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## Trial of Fisher and O'Day

### THE MOST NOTABLE CASE HEARD IN LANCASTER IN MANY YEARS.

#### The Jury, After Many Hours of Deliberation, Find the Alleged Safe Crackers Guilty With a Recommendation to Mercy, Which Saves Them From Live Imprisonment—The Testimony in the Case.

As stated in Saturday's issue of THE NEWS, when the paper went to press last Friday evening the court was engaged in the trial of the famous case of John Fisher and Charles O'Day, charged with safe cracking—what is known as the Heath Springs burglary. The names of the jurors empaneled, as well as the fact that Messrs. Williams & Williams represented the defendants, were published in our last issue.

The trial, which consumed all of Friday and Saturday, proved to be one of the most intensely interesting ever heard in Lancaster. The court room throughout the hearing was packed and jammed with spectators, many of them being ladies.

The noted prisoners, who were kept closely guarded, were, of course, the cynosure of all eyes. While giving close attention to everything going on, they talked but little, even to their counsel, in rear of whom they sat. Both men were neatly dressed. Fisher looks to be about 35 years old, is about 5 feet, 5 inches in height and apparently weighs about 120 pounds. He has black piercing eyes, black hair and dark complexion. O'Day is a taller man, being about 5 feet 10 inches in height and weighs about 135 pounds. He looks to be a younger man than his companion, by a few years. He is clean shaven and has a heavy set jaw. Both men look somewhat pale and thin, probably not having fully recovered from the effects of the desperate wounds they received when captured in North Carolina. They retained remarkable composure throughout the trial.

#### THE TESTIMONY.

Many witnesses were examined by the State, and their testimony follows:

Frank White, colored, about 10 years old. On 1st April 1905, saw store door of Springs B. & M. Co. open and chisel lying there, about 7 o'clock in the morning. Left side of door splintered.

R. B. Mackey, Cashier and general manager of Springs Banking and Mercantile Co. at Heath Springs. Went to store after Frank White told me. Saw door open and chisel at door. Found vault door open and safe blown open. Found drill brace on floor. Things scattered on floor. Sledge hammer lying near safe. Describes in detail condition of safe and marks on inside. Door to steel chest knocked off. Soap

and fluid around the inner edge of the combination. Door to steel chest split in too. Found \$500.00 in gold in a bag in pigeon hole of chest and about \$25 in nickels and dimes. Kept paper money in safe, \$15.00 one dollar bills and one \$5.00 dollar bill, all practically new money. These were "display bills." Had them only a few days. Small chest with display money inside shown witness, who identified it, one like he used. A week prior to robbery my attention was called to two strangers in the store.

Cross Examination. Didn't say anything about display money on preliminary hearing. Didn't state how much money was on floor at preliminary hearing. Helped Mr. Garner, representing Casualty Company, count the money. Had money in safe insured in Casualty Co. Don't know for what amount our claim was made out for. \$500 in gold we found in safe was not included in claim we made out. Two claims were made. The difference in claims were because the Safe Co. would not pay for safe. Our claim was \$700.00 including safe and vault door. Don't remember for how much money claim was made out. No reason for keeping quiet about \$500.00 in gold. Don't know that I have been charged with using explosives myself.

O. C. Croxton, Bookkeeper for Springs B. & M. Co. Put books, papers, money, etc., in safe on night of burglary. Put away \$1,040.18 in safe. This is what books show. Found \$500 in gold in bag in pigeon hole and some loose silver amounting in all to \$26.75 and some checks. Cases with display money was taken away. There was \$25.00 in gold and \$10.00 in currency that night which disappeared. The checks found were \$195.74. Describes condition of door to store and condition of safe. Drill hole in safe door about  $\frac{1}{2}$  of an inch in diameter. Four doors in all to vault and steel chest, which were broken. Found safe blown open Saturday morning April 1st 1905. On 23rd March 1905, on Thursday, was informed that suspicious persons were in store, but did not see them.

Cross Examination. Was in Lancaster 23rd day March 1905 and left Mr. Mackey in charge of store. Claim in Casualty Co. was made through Mr. Springs office. Got up posse and blood hounds and tried to ferret out the

matter, but couldn't get on the track of any one. Gave Casualty Co. credit for \$500. in gold and the 26.75 in silver, the amount of the checks and all of which was found in the safe.

Re. ly. \$500.00 in gold taken out of safe by R. B. Mackey in my presence on morning of robbery. Had told him that morning where the gold was in the safe.

J. E. Creed. Heard two explosions on morning of April 1st 1905, about 3 o'clock. Explosions were close together. Clock struck 3 shortly after I heard explosions. Thought it was a gun. Live about  $\frac{1}{4}$  mile from Springs B. & M. Co's store. Explosions a dead kind of sound, not like a gun, but I thought it might be a gun.

A. W. Bush, col.—On 1st April last, lived on Mr. Duncan's place, at Heath Springs. I am blacksmith. Went to store and found a chisel, punch, pair tongues, sledge hammer and monkey wrench belonging to myself. They were in office of S. B. & M. Co. Top of my blacksmith shop door was split off and staple gone. Tools of witness found near safe exhibited to him and offered in evidence.

J. T. Porter—From Lylesville, Anson county, N. C. Constable of township when prisoners were arrested. Now constable of town of Lylesville. On 8th of April, 1905, arrested the two prisoners late in the evening. Had information that two suspicious men had got off train at Wadesboro and were coming toward Lylesville. Phoned sheriff and got up posse and sent men in different directions, and closed in on them on all sides. They were on top of bank and I went down R. R. track under them. They were lying down on ground, with a valise between them and opened canned goods by them. I ordered them to surrender. Tried to get them to stop. They went about 40 yards. They made a break for rail road and made signs as if they were about to draw guns, and we fired on them. One fell and the other ran about 75 yards and gave up. Found a pistol on O'Day. They would give no information—wouldn't give their names. Both were shot, O'Day worse shot. Found money on O'Day and a lot of cartridges. Got money and watch from Fisher. Found Fisher's pistol near where they ran from. Found \$182. in all on the men. Identifies satchel containing fuses, bottle of nitro-glycerine, dynamite caps, cotton, hot water bag, steel wedges and wire. When found there was a dark lantern, books and maps in the satchel. Mr. Bennett, attorney for prisoners, at Wadesboro, got the dark lantern. O'Day badly shot—was operated upon. Fisher not so badly shot. Mr. John Bennett, attorney for prisoners, got the pistols. I made demand on him for them. I turned money over to sheriff

(Continued on page 2.)

## A Word Explanatory.

### And a Word Otherwise—Of Interest Mainly to those Who have not Yet Subscribed to The Lancaster News.

In the first issue of THE NEWS, Oct. 4th, it was stated that for two or three weeks the paper would be sent to all the subscribers of the three old papers, Ledger, Review and Enterprise, in order to give them an opportunity to determine whether they wished to become subscribers to the new paper.

THE NEWS has entered upon its third week of publication and, while many of the former patrons of the old papers have become subscribers to this newspaper, there are some yet to be heard from. Reader, if you happen to be one among the latter will you not kindly let us know at once what your wishes are in the matter? We are anxious to have your name on the new list we shall soon make out—we want, in fact, every man, woman and child who has been taking the old papers to become patrons of this one, but it is not our purpose to send THE NEWS to any one who does not want it. Please therefore let us know without further delay what your decision is. We prefer not to drop your name unless you tell us to do so.

THE NEWS has been published long enough for the public to form some idea as to what kind of a newspaper it is going to be. It is improving with every issue and its management will not rest content until it is made second to no publication in this section of the state. As heretofore stated, THE NEWS will be enlarged just as soon as it is practicable to do so, though in its present size—eight pages of five columns each—it furnishes more matter than is given by the average newspaper. And when the further fact is considered that it is published twice a week, which means eighty columns weekly of reading and advertising matter, every one must admit that the paper is remarkably cheap for the price—only \$1.50 a year. It is certainly the cheapest publication ever issued in Lancaster.

Some of those who patronized the old papers, by the way, have an idea that they must pay what they owe on their old subscriptions before they can take the new paper. This is of course a mistake. THE NEWS has nothing whatever to do with what you may owe the old papers.—All that is necessary to become a subscriber to this newspaper is to furnish your name, post-office address and \$1.50 in cash, if you want it for a year; if for a less period, at rates published elsewhere.

If not convenient to call at this office, please make remit-

ance by mail. During the next few days we hope to hear from every old subscriber who has thus far remained silent. We take occasion to state here that the management of THE NEWS profoundly appreciates the very liberal and prompt support being given the paper by the old friends and former patrons of the retired newspapers, as well as by the public generally.

## Other Proceedings of Court.

### Two Murder Cases Disposed of and a Third Being Tried ---Motion for New Trial in Safe-Cracking Case Refused--Burner of Creed's Store Gets Ten Years--One Life Sentence.

The court of General Sessions resumed business again Monday morning, Mayor Wylie acting as Solicitor until the return of Solicitor Henry from Chester.

The following cases have been disposed of this week:

Will Drakeford, charged with arson—the burning of Mr. Creed's store in Heath Springs, was convicted, with a recommendation to mercy. Such recommendation was made by the jury, it is said, on account of the defendant's weak mental condition. He was sentenced to the penitentiary for 10 years.

Will Massey, alias Bill Milly, was convicted of forgery and sentenced to the penitentiary for 18 months.

Steve Lavard was acquitted of the charge of house breaking and larceny.

Lee Hilton, charged with murder, was acquitted.

John Sadler, charged with murder—the killing of old man Joe McIlwain—was found guilty with a recommendation to mercy. He was sentenced to the penitentiary for life. It will be recalled that his trial at a previous term of court resulted in a mistrial.

The motion for a new trial in the Fisher and O'Day case was heard Monday afternoon. The Judge refused to grant the motion. The case will be appealed to the Supreme court, on the ground of the alleged unconstitutionality of the Act under which the parties were indicted. The prisoners have not yet been sentenced.

When THE NEWS went to press yesterday afternoon Henry Pratt was on trial for murder—the killing of old man Simeon Morgan.

The following grand jurors of this year's panel have been drawn to serve in 1906.

J. R. Sistare, H. P. Mobley, C. L. McManus, J. M. Courtney, J. Clark Robinson and T. M. Hughes.

The rate from Lancaster to the State Fair next week will be for the round trip, \$2.95, which includes one admission to the grounds.