COURT PROCEEDINGS

Regular June Term-Second Week-Tues-

EBENSBURG, PA., June 9 .- Hon. R. L. Johnston on Bench. Court called at 9. A. M. Monday.

The first business transacted was the pronouncing of sentences on Wm, Nickelson, James Sarber, Herman Molen, and Joseph Wherry, in accordance with verdicts of guilty found by jurymen last

William Nickelson was called up before the Court and made the following replies to questions propounded by the Judge: Am twenty-three years old, have been in the country five years, was born in Denmark, was under the influence of liquor at the time I committed the theft I don't think I was responsible, am sorry for what I did but it is too late now, hope Your Honor will be lenient with me, I stole money, watches, and clothing, but returned all the money and stolen property as soon as I became sober, I am a painter by trade, have no mother, but father is living in Copenhagen.

The Court made the penalty as light as the circumstances would permit, sentencing him for but one of the indictments under which he was convicted, to pay one dollar fine, costs of presecution, and undergo imprisonment in Western Penitentiary for one year. Sentence was suspended on the other two cases with the hope that his conduct would be so exemplary that the law would require no further sentence to subserve the ends of

The Court expressed his sincere regret that a young man to all appearances so promising should have gotten into this difficulty, and admonished him to guard against indulging in drink that weakens his power to resist evil.

James Sarber, a boy, between fifteen and sixteen years of age was next called up, who was convicted of larceny. He stole a watch which he sold to a Conductor on the railroad. His mother recovered it and returned it to owner. The Judge remanded him to jail until an order would be made out to have him sent to a reformatory school where he should remain until of age, or, the authorities see proper to release him.

Herman Molen was then called up to receive his sentence for larcency. He stole two composing sticks worth about \$4.00. Had been drinking in Johnstown for a week and was drunk when he committed the offence. The Court told him he had the usual plea in extenuation of his crime -drunkenness, but that could in no way mollify his sentence or excuse him for his misdeeds. He could give no reason for taking the composing sticks, said he was twenty-eight years and married, had been drinking to drown domestic trouble. The Judge asked him to read a letter the former had received from convict's father asking clemency for his wayward son. The Judge referred touchingly to the father pleading mercy for his son and hoped the experience be, the convict, was having would cause him to reform and be a true man. His sentence was \$5.00 fine, costs of prosecution and imprisonment in county jail for three

Thomas A. Brown was called but there

Joseph Wherry, the young man who made such a desperate leap for liberty last week, when the jury brought in a verdict of guilty for horse stealing, was called up and sentenced to undergo imprisonment for a term not exceeding ten years in Pennsylvania Reformatory at Hunting-

Hon. D.\L. Krebs, President Judge of Clearfield county, having arrived at request of Judge Johnston, now occupied the bench and called the attention of members of the Bar to the list of cases

The roll of jurymen was called and twenty-one out of forty-eight were found to be absent from morning session.

cused from jury on account of being census enumerator. Lewis Cohen, of Johnstown, was excused on certificate of Dr. Lowman, on account of ill health. Geo. Muhlhauser, of Johnstown, asked to be excused on account of pressing business at home, but the Court refused to let him off, for fear he might be needed.

All the cases called being either deferred to a later session or continued, Court adjourned until 2 P. M.

MONDAY AFTERNOON SESSION

Court called at 2 P. M. Following are a few of the petitons presented: By Geo. M. Reade for D. Buck, referring to appeal of James Null.

Esq. Case of Cambria Iron Company vs. J. T. Christy, motion for new trial. Time fixed for argument at Cresson, Saturday, June 28th, at 11 A. M.

Geo. M. Reade, Esq., presented the petition of Lemon S. Reed, a young man of good moral character, who had been a student in his office for the last two years, for admission to the Bar. Referred to

committee.

Other petitions were presented by Col.
J. P. Linton, W. H. Sechler, Jacob Zimmerman, Robert L. George, Alvin Evans, and John H. Brown,
A. V. Barker presented petition of citizens of Barr and Susquehanna town-

ships for three persons to be appointed to investigate the expediency of changing the division line between Barr and quehanna townships. Henry Scanlan, John Buck and Benjamin Wirtner appointed viewers.

Other petitions were presented, after which the list of jurymen were called, there being forty present.

Case of Nepper vs. Nepper called. Defendant confessed judgment to the amount of \$295.18. Settled.

Jurymen were then called to box as follows: Jacob Albright, David W. Wiser, Geo. F. Fresh, Wm. Kinney, John Itell, E. T. Carswell, Frank R. Hay, Joseph Christ, Hiram Ribblett, David W. Powell, Michael Thomas, Geo. B. Oatman.

Case of replevin was called—Horner vs Barnhart-Kuhn, attorney for plaintiff and Chal. L. Dick for defendant. Jurymen were being challenged and case no yet opened when this report elosed.

Verdict on case of Horner vs. Barnhart \$40 for defendant.

Case of McKay vs. Anderson called. Geo. M. Reade attorney for plaintiff, A. V. Barker for defendant. Witnesses for plaintiff heard and defendant's case opened when Court adjourned to meet at 9 o'clock Tuesday morning.

EBENSBURG, June 11,—Court called at 9 a. m. Judge Krebs on the Bench.

Trial of case ejectment Neal McKay vs. Joseph A. Anderson resumed. Geo. M. Reade attorney for plaintiff; A. V. Barker for defendant. Joseph A. Anderson, the defendant, called to the witness stand. George Boreing was next called to corborate statements of defendant; followed Henry Scanlan, Esq., of Carrolltown, who surveyed the land in dispute. John Elliott ——— Lawrence, Jacob Mo Donald and Jonathan Reese all testified to cutting timber on the McKay land in Cambria township. A. J. Shoemaker, of Ebensburg, was called to witness stand by Counsel for plaintiff in rebuttal of defendant's testimony. Mr. Shoemaker had surveyed some of the boundaries in con-troversy. Messrs. Hugh Edwards, William Makin, James Ross, Thomas Mahan, Daniel J. McDonald. Philip Boreing, William Leam, Martha McKay, George McKay, George W. Bash were also called to the witnes stand in rebuttal for plain-

Court then adjourned until 2 P. M. TUESDAY AFTERNOON SESSION

Court called at 2 P. M. Judge Krebs or the Bench. Venire ordered to be issued by Judge

Johnston, for special term of Court be be gin on the third Monday of September.

Trial of McKay vs. Anderson resumed and examination of witnesses for plain tiff in rebuttal continued.

Scott Hileman vs. John W. Troxell Plaintiff took non suit. Kate McIntyre vs. George McIntyre

Use of B. C. Knepper vs. Wm. B Knep

per et. al. Defendant confessed judg ment for \$295.18.

George Botts vs. Borough of Ashville

Plaintiff took non suit. Testimony on suit of McKay vs. Anderson being closed, counsel cited authorities to the Court and proceeded to argue the case before the jury. A. V. Barker, Esq. counsel for defendant, restated the cau of dispute between the plaintiff and his client. The latter having purchased a tract of land from the former known as the Young property in Cambria township, was deceived as to a piece of timber land which he believed at the time to belong to the purchase, and on strength of this misrepresentation claimed release from payment of \$100, with interest, yet due on the land. Counsel argued it was not a question of boundaries but whether the defent has a right to rebate in purchase money on account of this misrepresentation. It had been proven that McKay in showing Anderson the Young tract had showed him land not belonging to the Young tract and that was the principle inducement for them to purchase the land Joseph S. Paul, of South Fork, was ex- It was not material to the defendant's cause whether McKay unwillingly or willfully deceived Anderson, as to the line, it is enough to know that he did mislead him causing him an actual loss for all he claims and more too. Geo. M. Reade, Esq., Counsel for plain-tiff took the ground that when a man goes to buy land he is governed by common sense. When he buys, he first ascertains the boundaries of the land then the value and makes his purchase accordingly. He proceeded to show that Mr. Anderson was not mistaken as to the boundaries of the land, but when he saw this timber land outside his boundaries he thought he ought to have it, and refuses to pay the last \$100 due on the land because he did

> derson knew where this line was and all that we ask is that this note of \$100 with interest be paid to Mr. McKay. The Judge reviewed the chief features of the testimony in his charge to the jury, and asked them to decide from the evi-

not get it. He said Mr. Anderson took

the deed from Mr. McKay-the same tract

deeded to Mr. McKay by Mr. Young, and

now the defendant says he will not pay

for it because he has been deceived

Such a plea is preposterous, absured.

This defence is an afterthought, Mr. An-

and on the strength of which he made the 200 shares of Cambria Iron Company purchase, then the defendant is entitled stock to him. to a rebate in his payments. This and other points enumerated are in controversy and are matters for you to de

After being out an hour, the jury returned with a verdict in favor of defend-

The next case called up for trial was Philip E. Chapin vs. the Cambria Iron Cambria Iron Company. Attorneys for plaintiff, W. H. Rose, Esq., of Johnstown, and Judge Orvis, of Bellefonte; attorneys for defendant, Col. J. P. Linton and Cyrus Elder, Esq., of Johnstown, and S. S. Blair, of Hollidaysburg.

The following jurymen were sworn in as arbitrators of the case: John Frank, Johnstown; John Itell, Portage town-Joseph Criste, Washington township; David A. Garman, Susquehanna township; John Friedhoff, Conemaugh borough; Herman Ribblett, East Taylor Geo. B. Oatman, East Conemaugh; James A. Wherry, Ebensburg borough; Lewis J. Bearer, Susquehanna township, Wiliam Stutzman, Millville,; William Mc-Gough, Croyle township; John Platt, Elder township.

W. H. Rose, Esq., addressed the jury in behalf of the plaintiff, explaining to them that this suit was brought against the Cambria Iron Company by Mr. P. E. Chapin to recover a portion of his salary The President will testify that what Mr. still due him for services rendered while n the employ of said company.

Previous to his engagement with the in Cleveland, O. He was called upon by Daniel J. Morrell, of the Cambria Iron Company and offered a salary of \$10,000 per year as General Manager of the Gau-tier Steel Works. After due considera-paid his full salary and is not entitled to tion Mr. Chapin accepted the offer and ssumed his new duties at Johnstown on March 1, 1881, and performed these duties and the duties of General Superintendent of the same nearly three years. In the meantime the Gautier Steel Works beame the property of the Cambria Iron Co. and Mr. Chapin was solicited to ssume the general management of the Cambria Iron Co.'s works at a salary of \$12,000 per annum. He became General Manager the first of January, 1884. Neither while he was Manager and General Superintendent of the Gautier Steel Works nor General Manager of the Cambria 1ron Co. did he receive the salary stipulated in agreement. That he is entitled to it in full we will proceed to show you by evidence and then ask that

your verdict award it. Mr. P. E. Chapin, the plaintiff, was then called to the witness stand and testihed that D. J. Morrell went to Cleveland to see him on January 27, 1881, to have nim come to Johnstown to assume the general management of the Gautier Steel Works. He came to Johnstown on February 7th to look into the matter still further, and engaged, as solicited, the 1st annum. The 1st of July following the Gautier Steel Works became the property of the Cambria Iron Co. He held the same position and that of General Superintendent until the 1st of January, 1884 when his salary was raised to \$12,000 per annum and he was made General Manager of the Cambria Iron Co. in all its depart-While working at a salary of \$10,000, the annual payments due him fell short \$3,000 per year and subsequently each year there was a deficit of ng in all about \$12,000.

Adjourned to meet at 9 o'clock Wed-

WEDNESDAY MORNING SESSION. Court called at 9 A. M. Judge Krebs on Cross examination of P. E. Chapin by

Counsel for defendant. The plaintiff said he was not aware of Mr. Morrell informing the Cambria Iron Company that he had made no arrangements for his salary and that it should be fixed by a board of of the Company, testified that Mr. Chapin the Company; did not borrow \$1000 from had remarked to him at two different Mr. Robinson and promise to repay it : times that things were very unpleasant to thinks he said it would be disposed of him, at the second time Mr. McMillen some way during the year; was appointed said if such were the case, he had better General Manager of the Cambria Iron resign. To this Mr. Chapin replied that Company by Mr. E. Y. Townsend, President of the Campany; was not present thing to do as \$10,000 salaries are not at Board meeting, and do not know at easily picked up. what figure salary was confirmed; Mr. Townsend wrote him January 24, 1884, stand. Has been President of the Cam-

Vouchers were then produced by counsel acknowledging his signature to each one. he made complaint to Mr. Townsand the be \$12,000 per annum, whereas it was

Mrs. P. E. Chapin was called to witness stand and testified that her husband had been promised \$10,000 per annum to manage the affairs of the Gautier Steel Works and only received \$7,000. In cross examination said they have received a good deal outside the salary, but did not consider that a part of the salary.

The case was then opened for defendant by Col. J. P. Linton. The Colonel in his opening speech to the jury did not deny that Mr. Chapin was promised the equivalent of \$10,000 per annum by Mr. Morrell, but did deny that it had been promised out of the funds of the company Mr. Morrell was not a man to make a bar gain and then conceal it from his associates. Seven thousand dollars was his full salary as Manager of the Gautier Steel Works, and \$10,000 per annum as Manager of the Cambria Iron Company. He claims \$12,000 for the latter. It is shown by his signature to the monthly vouchers that he received \$833.33 per month up to a time when, by virtue of a general order of the company that expenses would have to be curtailed, all salaries over \$5,000 were reduced 20 per cent., and he was then paid on this basis-\$666.67 per month. As soon as the company could afford, the former salaries were restored, and he again received his \$833.33 monthly. Chapin received was his fixed salary. The committee was called at request of Mr. Chapin and decided that he was only Cambria Iron Company Mr. Chapin lived entitled to \$10,000 per annum. We wil show you that on one occasion acknow'edged that only \$10,000. You will decide was

> any more Court adjorned to meet at 2 P. M.

WEDNESDAY AFTERNOON SESSION. Court called at 2 o'clock, Judge Krebs

on the bench. Trial of Chapin vs. the Cambria Iron Company. E. T. Carswell called to witess stand; was book keeper for Gautier Steel Works up to July, 1884. He presented book account in evidence, showing salary paid P. E. Chapin. Messrs. Cyrus Elder and Robinson were called to corroborate some statements made by Mr. Carswell alluding to a part of the account that was lost in the flood.

Report of trial closed at 3 o'clock emainder to-morrow.

EBENSBURG, June 12.-Mr. W. S. Rob inson, Secretary of Cambria Iron Company, called to witness stand by defendant in Chapin vs. the Cambria Iron Combria Iron Company. He read the minutes of the meeting in which the salary of the General Manager was fixed at \$10,000, and also minutes showing the election of Mr. Chapin under that arrangement for the years of 1884-5-6-7. A number of letters and receipts were offered in evidence by counsel for defendant, all going to show that he understood the amount of salary he was to receive from the Com-

pany. Mr. V. C. Elder. book-keeper of that Cambria Iron Company, was called to witnest stand, and testified to book account showing amounts paid and credited

Mr. Reeves called to the stand, He was a member of the Committee appointed to adjust salaries, and fixed Mr. Chapin's at \$10,000. Mr. Chapin was present and acquiesced in decision of \$1,000 or \$3,000 in round numbers, mak- Inasmuch as Mr. Chapin had been as he claimed disappointed in amount of salary. tors of the Company, agreed to credit him with \$1,000 to balance a charge against him on books to that amount.

Court adjourned till 9 A. M., Thursday

morning.
THURSDAY MORNING SESSION.

EBENSBURG, June 12.—Trial of Chapin s. the Cambria Iron Company resumed Mr. McMillen, of Johnstown, a director he did not think it would be the right

Mr. E. Y. Townsend called to witness that his account had better be kept at bria Iron Co, since 1878. He advised Mr. Philadelphia and asked for a statement Morrell, in consequence of his family, from him. After Janutry, 1884, was paid that he might be comfortable, to employ salary by checks from Philudelphia Mr. Chapin. It was shortly after Mr. Morrell's death that Mr. Chapin first spoke for defendant, showing receipts in full to him about the contract of Mr. Morrell month's salary; witness for increased salary. He was so surprised that he could not believe it to be true. from January 1884 to end of year 1887; He told him that Mr. Morrell had brought into his office papers for a transfer of two following January that he had not re- hundred shares of Cambria Iron Co. stock ceived his full salary, and said it was to for him (Mr. Chapin) and one hundred shares for his wife. The former worth only paid on basis of \$10,000 per annum, \$25,000 and the latter \$12,500, Mr.

Anderson as to the lands included in the twenty per cent. All that he received in them feel satisfied in their coming to purchase. The issue is whether or not addition to salary was from Wood, Morthere were lines or lands not pointed out, rell & Company. Witness acknowled that this to Mr. Chapin. Mr. Townsend called and if Mr. McKay did point out lands not ne had received some personal induce. the committee together specially to settle belonging to the deeded property, and thus ments from Mr. Morrell to come to Johns- the salary question for Mr. Chapin. Mr. made Anderson believe he would get lown, his wife being an only daughter of Chapin was present, laid his grievances lands not included in the Young property Mr. Morrell. Mr. Morrell bad transferred before the committee, and their decision, which was final and so understood by Mr. Chapin, was that there would be no increase in his salary. Mr. Chapin expressed his regrets at the committee's decision but said that settles it. Had always warned Mr. Chapin not to bring this suit, for he would fail to recover anything on such an obviously groundless claim.

Cross examination: Mr. Chas. Doug lass had been Superintendent of the Gautier Works before Mr. Chapin was appointed at a salary of \$7,000 per year, which dip not include all his profits; but he thoroughly understood the business. wnile Mr. Chapin had to learn the busi-Sometimes the profits are large sometimes small. Mr. Chapin Mr. Chapin came in on an advancing wave and there by claims credit for himself as Manager. Has been the usual practice to pay a part of the large salaries from the Philadelphia office. These parties have a credit for part of their salaries on the Johnstown ooks, and the remainder is paid from the Philadelphia office. Mr. Chapin tendered his resignation as General Manager July 12, 1887, and it was accepted July 19 1887, to take effect, he (the witness) thought, at the end of fiscal year, but Mr. Chapin desired to continue on until the end of the calandar year, and there was no fuss made about it. Mr. Chapin resigned because he had become dissatisfied, and they insisted on a change of organization- At first the witness was favorably impressed with Mr. Chapin, but on further acquaintance was not. Mr. Chapin had not been a son-in-law of Mr. Morrell he would never have been appointed General Maneger of the Cambria Iron Company. Many of the leading men concerded in the works at Johnstown found a great deal to complain of in his management.

The case was rested and the attorneys presented their law points to the Court and proceeded to argue the case before

the jury.
Col. J. P. Linton addressed the jury in behalf of the defendant, making a strong plea against the claim of Mr. Chapin.

The Court then adjourned until the afternoon session, when S. S. Blair will continue the argument for detendant, folowed by W. H. Rose, Esq., and Judge Orvis for plaintiff.

1tems From Scalp Level.

The absorbing topics in Scalp just now are the merrits of the hundred and one different Republican candidates seeking the nominations for county offices in Som erset county.

The Republican candidates in Somer set county sometimes get across the line into Cambria, when they come here seek-

Mr. G. Stroup, a former resident of Scalp, where he owned the large steam annery now operated by Mr. Frank Buchanan, visited his former home last He now resides on a farm in Quemahoning township, Somerset county.

John E. Gastiger, Esq., was visiting at his old home in Scalp on Sunday

last.

The probabilities are that the Kunkel farm in Paint township near here will be sold about the latter part of October.

Several of the Scalp Level sporting men last week were on a fishing expedition to Clear Shade in Ogel township. They cerainly met with success in fishing for the speckled beauties. When they returned to Scalp Level E. J. Wissinger, who was the leader of the crew, had 231 trout that were to be divided among the parties that

comprised the successful crew.

Mr. David Shaffer is building a fine

The annual love feast of the German Raptists of Paint township was held at the Berkeybile Church last Sunday. The attendance was very large, probably larger than at any former annual love feast ever held in that township.

The Supervisors of Paint were returned for refusing and neglecting to open and not keeping the road in good order and repair that leads from Scalp Level to Paint Creek Station. Within last week the Supervisors have have been doing considerable work on the road. The distance from Ream's store in Scalp Level to Paint Creek Station is two and a half miles. Henry Veil, of Williamsport, is the

guest of his brother, John Veil, of Scalp,

AT THE JOHNSON WORKS, A New Furnance, Additional Track Service

and Other Improvements.

The Johnson Company have just completed a new line of track between the

rolling mill and the Mitis foundary The old track will be used for siding the cars loaded with coal while being unloaded and the track used for switching purposes.

A new heating furnace is also under construction at these works. It will be known as No. 7 furnace. The capacity of the six furnaces is insufficient to supply the demand of the rolls, hence dence adduced whether McKay deceived and a part of the time that was reduced Morrell remarking that he wished to make extended to cover the new addition.

MEN KISS EACH OTHER.

Interesting Scenes at the Dunkard's Yearly
Love Feast—Males and Females Hum-bly Wash Each Other's Feet.

The peculiar religious denomination known as the Dunkards are holding their yearly love feasts in most of the German counties of Pennsylvania in the eastern part of the State. The meeting held today at Ziegler's meeting house, near Rehrsburg, was one of great interest. There were thousands of people in attendance, and nearly all of them was Dunk-

ards.

The solid old farmers, attired in the ancient dress peculiar to their faith, and hundreds of women and children, made the occasion before the opening of the meeting a lively one. The meeting house is just as peculiar as the religion and the people. The floor slopes from both ends to the centre. This makes it possible to look over the heads of those seated in the central portion of the church.

On the second floor are two large rooms These were occupied last night by the brothers and sisters who came from a distance. One room was occupied by the men and the other by the women and children. These apartments are furnished with bedsteads and cradles. The cooking is done in the basement. Some sixty men, women and children occupied these sleeping rooms last night. An ox weighing 580 pounds was slaughtered to-day for

the meals. After a sermon or two the interesting feet-washing ceremony took place. When the bishop had finished reading the Biblical chapter which describes Christ washing the feet of the disciples, the Dunkards gave a very fair imitation of the ceremony. One brother kneeled down and washed both feet of three or four brothers sitting on a bench in a row, while another brother, girt with a towel, followed and wiped the feet. The women, all of whom wore white lace caps, washed each others feet in the same way, while an appropriate hymn was being sung. Loves of bread and tin dishes containing soup, made of rice and beef, having been placed on the table, all the members partook of the Lord's supper. Every set of four brothers and every set of four sisters ate soup out of one dish, two sitting on each side of a narrow table. The members arose after eating and embraced each other in a fervent manner. The salutation of the holy kiss followed, when each imprinted a kiss on the lips of the member next to him. The loud smacks resounded through the meeting house. Communion services, the breaking of unleavened bread and the drinking of unfermented grape wine were also observed. The unleavened bread was in strips, some six inches long, two inches wide, and half an inch thick. A piece was broken off by a brother, who broke another piece off and handed the remainder to the brother next him- The meeting lasted two days, and finally adjourned this afoon amid warm embraces of affection and the giving of the holy kiss.

THE CORONER'S INQUEST.

The Death of the Late Jeremiah Lynch

Examined Into.

Coroner P. McGough came to the city this Tuesday, in response to a request to hold an inquest and examine into the cause of the death of the late Jeremiah Lynch, whose dead body was found in the Conemaugh River on Thursday evening. A jury was called and sworn, after which several witnesses were examined. testimony contained very little additional to what appeared in the Democrat yester-

James Hopkins testified that Lynch left Murphy's pool room on Iron street on Monday evening at about ten minutes past 10 o'clock. The deceased was not under the influence of liquor. He started for home alone.

of the hat in the vault. He and several others searched the river for a consideraable distance, for they thought that some one might have fallen through the vault. They found no one. The bruises on the body of Lynch were such as might have been made by falling to the river bed through the place named.

The jury visited the vault where the hat had been found. The place is in a dangerous condition. A man might easily fall through the large opening.

The verdict agreed to by the Coroner

and jury was as follows: We, the Coroner and Jury, sworn to inqure into the cause of the death of Jeremiah Lynch, after a thorough investigation do find that the said Jeremiah Lynch came to his death by acsaid Jereman Lynch came to his dead to se-cidentally failing through the vault at the Cam-bria Iron Works in the city of Johnstown, said vault, or privy, being, in the opinion of the Jury, from the evidence, unsafe and danger-

ous.
And the Coroner and Jury do certify that the circumstances surrounding this case fully justined an investigation.
Witness our hands and seals this 6th day of

P. McGough, Coroner, A. E. Somerville, Foreman, William Adams, James Kane. . W. MAGEHAN

The Jury having finished its work was then discharged, just about in time for the Coroner to attend another case that was awaiting him.