# THEY MUST HANG.

THE NICELY'S, THE SOMERSET MUR-

in this appeal require notice. The defendants below were indicted for homicide and were convicted of murder in the degree. At the trial of the cause the District Attorney appears to have been aided by private counsel, and the defendants complain that in many instances things were said by counsel for the Commonwealth either directly to the jury or in their presence and hearing which vere not warranted by the evidence or which were unfair comments on it. While the matter has been brought upon the record by exceptions, we have only isolated passages extracted from the remarks of counsel and we can but imperfectly judge of their character and

Continuing the Chief Justice says:

"The time has gone by for a convicted murderer to escape upon mere technical-The harmless blunder of an inexperiencad jury did the defendants no injury, There was a time in the history of English criminal law when great crimes were left unpunished because of harmless technical errors. This greater strictness was perhaps due to the fact that at that period the criminal code was especially bloody. Capital punishment was inflicted for very trifling offenses, and it may be the judges sought to ameliorate its rigor by holding the crown to the observance of the merest technical-

"With the advancement of judicial science, and a more enlightened administration of the law mere technicalities are to a defendant.

"We have carefully examined all the judgment in this case is affirmed, and it is ordered that the record in this case be remitted to the Court below for the purpose of execution.

### ANDY GLOSSER'S CONDITION.

It Continues Geod-Strong Hopes for His Recover-The Accident. At a late hour Saturday evening Andy Glosser was reported to be doing well. His father arrived on Thursday evening and has been with him several times since. Andy seems cheerful, and the probability is that he will recover.

There is much speculation as to how he came to be caught. The engineer re-Forted that Glosser was lying on the track when first seen by him. How he got there is not much clearer than when the news of the accident first came out. Glosser, it is known, had just received his check from the flood relief. Persons who saw him very shortly before the accident contradict the statement, as made by some, that he was intoxica-He may have been drinking some but had full control of himself. He was also seen to have a roll of paper money on Wednesday, at least reports say so. When found, he had only something over two dollars on his person. There are those who believe that Andy was the vic-seventeen Bodies Raised Yesterday. But no tim of foul play. That he could not have been on the track long is true, for the enutes before it returned.

just at the end of the crossing where the but none were identified. guard rail is curved away from the trackheel such as was on the shoes he wore might easily slip. It would be impossible to extricate the shoe without a little time. The train may have been close upon him and in his strnggles he may have fallen. The heel was torn from one of his shoes, which seems to render probable the theory that he was caught while crossing the track. It is likely that when he recovers more from the shock of the accident that he will be able to give an ac count of how he came to be where h

George D. Findley Injured.

EBENSBURG NOTES. Rsin.

Muddy roads.

cial vote on Thursday. being vote on Thursday.

Democratic roosters are crowing on this defent, and spoke as follows:

"I think my defeat was due more than

way having been secured this week by not use the paper as he did, but my not the Agent of the Company, and the prospects for northern Cambria are "booming up." It is not known where the read will terminate.

The sad and unexpected news of the accident of Mr. Andrew Glosser, of your city, has caused a deep and sympathetic Glosser was born and raised in Susquehanna township, and is a son of Jacob Glosser, Esq. Mr. Glosser's home was near Plativille, this county, and during his early boyhood worked on his father's farm, until a few years ago he went to Johnstown and secured a position as salesman in the large establishment of L. M. Wolf & Son, which position he fitled with due credit to himself and employer. His many friends of Northern Cambria sympathize with him, and hope to hear of his speedy recovery.

The election in this place passed off nicely, both sides getting in their work on the "speak-easy" plan, while our surrounding precinct, Cambria town-ship, was a scene of what a Republican would call "a general drunk." Their notice through their constable to politicians outside of their "district not to intrude upon their grounds " had the desired effect and of course they ha everything their own way. Cambria township is known to all our politicians less regarded when they work no harm as a Republican district, less regarded when they work no harm whether the Democratic party in this county can be termed the "Whisky assignments and find no error. The party" now, could easily be an swered by those who had an opportunity of taking a "peep" across the line into Cambria township polling place on last Tuesday. Whiskey will make a Republican idrunk as quick as a

### MR. CHARLES OSWALD'S REMAINS.

They Were Brought From Nineveh and Will be Interred in Sandyvale. The remains of Mr. Charles Oswald, a

victi.n of the flood, who with his family lived at No. 311 Railroad street, were brought up from Nineveh Saturday ever Mr. Oswald's body was the sixth to be found at that place. Funeral services will be held at St. Joseph's Church in Conemaugh borough, after which the remains will be interred in Sandyvale.

Mr. Oswald lost three daughters in the flood, aged nineteen, twelve and nine years. The body of the eldest has been found and is buried in Lower Yoder. will soon be moved to Sandyvale also. The other bodies have not been found.

most remarkable and thrilling experience in the flood. She has left of her family three boys and one married daughter.

# THE "UNKNOWN" IN LOWER YODER.

gine had gone up less than fifteen min. dead from the cemetery in Lower Yoder was begun Monday morning. A large There are also those who think that he crowd of people as usual, were present. got the heel of his shoe fast between the Seventeen bodies, about half the number track and the guard rail. He was caught in that part of the cemetery, were raised, Much incor venience is caused by the water, the graves being nearly full in some cases. A nump is used to remove the water so that bodies can be raised. No bodies were taken to Grand View as was intended, owing perhaps to the condition of the Cambria bridge. It is expected that all the bodies in the English Catholic section of the cemetery will be raised to-day.

Those in the German Catholic division

For the Benefit of St. Joseph's School, shop on Adam street. It was bought by killed. Father Alto, and will be chanced off at Mr. George D. Findley, proprietor of a the Christmas Fair, to be held in the new large bearding house at Moxham, who met with a serious accident on Thursday evening, is in a precarious condition. It the Christmas Fair, to be held in the new of the schools. The quarter hours are evening, is in a precarious condition. It appears that Mr. Findley was putting up a new porch to his building when the scaffolding broke and he fell to the ground, a distance of twelve feet.

THE CAUSE OF IT.

Why Onio Did as She Did Discussed by Gov Foraker.

Gas and oil excitement.

The Court fluished computing the offiland on Theorems Theorems and the cause offi-

Chief Justice Paxton's Opinion of the Umberger Murder Case—The Judgment of the Lower Court Affirmed.

Chief Justice Paxson, in the Supreme

Chief Justice Paxson, in the Supreme

The Catholic Chusch at Nicktown will hold a fuir, commencing N. vender 25th. Mr. Martin Rist, formerly of Johnston William and the other causes combined would have amounted to much, and it is Chief Justice Paxson, in the Supreme Court, Pittsburgh, Monday morning, randered an opinion affirming the judgment of the lower court in the appeal of Joseph and David Nicely.

The men were convicted in the Court of Oyer and Terminer of Somerset county of the murder of Herman Umberger, an aged farmer, who was killed on the 27th of February last while they were trying to rob him of \$16,000.

Chief Justice Paxson, in the Supreme Court, and The Supreme Court of Oyer and Terminer of Somerset county of the murder of Herman Umberger, an aged farmer, who was killed on the 27th of February last while they were trying to rob him of \$16,000.

Chief Justice Paxson, in the Supreme Court, and the other causes conduct would have amounted to much, and it is my opinion that Mr. Halstead's publication of the forged signatures of Mr. Campbell did not ultimately work me any injury. His action in retracting the number of the Sheriff. A "little young" but on the whole matter for Sheriff. A "little young" but on take his departure for the West to look after business interests there. Mines in Cambria county don't "pan out" very well, this Fall.

The Pennsylvania Railroad Commany of the state. It certainly was not a good cause to make any Republican vote against me. Moreover, Mr. Halstead hound to the other causes conducted would have amounted to much, and it is my opinion that Mr. Halstead's publication of the forged signatures of Mr. Campbell did not ultimately work me any injury. His action in retracting the number of the number of the number of the forged signatures of Mr. Campbell did not ultimately work me any injury. His action in retracting the number of the number of the number of the number of the forged signatures of Mr. Campbell did not ultimately work me any injury. His action in retracting the number of the number of the number of the number of the forged signatures of Mr. Campbell did not ultimately work me any injury. His action in retracting the number of the number of the number of the forged signatures of Mr. Campbe I, too, saw the paper and saw it before he The Pennsylvania Radicoad Company will build a railroad up along the Susque hanna river in the near future. Right of not use the parer as he did, but my not use the parer as he did, but my not using it was due to other causes than sus-

> "I do not think it profitable for Repub licans to disceuss in an unkind way the causes of defeat. Whatever mistakes may have been made should be remembered only in so far as they afford lessons for the future. While, of course, chagrined by defeat, I have no unkind feeling loward anyone, either inside or outside the Republican party, and I do not want anyone who has seen fit heretofore to call himself in any special sense my friend to entertain any feeling of ill will or to harbor any spirit of revenge toward anyone. Our duty for the future is to close up the lines and redeem what has been lost.

> "I am going out of politics in the way I would have been pleased to go out, but I shall be glad when I am out and once more attending to my long neglected private affairs. I hope to be fully occupied always be ready to help the party and my friends, to whom I am so much indebted, in any way that I may be able to in the future."

#### READY FOR WORK.

The Managers of the Conemaugh Valley Hospital Association Meet Yesterday and Elect Officers.

The Board of Managers of the Cone maugh Valley Hospital Association met Tuesday afternoon at 3 o'clock, for the ourpose of organizing.

The following officers were chosen:

President, James McMillen; Secretary, Dr. George W. Wagoner; Treasurer, Dr. W. B. Lowman ; Executive Committee A. J. Haws, Dr. A. N. Wakefield, Dr. John Lowman.

The time for the regular annual meeting and election of officers was fixed for the second Tuesday of November. Other regular meetings will be held the second l'uesday of each month at 3 p. m.

The Executive Committee was instructed to make recommendations for the site of a hospital after having viewed the several proposed sites.

Upon Dr. Wagoner's stating that the authorities of the Seventh Ward Hospital were anxious to leave and turn that institution over to the Association, the Board of Managers instructed the Executive Committee to receive the hospital from the present managers.

Dr.George W. Wagoner, Joseph Mor-gan, Jr., Dr. C. Sheridan, Dr. D. W. Evans and A. J. Moxham were appointed Mrs. Oswald, it is well known, had a to draft rules and regulations for the hos-

> The question of raising funds was con sidered, and James McMillen, A. J. Moxham and Joseph Morgan, Jr., were appointed a committee for that purpose. Adjournment.

> POOR LIGHTS AND BAD SIDEWALKS.

We have repeatedly called attention to the fact that many of our important streets were without lights at night, and that they were in consequence very dangerous to nocturnal pedestrians. might have been expected, there were two accidents last night. It is a wonder there have not been more.

Mr. John M. Wilson, of South Fork. while on his way to the depot in Johns town Monday night, fell over a pile of dirt near Miller's store, on Market street and had his leg broken. He was attended by Drs. Miller and Zimmerman and afterward taken on Fast Line to his home in South Fork.

The other accident was the falling of a lady into the cellar-way of the old A fine "cukoo" clock of anique design is on exhibition at Kost's barber jured, but it is a wonder she wasn't

There is somebody responsible for all this. Matters will be left as they are till the borough, like a city not far distant, is compelled to pay a heavy loss for a life or limb. It is high time for the proper authorities to move or be made move.

The next meeting of the National Eduground, a distance of twelve feet. No bones were broken, but he was very seriously hurt.

In elegant and useful ornament for the cational Association will be held at St. Paul, Minnesota, July 8--11, 1890. UNION BENEVOLENT ASSOCIATION.

Committees Appointed for the Different Districts.

At the meeting Tuesday afternoon of

Davis.

Seventh District.—Cambria and Brownstown, Miss Maggie McKernen Chairman-Miss Mary Howe, Secretary Mrs. Jno. McCann, Mrs. Ellen McAleer, Mrs. Lun Arbaugh, Mrs. Wm. Geener, Mrs. Geo. Harvey, Mrs. Dr. Geo. Porch.

Eighth District.—Morrellville and Coopersdale, Mrs. Beatty, Mrs. Davi: Harris, Mrs. Tomb, Mrs. Marks, Mrs. Stackhouse.

House.

Resolved. That all destitute be granted reliefwithout regard to flood sufferers, and all applications should be granted only on pergonal investigation of the case by the committee of the

The ladies meeting will be held every Tuesday afternoon, at 3 c'clock P. M.

# Impressions of Johnstown.

The citizens of Johnstown have raised Louisville Courier-Journal, nearly \$13,000 for the purpose of searching for the dead. It is a shame that the friends.

deep and awfully filthy, but the people over, the creating and guiding of a are working away hopefully, and it will home is the best gift the world has to gradually be removed.

The windsor House, which is ably managed by Capt. Gageby, is an elegant, homelike place to stop, and we

which it is proposed to erect.

The Johnstown newspaper offices are working under great difficulties, but expect to have their establishments in better ondition before winter sets in.

The stores throughout the city are all well supplied with large stocks of goods and appear to be doing a thriving busi-

We called to see Justice Alex. N. Hart and found him full of other people's business, with two law suits on hands to try during the afternoon. Justice Hart and family are enjoying excellent health.

The Johnstown Supply House, owned by John S. Waters & Bro., who are well-known here, is doing a large busi-They have twenty-five plumbers full of enterprise and grit and deserve the best work of artist or poet or physi

We were sorry to see the alarming passionate womanliness that appreciates condition of our old friend Frank Dober- to the full the greatness of the sacrifice or neck, who is suffering from an attack of malarial fever. We hope that he may recover his usual health, and advise him to come over to Indiana and get well.

the flood, the large gaps in its streets each day becomes less distinct as some new building or shanty rises upwards. nent character, but are erected with a buildings than she had before the flood, besides making great improvements in the streets and the public buildings.

working full time, and are putting plenty of money into circulation among the It was Mrs. Fleck. She had found he

There are a large number of mechanics employed in erection new buildings, and was found on the body. next spring will bring hundreds more to assist in rebuilding the destroyed city.

The citizens are beginning to see light of more prosperous days ahead of them, and are full of energy and pluck, and a determination to rebuild their buried city in a more substantial manner than it was before the disaster. We wish them God speed.

Still Increasing. The search fund is now \$12,518.75, and the amount paid in \$11,681.

FUNERAL OF MRS. J. C. DUNCAN.

Her Remains Raised From Prospect and Re-Interred in Grand View. Among the bodies buried as "identithe Ladies Branch of the Union Benevo-lent Association of the Conemaugh Valley Ada Wender, wife of Dr. J. C. Duncan, the following Committee were appointed, the dentist Tuesday morning the re-

lent Association of the Conemaugh Valley the following Committes were appointed, and resolution adopted:

First District.—Firs', Second and Third wards, Johnshown, Mrs. Dr. Sheridan, Chairman: Mrs. Dr. Yengley, Secretary; Mrs. Dr. Miller, Mrs. Kate Brown, Mrs. Mary Breniser. Miss Nannie Fulton.

Second District.—Fourth and Seventh wards, and Moxham, Mrs. James Quinn, Secretary; Mrs. John S. Tütle, Chairman: Miss Ella Louther, Mrs. Well Slick, Mrs. Maloy, Mrs. Alers, Mrs. Entwisle, Miss Amela Mvers.

Third District.—Fifth and Sixth wards and Grubbtown, Mrs. Mers. Entwisle, Miss Amela Mvers.

Third District.—Fifth and Sixth wards and Grubbtown, Mrs. Ms. Entwisle, Miss Amela Mvers.

Third District.—Fifth and Sixth wards and Grubbtown, Mrs. Ms. Entwisle, Miss Amela Mvers.

Third District.—Conemaugh borough and Woodvale, Mrs. John H. Brown, Chairman: Mrs. Dr. Evans, Secretary; Mrs. Karl F. Stahl, Mrs. Alfred Davis.

Mrs. Thomas Hines. Mrs. Jacob Custer, Mrs. Warren Cope: Mrs. W. C. Lewis, Mrs. Co. Luther, Mrs. Enam McCoy.

Fifth District.—East Conemaugh and Frank in. Mrs. Samuel Mabben, Chairman; Miss McGovern, Secretary; Mrs. Presly Hutchinson, Mrs. James Capstick, Mrs. Stepherd, Mrs. Thomas Arthur.

Sixth District.—Millville and Prospect, Mrs. Leroy Elder, Miss Cella Davis.

Seventh District.—Cambria and Brownstown, Miss Maggie McKernen Chairman town and seventeen months before the flood. When the rush of water came they left the house, but got only as far as the Pennsylvania railroad before the torrent was upon them. They, with dozens of others, climbed upon a standing freight train. The heavy cars tossed in the waves like toys. They climbed toward the front of the train where there seemed to be less danger, the husband preceding. to be less danger, the husband preceding. A coupling broke just as he had crossed it, and the rear of the train with its load of people, among them Mrs. Duncan went down the stream. It had gone but a short distance until it rolled over throwing all the people into the water. None of them are thought to have escaped.

Mrs. Duncan was found near Dr. Lowman's residence on the Thursday after the flood, and was buried in Prospect as stated above.

#### WOMEN AND HOUSE-WORK.

Home Duties Wholly Compatible With Good Intellectual Work.

House-work, in moderation, is healthy and pleasant. It is the want of just such great State of Pennsylvania would allow an unemotional vent for the restless on this work to be continued by those who have lost everything-money, home and vous prostration. It is also wholly compatible, if brought under any proper sys The mud in Johnstown is fearfully tem, with good intellectual work. Moreoffer.

When one thinks of the flood of bad art and second-rate literature of the presad- ent day, is it not melancholy to reflect vise all our friends to give the Windsor a upon the wasted energy that might have gone into beautiful and helpful lives The Hulbert House Restaurant, on The education is costly, indeed, whose Main street, which was started by the Benford boys a short time ago, changed hands on Friday last. The Benford boys expect to lease one of the new hotels daily cares that make the comfort of the household, how can she expect them to be rightly met by a hired housekeeper whose only interest is money-getting?

"No man can serve two masters;" therefore, it seems to me self-evident the any woman who accepts the gift of her first duty and highest privilege ca not lead to any true work in other

Passioned to exalt
The artist's instinct in me at the cost
of puttin' down the woman's, I forgot No perfect artist is developed here From an imperfect wo ng a true poet and noble woman

There are women whose God-give talents require to tread a lonely path. and gas fitters in their employ, and can-not get all their work done. They are cian will ever spring from the hidden,

## THE LAST WAS HERS.

Mrs. Gabriel F. Fleck Finds the Body of Her Boy in Prospect.

Among the many patient and persever ing seekers after their dead since the Very few of the buildings are of a perma- gan was Mrs. Gabriel F. Fleck, of Morrellville. She had seen every body raised in sore intention of tiding over the winter. the former place, and all but one in the We believe that in less than three years latter, but none of them were her son. Johnstown will have more and better The last body of the "unknown" in Pros pect was brought up by the workmen That it was not a full-sized body was seen from the size of the coffin. Those who The Cambria Iron Works, Gautier Works and the Johnson Steel Works are were looking for lost children watched were many disappointed, but one rejoiced son. Samples of clothing which she had with her were identified with that which

Mrs. Fleck's son was at his grand Mrs. Fleck's son was mother's, Mrs. Leitenberger, 1010 when the flood Vine street, when the flood came. Had he been at his home in Morrellville he would have been safe.

A Body Found Near Nineveh Undertaker Henderson yesterday re ceived word that the Body of a boy had been found between Conemaugh Furnace and Ninevah. Mr. Henderson sent coffin and box, and the body will be shipped here to-day.

THE NICELYS. Only One Hope Left-How They Look Upon Their Situation.

Rev. J. B. Rittgers, of the Brethren Church, Somerset, was in the city Tues day, and was questioned in severd to the Nicely brothers, of whom houst advisor. He had, just the spirit Somerset, been to see !! ondemned men, and could therefore ingly on the subject. When Rev. Rittgers visited the cells he found the Nicely boys reading their bibles. When usked as to how they felt, they said : under the circumstances." What cir. cumstances?" was asked them. They said that they had been expecting a new trial, but the word had strived from the Supreme Court, annouring the confir mation of the decision of Indge Bear, and now only one hope remained—that of pardon. They are satisfied that the efforts made by their counsel have been as good as any that could have been made.

Joe still protests his innocence, and says that it is hard enough for a guilty man to hang. Dave says nothing about his guilt or inncence, but says that if he had his time to live again, he would lead a very different life.

Since their attempt at escape the two men have been chained in separate cells. They were very seriously affected when the clergyman visited them. They do not seem to base very strong hopes in their chances of being pardened.

TWO TRAGEDIES.

Prominet Kentucky Republicans Use Knife and Pistel With Later Effect.

Col. William Carra dice and Col Amistend . ... g Republican ton and had tol and shot ing a dangerous worms to . a knife imes unti he dropped deau. Swope fired a seco. a at Goodloe. but it missed its a ... we for the Sevcollector of internal a enth district of Kenti chy, and is a member of the Republican N tional Come mittee. Col. Swope-was also a leader of the Republican party in that held various Federa nces. The feud between him and Good the last Republican Conven tion of Ken tucky about two years ago

Dr. P. J. Walker, a preningat physieian and surgeor of Brownsburg, Virginia, threatened the life of Frency Miller wealthy citizen of & for insulting Mrs. diller had Walker arrested and o keep the peace. ( the case ame up in the ma court, and he trouble soon sinri ended in th sides drawing w filler was illed, Dr. Walker nded, and Mrs. Walker, who as a witess, was killed. ) William Itiler, sons of the ere shet d dangerous! mel Beavr and others, woose unknown verg also we . Like. is are not ainable

STATE TES BY DEAD.

te Dies on Sat

Captali Val Tr. 1. State Treas. erer, had b for a year of he retired or 9:30 o'clock 1 loan usual when evening. About to have had another stroke of particular unconscious, and calysis. He was then ever regained constn. which occurred sciousness till his at 12:15 Saturday morning.

Captain Hart was a native of Monigom-ery county, Pa , having been born there March 15, 1843. He served under General Hartranft in the war, and was subsequently Cashier of the Treasury De-

THE REMAINS OF MR. PATRICK KANE They Were Brought to Cambria City Ye

terday and Buried in Lower Yoder. Mr. Patrick Kane, an old resident of ambria City, who lost his wife, two daughters and one son in the flood on

May 31st, died at the home of his daughter, Mrs. Fitzpatrick, at Sharpsburg, Pa., on Friday last, of paralysis. The remains arrived on Day Express vesterday and were taken from the train

at Morrellville to the house of his brother, Mr. George Kane, on Broad street. The funeral took place from St. Columba's Church at 2 o'clock yesterday afternoon, Interment in Lower Yoder.

DONE ON PROSPECT.

The Work There Finished Yesterday-The Next in Order.

The great work at Prospect, as far as the removing of the unidentified is concerned, is ended. There still remain a few bodies, which are known. Their friends intend to have them removed sometime later.

To-day the work in the Lower Yoder cemetery will begin. There still are great erowds of people watching the work in the hope of finding some of their lost,

The Weather. Indication for to-day are rain, cooler,