

THE COLUMBIAN.

BLOOMSBURG, PA.

THURSDAY, SEPTEMBER 7, 1905.

BERWICK MURDER CASE.

Bellas and Nagle on Trial for Shooting an Italian.

The case of Commonwealth vs. Naugle and Bellas came up for trial yesterday morning. Over an hour was spent in selecting a jury, about fifteen being challenged. Those empaneled were Thos. Webb and Philip Crawford, of Bloomsburg; W. T. Miller, of Benton; P. G. Shultz, of Benton; Charles Title, of Bloomsburg; J. L. Kile, of Sugarloaf; M. Hartman, of Greenwood; G. H. Keiter, of Bloomsburg; Ed. Cleaver, of Cleveland; John Masteller, of Millin; Reber H. Mears, of Bloomsburg, and James Carey, of Madison.

Representing the Commonwealth are District Attorney Duy, Judge Herring and E. C. Ammerman, Esq., of Scranton, while the defendant's interests are being looked after by Fred T. Ikeler, Esq., and W. E. Elmes, Esq.

In the afternoon District Attorney Duy opened the case for the Commonwealth, by outlining to the jury the case to be made out against the defendants, and showing that it was the purpose of the Commonwealth to ask for a verdict of murder in the second degree.

James Pasquale was sworn in as interpreter.

Pasquale Carlotti was the first witness. He stated that he and Verdi, the victim, and Pietro Romano, after buying some peanuts went out along the creek under an apple tree. They were sitting there eating peanuts when they saw the two defendants, whom the witness called "loafers," approach. The one, said the witness, grabbed Pietro Romano and hit him on the head with a club. The other fired three shots at Verdi and two shots at the witness. The latter then ran to a nearby house and told what had taken place. Carlotti was unable to state which of the defendants used the revolver and which used the club. They had nothing to designate them as officers. The Italians saw the two approaching with revolvers. As the Italians arose the officer fired, but although the officers were only a few steps away he could not say who fired the shots.

The second witness was Petro Romano. He corroborated the statements made by Carlotti. He stated that when the officer clubbed him, he was rendered unconscious. When he regained consciousness he attempted to help Verdi out of the creek where he had fallen, but the officers handcuffed him and took him to the lockup, where he was detained about an hour and a half, then he was allowed to go to the house in W. Berwick, in which he, Carlotti, and Verdi boarded, where he saw Verdi in a bed.

At the request of Mr. Ikeler, the witness and interpreter gave an illustration of the manner in which the officer is alleged to have shot Verdi. The interpreter sat on the floor of the witness stand, as on the bank of the creek, and as Romano, impersonating the officer, approached from the rear, the interpreter arose and received three shots from the imaginary revolver of witness.

Then Judge Staples asked the witness to indicate which one of the officers hit him on the head, he pointed to Naugle.

The third witness called was Fortunato Tiscar, the Italian consul at Scranton. He stated that he had been with Verdi in the hospital

Impaired Digestion

May not be all that is meant by dyspepsia now, but it will be if neglected.

The uneasiness after eating, fits of nervous headache, sourness of the stomach, and disagreeable belching may not be very bad now, but they will be if the stomach is suffered to grow weaker.

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which strengthens the whole digestive system

at Scranton and had promised to send money to his wife in Italy. This witness was temporarily excused. Dr. Newman, the resident physician at the State Hospital at Scranton was then called, who stated that Verdi expected to die. Consul Tiscar was then recalled to the stand. He produced a written statement of the conversation between himself and Verdi, but as it was in Italian, the counsel were willing to take it for granted. He then gave the story which Verdi had told him of the shooting affair. Verdi had told him that after he had received the shot in the forearm, he pulled his own revolver and fired a shot, but failed to hit anyone.

Dr. Newman was recalled and he testified as to the course of the bullet which entered Verdi's shoulder, and which he said would indicate the shot had been fired from the side. An X-Ray picture was submitted to the jury, showing the location of the bullet.

William Huntsinger was the next witness called. He stated that he was fishing along the creek, and saw Naugle and Bellas approach the Italians, and when the latter saw the officers they jumped up and two of them started to run. One was shot by the officers and one was handcuffed and clubbed. The witness claimed that he saw the entire fracas, but said that Verdi did not fire a shot, notwithstanding the fact that Verdi admitted doing so.

Oliver Krick, testified that he heard shooting and went toward the direction of the shots, and met two men, one of them Bellas and another officer with a handcuffed Italian. He and Bellas returned to the apple tree and found Verdi lying in the creek, face downward.

Court then adjourned until nine o'clock this morning.

George Budman was the first witness to be called Thursday morning. He stated that as he was sitting on his porch on June 30th last, he heard five shots fired, and at once started in the direction from which they came. On the way he met Bellas, who showed him a revolver with five empty chambers.

Sed Krick, the second witness, said that he had seen Bellas coming from the creek, with a revolver. Bellas is alleged to have said to both this and the preceding witness that he had shot an Italian and that they had better clear out or they would get into trouble.

Rohr McHenry Budman, a lad of about twelve years, then testified that he had seen the man after the shooting.

Bradly Leacock, formerly chief of police of West Berwick, said that he had met Naugle after the shooting, who said that he had had an encounter with three Italians and in returning fire he had shot one of the foreigners.

The next witness Bellas Contio, needed two interpreters as there was no one who could speak his language and English. The attorneys addressed their questions to Joseph Judkiewicz who asked them of a Slavish woman, and she in turn asked the witness, and his

answers were returned to the court in the same way. He said that his house was the nearest to the scene of the shooting. From his porch he had seen the two officers approach the Italians, and heard first three shots, then two after a brief intermission. He said the Italians did not fire a shot.

Bradly Leacock was recalled and stated that the officers had worn their badges on the day of the shooting.

Oliver Krick was recalled and testified that Verdi lay in the creek with his feet toward the apple tree. Here the Commonwealth rested its case.

Mr. Elms then opened the case for the defense by addressing the jury. He stated that there had been a great deal of promiscuous shooting around West Berwick, which is contrary to the ordinance, and that special officers had been trying to break it up. He stated further that the defence would prove that the officers fired their revolvers only after the Italians had fired at them.

The first witness for the defence was W. H. Eyer who had surveyed the ground. Then the two defendants Belles and Nagle went on the stand to give their versions of the affair, and were corroborated by Wm. Huntsinger and Elijah Green. Owing to the necessity of going to press, we are unable to give the testimony of these witnesses. The case will probably go to the jury this afternoon.

THE COURTS.

[Continued from 1st page.]

trespass. Mary A. Creveling vs. Susquehanna, Bloomsburg and Berwick R. R., appeal from assessment of damages. Alveretta Kline vs. Susquehanna, Bloomsburg and Berwick R. R., trespass. Jacob R. Stine vs. J. J. Cherrington and N. C. Bair, trading as Bair and Cherrington, assumpsit. Elizabeth Marks vs. James Kostenbauder and G. C. Marks and D. G. Marks, administrators of Adam Marks deceased, feigned issue. Robert D. Yeager vs. Township of Locust, trespass. Samuel Fought vs. Frank G. Whitmoyer, appeal. Richard Rowe vs. Penna. Copper and Mining Co., assumpsit.

Judge Staples made a ruling that witnesses who did not answer to their names when called will forfeit the day's pay. The first trial taken up was that of Kostie Parsbenki, charged with assault and battery with intent to commit rape on Mary Wargo, near Centralia on March 11th. The prosecutrix identified him, and Hugh Baslin who was near at the time, testified that he caught the defendant and took him to a justice's office, where he was bound over to court. The defendant denied that he was the man, but the jury found him guilty, and the court sentenced him to pay a fine of \$25, costs of prosecution, and go to the penitentiary for three years.

Geo. H. Nelson was convicted of stealing chickens in Catawissa, and was sentenced to pay a fine of \$25, the costs, and go to county jail for 30 days.

It appeared that Jacob Fisher in doing some detective work, had proposed the stealing of the chickens to Nelson, and had furnished him with liquor to keep up his courage. Judge Staples remarked that he did not think much of such methods of procuring evidence.

Nolle prosequi were entered in the following cases, the same having been settled:

Commonwealth vs. Charles H. Sterner, charged by his wife with assault and battery. The couple had agreed upon terms of separation and the District Attorney, Mr. Duy had permitted the charge to be withdrawn, provided that Sterner entered into a recognizance for his behavior toward his wife in the future and with the approval of the Court.

Commonwealth vs. Tilden Hopper and others, charged with assault upon C. L. Zaner, was settled and a nolle pro. allowed.

Commonwealth vs. Eli Robbins, charge f. and b., was nolle pro. because the case had been settled satisfactorily between the prosecutrix and defendant.

Commonwealth vs. Edward Bowers, charged with assault and battery, case was settled.

Commonwealth vs. Mrs. Martin Walsh and Jennie Walsh, charge assault and battery, case settled.

Commonwealth vs. Richard Grant, case settled.

James Sweeney was put on trial, charged with breaking and entering with intent to commit larceny. He is eighteen years old, was without counsel, and the court appointed Hon. John G. Harman to defend him.

After consulting with the defendant a plea of not guilty was entered. It appeared that Nathan Houck, of Beaver, had employed

Sweeney on May 21st. Houck and his wife went to church and when they returned they found their house had been broken into and a gold watch valued at \$25, 3 silver watches and between \$3 and \$5 in gold had been taken.

The evidence was to the effect that Sweeney had opened the house to let in Joe Walter, who robbed the house. The testimony of Dietz and Mrs. Houck was to the effect that Sweeney had told them that he could have told them two weeks before that their house was going to be robbed.

Sweeney was the only witness called for the defendant. His story corroborated that of the prosecution except that he testified there had been no collusion in the planning of the robbing of the Houck home. He knew nothing of the plot on Walter's part to rob the house until he appeared at the house that afternoon when he in intimidated Sweeney, threatening bodily harm unless he opened the door. The jury found him guilty and the court sentenced him to pay a fine of \$25, the costs, and go to the penitentiary for two years and six months.

L. C. Mensch was appointed guardian of Mary R. Leader, a weak minded person, and to give bond in the sum of \$10,000, same to be approved by the Court.

John Raganus was tried and acquitted of the charge of assault and battery with intent to kill Joseph Yetcomis. In a fight between the two John hit Joe in the head with a hatchet. So Joe said but the defendant denied the charge. Several witnesses were heard. This was a lower end booze case, and the jury said not guilty.

Subpoena in divorce awarded to Lizzie Ohl vs. W. Ohl, on grounds of cruelty and ill treatment which continued for a period of 3 years. Both parties are from Cleveland township.

The Court confirmed nisi the report of sale of real estate in estate of A. Dean, of Catawissa Borough. In petition for sale of real estate of Wm. B. Wagner, late of Locust township, deceased, the Court granted the petition, bond to be filed in the sum of \$10,000.

In the case of Commonwealth vs. Tilden Hopper, James Hopper, Maurice Hopper and George Price, charge assault and battery, C. L. Zaner, prosecutor, a nolle pro. was allowed on the payment of costs. The defendants were called before the court and their recognizance in the sum of \$50 each for the period of a year was taken to keep the peace.

GRAND JURY RETURNS

The Grand Jury on Tuesday made the following returns.

Commonwealth vs. Will McNally charge larceny, a true bill.

Commonwealth vs. Kosti Parsbenki, charge assault and battery with intent to rape, a true bill.

Commonwealth vs. John Raganus, charge assault and battery with intent to kill, a true bill.

Commonwealth vs. James Sweeney, alias Michael Goodlovige, charge breaking and entering, a true bill.

Commonwealth vs. Charles Geist and Roy Brocky, charge malicious mischief, a true bill.

Commonwealth vs. Wm. Deene, charge larceny, not a true bill.

Commonwealth vs. Christiana Sarley, charge keeping disorderly house, true bill.

Commonwealth vs. W. P. Joyce et al., charge violation of the pure food laws, a true bill.

Wm. P. Joyce, arrested by Pure Food Agent Robert Simmers for selling oleomargarine for butter in West Berwick, plead guilty to the charge before Judge Staples on Tuesday and the Court sentenced him as follows: "The sentence of the Court is that you, Wm. P. Joyce, pay the costs of prosecution in this case; the expenses of analysis if any, and to pay to the Commonwealth of Pennsylvania a fine of \$100 for the uses and purposes

of the law."

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provided for by the Act of 29th of May, 1901, and stand committed until the sentence is complied with.

Mrs. Christiana Sarley was tried for keeping a disorderly house in Berwick. The evidence did not sustain the charge, and Mr. Johnston, counsel for the defendant, asked the court to take the case from the jury. District Attorney Duy concurred in the opinion that no case had been made out, and Judge Staples so charged the jury. A verdict of not guilty was rendered on Wednesday morning, prosecutor, Andrew J. Kincaid to pay the costs.

Charles Geist and Roy Brosius were charged with malicious mischief for placing spikes and nuts on the track of the P. & R. at Rupert. District Attorney Duy stated that it was not alleged that this was done in malice, but to annoy the track walker. W. H. Rhawn, counsel for the railroad company, in a letter stated that the company would be satisfied to let the boys off with a reprimand. Judge Staples called them before him and after giving them some good advice let them go.

NOTICE.

In the Court of Common Pleas for the County of Northumberland.

In the matter of the Dissolution of the No. 416, Sept. Term, 1905, Righter Coal Co.

Notice is hereby given that the Righter Coal Company filed its petition in the Court of Common Pleas of Northumberland county, on the fourth day of August, 1905, praying for a decree of dissolution, and that the Court have fixed September 15th, 1905, at ten o'clock, a. m., for hearing said application for dissolution, and where all persons interested can attend if they deem it expedient, and show cause against the granting of the prayer of said petitioner. S. P. WOLVERTON, Solicitor for Petitioner.

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