

The Centre Democrat.

Circulation Over 3800.

BELLEFONTE, PA., THURSDAY, SEPT. 1 1904.

VOL. 26. NO. 36.

MURDER IN THE FIRST DEGREE

Rendered Against Wm. Dillen and Ira Green on Sunday.

PUBLIC SENTIMENT APPROVES

The Jury Deliberated Seventeen Hours and were Visibly affected when they Announced their Decision--A Motion for a New Trial Entered.

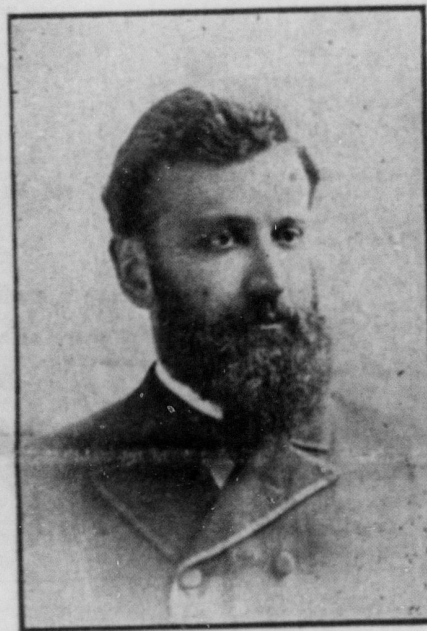
Sunday morning, August 27th, at 9 o'clock, the jury after eighteen hours of deliberation, found a verdict of "Murder in the First Degree" against Wm. Dillen and Ira Green for the killing of Turnkey Jerry Condo, in the Centre county jail, Friday evening, July 29th.

The case was called for trial on last Thursday morning, and in our issue on Saturday we gave a complete report of the proceedings up to the close of the testimony. In the following will be found the closing incidents of the trial.

SATURDAY MORNING.

(By S. D. Gettig, Esq.)

Saturday morning court called at 8:30. Defendants counsel submit to the court eight points and ask the court to charge accordingly. Then Judge Furst commenced his argument in substantiation



CLEMENT DALE.
Attorney for Ira Green.

of defendant's points.

The court suggested that two hours would be sufficient to each side.

At 8:50 Col. E. R. Chambers began his argument to the jury and defined the crime of murder and what the Commonwealth must show before it could ask for conviction; and that he had never seen a case of this gravity where the defence so completely fell down as in this one; how they got out of the cell and the purposes of the irons and the selection of the night when to escape when the sheriff was away in the strict discharge of his duty and when the deputy would be away, and that he believed that others were in the plot and that he believed that McCullough knew what was coming that night. He had no malice against the prisoners, but was sorry for them, the parents and wife of, one and the brothers of the other, and called attention to the aged widow and closed at 8:40.

Clement Dale, counsel for defendants, opened at 9:40 and spoke of the fairness of the counsel for the Commonwealth, and plead with the jury to strip the case of all sentiment and try it according to the law and the evidence as detailed from the witness chair. He spoke about the iron alleged to have been given to the prisoners by McCullough and that their only purpose was to gain their liberty and that they had no purpose of committing murder. That the defendants had no idea that they had a deadly weapon, and discussed the remarks of Green to Condo, "Keep quiet and I won't hurt you," and the part played by Livingstone in procuring the keys and liberating the prisoners in cell number seven. Spoke of Green's father and mother (his father was in court and crying, and Ira Green seemed to feel the gravity of the position he was in and shed some tears and sat with bowed head.)

Judge Furst opened his argument to the jury at 10:30. This was the first time in his life that he saw the highest executive officer of the county the prosecutor. Not here to deny that a crime has been committed, and that there is no crime that sends the shudder through society like that of murder. Spoke of what makes a first degree murder, and admitted that the defendants were guilty of murder in the second degree; and argued strongly that this did not warrant a verdict of murder in the first degree and that the jury should be just in arriving at a verdict. That the defendants

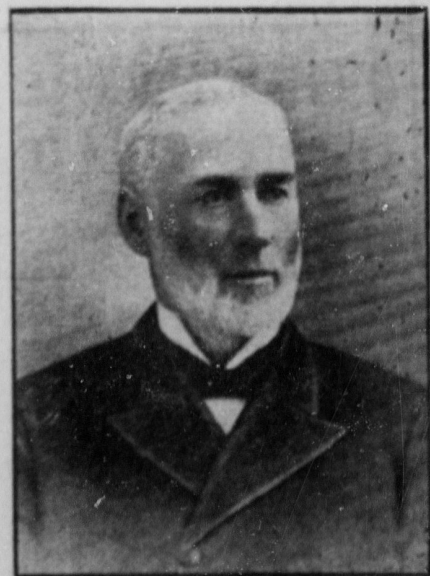
never intended to commit murder, that their only intention was to escape from the county jail and that that was their only purpose. Spoke of Dillen being left an orphan at seven years of age, and the wife of Green just married last March, and of the lamentable death of Mr. Condo. Then he took up the evidence of Edward McCullough, whom he denominated as a poor, unfortunate, weak minded imbecile, whose testimony could bring no conviction. Then he spoke of the evidence of the defendants, and how it should be considered inasmuch as they were interested in the outcome of the case. That their testimony showed that they were guilty of murder in the second degree, as there was no intent shown on the part of the defendants to kill by the Commonwealth. He made a strong plea.

SATURDAY AFTERNOON.

At 1:30 District Attorney N. B. Spangler opened the closing argument to the jury for the prosecution. He stated that the Commonwealth had made out a case of murder in the first degree, and that he sincerely believed it. That it was the duty of the Commonwealth to convince them that this is one of murder of the first degree and that he believed they had done so in this case. That when one used a deadly weapon on a vital part of the body of another, without qualifications it is presumed under the law to be murder in the first degree. He refuted the idea that McCullough was an imbecile; that he was a man of a primitive mind and not one who could fabricate the testimony given from the stand; and that he was corroborated by the defendants, excepting where they were vitally interested. The Commonwealth had proven that the defendants had intended to kill Condo. That Dillen admitted that he had the heavy iron and that Green struck him afterwards, and argued that the testimony of the defendants shows that there was a preconceived idea to act in concert, and that there was an intention to commit a foul murder. That they could have escaped from jail by placing Mr. Condo in one of the empty cells. He asked the jury not to shirk their duty, although it might be unpleasant; that his duty was an unpleasant one; that the law was more merciful to the defendants, than they were to the deceased. Closed at 2:20 pm.

CHARGE OF THE COURT.

Judge Love at once proceeded to charge the jury. That the court and jury must divest themselves of all feeling and sentiment and look only to the law of the land. Then he defined the different degrees of homicide, that there were two degrees of murder and that it was for the jury to find the degree of murder. The intent could be implied by the use of a deadly weapon upon the body of another. He who uses a deadly weapon without sufficient provocation must be presumed to be guilty of murder of the first degree. That the prisoners at the bar are entitled to the benefit of the reasonable doubt, and the Commonwealth must prove it. Instructed the jury that if they found under all the evidence in the case, beyond a reasonable doubt, that the defendants assaulted Mr. Condo with instruments which were of a dangerous character, on a vital part of his body, and thus killed him, and that if they were satisfied from the character of the weapons used and the wounds inflicted were likely to cause death and that such was their intent, they would be warranted in finding a verdict of murder in the first degree. That the defendants



HON. A. O. FURST.
Attorney for Wm. Dillen.

were engaged in an unlawful purpose, and that if they found from the evidence that the purpose of these defendants was to escape and to overcome all obstacles and resist all force, which might be opposed to them in so doing, and that the main obstacle in carrying out the purpose was the presence of the Turnkey, then you will determine what their purpose was, and if their purpose was to overcome all obstacles, as stated, even to the killing of the Turnkey, in order to effect their unlawful purpose to escape.

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SUDDEN DEATH OF COL. W. F. REEDER

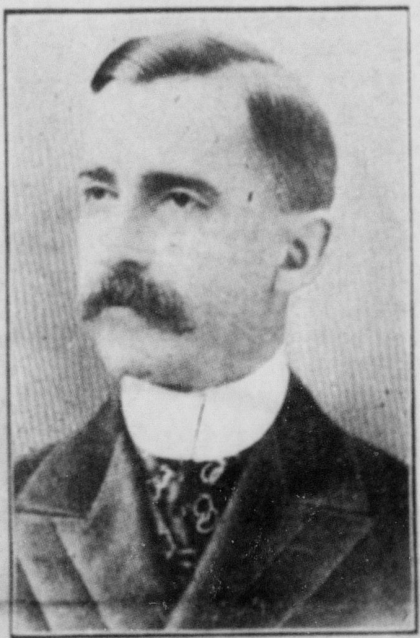
Occurred at his Home Early on Sunday Morning

ANOTHER PROMINENT CITIZEN

Was Stricken on Thursday Noon with Hemorrhages and Grew Weaker Until he Passed Away--Due to Overwork and Failing Health

Col. W. F. Reeder, one of the foremost attorneys of the Centre County Bar, a former Attorney General of Pennsylvania, under Gov. Hastings, and one of the prominent citizens of this community, died at his home, North Allegheny street, Bellefonte, on Sunday morning at about 1 o'clock. He was stricken down last Thursday noon upon retiring from court, where he had just completed the trial of an important case, with hemorrhages of the lungs which gradually weakened him and resulted in his death.

For some time it was noticeable that Col. Reeder was not enjoying his customary robust health. Early in the spring he had a severe attack of pleuropneumonia, which weakened him considerably and affected the lungs. Sev-



COL. W. F. REEDER.

eral weeks ago he was confined to his home with illness, but recovered sufficiently to attend court last week where he was interested and successfully conducted two important cases; securing the conviction of Dominick Constance, and the defense of Dr. Young, of Snow Shoe, charged with perjury.

While conducting the latter case last Thursday forenoon there was a noticeable flush in his face and he frequently drew his hand over his forehead, and seemed to labor. On his way home he complained of not feeling well. As he entered his bathroom he was overcome, and fell to the floor, blood began flowing from his mouth. His son Wallace was with him at the time and medical aid was quickly summoned. The hemorrhage was due to the rupture of blood vessels in the lung, which could not be checked and despite all efforts he gradually sank into a delirious condition, lingering until Sunday morning when he passed away.

Wilbur Fisk Reeder was born near Catawissa, Pa., January 7, 1855. In 1875 graduated from Dickinson Seminary at Williamsport with the first honors of his class. In 1875 he came to Bellefonte and read law with the firm of Bush, Yocum & Hastings, and in May 1877 he was admitted to the bar of Centre county. A partnership with D. H. Hastings, (afterwards Adjutant General and Governor of the state) was formed in 1881 which continued up until a few years of the latter's death. 1891 was elected Burgess of Bellefonte. He enlisted as a private in Company B, 5th Regiment N. G. P. in 1880 and became first lieutenant of the company. General Hastings appointed him assisting Adjutant General. In 1896 he received the county's indorsement for Congress. On September 11, 1897 he was appointed Deputy Attorney General of the state under Gov. Hastings, and filled the position with marked ability. For a number of terms he has been chairman of the Republican county committee; last June was a delegate to the Republican National convention at Chicago. At the time of his death he was the recognized leader of his party in Centre county.

On December 19, 1893, Col. Reeder married Miss Lillie S. Gotwalt, who last April was elected State Regent of the Pennsylvania Chapter of the Daughters of the Revolution. They have one son, John Wallace Reeder.

Col. Reeder was a prominent and active mason and had attained to the 32nd degree. He was a Shriner and a member of Constan's Commandery, Knights Templar of Bellefonte. He was also a member of the staff of Gen. Wiley, commander of the second Brigade of the National Guard.

The following extracts are from the Resolutions adopted by the Centre County Bar Association on Wednesday morning:

"Col. Reeder took a most active and influential interest in all matters touching the welfare and advancement of this

town and the community at large. He was one of those who were largely instrumental in the establishment of the Bellefonte Hospital, an institution which has been of the most vital importance to this County, and he contributed freely of his time and counsel, as well as his means, to its up-building and success. He was also connected with the local Board of Health since its organization, and did his full share towards making its labors of benefit to this community. In fact in everything that he was called upon as a citizen to do he was always found ready and willing to do his entire duty.

Col. Reeder was pre-eminently successful as a lawyer and advocate, from the time of his admission to the bar, May 4th, 1877, he applied himself early and late towards making a success of this his life work. At that time, the Centre county bar contained many of the brightest minds and intellects in the legal profession of this State, and it is no small praise to say that Col. Reeder was early recognized by them as no mean opponent in the trial of the many causes in which he was interested. He was quick, energetic, and a tireless worker. He had a fine legal mind and expressed himself clearly and forcefully. He prepared his cases most carefully, and was always ready to perceive, and take advantage of, the weak points in his adversary's armor. He was equally strong in a legal argument addressed to the Court, and in the presentation of the facts before a jury, and his logic and eloquence more than once won cases which had been deemed hopeless. His legal reputation early brought him a large and lucrative practice, and he has been professionally engaged in many homicide trials, in a number of ejectment suits involving original locations, and a large majority of the important suits of every description tried in this Court during the last fifteen years or more. During the week of Court just closed, he was engaged in the trial of several cases of more than ordinary interest and importance, and the brilliant and successful manner in which he handled them had elicited the favorable comment of all who heard him. He had been a member of the Board of Examiners of this Bar for many years, and was the honored President of the Committee at the time of his death.

He was a man of fine social qualities. Though quiet and unassuming in his manner, was a charming host and never seemed more thoroughly pleased than when surrounded by his friends in the beautiful home where he and Mrs. Reeder so frequently and cordially welcomed their large circle of friends and neighbors.

The closer and more intimate relations of the family, where he was a most loving husband and father cannot be touched upon in this tribute more than to say that they were characteristic of the man. Notwithstanding his varied interests he was at heart a domestic man. His home life was his true life, where he exhibited those traits of character which so endeared him to the home circle.

In his death not only this community, but the State has met a great loss. He will long be missed in the political, social, civic and legal work, in all of which he took such an active part. Into his home life we forbear to enter, except to express our sincere and tender sympathy in the great bereavement which has crossed its portals.

Committee: J. C. Meyer, A. O. Furst, E. L. Orvis, Harry Keller, and W. C. Heinle.

Wednesday morning a public memorial session of the Bar Association was held at the court house and was attended by attorneys from Clearfield and Clinton counties and other parts of the state.

The body was viewed by many as it reposed in the parlor at the residence.

The interment took place Wednesday afternoon with services in the Episcopal church of which the deceased was a member. The Masonic order had charge of the services at the grave.

Death has been a frequent caller among prominent men of this town within a comparatively brief space of time. The Reaper has taken away Ex-Governor Hastings, Attorneys W. E. Gray, Jno. M. Dale, C. M. Bower, and on Sunday added to the number another attorney, Col. Reeder. The bar has had a severe visitation. A remarkable feature is that all were young men, in the prime of life, and with a large clientele, excepting Gen. Hastings, who had given up legal practice some years ago.

DECKER REUNION.

A large crowd gathered at the home of Alexander McCoy, Potter's Mills, Pa., Saturday, August 27th, about 10 a. m., and when all was ready they drove to the Even mountains and surprised John D. Decker and family. The surprise was a great one, and after they arrived selected a nice place in his orchard and set a very large table. After everybody had enjoyed themselves to the full extent of their capacity they were ready to spend the day in the most enjoyable manner. The afternoon was spent in a ball game and horse race. The chief object of the ball game was to see Jim Decker pitching and Seward Decker catching. The most important thing in the race was to see Alex. McCoy and his old bob-tailed horse away in the rear. The evening was spent by having plenty of good music and ending with a song chorus, after which they departed by moonlight.

The persons present belonging to the Decker family were J. A. Decker and family, Pine Grove; S. E. Decker, Altoona; Misses Martha, Ella and Edith Decker, Bellefonte; Miss Alice Decker, Potter's Mills, and Alexander McCoy and family, Potter's Mills.

THE GREATEST BATTLE IN WORLD'S HISTORY

Russian and Japanese Armies in Deadly Conflict.

400,000 INFANTRY & CAVALRY

Are Engaged While Several Thousand Canons Roar--Infantry and Cavalry Charges--Fierce Fight Raging--Result is Uncertain.

For months we have been reading of the movements of the Russian and Japanese armies in the northern part of the peninsula. There have been repeated bloody engagements but at no time was there a decisive battle. By superior tactics and greater numbers the Japanese have been driving the Russian armies northward, and now they seem to have them surrounded and engaged in what will likely be the decisive battle of the war, at Liao Yang. On the Russian side there are 170,000 against 240,000 Japanese. The Russian army is massed in a semi-circle on the plains outside of the walled city of Liao Yang, while the Japanese are flanking them with 1200 pieces mounted on the hills pouring a deadly rain of shell into the Russians.

In point of numbers it is the greatest battle ever fought in the history of the wars of the world.

At dawn Tuesday an artillery duel began, which continued for nearly six hours. Twelve hundred Japanese guns in the hills surrounding the plains sent a rain of shot and shell upon the enemy, and the latter replied with 700 pieces of artillery.

About 10 o'clock in the morning the Japanese infantry began to advance upon the Russian position, and from then until darkness fell the battle continued with great fury and with a long list of killed and wounded on both sides.

An effort on the part of the Japanese to turn the Russian right flank was prevented by a brilliant cavalry charge, the Cossacks repulsing the flanking force.

As for the general results of the day's fighting, neither side can claim any marked advantage.

The cannonading continued during the hours of the night, and a more tremendous battle, even than that of Tuesday followed on Wednesday. From the housetops in Luyang, the spectacle is one of unparalleled magnificence. The crest of the line of crescent-shaped hills that sweep about the city are held by the Japanese armies. Fire spurts from the mouths of 1200 cannon the Japanese have mounted upon these hills.

These 1200 cannon are showering shell and shrapnel upon the great Russian host, spread out over the plain as a blanket, with the frequency of hailstones.

From the plain the Russian artillery is bombarding the Japanese positions. From the housetops the scene is like an inferno surrounded by a great circle of flame.

The Japanese are brave to the point of an uncontrollable frenzy, the Russians are more stolid and less emotional, but grim and determined. The fertile soil of hill and plain is being made sodden by the stream of human blood that flows in ever-increasing volume.

The vast plain over which the Russian army is spread seemed to have been plotted in squares by the enemy's engineers. Square by square the Japanese guns searched the whole plain. Square after square became the aim of these deadly accurate guns, and upon each square in turn they massed their fire, scores of guns pouring into each one a stream of shot and shell. Thus working the whole field, they covered the range of the Russian position, from right to left, with mathematical precision.

Trainload after trainload of wounded and dying have been dispatched northward to Mukden and Harbin. Time alone can make the accurate count of the harvest of souls.

The Russian Infantry opened its musketry fire. Volley after volley followed; the Japanese swept on. Russian shot and shell opened great gaps in the advancing lines of the enemy, but for every man that threw up his hand and gave up his fight there seemed to be two to take his place.

Covering the Japanese advance, the artillery poured an unending stream of shrapnel into the Russian ranks, this fire continuing until the lines came close together; after 10 o'clock the two lines were in touch, and hand-to-hand conflicts were in progress at many points.

CAVALRY REPELLED.

To repulse this advance the Russian cavalry was ordered out. Thousands of horsemen hurled themselves against the enemy. The engagement was short, sharp and decisive and the Japanese flanking movement was entirely defeated.

When this battle will end cannot be conjectured. The prospects are that it may continue for several days, with

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FACT, FUN AND FANCY.

Bright, Sparkling Paragraphs--Selected and Original.

THE CALL.

Came Mrs. Brown to call
On little Mrs. Jones.
They greeted in the hall
In most delighted tones.
"So rushed," said Mrs. Brown,
"I really cannot stay--
I've been all over town,
It seems to me, to-day."

And then they talked of books,
Of music, and of clubs,
Of chambermaids and cooks,
Of leaky laundry tubs,
Of candles and of soap,
Of churches and of gowns,
Of fevers and of croup,
Of how toward old frowns.

Of wrinkles, freckles, too;
Of divorces and brides,
Of fashion's latest strides,
Of neighbors and of friends,
Of enemies and kin,
Of pleasing coffee blends,
Of where "she" got that pin,
Of certain people's debts,

Of certain people's fights,
Of the contending sets,
Of certain women's spies,
Of papering the hall,
Of what each one had read,
Of which one owed the call,
Of what somebody said.

Of how "she" held her looks,
Of golf, and cards, and tea,
Then back again to cooks--
And then "Oh, goodness me!"
Cried Mrs. Brown at last,
"I must be rushing on.
The afternoon is past--
At least, it's almost gone."

"That's one thing I detest
About a formal call--
One has to look her best
And scarcely talk at all.
Stop in, my dear, some day
When you're out for a walk--
There's no such we could say
When we're time for a talk."

—Chicago Tribune.

Always looking for an opening—the burglar.

Sowing wild oats is calculated to make a fellow look seedy.

It's the good points of a girl that the fellow gets stuck on.

You can seldom size up a man by the opinion he has of himself.

A girl can't even blush without having a certain amount of cheek.

An engine can't get up steam, even in midsummer, unless it is coaled.

Even a wheelbarrow won't accomplish anything unless it is pushed to it.

The crust of society is generally made up of people who have the dough.

That some people make a cloak of their religion even in hot weather.

The fellow who stutters has lots of time to think twice before he speaks.

Some people wouldn't even pay a compliment without asking for a receipt.

People with hay fever may be excused for having no scents of right or wrong.

The most polite people in the world are those who have gold bricks to sell you.

Many a man has gone down to history as a hero because he was too scared to run.

Some one has figured out how far a farmer has to plow to attend forty acres of corn. To plow the ground with a sixteen inch plow he walks 350 miles; to harrow it thoroughly, fifty miles more and to cultivate it afterward, 350 miles making a total of 750 miles in addition to husking it, when he will walk 150 miles more.

Many a foolish and vain woman is dressed in silken gowns and costly plumage, while the husband is driven almost to desperation in a vain attempt to stem the tide of flowing expense. It may do for a time, but let it be remembered that while the mills of the gods grind exceedingly fine and they are bound to grind a fine brand of retribution sooner or later.

MANGLED BY TRAIN.

W. T. Emenheizer, of Yarnell, Killed Near Howard, Monday.

W. T. Emenheizer, who lives back of Roland, along Marsh Creek, boarded a freight train that was shifting west of the station at Howard, on Monday. He was sitting on the end of a car when one section bumped into it throwing him off to the track and was run over. The body was cut in two and the right arm was severed. The mutilated remains were properly prepared for burial and sent to his home.

Emenheizer was a young man of about 30 years and leaves a wife and two small children. He boarded the train for the purpose of going to the woods to secure employment.

Sunbury Terminus New Electric Road.

The great Westinghouse third rail electric line, which has been in operation between Wilkesbarre and Scranton for some months, is to be extended from Wilkesbarre to Sunbury. A line is already being extended from Scranton to Carbondale, a distance of eighteen miles, the total length from Carbondale to Sunbury will be one hundred miles.