The Somerset Herald.

GEORGE R. SCULL, Editor.

WEDNESDAY.....March 18, 1891

Good Friday is March 27.

Easter comes in two weeks.

Country schools are ending.

Musical instruments at Snyder's drug store.

Buy your corn, oats and ground feed from Mahlon Schrock.

A sweet announcement—the coming drop in the price of sugar.

New Mackerel and Lake Herring now in stock, at Mahlon Schrock's.

300 pieces of sheet music, only 10 cents a sheet at Fisher's Book Store.

The best goods for the least money. See Devlin, the Broad st. Furniture man.

For choice family groceries, provisions, flour and feed go to Mahlon Schrock.

Solid comfort rockers (big enough for two), at Devlin's next to Mansion House.

For a good stove, and warranted, go to J. B. Holderbaum's Hardware Store, Somerset, Pa.

Cradles, single and double, all sizes, color and shapes. Yes, Devlin's for them, 215 Broad st., Johnstown.

Hicks predicts two storms for the latter part of this month, one centering on the 25th and one on the 30th.

You can buy the Nicely-Umberger ballads at Fisher's Book Store, Somerset. 10 cents each. Mail orders filled.

New goods! New styles! Cheapest and best! MRS. E. E. DULL & Co., Rockwood, Pa.

Murderer Bill Crawford, who killed Mrs. Mathias, refused to go into court at Decatur, Ill., to secure a stay of execution. He was guilty, he said, and everybody knew it.

Collector of Port Phelps states that during the past four months 90,000 pounds of prepared opium has been legally imported into San Francisco. This opium is valued at $1,800,000.

Mr. Hiram C. White of the firm of A. J White & Son, Tailors and Clothiers, Chambersburg, Pa., will be in Somerset for several days, about March 31st, with a choice line of spring suitings.

As a general rule it is safe to trust the word and judgement of a dealer who is a persistent advertiser. If he should prove a fraud people thus more readily find him out and soon drop him.

Mourning goods specialties. Infants' cloaks, infants' caps, ladies' vests, etc., etc. MRS. E. E. DULL & Co., Rockwood, Pa.

On bedroom suites, parlor suites, side boards, cheffoniers, cheval dressers, lounges, mattresses, cupboards, sinks. Yes, May, Devlin's prices are right on all these and everything else. Next to Mansion House.

The negro man whom John Brown kissed while on his way to the scaffold is said to be driving a coal cart in Louisville, and those who have looked him over say they should think John would have wanted to die after kissing him.

"Ayer's Medicines have been satisfactory to me throughout my practice, especially Ayer's Cherry Pectoral, which has been used by many of my patients, one of whom says he knows it saved his life."—F. L. Morris, M. D., Brooklyn, N. Y.

According to a German statistician there are 3,985 paper mills in the world, and of the 1,904,000,000 pounds of paper turned out annually, half is used for printing—600,000,000 pounds being required for newspapers alone, the consumption of which has risen by 200,000,000 pounds in the last decade.

I have just returned from a tour of the Eastern cities, where I have purchased goods of the latest style and best quality. Prices low. Call and see. MRS. E. E. DULL & Co., Rockwood, Pa.

Mr. Charles Wilson, of Conemaugh township, Cambria county, has a two-year old Holstein heifer which gave birth one night last week to three finely developed calves—two female and one male. The extremely cold weather on the night of their birth caused their death about twelve hours afterward.

When the question of liquor license for Centre county, was before Judge Furst last week he said that in his opinion it were far better to license few responsible parties than to grant none and then have a lot of speak-easies flourish right under the nose of the Court and not be able to rout them out for the reason that their doors are always locked.

A Bellevernon woman saved her love letters to read when she got old. Her eight-year old son found a bundle of the tender epistles, last week, and played postman with them, leaving one in each house until they were all distributed. It was great sport for the neighbors, but the boy's mother almost broke her arm knocking the dust out of his trousers.—*Westmoreland Democrat.*

Each season has its own peculiar malady; but with the blood maintained in a state of uniform vigor and purity by the use of Ayer's Sarsaparilla little danger need be feared from meteorological influences. No other blood medicine is so safe and effective.

In the Braden murder case, tried in Cambria county last week, the district attorney and counsel for the defense compromised, allowing the Judge to decide. The prisoner entered a plea of guilty of murder in the second degree, and Judge Furst sentenced him to a term of five years and six months in the penitentiary. It will be remembered that Braden shot his wife not long ago in Johnstown, jealousy being given as the cause, though insanity was one of the pleas of defense. The shooting was done in the presence of a score of witnesses.

Miss Lillian B. Perr, of Covington, Tenn., has won a prize for the best description of the kind of a man to marry, and this is the way she paints her ideal: "If I wished to marry (which of course I do not) I would desire a man too noble to commit a mean act, but generous enough to forgive one. A man as gentle as a woman, as manly as a man; one who does not talk scandal nor tell disagreeable truths. A man whose name I would be proud to bare; to whom I could carry my doubts and perplexities and with whom I could find sympathy and joy."

A decision affecting all persons holding fire insurance in this State was handed down by the highest court Friday. It is in the case of Sharpless Bros. against the Hartford Insurance Company on a $10,000 policy covering goods which the firm had been permitted to remove, according to an indorsement on the policy, but which were burned before removal. The insurance company claimed that the policy then covered only the locality to which the goods should have been promptly removed. Justice Green, in reversing the lower court, says: "This is not true. Their policy was unaffected by the indorsement unless they acted under it."

Thursday afternoon a well dressed young woman carrying an infant in her arms arrived in town and went to the Catholic church. Several persons noticed her enter the church and afterward leave, but without the baby. Upon her failure to return after a reasonable length of time, the neighbors thought they would investigate. They were rewarded for their trouble by finding in the church a bright boy baby about 5 or 6 weeks old, but no evidence of where it came from or to whom it belonged. Humane Agent Frank Campbell was notified about the matter. Babies, however, was something that the Humane Agent had not bargained to entertain, but he succeeded in getting Mrs. John Gibbony to take care of the little waif until its heartless parent could be found or until it could be removed to the county home, in the event that its mother could not be found.—*Connellsville Courier.*

John M. Glessner, Esq., a leading and influential citizen of Stonycreek, spent a half hour in this office Monday.

Mr. James Verner Long, of Pittsburgh, recently appointed consul to Florence, Italy, was a visitor in town over Sunday.

Messrs. George M. Baker and E. H. Foutch will open a normal school at Rockwood, beginning April 20th, and continuing in session nine weeks.

The Greensburg *Tribune* says "the decision of the Justice in the Nicely conspiracy case is in accord with the evidence and meets with universal approval."

Mrs. W. E. Pullin and Mrs. V. M. Black, of Confluence, were in Somerset on the 11th, to assist Register and Recorder Hileman's family celebrate that gentleman's 48th birthday.

We learn from the Scranton *Truth* of March 12th, that Mr. John O. Stanton was that day appointed General Superintendent of the Lackawana Iron and Steel Company. Mr. Stanton is a native of Jenner township, this county.

We have received No. 1, volume 1, of the Johnstown *Daily Herald*, a new evening Democratic journal. The youngster is beautifully dressed and sparkles with attractive news. It is bound to succeed.

Deputy Sheriff McMillen, shot by Joe Nicely in the first attempt of the brothers to escape from the Somerset jail, is one member of the death watch placed over them last night. There is poetic justice in that out of which a novelist might make thrilling pages.—*Pittsburgh Times.*

Don't miss seeing the "Mother Goose" entertainment given by the children in the Christian church, Friday evening, March 20th. This is the first entertainment of this kind ever given, and from the popularity of Mother Goose, we insure for them a crowded house. Admission 15cts, children 10cts.

A dispatch from Greensburg says: On March 11th A. H. Coffroth, of Somerset, one of the Nicely boys' attorneys, entered a judgment here against A. A. Nicely, their father, for $1,575, and on Saturday, March 14, Judge Hunter, their attorney, at a hearing in the conspiracy and larceny cases here last week, entered one for $50.

The dwelling, distillery and fifteen acres of land, belonging to the late R. C. Landis, of Brothersvalley township, was sold at public sale Friday. Mr. Ed Waltres a prominent Baltimore distiller, was the purchaser and paid between five and six thousand dollars for the entire plant. About 1400 gallons of whiskey was sold at the same time.

We are advised that the Meyersdale *Commercial* will not issue a regular edition until early in April, when it will be printed at the home office and on its own press. Meanwhile editor Smith will issue "extra" sheets, the first appearing on the 26th. The Commercial printing company is being reorganized and expects to have one of the most complete printing offices in the county. Brother Smith won't be satisfied with anything less.

During the year 1890 Somerset county had 196 male and 80 female public school teachers; 5158 male and 4941 female scholars. The average cost of each scholar per month was 80 cts. The number of mills levied for school purposes was 5.57. The total tax levied was $51,911.71. The state appropriation was $11,408.62. The total receipts $67,084 44. Teachers wages were $43,700.55. The total expenditures were $64,316.02. The liabilities of districts aggregate $7,042 29.

Sheriff Good, has already received several hundred applications for admission to the execution of the Nicely boys, on April 2d and each mail swells the number. Not more than thirty five persons can be crowded into the corridor of the jail and when the Sheriff has provided for the persons required to be present by law, those who have a right to be present from their connection with the case and for a half dozen local newspaper representatives, he will have no passes to issue excepting to two or three sheriffs of adjoining counties.

Jonathan Cunningham, a well known citizen of Somerset township, died at his home just south of town, at a late hour Tuesday night. About a year ago he was stricken with paralyses and since then had been unable to perform any labor. He visited the HERALD office only last Thursday morning and while here remarked that he was afraid he was going to die before spring. He was suffering intense pain at the time and complained of the irregular action of his heart. His death resulted from valvular disease of the heart. Mr. Cunningham, was a citizen of sterling integrity and enjoyed the respect and friendship of a large circle of people. He was about 65 years of age.

The HERALD had a delightful call Friday morning from Prof. Leonard H. Eaton, of Pittsburgh, President of the Pennsylvania Society for the Prevention of Cruelty to Animals and Aged Persons. After consulting with a number of our town's people he appointed Constable Jacob Fleck the Society's Agent in Somerset. The motto of the Society "We speak for those who cannot speak for themselves" fully explains its object. The principal idea of the Society is to inculcate into the minds of the young a kindly disposition and consideration for their fellow creatures and for the dumb creation. They also look into all cases coming under their notice of cruelty and bring prosecution, and urgently request persons knowing of cruelty to either animals, children or aged persons to report them to the General Office Nos. 76 and 78 Sixth Ave., Pittsburgh. All communications will be regarded as strictly confidential.

The Society has done a great work in many of our neighboring counties, educating the people in regard to the care and comfort of their dumb animals and we have no doubt that its agent will find plenty to do, for a time at least, in this neighborhood.

A guard was placed in the cells of the Nicely boys last Wednesday night. This guard is known as the "death watch," and is composed of four men who have subdivided the day into watches of six hours each, and who never permit the prisoners to be alone for a minute. When the Sheriff went into the jail at 8 o'clock he proceeded directly to the cell of Joe Nicely.

"I have brought you a room-mate, Joe," said the Sheriff, when he had unlocked the cell door and permitted deputy Sheriff Milt McMillen to walk in.

"I have been expecting you to put some one in here for some time," quietly responded the prisoner.

The Sheriff then told the prisoner, as gently as possible, that the Pardon Board had refused to reopen their case.

"What's that you were saying about the Pardon Board?" eagerly queried Dave Nicely when the Sheriff opened the door of his cell.

When told of the Board's action he said that he did not know that the case had been argued, and was under the impression that it was not to be heard until this week, and then, looking up into the face of the guard—Frank Schrock—who had taken a chair in his cell, he remarked with a smile: "I guess we can get along without quarreling."

Neither of the prisoners exhibited the slightest emotion, but both slept very little that night.

Both expected something would be brought out at the hearing held at Greensburg that would work to their advantage, but when they learned that the cases had been dismissed by the Justice they volunteered no remarks.

It seems there is no act of Assembly authorizing a death watch, but there is an unwritten law observed throughout this State and the entire country, requiring Sheriffs to place a constant guard over men sentenced to death, for the purpose of preventing them from taking their own lives. The watch is usually set immediately upon receipt of the Governor's warrant setting a day for the execution.

An Indiana County Romance.

The story of the gay Lochinvar has been discounted by an episode that a few days ago set on edge all shades of society in the busy little lumber town of Twolick, Indiana county. This time the fleeing bride returned, repented, recanted her repentance, sought her Lochinvar again, was spurned, and now mourns the loss of two lovers in one day.

Miss Clara Mitchell can really lay claim to the title of "the belle of Twolick," and that she is fickle, as belles are usually supposed to be, the sequel will show. Two of the many suitors for her hand had rather divided her favor—John B. Reed, who comes from Bedford county, and James Gibson, of Blacklick, Cambria county. Reed finally triumphed and the wedding day was set. The guests had assembled at the fine Mitchell homestead, and the parson was expected every moment, when a strange buggy came spinning up to the door through the mud. In it was seated Gibson, who, by the way, is a prosperous young lumberman and a "lion among the ladies." He called loudly on the bride, and she came running out, white veil a fluttering.

"Come, take one more buggy ride with me before you're married," pleaded the handsome young fellow. Miss Mitchell, her heart none too firmly anchored, hesitated but a moment. The horrified groom and gaping guests saw the white veil flutter again—this time out of sight.

Before the guests could regain their composure the arrival was announced of the officiating clergyman, Rev. Shaffer, of Homer city. He was informed the wedding was postponed. Young insisted that the feast prepared be served, and manfully took his place at the head of the table, beside an empty chair.

At a late hour Miss Mitchell surprised the banqueters by entering the room, mudstained, but radiant. With a candor that was crushing to Reed she announced that she was undecided which of the young men she loved the better, and would marry neither until she found out. Remonstrances were in vain, and the company dispersed.

The next morning Rev. Shaffer was surprised to receive a call from Reed, and still more astonished by the information that the postponed wedding was to come off that day. As the parson, on time to the minute, was driving into Twolick, he spied the forlorn figure of Reed on the bridge. The parson surmised mon trouble.

"We were all ready for the wedding again," began the dejected groom, "when she weakened and locked herself up in her room. I have decided to remain single."

So far as Miss Mitchell is concerned, he doubtress will.

The queer part of the story is that the handsome Mr. Gibson, having wrought the wreck of poor Reed's plans, now laughs at the girl he took riding on her wedding day. So Miss Mitchell is doubly the loser in the game.

A Supreme Court Decision.

The Supreme Court of Pennsylvania has been wrestling with the problem as to whether a man had suffered "the total and permanent loss of the sight of both eyes" by an accident which injured one of his eyes so that he could not see with it. Ordinarily an accident would not cause an immediate total loss of sight, but in the case considered the man had only one good eye when he took out the policy of insurance on which suit was brought. The good eye was the one which was injured, and he became totally blind. The agent who insured him knew he was blind of one eye. The judges say that the risk insured against might have been greater than in the case of a man with two useful eyes, but the policy was issued with knowledge on the part of the company's agent of the exact nature of the risk. The opinion of the court is that it was the loss of sight which was insured against, and that the loss of the one eye by the plaintiff was precisely the same as the loss of two eyes by an ordinary man.

Facts About Easter Worth Knowing.

The fact that Easter falls on a very early date this year (March 29) has caused a friend of facts and figures to collect some curious statistics. In 1883, he says, Easter fell on March 25, and it will only once again this century, namely, in 1894, fall on so early a date. In the three following centuries it will occur only eight times on the same date—namely, in 1931, 2035, 2046, 2057, 2103, 2114, 2125, and 2198. The earliest date on which Easter can fall is March 22, and this only in case the moon is full on March 21st, when the date happens to fall on Saturday. This combination of circumstances is extremely rare; it occurred in 1399, 1761, and 1817, and will happen again in 1990, 2076 and 2144, while during the three following centuries it is not once "on the books" at this early date. On the other hand, Easter never falls later than April 25th; this was the case in 1666, 1744 and 1886, and will only happen once in the next century—namely, 1943.

What Next?

A learned scientist has strained his perceptive faculties to invent a new feature for the millenium. The earth, according to his vision, will become barren and fruitless, and finally man and beast will have a chemical food provided for their sustenance. Is he not forgetful of the fact that the earth grows richer by accretions from decaying matter? What about the suffering of mankind? Do we not know that the best chemical compound for the relief of human ills is undoubtedly the great remedy for pain, St. Jacobs Oil? It is prompt, perfect and permanent cure of aches and pains. Invention cannot make a better remedy. It is the best. For the cure of rheumatism, lumbago, sciatica, sprains, bruises, frost-bites, soreness and stiffness from severe colds, it has no equal.

The second visit of the Franklin and Marshall Glee Club to this city last evening and their appearance at the Grand Opera House was signalized by the presence of a large and fashionable audience. That it was appreciative need hardly be mentioned, for encores were frequent, but the climax of enthusiasm seemed to be reserved for Mr. Irvine's "Bugle Song" in the second part. There were sixteen numbers on the programme and they were all given with that finish and skill that marks thorough artistic work. The glee club had seven numbers, the mandolin club two, there were five vocal and two violin solos. The are fourteen members in the glee club and nine members in the mandolin club. Mr. H. D. Hopkins' violin solos were a most pleasing feature, and the chorals and concerted instrumental numbers were most creditable. The concert made, if anything, a better impression than the previous one and displayed the musical talent of the club to better advantage, the vocal selections being given with excellent taste and precision, and the mandolins sweetly attuned gave a graceful completeness to the program. After the concert, for which the lady patronesses must be accorded a large share of the credit, the club attended a reception given by Hon. and Mrs. Daniel Ermentrout, at their elegant mansion, "Granstein," on the Hill road. The spacious rooms of the admirably arranged house were filled with guests and the host and hostess dispensed a generous hospitality.—Reading (Pa.,) *Telegram.*

At the Opera House Tuesday evening March 31st.

Mother Goose Entertainment.

There will be given an entertainment in the Christian Church by the children on Friday evening, March 20th, consistihg of Mother Goose's melodies and rhymes. The entertainment will be unique, pleasing and attractive, and we bespeak a full house. Admission, adults, 15cts.; children, 10 cts.

Gospel Hymns and Hymn Books.

Gospel Hymns, all styles, bindings, and prices, by single copy or dozens or hundred, for sale at Fisher's Book Store. Disciple, Evangelical and Lutheran Hymnals, and Sunday-school and reward cards and tickets at Fisher's Book Store.

The Nicelys' Hearing.

Their Cases Against Constable Rauch and Others Dismissed.

The Nicely Women Pay the Costs.

The hearing in the Nicely conspiracy and larceny cases was held a Greensburg, Friday and Saturday, before Justice Keener, of that city. The hearing was held in the arbitration room in the court house, and was attended by a large crowd of interested spectators.

The Commonwealth was represented by Wm. H. Koontz, of Somerset, and ex-Judge Hunter, of Greensburg. The defendants, Constable John O. Rauch, Ambrose Shaffer, and Camp, were represented by Hon. John Cessna, of Bedford, and F. J. Kooser, of Somerset, and A. H. Bell, Esq., of Greensburg.

Judge Hunter, in his argument as to whether or not the evidence of Joseph Nicely at the Somerset trial should be submitted, said: "This trial to-day is not by any means for the purpose of securing a commutation of the sentence of the Nicely boys. It is too late for that; they will be executed; God alone knows whether or not the testimony which convicted them was false, and to Him these witnesses will have to answer."

During this speech the mother of the condemned boys, who had heretofore sat quietly listening to the testimony, was much moved, the tears streaming down her cheeks. When her counsel announced that her sons would be hanged beyond doubt, the sight was sufficient to move the hardest heart to pity.

The larceny case was first taken up. Mrs. Joseph Nicely, wife of the condemned Joseph Nicely, was the first witness called, who upon being sworn, said: I had access to his books and other papers; he had a pass book in which he kept his money; when he was arrested the money disappeared; I saw money in that pass book a few days before he was arrested; John Rauch got the pass book and after he left I found it on the window; he had the book in his possession and when he left the book contained no money; this was on March 4th, two years ago; it contained from $60 to $100; John Rauch, my husband, and I were all that were in the room; Rauch got the pocketbook and no one else. (The defendants' counsel here attempted to have witness contradict herself, but with little result. A point of law was raised on submitting the testimony of her husband at the trial in Somerset, which finally was submitted.)

J. J. Griffith, sworn; I reside at Jennertown; about a week after the arrest of the Nicelys Rauch came to my store and told me he had gotten either $60 or $65 from the Nicelys; Rauch and I live in the same building; we have been on bad terms for months and haven't had a conversation with him for a year.

Peter Vogel, sworn: I am court stenographer and live in Somerset; took notes at the Nicely trial. (Here considerable time was consumed on a point of law relative to the submitting of evidence, relating to this theft of money, at the murder trial in Somerset. Ex-Judge Hunter argued that Rauch testified to having taken the money and that the evidence should be submitted. Mr. Cessna, of Bedford, raised strenuous objections and the result was a vigorous contest for and against the testimony. The evidence was submitted. The testimony is to the effect that Rauch went into the room and took from a case a pass book containing $65, which he took with him and failed to return. Rauch's testimony was to the effect that he didn't get the $65.

A. A. Nicely, (father of Joe and David Nicely) sworn: I heard my sons' testimony; Rauch was there during the taking of the testimony.

Mrs. Nicely, (mother of the convicted boys), sworn: I was at the trial in Somerset; Rauch was present when my son testified that Rauch had taken the money.

The defendants' counsel here attempted to put Mr. Rauch on the stand, but the prosecution objected.

Counsel on both sides made long arguments, and the discussion of legal points bearing thereon consumed fully a half an hour's time. Judge Keener ruled to admit his testimony.

Mr. Rauch said he lived in Jenner township, Somerset county; the court appointed me a special detective; made investigations; Rufus Shaffer was my deputy; he was an acquaintance; went with a warrant to Nicely's on the 4th of March and found pass books; O'Connor and Shaffer were with me; O'Connor found the pass book while I guarded Joe Nicely in an adjoining room they examined it in my presence and gave it to me; Joe Nicely was present, and no money was found in the book; found a few dollars in his pocket and returned it after the hearing; I didn't get any $65, nor did I see any $65; we found on the 21st of March a pocketbook; "I didn't steal, keep, get or take money from any of the Nicelys; Griffith and I haven't been friends since the Nicely's arrest; in returning money taken from the Nicely boys they both said, "that was the correct amount."

Martin O'Connor, sworn: I live in Somerset county; know Rauch, Shaffer and Nicely, was along when the latter's arrest was made; found a book in the book case and handed it, in the presence of another, to Rauch; am sure there was no money in it; was first to go to the book case, and I took the pass book out myself.

Rufus Shafer, sworn: I was one of the party who arrested Nicely; I first saw the pass book in O'Conner's hands; there was no money in either; I was up stairs with Mr. A. A. Nicely and O'Conner; several other persons were down stairs.

John B. Tomlinson, sworn; Rauch and Critchfield, in the Squire's office, handed Joseph and David Nicely the money previously taken from them, only a few dollars. The Nicely boys were satisfied at what was returned. They, (the Nicely's) were asked if that was all that had been taken, and they replied, "yes."

Senator Critchfield sworn: I know the persons who arrested the Nicely boys and was present at the latter's examination. I was there as a witness to the moneys given by the Nicelys before their commitment.

Jos. Ambrose sworn: I live in Ligonier, and was present at the Nicely hearing. Rauch handed the Nicelys the money taken from them when arrested. When they were asked, "Now, is that right?" they replied, "Yes."

'Squire Graham sworn: I am a Justice of the Peace in Ligonier. Nicely came to me for a warrant in this case. He said further that it was done at the instance of his attorneys to secure information to lay before the Pardon Board.

William Thomas sworn: I reside in Ligonier and work in a livery stable. I hauled Dave Nicely to Laughlinstown; he gave me a pocketbook and said to give it to Watson Menoher, who was to give it to his (Nicely's) father or wife. Connor and another party accompanied us; was at the trial at Somerset but never after receiving the pocketbook from Dave did I see it again. Howard Camp, the detective, at one time showed me a pocketbook and asked me if that was the one Dave gave me. I said, "No." He then produced another and asked a similar question, but neither was the one. Neither of the two pocketbooks produced at the trial were the ones Camp showed me. I swear that the pocketbook produced at the Nicely trial was not the book that Dave gave me. I didn't state differently at the trial.

Watson Menoher sworn: I received the pocketbook of Dave Nicely's and found papers and $100 in money; put the money in the safe and gave the book to Mr. Nicely, Sr.; never saw that pocketbook after I gave it to Nicely; my wife was present when I gave it to him; Rauch and Camp showed me a book and asked me if that was the book I gave Nicely; I said, "No."

John Menoher testified that his brother brought the Nicely pocketbook home that night. Camp was at his house several times; Camp showed him several pocketbooks; Camp showed him a pocketbook upon one occasion, claiming that it was the Nicely book, but it was not, in Mr. Menoher's opinion.

A. A. Nicely, father of the boys, testified that the pocketbook brought by Watson Menoher was David's; dark red pocketbook, not worn much, shaped like an envelope. Parties did not get any money out of the pocketbook, or anywhere else. The pocketbook produced at the trial was not David's book; was older, not near as new, one end torn off; represented as Umberger's book; was not David's book. 'Squire Graham refused to give me warrant, because he said 'Squire Griffith had always done my business. Rauch and Camp said that they wanted to show pocketbook to Thomas to see if it was Umberger's; small papers like receipts in book; don't know what they were.

Cross examined.—Did not tell 'Squire Graham that I wanted to take the matter before the Pardon Board. I asked him for blank subpoenas. I wanted to bring witnesses before Pardon Board; did not tell him this was for the purpose of influencing Pardon Board. My wife made oath before 'Squire Keener against these parties. I went to 'Squire Graham a few days before my wife came before 'Squire Keener. 'Squire Griffith, of Ligonier, refused to give me warrant.

Tried to get warrants for these defendants in Latrobe, but was refused there, too. I had 'my wife make oath because I thought it was her place to do it. I didn't tell officers that I didn't know anything about the pocketbook; told Mrs. Nicely what officers were after, and she gave them book; I told them there was no money in book; I knew where money was; had no right to tell them; a number swore it was Umberger's pocketbook; I had the money but didn't tell them; I knew there was money in house that Menoher had taken out of book; Menoher, who brought book, said money was in book; didn't tell Constable Ambrose I lied to officers about money.

John O. Hay: Live in Somerset county; am a farmer; know Rauch; went to Jenner X Roads latter part of April or first of May; asked Rauch, "How are you getting along with case?" Rauch said, "I've got things fixed and we're going to hang them."

Cross-examined: Was not drunk; none of your business how many drinks I have in me now. Commonwealth here rested their case.

Joseph Ambrose, one of the defendants, testified as follows: Started home after 5th March with detective Gilkinson in carriage; coming up the mountain met two men coming up in buggy; those men were George Nicely and Watson Menoher; heard Menoher call to Thomas, "You had better give it to me now now." Thomas handed him the pocketbook; were close to them; it was between 3 and 4 o'clock; Gilkinson noticed it, too; never knew Constable Rauch until the 4th of March; never knew Camp; they came to Ligonier and asked me three or four days before to go along to get the pocketbook; did not go because they did not have search warrant; the next day they had warrant and I went with them. Anthony Nicely told me, "I did lie to you yesterday about the pocketbook." Camp then said, "Oh, that's all right." Saw pocketbook when Camp and Rauch got it; it was the same pocketbook that was presented in court; helped these men to search at other times; know nothing of any confederation between these persons.

Rufus Shaffer, another defendant, said: I was with Rauch and Nicelys after getting the pocketbook; Watson Menoher said he hadn't the book, but had taken it to A. A. Nicely's; he said there was $40 or $50 in it; went with Camp and Rauch to A. A. Nicely's; Nicely said he knew nothing about the book; he said he knew nothing about the money. Watson Menoher said (after getting into the carriage a short distance from the barn,) "boys, I told you a lie; there was $100 in the book; come back and I will make it all right." Nicely showed the money in his pocketbook, but said it was with his own and he couldn't tell it from his own; the pocketbook produced in court as Umberger's looked exactly like the one we got at A. A. Nicely's—the same marks were on it. I was with Rauch to make the arrest, also to get the pocketbook, and at another time with a search warrant. Did not conspire together to convict the Nicelys; don't know of anyone conspiring against them.

John O. Rauch, another defendant said: Was Constable and special detective, appointed by the Somerset court; was directed by District Attorney to investigate the case; went to Menoher's and then to A. A. Nicely's in search of the pocketbook on March 21st.

Menoher told us that there was $40 or $50 in book; said he'd took the book to Nicely's; Camp was sent to Ligonier through direction of counsel Kooser; Nicely denied any knowledge of pocket book; Camp got book from Mrs. Nicely; went to Ligonier with the intention of arresting Menoher who admitted that he lied to us and said there was $100 in book. They went back to Nicely's and after again denying that he had no money he finally admitted that he had the money in his own pocket book and was mixed with his own; book was shown to Ambrose in Ligonier. The pocket book produced in court at time of trial was the book we got at Nicely's. Had no confederation with any one to conspire against the Nicely's in order to fasten this crime upon them. Know Hay who testified here; did not say what he testified to; he was drunk at the time I met him; the pocket books Camp showed to Thomas was his own and and the one we got at Nicely's; never talked to Lincoln Shawley about the case. (Here the Commonwealth endeavored to put in Shawley's deposition taken before a Justice, to present to the Board of Pardons at one of the times an effort was made to secure a commutation, but the defendant's counsel objected and an animated discussion ensued in which Shawley was said to be a very unreliable witness, which the counsel for defendants offered to show if it was admitted. The Commonwealth then withdrew it). Did not say to Hay that I had fixed case up; Hay wanted me to say I had; got no money from Mr. Nicely that day.

Mrs. Glessner testified: Live in Ligonier; was at home February 27, 1889; saw David Nicely about 11:30 at my back door; he was there 10 or 15 minutes. He asked if a family, which had been living in our house, had taken their horse away. I am sure it was not Ez. Nicely.

Peter Vogle said: Took Thomas' testimony at time of murder.

Mr. Kooser testified: I was private counsel. The District Attorney and myself worked together in this case. I had frequent interviews with Rauch. I had from detective Gilkinson's agency an account of Thomas handing over the pocket book to Menoher, on the mountain in Ambrose's presence. Later I told Rauch about it, and directed him to go to Ligonier and with the aid of one of Gilkinson's men, to get it if he could. I don't know that Rauch had ever heard of the pocket book until I sent him after it, believe he knew nothing of it until I told him.

Mrs. A. A. Nicely said: My husband did not deny having the money. He said he had it in his pocket but they could not get it.

Mrs. Barron said: I saw David Nicely February 27, at our house, at 2 or 3 o'clock, two and a half miles from Ligonier; came from home he said. He went toward home. I was there at the time the men came for pocket book. Mr. Nicely did not deny having money. Shaffer was a little drunk. I am sister of the Nicely's.

Rufus Shaffer, recalled: I am not a drinking man; was not drunk that day; did not drink in Ligonier.

ARGUMENTS.

Mr. Koontz opened for the prosecution and said that it was not Judge Keener's duty to find the defendant guilty, but to determine if the evidence was sufficient to carry it further; that there had been a combination of ten, who produced a wrong pocket book, and that there were instrumentalities used at Somerset to bring about a verdict of guilty.

He was followed by the defendants' counsel, Mr. Kooser, who intimated what was back of the case, and the real reason for which this charge was instituted; that the mother of the Nicely boys resolved to this last, final move to save her sons from the doom which awaited them; that they didn't dream of a conviction, but that they hoped to defeat or delay the execution of the law on April 2nd; that the prosecution was not a malicious one, but one deeper down and for greater purposes; that it shouldn't go to court, because of a lack of evidence and because of the purpose.

Mr. Cessna, also for the defendants, was next. He said that the statute of limitation cut the case out, and that even though evidence of larceny was produced, the case must be tried in Somerset county; that it must be an indictment before a grand jury before the expiration of two years; that the case was brought for the purpose of creating doubt in the minds of the Pardon Board, and, possibly to save the Nicelys; that there was no evidence adduced which could convict.

Judge Hunter, for the prosecution, closed the case by saying that the magistrate must decide whether or not there was sufficient evidence to hold the accused; that if not held the defendant's counsel must show that there is no positive proof, and that beyond question or doubt, that positive evidence in conspiracy is almost impossible; that if he did not know that the larceny was committed then it was his duty to send the case to court; that the result of this case would not effect the fate of the Nicelys, or lighten the grief stricken wife and parents; that the evidence of ten witnesses is to the effect that the pocket book submitted at the Nicely trial was not that given by one of the accused to be handed his father.

With this the case rested and Judge Keener held the prisoners on their own recognizance until such time as he should hand down his decision.

After a thorough review of the evidence 'Squire Keener decided that it was not sufficient to hold the defendants, and placed the costs on the Nicely women. The witnesses for the prosecution were all near relatives of the condemned boys. This fact alone seemed to weigh against the prosecution. People living in the Nicely neighborhood seemed to think that the law should take its course in the case of the Nicely boys, and they believe them guilty.

It has been stated during the week that constable Rauch had made information against A. A. Nicely, father of the doomed boys, George Nicely and Watson Menoher, all of Ligonier, charging them with being accessory after the fact to the robbery of old man Umberger, who was killed by the Nicely boys, and also with receiving stolen goods.

We are reliably informed that no such information has been made.

Justices of the Peace, Attention!

Binn's Justice, Dunlay's Forms, and Purdon's Digest can be bought at Fisher's Book Store at city prices, where you can also buy a docket and a full line of Justice's blanks, including scalp blanks, deeds, fee bills, bonds, judgment notes, legal and foolscap paper and official size envelopes. Always recollect that Fisher's Book Store is headquarters for Justices' supplies.

Passion Week and Easter services in St. Paul's Reformed church, Somerset, Pa.

Monday evening, The Temple reconsecrated.
Tuesday " The obstructing mountain.
Wednesday " The hypocrite.
Thursday " "The Lord at the Passover.
Friday " "It is finished.
Saturday " The Dead Lord.
Easter morning, "Risen with Christ,"
Easter evening, Easter service.

Notice.

My term of office as Sheriff having expired, all persons indebted to me for fees will please settle at once. I will leave Somerset April 1, and will then place my books in the hands of the proper persons for collection.

R. S. MCMILLEN.

Last year the Pittsburgh *Post* distributed fifty safety bicycles among boys and girls of Pittsburgh, and other towns in counties adjoining Pittsburgh. These wheels were given as rewards for a certain number of four week's subscribers obtained for the *Daily Post*. This year *The Post* is offering better wheels and better inducements than it did last year. Any boy or girl now sending *The Post* only 60 subscribers for four weeks will get a 24-inch Junior Safety Bicycle worth $30. This only one of four splendid offers. Write to *The Post* and ask them to send you their propositions, which are so liberal that any boy with a little industry and perseverance, can become the owner of a good, durable bicycle, without it costing him a cent.

MARRIED.

WALKER—STAHL.—On Thursday, the 12th day of March, 1891, in the pastor's study at Meyersdale, Pa., by Rev. M. L. Young, Mr. Norman Walker, of Summit township and Miss Missouri Stahl, of Brothersvalley township.

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Black Gros Grain Silks, 58, 68, 85, $1, 1 25, 1.37, 1.50, and up to 2.25.
Black Faille Francaise, 85c., $1, 1.12, 1 25, 1.50, 1 62, 1.75 and 2.00.
Black Satin Rhadames, 65, 75, 80, $1, 1.25, 1.50 and up to 2.25.
Black Surahs, 49, 62, 75, 85, $1, 1.25, and up to 2.00.
Armures and Fancy weaves, stripes and bars, $1, 1.25 and 1.50.
Moire Silks, 85c, $1, 1.25, 1.50, and 2.00
Black Satin, 50, 75, and $1 00.
Black Silk Warp Henriettas 75c, $1, 1.12, 1 25, 1.37, 1.50, 1 62, 1.75, 2.00, 2.25, 2.37, 2.50.
Silk Warp Drapery Almas, $1 50, 1.75.
Silk Warp Tamise, 42 inches, $1 25.
All Wool Tamise, 40 inches, 50, 60 and $1.
All Wool Cords, Diagonals, Brocades, &c., 90c, $1, and 1.25.
46-inch all wool Black Henriettas 75, 87, 90, $1, 1.12, 1 25, 1 37, 1.50, 1.75.
Black and White, White and Black, Black and Gray, Gray and Black Fabrics, 40 and 44 inches wide, from 30c to $1.25.
Silk Fringed Shawls, $3 to 6.50.
Priestly Silk Warp Cashmeres, Double Shawls, Hemstitched, $12, 14.50 and 16.
Black Fichus, heavy silk fringe, richly embroidered, $1.25, 1.50, 1.75, 2.00, 2.25, 2.50, 2 75, 3.00.
3.50, 4.00, 4.50 5.00, 5.50, 5.75, 6.00, 6.50, 6.75, 6.00, 7.50, 8.00, 8.50, 9.00, 9.50, 10.00, 11.00 12 00 up to $7 50.
Black Wool Shawls, $1.50, 2 00, 2.50, 3.00, 3 50, 3.75, 4.50.
Black Jackets and Wraps of every fashionable description, from $2.50 up to 60.00.
Mourning Millinery a specialty, always ready for use. Latest style of Nuns Veiling and Mourning Silk.
Toques and Bonnets $2.50, 3.00, 3.50, 3.75, 4.00, 5.00, 5.50, 6.00.
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