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Convicted of Murder in the First Degree.

BERT DELIGE MUST PAY PENALTY.

His Own Confessions Aid Materially in Verdict Which Jury Returns After Being Out Less Than Four Hours. Complete Report of Trial.

"Guilty of murder in the first degree" was the verdict returned by the jury in the case of the Commonwealth against Bert Delige, at just one minute after nine o'clock on Saturday evening, after being out three hours and forty minutes. The jury took three ballots, the first two standing nine for first degree and three for second degree, and on the third ballot the jury was unanimous for first degree.

When the jury was sent out and court adjourned at 5:20 o'clock Saturday afternoon the court stated that whenever they arrived at a verdict the court house bell would ring to announce the fact. Long before nine o'clock, however, people began to surge toward the court house and the foyer at the entrance to the court room was crowded shortly after eight o'clock.

When the court house bell began to ring men and women made a rush for the building and the two men on guard at the doors could not stem the rush of the mob that surged through the doors like a stream of frenzied humanity, and in less than three minutes the court room was crowded. The sheriff and deputy brought the prisoner in as the crowd was pouring into the room and for the first time he showed unmistakable evidences of fear.

Rilla Ghaner sworn. Live at Scotia. Am daughter of Wilson H. Ghaner. Live in northern part, known as Red Row. Knew Hulda Baudis very well. Am acquainted with Bert Delige. Saw Mrs. Baudis on October 16th at our home. She came there about 5:30. My mother and one sister were at home. Mrs. Baudis was there until 6:50 when she left for home. She started up the road, west from our house. I saw her because I went out at the time to get water. Saw Bert and Aaron Delige at the time. They were on the road just behind Mrs. Baudis and going the same way. The night was bright moonlight, and it was easy to recognize anyone. My brother John and one or two others were on the road at the time.

Cross-examination by Chambers. Know it was just 6:50 o'clock because I looked at the clock to see how near church time it was. Mrs. Baudis was ahead on the road and Bert and Aaron Delige were eight or ten feet behind. Did not hear any conversation between them. Aaron Delige called and sworn. Live at Scotia. Was born and raised there. Am 30 years old. Am a cousin of Bert Delige. Knew Mrs. Baudis ever since I was a boy. Live with my aunt, Christina Delige. She is Bert's mother. Was at Pine Top on Sunday, October 16th. Left there about 5 o'clock for Scotia. Bert was with me. From Waddle to Scotia walked on public road. Passed the Red Row and boarding house. Saw three boys in the road and stopped and talked with them. Bert was with me. Saw Mrs. Baudis about the same place. She spoke to us, saying "good evening." She was going in the direction of Haugh's store. We followed after, and taking the path leading from the public road, went home. It was about seven o'clock. The night was a bright moonlight one. When we got into the house I took off my shoes, sat down in a chair and went to sleep. Slept till ten o'clock. My aunt and Budd Delige were in the kitchen at the time. Bert went into the house with me. Did not see him go out. Did not hear him say anything after we went into the house. Went to bed at ten o'clock. Bert was in bed at the time. Did not talk to him. Got up next morning about six o'clock and Bert got up shortly afterwards. Walter told me of the murder in the morning.

Cross-examination by Chambers. Went to Pine Top on Saturday evening. Went down there to have some beer. Had two kegs and two quarts of whiskey; also some cider. (Witness named about eight persons who were in the crowd.) Thomas Daywalt sworn. Live at Scotia, son of Daniel Daywalt. Make home with Miss Anna Gray and go to school at Scotia school house. Knew Hulda Baudis well; also Bert Delige. Was at church at Scotia on Sunday evening, October 16th. Met Mrs. Baudis near Haugh's store on my way to church. It was shortly before seven o'clock. Mr. Williams and Miss Laufer were at Haugh's store at the time. Did not see Mrs. Baudis after that. No cross-examination.

Harry Murtoff sworn. Live in Bellefonte. Moved here from Scotia. Know Bert Delige; also knew Mrs. Baudis. Was at Scotia on October 16th. Was accom-

panied by my wife and Mr. and Mrs. Orin Kline and child. We were at the home of my parents. Saw Bert Delige on the road near Ghaner's shop when we started home, close to seven o'clock; he was walking on the railroad just alongside the wagon road. It was a bright moonlight night. I know it was Bert Delige. As near as I can recall it was about seven o'clock.

Cross-examination. Had supper about six o'clock. When we passed Bert I was driving. Was moonlight night but don't know what time moon came up. Saw Bert and recognized him. He was dressed in a dark suit and hat. Mrs. Murtoff was sworn and corroborated the testimony of her husband. Max Cronemiller sworn. Live at Scotia; am twelve years old. Have known Bert Delige all my life. Sunday evening, October 16th, started for church with four other boys, and we all went over into the woods, probable thirty feet. While we were there a man passed along the road in the direction of the Baudis home. He was a black man, short and heavy set, and was dressed in a dark suit and derby hat. In answer to a question of the court the witness stated that it was seven or after seven o'clock when he saw the man.

Orin Kline was called and corroborated the testimony of Murtoff regarding the passing of a man on the road near Ghaner's shop. Did not know Bert Delige but recognized him as a colored man. Carl Cronemiller was called. He is a lad of but ten years old and the defendant's counsel objected to him giving testimony, but in a preliminary examination he answered the questions so readily that the court overruled the objections of the defendant's counsel and admitted the lad's evidence, which was a corroboration of his brother's statement about seeing a man pass along the road near Ghaner's shop.

King Lytle was another boy in the crowd who also saw the man pass along the road but did not recognize him. James Hilliard sworn. Live at Scotia. Am 41 years old. Live in the Red Row. Am employed at Scotia mines. Knew Mrs. Baudis for eight years and Bert Delige for about seven years. First learned of the murder on Monday morning and at once went out to the Baudis home. Naturally everybody was hunting for any evidence that might disclose the nature and perpetrator of the crime and I hunted also. Found tracks in the corn field about 180 feet from where the body was found. The tracks led from the fence to the main path running through the corn field. On the top rail of the fence on the west side of the field found three blood spots. The piece with the spots was sawed out and kept closely guarded. The witness further testified that he assisted in making the survey for the draft of Scotia and vicinity made by Mr. Wetzel, and the same being again exhibited explained it more in detail than the latter had done, knowing the territory very well. He helped follow the trail of tracks which led from the scene of the crime to the Delige home. He helped measure the tracks and saw Delige's shoes measured in the tracks, and they fit perfectly as far as he could see.

Colonel Chambers conducted a rigid cross-examination but could not shake the witness testimony. William Harris sworn. Live at Scotia. Work on the railroad. Was at Stormstown on October 16th. First learned of the homicide on morning of October 17th. Did not go to the Baudis home, only as far as the corn field fence. I was placed as guard over the tracks found to see that they were not disturbed. Saw the tracks measured and compared with the shoes. No one had interfered with them in any way. Saw the shoes taken off of Bert Delige's feet and measured in the tracks, which they fit neatly. Nothing special on cross-examination.

R. E. Cronemiller re-called. Was at the Baudis home all night. The first tracks were found shortly after seven o'clock in the morning. The witness then detailed the trail of tracks as he first saw them. He also saw the rail with the blood spots there. Court adjourned until 2 p. m. When court convened at 2 o'clock the examination of R. E. Cronemiller was continued: Cross-examination by Chambers. The man who made the tracks was evidently running from the distance the tracks were apart. It was between 7 and 8 o'clock when I first saw the tracks. There was nobody there when I discovered the tracks. There were no other tracks there.

Judson Williams sworn. Live at Scotia, and am well acquainted there. On October 17th I saw a trail of tracks crossing the old mud dam, beginning at a point near a scrub willow. I also saw the blood spots on the rail. Followed the tracks to the pump house on top of the bank, then went to breakfast. After I had my breakfast I returned and took up the trail opposite the old pond and followed it around to the Delige home. The tracks on the entire trail looked the same. Cross-examination. Did not measure the tracks and only know that they looked the same. Don't know when they were made. Saw them measured, but was not close enough to see the dimensions. Saw the footprints in the mud dam and in the sandbars on the hill. So far as I could see the tracks measured 11 1/2 inches. So far as I noticed there was nothing peculiar in the tracks.

Chester Hassinger sworn. Have lived at Scotia all my life, nineteen years. Work in the mines. I looked for a trail on the morning of October 17th, and found tracks opposite the old frog pond and followed them up on the hill. Did not go onto the old mud dam until next day to look at the tracks found there. No cross-examination. Harry Dukeman sworn. Live in Bellefonte; am a police officer. Went to Scotia with the sheriff on October 17th, got there sometime during the forenoon. Went over to the Delige residence and got there about 11 o'clock. Bert was not there but we found him on Griffin's potato wagon. Took him to the Delige home and up to his room. (Clothing exhibited to witness and he was asked where he got the clothing.) The shirt Delige had on and the coat and trousers were hanging on the wall. Bert said they were his and that he had worn them the night before. (Shoes exhibited.) Helped take the shoes off Delige's feet and fit them in the tracks. Bert admitted wearing them the night before. When we arrested Bert first took him to the company office then down to the mud dam and measured the tracks with his shoes. The shoes and clothing were carefully wrapped up and brought to Bellefonte by the district attorney.

Cross-examination. I was at the Delige home on morning of the 17th about eleven o'clock. The witness admitted that he had put no marks of identification upon the clothing or the shoes but felt positive they were the same. I put the shoe in the tracks and it fit perfectly. Don't remember how many tracks we tried but it was three or four. Sheriff Hurley called and sworn. Am sheriff of Centre county; arrested defendant on October 17th and brought him to Bellefonte. Took the shoes off of him and gave them to my deputy, Fred Reese. Mr. Reese called and sworn. I received shoes from the sheriff and gave them to district attorney. W. E. Hartsock called and sworn. Live near Waddle, but work at Scotia. Was there on October 17th. I saw shoes taken off Bert and fit in tracks. I examined tracks closely and found one nail out of line in the sole of the impression, and an examination of the shoe showed one nail out of line at similar place.

Harry J. Goss called. Live in Bellefonte. Know Bert Delige. Went to Scotia Sunday night, October 16th, arriving there early in the morning of the 17th. Was not in room when clothing was gotten. Was down at the mud dam that day and saw shoes fit in track. (Witness identified left shoe positively as one he saw taken off of Delige and fit in track.) Nothing new on cross-examination. J. W. Lytle called and sworn. Live at Scotia, am machinist by occupation. Was at Scotia on October 16th and 17th. Saw the tracks on the old mud dam. The shoe prints measured 11 9/16 inches. Measured a half dozen or more tracks at different places on the trail. Also measured the shoes. On cross examination witness stated that the track was probably one thirty-second of an inch larger than the shoe.

Walter Delige sworn. Live at Scotia, am a brother of Bert Delige. Work in the ore mines. Witness was shown razor and identified it as one he knew. He got same down below their house hidden under some leaves behind a stump. I first looked for the razor after night. Bert told me where to look for it, at twin chestnut stumps near an old coal hearth. Bert told me the razor was his. Don't remember what day it was but it was since Bert has been in jail. No cross-examination. W. G. Runkle was sworn and testified to getting the clothing after Bert had admitted they were his and that he had worn them the day before; to bringing them to Bellefonte and keeping the same under lock and key until delivered to Dr. G. G. Pond on October 20th. Got the razor on November 17th when it was recovered from its hiding place at the chestnut stumps. Tied it up and brought it to Bellefonte, locked it in the safe until delivered to Dr. Pond, at State College.

Col. Chambers put the district attorney through a rigid cross-examination but failed to trap him up in any particular. Dr. G. G. Pond sworn. Am professor of chemistry at State College. (Identified clothing, etc., as those he received from the district attorney.) Col. Chambers made objections to the doctor stating what he found on the clothing because he alleged they had not been fully identified or protected. The court overruled the objections and the doctor stated that he made an analysis of the clothing and found seven spots on the coat, five of which he was positive were blood spots and two on the trousers which were blood, and from a close examination he felt justified in saying they were spots of human blood. He also testified to find four spots of blood on the piece of rail and blood and several bits of hair on the razor. The doctor's evidence was unchanged under a brief cross-examination. John McKivison sworn. Live at Scotia. Work in boiler house. Live less than one-fourth mile from the Delige home. Know Bert very well. Was at home on the evening of October 16th, a number of friends being there. Saw Bert Delige that evening; he came there between 8 and 8:30 o'clock, though I can't tell the exact time. He was there about ten or fifteen minutes. Did not speak to him. He wore a dark suit and derby hat. George Mahew called and sworn. He told of being at the McKivison home and of Bert Delige coming there about eight o'clock. That he and Bert started home

together. They crossed the field and came out at the gate near Bottorfs. On the way through the field Delige told him that he had lost his razor. F. H. Mitchell, sworn. Live in Pittsburgh and am engaged with the Pinkerton detective agency. Recognize the defendant. Saw him in jail on November 21st, in the afternoon. When asked to state what took place there counsel for the defendant objected, and the court gave them the right to cross examine. To Mr. Zerby the detective stated that when he entered the jail he told Delige he had come in to talk with him awhile, but stated that he did not caution him that anything he might say would be used as evidence against him at the trial. He did not tell Delige that he was employed to work up the case against him, but stated that he told him that he was there to get the true facts about the trouble he was in. Defendant's counsel then filed exceptions to the admission as competent evidence of the confession Delige was alleged to have made. Judge Orvis suggested that counsel for both sides prepare a brief giving authorities on the question of the admission or non-admission of confessions as competent evidence and submit same to him and he would render an opinion the next morning, after which court adjourned.

SATURDAY MORNING SESSION. When court convened on Saturday morning the detective, F. H. Mitchell, was called to the stand and the question of admitting as evidence the conversation he had with the defendant while in jail was taken up. Mr. Zerby, for the defense, suggested that the attorneys for the Commonwealth put in writing an offer of what they expected to prove by the detective, and the court suggested that the attorneys for both sides retire and confer on the matter as a better way to facilitate proceedings, which they did. The attorneys were in consultation three quarters of an hour and when they came into court the examination of the witness was resumed by the attorneys for the Commonwealth. The witness said that he told Delige that he was there to get the facts in this case; that the evidence against him was pretty strong; that he understood that Mrs. Baudis owed him some money. He stated that Bert claimed to have received a note from some unknown person in which the alleged writer stated that he knew Bert was innocent, and that he knew where the razor was hidden. The witness stated that finally he told Delige that the razor had been found; that his brother Walter had shown where the razor was hidden and they had gotten it, and he then charged Bert with having killed Mrs. Baudis. This is as far as the attorneys for the defense would allow the admission of the detective's story. The court asked the witness if he had in any way intimidated Delige and he replied in the negative. He also stated that he had not told the defendant that he was in the employ of the Commonwealth. The court decided to admit the witnesses testimony of the confession and leave the matter to the jury to decide whether it was proper evidence. The story of the confession was told and the witness then stated that after the confession had been made he asked Delige if he was willing to have him tell of his confession to the prosecuting attorney and he stated that he was and it was by his own consent that the confession was made to him and the district attorney, Mr. Spangler, and Fred Reese, and the same reduced to writing and signed. The original written confession was exhibited and identified. The witness stated that on the morning of November 22nd he went to the jail in company with Rev. P. E. Paul and he then told Delige that he felt he had not told the whole truth and advised him to do so. The witness was then withdrawn and Rev. Paul called.

The reverend testified that he went to the jail on the morning of the 22nd in company with the detective; that he told Delige that he ought to tell the whole truth if he hoped for forgiveness from God, at the same time telling him that his story would be made public. Defendant's counsel then made formal exceptions to the admission of the second confession as evidence. The court decided to admit the offer, overrule the exceptions and seal a bill for the defendant. Mr. Mitchell, the detective, was then re-called. The second confession reduced to writing was exhibited to witness and he identified it as the confession made the morning of the 22nd. Both confessions were offered in evidence and the first one read to the jury. On account of the horrible nature of the second confession counsel for the defendant waived the reading of it in open court but asked that it be given to the jury upon their retirement.

Mr. Spangler then read the first confession to the jury. Mr. Mitchell was then recalled and shown the razor, testified that he showed it to Delige on the morning of the 21st and that he then admitted that it was the razor with which he killed Mrs. Baudis. At this juncture Mr. Spangler offered in evidence the prisoner's clothing, the piece of fence rail, the razor, map of Scotia and vicinity and the confessions after which he announced that the Commonwealth rests.

Col. Chambers at once announced the Defense rests and the court declared the case closed at just eleven o'clock a. m. Mr. Zerby submitted the points of law upon which he desired the court to instruct the jury. Mr. Chambers claimed the right of the last argument to the jury and in view of the fact that no defense was submitted, and that, in this case, the burden had been shifted from the shoulders of the Commonwealth to those of the defense the court granted the latter the right of the closing argument.

Mr. Chambers then made an offer that inasmuch as the district attorney had been a material witness in this case that he be debarred from making any argument to the jury. The offer was overruled by the court and exceptions noted for the defendant. At 11:25 o'clock court adjourned until two o'clock p. m. ARGUING THE CASE TO THE JURY. When court convened on Saturday afternoon at two o'clock N. B. Spangler began the opening argument to the jury on account of the Commonwealth. He talked about thirty-five minutes and presented the case in a concise and impassioned manner. When he concluded district attorney W. G. Runkle made the closing argument in behalf of the Commonwealth, dwelling particularly on the facts in the case as shown by the evidence and the prisoner's own confession. He limited his talk to one half-hour. The only argument for the defense was made by Col. E. R. Chambers. He talked for one hour and ten minutes and dwelt first on the allegation that the prisoner was drunk when the crime was committed and second that the Commonwealth had failed to make out a clear case against him outside of the confessions; and third, that the murder of the woman was unpremeditated and without motive.

The judge began his charge to the jury at just 4:30 o'clock in the afternoon and closed at 5:15. It was a fair and impartial charge from beginning to end. After defining the various degrees of homicide and explaining to the jury what constituted each the court reviewed the evidence from the beginning to the end of the trial and instructed the jury just how they could consider each and every phase of the case. The jury retired at 5:20 o'clock and their verdict of murder in the first degree was the only reasonable one that could have been returned. While the attorneys for the defendant have of course the right to apply for a new trial, they will not do so, considering it useless to go through what could at best be only a formality and merely delay the ends of justice, and because of this fact sentence will likely be imposed in the very near future.

The Woman's Club Rebukes Questionable Journalism. Necessarily it is a delicate matter to question the motives or the judgment of those who direct the policy of our local contemporaries; especially since the point at issue might be turned on the construction of what constitutes a progressive newspaper. We do not care to argue that point for the reason that we believe that each newspaper's individuality is formed purely upon its own management's idea of what constitutes progressiveness, therefore if they were all the same there would be nothing characteristic in any. Within the week, however, this community has been flooded with special editions of the Republican and the Gazette and the Centre Democrat, each vying with the other in presenting some new situation or denouement in the Delige murder trial. As to whether any good, useful or necessary end has been served by such editions the readers of them probably have, and always will have, personal opinions as widely diverging as the poles. This unusual newspaper activity in this staid old community would have created more or less comment even if it had not been the means of disseminating positively indecent and vulgar details of a most atrocious crime. When it was the purveyor of such revolting facts it is but natural that those people of finer sensibilities should be shocked and indignant and anxious to record their condemnation of it.

In order therefore, to make it known to the world that Bellefonte has in it some people who are willing to make protest against the excesses to which two of the newspapers in question went a special meeting of the executive committee of the Woman's Club of Bellefonte was called and passed the following minute unite unanimously: The Woman's Club of Bellefonte deprecates and earnestly disapproves of the recent publication by certain of our local newspapers of the minute and hideous details of the murder lately committed in this county, as being detrimental to good morals and the best interests of the community. EXECUTIVE BOARD OF CLUB.

MAY HAVE MOPE OF THE SAME KIND. Editor Meek:— I find that there is such a thing as publishing a report of a trial of an infamous crime in a way that refined people can read it and that you are not ashamed to have your family or your guests find it in your homes. And then that there are editors who should know better, but who are willing to give space to the details of the most hideous crime, simply to try to create a sensation and attract attention to what they consider their newspaper enterprise. The WATCHMAN report, last week, of the Delige murder trial, was an illustration of the first. Two of the other papers of our town were specimens of the latter. I venture the assertion that in the entire town you will not find a family who would not be ashamed to have a