] but said it looked like the one exhibited in court:

Seal Burnett.—Live in Ligonier; know Hamilton Smith; can not say whether I was with Mr. Smith on the 27th of February. Mr. Smith and I were neighbors all winter and I saw him frequently; could not say that I was with him when he saw Mr. Nicely; [Mr. Cessna asked him if he had not had a conversation with him which was objected to by the defense the Commonwealth then allowed the witness to retire.]

Lewis Beener.—Live in Fairfield Westmoreland Co., 9 miles north of Ligonier on the road to Stoystown; was working for Joe Eaton; went home that day; left after dinner; was working at mill at Jonas Ankeny's; went home by road they called the pike; that was from Jennertown to Ligonier and Latrobe; worked about 2½ miles from the pike; struck the pike at Hains' Church; turned Southwest from church; met a man below the bend of the road at burnt house; can not say how far it is from Hains church; think it is five or six miles; did not know who he was; he went across the pike and went into the bushes; probably about two-hundred yards more or less from the burnt house; probably about a hundred and fifty yards from that met a man with a six mule team; his name was Joe Stykel; met some one else a hundred and fifty to two-hundred yards further; it was Dave Nicely; he is in the court. [Recognized by the witness] he was walking; coming east; did not stop; I was on the pike within five or six feet of him; it was between three and four o'clock; he had on an overcoat; kind of a grayish color; [witness was shown overcoat but could not identify it positively; said it looked like the one worn by Dave Nicely; am acquainted with Dave Nicely; knew him when he and his brother kept bar in Westmoreland Co., about four years ago; saw him off and on at Ligonier since that time; I was accompanied by another man at the time I met Nicely; his name was Ed McCracken.

Cross-examined.—Can not say how often I have seen Dave Nicely at Ligonier; talked to him in the bar-room at National Hotel; left Jonas Ankeny's in Somerset County between twelve and one o'clock; should say I got to the school-house or church about two or a few minutes after; can not say how far it is from there to the bend; know Charley McCracken; did not pass him on the road that day; I went home and met Bill McIlvane and Seal Burnett; we went to the Presbyterian church; we had a carriage; it is probably about nine miles from Burnett's to the church; we got to the church about 18 minutes of 6 o'clock; we left Seal Burnetts 18 minutes before; I did not look at my watch but McCracken did; when Dave Nicely passed did not tell McCracken that I did not know who he was; he had on rubber boots; did not say anything to McCracken about the man; it was a foggy, misty day; there is a little woods all along the pike; spoke about meeting Nicely first to my family; told it to John O. Rauch after the hearing; first heard of the Umberger murder Friday morning; Nicely had on a brown derby hat; would not call him a red-face man; he was walking at a moderate rate.

Just before adjournment, in response to a question from Judge Baer, Mr. Cessna said that the Commonwealth expected to have all their testimony in by Monday evening.

Court here adjourned until Monday morning at 8 o'clock.

(Continued on Third Page.)

More Truth Than Poetry.

Grocer Vought has come to stay,
The reason why is just this way,
His trade increases with each day,
Because his goods are the best, all say.

Pillsbury's Flour at Keller's.

Vought's is headquarters for groceries.

Perfume cases at Biesecker & Snyder's.

All kinds of trusses at Biesecker & Snyder's.

Eye glasses and spectacles at Biesecker & Snyder's.

Alabastine in all colors at Biesecker & Snyders.

Sugar, Flour and Wool taken for goods, at Hoffley's.

Handsome Head Wraps cheap, at Mrs. A. E. Uhl's.

Pillsbury's Best XXXX Flour for sale at Josiah Keller's.

All the different odors of extracts at Biesecker & Snyder's.

Gold head and silk umbrellas at Hoffley's $1.50 usually sell at $2.00.

Removed, and don't forget—J. B. Holderbaum's Hardware Store.

You can get a nice lunch at Vought's grocery when you come to court.

Try a sack of Pillsbury's Flour and you will never use any other brand.

The oldest millinery house in Somerset County. M. M. TRENT & CO.

Why pay ten cents for Wall Paper, when you can buy it at Hoffley's for 5 cents.

We want everybody to come in and see us next week. J. B. HOLDERBAUM.

Millinery, Millinery, Millinery.
M. M. TRENT & CO.

Our Silk Warp Cashmeres and Silks, are good and cheap. MRS. A. E. UHL.

Don't fail while in Somerset to go to Hoffley's and see those cheap clothing for men and boys, reduced from $8.00 and $7.00 to $3.50 and $5.00.

Headquarters for hats, clothing and carpet at J. B. SNYDER.

A new lot of clothing at J. B. Snyder's, some he's late cheap. Call and get a bargain.

Hoffley is selling straw hats for men and boys at 5, 10 and 15cts. Just arrived from the city.

The only place in Somerset where you can buy flour made at the celebrated Pillsbury mills is at Keller's grocery.

When you go to town next week, don't forget to call and see J. B. Holderbaum's new store-room.

There never has been as fine line of clothing in Somerset, all new as you will find a J. B. SNYDER.

You want a new suit of clothes when you come to court. Call at J. B. Snyder's, he has a bargain for you that will pay the expenses of the week.

Handsome all-wool silk-finished Henrietta Cashmeres, from 50c to $1 a yard.
MRS. A. E. UHL.

Go to Hoffley's and see three boys knee pants, quite new, cost from $2.25 to $1.00, a few left at $1.25. Boys knee pants 25 cts.

The best beer is made from Pillsbury's Flour, manufactured at Minneapolis, Minnesota. Persons trying it will use none other. For sale only at Keller's grocery.

We have on hand a large number of good brick which we will sell in quantities to suit the purchaser. Prices very reasonable. Yard opposite the planing mill.
HOFFMAN BROS. & PARSON.

Everyone who comes to court will have time to examine J. B. Snyder's fall line of clothing. It is hard to understand how he sells them so cheap.

Hoffley will sell you a $3 price suit for boys 10 to 16 years of age, at $2.50, reduced from $5.50, also 12 to 18 years, reduced from $6.00 to $3.75.

Silk Sun Umbrellas, from $1.25 up.
MRS. A. E. UHL.

I have just received a new lot of carpets and can now sell an all wool two ply carpet for 50 cents per yard, that was worth 65. Call and get a bargain before they are all gone at J. B. SNYDER.

Handsome stock of White Embroidered Robes. A large stock of Hamburgs and Trimmings. MRS. A. E. UHL.

Ice-cool soda water at Biesecker & Snyder's Drug Store. The only place in town where you can get this delicious and cooling drink.

Ladies' Muslin Underwear is good and cheap, at Mrs. A. E. Uhl's.

AWFUL CALAMITY.

Johnstown Wiped Out!

THE CAMBRIA IRON WORKS A COMPLETE WRECK!

The "Old Feeder" Dam Gives Way Carrying Death and Destruction Through the Conemaugh Valley.

FROM 3000 TO 5000 PEOPLE REPORTED DROWNED

THE civilized world will stand appalled as the details of the terrible disaster which befell Johnstown are flashed over the wires. The most vived imagination can scarce conceive the horrors, the distress, the agony of suspense endured by the survivors of the calamity. A thousand wives, fathers, mothers, brothers or sisters out of entire families are left to bear their desolation alone. Happy in comparison, is the total extinction of families where none are left to suffer and endure. Days must elapse in hundreds of instances, before the torture of uncertainty will be ended by the re-union, or the misery of hopeless despair. The angry waters must first yield up their dead before lingering hope is exterpated from thousands of agonized hearts. Desolation sits at every remaining hearth-stone whose survivors, like Rachael mourning for her first born, refuse to be comforted. At this writing search is still progressing for living and the dead, and it is utterly impossible to arrive at an estimate of the probable number of lives lost. Words of sympathy are but mockery in the presence of a calamity like this. The Infinite alone can give consolation and time bring healing on its wings. Ours is a duty of benevolence of mercy and help. Let aid be extended in every form and shape that the heart of humanity can suggest, and let it be done speedily and ungrudgingly. We appeal to all, to every one. In the name of humanity and of a common brotherhood, come up to the rescue. The dead are to be buried, the living fed and cared for. Thousands are homeless and destitute. Here is an opportunity, nay, an urgent demand for liberality, for generosity, for true manhood, to show itself. Do not wait to be solicited; what you do, do quickly. Men and brethren come up to the rescue of this afflicted people.

From Saturday's Daily Herald—Extra.

The most awful calamity that has been visited on the country for years, occurred at Johnstown about four o'clock yesterday evening, resulting in the complete destruction of that thriving city, and the death of hundreds of men, women and children. The old feeder dam, built in the days of the old State canal and used to supply the canal, broke. For more than 30 years the people of Johnstown have been dreading the breaking of this dam, but long familiarity with the danger had robbed it of its terrors, so that the deluge came upon the doomed city as unexpectedly as it was unheralded. This dam was more than 1000 feet in length and 75 feet in height. The immense body of water rushed with awful force down the narrow ravine in which runs South Fork Creek into the Conemaugh. Almost in a flash the space between the hills was filled with a boiling, seething flood, and a solid wall of water many feet high moved with appalling rapidity on the fated city. Houses in the course of the flood were cracked like egg-shells, and their fragments in an instant floated as driftwood on the bosom of the waters. When the flood struck East Conemaugh the dwellings and business houses along its banks were picked up like chips and hurled downward; house after house went down in the grip of the giant, and each one as it fell acted as a battering-ram to drive down its neighbors; the bridges at East Conemaugh and the station were shot from their foundations, and the vast piles of drift, to which cling men, women and children, dashed on until they encountered the solid stone arch of the P. R. R. bridge; this bridge served as a barrier for the drift, and the ruins of house after house were dashed against it until they were piled in a mass a mile in length; over the obstruction, and on to Cambria City and Morrelville, carrying death and destruction everywhere, sped the mad waters.

THE TIDINGS OF DISASTER.

About one o'clock white-faced messengers pushed through the streets of Johnstown and screamed a warning to the inhabitants of the doomed city to flee to the highest grounds. Through the valley of Conemaugh spread the warning by wire and messengers. People rushed from their houses seeking safety on the higher grounds, but all were not able to get there. Horrible scenes ensued when the hill of water came rolling with irresistable strength, overwhelming the lower parts of the town and sweeping away houses in the vast mass of wreckage in which were hundreds of helpless human beings.

At points below, the bodies of families and the debris of their homes came floating down in full view of the affrighted people along the banks. Telegraphic advices were received from Johnstown from Miss Hertzie, a lady operator there. At 6 o'clock she wired:

"*Must leave, the water is coming in. Good bye.*"

This was the last word received from the doomed city.

FRIENDS IN THE FLOOD.

The feeling of suspense that took hold of the community on receipt of the first rumors of the awful calamity at Johnstown, has grown and spread, until the whole town seems under a pall. Scarcely a family here but had one or more of its members living in Johnstown. All day long the streets have been filled with sorrow-faced people asking for news from friends. Burgess Wellley consulted a number of the most prominent citizens in regard to calling a public meeting to see what it was possible for our people to do to relieve the suffering and destitution. It was thought best not issue the call until more definite news was received. Learning that the DAILY HERALD was sending a reporter to the scene, the burgess sent a request with him to have any responsible person he could find in Johnstown send word as to what was best to be done. The Somerset and Cambria Railroad is blocked and all telegraphic communication is cut off. All day long telegrams have been pouring in on people here from all parts of the country asking after friends known to have been in Johnstown.

The writer left Somerset at 11 o'clock Saturday a. m. in a buggy with Mr. Paul Schell, and arrived within sight of the doomed town at 3 o'clock p. m., thinking to drive through Kernville over to the Hulbert House; but, alas! on reaching Grubtown, one and one-half miles above Johnstown on the Stonycreek, saw that most of the houses in the little village were either swept away or lying wrecked in the street. On inquiry found ingress to Kernville entirely impossible. Hitching his horse to a fence he wended his way to the B. & O. railroad bridge, the only means of reaching Johnstown or the place where it stood, and then followed the most arduous task of his life in climbing over wrecked buildings, large sawlogs piled one upon another, until arriving opposite the cemetery, and thence finding further progress in that direction impossible, turned up the hill to get on the Bedford pike. Arriving at this point, a glimpse of the unparalleled disaster was caught which no pen could describe. Houses, furniture, clothing, beds, dead horses were strewn all along the long street below.

Pushing his way through crowds of people who had lost homes, furniture, husbands, wives and children, he turned from the head of Bedford street into Adams, the last street running along the steep declivities of Green hill, and finally landed at the Fourth Ward School House, the temporary morgue; around, in and about which were many hundreds of men and women, either bewailing the fate of recognized friends, or anxiously looking for and inquiring about loved ones.

Never can the sad, heart-rending scenes witnessed be effaced from the mind. Of the hundreds of intimate acquaintances of the writer who grasped his hand, not one could restrain the fast-flowing tears. God spare him from another such trying ordeal!

The first to give details was Mr. Frank Benford, proprietor of the Hulbert House, who, after assuring the writer that his son, Will, who was reported to be lost, was safe, said, "my mother and sisters, with Lutz coats and servants, are all gone—myself and two brothers, Lon and Will, only escaped." John D. Roberts, cashier of the banking firm of Dibert & Co., said Mr. John Dibert and one daughter, if not morned his family, are dead; Harry G. Rose, Pres. Att'y, was drowned, also Judge Potts and family; Mr. McConaghy and family, and all families on Washington street, including the Global, Crooks, Shilling, ex-Sheriff Rhoads, and nearly all families along Franklin street from the B. & O. railroad depot out to Main street, and some on Main street from Franklin down; also on Lincoln and Vine streets, and as to Iron street he hardly thought one was left to tell the terrible story.

The next party seen was Mrs. Dr. Yeagly, along side of whom the writer had lived for eight years, who said her family and that of Dr. B. F. Yeagley are all alive, the doctor lying in a little frame building (to which she pointed) from the effects of an injury received in escaping. "Our houses and the one you lived in," she added, "are all ruined."

Cyr