Umberger Murder.

Cross-Examination of the Widow of the Murdered Man by Gen. Coffroth.

A REMARKABLE WITNESS.

TERRIBLE, DAMAGING, DAMNING TESTIMONY OF LITTLE NANNIE HORNER.

EXPLICITLY IDENTIFIES THE BISONERS AS THE PARTIES WHO FOULLY MURDERED HER "GRANDPA."

Minutely Describes their Appearance and Dress.

ASTONISHES AND AMAZES JUDGES, ATTORNEYS, JURORS AND AUDIENCE BY HER INTELLIGENT ANSWERS AND COLLECTED AND POSITIVE MANNER.

THE COURT IS WORKING RAPIDLY AND THE COMMONWEALTH EXPECTS TO HAVE ITS TESTIMONY ALL IN BY THIS EVENING.

When Court opened Saturday morning, Mrs. Umberger, widow of the murdered man again took the stand. She was dressed in deep mourning and had a haggard, pained expression of countenance.

Mrs. Nancy Umberger Cross-examined by General Coffroth—I am 67 years old; I can see pretty well; Mr. Umberger had two pocket-books in his vest; I saw him put them there; he had a pocket in the inside of his vest; they were large, brown pocketbooks; can't tell when I seen them last before that; did not count the money; he often told me how much money

he had; I didn't see all the money; could not tell what kind notes he had; it was gold and paper; kept some of it in the pocket-book and some in a drawer; the gold was in a bag; I don't know the size of it; there was some gold in the pocket-book, I think; I don't know whether he put the pocket-book in his vest or not; I saw him take the two out of the drawer; they were full; ain't sure how thick they were; can't tell the denominations of the notes; I seen the money within 2 or 3 years; don't know my husband exchanged his paper money for gold with Mr. Risk; I often seen him put bank notes in the pocket-book; can't tell the size of the notes; can't tell when I saw him put money in the pocket-book last; after he put the money in the pocket he walked out to the sitting room and I followed out; when I came out he hallooed, "I want your money or your life;" I was a little behind my husband; my husband hallooed; I can't say what he said; they backed him back; he hallooed and they hallooed too; the men hallooed as loud as they could for his money or his life; I don't know what he said; didn't see him attempt to pull the handkerchief off.

Q. Didn't he make a grab at the handkerchief, and call out a name known over in that township, saying, "Are you going to rob me?"

A. I didn't hear what he said; I won't say whether there were four or five shots fired before I went out; just as I went out of the door I heard one shot, and I heard one just as I was in the kitchen; then I heard one shot yet, and then he came and tumbled down beside me, dead! there were shots in the ceiling and perhaps some in the side of the room; I didn't see them take any money out of his pockets; the shots were fired very fast; then I ran into the kitchen and rang the dinner bell; I rang the bell and kind of looked in; I didn't see him come out, but I heard him coming; I stooped down asked if he was hurt, but he was dead; didn't search his pockets; Albright Deets came there first after the men left; I can't tell how long he lay on the floor; he was laying there when Deets came; he laid there till after the inquest; that was not very long I don't think it was two hours; I know he had no money when he fell down there; I felt and knowed the money was gone and the men were gone; I didn't open the vest to see whether pocket-book was gone; tall man's face was nearly all covered; didn't notice his hair; he had striped overalls on; I didn't notice his other clothes; he had no hat on when sitting there; think he had hat on when he came in and took it off; the little man seemed to have a mask on; his hair was dark or gray; the beard didn't look natural; it was above and below the mouth; I could see his eyes, nose, forehead and cheeks; I couldn't tell what kind of hair; he had a hat on; didn't see his hair; had kind of dark clothes on; I couldn't tell what kind particularly but I think there was red and white in both handkerchiefs; had never seen defendants before that night; didn't hear the tall man talk at all; I knowed him the moment I saw him; I saw him plainly I seen his eyes, nose and forehead; when I saw them at Rauch's they were not disguised; they were the same size; recognize little man by his size, eyes and nose; and I heard him speak at Rauch's; I heard them both talk there; I didn't say at Rauch's I could not recognize the men; I didn't say there I could not be sure these were the men; I was not sworn as a witness at Rauch's; I was a witness at the hearing before Judge Baer and recognize them; I say I recognized them as the men that were at our house that night; I described before judge Baer the kind of mask that was on the little man's face and I think I described the handkerchief that was around the tall man's mouth; my husband was 71 or 72 years old; I had been married to him about 30 years; we had one child; it's dead (objected to as not a cross examination); I was a widow before I married Umberger; had children before I married him; had 5 children; 2 of them are alive; one is a girl and two of the boys live three miles from where I live and the other one lives in Latrobe; I don't know age of one in Latrobe; both are grown men; my daughter lives about half a mile from where I live; Umberger was a widower when I married him; he had one child to a former wife; it died before we were married; my husband was collecting in money coming to him; I know some parties that came and paid him money; he was sickly during the winter; he was not able to feed the stock or do anything; one of my grand-children, Geo. Horner, was doing the feeding; he is son of Noah Horner; Noah lives in Latrobe; George has been there a couple of months; he went down to the grocery at Westley Griffith's a litter over a mile from our place towards Forwardstown; we live three miles from Forwardstown and two from Jennertown; he started a litter before dark; the strangers came soon after he was gone; he stayed with me till after the sale; a public road ran past the house where I lived at that time; I don't think there was prayer meeting that night; I would know it if there was prayer-meeting; there's a church in Jennertown; George Horner came back that night about half an hour after Umberger was shot; he was back before the inquest; I don't know who sent for the Squire to hold inquest; Geo. Horner is pretty near 18 years old; he is not as large as a man.

Re-direct—I went to the office of the lawyers and told my story before I went before Judge Baer.

POSITIVE IDENTIFICATION.

"Never in the forty-seven years that I have practiced law have I in any case, civil or criminal, seen or heard a better witness, in any court, than that little girl," whispered "Uncle John" Cessna to a HERALD reporter, as little Nannie Horner, the ten-year-old grand-daughter of the murdered man, who witnessed the murder of her infirm, gray-haired grandfather, left the witness stand. Her testimony was clear, straight-forward and to the point; and her identification of the "short" man and "long," was most positive.

Never was a witness in any case ever tried in a Somerset county court subjected to a more rigid, thorough, ingenious cross-examination than was she at the hands of General Coffroth, the senior counsel for the defense, but his failure to elicit the slightest contradiction or variation from her examination-in-chief, was most signal. She recounted the story of the two strangers coming to the lonely farm-house on the fatal February night; of their representing that they were Bedford county officials on the hunt for stolen goods, and of their search of Mr. Umberger's house; told how the unsuspecting old farmer had shown them from room to room; how, becoming suspicious of the strangers, he had placed his pocketbooks, containing a lifetime's hard-earned savings, in his inside vest pocket; their return to the family room, when the "little" man whipped out a revolver, and, pointing it at Mr. Umberger, demanded

HIS MONEY OR HIS LIFE.

She then told of the struggle and the firing of the fatal shot. Pointing to Joe Nicely, the witness said: "There is the short man;" and, pointing to Dave, "there is the long man."

She described minutely how both men were dressed. She was shown an overcoat that was found at the house of David Nicely at the time of his arrest and identified it as the coat worn by the "long man" on the night of the murder by a

LITTLE BROWN PATCH

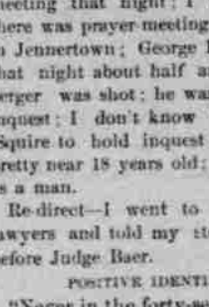
on the side. "I know that these are the men by their size, eyes, noses, voices and motions," said the witness. She said the "little man" wore a brown derby hat, with a piece out of the rim, and was positive that the hat shown her (the one Joseph Nicely was wearing when arrested,) was the one worn by the "little man" that night.

While the witness was being examined the prisoners showed unusual signs of nervousness and uneasiness, and their relief was apparent when she left the stand.

Nannie Horner was called and testified that she was ten years old last July; I knew and lived with Umberger, and was there the night he was killed.

Mr. Cessna—"Begin the story in your own way, and tell me what happened that night and hour."

There were two men came in; I heard



them rap; they sat down close to the stove, on two chairs; they sat there about one hour; they talked some; said they came from Bedford, and had a search warrant for to hunt some jewelry that belonged to Mr. Mason, the peddler; they took out a paper and read it; the little man read it, and then put it in his pocket again; they said they had searched Frank Heiple's house; they were all in the sitting room; the light was burning; grandpap said they could look, but there was nothing there; they got a candle and started in the parlor, and the little man, and grandpa and I went along; the tall man and Ella Stearn was in the other room; they looked around in there and then went in the bedroom, and the upper drawer of the bureau was opened; they took all the things out; then they opened the lower, and then the next drawer was opened; and the next one was opened, and there the money was laying; grandpap said that was a little money to pay his hands, and they had no business with it; after they shut the drawer they went out in the room, and then my grandpap and the little man went back and looked under the bed, and they wanted grandpap to pull the bureau forward, and he told me to go and tell grandma to come in, and she came in and said they might pull it forward and look behind it; they then pulled out a bureau drawer and could look down where the pocketbooks were, and grandpa took them and put them in his vest and walked out in the room, and was followed by the little man, and I was behind him; when they got out the little man said:

"YOUR MONEY OR YOUR LIFE;"

he was pretty close to grandpa and had a revolver in his hands, pointed towards grandpa and grandpa faltered and looked under the bed, and they wanted grandpa to pull the bureau forward, and he told me to go and tell grandma to come in; and she came in and said that they could pull it forward and look behind it; then they took out a bureau drawer and they could look down where the pocket books were, and grandpa took them out and put them in his vest and walked out in the room, and was followed by the little man, and I was behind him; and when they got out the little man said, "Your money or your life;" he was pretty close to grandpa, and had a revolver in his hands pointed towards grandpa; grandpa hollered and threw up his hands; one button was buttoned on his vest; and then they began to shoot; and when they shot twice I ran out and did not see any more.

I went around the house and when out heard our bell ring; I heard the men running and then I ran around the house and in the front door; I found grandpap on the floor in the kitchen and he was dead; I do not know whether the pocketbooks were gone or not, but the men were gone.

The stove is about in the middle of the room; I was sitting down while they were there; the big man had a red and white handkerchief tied around his face, and had striped pants on; both had overcoats on; the tall man had a brown bleached coat on.

[An overcoat was there produced and witness asked to examine it.]

I saw that overcoat at our house that night; the little man had on an overcoat not as white as this one; yes, the black one is the one the little man had on; the small man had a brown hat on; it had a hole torn in it on the rim; it was on the little man's head; I noticed the hole there.

PICKS OUT THE HANDKERCHIEF.

"Take this bunch of handkerchiefs and pick out the one that was around the man's face, if you can," said Mr. Cessna.

[Witness was handed a bunch of handkerchiefs and picked out a red and white spotted one.]

This is the one the big man had on; I do not know the others; saw it taken out of his pocket at Rauch's; saw Dave Nicely and Joe there, and heard them talk; I was not at hearing here the other evening; they are here; they are them.

[Witness went over and pointed out the prisoners.]

The little man had a beard on his face; it was a gray beard; don't know whether it grew fast or not; it came up to his nose and down his cheeks; the hair was kind of curly; I heard the man talk at Rauch's; the size, voice, and motion of the two men look alike; voice is just the same.

Cross examination—One of the pocket books had a gum band around it, and the other a leather string; the big man had a cap on; the small man a hat; he took his cap off; I am positive that that is the handkerchief; I was sitting right behind him, but could see the spots; I have seen it three times—at Rauch's, that night, and here; saw them pull it out of Dave Nicely's pocket, and Ella Stearn said it was the handkerchief and I said so, too; the overcoat the big man had on had a patch on it; saw one of the coats at Kooser's office; did not see the handkerchief there; saw the black coat there; did not see the light one; the little man had the light coat on; it had one of the buttons off and a little brown patch on it—on the side; I have not seen that coat before since the man had it on at our house; I heard them talk at our house and at Squire Rauch's; I recognized the men there. If it was not a beard he had on it was not the man that was at our house; it was the man; the beard came up to his ears close; he may have been shaved.

Re-examined—Whose pocket was the handkerchief taken out of?

"Dave Nicely's. These pants here was the ones Dave had on."

WHAT SHE FIRST SAYS SHE LAST SAYS.

Cross-examination by General Coffroth. Went into the room with the little man and grandpa; there was two pocketbooks; one was kind of a brown and the other kind of a black; the big one was black; gum band around one and leather string around the other; the big one had the leather string around it; Mr. Umberger put the pocketbooks in his vest; put them in his vest the second time he was in the room; I ran out of the room after two shots had been fired; did not see anybody take the pocketbooks; when I came back grandpa was lying on the floor dead; do not know whether the pocketbooks were on him then or not; saw the men come into the house; the large man had a cap on; the small man had on a hat; the tall man came into the room and then took off his cap; the small man kept his hat on; the large man had a handkerchief around his head; recognize the red and white handkerchief shown; was close enough to see the spots; never saw any like it; am certain it is the handkerchief; have seen the handkerchief three times; seen it that night, seen it at Rauch's and see it now; have not seen it since I was at Somerset; did not see it at the hotel; saw it at Mr. Rauch's office; Ella said it was the handkerchief and I said it was, too; did not say it was because she said so; Ella said it first and I said so, too; did not see it at all in Somerset; spoke to Mr. Cessna about the case; told Mr. Rauch about it; told the men who came over from Johnstown; do not know what their names were; did not say that one man had a black hat on with a hole out of the rim; did not know who they were until I saw them; they did not say they were hunting for money; they sat down to get warm; both men sat by the stove; I walked around behind the stove; the lamp was on the table about ten feet from the stove; I walked past them and stood behind the stove to warm my feet; saw one of the overcoats shown at Rauch's; cannot say which one; saw one at Mr. Kooser's office; did not see the handkerchief at Kooser's office; saw the dark coat at Kooser's office; saw the light coat at our place that evening; the little man had on a dark coat; there were one or two buttons off the light coat; there was a patch on the side of the light coat; seen the patch that night; nobody told me that there was a patch on it; was near the coat at Squire Rauch's; the big man had no overcoat on at Squire Rauch's; the little man had; could not say whether it was the light or dark one; they did not tell me to look at it when I was at Rauch's; looked at it at our house because I had nothing else to look at; had a candle and a lamp; the stove door was also open which made some light; heard the big man talk when he came out of the room; the large man said "are you going up stairs" and the "little man" says "it is not worth while"; heard the big man talk at Squire Rauch's; I recognized his voice; when he was at Umberger's he had a handkerchief tied over his mouth; they tied a handkerchief around his mouth at Squire Rauch's; Ella Stern tied it around; he talked while it was around his mouth; they asked him if it was too tight and he said "no 'taint"; positive I recognized the voice; could not be mistaken; nobody told me he was the man; Ella Stearn did not tell me it was the man; heard the little man talk at grandpa's and again at Rauch's; do not know whether he had a mask or not; he had a beard; do not believe the beard was fast to him; if the beard and hair of the little man on the night of the murder was natural he must have shaved it off before I saw him at Rauch's; he did not have a beard at Rauch's; am positive it was his voice; do not think I am mistaken; talked to lots of people about the case; they asked me how the men looked; told them how they looked; Ella told them they had masks on; but I did not say that; there was no strangers at the house on the day of the murder; there was strangers there the week before; did not see two men come to the house that day; the pedller Maxom went past the house the evening of the murder; he was in a wagon, said he wanted to stop but did not see anybody when he passed; I did not see him going past; Ella saw him.

Re-direct—Know Mr. Rauch; he pulled the handkerchief out of Dave Nicely's pocket; saw the handkerchief on the night of the murder; saw it again at Rauch's and again here; did not see it anywhere else; [Witness was shown light overcoat and found patch on it. Was shown dark overcoat and said she identified it by the torn buttonholes; also identified the overalls]; the overalls were worn by Dave Nicely; think it was the dark overcoat that I saw at Rauch's but am not sure.

Dr. W. F. Walker—Am a practicing physician; practiced since 1885; knew Herman Umberger; made examination of the body and found two bullet holes—one in the right shoulder and one below the left shoulder; found this bullet between the shirt and body; (exhibits bullet) the bullet went into the body between the seventh and eighth ribs; probed, but could not find it; I would consider it a fatal wound; have no doubt about the cause of his death; died from a bullet wound; could not say whether from a gun or pistol—might be either; made examination about 2 hours after the murder; attended Coroner's inquest; was notified by same Squire Henry Rauch; the bullet between the ribs went in the direction of the heart. Cross examination—Was called to Umberger's about 9 or 10 o'clock; notified by Squire Rauch.

Henry Rauch—Was Justice of the Peace on February last; the inquest was held under my direction; was there when Dr. Walker made the examination; saw the probing.

Hammer Caufield—On the 27 of February was at school—am a school teacher; board at Peter Baughman's. On the evening of 27 of February Mrs. Baughman heard the bell out on the porch; called my attention to it; I then heard the bell myself; we then concluded that there was something wrong; Peter Baughman and myself started in the direction of the bell; went on to Herman Umberger's; when we got there found Mrs. Umberger, Nellie Stearn, Ed. Friedline and several other parties I am unable to name; when I came in saw there was quite a commotion; saw Mr. Umberger lying on the floor of the kitchen; think he was dead from his appearance; shortly after went out to see if we could find any tracks; found tracks up the pike; followed the tracks 6 or 8 rods on the pike only that evening; made no further inquiry or examination that evening; next morning went back to Umberger's with Mr. Kime and from there Mr. Mowry went up on the hill with me from the pike; saw tracks of two parties leaving pike about 20 to 30 yards from Umberger's across the field into the woods on the east side of the pike; the tracks were coming towards Umberger's house; the tracks led from the pike into the woods, then back again to the pike nearer Umberger's house; from the tracks would say that one man wore gum boots and the other leather boots or shoes; Mr. Umberger's house was in view from point in the woods to which the tracks led; the front of the house facing the pike; could see quite a distance on the pike in both directions. The witness then detailed in full the tracking of the parties to a point called Burnt Cabin; the tracks were distinct and plain; had been made in wet snow and being frozen during the night left them very distinct; tracks on the east and west side of the Johnstown pike were the same; length of steps were about the same; did not measure the tracks or steps; from their length of stride would judge that they were going at a rate to make a reasonable speed; followed the tracks from bridge over stream below Jennertown; the bridge is over stream nearest Jennertown; it is the first stream east of Jennertown; we followed the tracks along the stream on the north side.

Cross-examination—Come over to Umberger's early in the evening and made an examination of the tracks that night; examined tracks 8 or 10 rods above the house towards Jennertown; on the mountain about 4 miles from Umberger's found tracks going westward; did not find tracks going west until next morning; the east tracks turned off at elbow of road above Picking's.

Dr. Walker recalled—Have two bullets in my possession; they are both centre fire bullets; there's a larger cavity in one than the other.

Cross-examination—Never discovered that different size bullets came in the same box of cartridges; they are put up in regular sizes. (The bullets were then placed in charge of the Court Stenographer for keeping.)

Henry Rauch—Examined the bullet holes in the house; saw one place where bullet struck the joist and glanced; two bullets stuck in the wall between the bookcase and the kitchen door; about nine feet high from the floor; they were about five inches apart; have the two bullets in my possession that were taken out of the wall the next day.

Made draft submitted to Mr. Caufield showing Jennertown road and pike from Umberger's over the mountain to Westmoreland county. The map is a correct representation showing bridges, streams etc.

Rufus Rauch—I examined for tracks coming to or going from Umberger's; found tracks going to Umberger's on the north side of bridge west of Picking's at the bend of the road; they went through the field and bottom; there is a stream there; the tracks were sometimes close to the stream and sometimes further away; followed the tracks three quarters of a mile; this brought us to Walters, they did not go any further west; tracks were made by two men, one with leather boots or shoes and the other with rubber boots; the leather boot track was longer than the rubber boot track; measured them at different places about a dozen times.

Cross-examined—Was going west and found the tracks coming east from the mountain to the Jennertown pike; followed the Jennertown pike north and found first tracks at bridge just beyond Jennertown.

Rufus Shaffer—Made an examination of the tracks above Mr. Umberger's where they went into the field; saw the tracks where they came out this side of Jenner towards Umberger's; I was on horseback; went up to Squire Rauch's to put up my horse; went from there across the bottom and came out on the pike above Picking's; we lost the tracks at the Haines Church; could not find the tracks again until we got to Walter's, which was about half a mile from the church; followed them up the mountain and came down the other side until we came to Burnt Cabin or Stone Bridge; then we lost the gum boot tracks; the snow was partly gone; the one with leather boots or shoes left the pike and went up behind a laurel bush on the other side of Burnt House; we went further, saw tracks, but could not say they were the same tracks, because the snow was thin; saw the tracks above Walter's about three-quarters of a mile; these tracks followed closely and regularly until we got over to the Burnt House; one of the tracks was made by a leather boot or shoe, and the other by a rubber boot; saw tracks going east and west, and as near as I can tell they were the same tracks; have seen Dave Nicely's tracks since then; saw them on the 5th of March; he had on a pair of leather boots. [Witness was shown pair of boots which he identified as worn by Nicely on the 5th of March.] Saw the boots on the feet of Dave Nicely on the 5th of March when we brought him across the mountains; he made tracks with these boots; the other were not then in existence; measure the tracks; examined February 27th; did not measure tracks or stride, but as near as I judge by my eye, they were the did not measure any tracks but on my eyes; judging from of steps would say they were the did not measure tracks going up ing down the mountain; would the steps that they were walking

Cross-examined—Was one of the ties that helped to work up the not know that there was a offered; did not say that I expected anything for it; suppose I am lawyer and will take anything I can the boots from David Nicely on the of March in the afternoon in Westland county; got them in his was a shoemaker; had them in the where he was working; he put the on; he was here at the hearing Judge Baer; the boots were Dave Nicely had them on when over the mountains; the boots marked before he put them on.

Re-direct—I marked the boots at ly's house; the mark is still there.

Albert Hoffman—On the night 27th of February was at the or post-office; went over to Un the next morning after the murder not look for tracks until we came bridge near Jenner; followed tracks to Burnt Cabin; tracks were by two men; one with leather shoes, and the other with gum boots tracks on the mountain were like at the bottom; Caufield and were along.

Cross-examination—The tracks alike; should say it was eight miles from Burnt House to the found tracks going west about fourths of mile from Walters; measurement of the tracks.

Solomon Bowman—Was at the was member of the inquest inquest was held between 10 o'clock; Henry Rauch was the of the Peace; the doctor was Walker; saw him examine the man; looked for tracks; went pike from Umberger's about fifteen then went back to the house; Detty then come with a lantern; went up the hill and tracked from the pike through the field my building; followed the track way through the woods where stopped beside a small, fallen tree as though they had sat down a paper sack there, but nothing think they had a lunch in it there was crackers and cheese in bag was greasy which makes me there was cheese in it; the track straight back to the pike again berger's; the track were made men; it appeared to me that the were made by a leather boot or a gum boot; the tracks were going and coming from Umberger

John A. Kimmel—Live in Westland County in Ligonier Valley two and one-half miles from know David and Joseph Nicely was at my place on the 27th of sawing wood; I asked him to me the next day; said he could he was going away; said he help me either Tuesday or because he was going away.

Cross-examination—Did not he was going; did not say he to Pittsburgh to see a doctor he was sick; just said he away on Tuesday.

Hamilton Smith—Live in know the two prisoners; have them pretty much all their lives live about three miles from have seen Dave Nicoley last six months. The last saw him was the morning he was arrested; saw him morning of the 27th of February tween 11 and 12 o'clock; Seal was with me; we were in Mr. store on the corner of the diamond Barnett says Smith it is about to dinner and we started out of towards home and as soon as out on the pavement saw Dave coming cut-ecorner across the went home and my wife asked had got the mail, I went back for the mail; saw Dave Nicely direction of Stoystown pike; pike leading into Somerset was in the neighborhood of 11 the mail time is about 11 o'clock was on the second square Diamond when I saw him; he was ing alone; it is not the way when they go home; they live west from Ligonier; he had on a

Cross-examined.—He was not from the Diamond up street; get to Barrons that way by creek.

Re-direct.—Was within 15 or him; he had a cap and an grayish colors [the witness identify the cap nor the overcoat him,] but said it looked like the hibited in court:

Seal Burnett.—Live in Ligonier Hamilton Smith; can not say I was with Mr. Smith on the February. Mr. Smith and I were bors all winter and I saw him could not say that I was with him he saw Mr. Nicely; [Mr. Cessna him if he had not had a with him which was objected