

Somerset Herald.

SOMERSET, PA., SATURDAY, JUNE 1, 1889.

LOOK SHARP!

FISHER'S BOOK STORE.

UMBERGER MURDER AND THE YODER HANGING,

Fisher's Book Store.

LOOK SHARP!

HEADQUARTERS AT HERR BROTHERS.

HERR BROTHERS'

FERNER BROTHERS'

CONGRESS GAITER.

CONGRESS GAITER.

L. DOUGLASS

FERNER BROTHERS,

No incident in our court's proceedings for many years, if ever, excited the same degree of interest among the members of the bar and multitude of spectators as the final chapter in the famous robbery case. When the four convicted felons, Charles J. Lewis, Deatur Tasker, Jackson Porter Sullivan and Marshall Sullivan were brought into court, after the first rustle and commotion caused by everybody trying to get a better position for hearing and observing, a breathless and almost painful silence prevailed.

As the four unfortunate convicts sat with their backs to the railing and their faces toward the judge's stand, a marked change was quite observable in their demeanor and appearance. Instead of a defiant attitude and a kind of looking-out-of-countenance gaze, they all wore a subdued expression, and apparently realized the gravity of their situation in view of the pending just and righteous retribution of the law that they had been found guilty of so flagrant a violation.

At 10 o'clock Lewis, Tasker, Jack Sullivan and Marshall Sullivan, the convicted members of the McClellandtown gang were brought into court, and A. C. Holbert presented the motion for a new trial of which he had given notice last night. He said that owing to the shortness of the time since the prisoners had been convicted, he was not prepared to argue the question at length. The reasons advanced in support of the motion were:

First. The refusal of the Court to permit a continuance of the case, in order that the attendance of Nettie Sullivan as a witness might be obtained.

Second. In the case of Charles J. Lewis the refusal of the Court to grant a temporary delay in order to procure the attendance of Nettie Sullivan, in which case the defendant could have gone on the stand and explained his whereabouts at the time of the commission of the offense.

The third and fourth reasons were based on alleged improper remarks made by the District Attorney in his argument to the jury yesterday, which, it was alleged were calculated to create prejudice in the minds of the jurors.

To this the Court replied that they did not see how the remarks of the District Attorney could have prejudiced the case against the defendant, for the instruction to the jury was very explicit on their duty to try the case on the evidence, and not on anything else. As to the question of procuring the attendance of Nettie Sullivan, the Court said the defendants had not shown that any return had been made to the attachment granted by the Court for that witness, or whether that attachment had been sent out at all; that there was ample time for an officer to have gone that distance and returned. The motion was then overruled.

The Court announced that the other two bills against Lewis, Tasker, and the two Sullivans, one for larceny, on information of Ella Baker, and one for assault and battery with intent to kill, on information of Christian Yoder, would be held over until the completion of the sentence which would be imposed for the burglary for which the defendants had been convicted. This was proper and necessary, the Court said, on account of the great expense which would be entailed on the county by detaining so many witnesses here for so long a time, and also because their was some doubt whether these indictments could be sustained, as they would probably be held to be part of the same offense of which the defendants have just been convicted. All witnesses in the case were then discharged, and the District Attorney moved for immediate sentence. The defendants were then asked if they had anything to say before sentence was passed. Lewis rose to his feet and said that himself and Tasker had been forced to trial when they were not ready, and that they had no chance to make a defense; that the District Attorney had prejudiced their case by improper declarations made about the Somerset county ditch, a people against whom he had never had any ill will; he said the absence of Nettie Sullivan had prevented himself and Tasker from going on the stand and explaining their whereabouts. In her absence, it was useless for them to go on the stand, and he hoped the court would take all the circumstances into consideration. Lewis' brief address, although at times somewhat incoherent, taken in connection with his course on the trial and while in prison, showed him to be possessed of somewhat various attainments, able to make a speech, commit a burglary or have a would-be captor skip gracefully over a fence with his "hands up."

Deatur Tasker rose next, but contented himself with simply saying that they had not had a fair trial.

10 YEARS IN THE PEN!

IS THE "SALTY" SENTENCE IMPOSED BY THE COURT ON THE LEADERS OF THE "MCCLELLANDTOWN GANG."

"Christly" Yoder is Avenged!

The Fayette County Bandits Given a Taste of Somerset County Justice.

No More Torturing of Defenseless Old Men by Lewis, Tasker and the Two Sullivans.

The Verdict and Sentence Give Universal Satisfaction.

Jackson P. Sullivan, then rose to his feet and said he was innocent although convicted; the wonderful and marvellous statement made by the witnesses in swearing to his identity were either gross mistakes or malicious falsehoods. He said he knew nothing whatever of the robbery or the goods.

A. C. Holbert made a plea for Marshall Sullivan, urging among other things that he was a poor, hard working man, and that a part of the testimony in regard to the identity had been wrongly stated to the jury by Mr. Kooser in his argument. Taking all the circumstances into consideration he said that he felt justified in asking that the court be lenient in sentencing the prisoners.

District Attorney Biesecker started to urge on the Court the propriety of a severe sentence, but the Court declined to hear him in the matter, a circumstance that augured anything but good for the prospects of the prisoners.

The prisoners were then ordered to stand up for sentence. Judge Baer before passing sentence commented on the cruelty and inhumanity that had characterized the commission of the crime and on the fact that the charge for the attempted taking of life had been held over. He then sentenced each one of the four prisoners to pay a fine of \$100, the costs of prosecution, and to undergo imprisonment at separate and solitary confinement, at labor, in the Western Penitentiary for a period of 10 years.

The sentence was for the full extent of law and was received in breathless silence by the audience and without the change of a muscle by the prisoners.

The prisoners were remanded to the custody of the Sheriff, and the court resumed the work of selecting a jury in the Umberger murder case.

Mr. Cha's H. Fisher has bought of the publishers of the HERALD all back numbers from March 13th to present date, and can supply copies of all and any date at 5 cts. per copy. Mail orders promptly filled. Send postage stamps to Fisher's Book Store for HERALD's back numbers.

Mr. Christian Yoder, stated by himself in court, is 62. He is all dressed in white, his hair, which is quite white, is worn according to the custom of his church; cut square off about half way between his eyes and top of his forehead, worn long over his ears, and on back of his head reaching down over his coat collar. His beard that reaches about half way down his breast is also white, and is only permitted to grow on lower part of his face and neck, the upper lip and chin being kept cleanly shaved. His dress is of the material and pattern allowed by the rules and regulations of his church, the material being home made cloth; his pants are cut broadfall instead of the usual front-flap style, and worn without any buttons, being kept up by a band around the waist, thus dispensing with the necessity of suspenders. His coat is in the style of a blouse, and kept together by hooks and eyes.

He is a benevolent, inoffensive, venerable-looking patriarch; paying strict attention to all court proceedings, but never making a single suggestion to his counsel, and only speaking when spoken to. He sits with his arms folded across his breast, and both feet always on the floor, and never throws one leg over the other as most Americans do.

Every Justice of the Peace is required by law to post a copy of Justice's fee bills in his office. These fee bills can only be obtained in this county, at Fisher's Book Store.

Bug Finish.
Ready for use. No mixing required. Sticks to the vines and finishes the whole crop of Potato bugs with one application. One pound will go as far as ten pounds of Paris green and plaster mixed by hand. Sold cheap by

Handsome stock of White Embroidered Robes. A large stock of Hamourgs and Trimmings. Mrs. A. E. Uhl.

Down to Bed Rock.
Drop in and see how cheap you can buy a Hanging Lamp, Lamps of all kinds. Dishes of all description—very cheap. Glass Ware at a sacrifice, at the store of E. B. COFFRITH, Somerset, Pa.

Dress Trimmings to match Dress Goods at Mrs. A. E. Uhl's.

Notice to Traverse Jurors.
Owing to the large number of criminal cases at this session, the Court continued the cases for the second week of May Term. All jurors summoned for that week are hereby notified that they will not be required to serve or attend as Traverse Jurors, next week.

By order of the Court, Sheriff's Office, R. S. McMILLEN, May, 28 1889. Sheriff.

What's the matter with stopping in at Ferner Bros., and buying a pair of boots or shoes before going home. They will sell them to you cheaper than anybody else.

Elegant yard-wide Cashmere, 25 cents per yard. Good, substantial Cashmere, 10, 12 1/2 and 15 cents. Mrs. A. E. Uhl.

THE NICELY BOYS.

JOSEPH NICELY,



THE "LITTLE MAN."

DAVID NICELY,



THE MOTION FOR SEPARATE TRIALS WITHDRAWN.

ON TRIAL FOR THEIR LIVES.

THE "LITTLE MAN" AND "RED FACED MAN" WILL STAND OR FALL TOGETHER.

The District-Attorney Opens The Case.

Ella Stearn on the Stand.

The Twelve Good Men and True Who Will Well and Truly Try the Issue Joined and a True Deliverance Make According to the Evidence.

THE JURY:

1. EPHRAIM D. MILLER.
2. JOSIAH NEWMAN.
3. JACOB L. MANGUS.
4. FRED. F. WALKER.
5. JOHN W. BECK.
6. JOHN H. HITE.
7. W. W. DAVIS.
8. D. J. WOLFFERSBERGER.
9. JEREMIAH HENRY.
10. T. W. BLACK.
11. C. W. WEIGLE.
12. A. J. SEMBOWER.

SELECTING THE JURY.
The work of selecting the jury in the Umberger murder case commenced Thursday evening and lasted up until about 3 o'clock Friday afternoon. Fifty-seven jurors were called before the twelve were finally selected.

Francis G. Hoover—Live in Black Twp; read about the case; formed no opinion; was at the hearing; have no conscientious scruples against capital punishment; have never been approached by any one on either side of the case; am not related to either of the defendants. Stood aside.

Cyrus W. Pile—Live in Middlecreek township; read about the case; expressed an opinion; could not say that he could give a verdict on the evidence. Excused.

Jesiah W. Pile—Read about the case have expressed an opinion; did not know whether he could render an impartial verdict upon the evidence. Excused.

Jonathan Snyder—Have read about the case; expressed no particular opinion; have never been approached by either side. Stood aside.