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ESTABLISHED 1827.

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The Somerset Herald.

ESTABLISHED 1827.

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ONE GIRL'S NERVE.

The Startling Way in Which it Was Tried One Day.

BY MRS. J. D. BURTON.

"Brothers are such a nuisance," sighed Nella.

"Sid isn't a bad fellow, but he is insufferably conceited," explained Lida.

"We can get along with him, but Brian is the black sheep of the family. He is not only a tease, but a terror. It's bad enough with father and mother at home, but with them away—"

"And Aunt Janet is of no more account to keep those boys in than Lide and I, if so much; so the prospect is not a cheering one; but we are delighted to see you, and we will do the best we can for you, my dearest of girls."

"If my visit is ill-timed," hesitated Eileen.

"It isn't, if you will put up with the drawbacks. It could not be better timed for us. Aunt Janet is no company at all, but she's an adorable housekeeper, and we should be sure of a delightful time if it only were not for those boys."

Sid was inclined to be formal and patronizing when he made his appearance, though evidently trying to be agreeable.

"So sorry you did not get here in time for the wheel tournament, Miss Warren," said he. "I took part in it, yes, but I made no effort for a prize, you understand. My idea of physical exercise is for all around development, rather than to excel in any particular line. I wish, Nell, you wouldn't interrupt—" as Nella cut in with "Brian won second prize and we were all there to cheer him—" "or if you must interrupt that you would not raise your voice to so high a pitch. I am sure you agree with me, Miss Warren, that 'a gentle voice is an excellent thing in woman.' I observed that you have a sweet, soft voice yourself, and I trust my sisters may benefit by the example you set them."

"Sid is simply too lazy to raise his own voice," said Nell, resentfully. "If I hadn't any more interest in life than you have, Sid, I'd be a nice ladylike person from your point of view, I suppose, but I'd rather be myself with spirit enough to shout when I feel like it than a bit of mincing affectation such as you admire."

"Nell doesn't mean to call you a 'bit of mincing affectation' right to your face, Miss Warren, though she does it in effect," said Sid, slyly. "But here comes Brian, fresh from the baseball match, I suppose. If you will excuse me, I will head him off till he puts himself into presentable shape," and the elder brother sauntered away to intercept the younger one, who was for breaking into the parlor just as he was, hot, dusty, disheveled, but enthusiastic over his day's sport, and the girls could hear his vehement protests.

"One girl more or less doesn't matter. You're such a pluk of perfection yourself, Sid, that you'll do for both of us. I am not a dude, and don't mean to be one. Say, we won out on the last inning, after six straight knockdowns, very last swing of the bat made a base hit—" and the voice trailed away into "short fly," "bad fumble," "beautiful throw," and other mystic expressions beyond the girls' power to interpret, but Lida drew a long breath of relief.

"He's in an angelic humor to let Sid manage him so easily, I do hope he'll behave well, for this one evening at least."

Eileen privately wondered what Brian's ill-humors might be like, if this were a sample of unusual amiability on his part, but there was a hearty ring to his voice that she liked better than Sid's languid tones. She liked the frank, mischievous face of the lad, when he was presented to her later.

"Have you a nerve?" he asked, "Or are you just like others, fussing and fuming about nothing?"

"Suppose you try me," said Eileen with a smile.

"Oh, Brian, don't," screamed Lida and Nella together. "You don't know what you're inviting, Eileen. He is so exasperating with his miserable tricks."

But Brian put out his hand with a gratified expression.

"Shake!" he said, tersely.

Eileen laid her soft little palm in his, and started as something clinging and disagreeable to the touch was released in it. Another moment, and she was holding a rather uncommon beetle between her finger and her thumb, and regarding it with unexpected interest.

"One of the noctilicse family and luminous in the dark, is it not? I thought so. I have had an interest in beetles ever since Sister Lu had a 'living jewel' sent her several years ago—a Brazilian beetle, you know. It wore a little gold harness and was fastened to a pin, and it would crawl over her dress to the length of its chain, and flash out of her lace like a real jewel; but the poor thing died after a few months, either from starvation or the change of climate, we never knew which."

"Ugh!" shivered Lida. "How could she bear it? Do throw that thing out of the window, Eileen."

"Don't!" ordered Brian peremptorily. "Give it to me. You are a daisy, though, and I'm glad you've come. Don't you want to see me chloroform this fellow, and pin him into my collection? Bring her along, girls."

Nella and Lida exchanged glances of dismay.

"His room is simply awful," explained the older sister apologetically. "He storms if we attempt to clean it up; wants the spiders to build webs there, and has a tree toad trained to come in at his window. We tried to reform him once, when he was away for a week, by carting all his rubbish out and making his room as dainty as ours, and we've never heard the last of it."

"Nor ever will, if you try the game again," grumbled Brian.

He was beginning to wish that he had not asked Eileen to come to his room. It was a rough place, and there was his baseball suit flung upon a chair and a heap of old shoes in a corner. There were oil spots on the wall, and a litter of cotton and moss and glue bottles and wire on his table; but Eileen looked at none of these things, for there also was the tree frog on the wall darting out its tongue to lick in an unwary fly before it took alarm at the unusual invasion and scrambled down to the window sill, from which it hopped to a tree outside, and was lost to view.

"A cruel boy a beetle caught
And to the wall it pinned, oh!
The creature moaned and cried aloud—
'Though I'm stuck up I am not proud—

And the toad hopped out of the window!" misquoted Eileen, while Brian dispatched his victim and impaled it among its kind upon a huge card. There was another card filled with butterflies, and boxes and drawers holding a queer jumble of birds' eggs and nests, with a few crudely stuffed bird skins, together with mice, and moles, and a muskrat, and it was the latter than Brian pounced upon a moment later, with the exclamation of despair.

"Moths! They've ruined it, and the moles, too. How did they get in?"

"It's more to the point to ask how we'll get them out," cried Lida hastily. "If there's nothing ruined but your rubbish we may be thankful."

Brian himself was ready enough to sacrifice every infected object, but he was vociferous in declaring that Aunt Janet should not put brush or broom inside the apartment.

"She stepped on my red lizard last time, and threw the jar with my little green snake in the ash barrel, and I never found it out till it had been carted away. You see, Eileen, all my pets are not dead ones. Here is a family of bumblebees in this box; just hear 'em hum."

"Brian!" shrieked his sisters, recoiling, but Eileen peered through the wire netting of the box, a little shrinkingly to be sure, but with a sympathy that Brian was not accustomed to receiving.

"Are you going to chloroform them?"

"Well, hardly. I'll just keep them to study their ways for awhile, and then let them go. I don't kill things unless I want them as specimens. It is a hole of a place," he admitted, as he looked ruefully about the room, "but I won't have you girls bothering with my things."

"Put it in order yourself, then, and let me help you," suggested Eileen. "It is a pity you haven't a cabinet; your feathers and furs would be so much safer if stored behind glass."

Brian flashed her a grateful glance.

"There's that old bookcase up in the attic," he said eagerly. "I thought of it once, but there is always such a row raised over my doings. Say, it'll be a frolic! I'll perch my birds on branches as natural as life, and have my blacksnake climbing up to steal an egg from the nest. He was doing that very thing with Mrs. Robin in the tree here, when I gave him the tap with my cane that broke his back. I wouldn't take a town lot for that tree. There's more goes on in it than you could imagine."

There was more to go on in it presently than Brian himself imagined. He had not explained that the blacksnake was a very recent acquisition—so recent that the five-foot coil disposed in a wall-basket was not the stuffed form that Eileen believed it, but the dead body of the snake itself, which Brian had killed just before leaving for the ball-game that day. The girls had no idea of this.

They all fell to work with a will, the next day, to carry out the plan for improving Brian's room. Even Sid lent a hand in bringing the old bookcase down. If the "kid" would have all that disagreeable litter around, it would be better to focus it within definite limits than to have it sown broadcast over the premises. The girls were ready enough to take their tone from Eileen.

"And besides," said Lida, "It will be such a relief to make space in his bureau drawers for his shirts and collars, so that he need not stow them away under his bed or his washstand. He nearly brained me once with an armful of books that he piled on top of his closet door, standing it just enough ajar to hold them there. We had fussed so much over his heaping things on the floor, he said, and that was the only other place he had for them. Another time, we found his laundry-bag hung on the bird-cage hook, outside his window. It was an airier and more appropriate place for it than the closet, he maintains to this day."

Brian had given his word to play none of his practical jokes on the girls during the renovation, but they distrusted his approach and shied away from him with a consistency bred of long habit. In one of these unnecessary plunges Nella upset the bumblebee box, displacing the slide, and in another moment the air was full of bees, screams and rapid footsteps. Eileen was mounted on a step-ladder and could not run, though she found herself besieged by two or three of the buzzing insects, one of which became entangled in her hair.

"Keep still," said Brian. "They won't sting you if you don't fight back. Oh-h-h! Ugh-h-h!"

Startled by the sound of the queer gurgle that ended his sentence, and disappointed in her expectation that he would come at once to her relief, Eileen cautiously turned her head to behold a sight that made her forget her own smaller danger.

Wreathed about Bryan's neck in a couple of tightening folds was a blacksnake—the supposedly dead snake come to life again—its long neck and oval head waving wildly to and fro as Brian tried vainly to grasp and dislodge it. Eileen cleared the step-ladder with one bound.

"Oh, what shall I do?" she cried, "How shall I help you?"

Just then she caught a glimpse of Sid, reconnoitering the disturbance from the far end of the hallway, and screamed to him wildly to come to their aid.

"Nonsense!" said Sid coolly. "It's only a trick of the kid's. You'll know him better when you've seen more of him," and Sid retreated precipitately, flipping his handkerchief at an angry bumblebee that had taken after him.

But Eileen knew that this was no trick. The boy's face was purple, and his eyes were starting out of his head. His blind reaches towards that waving neck were wholly ineffectual, but how was she to nerve herself to touch the repulsive reptile, even in such a crisis as this!

There seemed no help for it to Eileen's excited mind. She simply flung her apron over the snake's ugly head and forked, darting tongue, and grasped it close up with all the strength she could concentrate in those small hands of hers. It was enough, for with this help Brian soon disposed of the encircling coils, and speedily put his snakeship beyond the power of doing further harm.

"I wouldn't cry now, if I were you," he said considingly when he got his voice. "I hope he didn't bite you? No? Well, that's good. Oh, I don't mind my bites. A blacksnake isn't venomous, you know. Where in the name of mystery did the fellow come from, though?"

"Why, I saw it curled up in the paper-rack there, where you had it yesterday. Was—was it alive all the time?"

"You goose! This isn't my snake at all. I skinned mine last night. I ought to have remembered that they go in pairs. This one must have followed on the track of its mate, and come in through the window, just as I dragged the other one in after killing it in the tree, and it found the very spot where the other lay. And I backed square up against it when Nell spilled the bumblebees. No wonder the poor thing took me in its grip! It was as much frightened as we were, and that was its way of showing it. But you are a nervy girl, and I am mighty glad you are," which was Brian's way of expressing his thanks.

Eileen's visit, from the girls' point of view, was a complete success. From that hour the boys could not do too much for her. Sid, bemoaning a bumblebee sting, suddenly closed his lips as he realized that she was saying nothing about a swollen cheek with two visible punctures upon it; and if the one boy took a lesson in manliness from the girl's example, the other, in a hearty desire to stand well in her sight, bent himself to correcting the rough manners that had been the despair of his friends.

Free Pills.

Send your address to H. E. Bucklen & Co., Chicago, and get a free sample box of Dr. King's New Life Pills. A trial will convince you of their merits. These pills are easy in action and are particularly effective in the cure of Constipation and Sick Headache. For Malaria and Liver troubles they have been proved invaluable. They are guaranteed to be perfectly free from every deleterious substance and to be purely vegetable. They do not weaken by their action, but by giving tone to stomach and bowels greatly invigorate the system. Regular size 25c. per box. Sold by J. N. Snyder's Drug Store, Somerset, Pa., and G. W. Brallier's Drug Store, Berlin, Pa.

Willing to Compromise.

There is a good, old story of a general whose death was announced in a newspaper by mistake—a circumstance which annoyed him very much. He called on the editor and demanded that a contradiction should be inserted in the next issue.

"That, general," was the editor's reply, "is quite out of the question. We never apologize and we never withdraw a statement; but I tell you what we'll do for you. We'll put you in the 'Births' next week."—Tit-Bits.

STATE OF OHIO, CITY OF TOLEDO, LUCAS COUNTY. } ss.

FRANK J. CHENEY makes oath that he is the senior partner of the firm of F. J. CHENEY & Co., doing business in the City of Toledo, County and State aforesaid, and that said firm will pay the sum of ONE HUNDRED DOLLARS for each and every case of CATARRH that can not be cured by the use of HALL'S CATARRH CURE.
FRANK J. CHENEY.
Sworn to before me and subscribed in my presence, this 6th day of December, A. D. 1886.
{SEAL} A. W. GLEASON, Notary Public.
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Where to Find It.

Two sons of Erin sharing the same bed, as well as the same bottle of whisky, pat waited till he found Mike slept, when he quietly arose and emptied the bottle. Soon after Mike, waking, stole out of bed, and groping about in the dark, was asked by his companion:

"Phwat are yez lookin' fer, Mike?"

"Oh, nothin'!" says Mike.

"Well, Mike," says Pat, "ye'll foind it over there in the corner in the bottle."—Chicago News.

Stop drugging yourself with quack nostrums or "cures." Get a well-known pharmaceutical remedy that will do the work. Catarrh and Cold in the head will not cause suffering if Ely's Cream Balm is used. Druggist will supply 10c trial size or 50c, full size. We mail it.

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56 Warren St., N. Y. City.

Rev. John Reid, Jr., of Great Falls, Mont., recommended Ely's Cream Balm to me. I can emphasize his statement. "It is a positive cure for catarrh if used as directed."—Rev. Francis W. Poole, Pastor Central Presb. Church, Helena, Mont.

JUDGMENT AFFIRMED.

Supreme Court Refuses to Set Aside the Verdict in the Case of the Roddy Boys Under Sentence of Death.

FULL TEXT OF THE OPINION.

Following is the opinion of the Supreme Court in the matter of the appeal of James and John Roddy, convicted of murder in the first degree, for the killing of David Berkey, of Paint township:

The evidence before the court and jury on the trial of the defendants in this case disclosed a murder of shocking barbarity and as useless to the murderers as it was cruel. It appeared that the dwelling house of David Berkey and his wife situated in Paint township, Somerset county, was forcibly entered on the night of the 3rd June, 1896, by two masked men. They demanded money. Berkey and his wife were taken from their bed, bound, beaten and threatened with death if they did not at once tell the place where their money was kept. These modes of persuasion were supplemented by subjecting David Berkey to torture. Fires made by lighted paper and afterwards candles and a kerosene lamp were kept burning under his feet until he was so terribly burned that he died from his injuries within a few months. The murderers secured about one hundred and twenty five dollars in money as the result of their horrible night's work, and after feasting upon such delicacies as the house could afford, in the presence of their victims, they took their departure. So far the facts were not involved in controversy. The burglary, the robbery, the burning which resulted in death were none of them the subject of doubt or conflict on the trial. The great question about which the controversy raged before the jury was whether the defendants on trial were the persons by whom this succession of crimes had been committed. The commonwealth alleged this to be so and gave a large amount of evidence tending to establish the allegation. The defendants denied all connection with the crimes and all knowledge of them and endeavored to establish an alibi. A large amount of testimony was given in the effort to satisfy the jury that they were not guilty. The great question in the case was over the identification of the defendants. The course of the trial, the arguments of counsel, and the charge of the learned judge gave prominence to this question, and the verdict is a determination of it adversely to the defendants. On a previous trial, the same question had been contested, and with the same result. This question of fact has been settled therefore by the proper tribunal, and unless the verdict may have been influenced by some mistake of omission or commission on the part of the learned trial judge, it should be allowed to stand, and the defendants should suffer the penalty which the law affixes to the crime of which they have been convicted. The defendants allege that such mistakes were commited at the trial and have assigned seven errors to the rulings of the trial judge which we will consider in their order.

First:—The first error assigned is the action of the Judge in overruling the challenge for cause made to E. B. Maurer, who was called as a juror, and he was challenged peremptorily by the defendants after the challenge for cause had been overruled. Upon examination on his voir dire the juror stated that he hab been present for a day or two as a spectator at the previous trial, and heard a portion of the evidence on the part of the Commonwealth; that he had also read such summaries of the evidence at the trial as had appeared in the local newspapers; and that from what he had so seen and heard he had formed an opinion in relation to the guilt or innocence of the defendants and had expressed it to others. He further stated in substance that this was a provisional opinion resting on what he had heard and read, and would not prevent his sitting as a juror at the trial and rendering a verdict in accordance with the evidence submitted. The challenge was a denial of his ability to do what he testified he could do, viz:—give to the defendants an impartial trial, and decide upon their guilt or innocence under the evidence in the case. The trier of this issue was the presiding judge. He had seen the juror, his general bearing, the manner of his answers, and he had heard the examination. The question for his decision was "Is it true that this juror stands disinterested, and is able to give the defendants an impartial trial?" He believed the juror, and accordingly held him to be qualified to sit on the trial of the case. Now we can not bring before us the tones, the manner and apparent spirit and character of this juror, and for that reason we can not review the influence such considerations exercised upon the mind of the learned judge. We have the answers only. Unless therefore the answers were conclusive upon this question, as a matter of law, we have nothing before us on which assignment can be sustained. But the answers were not conclusive. It is putting their effect as strongly against the juror as we are justified in doing if we say they raised a presumption, prima facie, of bias against the defendants, when they showed him to have formed and expressed an opinion. This presumption was removed if his further answers, and his manner, satisfied the learned judge that his mind was still open to the influence of the testimony, was not fixed in the opinion expressed, but to be offered. The judge was so satisfied. He believed the juror to be capable of divesting his mind of opinions resting on imperfect knowledge of the facts, and judging impartially upon all the evidence that should come before him. We can not say that he was not justified in reaching this conclusion. Impartiality is not ordinarily occasioned by ignorance. The ability to read periodicals and to think and talk about what one reads is not a disqualification for duty. Other circumstances being equal, it should be regarded as affording some guaranty of fitness. It is prejudgment of the question about to be considered that disqualifies. If Maurer was able to hear the whole case impartially, and decide it according to the evidence, he was properly qualified to sit as a juror and the judge was right in overruling the challenge.

Second:—The assignment of error complains of the admission of the testimony of Wm. J. Horner. He was the tenant of David Berkey, occupying his farm. In the morning after the robbery he discovered that his barn had been broken open during the night and a pair of horses, bridles, a saddle and a blanket had been taken away. He also found that the straps had been removed from his fly-nets and were not in the barn. The straps were soon after discovered at Berkey's house, where they had been used to bind his limbs while he was undergoing torture. The horses with the other stolen property were found later in the morning some eight or ten miles away in a field at the side of the road leading from Berkey's house to the home of the defendants. An examination of the ground about Berkey's home showed that during the night the horses had been tied and fed near by, and had been ridden by the robbers along the highway to the point at which they were found, where it was evident they had been abandoned, their riders completing their journey on foot. The testimony of Horner was offered for the purpose of laying these facts before the jury. It was objected to because it related to another offense than that for which the defendants were indicted and because it proposed to show that the defendants were in possession of the horses. But the relevancy of this testimony did not depend on whether it tended to show the commission of another crime, but on whether the facts were so connected with the crime under investigation as to throw any light upon its history. We think it clear that this testimony was explanatory of facts that were before the jury, and that it tended to show how, and by what route, the robbers fled from Berkey's house; and how it was possible for the defendants to have been seen so early in the morning of the third of June at points where witnesses placed them, consistently with the allegation of the commonwealth that they were the perpetrators of the crime at Berkey's house. It was also relevant as showing part of the pertinent history of the crime under investigation, and the deliberation with which it had been planned in all its details.

The third assignment of error is the admission of the testimony relating to the possession of Berkey prior to the robbery of a ten-dollar Confederate note and the possession on the day after the robbery by James Roddy of a note similar in appearance and of the same denomination, which was carefully destroyed by him. This assignment can not be sustained. The evidence, together with Roddy's declaration about the bill or note, how he came by it and why he destroyed it, was relevant upon the question of identity. It was not conclusive upon that question, but it related to it, and with the other facts relating to the same subject was properly submitted to the jury as part of the chain of circumstances tending to identify the defendants as the perpetrators of the crimes committed on the night of the second of June.

Fourth:—This assignment is directed at the admission of the dying declarations of David Berkey. Six objections, reducible to four, are made against their admission. The first of these alleges that the commonwealth was under no necessity to use the dying declarations and therefore had no right to use them. This rests on a misapprehension of the rule relating to their admission. The "necessity" to which the text books and the cases refer is not in the exigency of any particular case, but a public necessity which civilized society feels the pressure of, for the protection of human life by the punishment of man slayers. Before the offense of murder is completed, the victim must die. While he feels death to be impending, but while consciousness continues, what he declares as to the origin of his injuries and the person at whose hands he received them is competent not in a particular case where the defendant could not otherwise be convicted, but in all cases, no matter how ample the evidence of identification through other sources may be. But the second objection is that "the simple statement contained in the declaration 'I am satisfied that the Roddy boys brought to my house by the officers are the same men that robbed and tortured me' is not a sufficient identification of the persons on trial." This objection should be read in connection with the whole statement or declaration as made by Berkey. It runs thus: "Two men came into my bedroom. I asked them what they wanted, and one of them said 'Money, by God, and we will have it.' Both men had revolvers and said 'Do you see these?' I said 'Yes.' They told me if I had any prayers to say, I was to say them, that they would shoot me. I told them to shoot but they did not. Then they tied me, both hands and feet, and carried me out of bed into a rocking-chair and hit me in the mouth, knocking a tooth loose. Then they ransacked the safe. I told them my money was in my vest. They got it; it was about one hundred and twenty-five dollars in paper and silver. They burned my feet some before getting my money. They continued to burn my feet, demanding more money or government bonds. They first burned my feet with paper. Afterwards with oil lamps and tallow candles. They ransacked the house from cellar to attic. They went to the cellar, brought up pies, cakes and milk, and ate and drank. Then they left my house, and I am satisfied that the two Roddy boys brought to my house by the officers are the same that robbed and tortured me." This is a vivid statement of the occurrences of that night, showing the opportunity Berkey had to see his torturers, to know their voices, their figures, their movements, their eyes, the color of their hair, and their relative size and manner. Every peculiarity of each of them must have been literally burned into the memory of both David Berkey and his wife. They were brought to the house of their victim. He looked at them to see if they were the same men he had seen on the night of the second of June. His conclusion is "Yes; I am satisfied they are the same men. My mind is at rest on the subject. I have no doubt." This was a distinct identification and plainly admissible. The third objection is that Berkey gave no reasons for thinking the Roddy boys were the men who robbed and tortured him. He gave his opportunities for observing the robbers on the night of the crime fully. He examined the Roddy boys, and then said, "Yes, they are the same." This was enough. His belief rested on his opportunities for observing the men, and he gave these fully.

The last objection is to the fact that a mask was put on the faces of the Roddy boys so as to leave the same portions of the head and face open for examination as was left of the heads and faces of the robbers on that night. This was at the request of Mr. Berkey. He also desired the defendants to speak. He seems to have desired to "satisfy" himself upon the question of identity before expressing an opinion. The mask was used without objection or remonstrance from anyone, and apparently with the honest purpose of deciding after a careful examination. whether the defendants were the criminals by whom the robbery and burning had been committed or not. We do not see that even if the propriety of the use of the mask on the defendants was questionable, it would be a valid objection to the admission of the dying declaration of David Berkey. It might affect the credit to which it would otherwise be entitled, but not its admissibility. But we are by no means prepared to concede that the use of the mask, under the circumstances, was questionable. The handkerchief fell from the face of one of the defendants on the night of the robbery and remained off for some considerable time. The face of the other was not seen except with the handkerchief upon it. His appearance as they saw him move about with the mask on was fixed indelibly on their minds. It is easy to see that they might be able to identify him much more easily and certainly, if allowed to see him dressed and disguised as he had been during the night of the 2d of June, than by seeing him without disguise and as they had never before seen him. The criticism upon the charge of the learned judge which constitutes the first assignment of error is merely verbal. Possibly the word "stated" would have been preferable to the word "claimed" in referring to the testimony of the witnesses who saw two persons near the Osborne Cut whom they did not then know, but whom they said at the trial resembled the defendants. But the learned judge was not attempting to give the purport of their testimony, only to refer the jury to the general class to which these, among other witnesses, belonged. Their testimony related to the identification of the defendants and he referred them to their own recollection of the testimony.

Sixth:—The learned judge did not undertake to recount the witnesses on either side, or to restate their testimony. The facts had been discussed at great length by counsel and the evidence had been marshalled in support of their respective theories. It remained only for the court to give appropriate legal instructions and to indicate the questions for the determination of the jury. This was all the learned judge attempted to do other than to refer in the most general way to the several lines of testimony applicable to the several questions submitted to them. This was carefully and correctly done.

Seventh:—The refusal of a motion for a new trial is in error in law only when it is apparent that such refusal amounts to a clear abuse of discretion. This is not alleged in this case, nor do we see any reason why it should be. There was conflict in the evidence. The proper tribunal to settle the conflict and determine where the truth lies is the jury. That tribunal with the aid of the fullest argument, and an impartial charge, has by its verdict settled the conflict by finding that the defendants were the two men who broke into the house of David Berkey in June last, robbed him of his money, tortured him, and as a result of this torture, murdered him. This is a second conviction. It is based on testimony that, if believed, justified the verdict and we are of opinion that it should not be disturbed because of the reasons presented to us on this appeal. The judgment is therefore affirmed and the record remitted for further proceedings according to law.

Can't be perfect health without pure blood. Burdock Blood Bitters makes pure blood. Tones and invigorates the whole system.

A Whim of Emperor William That Ruined an Officer's Life.

His Majesty, Emperor William of Germany, is a man of strange freaks, as all the world knows, for the dispatches from Berlin have told of his many strange doings in politics, in matters of state and in the army over and over again.

His eccentricities are shown in his semi-public and in his private life, but stories of these are closely guarded. They are seldom whispered beyond the palace gates.

There is a young man now employed in the London office of Brown Brothers, bankers, who has suffered bitterly from the fancy of the Emperor. His career was ruined, he was disgraced and humiliated by a whim of his monarch. He felt himself driven from the army and from his country and forced to make a living as best he could in a foreign land.

This man is Lieutenant Gustav Amberg, and he was an officer in a fine and distinguished cavalry regiment. Those who hold commissions in it are filled with pride over the honor that is theirs.

Lieutenant Amberg came of an honorable family. His father was a cotton merchant who had amassed a large fortune. From his youth the young man was destined for the army. As a child he dreamed of the time when he should wear a showy uniform and ride a prancing horse in the reviews.

Just about the time when he was ready to enter the service his father lost nearly all his money. It was only at a sacrifice that he was able to purchase his son's commission and make him the allowance necessary for him to maintain his position, for the salaries of officers in the German army, as in other countries in Europe, are wholly inadequate. They do not begin to meet the necessary expenses.

Lieutenant Amberg was an admirable soldier and popular in his regiment. He is a man of fine and delicate feeling. He believed in the dignity of his position. He felt that he should be worthy of it and of his family, who had stinted themselves that he might have his place in the army.

One night last spring Lieutenant Amberg was on duty in the palace. The Emperor was giving a semi-private banquet to his immediate friends and military staff. Late in the evening a messenger came to Lieutenant Amberg, saying that the Emperor demanded his presence in the banqueting hall.

The young officer's face flushed. He had heard stories of strange and undignified commands put upon soldiers on these occasions. He hurried to his monarch with a sinking heart.

Lieutenant Amberg could hardly compose himself as he saluted and stood at attention. The Emperor regarded him coldly.

"You are on duty in the palace tonight?"

"Yes, your Majesty."

"You will mount your horse and ride him into this room."

"Ride my horse—here—into—this room, Your Majesty?" stammered the officer.

"Yes," was the reply. "You heard my command. You may go."

Lieutenant Amberg made his way from the room with his thoughts in a whirl. He had never dreamed of being ordered to do so extraordinary a thing. The idea of disobeying did not suggest itself to him. He mounted his horse and forced the frightened animal to climb the stairs. He made his way through the corridors and into the banqueting room, the horse's hoofs sounding on the floor like the roll of thunder.

He drew rein and saluted. The brilliant lights, the unusual surroundings and the experience on the stairs filled the spirited animal with fear. He moved about restlessly, tossed his head and snorted with apprehension. And his master had little more confidence.

"You will ride about the room, that we may see how well you sit your horse," commanded the Emperor.

There were about seventy guests in the room, and they watched the officer on horseback with interest and amusement. The polished floor was as slippery as ice, and the iron shoes were like skates.

The animal moved about cautiously, gingerly, every muscle strained to leap from a possible danger. The lieutenant guided him with his face on fire.

"At a trot!" commanded the Emperor.

Lieutenant Amberg urged his horse to a faster pace. In turning about the animal slipped to his haunches. There was very little space