

## Guilty of Murder In Second Degree

### LEVAN KILLED McANDREWS FOR HIS MONEY.

Life is the Forfeit He Has Taken—Liberty is the Ransom He Must Pay.

#### A CELEBRATED CASE.

The case against Amandus Levan, charged with the murder of James McAndrews, on the morning of March 30 last, was taken up before the Court Thursday morning. The case was easily the most important of the entire criminal session, and the Court room, during the several meetings required in the hearing of the case, was filled with people.

The first move in the case was the selection of a jury and the immense importance attached to the proceeding and the great care with which the twelve men were chosen is attested by the fact that the entire panel of sixty was exhausted before a jury was secured, and the last man was accepted from a list of eight called by Deputy Sheriff Bruce Black, from the talemens, and the Commonwealth would probably not have accepted the twelfth man had it not been for the fact that they had exhausted their number of challenges. The defense objected to nineteen.

The jury as finally selected was as follows: Frederick Wood, saddler, Benton; William Stackhouse, pattern maker, Berwick; M. T. Nagle, farmer, Sugarloaf; Isaac Artman, farmer, Mt. Pleasant; E. B. Jones, farmer, Fishingcreek; E. J. Ohl, farmer, Hemlock; Clarence Hess, farmer, Sugarloaf; John R. Deemer, Merchant, Catawissa; M. B. Shultz, laborer, Benton; Eri J. Welliver, Jr. farmer, Greenwood; O. D. Cole, farmer, Sugarloaf, and Simon R. Carl, farmer, Locust.

The jurymen were accepted only after the most searching and pointed examination by counsel on both sides of the case, the District Attorney in every instance being particular to inquire whether or not the jurymen was a client of any of the attorneys in the case, whether he was a friend of the defendant, or the defendant's father, and whether or not he had any conscientious scruples against capital punishment for the crime of murder.

#### THE CASE BEGINS.

The Commonwealth's case was opened by John G. Harman. He stepped before the jury, and in his characteristic, forceful way, and in a voice that was distinctly audible in every part of the room, he outlined the circumstances of the case. "On the 30th day of March last," he said "there was committed on the public road leading from Centralia to Aristes, a most heinous crime, a most atrocious one. In the morning of that day, between the hours of ten and twelve o'clock, James McAndrews, a citizen of this Commonwealth, was found along the roadside badly wounded. He was removed to his home, and the next day taken to the Miners' Hospital at Fountain Spring, where he died four days later, five days after the commission of the crime.

Shortly thereafter and with an energy and zeal that was commendable, the District Attorney, Mr. Duy, set about to ferret out and unravel the clues and apprehend the perpetrator. He went to Philadelphia and there secured a detective, and placed him upon the case. The evidence that has been gathered and which we will present for your consideration, will connect Amandus Levan with the crime. We will show to you gentlemen of the jury that he was with McAndrew in Honabach's Hotel at Aristes, a short time before McAndrew was struck down. That he was there drinking with him, and that he was aware and in fact saw McAndrews display some money, being his salary which he had received that morning for his work at the mines. We will prove that Levan left Honabach's hotel before McAndrews, going in the direction that was a little later taken by McAndrews, and we will also prove that he was seen coming from the place at which McAndrews was found, a short time after he had been struck down and from

the injury there received he subsequently died. The Commonwealth will show, continued Mr. Harman, that Levan was without any money at the time and that the next day he appeared at the hardware store of Harry Buck at Ashland where he purchased a \$11.00 Smith & Wesson revolver, and tendered a \$20 gold certificate in payment for it.

Furthermore we will show that an iron bar picked up near the scene of the murder was the weapon with which McAndrews was struck. We will produce evidence to show that it fitted exactly the wound on the dead man's head. These, said Mr. Harman are the facts with which we will fasten the crime upon Levan. In conclusion, said Mr. Harman, and in fairness to the defendant believing as we do that robbery was his motive and that he was goaded on to the commission of the deed by the desire for gain, we do not ask for a verdict of murder in the first degree but rather for a verdict of murder in the second degree.

#### THE EVIDENCE.

The following will cover pretty nearly all the evidence adduced. We will give the answers or many of them to the most important questions in such a manner as to enable the reader to infer what the interrogation was.

Dr. J. C. Biddle, called and sworn by the Commonwealth. "I am the Superintendent of the Miners' Hospital at Fountain Springs. James McAndrews was brought to the hospital on the 31st day of March 1903. He was unconscious, and suffering from a depressed comminuted fracture of the skull. The wound was an inch in length and about a half inch in depth; the edges of it were sharp and well defined. I performed an operation. He died on the 4th of April. Death was the result of hemorrhages of the brain. The District Attorney handed an iron bar or brake to the witness. He identified it as the iron that had been picked up near the scene of the murder by a young boy, and turned over to him. When asked whether or not he had compared the iron with the wound on McAndrew's head, the Doctor answered "I did it and it fitted the wound exactly." Continuing he said, "there was blood and human hair upon it. I believe the blow was struck with this instrument or one like it. It would be impossible to inflict such a wound by falling on a stone, unless a man fell with considerable force. On cross-examination the Doctor stated that such an injury might be inflicted if a man fell with sufficient force. "I am not acquainted," said he "with the road or formation of ground where McAndrews was found. I was never there."

Mrs. James McAndrews.—"I remember the day my husband was brought home. It was on the 30th day of March, between 11 and 12 o'clock. His coat sleeve was torn and his pants pockets were turned inside out. There was no money in his pockets. He was taken to the hospital the next day. I can't say when he died, I did not know, but I have become so nervous." She spoke in a clear voice, but there was sadness in it and her appearance bore evidence of the trouble she had had. Her children were very ill and it was to afford her an opportunity to return to them that she was called in the order that she was.

James C. Brown.—"I reside at Bloomsburg. Am a civil engineer. I made a map or plan of public road which shows Main Street leading through Montana, location of cross streets, hotels, blacksmith shop and branch of L. V. Railroad. It also shows some underbrush along the road. I was assisted in the work by Mr. Eyer who has been in my employ for several years.

## REPORT OF THE CONDITION OF The Bloomsburg National Bank

At the Close of Business September 9th, 1903.

RESOURCES.		LIABILITIES.	
Loans and Investments,	\$389,120.61	Capital Stock,	\$60,000.00
Furniture and Fixtures,	8,000.00	Surplus and Profits, (Net)	49,479.73
Cash and Reserve,	79,660.43	Circulation,	58,750.00
		Due Banks,	2,421.72
		Individual Deposits,	306,129.59
	\$476,781.04		\$476,781.04

A. Z. SCHOCH, PRESIDENT.

WM. H. HIDLAY, CASHIER.

Aristes is the name of the postoffice but the town is known as Montana. The brush along the road runs from 6, 10, 12 to 15 feet. Yes sir, in my opinion it is sufficiently dense to shield a man from view.

Mrs. Lydia Minier.—"I live at Aristes. Was on the road between Centralia and Aristes on morning of March 30th last. Saw McAndrew lying along the road. He was in bad condition. His pants pocket was inside out. It was about half past eleven, as near as I can remember. Stood there about 10 or 15 minutes, then went home. On my way home I met Art Honabach, John Knittle and Ray Honabach. I told them about the injured man. They were going in the direction of where McAndrews laid."

The matter of time had an important bearing upon the case, and the counsel for the defendant tried in cross examination to get at the exact time that the witness had met the boys along the road, and put several aculeated questions to her, which served to mix her up considerably and her answers were decidedly acrimonious and rather amusing.

Monroe Rape.—"I reside at Aristes. Am proprietor of a hotel. Was on road leading from Montana to Centralia on March 30th. Lewis Kostenbauder was with me. It was nearly 11 o'clock. Found a man lying beside the road. His head was toward Montana and his feet toward Centralia. I looked around and found the man's cap, a five cent piece and a key lying in the middle of the road, about twelve feet from where the man laid. There was some blood in the road. There was a fresh cut club lying near by. It was about eighteen inches long. Kostenbauder picked up the five cent piece, put them in the cap and placed the cap under the man's head. We then informed Squire Black. When we arrived at the hotel there were several men there, among them being Amandus Levan. There was nothing about the club to indicate that a blow had been struck with it.

On cross examination by Mr. Ikeler, the witness said, "The road at the place was very dusty. Kostenbauder spoke to the man but received no answer. I did not notice the condition of his pockets. There was a lot of stone there, some of them sharp pointed and some of them contained spots of blood. Cannot say how long Levan had been in the hotel before we arrived."

The witness was about to leave the stand when Mr. Duy exclaimed "just a minute" and in answer to a question the witness reiterated, that there were numerous stones where the man was lying, some sharp pointed and of good size. The witness had hardly finished when Mr. Ikeler picked up the point and asked "and it was there that the body was found?" and witness answered "Yes sir."

The testimony of Lewis Kostenbauder was substantially the same as that of Rape. He said he had tried to arouse McAndrews, that he had shook him and tried to get him to speak, but that he only moaned.

On cross-examination he said that McAndrew's head, when found, was resting almost directly against a sharp pointed stone that was partly buried or embedded in the ground. The witness described another stone that laid near McAndrews mouth which looked as though it had been blasted. "I did not notice the odor of liquor upon him." "No sir." "I don't know whether Levan was around there or not, but to the best of my knowledge he was in Treppler's bottling works when Rape and I started for Centralia."

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As the witness made the last statement, Judge Herring eyed him sharply and without transferring his scrutiny said; "You know Kosti that it is not true that Levan was there, don't you?" The witness flushed up, and displaying considerable uneasiness answered: "I didn't say it was true, I said to the best of my knowledge."

Arthur Honabach—"Live at Aristes with my father. Was on road between Montana and Centralia, on morning of March 30. There were two others with me, Ray Honabach and John Knittle. We met Mrs. Minier and one of her little girls. It was about quarter past eleven.

Cross-examination—"No sir, I have no definite way of fixing the time."

Thos. E. Snyder—"I am superintendent of the Colliery at Mid Valley. Yes sir, I knew James McAndrews. Prior to March 30, last, he was in my employ. I paid him his salary last on eve of March 29th. The money was in one of the company's regular pay envelopes. I gave the envelope containing the money to McAndrews partner, Patrick McGinley. The exact amount was \$32.78." In answer to a question of District Attorney Duy's as to whether or not Amandus Levan, the defendant had drawn any pay at that time the witness answered; "No sir. Levan had drawn no pay from the Colliery for two months. He had been working, but his salary had been used up in the purchase of a gun, and by his father who collected \$9.00 every two weeks for his board." "Going back to the money given McAndrews on March 29th said District Attorney Duy, can you say what denominations the money was in?" "Yes sir, it was in one \$20 gold certificate, one \$10.00 bill, two silver dollars, three quarters, three cents.

Patrick McGinley—"I was McAndrews partner in the mines. Worked with him on night of March 29. I saw him last on morning of March 30, about seven o'clock. I gave him his pay envelope containing the money

[Continued on 8th page 1st Col.]

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