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Murder Trial Almost Finished

Testimony Was All Taken By Friday Evening.

ARGUMENTS BEING MADE

Charge of the Court Will Likely be Made Saturday Afternoon. Green Makes a Full Statement—Defense Working for a Verdict in the Second Degree—Prisoners Admit Assault But Had No Intent to Kill—Much Damaging Evidence Against Them.

In this issue we endeavor to give our readers a full report of the Condo Murder Trial, which has taken up the attention of the court Thursday, Friday and Saturday of this week. Owing to the intense excitement over the brutal assault and the capture of the escaped prisoners there has been much interest manifest in the trial.

The attendance from all parts of the county was large; not half were able to gain admittance to the room. And it is remarkable how many ladies were in attendance at each session.

The testimony closed on Friday evening, and it is thought that all day Saturday will be consumed before a verdict can be reached.

The first thing at the morning session will be the submission of points of law and other legal procedure, after which argument will be made, limiting the speakers to about an hour each. Col. E. R. Chambers will make the opening address for the prosecution; Clement Dale and O. A. Furst for the defendants. District Attorney N. B. Spangler will make the closing address.

Next will be the charge to the jury which may consume an hour. From this we predict that the case will hardly go to the jury before 3 or 4 o'clock Saturday afternoon.

For this reason we have decided to go to press so as to be able to reach our country readers before Sunday, without being able to announce the verdict.

In the trial Green made almost a clean confession, while Dillon admitted only that he had struck Condo with his fist. They denied all threats, etc. From this it is evident that the defence are endeavoring to secure a verdict of murder in the second degree and their argument to the jury will likely be in that direction.

The following is a careful report of the trial by our special court reporter, S. D. Gettig, Esq.

CASE CALLED THURSDAY.

Com. vs William Dillen and Ira Green indicted for murder, prosecutor H. S. Taylor, sheriff. This is the homicide case and grows out of the killing of Jerry I. Condo, or rather assaulting him in the jail on the evening of July 29 from which he died on the early morning of July 31. The prisoners were brought into court at 10 o'clock Thursday morning and at once taken to the grand jury room where they were in consultation with their counsel until five minutes of eleven. At 10:20 William Dillen's brother came into court and went to the grand jury room and into consultation with counsel. About the same time Green's father, mother, small brother and sister appeared and were given seats inside the Bar railing. Green's wife is also in court. This case will be tried in the Oyer and Terminer.

The Commonwealth is represented by District Attorney N. B. Spangler, Col. E. R. Chambers and Ellis L. Orvis; the defendants' interests are being looked after by Capt. H. C. Quigley, Clement Dale, ex Judge A. O. Furst. At 10:50 the prisoners and their counsel took their position at the counsel table. Judge Furst presented a motion to quash the array of both traverse and grand jurors placed in the jury wheel last December by the Jury Commissioners:

FIRST—That the Jury Commissioners did not fill the wheel properly, as they did not select and place in the wheel the names of the jurors alternately, as required by the Act of Assembly.

SECOND—Because lists had been furnished to the respective commissioners by certain attorneys, which was alleged to be illegal.

THIRD—Because the jury commissioners failed to make and certify a complete list of the names placed in the jury wheel to the sheriff to be posted by him in his office.

After hearing the evidence of Mr. Pontius, the clerk to the jury commissioners and of Deputy Sheriff Jackson, the Court overruled the motion and ordered the prisoners to be arraigned. Judges Love and Bell on the Bench.

At 11:30 the prisoners were arraigned and plead "NOT GUILTY" and said they wanted to be tried "BY GOD AND THEIR COUNTRY"; when the clerk stated, "BY GOD AND YOUR COUNTRY YOU SHALL BE TRIED; AND MAY YOU HAVE A SAFE DELIVERANCE"; after which, court adjourned to 1:30 p. m., at which time the jury was empanelled.

THURSDAY AFTERNOON.

Court convened with Judge Love on the Bench before whom the case will be tried, and at once proceeded to empanel the jury. The court room was crowded with spectators, but are kept out of the Bar; and newspaper men have been furnished a special table.

A. J. JOHNSON—the first juror called; carpenter of Worth; had formed an opinion which it would require evidence to remove. Challenged for cause by defendants.

THOMAS JAMES—minor of Rush; had formed an opinion which would require evidence to remove. Challenged for cause by defendants.

JOHN N. BAUER—Clerk, Bellefonte; this juror is a brother-in-law to Sheriff Taylor the prosecutor, and was challenged for cause by the defendants.

WILLIAM VAN TRIES—farmer, Ferguson; neither formed or expressed an opinion. Accepted, as juror number one.

JAMES W. HOUSER—painter, Benner; do not think I could render an impartial verdict. Challenged for cause by defendants.

GEORGE JACKSON—laborer, State College; formed opinion that would require evidence to remove. Challenged for cause.

A. C. CONFER—lumberman, Gregg; knew Jerry Condo very well. It would require strong evidence to remove opinion. Challenged for cause.

CLARENCE HOUTZ—farmer, Gregg; I would be guided by the evidence. Could render verdict according to law and the evidence. Challenged by defendants.

T. B. EVERETT—merchant, Penn Hall; formed and expressed an opinion. Challenged for cause.

ELLIS WILLIAMS—mechanic, Worth; could render an impartial verdict. Accepted as juror number two.

C. M. HAINES—teacher, Miles; do not think I could render an impartial verdict. Challenged for cause.

J. H. SANDS—gentleman, Bellefonte; have formed an opinion to some extent, but it would not hinder me from finding a just verdict. Accepted.

GEORGE P. MILLER—tanner, Spring; formed and expressed an opinion, son of Commissioner A. V. Miller. Challenged for cause.

EMANUEL SMITH—merchant, Potter; have a settled and fixed opinion in my mind. Challenged.

N. J. McCALMONT—liveryman, State College. Have opinion. Challenged.

I. L. BURWELL—carpenter, Ferguson; have not expressed an opinion. Accepted.

FRANK CONFER—tanner, Howard twp; it would require evidence to overcome my opinion. Challenged.

WALLAC SHIMMEL—carpenter, Philipsburg; have formed no opinion. Accepted.

GEORGE W. GILL—blacksmith, Huston; opposed to capital punishment. Challenged for cause.

DAVID TANYER—laborer, Howard twp; formed opinion. Challenged for cause.

JAMES E. HOLLOWAY—laborer, Haines; formed and expressed an opinion. Challenged for cause.

MICHAEL HAZEL—clerk, Benner; have fixed opinion. Challenged for cause.

W. M. ALLISON—grain dealer, Gregg; formed and expressed opinion, intimately acquainted with Jerry Condo and his family. Challenged for cause.

DANIEL EISENHUTH—lumberman, Haines; have no opinion. Accepted.

CHARLES LEISTER—laborer, Potter; has opinion. Challenged by Com.

G. W. REAM—farmer; Gregg; has formed no opinion and will be controlled by the evidence. Accepted.

R. C. GILLILAND—clerk, Snow Shoe; could render an impartial verdict. Challenged by defendants.

J. C. MORRIS—teacher, Miles; could render an impartial verdict. Challenged by defendants.

JOHN SHONTZ—sawyer, Philipsburg; have not formed or expressed an opinion. Have not read this case. Accepted.

D. L. ROSS—laborer, Worth; could render an impartial verdict. Challenged by Com.

ELIAS CORMAN—farmer, Benner; could render verdict according to law and the evidence. Challenged by the defendants.

J. G. HEEBELING—laborer, Ferguson; have no fixed opinion. Challenged by defendants.

GEORGE ROYER—Carpenter, Millheim; formed no opinion, aged 61 years. Challenged by Commonwealth.

J. H. GRIFFIN—merchant, Half Moon; aged 64 years, know neither the prisoners or Condo. Can render an impartial verdict. Accepted.

GEORGE STROOP—printer, Milesburg; could render an impartial verdict. The case is on every man's lips. Challenged by defendants.

JACOB WALKER—farmer, Potter; could render an impartial verdict. Challenged by defendants.

WALTER HANCOCK—printer, Philipsburg; formed and expressed an opinion. Challenged for cause.

CHARLES SCHULTZ—laborer, Boggs; could not render an impartial verdict. Challenged for cause.

GEORGE GARRICK—gentleman, Bellefonte; can render a verdict in accordance with the law and the evidence. Accepted.

F. H. BARTGES—farmer, Penn; I would be controlled by the evidence. Challenged by the defendants.

JOHN BOTRIGHT—carpenter, Philipsburg; opposed to capital punishment. Challenged for cause.

HARRY GLOSSNER—laborer, Liberty; have formed opinion. Challenged for cause.

J. W. GORBLE—farmer, Gregg; opposed to capital punishment. Challenged by defendants.

Talismen Called.

At this point the jury list was exhausted and Dr. S. M. Huff, the Coroner, proceeded to call talismen from the Court room; the doors having previously been ordered locked and the Sheriff was disqualified to perform this duty on account of being the prosecutor in this case.

HENRY TIBBENS—gentleman, Bellefonte; could render an impartial verdict, was one of the deputy sheriffs looking for the prisoners. Challenged by defendants.

JOHN S. YEARICK—farmer, Spring; formed and expressed an opinion. Challenged by defendants.

BENJAMIN GENTZEL—stock dealer, Spring; do not think that I could render an impartial verdict. Challenged for cause.

C. L. GRAMLEY—Co. Supt., Miles; could render an impartial verdict. Accepted.

JAMES I. McCURE—gentleman, Bellefonte; have no fixed opinion and could render an impartial verdict. Challenged by defendant.

W. C. CASSIDY—printer, Bellefonte; formed and expressed an opinion. Challenged for cause.

WM. NEWMAN—farmer, Boggs; could render an impartial verdict. Challenged by Commonwealth.

CHARLES ECKENROTH—gentleman, Bellefonte; expressed opinion publicly. Challenged by defendants.

HENRY HEATON—farmer, Boggs; formed an opinion. Excused by the Court.

W. E. HARTSOCK—laborer, Patton; constable of Patton township. Could render an impartial verdict. Challenged by Commonwealth.

J. D. WAGNER—miller, Bellefonte; can render an impartial verdict. Accepted.

The jury as selected is as follows:
William Van Tries, farmer, Ferguson.
Ellis Williams, mechanic, Worth.
J. H. Sands, gentleman, Bellefonte.
I. L. Burwell, carpenter, Ferguson.
Wallace Shimmel, Philipsburg.
Daniel Eisenhuth, lumberman, Haines.
G. W. Ream, farmer, Gregg.
John Shontz, sawyer, Philipsburg.
J. H. Griffin, merchant, Half Moon.
Geo. Garrick, gentleman, Bellefonte.

TALISMAN.
C. L. Gramley, Co. Supt., Miles.
J. D. Wagner, miller, Bellefonte.

The jury was sworn at 6:10 p. m. and officers Thomas McCafferty and James McMullen and Vint Beckwith were sworn to take charge of the jury during the trial and their deliberations. The jury was quartered at the Brockerhoff House.

FRIDAY MORNING

At nine o'clock Ellis L. Orvis opened the case to the jury in behalf of the Commonwealth, and outlined the reasons in the case to the jury in this kind of a trial; and that they would be called upon to pass upon the guilt or innocence of the defendants, and if guilty to fix the degree of the crime. That murder was presumed to be murder of the second degree; and that the burden was upon the Commonwealth to prove it murder in the first degree; gave a verbal description of the cells occupied by these defendants and the inside of the county jail, together with the bathroom. That Green and Dillen had more than once expressed threats against the person of Jerry Condo, and that the Commonwealth would show that Green and Dillen said that they would kill Jerry Condo. That the bedstead in the cell of the defendants was painted white, that the iron found in the stocking was a piece of this white painted bedstead, and that there were no other white painted bedsteads. That Green and Dillen had cut the hinge of the door to their cell, through which they could glide their bodies, which they did on the evening of July 29, and hid in the bathroom to the right of the main entrance to the jail and lay in wait till Jerry Condo came to lock up the cell, when they glided out and struck him down. That Condo was never conscious after the assault. That these prisoners at the Bar (who broke out cell number 8) then liberated the inmates of cell number 7; and that they took the keys from Condo and opened the main door leading to the jail and the five prisoners then escaped. That the instruments of murder were picked up in the early morning after the escape. That there were a great number of wounds on the head of Mr. Condo; that at one place the skull was pulpified. That the doctors had found that the life of Mr. Condo was beyond human reach.

Mr. Orvis gave a careful, detailed narrative of the crime and the attending circumstances, and defined the nature of the crime and closed at 9:35.

Commonwealth's Testimony

J. H. WETZEL, Bellefonte, sworn.
Examined by Orvis:
I am a surveyor and engineer. Have made a draft showing interior of County Jail, also of the northside of the building outside.

(At this point Green's wife came into court crying and proceeded to her husband putting her arms around his neck which affected him somewhat.)

The steel ceels in the jail are numbers 7 and 8. The star in red on the draft shows where the blood stains were. Saw blood stains on the stairway, and described the inside of the county jail, and residence portion of same, giving distances and location of the cells occupied by the prisoners. Drafts and maps were made from actual measurements. Star on second draft indicates place where the irons were found on the outside of jail. It is 135 feet from the jail entrance to the place where the irons were found. Draft of the interior of the jail made August 1st, and the outside on the 20th of Aug. Wetzel's drafts offered in evidence.

H. J. JACKSON, Deputy Sheriff, sworn—Have been deputy sheriff under Sheriff Cronister, under Sheriff Brungart and under Sheriff Taylor up to the present time. The bathroom is the first door to right of the entrance to the jail. The door has never been locked, until just recently, as it could not be locked, but was recently fixed and is now kept locked. There were iron beds in all the cells. Green and Dillen were in cell number 8. Their bedsteads in the steel cell are painted white, and in the other cells painted green. Inmates of cell number 7 were Dominic Constance and George Henderson; the other prisoners were George Kline, Edward McCullough and Livingstone. Cells number 8 and 7 were kept locked all the time, only when prisoners were taken out or put in. Jerry Condo was turnkey at the jail. I last saw him at about 4:30 or 5:00 p. m. This was the last I saw him until after the accident. He had charge of the jail proper. He was the man in charge of the prison. The next I saw him was the same evening, being July 29th. The first intimation that I had that anything had happened was about 9:00. I was down town and first heard of it near the Centre County Bank and immediately went to the jail and found a crowd there, and saw Condo and he said, "I want to go to bed." This was the last he ever said to me, Dr. Feidt was in charge. He lived a little over a day. I never heard him speak a word, except what I have already stated. He stayed in the residence. Inside door of the cell, occupied by this prisoner, is on hinges. It has a place to pass food through. The outer door had no such opening. There are

two hinges on the inner door. I saw this steel door after the escape, that night sometime. The pin in the upper hinge, in door, was off and the top of the door was sprung back. It was then back about four inches. I noticed nothing wrong with the lower hinge and the back was still secure. The door was in its normal condition, excepting at the top.

After I had locked up the jail door, Kline called my attention to the blood on the floor. It was a pool, quite a space there on the floor. The stain is still on the floor and can readily be measured. Marks of hand, with outstretched fingers is on the floor. Saw the irons, Edward McCullough brought in the irons from the outside and handed to the sheriff and myself the next morning, and they have since been locked up in the safe. The one is a brace of an iron bed; the other is a foot of an iron with a piece at the top making a kind of a "T" shaped end. I examined the iron bedstead in the cell of the prisoner and found iron of the bed, this was tied in the stocking. The stocking was an ordinary cheap stocking. The stocking was either worn through or torn, and had stains on it, which I thought were blood. The one iron fit on the bed in the steel cell, and the other on a folding bed down stairs (identifies the irons.) This iron would fit the iron bed and it looked as though it had been recently removed.

Cross examined by Furst:
The sheriff and I all had our work, no other man there that night. I found Mr. Condo in his room up stairs sitting on the bed in the residence portion of the jail. Edward McCullough is one of the prisoners in the jail. Did not weigh him. The stocking is a heavy, cheap, cotton stocking. The height of the cell door is probably six feet. I think I was the first one to examine the cell door after the escape.

Examined by Chambers.

EDWARD B. McCULLOUGH sworn. Age 27, home in Clearfield county. I have been in the Bellefonte jail for over a year. Became acquainted with some of the prisoners, was in jail on the night of July 29. George Kline was in cell with me. I was outside that day, went out in the morning and came in, in the evening about 8 o'clock, and Condo went in with me. I walked right up to the head of the stairs; Jerry came in behind me. Saw two men come out of the bath room. They were William Dillen and Ira Green. They came from the bath room when Jerry was coming up the stairs. The big one hit him first (pointing to Dillen) and the other one hit him next (pointing to Green.) Dillen had the leg of the bed. Green jumped above him and struck him on the head with the iron in the stocking. Could not say whether they hit him more than once. They then put him down on the floor near the iron plate. Heard Green say to Condo "I won't hurt you." I went to my cell, I was frightened. Mr. Condo was sitting on the floor with his hands put out. They said to me "Keep quiet." This was all they said to me. Was in cell, I don't know how long; when I came out I saw Mr. Condo sitting there on his "hunkers." I heard Dillen and Green say that they would "kill the bald headed s— of a b—" while they were still in their cells. They both said it. There was blood on the floor and Jerry was sitting there. I brought the irons to the jail to the sheriff the morning after the trouble. I found them right above the hitching post, right out from the kitchen door. I showed Mr. Wetzel the place I found these irons. I took the irons right to the jail and gave them to the sheriff.

Cross examined by Furst.

Home Pike Township, Clearfield Co., cannot give days or dates; can neither read or write. Did not go to school. Talked to Sheriff Taylor about this once. No one told me what to say here; I know what to say myself. Electric light on upper floor in jail. I turned around when I got up to the top of the stairs. Saw Green and Dillen hit Condo. The big man struck Condo first. Ira said he would not hurt him. Then both caught him and carried him down. Condo had the keys in his pocket. I went down stairs and raised the alarm, after they left. Heard them say they would kill Condo shortly after they were put in. They were complaining about not getting enough to eat. I was in the corridor. They said it to themselves, not to me or to Mr. Condo.

Examined by Spangler:

GEORGE H. KLINE sworn.—Live at Oak Hall, know Ira Green and William Dillen. Was in jail; put in for ten days and served twenty, was in cell number 6. Cell is near the head of the stairway, and on the same side as the steel cells are. Green and Dillen got out of their cell sometime that evening. Did not see them get out. It was about 8:30 or 8:45 p. m., when Condo was struck. I was in the corridor during the day, was in my cell when it took place. Heard either Dillen or Green say to us, we were not to "holer" or we would "get the same medicine." I was sleeping in my cell,

did not see the striking. It happened in less than a minute. Green, Dillen, Henderson, Constance and Livingstone left. Henderson and Constance got out of cell number 7. I saw Mr. Condo lying on the floor near the iron plate. I went and set him up. Saw blood there, about a pint or a pint and a half. He had blood all over his head, body and hands. Mr. McKee helped me take him out, went to the telephone and told the exchange to send me a doctor at once, and went back to the jail. There is still blood there. There is a distinct hand mark on the floor. I do not know which one of the prisoners said to Mr. Condo some days before, that they would "give the old bald-headed s— of a b— all that was coming" to him. Prisoners in the corridor were McKee, myself and Livingstone and McCullough that night. Condo locked up the prisoners at night, and brought them their food, assisted by some of the prisoners.

Cross Examined by Furst:

It was the preceding morning when they told Condo that they would "give him all that was coming to him." This was the first day I was in jail. I simply heard this, it was from cell number 8, they were both singing and dancing. Do not know which one said, "Don't holler or you will get the same medicine." Am not now an inmate, time has expired. Had no particular conversation this week in front of the court house. No one told me to stand by the Commonwealth and the Commonwealth would stand by me.

Examined by Spangler:

GEORGE HENDERSON sworn.—Am inmate of County jail; on the 29 of July last was in cell number 7, with Dominic Constance. William Dillen and Ira Green were in cell number 8. Jail delivery was July 29, five prisoners escaped and I was one. Saw Green and Dillen in the corridor that evening about eight o'clock, Condo came in half an hour afterwards. I saw them going down stairs. Livingstone came to the cell with a bunch of keys and tried to unlock the cell, this was before I heard any scuffle, Livingstone unlocked our cell. I was the last going out. Do not know who went first.

Cross Examined by Furst:

Livingstone finally unlocked the door.

Examined by Spangler:

SAMUEL MULBARGER sworn.—Live in Bellefonte, right north of the jail. Was on front porch on July 29, in the evening. I saw four men coming out of the jail entrance and run up past the northside of jail wall. One of them run into the hitching post, and one of them into a wood pile. I heard a boy "holtering" for help, and ran over and found Mr. Condo in the back part of the jail and helped carry Mr. Condo to the front door of the jail, and wiped the blood off of his head and face with a towel, given me by Mrs. Jackson. His head, hands face were bloody. Heard sounds of the irons fall opposite my porch near the jail. Did not see any irons, nor did not find any.

ELIZABETH MULBARGER.—SWORN.

Examined by Spangler:
Wife of preceding witness, saw the place where McCullough pointed out that he found the irons and it seemed to be the same distance where I heard the sound of iron, balance of testimony same as preceding witness.

R. R. OSTERREICH.—SWORN.

Examined by Spangler:
Board at Mr. Mulbarger's, was there the evening of July 29 last.

Testimony same as preceding witnesses.

Court adjourned till half past one.

FRIDAY AFTERNOON.

Simon McGhee, alias Bartholemew Fleming, objects against any form of oath. Has conscientious scruples against any form of oath.

J. W. RIGHTNOUL.—affirmed.

Examined by Spangler:

Live in Bellefonte, County Detective, was on the train that brought Dillen and Green to Bellefonte the night they were brought to jail after the arrest near Flemington. Had conversation with Ira Green, was the officer in charge of Mr. Green on the trip. Statements made to me were voluntary. He was handcuffed to me. (Defendant's counsel objects to statements made by Green being given by the witness.)

Cross Examined by Furst:

On the train with me and the prisoner were Charles R. Kurtz and Thomas Caldwell. There were seven deputies with me from Lock Haven to Millhall on the trolley car.

Re-Direct by Spangler:

Coming up on the trolley car I asked Ira whether he knew what he had done. (Declaration not admissible.)

CHARLES R. KURTZ.—SWORN.

Examined by Spangler:
I had a conversation with Mr. Green coming up on the train, I interviewed him. Am publisher of a newspaper.

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