foot-hills of the Laurel mountains, one noise north of the village of Jennertown and twelve miles north of Somerset. The "he was able to protect his property." not of injuring him. He was a man of powerful strength, and was a stranger to fear, but had been greatly debilitated by increasing age and sickness. The family had partaken of a late sup-

per Wednesday evening, February 27, 1889, and the inmates of the house were together in the sitting room when, the hour being about 7 o'clock, a knock was heard at the front door and the hired girl was told by the mistress of the house to go to the door and see who was there. The door was opened, and two men stepped into the room, saying, "Good evening, Mr. Umberger." They were invited that, aithough the duty was unpleasant. to examine them." The stranger replied | they made a bee line for Ligonier, the drawer and, being without his cost, three miles distant from Ligonier. placed them in the inside pocket of his but one or two pulls when she heard one | found in the room was a pair of more shot, when her busband staggered

shot through the heart. The ringing of the bell and the second of little Nannie and Miss Steam soon brought a number of terrified neighbors been enacted there. The murderers, with their booty, escaped in the dark-

Mrs. Umberger thought that her husband recognized one of the men and that they killed him on that account, as they could easily have overpowered him and any bodily harm.

munity, and caused the most intense ex- pair of citement. People for miles around flocknext morning and searching parties were organized and started out in every direction. The murderers could be tracked for some distance through the snow, the tracks leading in the direction of the

DESCRIPTION OF THE ASSASSINS. Mrs. Umberger, Ella Stern, and Nannie Morner gave the following description of the murderers. The larger of the men was about 5 feet 10 inches tall, weighing perhaps 170 pounds, wore a cap, dark he kept his mouth and cheeks covered with two red handkerchlefs with white dots, the one having larger dots than the

tinguished him from the other as the ed and robbed Herman I'mberger, "red faced man." long mixed gray whiskers and moustache | man.

were traced from the house to the mounty who had murdered her husband. tain. The footprints revealed peculiar

country Thursday. Toursday evening and reported that they h of followed the trail of a man to and the murder. There was no trail beyond the toll-gate, and this circumstance led also with the description of one of two to get a sight of the malefactors.

ing been produced against him.

Justice Henry Rauch of Jennertown, dwelling was occupied by farmer Her- beld an inquest on the body of the murman Umberger and his wife, Nannie Hor-dered man, Thursday morning. On exner, a ten-year-old grand-daughter of amination by Dr. Walker it was found Mrs. Umberger, and Ella Stern, a servant that one ball had struck Mr. Umberger girl. It seems that fermer Umberger in the right breast and passed through his had little confidence in banas, and rather | body. It was found between the skin than trust his money to them, he kept it and his shirt. It was a 32 calibre ball. with him in his house. The fact that | Another bullet entered the left side and he always had a large amount of cash in passed through the heart. The first his house appears to have been well three shots did not hit Mr. Umberger, known. For several months prior to the Two of the balls were found imbedded murder he had made a special effort to in the wall, above the book case, and collect in all money that he had at in- the third was discovered in the ceiling, terest. When cautioned by neighbors which indicates that there was a struggle of the danger of reeping so much money or that the first shots were fired with the in his house, he invariably replied that | intent of frightening Mr. Umberger and

\$500 Reward.

The morning following the murder a of the criminals.

Constable John O. Rauch

GETS A TIP THAT LEADS TO THE ARREST

days following the murder in and about Ligonier and hunting up evidence in resaid they were officers; that a jeweiry the wrong scent and that two residents corners of his month in which a well the regularity with which he stroked his shown and recognized by the witness.) Johnstown, and they had a search war. of the Ligonier valley who had long oiled tongue was buistly wagging. rant to search every house between the been suspected of committing numerous must to search every house between the troops and support of the troops and the search every house between the troops and the search every house the search ever they would have to search his house. Imprantion match stonic calm eyes that seem to be riveted on the gianced quickly around at her, only to man's nose or eyes; if that man's beard One of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and Dave Sheety tames with the discrepance of the strangers was a large man, and th paratively small man, dressed in dark he discovered that they had been seen of every sentence he uttered, while its paratively small man, dressed in dark he discovered that they had been seen owner showed no outward evidence of coffroth, who conducted the cross examinan by different parties on the evening preclothes, and wearing a derby hat and by different parties on the evening pre-gum boots. The latter did all the talk- ceeding the murder traveling in the di-gum boots. The latter did all the talkgum boots. The latter did all the talk. ceeding the moroer traveling in the driving and made the scarch, his companion rection of Umbergers. At the same time secret contemplation of the horrible "Dave" Nicely. His honest countenance up when I saw it taken out of the "tall remaining in a standing position in the Rauch came into posession of informatic erime with which he was charged. sitting room. Mr. Umberger, accompan- tion that led him to suspect two other ied by his wife and grand-daughter, con- men residing in Westmoreland county, "We are here because this is the way called for the sympathies of the spectaducted the stranger into the parlor which and coming to Somerset he appeared be- a fellow over in Westmoreland county, tors. adjoins the sitting room, where he made | fore Justice L. M. Hicks Saturday and takes to get revenge," said soe Nicely in a cursory examination of the articles in procured a warrant for the arrest of two reply to a question. a cursory examination of the articles in to the witness and it, and then passed into the room adjoint men, names unknown, on a charge of murit, and then passed into the room adjoint men, names unknown, on a charge of murit, and then passed into the room adjoint men, names unknown, on a charge of murit, and then passed into the room adjoint men, names unknown, on a charge of murit in the butcher. Cauffield, and intelligent young school her by a gallant in, and then passed into the room anything Mr. Umberger's bedroom. In abureau der. Rauch and Hammer Canffield, left ing business, in Ligonier, another man teacher. He said: On the evening of young bachelor drawer in this room were two long pock- the same morning for Laurelville, a short came there and wanted to start an oppo- February 27th I was at the house of Mr. et books in which Herman Umberger distance this side of Mt. Pleasant, where sition shop. I rented the room he wantet books in which Herman Umberger they had reasons to believe they would had laid away the earnings of a long life they had reasons to believe they would ed to get for four months, and kept him and supposing there was a fire, started in quested to show of labor, toil and strict economy, from find the parties they wanted. When away. I paid the rentand more for the the direction of the sound of the bells; precisely how twenty to twenty-five thousand dollars they got to Laurelville they discovered four months and then went west. A came to Mr. Umberger's house and four d they had been in currency, besides papers to the value they were on the wrong seent, the men judgment was secured against me for the Mr Umberger had been killed; we made tied a bout the

that he did not, and the little party re- They arrived at Ligonier about 11 not by sending him to prison on a charge going in the direction of the house. clock Monday morning, and, after get- of this kind. the suspicions of Mr. Umberger began to ting "Squire Glessner to renew their warbe aroused, and stepping back into the rant, they hired a carriage and drove to bed room he took the pocket books from the residence of David Nicely, about

room the smaller of the two men his question as to whether Mr. Nicely time" in any prison in my life, and was whipped out a revolver and pointing was at home replied that he was in the never arrested before this time. it full in the farmer's face demanded shop. Just as she said this Mr. Nicely Rauch went to Jaurelville only the money or his life. Then ensued a came out of another door and started for throw people off the track; I know fearful straggle. The robber fired four the constable. Constable Rauch knew where he got his information, and it's As Mr. Cauffield retired from the witshots from his revolver, and as he did so his man, and, drawing his revolver, or- all done for revenge." the little girl and the hired girl rushed dered him to throw up his hands. After out of the house, sum rang the large din-

into the kitchen and fell dead at her feet. overcoat, and a pair of boots. There joined him. The next morning Mr. Nicewere also several letters relating to ly said to a HEGALD reporter. learn of the ghastly tragedy that had and protested violently against his being of my wealth, but I have as much money

> matter quite coolly. The constable, with his prisoner in charge then started for the residence of loseph Nicely, about a mile distant.

> ARREST OF THE " LITTLE MAN." Joseph Nicely was found at a black-

secured the money without doing him smith shop close by his house and was arrested without any great difficulty. The news of the terrible crime spread His family consisted of a wife and seven with great rapidity throughout the com- chiler in. When arrested he had on a

nier, where he kept them over night, and at an early hour Tuesday morning started with them to Jennertown, where overcoat, and overalls with yellow stripes, they were given a hearing before Squire a glimpse of the Nicely boys as they

other, he appeared to be about thirty-five by Mrs. Umberger, Ellen Stern, and hour of 1 when the Sheriff and his depyears of age, and Mrs. Umberger dig. Nannie Horner, as the men who murder-

The gumboots worn by the "little man" were compared with the tracks made in seven inches tall, and wore a brown the snow by the murderers, and were wore it set back on his head. He had found in the house of the "red faced guilt or innocence in the faces of the them, and how?

but both had the appearance of being | Constable Rauch produced a 32 calibre, false; also his hair, which was kind of five shot revolver, and a number of carcurly and tangled. He were a dark tridges which he had found in the house ped for order. The scaffolding erected covercoat, dark cloth trouser, and gum of the "little man." The cartridge balls by the paper hangers was still in posi-Shortly after the nlarm was sounded and those found imbedded in the wall be Mrs. Umberger, the neighbors came above the book-case in his house and there, between the boards of the scaffold-berger was sitting in front of the table in the Squire's office after they were comrunning in and made every possible they were fired from a centre fire revolver. trail was soon lost in the darkness. to the presence of the prisoners she said beautify the musty old room. Men were sat down there with their backs toward chief, and Miss Stern says: "There's the

Three young men from the neighbor- ognized the voices of both men and was ing to rebuke the audience for audibly how the little man drew a revolver and

COMMITTED TO JAIL.

man who did the shooting. He tallied population came trooping into the village State.

berger's about 5 o'clock Wednesday even-bounded, and when the constable started for Somerset with his prisoners, a A warrant was issued for Hamilton's number of the ritizens mounted their arrest, and he was surprised at his home horses and, notwithstanding the horribly at a late hour Thursday night, and inclement weather and the almost imbrought to Somerset and lodged in jall. passable condition of the roads, insisted He was subsequently discharged at a on accompanying the party and seeing habous corpus hearing. No evidence hav- that the murderers were safely delivered into the custody of Sheriff McMillen. The party reached Somerset at about 9 o'clock, and Constable Rauch delivered his charges into the custody of the sher-

The Nicely Boys in Jail.

Our reporter visited the county jail two or three days following the arrest and after being admitted to the prison corridor by Deputy McMillen, he at once engaged the Nicely brothers in conversation. The tall man-David-was willing to talk with the reporter only after he had consulted with his brother and apparently gained his permission to open his line. He would frequently pause in his conversation and whisper to the smaller brother and then say, "I guess I won't suffering from either a bad case of dys- Joe and David Nicely. pepsia or an equally bad case of remorse. His countenance had a sad far away expression, while his eyes wandered around

not fixed on the same object for two consecutive seconds. ly-was of medium height, with a high evidence against him was being heard; handkerchief; I saw his eyes and part of NANCY UMBERGER, the crack of the bald forehead, under which a pair of face was red, but it was only the ruildy Herman Umberger and demanded his it was a dark coat; he had brown stripcomplexion of health and not an unusual money or his life. gard to "Coli" Hamilton, who had been or distinguishing mark. He chattered to sit down and took chairs facing Mr. | what kind of overalls or pants the him take them from the bureau drawer | bavid Siculy's pare and nonow cheeks | tell what kind of overalls or pants the him take them from the bureau drawer | little man had; his pants were dark; I | and put them into his vest pocket; when | the bureau drawer | the bureau I'mberger, and with their backs to the females. After some conversation they ple residing in that neighborhood intimated to the constable that he was on | he was talking a smile played around the

> likely the murderers. Acting upon this talking about, neither did he allow any man" had his face partially concealed contradict herself in the slightest particinformation Rauch soon learned that Joe | movement in the room to escape the | beneath the folds of a handkerchief, he | ular. "There was nothing over the little nesses of the crime and soon afterwards sical little laugh was emitted at the close changing a muscle of his face.

I know that I will have no trouble in proving my innocence; my conscience don't lash me a bit; would like to see the guilty parties caught, for even if we do prove our innocence many people will vest, and again returned to the sitting Dave Nicely's wife responded to Con- still think there might be something in room. As he stepped into the sitting stable Rauch's knock at the door and to the charge against us. I never "did

THERE PATHOES VISITS THEM AND EMPLOY Thursday evening Anthony A. Nicely, ner bell. She had given the bell rope search the bouse. Among other things father of David and Joseph visited his went to the law offices of Coffroth & a red handkerchief with white spots, an Ruppel, where W. H. Koontz, Fsq., soon

> ly's effects. The prisoner's wife cried to stand by them; I don't want to boast taken away, while he himself, took the to spend on this as the man who is trying to throw supicion on the boys has."

Habeas Corpus Hearing.

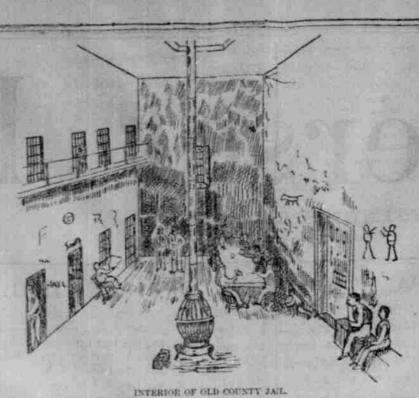
A writ of lashers occurs was issued Moniail of Somerset county, to produce the the evening of February 27th; when voices, by the way they were dressed with before his Honor, W. J. Baer, Pres- miles from their homes, and from be- taller one was than the other; when I ident Judge. Notice of the issuing of tween one and a half and two miles from got back from Friedline's that night the writ was served upon District At- the county line. The witness identified there were not many people there, but a ed to the scene of the murder early the which, when compared with the tracks sel, F. J. Kooser, Esq., and Thursday, the one worn by the prisoner. made in the snow by one of the murder- March 28th, was fixed for the day of

A search of his house was made, and The fact that the accessed were to be and every nock was craned to get a among other things discovered was a brought into court on a writ of habets glimpse of the witness upon whose eviwallet, a low-crowned derby hat with a corgus on Thursday having been given to dence so much was known to depend. She hole in the rim, and a suit of dark-color- the public, had the effect of drawing a large number of people to town on that day. When the hour set for the hearing The constable took his prisoners to Lig. arrived, the walk leading from the jail to the court house was lined on either side with men six or eight deep, straining their necks in morbid curiosity to catch were led from the prison to the court room where the hearing was to be held. The clock had barely sounded the nty, with the prisoners between them.

sight when his Honor, Judge Baer, rap- she answered all questions asked in an hadn't time. were precisely the same as the one taken tion, and away back in one corner workfrom the body of the murdered man men were engaged in putting the finish- table close to the parior door—between that handerchief has been in my poses-When Mrs. Umberger was brought inmarks of gam boots. About one-forth of men as the parties who robbed and murperspiring mob, thicker than flies were had brown overalls on with yellow ing the same one shown to Miss Stern beam in the open mow above, hoisted. ever collected on a molasses covered stripes, and an overcoat; the small man when on the stand.)

> took his off. and the wall, stood a row of haif a dozen the shooting." (Red handkerchiefs with Commonwealth would rest. 'Squire Rauch committed both prison- forward, bound that nothing should es- are the handkerchiefs he had tied around . Court said:

that evening." ties. He answered the description of the the surrounding country, and the entire Esq, and the principal witnesses for the are in this house to-day.



tell you about that." David Nicely was attorneys Coffroth, Ruppel, Koontz, and | Nicely) is the tall man, and this, (pointing to Joe) is the short one; the little

The Nicely boys were dressed in new man kept his hat on while they were in garments, fresh linen, and with their the house; there was a piece torn out of faces cleanly shaven and hair closely the rim; I think I could identify that reward of \$500 was offered for the arrest with the restlessness of a wild animal, cropped, presented a very genteel ap- bat; (bat shown); that's the hat, the pearance. A smile played constantly piece is out of the rim that I spoke of; around the corners of Joe Nicely's month, that was on the back of his head; the The so called little man-Joseph Nice- and his eyes sparkled brightly while the large man's aose was not covered by the por did he exhibit any concern when his face where there was no handker-

thin, straggling monstache. Once, when | Cross-exquination : The witness was He never hesitated for a moment Miss Stern was explaining to the court cross-examined at great length by Gen.

Immediately in the rear of General hair like his; I could recognize the "little and extrest expression as he whispered man's "pocket at Squire Rauch's. now and then to the counsel for his boys,

The first witness called was Hammer to the witness and another was handed of from fifteen to twenty thousand dol- they suspected had not been away from reat for the rest of the year, but they investigation for tracks same evening; tall man's headlars. On opening this drawer farmer Umhome the day or night of the murder, couldn't make the money out of me, benext morning I came back and we made. David Nicely was berger said, "these pocketbooks contain but while there they gathered some imberger said, "these pocketbooks contain of want berger's we little change; I guess you don't want portant information, after learning which I don't want to say much, but if I want the top of the hill above Umberger's we lately in front of NANNIE HORNER. revenge, I want it out of a mans hide, found tracks in the snow of two persons the witness who, when the request was

erable length to describe how he and the handkerchief over his head, when other parties followed the tracks to and she was interrupted by Mr. Coffroth, who from Umberger's house, to the stone objected to her using the defendant for bridge, or burnt cabin, a short distance the purpose of her illustration. east of the toll gate above Ligonier.

The court suggested that she tie the General Coffroth subjected the witness handkerchiefs on her own head. In the to a very rigid cross-examination, but most unembarrassed manner imaginable failed to lessen the weight of his testi- the young lady removed her hat and mony in the slightest degree. proceeded to fold the handkerchie's about the breadth of a hand.

ness stand, District Attorney Blesecker mouth, with the upper end touching her called Lou, W. Vaneer, and a bright look- nose, and tied the corners at the back of way through the dense crowd and stood the crown of her head, and tied the ends with uplifted hand before the clerk to be under her chin. When she had accomsworn. He took the elevated seat pro- plished this her face was pretty effectuvided for witnesses and in a clear and ally concealed, with the exception of the distinct tone of voice testified substan- upper portion of her nose, her eyes, and the lower part of her forchead; then I live in Ligonier, Westmoreland counturning toward the attorney who was

ty; have known the defendants six or conducting the cross-examination, she "The boys are innocent and I am going eight years; saw them on what is called said: "this is the way the tall man wore "Sand Flat" on the Laurei Hill moun- them the night of the murder." tain, on the pike, coming east, on Feb-

In answer to further questions, the They were walking very fast; Dave by his voice and by his tallness; he talkwas nearest me when they passed; I was ed with the handkerchief over his 38 yards from them . my father was with | mouth ; he talked to me at Rauch's; he day, March 11th, commanding Rush S. me; we were engaged in cutting logs; didn't have the handkerchief over his McMillen, High Sheriff and keeper of the this was between 4:30 and 5 o'clock in mouth there; I recognize them by their bodies of David and Joseph Nicely forth- they passed me they were six and a half and their size; I can't tell how much tell people that I could not recognize will have to remand them." then if I saw them again; I said if I Miss Eila Stern was next called. A low murmur ran through the audience know them ; I wasn't sure I would know

SHOWS HOW IT WAS DONE.

At this point the handkerchief that

the hearing at 'Squire Rauch's was passed

them at that time. Miss Stern went from the witness stand was young, bright, leaving the impression upon the minds intelligent; had of all who heard her testimony that she been an eye-wit- had told a truthful story.

ness of the terrible CONSTABLE RAUGH TAKES THE STAND. tragedy; had con- John O. Ranch, the shrewd and active versed with the young constable who arrested the prison-" Red-faced Man" oners and to whose untiring efforts is due murder, and had around them, came forward and was heard the prattle of sworn. He testified as follows:

the "Little Man." I am Constable of Jenner Borough; as he told the story David and Joseph Nicely live about were seen descending the stone steps of the robbery of the peddler, the search three miles and a half or four miles south half-smothered expressions of those who ployer's house that fatal February night, State; I arrested them; Hammer Cauffield serves more than passing notice. derby hat, with a hole in the crown, and found to fit exactly, as were the boots thought they could detect evidence of and if so, would she be able to identify Rufus Shaffer, and Martin O'Connor were with me; at the time of the arrest The witness affirmed and took the or these parties we made a search, but Yoder just after the family consisting, of The court room presented a strange stand. Her manner was collected and not not a very thorough search, for we

intelligent way and in a clear and dis- We found the red handkerchief, ex while two of the villians covered the hibited in Court here to-day, on the per- family with revolvers, their confed-When they came in I was sitting at the son of David Nicely, in my father's office: ing touches to the ceiling. Here and the parlor door and the table; Mrs. Um- sion ever since; I found the handkerchief Yoder, who was old and feeble, had been ing, one could catch sight of the deep alongside of me; we gave the two men mitted to jail; I reached in Dave's right to produce all the money he had in the Thursday morning the tracks of the men that she believed they were the men standing up on all of the seats, while the me; one was a taller man than the other, handkerchief;" the handkerchief was the defenseless old man they carried him open space outside of the bar and the wore dark clothes, and had two folded up; I have it with me. (The wit- to his barn, tied a rope around his Ellen Stern positively identified both bar itself, were packed with a pushing, handkerchiefs tied across his chin, and ness here produces the handkerchief, be-

etc., were found, indicating that the robetc. were found, indicating that the robetc. were found, indicating that the robthe overcost found in David Nicely's sheet of paper in a country grocery. Men wore a mask with a long gray beard, had the bandkerchief when I found it had one of the gang had commanded "hang bers had lunched there. The footprints house she recognized as the one worn by were standing in the window recesses gum boots on and had his pants in his dinges in the corner, showing it had been him up boys, he has lived long enough were plainly discernable in the snow and him the night of the marder, also the were plainly discernable in the snow and him the night of the marder, also the and on chairs, and so closely packed was boots and had a brown Derby hat on, tied. (Brown Derby hat shown) I know anyhow." When the old man's respirawere plainly discertiscie in the snow and led across the field to the mountain. The pellow-striped overalls. A red handker-the crowd in the room that it was next and he did the most talking; the little this hat; I found it in Joseph Nicely's tion became labored he was lowered to entire neighborhood, in small parties, chief, with white spots, taken from the thing to impossible to get out when once man kept his hat on and the tall man house on Monday, March 4th, the day the barn floor and asked if he was ready he was arrested; it has been in my post to give up the balance of his money. and she said it was exactly similar to the On the bench sat Judges Baer and Pile. She recited all of the details of the session ever since; I had it locked up in Upon his denying that he had any more one worn by the masked man. She rec- His Honor had occasion during the hear- gearch made of the house, and finally my father's office; I recognize it by that he was again strung up. Not content ment to Joseph Nicely and at its com-

the homicide to be taken? There is no flames were extinguished. with two old-maid relatives—keepers of The news of the arrest of the murder. At the Commonwealth's table sat Dis. Q. Where did you see them? A. I saw admission that the homicide was comthe toll-gate—was one of the guilty parers had spread like wild-fire throughout trict Attorney Biesecker, F. J. Kooser, there last the day up at Rauch's; they mitted by the men who were in that unconscious and when he revived he was the District Attorney had the right to hour that night. The commonwealth lying on the kitchen floor. Standing elect which case he would try first. The

also with the description of Um. The feeling and excitement was un. eyes of all present. Around it were seated close to her.) This, (pointing to Dave may it please the court, who saw the head, and the other with a long dirk- o'clock the court adjourned.

will now call

MRS. NANCY EMBERGER. As Mr. Kooser pronounced her name the widow of the murdered man slowly arose from her seat and made her way to in a few feet of the two men whom she believed had foully murdered her aged husband and robbed him and her of the before he would write an order. savings of a long life of hardship toil and trouble, she kissed the sacred book and solemnly accorded a vow to tell the truth, the whole truth and nothing but the truth, in answer to such questions as should be asked her.

"I was at home in Jenner township on the the night of February 27th last. In the evening two men came into the nouse; I saw one of the men have a pistol; I saw him hold it toward Umberger

life or money; I heard four shots and I ran out into

pistol; heard one shot after I was in the | brought them to Somerset. calm, grey eyes, looked into yours with the Miss Stern identified him positively as chief; he had an overcoat on and over- kitchen; he tumbled into the kitchen and confidence and candor of a child. His the "little man" who drew a revolver on alls ; I couldn't recognize the overcoat ; was dead; he fell by my side; Mr. Umberger was my husband.

ed overalls and leather hoots: I can't He had his two pocket books; I saw David Nicely's pale and hollow cheeks tell what kind of overalls or pants the him take them from the bureau drawer manifestation of life he exhibited was not; he had dark clothes on, [Overalls gone; the bell rope was in the kitchen just above the stove; the men were not in the kitchen: the little man did the shooting; when Mr. Umberger fell by my side I spoke to him, thinking maybe he was not dead; he made no answer; he was dead; I then ran into the room and the men were gone; the pocket books were not on his person when he fell out into the kitchen; I saw his body afterwards; I never saw any one with curly wards; I didn't examine the wounds; was too much scared; I couldn't look at them : he fell directly after the last shot right besides me, and was dead."

After Mrs. Umberger left the stand Constable Rauch was called and testified to the fact that an inquest-of which he was one of the jury-had been held, and was taken from David Nicely's pocket at as to the nature and character of the wounds found upon the person of the murdered man. The defense kad no mestions to ask, and the common wealth's attorney's announced their case closed.

REMANDED TO JAIL.

could offer no testimony. "What does the Commonwealth ask?" queried Judge Baer, as the last witness

left the stand. District Attorney Bie- pitch of excitement and fear, and only tive. secker responded," We ask that the de- the untiring vigilance of Sheriff McMil- Never was a witness in any case ever that Joseph Nicely owned a cent fendants be remanded for trial." "What has counsel for defendants to imprisoned.

say why the prisoners should not be reanded?" asked the Judge. This last question brought Gen. Koontz to his feet, who argued first, that the evi-

dence adduced was not sufficient to warrant the court in holding the prisoners. second, that if held, they were entitled to the constitutional right of release on bail. Mr. Koontz cited several authorities to sustain his position. Gen. Coffroth followed his colleague.

taking much the same position, and insisted strengously that the prisoners should at least be released on bail. He said there was no fear of the prisoners attempting to escape; that if the prison thors were thrown wide open they would not leave unless by permission of the

He claimed that for weeks pust the press of the county had been trying to impress upon the minds of men that these were the guilty parties, and that he excitement and feeling had baised the minds of witnesses. He concluded by insisting that if the court could not see its way clear to discharge the prisoners, they at least should be released on bail which they were ready and willing POSITIVELY IDENTIFY THEM AS THE MEN. witness said: I recognize the tall man to furnish to the amount of \$50,000, if

> Mr. Kooser and the District Attorney both argued that the prisoners would have to be remanded without bail, and cited authorities to sustain their position. At the conclusion of the argument Judge Baer said:

"If this evidence constitutes murderthen it constitues murder of the first degree. Under the evidence as submitted. torney Biesecker and his associate coun- a cap found in Dave Nicely's house as good many came afterward; I did not we could not release these men, and we

The Judge then endorsed the writ rewould see the fellows I thought I would manding the prisoners to the custody of

Carnival of Crime.

The one topic of conversation throughrelation to the inmates of the insecure rected that a jury be called. The trial had been in the Sheriff's custody since it up ; bought two pistals in tire old jail and would they be forthcoming consumed all of Wednesday and until 5 the murder and which no one had been when wanted by the court. In addition o'clock Thursday evening, when the permitted to examine until it was brought for father; needed pistol for she to the Nicely boys the jail contained the case was given to the jury. at some length on the credit for ferriting out the strong famous "M:Cettan Itowa gang" of robthe evening of the chain of testimony that has been woven bers-sevengentlemen and three ladies - jury the commonwealth entered a not do you know this is the cost?" "It has about 5 weeks before I was arrested the leaders of the desperate gang were pros in the case of Dean, Hill, Thomas a brown patch on it," was the quick re one about 10 days before I was arr afterwards convicted and sentenced to and Andrews. At 8.30 o'clock the same sponse. "But there is no patch here," should say the distance from long terms of imprisonment in the Peni- evening the jury returned a verdict of said the attorney. "The coat has two town to Ligonier was about it tentiary for robbing and brutally tortur- "guilty," and at 10 o'clock Friday morn- sides," said the witness; "turn it around miles; I live 3; miles from Lig ing Christian Yoder, a well known old ing Judge Baer sentenced Lewis, Tasker, -there is the patch," and her bright did not go up the mountain on the leading from the jail, and as they passed warrant, etc. Were the prisoners at the of Ligonier, on the road leading to Botts- Amish resident of Summit township. and the two Sallivans to ten years in the little eyes sparkled. The witness had of February; did not know any This crime was so diabolical that it de- western penitentiary.

> On the evening of April 13, 1889, four masked men entered the home of Mr. Yoder, his wife, hired girl and hired man had finished eating supper, and erates produced ropes and gags.

When all of the family excepting Mr.

bound and gagged, they commanded him house, \$100 was handed over but this positive that they were the murderers. smiling at the evidence of a witness, and pointing it at Mr. Umberger, demanded, After a brief cross-examination of the hay was set on fire by one of the ruf- form, "to this indictment how do you A number of the witnesses testified to remind them that the court was en- "Your money or your life." "Then I ran constable by General Coffront he was fians and applied to the sales of the ald plead—guilty or not guilty?" The an-

murder committed, but I had hoped to knife pressed hard against his spare her the trying ordeal of going on throat. "Tell us where your money is erated that they had already secured at were finally selected. the money there was in the house. Then they asked that he write them orders on the different farmers of the neighboorthe witness stand, where, standing with- hood who were indebted to him, to be cashed at once. This Mr. Yoder positively refused to do, saying he would die

By this time the other members of the gang had gathered together all the provisions they could find about the house and a small quantity of whiskey and wine that they found in the cellar. assisted in tying the old man hand and foot, all took their departure. A span of gray horses in which Mr. Yoder took the greatest pride and valued highly, were stolen from the barn, and it was supand demand his posed that the gang took turn about riding in making their escape from the neighborhood.

The following Monday morning two of the kitchen and the gang were detected in a barn in Ad. dered to be tried together. The jury was rang the bell; I dison towrship and were captured but then sworn. heard one more escaped from their captors, taking their shot and Umber- horses and riding away in a most re-I saw the man by ex-sheriff Kyle of Meversshoot; saw the dale, visited McClellandtown, Favette flash and heard county Sunday morning and captured

Another Mountain Tragedy.

TWO YOUNG PARMEDS CHARGED WITH HEL ING THEIR STEP-MOTHER OUT OF

THE WORLD. On the same day the McClellandtown gang were lodged in jail, detective T. J. Picking added two more inmates to that vilesmelling institution. They were George and David Shaulis, of Jefferson She was subjected to a long and tedious township, and were charged with having beloed their father-who was found hanging on a tree-out of the world, and with having shot their step-mother. The jail contained 17 prisoners at this

time, all charged with serious crimes. And it was known to be but little more secure Fears of a general jail delivery were expressed on all sides. The prisoners were elieved to have powerful friends on the outside, and an attempted rescue was not unlooked for. A feeling of distrust was len kept the inmates of the jail securely tried in a Somerset county court subject revolver. Other witnessess, pe

May Term of Court.

JUSTICE METED OUT TO CRIMINALS. ty court was such general and intense ceedings as that exhibited at May term, of their representing that they were Bed- for a few days. 1889. The trial of the Nicely boys, the ford county officials on the hunt for stol-McClellandtown gang, and the Shaulis boys had all been set for this term, and a large number of witnesses had been ing old farmer had shown them from summoned. But the witnesses formed a very small portion of the great crowd that had assembled in town on Monday, ry district in Somerset county had at

least twenty representatives. Hotels and boarding houses were crowded to their utmost capacity, and many private houses were thrown open for the entertainment of the public. Each day long before the court bell had ceased ringing the Nicely, the witness said: "There is the children; my wife is living; am ti at least half of whom were compelled to stand throughout the session. The curosity of the public was not satisfied at viewsolid columns from the court house to the man" on the night of the murder by a fail, through which the prisoners were the stopendous calamity that before since the night the man had it on v sited Johnstown Friday, reaching at our house. I know these are the men

turned a true bill against Charles J. Lew- that night, ment, to which the prisoners entered a statements made by witness, especially and there was no piece out of it the out the entire county at this time was in plea of "not guilty," when the court di- in regard to the overcoats-one of which had got loose and I got my wife to

THE UNBERGER CASE.

iff McMillen and his deputies brought into court Joe and David Nicely. Their counsel, Messra. Coffroth, Ruppel and tracking the murderers through the snow Koonts, met them at the counsel table the morning following the murder. One and gave them a cordial greeting. They of the tracks was made by gum and the signal light; my brother have to were neatly and tastily dressed. Dave in other by leather boots and were followed a dark flannel shirt, with sack coat and to a point on the pike above Ligonier. low collar. Joe in black diagonal cutaway coat, high vest and high standing ling seen Dave and Joe Nicely traveling collar; his hair was closely clipped, his on the road towards Somerset county on boots highly polished, and a large watch he afternoon of Feb. 27th, and one witchain ornamented his vest. Some discussion then took place in re-

the defendants were entitled in case they were tried at the same time. The court peremptory challenges, the same num. gers on the evening of the morder. ber that each would be entitled to if they were tried separately. Cousel for defense made a formal motion for a severance, which the court granted. ARRAIGNED.

that they had seen prisoners travel- gaged in an extremely soleon duty. out of the house," said the witness, "and dismissed from the witness stand, and man's feet. He was held suspended swer came promptly and distinctly," not h of followed the trail of a man to and from the toll-gate near Laughlinstown, as soon as I was on the porch I heard of a sufficient Attorney announced that the District Attorney announced that th venerable farmers, with heads inclined white spots handed the witness.) "These Speaking to the State's Attorney the his hands and scorohed his garments. guilty." The District Attorney then smoke while the cruel flames blistered to David Nicely, who also plead "not to the suspicion that Collins Hamilton, ers to the county jail to await trial at the cape their ears or observation if they his jaws. I have seen these men since treasure was concealed by this time the the defense objected, claiming that as Satisfied that he would reveal where his elected to try David Nicely first; to this the the defense objected, claiming that as Joseph Nicely was named first he should pocket-book to A. A. Nicely, and after hat had no piece out of the rim.

RESERVING THE BURY. The work of selecting the jury in the forth every possithe stand to-day. We believe the com- or we will kill you for sure this time," Umberger murder case commenced or the effort to detect monwealth has made out her case but we said the man with the knife, but with Thursday evening and lasted up until the criminals and life half extinct and death staring Fim about 3 o'clock Friday afternoon. Fifty- bring them to be uncomfortably close in the face, he reat seven jurors were called before the twelve

The Jury.

1. EPHRAIM D. MILLER.

2. JOSIAH NEWMAN. 3. JACOB L. MANGUS.

4. FRED. F. WALKER. 5. JOHN W. BECK.

6. JOHN H. HITE. 7. W. W. DAVIS.

8. D. J. WOLFERSBERGER. 9. JEREMIAH HENRY.

10, T. W. BLACK. H. C. W. WEIGLE.

12. A. J. SEMBOWER. TRIED TOURTHER. Counsel for the defense asked leave to withdraw the motion for a severance, which was granted, and defendants or-

At 3 p. m. the district attorney, F. W. Blesecker, arose to open the case to the ger fell back into markable and surprising manner, jury. He detailed the circumstances of

the kitchen dead; Eighteen resolute men headed the killing as given; and asked for a ver diet in accordance with the evidence. The first witness called was Henry Rauch, Esq., who had made a plan of the Umberger dwelling and was simply called to prove it to be a correct representation.

He explained it to the jury. AN EVE-WITNESS DESCRIBES THE MURDER. Miss Ella Stern, who was living at the Joe's house; there are nine of house of Herman Umberger at the time found these the murder was committed, was called and testified to the circumstances substantially as she did at the habous corpus hearing. The witness pointed out the defendants and identified the hat, handkerchief and overalls worn by them on the night the morder was committed. cross-examination, but stuck to the story

her contradict any of the statements made at that time. Mrs. Nancy Umberger was next called, and related the story of her husband's than a pig-stye, and was as foul-smelling death and described accurately everything that had occurred in her home on

she told the morning following the mur-

the night of February 27th. "Never in the forty-seven years that I Nicely carefully; did not get some general throughout the county. All have practiced law have I in any case, pass book; saw no money at his strangers were regarded with suspicion, civil or criminal, seen or heard a better and it was almost impossible to secure a witness in any court than that little girl," Mrs. Nicely gave it to me have he night's lodging without first producing a whispered "Uncle John" Cessna to a hat in my possession since the decertificate of good character. Armed Hanann reporter, as little Nannie Horner, arrest; never knew there was a too guards patrolled the outside walls of the the ten-year-old grand-daughter of the overcoat until I heard Namus jail, while others kept vigilant watch murdered man, who witnessed the mur-say so on witness stand On a writ of habous corpus, the proceed- over the prisoners in the cells. The re- der of her infirm, gray-haired grand- Rufus Shafler, Hammer Caings being entirely ex parts, the defense port of a pistol shot at night had the father, left the witness stand. Her tes- Joseph Ambrose and Howard Care effect of drawing nearly every male resi- timony was clear, straightforward and to assisted Ranch make the area dent of Somerset into the streets. People the point, and her identification of the search all testified to substant were worked up to a most unnatural "short" man and "long," was most posi- same story as told by Rauch.

ed to a more rigid, thorough, ingenious of Umbergers-testified, that the cross-examination than was she at the book exhibited was the property hands of General Coffroth the senior counsel for the defense; but his failure to elicit the slightest contradiction or variation from her examination in chief was Nicelys, Noah Serena who swore the two strangers coming to the lonely Dave Nicely was there said be confarmhouse on the fatal February night; help me on Tuesday could not be en goods, and of their search of Mr. Umberger's house; told how the unsuspectroom to room : how, becoming suspicious of the strangers, he had placed his pockethnoks containing a lifetime's hardearned savings, in his inside vest pocket: their return to the family room, when the "little" man whipped out a revolver and, pointing it at Mr. Umberger demanded

HIS MONEY OR HIS LIFE. She then told of the struggle and the firing of the fatal shot. Pointing to Joe nier; am a man of family; have court room was packed with spectators, short man;" and, pointing to Dave nine years old; was living at hom

"there is the long man." She described minutely how both men my father and about one-quarter were dressed. She was shown an over- mile from my brother Dave farm ing the prisoners in the court room, and coat that was found at the house of David and labor; on the 27th of Februar regularly after adjournment hundreds Nucety at the time of his arrest, and iden- at home about noon; between it rushed to the court yard and formed two tified it as the coat worn by the "long o'clock there was a load of coa' lo

compelled to pass. Even the news of on the side. "I have not seen that coat here the same night, did not detract ma- by their size, eyes, noses, voices, and mo- was not ready and went to father terially from the vast crowd, nor from tions," said the witness. She said the Dan Getting on the way; book say the interest in the proceedings of the "little man" wore a brown Derby hat, with a piece out of the rim, and was pos-Monday and Tuesday were taken up itive that the hat shown her (the one passed Dave's house and way house with the trials of minor criminal cases. | Joseph Nicely was wearing when arrest- | window; soon after I got home to Tuesday afternoon the grand jury re- ed) was the one worm by the "little man" bed. The witness accounted for

is, Jackson P. Sullivan, Marshall Sulli- General Coffroth cross examined the was placed under arrest. Witness van, Decatur Tasker and Clarence An- little lady for several hours, but was un- shown the brown hat the lat drews—the McClellandtown gang.—The able to shake her testimony; in fact, he color of mine; if it is my but it is District Attorney read the bill of indict- drew forth some of the most damaging into court. Holding it up before the logs; igum boots shown to with Prior to the case being given to the witness, General Coffroth asked, "how identified as his); one sole was noticed the coat particularly the night of about the murder until I was tall the murder, and her identification of At 5 o'clock Thursday afternoon Sher- it was most complete. TRACEING THE MURIPPERS

A number of witnesses testified to Four or five witnesses testified to hav-

ness remembered that Dave had gum boots on, while others described bat, capgard to the number of challenges to which and overcoats worn by the Nicelys. Other witnesses testified to having seen two strange men-one tall and one said that they could only have twenty short-in the neighborhood of Umber-

> THE POURET BOOK. William Thomas, a liveryman from L'gonier, testified that he was driving a carriage, containing the officers and the Joe's was next called. Father was Nicely boys from Ligonier to Jennerhe were alone in the carriage at Laugh-linstown Dave handed bles and in hed when I got back about 2 o'ce. linstown Dave handed him a pocket- in bed when I got back a breakle book and requested him to give it to next morning Watson Menoher, which he afterwards

> Watson Menoher, who is married to a her huaband was home and night of Feb. 26th and corrober sister of the Nicely boys, testified to receiving the pocket-book with \$100 in it. He took the money out and gave the her on the stand was her hosband's. wards gave the money to his father-in-

o the present

lice. I arrested Dave Nicely first; the first thing that I found that was identified was a mir of brown overalls; [Here the witness took the

satchels and bundies and as he spole found produced it it alls: I found them in Nicely's house was a pair of lear here they are; I marked the time; the next thing I found red handkerchiefs with was here they are; I know they are I found as I have had them is I got hold of was this gray found it in David Nicely's he overcost is just as it was when We next went to Joe's logse. house and Joe's wife told as he at the blacksmith whop on the shop we met him and I sh under arrest; we went buck to and I kept Joe in one room at others searched the house the facfound there was this brown hatit on Joe's head when I arms. this pecketbook was found the

on him when I arrested him to der, and counsel were unable to make was shown witness and he idea by a number of marks that were as it is now; it was in the supe ;

32-centre-fire cartridges were to

tion when I gave it to him as also

Witnesses were called and te

Their Case

THE BEFFYSH IS AN ATTOR raine, June 4th Way, H. E. THE LITTLE MAN ON THE STATE

Joseph Nicely, sworn :- Live is

nier township, Westmoreland o about three and one half mile from l

any other days, excepting those after the 27th of February.

Auron Mark's swore that he has

this witness had been arrested for st ing sheep; that the case was on mised by paying for them and that Nicely had furnished him with the "

on the afternoon of Feb. 27th la

Harriet Nicely, Joe's wife, testified the her husband was home on the afterns

Mrs. Elizabeth Nicoly-Am wife Anthony Nicely; am 62 years old 2

State.

Q Where are they? A. Here they sit.
The table for the defense attracted the (Pointing to the two Nicelys, who sat Mr. Kooser.—"We have a witness here, with a revolver pressed against his foreover him were two of the gang—one defense took an exception which was overruled, and a bill sealed. At six Jonh O. Rauch, who made the arrests, Joe that evening at our house do so overruled, and a bill sealed. At six Jonh O. Rauch, who made the arrests, Joe that evening at our house do so overruled, and a bill sealed. and from the time of the murder down know exactly what time it was it will