

# NICHOLAS WILL HANG.

## AN OPINION HANDED DOWN IN THE COURT OF APPEALS.

The Evidence in the Case is Revived at Length by Judge Harrison, and the Lower Court Sustained.

An opinion was handed down in case of P. N. Nicholas, convicted in the Court of Appeals yesterday in the Circuit Court of Henrico of the murder of James Mills and W. J. Wilkerson by drowning them in James river. The finding of the lower court was sustained in toto. Judge Harrison read the opinion of the Court of Appeals.

When the news was broken to Nicholas it seemed to daze him. He wept and took the finding of the Court very much to heart.

Late yesterday evening he said to me that he had been lied against by the witnesses, and that he felt as if his life were going to be unjustly taken from him. Nicholas will no doubt be hung, but the question as to who will sentence him appears to be a rather puzzling one.

There were thirteen bills of exception to the rulings of the court below, many of them pro forma, and nearly all technical. The rulings of the Supreme Court involve no new principles of law, and the material ones are as follows:

Held: 1. New trials upon the ground of after-discovered evidence, are granted upon the following conditions: First, the evidence must have been discovered since the trial; second, it must be evidence that could not have been discovered before the trial by the exercise of reasonable diligence; third, it must be material in its character; fourth, it must be such as to produce an opposite result upon the merits; fifth, it must not be merely cumulative, corroborative or collateral.

Held: 2. A new trial asked on the ground that the verdict is contrary to the evidence ought to be granted only in a case of plain deviation from right and justice. And such motion only in a case where the jury have plainly decided against the evidence, or without evidence.

The evidence is so succinctly and yet so much popular interest, that the conclusion of the decision is given verbatim.

Judge Harrison, in delivering his opinion, said: On the 8th day of December, 1892, Philip Norman Nicholas, the plaintiff in error, one James Mills and his wife, Ann A. Mills and their three small children were living in the upper part of Henrico county on a farm, known as the Wickham place, about one mile from James river. Nicholas was the renter of this farm, and cultivated it on shares. He was himself, however, chiefly engaged in trapping, having a number of traps set along both sides of the river. He employed James Mills, with whom he lived, and one William Judson Wilkerson as sub-tenants to do the farm work.

On the 13th day of December, 1892, a foggy morning, about nine o'clock, the three men started out from home about 9 o'clock in the morning, equipped with axes and poles, and carrying with them one and one-half to three gallons each, for the honey; two axes, one hatchet, and a piece of netting to protect the person from the bees. The boat was loaded with the honey, and on their way to the river, an uncle of the owner was asked if they might use the boat. They were told that they could not use the boat, but that they could use the key, which unlocked the boat from its fastening to the bank, from the boat, the prisoner replied that he had a key of his own, and had often used it before without permission.

It appears that they landed on the Chesterfield side of the river, at a point one mile and a half from where any one lived, and proceeded to the tree, which was one mile from the point of landing. Investigation showed there were no tracks about the point of landing, but those of the three men going from and returning to the boat. It further appears, from the statement of the prisoner, that after reaching the tree they decided not to cut it, because it was a large tree, near the main road, and might get them into trouble, and for the further reason that the hole was small, and might not have any honey in it anyhow. The tree was afterwards cut by order of the magistrate, and found to be full of honey.

# VIRGINIA OYSTER LAW.

## THE CIRCUIT COURT OF GLOUCESTER COUNTY REVERSED.

The Supreme Court of Appeals Decides That the Act is Constitutional.

This was a case to test the constitutionality of certain acts, known as the Oyster Laws. Held: 1. The tax is equal and uniform, and the value of the oysters could not well be ascertained or fixed in a more just manner than the statute prescribes.

2. It is not an income tax nor a license tax, but a tax on sales, and the fact that a penalty is imposed on those who violate the law, does not render it invalid.

3. As to the law embracing more objects than are embraced in its title: All that is required by the constitutional provision is that the subjects embraced in the statute, but not specified in the title, are congruous, and are germane to the subject of the title, or have natural connection with it.

4. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

5. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

6. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

7. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

8. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

9. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

10. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

11. As to imposing a tax without stating it or the object of it, the tax is accurately prescribed, and the law does not open to mistake or doubt, and is distinctly stated in the sense of the Constitution.

# TO UNITE THE CITIES.

## THE QUESTION CONSIDERED BY THE JOINT COMMITTEES.

A Majority of the Members of Richmond and Manchester Favor the Scheme at Present, Under Certain Conditions.

The special joint committee, composed of representatives of the cities of Richmond and Manchester, held another session in room No. 5 of the City Hall last evening.

The chair announced that the first business in order would be the election of a clerk to the committee. Colonel Tanner thought that inasmuch as the Board of Aldermen had declined to concur in the appropriation made for the construction of such a purpose, the committee was in about the same predicament as at the last meeting.

Mr. Davis nominated Mr. C. Werner for the position of clerk, who was unanimously elected. The committee then adjourned until next week.

Mr. Uiz, on behalf of the Manchester committee, submitted several papers giving information as to the assets, fixed charges of the municipal government, the condition of the streets, etc.

The committee decided, on motion of Colonel Tanner, that the Public Printer be instructed to print 100 copies of the papers just submitted by the Manchester delegation for the use of the members of the Councils of the two cities.

Mr. Nunnally returned that he did not think the committee should know where they stood on the subject.

The chair thought that a discussion as to what might be expected by either city in case annexation should be agreed upon would be very timely.

Mr. Uiz, on behalf of the Manchester committee, submitted several papers giving information as to the assets, fixed charges of the municipal government, the condition of the streets, etc.

The committee then adjourned.

Mr. Keenan was holding the Thief Hat. About 10 o'clock yesterday morning a negro youth entered the grocery store of J. B. Keenan, at No. 734 North Fifth street.

Our Tailoring Room is filled with Stylish Spring Suits for gentlemen—some finished, others under process. They are fair specimens of what we are doing in Tailoring.

# PERSONAL AND GENERAL.

## Interesting Facts About Richmond's Citizens and Other Matters.

James Kain, a clerk at the post-office, is a victim of a chronic headache. He is now suffering with a severe attack, which has kept him from his work for several days.

Mr. Champ T. Barkdale, of Danville, Va., is a guest of the Commodore Hotel, Richmond, now of New York, was in the city yesterday.

The Sidney Lodge of Good Templars always opens its doors for the benefit of the poor, and its members are always ready to take up the cause of the needy.

Miss Nellie Walker, of Amherst county, and Bessie Venable, of Petersburg, are the attractive guests of Mrs. Virginia Johnson on west Main street.

Dr. Parker, of the First District, is suffering with a severe attack of the headache, which has kept him from his work for several days.

Yesterday morning about 11:20 o'clock the trolley car on the New York and Loudoun road was crossing the street, stepped on it, and had it not been for the gum shoes she was wearing she probably would have been instantly killed.

The sale of seats for the Imperial Opera House, which is to be held on April 1st, has been very successful.

Dr. Parker, of the First District, is suffering with a severe attack of the headache, which has kept him from his work for several days.

Mr. Verthelm to Leava. The many friends and admirers of Mr. Barney Verthelm will hear with regret that he has made business arrangements in another city, and is about to leave Richmond for good.

For fourteen years he has been connected with the clothing firm of H. Schwartzchild & Co., of Fourteenth and Main streets, and six years ago, in connection with the brothers of the above, opened the Boston Clothing House, which he conducted until bought out by Mr. J. Jacobson, the present proprietor.

Mr. Verthelm will open a clothing establishment on a handsome scale in Jersey City, and will leave for his new field the 1st of April.

Better Car Service for Fulton. The Committee on Streets will meet this afternoon at 2 o'clock at the City Hall, and from there go to Rocketts street, near Williamsburg avenue, to view that locality in reference to a petition of citizens living in that vicinity who ask for certain changes in the tracks of the Richmond Railway and Electric Company, in order to secure a better street-car service for Fulton.

In the Chancery Court yesterday the following qualification were recorded: Mary F. Ferguson as administratrix of William Ferguson; W. R. Pollard, Jr., as administrator of Maria A. Slaughter; J. B. Halyburton, as administrator of Thomas C. Halyburton; G. P. Haves, as executor of W. D. Quarles.

City Grant Court. Judge Wellford in the City Circuit Court yesterday appointed the following gentlemen trustees of the Denny-Street Methodist church, south: Dr. W. M. Croxson, W. J. Mayo, Mr. E. A. M. W. A. Wilkey, R. W. Battery, Mr. M. W. Castle, E. H. McDonough, R. Nelson, W. W. Turner.

# THE MERCHANT WAS HOLDING THE THIEF HAT HIS PAL CAME ON THE SCENE.

## HE PULLED HIS GUN.

About 10 o'clock yesterday morning a negro youth entered the grocery store of J. B. Keenan, at No. 734 North Fifth street. At the time Keenan was in a rear room adjoining the store, and his attention was attracted by hearing some one attempt to open the door to the rear room.

The negro struggled ferociously for his liberty, and declared that he did not go behind the counter to steal, but only to recover a penny that he had lost there.

Mr. Keenan recognized the boy who covered him with the pistol as a young negro whom he had seen frequently on the street.

After a few minutes before they went to the store, Mrs. O. Gasser, on the next block, and asked for the change of a dime.

Rev. Geo. H. Willey. He works without asking for any reward, and one of the strong points in his success is that he never takes up a collection. His hearers are quick convinced of his earnest purpose, and his simple presentations of Gospel truths are very forcible.

His Work as an Evangelist—Services at Haxdown ph. Macon. Rev. G. H. Willey is in the city, en route to his charge, in Apportionment, from Ashland, where he has been engaged for the past week in one of the most remarkable revival meetings that has ever taken place in that place.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

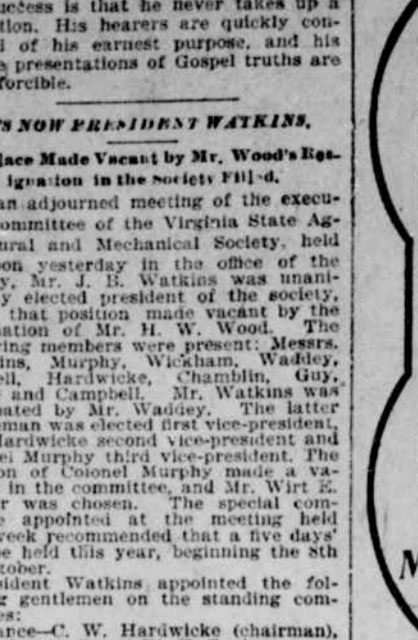
Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

Mr. Willey was a Richmond boy, and his career as a Methodist preacher has been attended with fine success.

# THE POPULAR VIRGINIA BRIGHTS CIGARETTE.



MILD AND PURE MANUFACTURED BY ALLEN & GINTER

Constable Brothers, MAKERS OF FINE SHIRTS --- FOR --- Ladies and Men.

We are prepared this season to make Shirts that shall not be excelled in fit, finish and wear by any made in this country.

419 E. Broad St. Phone 707.

What Counts! Dependable Quality! Workmanship! Price, Style and Fit Correct.

Solid Worth in Tailoring!

Seasonable Spring Novelties now on display. Everything bright as a new pin. No back numbers. Every pattern in the stock up to date.

Investigate what counts real value in Tailoring. Elegance, Economy and Artistic Work is the combination that makes Solid Worth.

Our Tailoring Room is filled with Stylish Spring Suits for gentlemen—some finished, others under process. They are fair specimens of what we are doing in Tailoring.

The materials come to us direct through the Manufacturing Headquarters from the most Celebrated Millers and Producers from all over the world at the Lowest Possible Cash Cost that it is ever possible for money to own them, and we are thus enabled to figure on the Finest Goods at Rock Bottom Prices.

BURK'S CLOTHING HOUSE, 1003 East Main Street.

R. H. BOSHER'S SONS, CARRIAGE MANUFACTURERS.



Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.

Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.

Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.

Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.

Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.

Call and see our large stock of VICTORIAS, PRIZE-TAKING, and our special styles and Cheapest in the city, considering the quality of the work.

Repairing and Regulating done in the best manner, 16 S. NINTH ST., RICHMOND, VA.