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Somerset Herald.

ESTABLISHED 1827.

SOMERSET, PA., WEDNESDAY, JUNE 1, 1892.

VOL. XL. NO. 49.

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DISCOUNTS DAILY .-

CHAS. H. FISHER,

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Livery Establishment, where rigs of all descriptions can be had at mod-erate rates. The bar of this Hotel is stocked with the finest grades of Whiskies, Wines and Beers. Also on hand a large stock of

Imported Cigars.

Persons anticipating matrimony can have beir troubles and cares reduced to nothing by topping at this Hotel, where thense can be pro-ured without extra charge. Don't be taken in y colored hackmen, but come direct to the

The undersigned has on hand a large stock of will save you money in purchasing-and SOMERSET COUNTY WHISKY, Old Rye, Which he offers at Wholesale and in small Two Year old at \$2 25 per gallon. Three " " \$2 50 " " Four " " \$1 00 " "

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Watchmaker and Jeweler, Next door west of Lutheran Church. Somerset, Pa. Having opened up a shop in this

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some long-standing malady. The poison of Scrofula is in your blood. You inherited it from your ancestors. Will you transmit it to your offspring? In the great majority of cases, both Consumption and Cutarrh originate in Scrofula. It is supposed to be the primary source of many other derangements of the body. Begin at once to cleanse your blood with the standard alterative,

Ayer's

scrofulous eruptions over the whole body. My appetite was bad, and my system so prostrated that I was unable to work. After trying several remedies in vain, I resolved to take Ayer's Sarsaparilla, and did so with such good effect that less than one bottle

and strength. The rapidity of the cure autonished me, as I expected the process to be long and tedious."—Frederico Mariz Fernandes, Villa Nova de Gaya, Portugal.
"For many years I was a sufferer from serofula, until about three years ago, when I began the use of Ayer's Sarsaparilla, since which the disease has entirely disappeared. A little child of mine, who was troubled with the same complaint, has also been cured by this medicine."—H. Brandt, Avoca, Nebr.

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just received, and are now prepared to furnish all who want a specialty in this line. We introduce correct styles as soon as out. We also carry a full stock of

Window Shades, Trunks and Sachels,

We take genuine pleasure in hav-All work guaranteed. Look at ing our friends inspect the above

A Great Event Escaped the Gallows! Twp. Stood aside.

GAL BATTLE

Florence Fuhrer, the Slayer of Michael F. Niland, Convicted of Voluntary Manslaughter.

GENERAL SATISFACTION.

The Defendant Fares Better Than He Expected.

"Florence Fahrer, stand up," com manded Clerk of the Court Sanner, at 10 ninutes after 6 o'clock Friday evening. Challenged.

" Prisoner look upon the jury; jurors look upon the prisoner. Gentlemen of the jury how say you, is Florence Fuhrer, the defendant, guilty of voluntary manslaughter or not?"

" Do you desire to have the jury polied?" asked the court of ex-Judge Baer. Baer, evidently too well satisfied that his client had escaped being convicted of

The prisoner fairly hugged himself when he resumed his seat, and turning to the HERALD reporter he said: "I'd a great deal rather go to the penitentiary for manslaughter than on a charge such as that man is being tried for." (The prisoner referred to Wm. Boyer, who was being tried for felonious assault.) When the prisoner was brought into

minutes talk with him, pending the ab-In reply to a question as to what the guilty?" the prisoner answered, "not payas he said he might hang on this be calling me names and said before you sence of his counsel, ex-Judge Baer. verdict would be Fuhrer replied, "murder in the second degree. I could see that in the eyes of at least six of the ju-

When a verdict of mauslaughter was suggested the prisoner shook his head before replying, "the penalty is the same in both cases, only \$1,000 fine can be added in the case of murder in the second

The maximum penalty for manslaughter is 12 years in the penitentiary.

The case of the Commonwealth vs. Florence Fuhrer was called in the Court of Oyer and Terminer at 10 o'clock Wednesday morning. The defendant had been indicted as Elmer Fordish, (the name he gave when arrested) and District-Attorney Colborn asked permission of the Court to amend the record by substituting the prisoner's proper name in places where the name of Fordish appeared. The Court made an order that this be done and the work of selecting a jury was at once entered upon. Fifty-four jurors in all were called before a panel of 12 was selected. Two or

three of those called had conscientious scruples against capital punishment, a score or more had expressed an opinion, but thought they could render an impartial verdict in accordance with the evidence, one was excused on account of sickness, and one or two were hard of hearing. The defense exercised their righ of challenge in only six cases and made every effort to select jurors residing as far as posible from the line of the railroad. The Commonwealth asked that a large number of the jurors called be stood aside, generally because they did not live close enough to the railroad. Following are the names of all the

urors called and of the jury that sat upon the case:

J. A. Myers, farmer, of Brothersvalley Township, hat read about the case had conscientious scruples against capital punishment. Excused.

had read about the case. Stood aside. John G. Steinbaugh, laborer, Quemahoning Twp. Accepted. Herman Johnson, Justice of the Peace, Larimer Twp. Stood aside.

Twp. Stood aside. stood aside.

W. H. Gardner, farmer, Jefferson Twp.

Accepted. Stood aside.

Accepted. Hiram Tedrow, farmer, Middlecreek Two. Stood aside. T∝p. Stood aside.

Accepted. Stood aside. Twp. Accepted. George Glotfelty, merchant, Larimer

Twp. Accepted. Twp. Stood aside. Twp. Stood aside.

Stood aside Stood aside. John A. Glessner, farmer, Summit Twp. | we got there. Stood aside. W. H. Shaffer, farmer, Somerset Twp.

Stood aside. Twp. Stood aside. Pani Werner, farmer, Greenville Twp. Stood aside.

William H. Miller, farmer, Brothers- Fuhrer; I didn't hear Fuhrer say that asked me to get him a shovel and I went valley Twp. Challenged. Jacob Judy, farmer, Brothers Valley

William McClintock, laborer, Addison J. F. Rhoads, farmer, Lincoln Twp. John Weakland, clerk, Confinence bor.

Earnest Elford, farmer, Black Twp. Stood aside. bor. Challedged. H. H. Hay, farmer, Lincoln Twp. Stood aside.

Challenged. Joseph Baldman, miller, Brothersvalley Twp. Stood saide. Twp. Stood aside,

Elias Suhrie, farmer, Allegheny Twp.

Excused on account of sickness. Hiram Barron, Middlecreek Twp Stood aside. bor. Challenged.

David Lohr, farmer, Milford Twp.

J. D. Critchfield, constable, Rockwood bor. Stood aside. Hiram A. Walker, farmer, Conemaugh Twp. Stood aside.

since then I don't believe that I did.

No cross examination.

James H. Murray, carpenter, Larimer Twp. Challenged. Challenged.

Twp. Accepted. W. M. Drucker, farmer, Summit Twp. Challenged. H. P. J. Custer, farmer, Paint Twp. Challenged. rer rode on my engine to Rockwood. Simon P. Geisel, merchant, Quemahon-

John G. Steinbaugh. H. G. Will. Henry Kidner. W. H. Gardner. W. H. Hay. J. W. Barelay. George Glotfelty. N. B. Penrod. J. F. Rhoads. C. F. Landis. Simon G. Geisel. J. J. Bowman The jury box was filled at 3 o'clock

when the defendant was commanded to stand up and be armigued. When the District Attorney had concluded reading tion: "Florence Fuhrer, to this bill of indictment, how say you; guilty or not guilty," in a tone that rang throughout the crowded court room. The defendant stood up like a soldier, (he served 5 years in the regular army) not a muscle in his body quivered and when he resumed his seat at his counsels' table he glanced across the room and smiled at the Hza-

Judge Baer conducted the examination for the defense, while his colleague, Thos. M. Marshall, sat listle sly by his side apparently unconcerned in the proceedings of the court. Occasionally he would look into the face of the witness on the stand with the ferocity of a tiger. as much as to say, "now, be sure you tell the whole truth," and then he would drop back into his chair and close his eyes. Nothing escaped his attention, however, as those who heard his address

At the Commonwealth's table sat General Koontz, District Attorney Colborn and the aged father and young brother

Michael Niland, father of the murdered fireman called and sworn: I live in tragedy occurred.) Connellsville; my son Michael was home him was March 2d, when he was brought home dead.

Bernard Wolfhope, New Baltimore, engineer Dougherty explained the posi- J. G. Extine sworn: Live at Connells-Edward M. Walker, farmer, Summit his hands and was pulling down coal. engine and saw Niland's body; met Fuh-Henry Ringler, laborer, Elk Lick Twp. said "no I won't help pull down coal said he would give aimself up; I asked, H. G. Will, teacher, Milford Twp. control of that side of the engine and if he answered, the fireman was imposing have read a great deal about the case but you don't help you can't ride on my side. on me all night; Fordish then told me have not expressed an opinion. Accept- Fuhrer replied, "Oh, yes I will, and I that Niland came towards him with a Isaiah P. Crise, farmer, Jefferson Twp. said you b-s-of a b- I'll show you he kept on calling him names he shot Henry Kidner, miner, Salisbury bor. time I said boys you must not fight in was digging. George Eliman, farmer, Northampton | heard a shot. I looked out of the cab and | engine. W. H. Hay, merchant, Meyersdale. this time Niland called out Joe, I'm shots show how easily the flagman could have trip on the evening in question. (This Joe, per bottle. Sold by J. N. Snyder. John Kiefer, laboror, Somerset bor. cab and put my arm around Niland, who to. J. Wesley Barcay, farmer, Jefferson clothes and looking up to Fuhrer, who Ex-Judge Baer opened the case in be-C. W. Mognett, carpenter, Middlecreek I then went over to Kephart's engine bring in a verdict of murder in either the was good natured. We were only joking. a composition the other day on insects

and told him that my flagman had shot fin to second degree and the only question Rubber Clothing, &c. Baltimore bor. Challenged by defense. my engine and met Fuhrer on the track. fense could establish a case of justifiable the external or fine would be higher than Joseph Hankenson, carpenter, New my fireman. We started back towards remaining was whether or not the de-Michael Lohr, farmer, Conemaugh Kephart said you've killed your man. houricide, which he believed they would be external ordice would be higher than "That's what I had to do, said Fuhrer." have no trouble in doing.

said, he continued; I don't know just have been accustomed to using two. I person who received the shot the ball der's Drug store. Large size 50 cents and what the oath was Niland applied to then helped him to coal the tank; he would have passed through the body.

physicians who preceeded him on the Joseph Dougherty recalled: The defendant was not imposed upon. I did

not tell defendant to put up his gun. I did not hear defendant say he shot in H. M. Kephart recalled: I did not

tell the defendant to stick to it when he told me about Niland coming at him with a pick.

Dr. H. Clay McKinley sworn: Live in Meyersdale; have been a physician and

surgeon for 27 years. (This witness corroborated the testimony given by the

Case closed and witnesses discharged at 2 r. w. Thursday. After the case had been closed counsel

spent a half-hour in argning the points of law on which they desired the court to instruct the jury. District-Attorney Colborn commenced

ter speaking a half-hour was compelled wealth ably and impartially, and asked for a verdict of murder in the first degree. Mr. Colborn was followed by ex-Judge Baer for the defense. This was Mr. Baer's first appearance before a jury in the capacity of an attorney since he was elevated to the bench almost cleven years ago, and he made one of the most logical and clear-cut expositions of the law gov-

set county courts since the days of Judge long a period, it is evident that he has Hon. Thos. M. Marshall, "glorious old Tom Marshall," as he is affectionately called by his friends, the most eminent criminal lawyer in Pennsylvania, if not in the United States, followed Judge Baer for the defense. He was listened to with breathless interest by the large audience occupying every available inch of space in the large court room. Mr. Marshall analyzed the testimony adduced as only a master in the profession can and created enthusiasm that was difficult to suppress by his vivid declamation when he

Marshall paid a high compliment to the a boy from his own county of Allegheny. At the conclusion of Mr. Marshall's address court adjourned to must at 7:40 v. at. General Koontz began his argument to the jury in behalf of the commonwealth ability is to well-known too the people of this county to require any comment, but he never spoke with more earnestness or to better effect than he did on this occasion. The several interruptions of opposinvective. He rehearsed all of the testimomake a true deliverance in accordance

Judge Longenecker charged the jury Friday morning. He spoke for over an hour, and in that time rehearsed all of the principal evidence in the case and clearly defined the law on homicide.

The jury retired to their room at 20 minutes past 12 o'clock and shortly afterwards took a ballot. Two of the jurors are understood to have voted for der in the second degree and four for volwith the question of their vendict until 6 imously agreed upon a verdict of "volute-

"Did you think your life was in danrevolver. It had recently been fired off. gor?" usked Judge Baer. Objected to by Gen. Koontz.

This question caused prolonged argu-Sheriff Good identified the revolver as meat participated in by attorneys Marshall, Baer and Koontz. The question was finally admitted.

The witness replied: I did, in an-

Cross-examination: When I got into Don't know whether Niland was there or | 25 cents per box. For sale by J. N. Seywhether he came in there afterwards. der. They all laughed at the story I told about my flagging the train. Niland said if he had a boy who would do such a thing he me. would throw him into the river. We all Inebriate-Take some other fellow. laughed at what he said, too. I got angry | Don't take me. I'm an unlucky cuss. when Niland told me that he would show | Every time I promenade with a policeme something about railroading before man I get locked up. he got through with me. I don't know whether there would have been any trouble if I had kept my seat in the cab. 1 | Since its first introduction, Electric don't know what Niland would have Bitters has gained rapidly in popular fadone. Niland didn't know that I had a vor, until now it is clearly in the lead gun and doesn't know it yet. What I among pure medicinal tonics and alterasaid to Niland I said plainly and in a tives-containing nothing which perway that any man could understand. I mits its use as a beverage or intoxicant. told Kephart in the presence of others. It is recognized as the best and purest that I shot in self-defense. I told only medicine for all ailments of the Stomach,

not try to slip away that night. or on the B. & O. I knew Niland; I tion guaranteed with each bottle or the saw Niland and Fuhrer together on the money will be refunded. Price only what occurred in the caboose near Con- It is announced from California that witness corroborated Fuhrer's story as to fluence.) I was making out my reports \$30,000 has been paid by a young man and I said to the men; Here, now, boys for a "green yearling colt." He evident-

All of the conversation in the cahoose A pupil of a Germantown school wrote Dr. J. W. Carothers sworn: Have in which he said "the spider is the most been practicing 9 years. If the wound web-footed of all creeping things. the internal orifice. I draw this distinction as the question was put to me.

murder in the first degree, six for muruntary manslaughter. The jury wrestled o'clock in the afternoon, when they unancure surely. I have advised several came at me with a pick; he said if that's It is curing my deafness. - B. W. Sperry, Lady-So you have no objection to children here?

Janitor (city flat)-No, mum.

"What do you charge for this flat?" "How many kids have ye?" "I have three children."

"Sixty dollars a month." "That's rather high."

The best Sa Ive inthe world for Cuts, and positively cures Piles, or no pay rethe caboose the conductor, a brakeman quired. It is guaranteed to give perfect and the flagman's brother were there, satisfaction, or money refunded. Price

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m when subscribers do not take out

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to all business entrusted to his care tier latisting counties, with prom-nally, Office on Main Cross Street ers flock occus.

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W. H. RUFFEL. erset, Pa. em entrusted to their care will be a sunctually attended to. Office on

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and ought to have one. It contains much Finded Oil Company, of Pittsburgh, Pa., the aspecialty of manufacturing for the Dimenic trade the finest brands of information about fabries and modesis to be had for the asking. aing & Lubricating Oils aphtha and Gasoline,

New 20 inch Faille Francaise, 75c. Patisfactory Oils New 21 inch Faille Francaise, \$1.00. New 21 inch Crystal Bengalines, all colteen. Trade for Somerset and vicinity New 25 inch Black French Surahs, 75c.

New 22 inch Black Crystal Bengalines, 割.25 to \$2.50. Above are all the best obtainable for NEW SPRING NSTOWN SUPPLY HOUSE. OHN H. WATERS & BRO. DRESS

elegant assrtments-values that will demonstrate at once that its to your interest to trade with us. Shall we send Samples or a Catastern Pennsylvania.
Shall inling to the Plumbing, Steam logue!

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Ayer's Sarsaparilla

FIDELITY TITLE AND TRUST CO.

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C. B. McVAY, - Secretary and Treas.

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to draw and retain trade. CLOTHING!

Never before have we bought such fine styles in Mens' and Youths', Boys' and Childs' Clothing. These Goods are ununapproachable in quality and

CARPETS.

This season we are offering a larger assortment, better styles and lower prices in all grades of Carpeting, Matting, and Oil Cloths and Rugs, than ever be-

A large and complete stock

R D. Luetchford & Co., Bochester, N. Y. One Door North of Post office.

AFTER A HARD FOUGHT LE-Twp. Stood aside.

Stood aside.

THE VERDICT RECEIVED WITH

COMPLETE HISTORY OF THE TRIAL.

The prisoner promptly complied with the command and faced the 12 men who | Stood aside. held his fate in their hands.

"He is," answered the foreman of the "No, indeed," smilingly replied Mr. ing Twp. Accepted. murder in the first degree.

Court to receive the verdict of the jury the bill of indictment and put the ques-

ALD reporter.

to the jury can testify.

of the murdered fireman. Following is a full abstract of the testimony as it fell from the lips of the wit-

Niland was fireman and Clarence Fuhrer | self up. (Revolver exhibited). This is the was my flagman. We were pushing train No. 74, east bound, to Sand Patch. It is a five-shooter. Four cartridges are Engine No. 535, was ahead of us. We still in it. turned at Sand Patch and after receiving running orders started west. We took the siding at Yoder's to let the night express pass. While we were on the siding Niland commenced to pull down coal that a cartridge such as was used in Fuhin the tank, and there is where the mur. rer's revolver would have made a perforder took place. (At this point a tin mod. ation such as was found in Niland's el of a locomotive was introduced and body. tions Fuhrer, Niland and himself occu- ville; am a fireman; I was on Kepharts pied on it. Niland was in the tender, engine, No. 562, on Yoders siding on the Fuhrer on the left-hand side of the cab, night of March 1st; No. 483 was ahead and Dougherty on the engineer's side of of us on the siding; Dougherty told us the cab.) Niland had his coal pick in of the shooting and I went back to his He asked Fuhrer to help him. Fuhrer rer at the head of Dougherty's engine, he for a light engine." Niland said I have "my God, why did you shoot this man?" wouldn't advise you to attempt to put pick and called him a s-of a b-and a me off." Niland came forward towards b-and told him that he shouldn't ride the cab with his pick in his hands and on his side of the engine, and that when whether I can't put you off." At this him when he looked up from where he my engine. Fordish said "you Irish | Joseph Dougherty recalled: Witness b-repeat that word;" Niland said put up explained how the tengineer's and fireyour gun. Four or five minutes after I man's seats are attached in the cab of an saw Fuhrer putting up his pistol. At The idea of this testimony was to send for a doctor." I jumped out of the escaped from the engine had he wanted was falling. I saw the bullet hole in his was standing at my side, I said "you've half of the defense. He declared that the both of you. shot this man through the heart." commonwealth had adduced such testimo-"That's where I aimed for," he replied. ny as made it impossible for the jury to

N. B. Penrod, mason, Somerset Twp. Kephart then asked him to give him his Florence Fuhrer-the defendantgun. Fuhrer refused to give it to him. I sworn. Examined by Judge Bear: Charles Barron, farmer, Somerset Twp. don't think Niland lived two minutes. I entered the service of the B. & O. Co. | wood; was acting coroner; held an in-The conductor telegraphed to Rockwood on the 16th of Feb.; on March 1st I was quest on the body of Michael Niland on a Cough, Cold, or any Lung. Throat or W. W. Brown, farmer, Somerset Twp. to have an officer at the station to arrest called to flag 483; that was my first trip March 2nd. The appearances of the Chest trouble, and will use this remedy Fubrer. Fuhrer gave himself up when on the east end and was the first time 1 body and the wound indicated that the as directed, giving it a fair trial, and ex-Cross Examination-Judge Raer pick- was called to go at 3 p. m. I got on the made. ed the model all to pieces and the wit- engine and commenced looking for the Cross-examination: I can't say in ed. We could not make this offer did ness was unable to say where it came lamps. I only found one and asked Ni- which position the hands were raised, we not know that Dr. King's New Dis-Adam Cook, farmer, Northampton from or for what purpose it was made. land where the others were. He asked If the person who fired the shot had covery could be relied on. It never dis-

he shot in self-defense while on the en- to the store-house and told a lie to get gine; the flagman generally rides on one for him. There wasn't much said up his argument to the jury at 3:20, and afthe left hand side of the cab and that's to this time between Niland and me but where Fuhrer was; it is not the duty of I saw he took me for a green horn. When to quit on account of sickness. the flagman to help pull down coal; a we got onto a switch near Confluence I He presented the case of the commonvery short time before the firing I heard thought we were on a double track and Niland call Fuhrer a b-s-of a b- asked Niland what it meant. He said when Fuhrer told Niland that he would bad track. When I saw we were on a not advise him to attempt to put him siding I jumped off the engine and went off, it was then that siland came for- back the side track with my flag. I met ward with the pick; when Fuhrer was another flagman on the track who asked Edward Rhoads, liveryman, Somerset asked about carrying a revolver he said, me where I was going. I told him I was I have carried it for 8 or [10 years; I going back to flag a train. He told me heard no one taunt Fuhrer that night; that the train was on the same they might have been quarreling and I siding on which we were. When I got erning the case ever heard in the Somerwould not have heard them; (design of into the caboose I told the boys there as an engine shown witness;) he said it a joke on myself how I had been flagging | Jere Black. Notwithstanding the fact ... was not similar to the one on which the a train on a siding. Niland spoke up that the Judge has not plead a case for so murder took place. The witness here and said; I don't believe you were ever Valentine Sass, farmer, Greenville described the engine as fully as possible. on 30 trips in your life. Niland told ma lost none of his old-time vigor as an ad-Re-direct Examination-I said to Fuh- I would have to help him shovel coal. I rer you didn't have any trouble on the told him I would if I felt like it. At Sand engine before this, and he replied " the | Patch he growled at me about turning the trouble commenced in the caboose," time table. He would not answer any-

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when Niland called Fuhrer a s-of a b- thing I asked him and would not get off Ed. B. Spangler, laborer, Rockwood | Fuhrer called him an Irish s - of a b -. of the seat to let me pass. When we got I testified before the coronor's jury : I to Yoder's Siding I opened the switch said that I saw Niland when he was shot, and shut it after the train had passed in. I picked up a board and fixed it in the H. M. Kephart, sworn: Live in Con- cab for a seat as I knew Niland would nellsville; am a locomotive engineer; on growl about my sitting on his box. All Charles Walker, farmer, Jenner Twp. the morning of March 1st 1 was on en- of the coal on the top of the gine No. 562 on the Pittsburgh division, tank was off. I had shoveled it John Statler, farmer, Meyersdale bor, B. & O. R. R. My train was on Yoder's down on the way up. Niland called to Siding. Dougherty's engine pulled in me, come out here and shovel down volver. I did not hear his reply, but I out. Then he commenced damning me; put in the caboose of my train and Fuh- it up until I couldn't stand it; I walked toward the door and pulled off my mitten Joseph Hartley sworn: Live at Con- and while I was fumbling to put it into nellsville; am a passenger conductor, my pocket the engineer said, "put up On the 1st and 2nd of March I was con- your gun, you don't need any here." I ductor of the train on which Kephart | never answered him, but I leaped over while on my train at Yoder's Siding. I care to be abused, that it was only an imwent back to Dougherty's engine and position for him to ask me to shovel coal saw that Niland was dead. I sent a mes- on a light engine, that I wasn't paid for

ville, as he owed his landlady there and tol hilt; Niland said I'll drive you through Anthony King sworn : " Live at Con- wanted to know what I would do it with, nellsville; am a locomotive inspector. 1 He then raised the pick and said you basknow No. 483 on which the murder took | tard, you s-of a b-, and came toward me. place. This model here is a fair repre- I started to retreat; I run against the seat sentation of that engine. The witness | and as I couldn't get any further I fired; then gave a very thorough description of Niland was at the door; I stood in the

the engine from the model, and the mea- cab; I didn't know what effect the shot surements of No. 483. William Niland sworn; I live at Con- was a case where one of us must die and nellsville; am a brother of Michael Ni- for that reason I shot at his heart, as I land, the man who was shot. I saw my thought that was the place that would brother at Rockwood after he was dead. have the quickest action and keep the pick I was present at the inquest and post more away from him; Niland started to fall and Dr. Masters sworn; Live at Rock- back; Dougherty was looking for the

not find the bullet, but am satisfied that Dougherty where he was shot; Dougher- floor. I purchased Ely's Cream Balm that wound caused his death. you have shot him through the heart; No cross examination. James Emery sworn: Live at Con- my answer was, I couldn't help it; I had friends to use it, and with happy results nellsville; am supervisor of trains and to; Kephart said, you've killed your man, in every case. It is the medicine above engines; have had 28 years experience how do you feel about it; I said how all others for cutarrh, and it is worth its (This witness corroborated the testimo. would you or anybody feel; he wanted | weight in gold. I thank God I have ny of Anthony King, who gave the mea- to know how I came to do it and I told found a remedy I can use with safety screments of the engine on which the him Niland had called me names and and that does all that is claimed for it

Fred Dupont sworn: Am constable so you could not help it and stick to it. Hartford, Conn. of Rockwood. Larrested the defendant there were three or four others there bem., to go to work. The next time I saw on Kephart's engine at Rockwood ata. side Dougherty and Kephart and they tion. I asked as soon as the train pulled | must have heard what I said; how none in, where is the man who did the shoot. of them came to say so on the stand I Joseph L. Doughterty, swore: Am a lo ing? Kephart said: 'Here he is,' point- can't understand; I shot because I comotive engineer and live in Connells ing to the defendant. Where is your thought he was going to hit me with the ville. On the night of March 1st I left gun, I asked. The defendant handed it pick; he could have reached me with the Connellsville on engine No. 483, Michael to me and said he wanted to give him- pick and two feet past me.

> the one given into his custody by Con-Dr. Masters was recalled and testified

CASE OPENED FOR THE DEPENSE.

after me on the siding. I went to Dough- coal. I answered, what, shovel coal for arrived at the point where Niland aperty's engine and saw the fireman breath- a light engine. He said it's your duty. plied the opprobrious epithets to Fuhrer, Daniel D. Long, laborer, Larimer Twp. ing his last. I saw Fuhrer down on I answered, I guess not. You are paid reflecting on the character of his mother the main track about two minutes after for sitting there are you, he said; I and of his birthright. It was a wonder-C. F. Landis, merchant, Stonycreek this. I asked him if he realized what he swered, yes. He said you can't ride on ful appeal to the manhood of the jurors had done. He said, I killed that man. my side of the engine. I replied, I and left an impression on the audience I said, 'you had better give me your re- don't see how you are going to get me that will not soon be forgotten. Mr. did not get the gun. Niland's body was I only laughed at his swearing. He kept talent of the Somerset bar, and said that was engineer. I was told of the murder Niland's seat; I told Niland I did not at 7:40 p. m. The General's orntorical sage to Rockwood to have an officer at that business. What are you going to the station to arrest Fahrer. The only do about it, he asked. If you don't ing counsel only intensified the speaker's conversation I had with Fuhrer was stop I'll have to make you, I said. He while on the way to Rockwood when he asked me to collect his time at Conneilshe did not want to beat her out of her the cab you s-of a b .- I told him not to with the evidence. of a b-I'll make a sieve out of you. He

might have; when I fired I thought it Dougherty enught him; he fell on his wood. I made a post morton examina- wound when I told him I think you will tarrh for over ten years; had it very

tion of the body of Michael Nihand and see that he is shot through the heart; I had, could hardly breathe. Some nights found his heart had been perforated; did "pulled Niland's shirt off and showed I could not sleep and had to walk the ty said, you have murdered this man, and am using it freely, it is working a

"Our reg'lar terms, mum. Twenty dollars a kid." Bucklen's Arnica Salve. Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions,

Policeman-You come right along with

what I was asked to that night. I did Liver or Kidneys. It will cure Sick Headache, Indigestion, Constipation, and S. O. Fletcher sworn: "Am a conduct- drive Malaria from the system. Satisfac-

not so much noise in here or I'll lick ly wished to secure a mount that would match his own color.

had ever seen Niland and Dougherty. I arms were up when the wound was periencing no benefit, you may return 'I don't believe I heard all that was me how many I wanted. I replied I been standing directly in front of the appoints. Trial bottles free at J. N. Say-