

Acquit Cauffiel

Chief Briney Testifies That Both Girl and Her Attorney Protested Against Medical Attention

EBENSBURG—Mayor Joseph Cauffiel of Johnstown about 9 o'clock Friday evening was acquitted of the charge of assault and battery preferred against him by Mary Berzonsky of Maple avenue, Woodvale, in a compromise verdict in which the costs of prosecution were placed upon the defendant.

When Mary Berzonsky of Maple avenue, Johnstown, was subjected to a physical examination by Dr. Bertha Caldwell, to determine the guilt or innocence of the girl on a suspicion of immoral conduct with Joseph Cismania, her employer, Mayor Joseph Cauffiel was acting as a father to the girl—as he would have had another magistrate, under the same circumstances when obtained in this case, act towards his daughter—according to the declaration of the mayor while on the stand as defendant in the case of assault and battery preferred against him by the commonwealth, with Mary Berzonsky as the prosecuting witness.

The case was heard before Judge John H. McCann, the jury being given the case at 8:30 o'clock. A night session was ordered by the court when it was found impossible to complete the taking of testimony by 6 o'clock. The case is a retrial of the same charge brought against the mayor at the March term of court this year, at which time a jury returned a verdict of guilty. The case was appealed to the superior court and a new trial was ordered.

The testimony put before the jury in the retrial was much the same as that presented by both sides at the first hearing. It was done, however, without the extreme flourish on both sides that obtained at the time of the first hearing. Mayor Cauffiel appeared considerably tamed at this hearing, contrasting considerably with his attitude at the first trial and showing a very marked contrast to his conduct when he occupied the

seat as judge in the Johnstown police court.

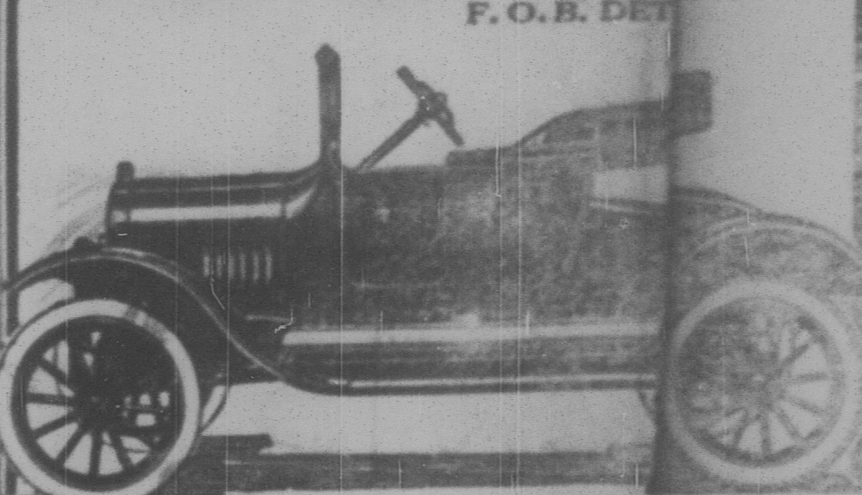
On a most grilling cross-examination from Mr. Rose, "Joe," as the attorney insisted on calling him, answered the questions very meekly and with considerable effort towards calm explanations. The mayor, however, was considerably berated by Mr. Rose especially for the part the commonwealth contended the city magistrate took in the examination conducted by Dr. Caldwell.

The mayor also was put in hot water for his alleged practice of committing people to jail, or at least of allowing them to be arrested, without the issuance of warrants. In this case it was admitted, Mary Berzonsky had been arrested without a warrant. The mayor contended, on cross-examination, that he had no knowledge of the manner of the girl's arrest. Judge McCann at one stage of the proceedings was very emphatic in his denunciation of a practice, which, he declared, would allow anybody to be dragged into court without any reason whatever.

Dr. Bertha Caldwell also displayed a marked timidity in contrast with her assuredness on the stand at the first trial. The former probation officer and Attorney Rose were excessively polite to each other, despite the fact that the doctor was unable at important moments to recall her testimony which she gave at the original proceedings. Dr. Caldwell was severely questioned in regard to her knowledge that the girl was of such an age that she could not have been within the jurisdiction of the probation officer. Dr. Caldwell explained this by saying that at the time she took the girl into custody she was misled into the belief that the girl, who is very large and apparently of mature age, was under 16 years of age.

The defense claimed that Mary had been arrested in the regular procedure of the Johnstown police force and had been brought before the mayor without his having known anything about the case previously. Mayor Cauffiel, Dr. Caldwell and members of the Johnstown police force went on the stand for the defendant and all of them, with the ex-

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ception of Chief of Police Charles E. Briney, corroborated the story of his honor that he had been extremely polite, diffident and modest in his conduct of the Berzonsky case. The police declared that Mary at the time of her arrest admitted to them illicit relations with Cismania. This was denied by Mary.

Good Roads Meet.
The Legislative Committee of the Cambria County Citizens Good Roads League convened at Ebensburg Monday. A luncheon was given at the Bender hotel, after which the committee adjourned to the office of County Engineer Frank Dorr. The purpose of the meeting was to discuss problems to be presented at the regular meeting of the league, which will convene on Thursday, December 28. County Engineer Dorr, and Engineer O. P. Thomas, of Johnstown, spoke at length on the subject of why road building is delayed. Some consideration also was given to the question of State Inspectors.

IT WAS TEACHER'S FAULT
A school teacher received the following note: "Dear Madam please excuse my Tommy today he was absent from school because he is getting in timekeeper for his father and it is your fault. You gave him an example. A child is five miles around here being well to take a man walking to his school because he is with the time around it. Tommy also a man as his father will walk around the field and Tommy will

time him; at least don't give my boy such examples again because my husband must go to work every day to support his family."

Merry Christmas and Happy New Year

1922.....1923

EVER since the three wise men bore gifts of gold and frankincense and myrrh to the lowly manger at Bethlehem, the Christian world has commemorated Christmas time with gifts and expressions of kindly sentiment.

The message which we would bring to you at this time is one of thanks and appreciation for your good will and your friendly co-operation during the year now closing.

To this we would add our heartiest and sincerest good wishes for a real old-fashioned "Merry Christmas" and a most Pleasant and Prosperous New Year.

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