

The Somerset Herald.

ESTABLISHED 1827.

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SOMERSET, PA., THURSDAY, APRIL 2, 1891.

WHOLE NO. 2071.

THE NICELYS HANGED!



THE MURDERERS OF OLD HERMAN UMBERGER SATISFY THE LAW'S DEMANDS.

DEATH ON THE GALLOWES

Finale of One of the State's Most Celebrated Criminal Trials.

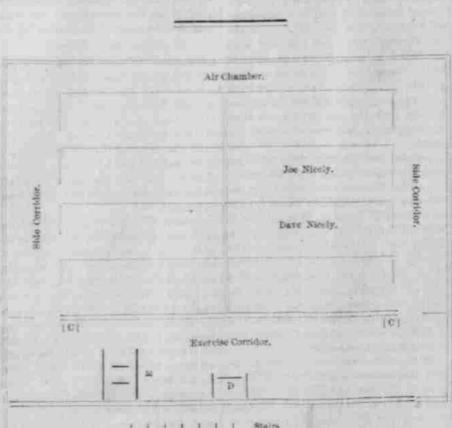
FULL HISTORY OF THE CASE FROM THE BEGINNING TO THE END.



THE COUNTY JAIL.

The Local Excitement High, but Temperate.

Scenes Never to be Forgotten.

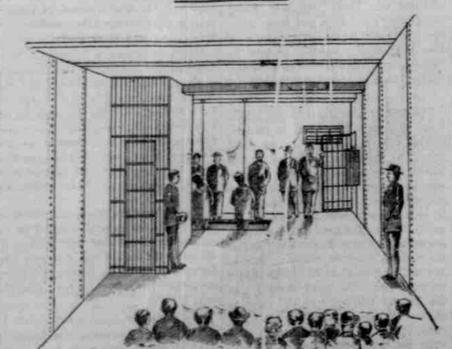


SECOND-FLOOR PLAN OF MALE DEPARTMENT OF PRISON.

As Thousands of Curious People Crowd the Streets for Squares Around the Jail's Cold Walls,

While a Select Few Witness the Execution.

DEATH SCENES AND INCIDENTS.



SCENE OF THE HANGING.

The Nicely brothers Joseph and David, were hanged in the Somerset county jail at 1:43 o'clock this afternoon; the drop falling at that moment. The preliminaries were of very brief duration, and were absolutely perfect in the minutest detail. Sheriff Good who executed the men, went at the matter of preparation in his characteristic business-like manner, and when the time came there was not a hitch. The scenes and incidents preliminary to the drop were of the conventional type and those who went for a surprise were disappointed. The brothers were cool, unruffled and prepared for their share in the proceedings. A half hour before the hanging took place they were removed to a cell adjoining the drop and there they awaited the Sheriff of their execution. Revs. Granger and Beal attended them in their cells and the interval of waiting was passed in singing and praying. "I'm Going Home," and other hymns were sung, Joe's tenor mingling harmoniously with the deep, robust bass of Rev. Beal. The singing was kept up until 1:17 P. M., when Sheriff Good and his deputy Henry Barron went to the cell and in a firm, loud voice read the death warrants to the condemned men, reading David's first. Dave at the conclusion of the reading exclaimed, "God bless you Sheriff," and reaching up kissed the Sheriff on the cheek. Joe did the same thing. Revs. Granger and Beal then bent forward and whispered in the ear of each of the men a word, presumably exhorting them to a confession, but evidently to no effect as both shook their heads and turned to the Sheriff.

They were then left alone for a few minutes with the minister and Sheriff Good, and at 1:38 the procession started to the trap. Sheriff Good and deputy Barron leading, followed by Rev. Granger, leading Dave, and Rev. Beal, encouraging Joe. They took seats on the scaffold next to the drop, and in a moment knelt at the request of Rev. Granger, whilst he, in a peculiarly solemn manner, prayed for them, their loved ones and their salvation. Rev. Beal added a word, and then Sheriff Good said, Dave "have you anything to say?"

"I say to you all good-bye," said Dave in a firm tone. "If a single word I can say will be the instrumentality of saving a single soul, I shall have had my reward. I bear no ill-will toward any one. Again, good-bye." He sank back into his seat, and Joe was asked if he wished to add anything. Joe hesitated a minute, looked benevolently at those in front of him and said: "I say to you all, prepare to meet your God. It is a sure thing that you must all meet your God. It is better to do so now; for the time may come when you will wish you had. I hold no feeling or ill-will toward any one. This is all I have to say."

For the next minute the men were busily engaged in shaking hands and kissing their friends. They were quickly bound and prepared for the drop. They stood up and the ropes were adjusted and the black caps put over their heads. "Good-bye, boys," said Sheriff Good.

"Good-bye all," said the two men together, and the sound of their voices was lost in the clanging of the steel traps as they fell. The usual shudder, the heavy breaths of relief, and the spectators began to hurry up and get out of the upper corridor to watch what was going on below.

Dave stood on the south trap and as Sheriff Good moved the lever and the doomed men dropped. Drs. Kimmell, Luther, Shaffer and Good began an examination of pulse and heart. Dave died without a struggle, while Joe's spirit seemed loathe to leave his body. Both men were pronounced dead in thirteen minutes. Dave's body being let down at precisely 2 o'clock and Joe's two minutes later. The remains were carried to the Sheriff's office, placed in coffins which were at once loaded on undertaker Lowry's wagon and started for the darkened home across the ridge.

Roger O'Mara, assistant superintendent of police, Pittsburgh, who was an interested spectator, says of the execution as a whole: "This is the first time that I have ever seen an execution on a scaffold that was a portion of the jail and I am very much pleased with its working. There is really nothing but the drops and traps and these are so arranged as to do their work simply and effectively. In my opinion the Somerset plan is the best in

the State and should be a general adoption. The preparations made by Sheriff Good were simply faultless and on the whole I consider it one of the best conducted of the many executions I have witnessed."

The Jury. Sheriff Good selected the following named gentlemen to serve the jury: 1. Edward Holopple, Paint Trap. 2. Samuel Barlow, Milford. 3. Aaron Miller, Conestoga. 4. Herman Stahl, Somerset. 5. Nelson Simpson, Somerset. 6. Joseph Specht, Queenstown. 7. Samuel Snyder, Somerset. 8. Jasper Augustus, Addison. 9. Robert E. Ross, Addison. 10. U. M. Miller, Summit. 11. Nathan Griffith, Jenner. 12. George Dunstall, Upper Turkeyfoot township.



HERMAN UMBERGER.

Their Last Night.

HOW THE MURDERERS PASSED THEIR FINAL HOURS IN PRISON.

There was little of an incidental nature going on in the corridor in which the Nicelys were confined last night. Early in the evening Mr. Granger accompanied by a few of his parishioners went to the jail and held a prayer meeting in Dave's cell. The singing and praying were conducted in a solemn manner and Dave's responses to the petitions in his behalf were little stronger than the tones of those who were imploring Divine mercy for him. The atmosphere of gloom that invested the cell, brought its chill to the minister and his friends and the attempt at cheerfulness was unsuccessful. Dave comforted himself as bravely as he could, but his face was the picture of grief. The imprisonment of a man after the usual exercises had been concluded those who went into the jail with Mr. Granger left, and upon the next appeal of Dave the minister consented to remain all night with him. It was a lonely vigil. Dave sat in one corner of his cell, his face a greenish white, his hands loosely clasped together and his feet dragging on the floor, as they no longer possessed the power of action or locomotion. He appeared oblivious to his surroundings but frequently brightened up and appeared to take an interest in the admonitions of his spiritual adviser, who gently and kindly talked to him in so low a tone of voice that the sound of their voices died ere it reached the grated bars of his cell door. There was something terrifying in the spectacle and its influence forced itself upon the death watchers who crept rather than walked along the narrow passage way fronting the cells, occasionally stealing a sympathetic glance upon the men who the next night would have passed beyond their custody.

In Joe's cell the spectacle was even more mournful. His footsteps, which were distinctly heard in the afternoon echoing through the halls as they later echoed trianguarly through the cell, were now calmer in their silence, and he seemed to glide rather than walk as he went from bothhead to bothhead; now feeling of his washbasin; now pausing at his bedside; but always moving either his feet or his hands, or his whole body. The entrance of the minister or that of some new person, the movements of those outside his cell, never for a moment attracted his attention, nor did he once raise his eyes or look out through his cell door during the whole of the long evening. He has the appearance of one in both mental and physical collapse. If he is shamming, there has not been a flaw in the same of deception, and he has carried it out with a dexterity to detail that is simply past belief.

Ex-deputy Sheriff McMillen said shortly before midnight: "I am not yet satisfied that Joe is insane. I know him so well. He is a great schemer, and once he takes hold of a thing he will stick to it. I still think he is shamming. I have watched the employment by him of some of his senses when his actions obviously give the idea that he is absolutely oblivious to his surroundings. A day or two ago, when a box of soap was being made he cocked his ears and looked past me as sanely as ever he did, and in a moment he was apparently entirely 'out.'"

Turning to Witt, he asked, "if one of your children asked for a fish would you give him a snake?" Witt replied that he would not, and Dave continued, "well, I believe if I ask Christ for something good he will not give me something bad." The guard said that he was restless throughout the night and turned on his cot every half-hour.

Joe arose about five minutes after his brother, and when Witt entered his cell and led him to the washbasin he asked, "how do you feel, Joe?"

"First-rate," came a prompt response from the lips that had not uttered a sound for more than ten days. "What day is this?" he asked of Witt. He was told that it was Thursday. When his breakfast was brought in a few minutes later he said, after taking a few bites, "this tastes first-rate."

Here the Sheriff entered his cell and said, "how are you feeling, Joe?" "I am feeling pretty well," answered the prisoner, and then asked the Sheriff the day of the week. "Joe" said Sheriff Good, "don't you want to see a minister?" "Is Pap here?" was his reply. On being informed that his father had not arrived, he requested that the minister who had been visiting Dave-Elder Granger-be sent for, and asked for his sister. When the watch was handed him he took from it a clean shirt, collar, necktie and cuff-buttons, and after placing a few articles of soiled linen in it, requested that it be sent to his family. After this he asked if his wife had come to Somerset, and learning that she had not, he began writing a letter to her at 8 o'clock and was writing when the Elder arrived, half an hour afterward. Elder Granger spent a few minutes in his cell and then retired until Joe had completed his letter. He had entirely broken down when he had finished writing and wept bitterly. Mrs. Good came into the corridor about 10 o'clock and exchanged a few words with the wretched man. "If only you are prepared to die, Joe," said Mr. Good. "I am prepared," he replied, and great tears rolled down his cheeks.

Wished to make the examination he would be glad to go with them. Dave was already dressed and Joe placed himself in the hands of Sheriff Good and ex-Sheriff Winters for his last toilet. He carefully examined each article of clothing as it was produced and as he picked up little articles such as a handkerchief, pair of socks, a photograph of himself or his unfortunate brother he would remark, "These few things I have marked for the children, Sheriff, and I want you to send this valise and its contents home for me." Looking up he noticed an old weather-beaten derby hat hanging on the wall of his cell and he asked that it also be wrapped up and sent to his father. All of his requests were attentively listened to by the Sheriff and an early compliance promised. The suits in which the brothers were hanged are those that they have been wearing since their confinement and are neither handsome nor attractive. Slowly and painfully the dressing process carried on in Joe's case, he insisting on examining each article of apparel and passing an opinion on it as he donned it. Finally the two officials finished their work and placing at old fashioned linen collar around Joe's neck he walked out into the corridor where Dave joined them a minute later and limped painfully after him along the passage way and down into the jail office where the two coffins had been placed. Joe examined both carefully and said they were very nice. He looked at the glass lens and finally asked which one was his. Dave took a similar interest in the examination and then the two walked into a cell in which the ropes were stored. The ropes had been placed in the little box in which they had come to the Sheriff C. O. D. and at Joe's instance Sheriff Good took them from the box and handed them to Joe and Dave.

The very small diameter of the one Joe took in his hand caused him to ask: "Do you think this will be strong enough, Sheriff? I do not want any mistakes now."

The Sheriff assured Joe that the rope would make no mistake and Joe proceeded with his examination. "This is what you call the knot is it?" said he as he held the rope. The rope slips through this doesn't it, are you sure it will slip all right?" he asked somewhat petulantly as if doubtful of the perfection of the cord and noose. "Oh we intend to soap the rope and fustices," said the Sheriff in a reassuring tone. "I don't think anything will go wrong at the last," rejoined Joe. "Now, how are you to combine our arms?"

"In this place," said the Sheriff producing a little paper box, and taking from it a pair of glistening new handcuffs. "I thought I would get new ones, Joe, and not use those old ones you know so well."

"I am glad you did, put them on the way you intend to be tied," said Joe. "The cuffs were placed behind his back and the cuffs placed on them. Joe made a feeble test-movement and said wearily: "I guess they'll hold. What time is it?" He was told just 10 o'clock and he said: "Three hours yet, are you going to us then?"

"At one thirty Joe" replied the Sheriff, and at this moment a resident of Somerset called Joe aside and asked him: "Have you made any confession or given out anything for publication that is in the nature of a confession?" "Nothing," said Joe, "but what I have already said, and that is no confession."

All of this time ex-Sheriff Winters was carrying on a similar scene with Dave who had had apparently the same morbid interest in the accessories to his death as that of his brother. The morbid inventory was soon completed and the men went up the stairs to their cells for the last time and for nearly an hour remained and took leave of those who had been their friends and neighbors in more happy times.

"I have made a confession?" "I have made a statement to my pastor, Mr. Granger, and he will make it public. It is not a confession, but rather a comment on the testimony. That testimony about our going over the mountain was false, and the pocketbook they produced against us bogus. That's all I have to say."

Joe subsequently said, "you can just say that fraud and perjury have placed us where we are. Men and women testified to things that were not true in order to convict us. I believe that this was a reward that was offered. This reward will burn their hands now and in eternity, without their repent. I harbor no ill-feeling toward any of my enemies. I forgive them all; I forgive them as I forgive as Christ has forgiven me for my transgressions."

At 12:31 o'clock Mrs. Good, wife of the Sheriff, and one or two other ladies spread the table for the last meal of the doomed men. Upon it they placed oranges, apples, pines, several kinds of cake, cold chicken, custard, and coffee. Both parrot sparingly, but what they ate was eaten with a relish. The Sheriff and Rev. Mr. Granger sat down at the table, and with Mrs. Good talked of matters and incidents of their confinement in a pleasant manner.

Joe said, "It is a sudden death, but it must be met, and where a thing is not to be avoided, it must be met. It is but a step from darkness to light, and I am so glad that I am ready to go."

Both of the Nicelys were confident up to the last minute that their father and mother would call on them before their death, and Joe was very much disappointed as he was not rational on the occasion of his father's leave taking with him earlier in the week.

At 12:45 o'clock Rev. Beal, pastor of the Evangelical Association church of this place and the Rev. Zinn of the Lutheran church of New Centreville, went to Joe's cell and after several preliminary addresses administered the communion using the conventional bread and wine as symbols. Joe joined heartily in the service and responses. Once or twice his tears overcame him and he broke down as the minister read the solemn and beautiful words incident to the celebration of the sacred rite. A hymn or two was sung and the service for the day followed close upon those that proclaimed Joe's reception into the church. At the conclusion of the services Joe began the hymn in a distinct but weak voice that at times was husky. "I never loved my Jesus 'til now," singing it through, then Rev. Zinn offered a fervent prayer and after a word or two exhortation the services in Joe's room were concluded with the hymn "Nearer my God, Joe" leading the singing.

In the cell occupied by Dave Elder Granger and the doomed man held supper consoled. Dave turning the leaves of the Bible he had read for months. Scarcely a word could be heard coming from the cell occupied by Joe.

At 12:45 p. m. the Nicelys were removed to the cell adjoining the drops. They took no notice whatever of the ropes or other preparations and after an affecting leave taking from Mrs. McMillen, wife of the Sheriff who had them in charge so many months, they addressed themselves to the religious preliminaries and awaited the Sheriff's coming.

At 12:45 o'clock Alderman Bopp, of Allegheny, the man who made the ropes, appeared and with the assistance of the Sheriff attached the ropes to the rings prepared for them and fastened them without springing the trap. The handcuffs, straps for binding and other preliminaries were soon arranged. The ropes were so adjusted as to give a fall of rather more than three feet, and in the interval following their examination by the condemned had been washed and were in excellent condition. Curious spectators of this scene were the negroes Allen and Haskins and the three or four prisoners who looked on in open mouthed awe and terror. They were soon after taken back to their cells locked up until after the drops fell.

"How much will it take?" asked both of them. "Well, four or five, or six thousand dollars," said I, trying to draw them out in regard to the Umberger money, which it was said they had taken on the night of the murder of old man Umberger. I watched them narrowly for a few minutes, and Joe said, "there is a man in the neighborhood who, I think, will advance me a thousand dollars if father will back the note for me." "That's all right," said I, "I will let me see Mr. Rodabaugh, of Sater, will let me have a thousand dollars to aid me in a case like this," said Dave.

"Boys," said I, "where is the Umberger money? It is claimed that thousands were lost that night. I do not care what you have done with it or where you have put it. Let some man come to me, I do not care to know his name, and say he wants to put money into this case to save your lives and I will ask no questions about the source of the money or try to discover the identity of the man." I was still trying to see if I had been mistaken in my estimate of their innocence. They never quivered, never moved a facial muscle or manifested the least sign of guilt or confusion. Both said they had not a penny, and had never touched or seen a cent of old Umberger's money. This continued no more than five minutes, and I have kept me steady in this belief."

General W. H. Koons, who has been associated with General Coffroth in the defense of the Nicelys, said last night: "An attorney's duty to his client in a capital case ends when the drop falls and not before. I began the defense of Joe and Dave as conscientiously as I ever did anything in my life and have made as honest an effort in their behalf as it was in my power to do so, also, General Coffroth. I think the uncertain character of the testimony of the Commonwealth, contradicted as it was in almost every particular, was too vague in itself to take away the lives of two people. I think also that there was in the case of Joe Nicely a clear proof of alibi where at least ten witnesses and three books were introduced and uncontradicted in his behalf, and in the instance of Dave the proof of alibi was nearly as good."

In every appeal to these brothers on the part of General Coffroth and myself to declare themselves guilty, they solemnly and emphatically denied any complicity in the murder of old man Umberger. After their first conviction, in the appeal to the Supreme Court, in our efforts before the Pardon Board, they separately and together affirmed and declared their innocence. I asked them, Gen. Coffroth asked them, and in all forms and conditions have we tried to get from them a statement of their guilt, if they were guilty and our every attempt was met by the same denial, and to-night I can say, as one of the counsel, that there is, and has been, nothing in their conduct to make me believe to the contrary."

Rev. C. W. Granger for weeks has been unwearied in his attention upon Dave Nicely, and to his ministrations Dave said he was indebted for the grace he felt at the last moment. He has, at the expense of his health and that of his wife spent nearly all of the last ten days with Dave, and has done much to alleviate his sufferings. Sheriff Good and his wife also did all in their power for the boys, and were extremely kind at all times. The parting was an extremely affecting one, just after noon to-day.

General Coffroth and Koons tell the story of their defense of the Nicelys.

A little son George Nicely, of Ligonier, a cousin of the Nicelys, called at the jail this morning and was warmly received by both of them.

C. A. Lowry, the Ligonier undertaker, called on the boys this morning. They asked him very anxiously about the preparations for their funeral and burial, and were well satisfied with what he told them.

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Monday morning Sheriff Good consented to his personal comfort, and to that of the prisoners, to have their cells cleaned and their bedding changed, and to have their food prepared in the kitchen of the jail, and to have their clothing washed and their shoes polished. To have granted the requests, would have kept the jail in a far into the night and all day and subjected the two brothers to the "throes of death," to which they were even then subjected, and even pain that would have been considered he would not be in a position to inflict. Of course discipline was had in many instances, and the results of the repression were very general and were felt by many of those at first angry, and finally their good humor and finally their respect for his consideration of the affair. The front and back of his private residence and the jail office were closed all day and the inmates and officials of the jail were admitted or allowed to pass through the jail.

The great advantage that the Somerset jail has over all of the prisons in the State is that the galleys in the jail are of modern appliances in every particular. There is no enclosure to be seen, no awkward wooden platform for carrying the incidents of nail-driving, hammer-pounding, sawing of boards, splitting of staves, and those other preparations which grate more horribly on the ears of the prisoners than the tones of the Sheriff in reading the death warrants, or the beam which supports the rope, or the galleys which they are thrust through, or the lever for releasing the traps, and each and all parts and details of the jail itself are always ready to the law for which they were made. They fall they make rather a loud noise, that may really be heard in the street, but even this defect is one that is easily remedied, and this done, the jail is a determination to have another building, which will be another building, and each and all parts and details of the jail itself are always ready to the law for which they were made. They fall they make rather a loud noise, that may really be heard in the street, but even this defect is one that is easily remedied, and this done, the jail is a determination to have another building, which will be another building, and each and all parts and details of the jail itself are always ready to the law for which they were made.

Among the prisoners confined in the jail were two colored men, Jim Haskins, in for carrying concealed weapons, and Charles Allen, in for a charge of burglary. The presence of death and more particularly the vicinity of the instrument of death, ghost stories, legends and traditions of murders under most horrible circumstances, coupled with inmate superstitions, have combined to well-nigh create a morbid and their terror is pitiable. Several days ago the Sheriff in a very quiet manner tested the death traps. Seeing the opportunity, he realized its objects apparently, and the negroes with fear, they begged and implored the Sheriff to take them to the barn on the day of the hanging, kind them hand and foot with ropes and impose upon them the most cruel means of detention he might wish to employ, but "for God's sake don't stop in the jail when you are hanging us," said I, and again they have implored the Sheriff to get them out of the building. He will likely confine them in the cells occupied by the Nicelys in the east corridor of the prison.

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