February, 1889, Herman Umberger was foully slain on his own hearthstone, h the presence of his aged wife, and the were suspected as the perpetrators of the double crime. They were tracked to their homes, arrested, and committed to prison after a preliminary hearing. They were tried by a jury earefully selected, before a Judge noted for invariably tempering justice with mercy, and defended by counsel of their own choice, known to be skilled in the intricacies of the law. A conviction followed; an appeal for a new trial was made, argued, and refused the sentence of death was pronounced, and the case was carried to the highest Judicial tribunal of the Commonwealth. There, more than ordinary latitude was allowed the counsel for the defense, and, after a patient hearing, that august body ununimously decided that there was no cause to reverse the ralings of the court below. This, ordinarily, would have been deemed final and conclusive as to the fate of the criminals, and, in our judgment, there the case should have ended. The counsel for the defense had done their whole duty to their clients, and justice should have had its stern and unbending way. Not so, however, thought the counsel, and then there commenced a struggle to overrule the finding of the courts. Once, twice, thrice were appeals made to the Board of Pardons to advise Executive clemency. Statements, affidavits and alleged conaside by the Board of Pardons as irreleyant and unworthy of belief. Then an information for conspiracy was made neginst the officers who had made the arrest, only to be dismissed as unfounded. Here again, it was but natural to suppose the struggle would have ended; but the resources of the doomed men had not yet | The following confession was made by | one which I gave to Will Thomas patient, studied the case, and departed knoweth all things. refused to be moved, and the result vin- been restrained by others stronger than dicated his wisdom, for no so sooner was ne, there can be no doubt. the alleged insane man made aware of the Shortly after making and signing the ming cast aside; whereupon one of his Eider Granger. eminent counsel impiously declared that Although frequently questioned as to "God has cleared up his mind at this his guilt, he never, after his immersion, final moment for a purpose. He has denied it, but, if possible, evaded the done it in order that he may meet death, question. To a few persons he acknowl, assert his innocence, and clear his mem- edged it. By this confession the ory and leave his children his good guilt of both Joseph and David Nicely is name." As if the Omnipotent was established beyond cavil. The abuse miraculously interfering, to give a con- heaped upon the Herand by interested demned murderer an opportunity to parties who for two years and more have "assert his innocence and clear his mem- been accusing it of pursuing innocent ory"!! But setting aside this miraculous men, has recoiled upon its accusers intervention of Divine Providence, in and its fearless course has been fully what a pitiful plight it places the learned | vindicated. medical expert who was so swift to certify. One thing is certain-Joseph Nicely was not insune, notwithstanding the as-

We make this brief resume of the case because of the persistent efforts of interested parties to mislead public opinion It is due to the court, the jury and the counsel for the Commonwealth that not the slightest cloud of suspicion should be attached to their actions. Nothing could justice than the doubt that the law has been meted out with an even hand and in undoubted accordance with the evidence. Let no evil-doer escape, is its stern mandate; and a strict compliance with this injunction is the only safeguard

sertions of the legal and medical experts.

One other thing may be relied upon. The

It seems meet to us, that this celebrates case should not be permitted to take its next morning. I had a pistol and acknowledgment of the signal services ct the intention of hitting Mr. Umberthe counsel for the Commonwealth. The District Attorney, with Mesers. Cessna and Kooser, prosecuted the case in the courts with marked ability, unremitting him. fidelity and unerring judgment. When it passed beyond that stage the labor fell principally upon Mr. Kooser, and how well he discharged that duty, through two years of ceaseless toil and anxiety, is attested by the overthrow of the cunningly devised schemes of his adversaries and the final triumph of law and

The Somerset Herald. ALL DOUBT AT REST!

Dave Nicely Confesses

To Participation in the Killing of Herman Umberger.

The Men Who Met Death on the Callows Last Thursday were Cuilty of the Crime for Which They Died.

Other Persons Believed to be Implicated.

ried away. Joseph and David Nicely THE CONFESSION OF DAVE DELAYED BECAUSE HE THOUGHT THE MAKING OF IT WOULD IN-SURE HIS DEATH AT THE HANDS OF HIS ACCOMPLICES IN THE CRIME.

> HE NEVER ABANDONED HOPE OF CHEATING THE GALLOWS OF ITS DUES 'TILL WITHIN A FEW HOURS OF HIS EXECUTION,

> And then Exacted a Promise that What He Said Should Not Be Made Public Until After His Death.

He Fired Two Shots in the House, but None into the Body of Umberger.

IT IS BELIEVED JOE ALSO AC-KNOWLEDGED HIS GUILT.

Burial at Ligonier.

heard of persons, were adduced as after. The Reason of Their Aged Mother Dethroned and She Becomes a Raving Maniac.

> Interesting Interviews with F. J. Kooser, Esq., Sheriff Good, Eider C. W. Granger and others.

been expended, and Joe Nicely suddenly David Nicely to Elder C. W. Granger, assumed insanity. He enacted this role on Wednesday, April 1, 1891. The state so perseveringly that Dr. Kimmel, a com- ment was reduced to writing, word for gus. paratively young man, whose large prac- word, as it fell from the lips of the tice, however, has given him but a lim- condemned man, who apparently realiz- the case against me was false in ited experience in the phases of this ed for the first time since his arrest and this: I was not in Ligonier on the disease, began to doubt, and finally con- incarceration more than two years ago, cluded that the affliction was real. No that all chance of escaping the gallows sconer did Dr. Kimmel express this was gone, and that within a few brief Swore. opinion, than Dr. Orth, of Harrisburg. hours he would have to pay with his was brought upon the scene, as an expert life the penalty of his appalling crime, in cases of insanity. He examined the and stand in the presence of Him who

with a gravity and reticence that was He affixed his signature to the docuimposing; and then came a dispatch to ment in a firm, bold hand, and appeared the counsel that the learned expert had as though a heavy burden had been certified that Joe was really insane, and lifted from his shoulders. That he would at once another appeal was made for Ex- have made a more full and complete ecutive elemency. But Governor Pattison | confession of the foul crime, had be not | Philadelphia Pike, Feb. 27, 1889.

fact, than instantaneously was his sham- above statement he was immersed by of God, truthfully, to C. W. Gran-

April 1st. 1891.

evidence of experts will hereafter be I, David Nicely, make concernlooked upon by juries in this county ing the murder of Herman Umber-2nd. 1891, the following statement: I was present when Herman as to the guilt of the unhappy criminals. Umberger was murdered. I left my he forfeited his life, but just how I know be more detrimental to the interests of robbery but not murder, and did not learning Mr. Umberger's name until well along on the road.

> o'clock in the evening. I arrived at ger, nor did any shot I fired hit

was true, and part was not.

My evidence in Court was not true in this: I said I was not present at Herman Umberger's murder. when I was. The pocketbook produced in Court as mine was not the | guess-I-deserve-it.

as I testified in Court. It was bo-

Hamilton Smith's testimony in 27th day of February 1889, as he

Lew Beener and Ed. McCracken did not meet me on the pike, as they stated in Court.

Charles Vaneer and Lewis Va. neer, his son, could not have recognized me where their testimony says they did, on the Pittsburgh and

I make these statements in view of approaching execution, in the fear ger, my spiritual adviser.

(Signed) D. C. NICELY.

On being asked, after he had made the statement acknowledging his guilt, why he had not done so a year ago and thus saved his neck from the hangman's noose, Dave Nicely replied; "I knew it. would be certain death to me if I did. There were parties outside who would have shot me down the moment I was released. I always thought it safer to take the chances of a pardon or an es-

It is very generally believed that Joe Somerset Jan, Somerset, Pa., Nicely made a full confession to parties who were with him during his last hours of life. If he did, he exacted from them a promise not to reveal what he made known unto them till a certain time afger, for which I am convicted ter his death, Said one of them only and sentenced to be hung, April yesterday, to a HERALD reporter, "You must not ask me what Joe said to me for cannot tell you at this time. I know him to be guilty of the crime for which it, and just what I know, I am not at libgive you some very startling and inter- much of his time as he was able to accord not know who was to be robbed, esting information in regard to this

The murder took place about 7 man," said a well-known resident of sire to say, or are willing to say, on the Niceprepared to die and am not afraid, and if to me in this that it has failed to discover that I followed his advice, because after the for you. I think every jail in the state place on the page of history without an fired into the ceiling, but not with I could lie down on that cot and die it where any of the stolen money is to be ropes were taken from their necks I locked should be provided with one." would be much easier than to be cut off found. An important duty upon me in the them up until the next day before I examso sudden, it is only a little over two Umberger estate, if I could " hours now till the time. It is hard to "How had you expected to learn of the him, I intended only to frighten die as I have to, I am hearty and money?" healthy. I have been at death beds "By a confession from Dave. For a long pened. There must have been a defect in you." As to my evidence in Court, part when I knew that the people were ready and a confession could be made without than Joe, and the rope with which Joe was against the officials of the jail, the Commonand willing to die, but still there seemed connecting other; with the crime. His hung did not yield in the least." to be something back; they wanted to conditional ofer of a confession to Sheriff live," and then turning and walking to McMillen, de iberately written out, confirm- who are anxious to see the ropes?" the back of his cell with his chin drop- conclusion that a money was not hidden going to do in order to save both time and brother. Rev. Beal also comes in for a ping on his chest and great tears stream- away, but was in L. hands of accomplices. answering so many questions. I mean to bit of choice excoriation in the diary, for ing down his cheeks the wretched man muttered distinctly but hesitatingly "I-

Elder Granger Speaks, Elder C. W. Granger, to whom the above

eporter: "I first visited the Nicely boys on the 28th of November last and learned that Dave was not a member of any religto fall, and when the brothers were lying in heir cells seriously injured, I began to press the messages of the gospel upon Dave, withto impress him with the fact that unless he me at any time, and while he was yet unchurch to have the baptism performed. order granting this request of the prisoner. His Honor said he had no authority for making such an order, but that he had no doubt if the Sheriff acceded to the prisoner's wishes it would be unobjectionable. Dave could never fully make up his mind to confess, and said be would not do so until he had consulted with counsel. I never urged a confession only insisting that he tell the truth in regard his complicity in the Umberger tragedyif he was implicated at all-and leave others to answer to the Lord for their crimes. As I said before, he never once declared his innocence to me, and never proposed to make a statement until the morning of the day before the execution. When I left him Tuesday night he said, 'I will be baptized in the morning.' I understand that he requested Sheriff Good to have the bath-tub filled with water that morning, and when I called upon him about 9 o'clock he expressed his desire to be baptized, and made the above statement, to which he affixed his signature

have had plenty of opportunities to commit ulcide, but I will not do that, because people would look upon that as a confession f guilt. I prevailed upon him not to make an attempt upon his own life. The mornng of the execution he said to me, there have been a great many questions asked me o-day that I could not answer.' "How does it come that you have withheld this information from the public for a

week, Mr. Granger?" "I withheld it for one week at the reques Dave, and I think I am justified in oing so. I regarded it almost as his dying equest, and as he expressed a desire that it hould not be given to the public for one week I agreed to withhold it for that length

Elder Granger gives it as his opinion that have was far from being entirely deprayed, and thinks that a terrible battle between good and had hed been waging in the heart of the miserable man for months, and that only after a last desperate struggle the good

All who saw and conversed with Dave on he day of his death are satisfied of his pentence, and to at least one person besides Elder Granger be admitted his guilt.

ELDER GRANGER VISITS JOE NICELY.

ome at the request of Joe Nicely, I went di- ion will show, remains to be seen." rectly to the prisoner's cell," said Elder " Now that the case is over, have you any-Granger. "The prisoner looked up and re-thing to say about the trial, or the evidence, spite was gone, Joe Nicely regained his be executed.' I told him it was "

"I feel happy, like shouting," said the

The good minister drew a small testament plaining a passage of the gospel, asked, "do "If a person guilty of a crime should con-

Again the prisoner answered, "No," "If a man has anything against another

es it to God but deny it to man, can be go

what do you think he should do?" "I think he ought to make it right with him as far as possible by asking his pardon tal operation which produced it could be and making restoration," replied the prison-

You committed a murderous assault on

"I did not know what I was doing when I

shot him," was the response. "I was excited and trying to get away. I want to see him to day and ask his forgiveness." " Are you innocent of all complicity in the Umberger murder?"

"I did not murder Umberger," was the Elder Granger asked the doomed man a number of similar questions to which the replies were all of an uncetain character.

Finally the minister asked, 'can you say that Dave was innocent of all complicity in he murder of Mr. Umberger? Dave must answer for himself," said Joe He then remarked that he had an unfinished letter on his table, and Elder Granger retired from the prisoner's cell and was not alone with him again.



Interesting Talk with F. J. Kooser, Esq.

HE IS PULLY SATISFIED THAT ONLY JUSTICE

Esq., and realizing that the public would since the sentence of the law has been exerecy has been removed from me, I will cuted, a HERALD reporter monopolized as

> ing up authorities on the "Jurisdiction of and put the following questions to him : Mr. Kooser, have you anything you de-

ed this belief he me. Later I arrived at the book, the bullet taken from the murdered assaulted deputy Sheriff McMillen. It will be stretched. Why, after the first two sions lest she never becomes rational father and hid themselves from the rude by and shrewdly. They knew a confession man's body, and Dave's pistol in it; have be remembered that Rev. Beal was in hot or three days I was on guard and Joe gain.

other people would be promptly followed by on exhibition in my office."

the arrest, conviction and sentence of the "But it is rumored there is a confession castern part of the State, in which the writer testified to the good minister's marksmanby Dave. What do you know about that?" said there was insanity in his family, and ship. Strange things are constantly happen-"I know nothing about it, except that he understood that if a piece of a rope with ling in this world, and among them, few are here is no confession or statement of any which a man had been hung was kept in stranger than that Joe Nicely should spend kind pointing the way to the money. I the house, none of the family would ever his last hours with Rev. Beal, eagerly de think it probable Dave has, as he said, made be subject to the disease. I think I'll have youring such consolution as the statement to Rev. Granger, and in it ad- to write and tell him that the rope cured could grant him. They sang and prayed aitted his guilt, but he certainly has not Joe's insanity, anyhow. There seems to be together during the last few hours of the a day passed, however, without his doold the whole story. Whatever he has said a great many superstitions regarding the doomed man's life, and it is doubtful if the has been in the form of deathbed repentance and it is likely he regarded a mere admission of his own connection with the case as they will cure all sorts of diseases and Joe, though there can be no "glimmer of

doubt " that Joe and the brown derby were in the Umberger homestead. " I conclude that the whole story has not been told, because it would involve the arrest of the parties having the money, or what is left of it; make indelible the stain while hot tears streamed from his eyes, upon witnesses for giving false testimony. and still fail to procure for Dave what earli McMillen, he hoped,-pardon, or at least commutation. If Dave made a confession it must have been, I think, under two contending mental forces-one calling for full enough admission to win him the protection of religion according to his notion of it, and the other loudly demanding that he protect his friends. He has probably cut be tween, making scant his election on the one hand, and leaving scant protection to his friends on the other.

"What do you think of the possibility Dave's being guilty, and Joe not " " It is absolutely impossible. Three witesses identified Joe with Dave before reachng the Umberger house, before they donned the handkerchiefs and false beard; three thers recognized them as the men within the house, in disguise. Joe's brown derby hat, with the hole in the rim, was the best marked and best described article of apparel worn by either at the house. It was fully described before the arrest, or its recovery The brown derby was present at the mur touter and shorter man. Since the trial, that I have never heard of or come in and for use before the Board of Pardons, the | contact with. His eyes are clear, his mmonwealth has proven by four witnesses, in depositions, that this hat had the hole in the rim the night of Joe's arrest, and three others testified they had seen the hat on Joe's head, and the hole in the rim dur-

ing February, and before the murder. "Joe's last letter as published, written his wife on the morning of his execution contains no declaration of innocence. No nnocent man could write such a letter and not make his innocence the chief burden of admitted to the jail Thursday morning

Joe and Dave both stood upon the trap with eternity but a clock-tick away, and "No living man, innocent of crime and

capable of speech, can go to his death upon the scaffold without using for his last words, I am innocent." " And more, and if anything stronger than

this, the earth cannot produce the monster human who would stand for execution, guilnot with the last breath of his lungs and the last motion of his lips, proclaim that advising him that Gov. Pattison would brother's innocence. The evidence establinot interfere. Whether or not this in-"When I reached the jail shortly before lished the guilt of both, the logic of events formation reached the prisoner that night nine o'clock Thursday morning, having confirm it. What the statement or confess- we are unable to state, but one thing is

> " No. sir : I have already said more than I thought you could lead from me. I have

done precisely what I thought right in the case, believing I was aiding the court and om his pocket and after reading and ex- jury in arriving at a correct verdict against pert testimony, and subsequent develyou think that a person who does not tell its brutality. The verdict and subsequent was the correct one. There cannot see her off, as a parting salutation said: the truth can go to heaven?' "No," replied events dispose of the character of defendants' be the scintilla of a doubt that the

and I'll not trouble you any further. What other attempts had proven futile. do you think of the now celebrated Beach

"It is raw nonsense. Any average child's mind could produce a better romance. The frame work of it lay out on top. The mentraced with ease from the first struggle to find a mysterious missing man for confessor, through to the final disappearance of the Deputy Sheriff McMillen," continued the stranger down the mud pike with a gripulster, "have you said anything to him sack full of money. He equaled the Wandering Jew for mystery, and beat him all hollow in his supply of funds."

An Interview With Sheriff Good.

Sheriff Good is a bard man to interview not that he is unwilling to give his views to he public, but because he has been unus during the past two or three weeks.

When a HERALD reporter struck him Toesday night, he had just returned from a his bosom Joe does not say: "Harriet, trip to the country and had barely had time to swallow his supper,

"Sheriff," said the HERALD man, "are you satisfied that you executed two guilty me last Thursday ?" "I am," was the reply. "Do you care to give the readers of the HERALD your reasons for thinking so?"

"I would do so in a minute if I could You see, some things that I have learned were only told me after I had promised to keep them secret, and I cannot reveal them intil the gentleman who has confided in me has taken the seal from my lips; but at doubt in my mind that the guilty parties were executed. One thing that convinces me of this is a conversation I had with Dave | inevitable. Nicely a few days before the execution. We were talking about the probabilities of a respite being granted him and his brother, and, in case a respite should be granted, if he would not be able to secure a pardon or nent, when Dave suddenly turned and men and that is all I can say at this time." "Did you never hear any conversation between the brothers that led you to believe

"Never a word; but Dave tore up a piece f manuscript a few days before the execution and threw it down the dry-closet, and I would not be surprised if it was a written confession he had intended to hand to some one, but on second throught concluded that he had better destroy it." "Wasn't it very trying on your nerves

Sheriff, about the time you sprung the

the horrible affair over at Washington a few

apon me, but I had made up my mind to ed it the most perfect instrument for do it, and went about it just as calmly as I which it is intended, extant. would go about making a levy on some poor widow's property. When a man has a solemn duty to parform be must not let his sympathics get the better of him. The sheriff to a reporter, "is to climb up the people who were present at the execution steps of a gatlows; when you have can tell you better than I can how I con- climbed to the top you do not feel safe ducted myself Thursday. I was afraid we and are afraid every moment something might have some accident and took every precantion to prevent having a repetition of

weeks ago. I never uncoiled the ropes unadvised me not to test them, and it is lucky ined them, when, to my surprise, I found In Joe Nicely's last communication to his

ocating the money or otherwise implicating all the articles plainly labeled, and place it pursuit of Joe and Dave on that exciting "Another thing," said the Sheriff, with a the woods fired a shot after them, which hearty laugh, "I received a letter from the Joe afterwards said singed his hair, and thus

Joe Nicely's Last Letter.

children; for all you do, do not neglect this, and have the children to kneel down at

ress is (Lexington, Somerset county, Pa)

Your husband.

Dave Nicely's Wife.

Mrs. Kate Nicely, wife of Dave, last Satur

While waiting at the station at Ligonier

and just prior to stepping upon the train,

she drew from her pocket a handkerchief

'Farewell to Ligonier and her people for-

spinning down the valley at the rate of 30

She left without visiting her husband

and refused to tell in what part of Ohio she

Witnessed the Execution.

The following named gentlemen witnessed

Deputy Sheriff Simpson, of Indiana coun-

v : Sheriff Steinman of Cambria county

Sheriff Walker, of Cumberland, Md., : Wm.

Withers, of Cumberland Daily News: A. F.

Dickey' of Somerset twp. ; Henry Walker, of

man Bulletin; J. A. Lambert, Somerse

Jan B. Tredwell. Somerset Democrat: Ge-

Akers, Johnstown Tribune; J. F. Kimball,

ohnstown Herald; John Winters, R. S.

McMillen, R. E. Meyers, J. D. Swank, Wm.

Uhl, George Kimmell, S. U. Shober, A. J.

Berlin : Chas. Howell, Somerset HERALD : C.

Weigle, Stonycreek; Geo. Wambaugh, Har-

risburg Telegram : Fred Durr, Larimer town-

erset; Joseph Specht, Sprucetown; Wm

tatives of the Nicely family and a few

Jordan, Mt. Pleasant, two or three represen

Schrock, George Witt and Frank Fleigle.

Joseph Nicely's capital feat of sha

Insanity and the Experts.

been on trial for the murder of a lawver

when he committed the crime, but sham-

lunacy. He was still insane, but it is a

they are more insane than they actually are.

was adolescent, but without moral mania

He did not know that it was wrong to kill

the lawyer, and therefore was not responsible

for the deed. But after the excitement of

arrest and the chafing of imprisonment had

what has been of Joseph Nicely's one is just-

ifiable in believing that if these New York

experts had gone to Somerset they would

have come away with the conviction that

Milt. McMillen as an Expert (?)

be was hopelessly out of his mind.

Another expert testified that his insanity

mmon thing for lunatics to pretend that

One expert testified that Stephani was insa

mitted on passes issued to sheriffs.

From the Pittsburgh Times.

Standard; M. H. Hartzell, Rockwood; John

the execution of the Nicely boys.

J. G. NICELY.

Somerser, April 2, 1891.

A Few Stray Notes.

When ex-deputy Sheriff McMillen went into Joe Nicely's cell Thursday morning the prisoner grasped his hand and led him to the rear of the cell and, begged forgiveness for the wounds and suffering he had caused the deputy. He said, "I had always intended had I gotten out of this scrape to make all the reparation in my power and to have paid you liberally for the suffering and expense I caused you." The deputy as sured him of his full forgiveness.

Wednesday evening Dr. S. S. Good, of Meyersdale, and Dr. W. H. Gardner, of New Centerville, visited the jail and made an examination of Joe's condition "I said, let me see your tongue, Joe," said Dr. Good to a HERALD reporter Thursday morning, "and the prisoner put his out as naturally as any patient I ever had in my life. This, with other symptoms I observed, convinced me that the fellow was shamming, and when I learned this morning that he was rational | hour and then retired to permit him to finish I was not at all surpised,"

"I have seen Joe Nicely several times," said Dr. Gardner to our reporter, a week prior to the execution, "and if he is in-DEAR WITE AND CHILDREN :-Oh, how I would have liked to have see sane he is exhibiting phases of insanity tongue in good condition; he is regular in his habits, eats heartily and sleeps well. In my opinion, he is perfectly

So far as the HERALD has been able to learn, and we have not been dilatory in plying the Sheriff and members of his cannot get that much sell it for less. My books, Lottie gets first choice, Millie second official household and others who were with questions in regard to the matter, no one spoke a word to Joe Nicely in rethings give your hearts to God in your youthful days. Do not put this off, but begard to his shamming insanity. "It was neither, in that awful presence, dared say, the poor fellow's last morning on earth," gin now. Shall always watch for your com ing into heaven. Oh, do not put this off. My valise Sheriff Good will send to you. suid Sheriff Good, "and I did not want to say anything of an unpleasant nature Sheriff McMillen has in his possession my diary which will be of a great deal of use to to him." The same sentiment appears to have been entertained by nearly

every one who was permitted to see the prisoners.

At twelve o'clock Wednesday night one of the "demented', prisoner's counsel with you and keep you faithful to death and at last receive you all to himself is my received a telegram from Harrisburg prayer. certain, and that is, that bright and early SHE mental coullibrium with the same ease that he would have taken off an old coat, where she expects to make her future home. The HERALD never took any stock in Joe's shamming, even in the face of exthe proper parties, for a crime unmatched in opments have shown that our position and waving it at the crowd who had come to prisoner's shamming was a preconcerted ever. I hope I shall never see any of you "Well, one other question, Mr. Kooser, last attempt to cheat justice after all again." She and her three children then entered the car, and in a few seconds were

> One queer incident in connection with the execution is that not one member of the immediate families of the doomed men came to bid them a last farewell. Is it reasonable to suppose that their wives, who had proven their devotion on more than one occasion, would have remained away had they believed in the entire innocence of their husbands and the fathers of their children? And how, too, can the failure on the part of their aged parents to press a last kiss upon the brows of their sons , who's welfare and Allegheny township; T. J. McGregor, Hyndsafe deliverance from trouble have been the burden of their prayers for more than two years, be reconciled with innocence? Joe's eldest boy, a youth of intelligence treasurer of Lebenon county; Ira C. Snyder, and promise, failed to ask for the bless- Greensburg Tribune; Reporter for Pittaburg ing of a guiltless father. In his last Chronicle; Geo. H. Zuhrie, Meyersdale, written communication to the wife of Register : John Biesecker, Jenner township you know that I was home the night Umberger was murdered and am innocent of his death," How easily these few words could have been written, what Hileman, Somerset: Frank Chorpening. grains of comfort they would have proven to his wife whom he exhorted to "be faithful until deat.," and what a powerful | Crist, Paint township; David Smith, Geo. argument they would have been in the Gardner, M. Brubaker, Pierce Miller, Stoy bands of all those who believed in his innocence. Finally, when in theface of Frank McDonald, Rockwood; A. H. Hus death, after all the farewells had been ton, Somerset; John Shaffer, Jenner; D. B. said and when the noose encompassed his neck, there was no protestation of innocence but simply an admonition to those in his presence to prepare for the

C. I. Spaver, Johnstown; Ed Frock, Black After the last good-byes had been said, township; Ed. Hoover, Berlin; Harry Kinand Joe Nicely was standing on the kaid, Ebensburg; J. O. Rauch, Jennertown; death-trap, with the noose around his C. M. Weigle, Stonycreek township; Josiah neck, he glanced through the little Good, Somerset township; Roger O'Mara, square hole that serves to admit food for | chief of Police Pittsburgh; Peter Vogle, Somsaid, 'it is no use for Joe, but my life might | the prisoners into the corridor, and catchbe saved.' From that moment I was con- ing a glimpse of the jail janitor, Will vinced of his complicity in the Umberger Good, cried out," Good-bye, Will," just murder. I know that they were the right as the black cap w s being pulled over

A great deal of interest was evinced by the sheriffs from other counties who witnessed the execution, in the working of the death-trap. None of them had ever seen or heard of such an instrument of death before. The Somerset one is believed to be the only one in the State and one of the very few in the east. It works perfectly, is simplicity itself, and costs nothing when the jail is built by the Pauley Jail Company, of St. Louis, Mo., ment is Stephani, the New Yorker, who has who have a patent on it. All prenounc-

"The most trying thing connected with an execution," said one well-known about the hastily constructed structure is going to give way. These traps in your iail are just the thing. You walk from the sell on to them, only a few steps, and added to his mental disorder, he was capable everything is in readiness and waiting of knowing that if he could make himself

that one strand of Dave's rope had given wife he directs her to get his diary, in pos-way, close to the noose. It makes me shudder when I think of what might have hap- adds, "it will be of a great deal of use to

wealth's attorneys, the local newspapers, "I reckon you have a great many visitors (the Herald especially coming in for a good who are anxious to see the ropes?" share of criticism) and the witnesses and "Yes, indeed; and I'll tell you what I am officers who testified against him and his

enced to complain day and night occasion, and as they were disappearing in shout the terrible pains in his head, I prophesied then that he he was preparing become insane, and it was only a day or two afterwards that he commenced he would have lucid intervals and talk freely about the pain he was suffering, but just a soon as the conspiracy case was dismissed he decame dumb. Rarely my belief that he was merely shamming. I was not at all surprised to learn that he was rational on the morning of the execution : in fact, I was expecting that he would talk before the end. He was a good actor, but he was neverable to

> at being an expert in insanity." "Did you speak to Joe about his sham-

deceive me, and I make no pretensions

ming Thursday morning?"
"No; I had a long talk with Joe, but it was so near the end that I did not like to say anything that would make him feel badly. He asked my forgiveness for all the trouble he had caused me, and I assured him that I harbored no ill will

Another Opinion.

One of the most significant facts in connection with the last hours of the Nicelys was the sudden restoration of Joseph Nicely to complete sanity. A few days ago Dr. Orth, of Harrisburg, after a careful examtnation, declared that the man was insanc. and a desperate effort was made to induce the Governor to annul the death sentence upon the ground that it would be a shame Elder Granger, arrived at the jail a few execute an insane man. Such a declarainutes before 9 o'clock Thursday morning ion from a medical man and the subsequent and entered the cell of Joe Nicely. He reressure might well give any Executive nained with the prisoner perhaps a half some bad hours, flut Governor Pattison was firm and the result justified his wisdom. a letter he had already commenced writing For when Joseph Nicely discovered that the to his family. Following is a copy of the last spark of hope had fied and that the entence of the law was certain to be carried into effect, his reason returned. We do not know whether or not be gave the explana you and talked to you. Now, Harriet, I want you to be sure and live close to God tion of the reason of his conduct put in his mouth by the reporters, but one thing is Each evening and morning read a chapter from God's Holy Word, and pray with the sertain, he was never insane. As a result,

The Law Satisfied.

expert medical testimony will be looked on

with more suspicion than ever.

their bedside and pray each evening. Oh, live close to the Lord the few years you have My watch I give to Renz, my shot gun to Ira, my ritle and trunk to Waltie. The ritle which Fred Rankin has sell to him if you can; it ought to bring \$10, but if you The last act in the Nicely drama, though t finally rung down the curtain on the lives Choic Georgie third choice and Ella fourth.

Then begin with Renz and on down to Ella of Farmer Umbea, to the last tragedy, and until all are taken. Now, Renz, you and Ira work for your mother and above all gallows by flight, notably their first attempt been a series of ser sations from the murder gallows by flight, notably their first attempt to escape over the corpses of their keepers, was sufficient answer in the minds of the public to their claims of innocence. Ex-Write to him and get it. His P. O. self, into the circumstances of the trial, aided by powerful sidelights, and Gov. Pattison and his advisers have not been dilatory in assuring themselves of the justice of the refusal of Executive elemency. No stone has been left unturned by the lawyers employed in behalf of the men to substantiate the claim of innocence, and everything they have produced has been carefully considered by an impartial tribunal. There is every reason to believe that simple justice, in ac-DISPOSES OF HIS PERSONAL EFFECTS AND cordance with law, has been done in the case of the two men who were yesterday ushered Tuesday, with her children, left for Ohio, that first passed the sentence upon them.



W. H. RUPPEL, ESQ.

Another Expert. The following extract, taken from Pittsburgh Chronicle Telegraph, is part of a Wednesday, April 1st, shortly after the reporter, Mr. Moore , had visited the county jail in company with Gen. Koontz

Gen. Coffroth, one of the attorneys for the Nicelys, still hopes for a reprieve. Said he: "Since the days of Henry VIII, there Mitchell, Jasper Augustine, Addison; John | has been a common law against hanging an insane man, and I cannot think Governor Pattison would permit such an execution to go on. It would be an outrage and a stain on civilization." Gen. Coffroth sent a long personal appeal to the Governor last night, Zimmerman, Stoyestown; Geo. McGeary, and the wires between here and Harrisburg Johnstown; John Shields, Mt Pleasant are hot with messages asking for Joe's re-Journal; Wm. G. Knepper, Lincoln; J. D. prieve.

Gen. Koontz, the other attorney for the Nicelys, still maintains that they are innocent, and says the evidence did not warrant

Mr. Moore says in another part of his dispatch, "If he (Joe) is not insane, I never saw a crasy man."

The Dead Sons at Home. THESE MOTHER REPORTED TO BE INSANE.

One hour after David and Joseph more from adjoining counties who were ad-Nicely had been pronounced dead by There were also present, Dr. H. S. Kimthe physicians in attendance at the exemell, of Somerset, Dr. S. S. Good, of Meyers cution, undertaker Lowry, who had witdale, and Dr. J. M. Louther of Somerset nessed the execution at the request of the death-watch-Milt McMillen, Elward the father, started over the mountain to Ligonier with the bodies of the murderers of farmer Umberger. The great crowd who witnessed the departure of the undertaker's wagon drew a long and brought tears from many within hear breath of relief and expressed the hope as a means of escaping capital punishment that Somerset county would never again were taken out of the house and placed up was a rude blow to popular faith in insanity experts. Another man suspected of trying within her borders. the same trick to escape the same nunish

be called upon to have a legal execution The necessarily slaw journey from omerset to Ligonier was without any persons passed along and looked in upon cidents worthy of note. After a drive the faces of those wayward sons, where of eight hours over hills and through valleys, amid a continuous pour of rain. undertaker Lowry reached Ligonier at 11 o'clock, and, going directly to his morgue, the coffins were taken from the mud bespattered wagon and taken into the undertaking rooms, where in waiting was the family of the dead brothers. who, upon beholding the coffins containing the dead bodies of their loved ones, burst forth into paroxysms of grief and favorable. After the last person had passed refused to be comforted. They were then | their blers the lids were closed and the out much more insane than he was, he taken into the morgue and the under- were carried by the pall bearers selected and might escape the consequences of the deed taker at once took them from the coffins placed in two wagous when the mourning Comparing what is reported of this case with county and prepared them for burial, private burying grounds (about 100 rolls after which they were placed in handsome caskets ordered by their father. The coffins were again placed in the was on and at four o'clock Friday morning miles around. Upon the arrival or level of the coffins were lowundertaker Lowry started for old man eral cortege and before the could were taken undertaker Lowry started for old man Nicely's, where upon his arrival he witnessed a scene that will ever remain which were engraved, "At Rest," and gives "I never took any stock in Joe Nice- indelibly impressed upon his memory. into the keeping of the family, who wanted ly's insanity," said Mr. McMillen to a As soon as the coffins were taken into them as relica-HERALD reporter, Wednesday afternoon. the house old Mrs. Nicely broke down "You know I knew the fellow thorough- and is completely prostrated, her reason From that time my whief that a full con- have a gians case made and place the ropes, the part he took in the recapture of the ly. He was a great schemer, and was being dethroned, and Dr. Beltz, the atfession would come dw indied to a shadowy handcuff, straps, the Umberger pocket- brothers the time they escaped from jail and determined that his neck should never tending physician, has grave apprehen-

A subsequent dispatch from Liganie says that old Mrs. Nicely, whose rea son had been dethroned, is much inproved, having again become rational although stifl sorely afflicted, with a base shamming. The first two or three days possibility that death may yet result



The Nicelys' Funeral

HMN CHARACTER.

The Ligonier Valley, far famed for the fertility of its soil and the grandeur of its enfronments was the scene of the closing act in the famous tragedy which for two ong weary years has attracted the attention of the people of western Pennsylvania

The fifth and last act was consumated or Sunday, just 2 years, 1 month and 8 days after the first. The stage in this instance being the old homestead situated 3 miles south of Ligonier in as beautiful a country and upon as fine and fertile a farm as is to be found seneath the canopy of heaven and when these two murderers first saw the light of day, spent their childhood, grew to manhood, settled down for life and where they with their interesting families, lived on that intal February 27th, '80t, when the Umberger murder was committed.

The furneral was set for 20'clock, but long sefore that hour people commenced to arrive and fully 800 persons of all ages were assembled to hear the services and get a compse of the persons who have been so prominently before the people of the coonty and State ever since they were arrested April 4th, 1889. The coffins containing their remains were placed in the little parlor in the west end of the two-story frame house and into this room, around the remains of their loved ones, the friends gathered, while at the doorway, leading to the large diningroom, was stationed the ministers, who took part in the solemn services, which commenced promptly at the hour of 3 o'clock with the reading of the 16th Pain. after which Rev. C. W. Miller, of the Evangelical Association of Ligonier, in an earnest prayer, invoked the blessing of Him who doeth all things wisely. The choir then sung hymn 580, commencing, "Why should we start and fear to die," at the conclusion of which Rev. Prof. W. J. Swigart, of Huningdon College, Huntingdon, Pa., preachei

During the delivery of it every ear was open eager to catch each word as it fell from

Owing to the great crowd which packed the house, but few were able to hear th minister. The words were to the living. and not the dead, and were full of consolation and comfort to all the members of the bereaved families, whose great grief was manifested frequently during its delivery and in many instances the words of truth and soberness, as they fell from the speaker's lips, caused the tears to course down the cheeks of many a parent. Elder George Hanawalt, of Boucher, followed Rev. Swigart and made an interesting and appropriate address, in which he referred briefly to the murder, and spoke of the sympathy of the Nicely family for the bereaved family in merset and said that none deplored the friends of the Nicely brothers, who, on the ignominious gallows on Thursday, paid the penalty for the commission of that awful crime. During his remarks he said that their church wes opposed to the penalty for rapital crimes, and he though t that the State asked too much when it asked for and took these brothers, even if they were guilty, of which he thought there might be some doubt. He said, however the time might come in the lives of many present when what now seemed dark and mysterious

At the close of Elder Hanawalt's address, the well known hymn, "Asleep in Jesus, Blessed Sleep," was sung, after which, in an earnest prayer, he invoked the blessing of Almighty God upon the families of the dead brothers. At the conclusion of this earnest supplication Elder Hanawalt announced that at the request of the families ahe bodies would not be exposed to public view. But at the earnest solicitation of some of old man Nicely's most intimate friends, who explained to him that many were there to aid n paying the last sad rites to his dead boys, and were carnest spmpathizers with him, and were anxious, not out of idle curiosity. to view their remains, and after some little consultation be assented, and the announce ment was made that after the family had taken leave of them, the bodies would be taken outside of the house and placed alongside of the walk, and an opportunity given to all to take a last look at the inanimate forms of the dead murderess. This announcement was received with great satisfaction

Then the door leading into the patlor,

would be made plain, and their guilt or is-

nocence known beyond the shadow of a

where the friends and the dead were, was closed and for a few minutes they were left to themselves, during which the final leave taking, which was the most pathetic scene ever witnessed in that community, was talen, and the manifestations of grief were discernable several rods away from the boast ing distance. Immediately after the caskets on chairs along side the board walk, leading from the front porch to the road, the lids were removed and fully eight hundred countenances did not indicate to the casual observer that they would be guilty of the highest crimes in the calendar. With the exception of those who in any way took secution of this case, all got a glimpse of the dead brothers. This was upon the request of their many friends and persons who knew all these persons stood at the entrance and warded all such off. This caused from the house) on a high knott on the western end of their farm, overlooking their homes and the approunding country for miles around. Upon the arrival of the fus-A very brief service was held at the open

graves. Rev. Miller pronounced the best diction, after which the families of the dead men returned to the little old house of the stare of the carious crowd.