The Somerset Herald.

GEORGE R. SCULL, Editor.

THURSDAY.....February 12, 1890.

REPUBLICAN PRIMARY.

The usual Republican Primary Election for the nomination of candidates for Borough offices, will be held in the Sheriff's office, on

SATURDAY, FEB'Y 15, 1890.

The polls will be open from 2 P. M. until 7 P. M.

F. S. CUNNINGHAM,
Committeeman.

Fresh, pure drugs at Snyders.

Toilet Articles at Young's Drug Store.

Young's Motto, "Purity and Accuracy."

Go to Snyder's drug store for eye-glasses this Friday, Feb. 14, is St. Valentine's day.

Good improvement is the great issue of the day.

Dresses of all kinds at John N. Snyder's drug store.

This is the season of low prices, at M. M. Tredwell & Co's.

Go to Young, the Leading Druggist, for Family Medicines.

Prescriptions and Family Receipts filled at Young's Drug Store.

You can get along very well if they change cloth often enough.

Crystal Alum Salt, one dollar per sack, made by Mahlon Schrock.

Johnson's Toilet Soaps at Young's Drug Store. Three Cakes for 25 cents.

Every man never gets on the popular side till he joins the silent majority.

Fill your California evaporated fruit from Mahlon Schrock; he keeps the best.

Cloaks on all goods reduced for this and next months, at M. M. Tredwell & Co's.

Virginia has a boy preacher thirteen years old. He will be that age for the next forty years.

If you want good, clean Western Oats buy from Mahlon Schrock. He sells as cheap as the cheapest.

Sometimes the office seeks the man, but usually the man knows when the office is in the sack.

Gardener, expression of love and hate, for the market. You pays your money and takes your choice.

Do not be deceived, but buy genuine Minnehaha flour from Mahlon Schrock. It is a spring patent, warranted.

Unknown assessors report that 1,164 acres were destroyed and taxable property valued $770,650 by the flood.

Mahlon Schrock's delivery wagon is seen on the streets daily, delivering Groceries, Flour and Feed to his many patrons.

Our sighted persons should remember that John N. Snyder, the druggist, can furnish them with glasses to suit their eyes.

A gold colored man walking the tracks at Conners was struck by a train, and two days few out of the carpet-bag he was toting.

Tom Andrews has been convicted, making murderers to hang, the Centre County commissioners will build their own gallows instead of using that of Lycoming county.

Though it makes us misanthropic,
Finding seasons mixed together,
Here's downright varied topic
There is nothing beats the weather.

Do you want a Hagerstown or Lancaster Almanac, English or German, go to Fisher's Store for it, or send ten cents to Chas. S. Fisher, Somerset, and have one mailed you.

At this season we are enabled to offer our patrons great bargains. In New Swiss and Embroidery Edges and Insertings, especially, we have made a big cut in prices. See them.

M. M. TREDWELL & Co.

Furs! Furs. I will pay the highest cash price for all kinds of hides, pelts and furs. I also want 500 cords of Rock Oak and Chestnut Bark. 100 cords wanted at once. Call on me at my residence, immediately west of the S. & C. Station.

H. G. CUNNINGHAM

We are compelled to call upon those having accounts on our books, for payment. We have been very lenient, but we need the money and hope we will not be forced to mention it a second time.

Respectfully,

M. M. TREDWELL & Co.

The Springfield *Republican* says that a teaspoonfulfull of boneset taken cold four times a day, half an hour before meals and a pipe after retiring, has routed la grippe and left the system clear and invigorated.

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

HOLBROOK BROS. & PARSON.

Patrick Loftus, who confessed on the witness stand, at Scranton, that he had sold liquor without a license, was acquitted by a jury, who were then forever discharged from jury service in Lackawanna county by Judge Connely.

Orders for the spring elections will be printed at this office for the low price of twenty-five cents for each name, and forwarded to any point, postage free. Write your name plainly, so that the possibility of mistakes may be obviated.

Andrew Carnegie proposes to donate to the City of Pittsburgh $1,000,000 for a free public library. He has prepared a position to this effect, and it will be submitted to the City Councils on Monday of next week. It probable that the city shall maintain the same. The donation will undoubtedly be accepted.

A common trick to attract custom is to advertise "cuts," "reductions," and "half-prices." We have, in good faith, made a great reduction on the prices of our whole stock, and in some lines it is very surprising.

M. M. TREDWELL & Co.

Prof. James M. Baldwin, of Princeton, has written a volume to clear up some psychological points. He says: "The final conception, product or ultimate generalization of thought proceeds out from the world and self, and is a further unifying postulate. This unity is adumbrated in the unity of the progressive process, the identity of the reasoning powers, and the instability of all the systems constructed in experience." That settles it.

Excursion to the National Capital.

The Baltimore and Ohio Railroad Company announces a second popular excursion to Washington on Thursday, February 27th.

Washington is always attractive at this time of the year; Congress will be in session, and the galleries of both Houses, as well as the most public buildings will be open to visitors, and the remarkably fine weather we are now having, it is safe to presume, will prove inviting, making sight-seeing at the Capital of the nation enjoyable.

Tickets will be good ten days, allowing ample time for visiting Alexandria, Mount Vernon, Richmond, Old Point Comfort and points of interest within easy reach of Washington. We give below a list of stations, showing rates of fare and time of trains:

	Time.	Time.	Rate.
Meyersdale A.	9:56	11:15 A	7 35
New Tyle	10:32p. m	14:48	6 85
Rockwood	10:52	12:06a. m.	6 50
Somerset	10:58	12:12	6 45
Stoystown	11:28	12:43	6 00
Hyndman	7:45	3:00p. m.	7 40
Bedford	8:45	4:00	6 45
Mapleton	9:16	6:07	6 30
Huntingdon	11:55	1:12 p. m.	5 65
Tyrone	12:47	2:08	4 95
Altoona	1:40	2:45	4 55

Correspondingly low rates from other stations.

Parlor cars on day train and sleeping cars on night trains.

For tickets and parlor or sleeping car accommodations call upon or address Agents B. & O. R. R.

Candidates for borough offices are gunning for votes.

Friday's snow storm left pretty fair sledding, and everything that goes on runners has been on the road since then.

Mr. George H. Sutarie, of the Meyersdale *Commercial* is in town for the purpose of reporting the Farmer's Institute for that journal.

Mrs. Rachael Dikeman, of Greenville, Mercer county, has been granted a pension, with arrearages amounting to $1,000, but as she died two weeks since, only enough to bury her will be paid.

Westmoreland's Grand Jury has recommended that a new court house be erected at Greensburg in order to meet the wants of that rapidly growing county.

Fred Naugle, proprietor of the Clifford House, Latrobe, has disposed of his interest in that hotel to A. B. McHugh, of Connellsville, who assumed charge on Monday of last week.

A new township has been formed in Bedford county, and on Tuesday Judge Baer selected "Kimmel" for its name from a list of a number of names offered, in honor of ex-Judge Francis M. Kimmel.

Mahlon Chandler died at Sandy Spring, Md., last Wednesday aged 100 years, one month and 14 days. It should be said in explanation of his long life that he had voted with the Republican party ever since there was one.

Last week in the Blair county court Mrs. Catharina Shaddler recovered a judgment against Blair county for $2,900. In 1887 her husband was killed while driving his road engine over the county bridge at Williamsburg, by the structure giving way, precipitating him to the river below.

Exclusive territory will be given to first class agents who will devote their entire time during the season to selling the Austin Reversible Road Machine to county, town and other officials controlling public highways. Address at once with references, F. C. Austin Manufacturing Co., Chicago.

The Board of Pardons on Thursday refused to commute the death penalty of George Clark and Zach Taylor, convicted of the murder of Drover McCausland, in Greene county, to imprisonment for life, and they will be executed on the 29th inst., unless the Governor should interfere in their behalf by granting a respite.

James E. Ryan, of Greensburg, who eloped with his step-daughter, Hattie Martz, aged 14, was placed on trial last Thursday, and pleaded guilty to all the charges. He was sentenced to pay a fine of $100, the costs of prosecution, and be imprisoned in the Western Penitentiary for a period of three years and three months.

Ludwick Gardner, one of the best known farmers of Jefferson township, died on Friday last. He was in Somerset Tuesday, and appeared in his usual good health, but on returning home was taken with influenza which resulted in his death. The funeral took place Sunday, and was largely attended by neighbors and friends from a distance.

George Rice, aged 85 years, 2 months and 16 days, died at the County Home on January 20th, 1890. His remains were interred beside those of his father, in compliance with his dying request, on the Samuel Smith farm, in Somerset township. His old time friend and neighbor, big hearted, generous Gil. Koontz, took the body from the County Home and attended to its burial.

The Press and Printer contains the following sensible remarks: "The custom of publishing a "card of thanks" for kindness shown to the family upon the death of a member is no longer considered in good taste and for excellent reasons. Persons assisting in caring for sick or deceased neighbors are only doing what common humanity demands of them and their reward will come when they are obliged to accept like services.

Miss Emma Walter, daughter of John A. Walter, who will be remembered as the young lady who sung so sweetly and unaffectedly at the recent teachers' institute, was brought home from the Methodist College, Pittsburgh, during the week, suffering from a serious attack of the "grippe." Since her removal home a very dangerous complication has arisen that causes the gravest apprehension on the part of her physician and friends.

Mr. L. C. Lambert, of Lambertsville, has been awarded the contract for furnishing fifteen thousand white oak ties to the Johnstown street Passenger Railway Company for the construction of its line. The ties are to be six and a half feet long and five by seven inches wide. Five thousand of the ties are to be delivered by March 15th, five thousand by April 15th, and the remaining five thousand not later than May 1st. The ties will be delivered in Johnstown over the S. and C. Railroad. Mr. Lambert has also been awarded the contract for furnishing five thousand feet of one inch white oak boards and five thousand feet of two inch plank.

Somerset folks who alternately laughed and wept at the quaint humor and tender pathos of James Whitcomb Riley, the "Hoosier Poet," on his several appearances in this town, will regret to learn the newspaper report that he has been pronounced a confirmed drunkard. His touching and homely dialect poetry has been read in every household in the country. For several years past, Riley and Bill Nye, the humorist, have been traveling together, giving reading and recitations to large audiences. The partnership was suddenly dissolved at Louisville, Ky., Thursday night. Since the dissolution with Nye he has gone to his home at Indianapolis.

Superintendent of Census Porter has forwarded schedules of county expenditures from 1880 to 1889, to County Treasurer Black, with a request that they be placed in the hands of the proper officers to be filled up and returned. The work will require much painstaking clerical labor and research to collect and enter the facts and figures required, but the officers in whose hands they may be placed will, as servants of the county, be responsible for making the creditable showing our county deserves. If they neglect the opportunity, the record will, as a matter of course, be imperfect and contrast unfavorably with that of our neighboring counties.

One of the most absurd stories we have heard in a long while is being circulated throughout Westmoreland county and the northern townships of this county, to the effect that Deputy Sheriff Milt McMillen was among the first to sign a petition for pardon or commutation of sentence in the case of the Nicely boys. Persons who know the brave little Deputy know that he is made of sterner stuff than these paid agents of the condemned men credit him with, and laugh at the idea that he would turn his hand to save the necks of the men who attempted to murder him. Mr. McMillen assures us that he has signed no petition in their behalf, nor will he while the deadly lead fired by Joe Nicely remains in his body.

Adjutant General Hastings and his wife were tendered a public reception at Johnstown Saturday night in acknowledgment of the kindness and services rendered by both to the people of the valley during the months following the great flood. The reception took place at the residence of Mrs. Campbell, widow of ex-Congressman General Jacob M. Campbell. Fully 3,000 people shook the General by the hand. Eight bands made the town ring and everybody seemed in holiday humor. Mrs. Hastings was surrounded by many of the prominent ladies of the city, who assisted her in the receiving. After the reception a lunch was served at the Windsor Hotel, at which many prominent citizens were present and General Hastings, Captain H. H. Kuhn and Colonel J. P. Linton and others made speeches.

Farmer's Institute.

Representative Tillers of the Soil in County Convention.

The first Farmer's Institute ever held in Somerset county under the auspices of the Pennsylvania State Board of Agriculture convened in the Court House at 10 o'clock a. m. this, Tuesday, morning. Representative farmers were present from all parts of the county and at least one-third of the large audience was composed of ladies.

The meeting was called to order by Judge O. P. Shaver, who suggested Rev. N. B. Critchfield for temporary chairman. On assuming the chair, Mr. Critchfield returned thanks for the honor conferred upon him in a very few words. He stated that this meeting was for everybody interested in farming and he hoped that all would understand that they were at perfect liberty to speak.

J. S. Miller, of Quemahoning, moved that a committee of five on permanent organization be appointed. The chair appointed J. S. Miller, of Quemahoning, L. A. Lambert, of Stonycreek, J. R. Boose of Milford, A. P. Dickey, of Somerset and Albert Berkey, of Quemahoning.

Pending the report of this committee the chair took occasion to introduce the representatives of the State Board of Agriculture present. First came Hon. John A. Woodward, Associate editor of the *Farm Journal*, who said, "I regard institute work of this description as the best educational work farmers can engage in. I myself am a farmer, when not engaged in duties like the present one. I have attended a great many institutes like this one during the past few years, and I have never attended one without going home feeling that I was better qualified for my work than I was before.

Our Legislature has generously made appropriations for these meetings, but the work has grown faster than the appropriations. Progress is being made in all the avenues of trade, and we farmers must progress with them. In all mechanical pursuits new methods and new machinery are constantly being introduced, and the margin of profit is being cut down, and we must keep abreast with them for our own protection. This meeting is for all, and what you want to do is to help the members of the State Board of Agriculture, who are here with you.

Don't fail to have a query-box and to make use of it; you will find that the answers and arguments on the questions will be of more use to you than the program, as they always have to be arranged at a venture. Fire in the questions; they will answer your own special needs. The proceedings of this convention may be of very little importance, but it will start you to thinking in the right way.

Mr. J. Gundy, of Lewisburg, another member of the State Board of Agriculture, was next introduced. He said: "I fully concur in all that has been said by Mr. Woodward. I, too, have never attended an Institute without receiving information. You all know something some one else don't know, if you will only communicate it. I would suggest that the question box be opened at the meeting of each session, and as this Institute is likely to hear more of me before it adjourns, I will say nothing more at present."

Thos. J. Edge, Secretary of the State Board of Agriculture, who's name is not on the program, was then introduced, and gave the organization of that body, stating that none of its members were salaried, only receiving such compensation as barely pays necessary traveling expenses.

Mr. Phelps, of Crawford county, got up to show himself, as he said, "the other gentlemen having stolen all my thunder."

B. H. Warren, M. D., Ornithologist of the State Board of Agriculture, West Chester, Pa., on being introduced said, "I am only an honary member of the State Board and represent the "crank" end of it."

REPORT OF COMMITTEE ON ORGANIZATION.

Rev. N. B. Critchfield, President; Rev. J. L. W. Seibert, Vice President; H. J. Hoffman, Secretary, were here reported for permanent officers and were unanimously elected by the Institute.

The regular program was then taken up. Mr. J. A. Boose, of Summit, read a paper on "Farmers' Institutes for Somerset County." He regretted that it fell to his lot to open the Institute, but remarked that all things must have a beginning, and that he was pleased to see that nine-tenths of his audience were of his calling. "The success of this Convention depends upon how much interest we farmers take in it. Though it may prove a little embarrassing for us to make speeches, I hope that all will do their part, and that the program will be carried out, and, that following Horace Greely's advice, we will tell what we know about farming. Without farmers we would have no bread, clothes, schools, or country. Our meetings must have no political significance, and we should gag the local office-seekers who seek to further their ends through them. They have no more business here than have the fellows who want to sell the latest patent fence, or farm machinery. These meetings are for practical farmers, and we should cease such an interest among ourselves that we will go home better qualified to perform our duties than we were before. Farmers' Institutes are a good thing; every farmer knows something that will benefit his neighbor, if we can draw it out. Let the farmers raise their voices against unjust discrimination in taxation, and battle for their rights.

Mr. Boose said that he only urged that politics be kept out of the Institute, to which Mr. Seibert rejoined, "farmers are politicians.

Philip Walker, of Somerset township, then read a paper on "Farmer's Mistakes." He commenced by saying: "we have some pretty big guns here and they acknowledge they have a "crank" among them, so I may be pardoned if I merge on the "crank" order. The farmer is compelled to do more work now than in 15 years past, and our farms are appreciating very little in value." Mr. Walker thinks there is something radically wrong somewhere that causes this state of affairs. He thinks farmers make a mistake in selling their hay and straw. Better feed it on the farm and reap the benefit in fat stock and manure. Another mistake is in not providing better shelter for stock; in selling their cream to agents who call around and collet it only to manufacture inferior butter; in signing remonstrances against the granting of liquor licenses, since there is no decrease in drunkenness and the granting of licenses would lessen the burden of taxation; that it is a mistake to vote for a high tariff, but the greatest mistake he thinks has been made in electing county Commissioners, who build extravagant bridges and spend $25,000 in building a new jail which he predicts will be only ornamental, and we inferred, entirely useless. Mr. Walker recited a number of other mistakes which he thinks farmers make and while the Institute seemed pleased that he had the courage to speak his convictions it was evident that all were not in sympathy with his ideas.

William H. Miller, of Quemahoning, followed with a carefully prepared paper on "Reading Matter for Farmer's Families" which will apper in our next issue. At the close of Mr. Miller's remarks Institute adjourned to meet at 1:30 p. m.

Rev. Bates' Lecture.

Rev. W. H. Bates, of St. John's Reformed Church, of Johnstown, Pa., delivered one of his illustrated lectures on "The Johnstown Flood," on Thursday evening, February 6th, in Stoyestown. Owing to the inclemency of the weather the audience was rather small, but all present were highly pleased, both with the instructive lecture, and the *seventy-eight* truthful and graphic magic lantern views. Rev. Bates has bright and encouraging prospects of building a larger and finer church in Johnstown than the one lost in the flood. Hope he may everywhere be encouraged in the good work.

W. D. L.

This is the season, and M. M. Tredwell & Co.'s is the place, to buy cheap goods. General cut all along the line, for six weeks to come.

Cases in the Cambria county Orphan's Court.

Mr. L. E. Stofiel, a staff correspondent of the Pittsburgh *Dispatch*, recently paid a visit to Ebensburg for the purpose of looking up the condition of estates left in a tangle by the flood, and has been able to contribute to his paper a very interesting article, from which we take the information given below:

On the morning of June 12th a team drove up at the Cambria County Court House, in Ebensburg, from Johnstown. It brought Mr. D. D. Morrell, of Henrietta, Blair County, who at once applied for letters of administration on the estate of Mrs. Mary L. Diller, his daughter. She was the wife of Rev. A. P. Diller, of Johnstown. Both were drowned in the flood. The value of Mrs. Diller's personal property that was saved was $7,775. This was twelve days after the flood, and was the very first application to the Orphan's Court to settle an estate where the will had been destroyed.

In the estate of Howard J. Roberts, Cashier of the First National Bank, who was drowned, the letters were taken out by his son, Dwight Roberts, and an appraisement showed the value of $32,460. Separate entries were made in the estates of Mr. Roberts' wife and son, Otis, who perished also.

An appraisement of the estate of Sheriff Ryan showed $26,160. He, with his wife, mother, and several children were all drowned. William F. Diller appears as the administrator of Rev. A. P. Diller's estate, but an appraisement only shows $87.20 of a value. Alex. Recke's estate is estimated at $7,157. Martha Dibert appears as the executrix of John Dibert, the banker, who lost his life. His personal estate is put down at $63,175.

Matilda Benshoff's name was found as applying for papers on Arthur M. Benshoff's estate. Arthur was her son. He was lost in the flood. On the next page she also asked for letters on the property of J. Q. A. Benshoff, her husband. He died in one of the improvised hospitals three days after the black Friday.

Captain O'Connell's heirs appraised what property remains at $1,050.

Christ Fitzharris was a well-known hotel keeper on Franklin street, who was drowned, and in settling up his affairs all he left was found to be worth only $463.

James P. McConaughy was another popular resident. His heirs applied for letters, without a will, of course, and an appraisement showed $5,751, exclusive of real estate.

Justice of the Peace John Brady left property worth $6,422.

In a double frame house in Woodvale there resided W. E. Hoopes and family and H. W. Smith and family. The great crest of water from South Fork lifted the building high in the air and then smashed it into kindling wood. Mr. Hoopes, his wife, and both their children were all drowned within a few minutes. Mr. Smith lost all his family, and his baby girl was killed by crashing timbers while he held her in one arm. His other arm thrown around a tree barely saved his own life.

There was absolutely nothing left of Mr. Hoopes' possessions, and the history of the family and home would have been ended as extinct, but for the fact that an agent of a Baltimore beneficial society advertised that W. E. Hoopes had his life insured with them for $2,000, and they were ready to pay it as soon as they knew who it should go to. Mrs. Comman, a sister of Mr. Hoopes, took out letters of administration through her attorney, R. S. Murphy, Esq., of Johnstown. A Mr. Rogers, brother of Mr. Hoopes' wife, has also made application for administration letters, basing the claim through the children of his sister; that they being dead he is the next of kin.

In other words, Rogers means that Mr. Hoopes died first; that the life insurance would then have been paid to Mrs. Hoopes, but she dying too, the children were entitled to it; and they having also perished, the money is now legally due Mrs. Hoopes' immediate relatives. Where wills do not exist after deaths estates always have to pass, according to law, from husband to wife, from wife to children, etc. Of course no will remained in the Hoopes case, as everything was swept away.

The case of the Parke heirs follows: The rights of the son-in-law as against those of the son depend upon the question of the survival of the daughter. But as all attempts to prove anything were futile, an amicable arrangement was effected between the brothers-in law. In this way quite a number of disputes were settled where trouble had been expected, and would have resulted, had the cases been allowed to go into litigation, because this point of priority of death would give both sides of a contest about equal chance.

In many entries on the docket are ciphers like these: "000 00" oppoelte the words "general appraisement." That means that there was not a cent's worth of personal propty left by the flood. Such a case is that of John W. Stuffi, of Woodvale. He perished, with all his family, and his pretty house went to pieces. Only the arid ground, 60x100 feet, remains, and to claim that his brother-in-law John C. Lardin, of New Florence, has taken out letters of administration. Close by this spot stood another house, that of J. W. Tross. He had a large family, but they all went down to death together in the ruins of their home. The sole survivor of the family in any of its branches is a brother, John Tross, and he has taken out letters of administration on the bare lot of ground.

A Word From Stonycreek.

As the time of election draws near, a few words may not be amiss. I think the Republican voters of Stonycreek are losing all interest in our township elections. They don't seem to care who is in office, Democrat or Republican. Why is it? When we hold a Presidential or county officers' election are we willing to see the Democrats rule? I think not; therefore I think we should also see that each Republican vote be cast for a Republican candidate at our township elections. For instance, for the past ten years we had a Democratic Justice of the Peace. Shall we have a Democratic Justice the next five years? I hope the Republicans will no longer leave the impression among the public that the Republicans have no man fit to hold the office of 'Squire. We have over three hundred Republican voters, and why is it that we can't elect Republican officers? We have three Republicans running for Justice. One in the Glades, one in Lambertsville, and one in Shanksville. Now, I am positive all of these men are capable of filling the office. They are all three bright, moral, intelligent men—men whom the people can be proud to have in their midst; and now, as good honest Republicans, shall we see these men defeated by Democrats? I say let every Republican voter come out on election day and vote for his party men, and is it wise or prudent for those few Republicans who are working to get Democrats in office? I say reflect a moment before you commit a rash act. Every Republican should keep an eye on those Republicans who work for Democrats, and hereafter count them no longer Republicans. I think the proper way for the Republicans to do would be to hold a nomination; they are held in every township but Stonycreek.

A CITIZEN.

For Sale.

A dwelling house of eight rooms, well located near railroad, upon the corner of Main and Walnut streets, Rockwood. Will sell cheap. Call on or address

A. EVANS, Rockwood.

To Western Excursionists.

Personally conducted excursions will be run by the Baltimore & Ohio lines of vestibule limited trains to all points West, Northwest and Southwest, leaving Cumberland, Md., at 3:55 and 7:30 p. m. February 25, 1890. For time tables, low rates and full information apply to W. W. Picking, Traveling Passenger Agent B. & O. R. R. Somerset Pa.

For Sale.

I have for sale a very good full-blood Clydesdale stud colt, three years old in May. Color, bay. He is a very promising colt, and I will sell at a fair price and reasonable terms. Call and see him, or inquire of J. G. McConnaughey, 1½ miles west of Ligonier, Westmoreland county, Pa.

In the Last Ditch.

Depositions Taken in the Interest of Joseph and David Nicely.

TO BE USED BEFORE THE PARDON BOARD IN AN APPLICATION FOR COMMUTATION OF SENTENCE.—A LAST DETERMINED EFFORT TO SAVE THE LIVES OF THE MEN CONVICTED OF THE MURDER OF HERMAN UMBERGER.—THE BOARD OF PARDONS WILL NOT MEET 'TILL MARCH 18TH.

While there's life there's hope, and until the fateful moment shall have arrived when the trap will be sprung, and the two men now confined in the insecure old county jail under sentence of death will be seen dangling at the end of six feet of hemp, the hope of saving their unworthy necks will not be abandoned, and no means known to the law will be left untried by their counsel, relatives and friends to save them from their awful doom.

They were tried and convicted of the crime of murder. Their motion for a new trial was heard and refused. Sentence of death was pronounced upon them. Their case was appealed to the Supreme Court, and the judgment of the trial court was affirmed. They have only one chance left, and that is to create such a doubt of their guilt in the minds of the members of the State Board of Pardons as will warrant that body in recommending their pardon or a commutation of their sentence from that of death to imprisonment for life.

For reasons best known to himself, Governor Beaver has not yet named the day for the execution of these men, although he has fixed the day for the hanging of several other murderers convicted at a much more recent date than were the Nicely's.

They were sentenced, by Judge Baer, to be taken to the jail from whence they came and there be hanged by the neck until dead. The "jail from whence they came," will be given into the hands of the contractors, on April 1st, who will tear it down preparatory to building the new jail. If the Governor further neglects his duty and does not name a day prior to April 1st the prisoners will be removed into another county for safe keeping while the new jail is being built and the execution cannot take place till the new building is completed.

The Pardon Board have given notice that they will not meet this month, and will hold their next meeting on the 18th of March, at which time, we suppose, the application for the pardon of Joseph and David Nicely will be argued before them.

With a view of going before the Pardon Board on the 18th of the present month depositions were taken in the interest of Joseph and David Nicely, before Justice Gillian Lint, at the office of Messrs Coffroth & Ruppel on Wednesday and Thursday of last week.

Messrs Coffroth, Ruppel and Koontz represented the Nicely's while F. J. Kooser Esq. took care of the Commonwealths interests.

THE TESTIMONY.

The first witness called was Frank Killen. He was examined by Mr. Koontz.

He said he lived about two miles from New Florence, in St Clair township, Westmoreland county. On the morning of March 1st, 1889 he went to the house of Mr. George Barron, a little over a mile from his place, in the opposite direction from New Florence. He was on horseback, and started to go home about 8 o'clock. As he came out of the lane leading to Barrons house on to the road he saw a man ahead of him walking toward New Florence; the man was walking very fast and looked back two or three times. The witness caught up to the man and engaged him in conversotion. He said he was a boss carpenter and had a lot of men working for him in Johnstown and a lot in Pittsburgh and the storm there had killed some of his men. He was going to Johnstown but could not wait for the passenger train; would take the first freight train. He had a red face, and his beard was short and thin and his mustache was a brown or sandy color. He had on a middling dark colored coat, brown jeans pants that were faded and dirty. He wore a gray cap sticking close to his head. He was coming from the direction of the Laurel Hill Mountain that divides Somerset and Westmoreland counties. The witness had been in the county jail that morning and had had the Deptuty Sheriff point out Joe and Dave Nicely to him, neither of whom were the man he saw on the 1st of March. The man he saw on that day was about 5 feet 8 or 10 inches tall.

CROSS-EXAMINED BY MR. KOOSER.

On cross-examination, the witness said he did not know Anthony, Joseph or David Nicely, and that he had first told about meeting this man to his father and sister. Mr. James L. Hair came to see him in the interest of the Nicely's. He first learned of the Umberger murder on the first of March, and it was on that day he met the man on the road.

James L. Hair, a farmer of St. Clair township, Westmoreland county, and a former resident of Jenner township, this county, was the next witness examined. He said he was fifty-six years of age, and that on the 1st of March last he was at the railroad above New Florence, hauling ties. Benjamin Nicholson, Samuel Hill and George Hull were with him. When he got there, at 9 or half-past 9 o'clock, he found a stranger there. The stranger had on a pair of gum boots, and pants that were very much bleached, and appeared as if he had been working in mortar or paint. He had on a gray, tight cap. He was about 5 feet 8 inches in height, red complexioned, with a sandy mustache and light beard. Our conversation was this: He talked some time about the tie question—ties that would pass, and then about traveling on the train, and I spoke up and says, there was a young man killed there; I can sympathise with Mr. Winebrenner, for I had a boy killed with an engine. He asked me if it was Jacob Winebrenner's boy. I said, no; Peter Winebrenner's. He said he used to go with Winebrenner's daughter Hester. Then he asked me if we had heard the news from Mr. Umberger's murder. He said he was murdered, and that the people who murdered him

UNDERSTOOD IT DEVILISH WELL.

He said old Mrs. Umberger was over in Westmoreland county to see some of her relatives, and that he and his wife were going to go away in a buggy and met her, and that he said to the old lady, you will have to wait for a conveyance, and it will cost you a dollar to where you want to go; you will have to wait about an hour for the bus or whatever conveyance she was waiting on. He asked her to get into his buggy; he said it would save her a dollar and she would be much quicker there. She got in and his wife drove and took her out there.

He said the girl at Umberger's that night was at a singing, and when she came home she brought her beau with her. When they went into the house the old man was murdered and the men who did it were there; one man ran out of the door and got away, and as the other ran out the beau caught him, and in his posession they got $1300 or $13000, I don't remember which. Then he said, you will see it in the papers. He said the inquest was held there that night, and that they appeared devilish dumb about it, and that he spoke up and said to them, gentlemen, you will have to strip and examine the man to see how he came to his death before you can make out a verdict. He said Umberger came to his death from a blow or lick of an axe back of his head. He said something about having his nose in other people's business, and that Winebrenner had said he would come to the devil's end. He said he was a boss mason or bricklayer and that he had some hands at Johnstown and was going there to pay them off. He said he owned a farm back of Donegal some place and was going to retire. He took a freight train east.

Mr. Hull said that if what the man said was true, he must be one of the murderers.

I first made this known to the Nicely's, and first came here on New Year's day of 1890. I went to the jail, and the man who was shot pointed out the Nicelys to me; neither of them were the man I saw that day.

I believe I got a glimpse of the man I saw at New Florence once since; it was in the Cambria Iron Works at Johnstown, in the rolling mill. We had to go in pretty quick, and a man came past us that I thought I recognized as him; we had nothing but the light of the iron to recognize him by.

HIS ONE NAME WAS SMILE.

On cross-examination the witness said he did not know either Joe or Dave Nicely, and that he only knew Anthony Nicely since the 1st of January; he first told the story to Matthew Griffith, who was around looking matters up for the Nicely's; he admitted that he had been pretty active in the matter and had served a number of subpoenas; had gone to Johnstown to look after the man he had seen at New Florence, at the request of the Nicely's counsel; he said the man's name was David Bolls, and that he reported it to Mr. Koontz about the first of the year.

George Mull, one of the men who was with Hair at New Florence was next examined. His testimony was in corroboration of Hair's and he told much the same story. He had been at Johnstown and had seen Bolls and thought he was the man he saw at New Florence. He said that Hair had given him $1 to pay his expenses to Johnstown. The witness thought Bolls was not mentally what he ought to be and that he was from 35 to 40 years of age.

Samuel Hill testified that he was on the Pennsylvania Railroad near the watering trough, making telegraph poles, when this man came along, between 9 and 10 o'clock and asked why it was that there was no freight train going. He said he was going to Johnstown on the freight. Hair came there then and this stranger told about the Umberger murder to Mr. Hair. The witness then described the appearance of the stranger and told pretty much the same story that had been told by the witness Hair. The stranger impressed the witness as

BEING A MAN NOT OF SOUND MIND.

Floyd L. Stuffi said that he was 27 years of age and lived on a farm adjoining Herman Umberger. He was at Umberger's the night of the murder got there about 8 o'clock. There were from 12 to 15 persons there, all of whom he knew. He was a member of the jury of inquest and saw nothing of a stranger with gum boots on and did not hear any one make the remark that before they returned a verdict they should strip the man and see how he came by his death. Umberger's is from 3 to 4 miles from Forwardstown and there is a road leading direct from Glessner's post-office to the mountain and over to Waterford. This road is only a mile or a mile and a half beyond Umberger's. From Umberger's going to Waterford the direct road would be the road by Glessner's post office and it leads in the direction of New Florence.

TWO BOILS.

W. M. McGrew said he was 34 years of age and was a farmer living about 2½ miles from Sutersville. In the fore part of August he was in Johnstown on business and at the request of Mr. Rodibaugh he looked up a man by the name of David Boils; found him living in Minersville, in the lower house on the opposite side of the street; Bolls is a man of from 35 to 40 years of age, has a sandy mustache, red face, and is somewhat bald on the top of his head; in speaking of the Umberger murder, Bolls said to the witness it was strange that they did not try and see if they could find out this pedller; that he passed Umberger's house, and they ought to try and find him; he, Boils, said he had come on the train that day to Latrobe, and had started to walk across to Donegal, where his wife and family were living; and that a pedller overtook him on the road, traveling in a one-horse wagon, and invited him to get in; he got in and rode with him to beyond Ligonier, towards the foot of the mountain, when he got out and went towards Donegal, and the peddler went up over the mountain; the peddler asked him what his name was; he said Boils, and the peddler said that was his name, too.

On cross-examination the witness explained that Rodibaugh was a son-in law of Anthony Nicely; Rodibaugh paid his expenses to Johnstown; he was employed for three or four months to look up matters for the defendants, for which he is to receive $2 per day and expenses; he had been circulating petitions for a pardon in different parts of Westmoreland county, and, with Col. Suter, had brought several petitions over into this county.

Culbertson Ramsey was the next witness examined. He said he was a farmer, living at Fort Palmer, Westmoreland county; his daughter was married to Lewis Vaneer, but they have separated; he heard Mr. Vaneer say about the first of last April that he, Vaneer, was to receive $100 for his share of the reward, in case they convicted the Nicely boys.

Mrs. Bell J. Vaneer testified that she was the wife of Lewis Vaneer; her husband and his father, she said, had been over at Umberger's after the murder; when they returned her husband said they had made arrangements to get half the reward, and his share would be about $100.

On cross-examination the witness said that she and her husband had separated about the middle of October, and have been living apart since, and that the relations between them were very unpleasant.

Mr. M. R. McMillen was the next witness called. He said that he was Deputy Sheriff, and that that morning he had taken Mr. Hill, Mr. Hull and Mr. McKillen into the jail, and had pointed out David and Joseph Nicely to them.

On cross-examination he said that he was Deputy Sheriff at the time when the Nicely's were committed, and that they had been under his charge ever since, with the exception of a few hours the time they shot him and broke jail.

When Mr. McMillen left the stand the hearing was adjourned till 10 o'clock A. M., Thursday.

A REMARKABLE WITNESS.

William L. Shaulis, commonly known as "Line" Shaulis, was the first witness called Thursday morning.

He said he lived in Cook township about 4½ miles from Ligonier and that he was 27 years of age; that he was a son of Noah Shaulis, the man that was a witness here for the commonwealth in the Nicely case. Sometime in August he met Constable John O. Rauch at Ligonier. He had met Rauch at Jennertown; they were both members of the Knights of the Mystic chain. He asked Rauch how he came to have the Nicely's convicted—how he worked it. Rauch looked at him and smiled and said, I got Joe's hat and pulled the wire out of it so that the Umberger's could identify it; then I got Dave's pocket-book and fixed one up to correspond with the description of the Umberger pocket-book and brought it to court and showed it as the one gotten from Dave Nicely. No one else was by when this conversation took place in the Diamond, in Ligonier. He first told this story to San Ankeny who came to him to sign a paper for the pardon of Joe and Dave.

On cross-examination he said that he signed the paper for the pardon and that he lived about 2½ miles from old man Nicely's; that he had spoken of it to no one but San Ankeny. He could not tell what time in August it was that he had the conversation with Rauch.

Antoony A. Nicely was next called. He said that he was the father of Joseph and David Nicely. Joseph's full name is Josiah G. Nicely and Davida's is David G. Nicely. They were put in prison some time in the early part of March 1889 and have been in prison ever since. The witness said he had been attending to their case for them, had been doing some and had had other parties doing some. He had first learned of the facts testified to at this hearing not over three weeks since. He had gotten San Ankeny to take around some petitions for the pardon of his sons, but had said nothing to him about Shaulis. He told the witnesses that if they came there he would pay them their fees.

On cross-examination the witness said there were a number of persons helping him look up these facts. Among others George Nicely, Joseph Barrone, Joseph Meyers, Mr. Rodibaugh, Joe Gastiger, Mr. McGrew and others. He denied that Mr. Beegle was employed by him.

Council for the Commonwealth, we are informed, will take depositions within the next couple of weeks when they will fully explode the ridiculous and highly improbable story related by Mr. Shaulis. If it were the proper thing to do thousands of signatures could be obtained in this county to a petition asking for the speedy execution of these condemned men. While our people are not bloodthirsty, are not crying for blood, they are righteously indignant at the unwarranted and uncalled for delay in carrying out the just and righteous sentence of the court in this case.

In the cut we have made in prices for the next six weeks, we have included some specially cheap new-style Lace and Swiss Collars and Ruchings.

M. M. TREDWELL & Co.

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Remember, my bargain sale ends on the 15th of February. To get the cheapest dry goods ever sold in Som