

# Johnstown

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NO 24

## THE NICELYS.

### IMMENSE EXCITEMENT STILL PREVAILS.

Further Particulars of Their Escape and Capture—Well Grounded Fears That They Will Never be Executed by Law—Desperate Men Likely to Batter Down The Old Jail and Take Them Out—Closely Guarded—Other Interesting Facts Concerning the Desperadoes.

The DEMOCRAT of Monday contained an account of the shooting of Deputy Sheriff McMillen, and the escape and recapture of the Nicely boys at Somerset, on Monday afternoon. The following additional particulars are given by a gentleman who was in Somerset yesterday.

There was undoubtedly an organized attempt by at least six prisoners to escape.

Six new Smith and Wesson revolvers, .38 caliber, with a good supply of ammunition had been smuggled into the jail, and two Nicelys, and two other men awaiting trial for murder and two burglars were in the plot. It was the custom to leave them all out in the hall at once for dinner and their plan was to overpower the guards, lock them in a cell and escape. Although provided with fire-arms they did not intend to do any shooting in the jail, that being forced by circumstances. According to programme, Garne, one of the burglars, "held up" William Kifer, the day watchman. Dave and Joe Nicely rushed upon Mr. McMillen, while the other prisoners remained in their cells.

When Joe Nicely held out a pistol in each hand toward McMillen, and ordered him to throw up his hands, the plucky official instead grasped him by the arms. Dave Nicely also took hold of him and while McMillen was still holding Joe Nicely's hands, Joe fired the two shots, each entering his left breast, just below the heart. The other prisoners, hearing the shot fired, thought it was the sheriff shooting and remained in their cells. The Nicelys tore loose from McMillen, and ran out, jumped over the fence of the jail yard, and started out on the North side of the town. Although badly wounded, McMillen ran out, locked the jail door, grasped his rifle and followed the escaping prisoners through the jail-yard, and then returned with his gun leveled to guard the door when he fell from exhaustion. An examination of his wounds showed that the balls passed through his body, and, although there was only one hole in his back, it is believed that four bullets came out at the same place, as none can be found by probing.

During the night the pulse of the wounded man was up to 140, but yesterday he rested easier, although it will be hard to tell for some time what his chances are for recovery, if indeed he does not die. Just as the shots were fired, District Attorney Bieseker fortunately happened to be passing in front of the jail, and recognizing the men as they came out, he divined what was the matter and giving the alarm closely followed the fleeing men. In a very few minutes the whole town was armed and in pursuit, one hardware dealer having thrown open his store and gave arms and ammunition to all who passed.

As the men were crossing an open place toward a strip of woods, a minister named Beale fired three shots at them, but none of them took effect. They ran into "Koontz's woods" about three-quarters of a mile North of the town, where in a short time five hundred armed men were traversing the thirty acre tract looking for them. There was intense excitement at this time, and it is said that over two hundred shots were fired by different members of the hunting party during the time they were searching for the men in the woods. Finally Dave was found lodged in a pine tree, and shortly afterwards Joe was found lying on his back in a little hollow under a clump of bushes. While they were being taken to jail it required a great deal of persuasion on the part of the cooler heads to prevent a lynching. The now thoroughly subdued prisoners each expected violence and begged for their lives to be spared.

Although under sentence of death their attorneys, Messrs. Coffroth and Koontz had appealed their case to the Supreme Court, where the hearing is to be had on October 14th. At the time of their escape the attorneys were busy preparing the concluding arguments in the case to be presented to the Supreme Court. Previous to this outbreak their attorneys hoped to secure a new trial for them, but now there is little doubt but that they will hang.

A very peculiar coincidence was the fact that old Mr. Nicely, their father, had arrived in town just ten minutes before the outbreak, and had just seated himself in the office of his attorneys when the shooting was heard. When the excited citizens heard that the old gentleman was

in town, he was notified to leave, but his attorneys took him to the hotel where he remained all day yesterday.

It is the general belief now that the Nicely boys had accomplices in the murder, and these men have been told if they do not get the prisoners out they will "squall" on them, and that accounts for the outside help they have received. This conviction is causing the greatest uneasiness among the residents of the town, as they fear desperate measures, such as setting the town on fire, may be taken by the desperadoes to accomplish their ends.

There is also a very determined set of men from the neighborhood of Jenner-ton who are just as determined that the prisoners shall not escape justice, and should Mr. McMillen die, it is almost certain that either they will take the prisoners out and hang them, or their friends will help them to escape. The matter is assuming a serious aspect either way it is looked at, and many of the most conservative citizens predict that the prisoners will not be in jail when the time for the execution of their sentence arrives. The old jail is only a brick shell, and the probabilities of a successful assault upon it are freely discussed. In the meantime the citizens of the quiet town are having exciting experiences enough to make up for thirty years of sleepiness.

#### THE IRON BUSINESS.

A Comparison Between 1879 and the Present Year—A Statement from Secretary Weeks.

Joseph D. Weeks, Secretary of the Iron Association, and editor of the *Iron Manufacturer*, made a very interesting statement on Thursday of comparisons in the iron business between 1879 and the present year.

"There is no doubt," said Mr. Weeks,

"that there has recently been in this country, a decided, as well as a healthy,

and what promises to be continuing improvement in prices of iron and steel. The tendency is still upward, and the outlook for the fall and winter is most gratifying.

"While a rapid advance has always been considered as ominous of a disastrous tumble, the present advance has neither been rapid nor great.

"Comparing prices since the first of the year, it is noted that prices for all pig iron, except Bessemer, were about the same September 3d as they were at the beginning of the year. Neutral mill is the same; all ore mill and No. 1 foundry twenty-five cents a ton less, but Bessemer is \$1 to \$1.25 a ton more.

"From the first of the year up to the middle of June there was a gradual decline until June 13th. Since that date prices have steadily advanced, the advance in neutral mill being \$1.25; in all ore mill, \$1.25; foundry, \$1.25, and Bessemer, \$1.75. Muck bar is quoted at twenty-five cents a ton less than the

beginning of the year, but \$1.50 above the lowest rates of the year—\$26.50—which ruled from February 13th to June 27th.

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