

KIRBY, GAPPINS AND FOX GUILTY. TO BE ELECTROCUTED OCTOBER 21

S. J. Kirby, Jesse Gappins and C. O. Fox were Tuesday declared guilty of the murder of William Brazell, Columbia transfer driver, and were sentenced by Judge Thomas S. Sease to death by electrocution between the hours of 10 a. m. and 2 p. m., on Friday, October 21. As the solemn words which tore from the breasts of the condemned men the last ray of hope, if any had lingered with them, were pronounced by Judge Sease not one of the trio moved a muscle to all appearances. Throughout the trial Gappins and Kirby had manifested a little nervousness but each of them when the verdict was read in open court and when sentence was pronounced received the news with the stoicism of Indians. Fox never evidenced the slightest emotion throughout the whole trial. With a calmness born of courage or induced by an almost inhuman callousness to the fiercer feelings of humanity he related at length the horrible details of the crime, denying at no time his own part and attempting no palliation for himself. He it was who struck the boy over the head with a blackjack. He it was who stabbed him with the knife which produced death—not once but several times, once while he was standing and once while he was down, pinioned by the arms of Kirby and Gappins. Heedless of the earnest pleas of the defenseless lad for his life, he jabbed the knife into his quivering flesh and inflicted the mortal wound. In reply to a question by Solicitor Callison he said that he never realized that he had killed the boy and did not now realize it. To him it seemed that perhaps Kirby, who choked him and who, when the fatal wounds had been dealt, rode with the dying boy in the back of the car alone, might have done the actual killing. As Fox told his story a wave of revulsion and horror swept over the court room. Even the faint hum of noise which usually pervades a court room was hushed and listeners stood aghast at the gruesome recital of one of the most brutal crimes that has ever darkened the annals of the state. Many who heard the testimony throughout the trial of the three men felt convinced that Fox was the only one of the trio who told "the truth, the whole truth and nothing but the truth." Both Kirby and Gappins had attempted to show their own part in the crime in the most favorable light, Gappins trying to make the jury believe that he not only did not know when they left Columbia that they intended to steal the car which Brazell was driving but that he thrice refused to strike the boy at Kirby's demand and even pleaded with the other murderers to spare the boy's life. Fox confirmed his statement that he had refused to use the blackjack but otherwise he implicated Gappins in the plot to steal the car and said that Gappins held one hand of the boy while Fox did the cutting. Kirby never admitted choking the boy but said he only laid one hand lightly upon his arm. State Constable Burly also testified that Gappins had confessed to him that he had held Brazell's arm.

The case against Kirby was tried first, the jury returning a verdict in just 35 minutes, while the jury which tried Fox and Gappins remained out 40 minutes. When asked if they had anything to say why the sentence of death should not be asked upon them Fox and Kirby were silent but Gappins said he did not think he had received justice.

Relatives Present.

Throughout the trial of the three men the court room was crowded. Among the spectators present were relatives of both the murdered boy and of his three murderers. During a short recess Tuesday Gappins' mother and sister came up to him and caressed him but they were led away by State Constable Berly. When the verdict against Kirby was read his wife, who with her little daughter were in the court room, broke down and sobbed. She also had another breakdown when the sentence of death was passed.

Fox's father, J. S. Fox, a retired merchant of Stanley Creek, N. C., was also an interested spectator, though he absented himself during his son's testimony. Mr. Fox has

been in Lexington since Saturday and has made a splendid impression on all with whom he came in contact. Realizing the enormity of his son's crime, he made no attempt to save his life, but came, as he said, only to console his son and help to prepare him to meet his God. Mr. Fox looked up Mr. Brazell, father of the murdered boy and expressed his deep sympathy.

Within a short while after sentence had been passed upon the three men they were taken from the court room under a strong guard, armed with riot guns and whisked to the state penitentiary in Columbia, where they will remain until the day on which they will pay the supreme penalty for their crime. As the procession passed through the lower corridor of the court room Fox's father said to his son, "I will see you tomorrow." Just as the last procession of guards was filing down the rear stairs of the courthouse, a bystander, of whom there were about four standing in the corridor, evidently believing they had all passed, and seemingly intending to get to the door to catch a glimpse of the men, attempted to close in on the party. He was immediately brushed aside by one of the party of guards, who evidently feared that trouble was about to start. Other than this incident there was no untoward incident or any evidence of any intention at mob violence, though rumors were rife that in event the death sentence were not passed upon all three men an attempt would be made to lynch them. The prisoners, however, were adequately guarded and it would have been serious and bloody work to have attempted anything of the kind.

At the conclusion of the trial Mrs. Fox approached Mr. Martin, who had represented her husband by appointment, and tried to have him commence proceedings looking to commutation of his sentence to life imprisonment on the ground that he was mentally irresponsible. She claimed that he wore a silver plate in his skull. Mr. Martin referred her to the governor.

Trial Begins.

In a court room crowded almost to suffocation and with a temperature way above the average for September the trial of S. J. Kirby, Jesse Gappins and C. O. Fox was begun Monday afternoon. At the morning session of the court the men had been arraigned, counsel appointed for them severally, the grand jury early in the proceedings bringing in a true bill. At 3 o'clock Monday morning the three prisoners, against whom threats of lynching had been made at the time of the commission of the crime August 9, were taken from the state penitentiary at Columbia and brought to Lexington, where they were placed in the court house. Four automobiles, containing besides the prisoners State Constables Berly, Smyrl, Eichelberger and Poppenheim, J. D. Dunaway, and Detectives Shorter, Carter, Broom and Allen of the Columbia force and Policemen Knox of the Columbia mill village, rolled into Lexington about 35 minutes after the party left the state penitentiary and the prisoners were placed in the court house at once. At the close of the day's session Monday, under the same guard, heavily armed with repeating rifles, the men were returned to the penitentiary.

One of the largest crowds ever seen in Lexington began to gather early in the morning of Monday and by the time the court was opened the crowd had become so large that half of them could not get entrance to the court room, though within a few minutes after the doors were opened every available seat had been taken and the surging crowd of spectators had overrun the aisle and taken every seat within the bar of the court.

Judge Sease ordered that beginning after the dinner recess no more persons would be allowed in the court room than could be comfortably seated and that the aisle be kept clear. This order was strictly enforced. Judge Sease took occasion during his charge to the grand jury to say that he had been connected with the courts of this state for 25 years and in that time no disorder had ever occurred and that none would take place in

this trial. In a most emphatic manner he said that no disorder would be tolerated. There was no disorder.

Among the interested persons present in the court room were the mother, father, sister and other relatives of Wm. Brazell, the young Columbia taxi driver, who was done to death with a blackjack and a knife on the Augusta road by the three men.

Kirby's wife and daughter, Gappins' mother and sister and Fox's father and step-mother were also present. Gappins' wife was present part of the time but was not seen towards the last.

Lawyers Appointed.

Each of the three defendants upon arraignment announced his inability to secure counsel and Judge Sease thereupon appointed A. D. Martin to represent Kirby, McKendree Barr to represent Fox and T. C. Sturkie to represent Gappins. Immediately after arraignment the three prisoners conferred with their attorneys for a conference. Under the law they were entitled to three days in which to prepare their case, but after consultation it was announced soon after dinner recess that they were ready, and the trial was immediately entered into. Solicitor Callison requested that the men be tried separately and Kirby was first placed on trial.

Kirby Jury Selected.

Just 17 minutes were consumed in the selection of the jury, not a single man being stood aside by either the prosecution or defense. The jurymen were placed on their voir dire, all but three of them saying that they had either formed or expressed an opinion in the case. They were unanimous in saying that the opinion they had formed would not prevent them from giving both the State and the defense a fair and impartial trial.

The following acted as the jury: John S. Addy, foreman, Homer Woods, Moses K. Kneece, Jesse L. Sox, Winstead Harmon, C. Alf Wingard, Simpson Spiers, Archie L. Sox, J. M. Oswald, Killian Oxner, G. J. Boknight, Jacob H. Bundrick.

Witnesses Testify.

When court adjourned about 6 o'clock Monday afternoon six witnesses had been examined and Kirby himself was on the stand.

Clyde Hester of Columbia, owner of the Cadillac car which young Brazell was driving at the time of his death, testified that he had last seen Brazell alive on the afternoon of the Sunday on which the tragedy occurred. He was present when the body of the boy was found near Leesville. The car which had been abandoned by the three murderers was returned to him by Sheriff Plunkett of Richmond county, Georgia, and was blood-stained.

Dr. D. M. Crosson testified as to the nature of the wounds, saying there were several bruises on the front of the boy's head, apparently made by some blunt instrument, which might have produced concussion of the brain. There were several cuts on his hand a three stab wounds, the one which produced death being that which penetrated the boy's lung, producing a copious hemorrhage from which death must have resulted in a few minutes. This wound had the appearance of having not only been a stab wound but indicated that the knife must have been worked in it after the blade had penetrated.

W. B. Roberts, chief mechanic on the Richmond county, Ga., roads, was the next witness. He also acts at times as a guard on the chaingang. On Monday, August 8, he encountered Kirby, Fox and Gappins, who told him they had tire trouble and wished to know where they could obtain a tire of a certain size. He told them that it was improbable they could be able to find a tire of that size at Waynesboro, toward which they were headed, but thought Augusta was the nearest town at which they would find it. One of them had mentioned that he wanted to telegraph for money. The men went on. About

CRIMINAL COURT GRINDING AWAY

Court of general sessions opened promptly Monday morning with Judge Thomas S. Sease of Spartanburg presiding. O. E. Anderson of Edgefield, the efficient and obliging stenographer of the circuit, was on hand, and Solicitor Callison was at his post of duty.

In his charge to the grand jury Judge Sease scored the petit juries for failure to do their duty and was particularly strong in his condemnation of the lynching of Will Allen at Chapin recently. "There may be men in this court room who took part in the lynching of Will Allen recently at Chapin. If so I want to say to them that they are guilty of murder—murder just as foul, just as heinous as was the crime of Will Allen in killing Mr. Frick. If there is any difference, the latter was a more cowardly act," said Judge Sease with emphasis. Emphasizing the duty of the jurymen, he said that the constitution and laws under which we live are made by the people. If the people are not satisfied with them they should change them; they had no right to take the law into their own hands. If the juries who came from the people, would be more steadfast in their duty and hold more sacred their oath of office there would be a lessening of crime.

When court adjourned for the day Wednesday considerable progress had been made towards clearing the docket. Monday and Tuesday were consumed largely in the trial of the cases against Fox, Gappins, and Kirby and the swearing of witnesses to appear before the grand jury. Several pleas of guilty had been entered and sentence passed.

Cases Disposed Of.

At the time of adjournment Wednesday afternoon the following cases had been disposed of in addition to that against Fox, Gappins and Kirby: Huyler Harris, house-breaking in the night with intent to steal, pleaded guilty; six years in reformatory.

Norman W. Tucker, a resident of California and a former soldier at Camp Jackson, entered a plea of guilty of assault and battery of a high and aggravated nature and was sentenced to serve three months or pay a fine of \$150.

Jack Jenkins, negro, pleaded guilty of car breaking and larceny, and was sentenced to six months.

Annis Burgess pleaded guilty of housebreaking and larceny and was sentenced to nine months.

Jas. Jackson, Chas. Evans and Oliver Wisinger pleaded guilty of transporting whiskey and were sentenced to four months or \$400.

Henry Hiller and Charlie Williams were tried on the same charge, found guilty and sentenced to a fine of \$600 or six months. All of the parties are negroes.

Geo. Harris, negro, was found guilty of violation of the dispensary law. Sentence had not been passed when court adjourned.

Davis Kelly, negro, pleaded guilty of carbreaking and larceny and was sentenced to 5 months.

No Bill in Harmon-Asbill Case.

The grand jury brought in no bill in the cases against Rural Policeman Asbill and Dr. Rice B. Harmon, which grew out of the incident which happened on the Augusta road on the afternoon of the Fourth of July.

SENTENCED TO SIX YEARS FOR HOUSEBREAKING IN NIGHT

Huyler Harris, 14-year-old negro boy, pleaded guilty in court Monday to a charge of housebreaking in the night time with intent to steal. A jury was drawn and the judge directed a verdict of guilty with a recommendation to mercy. He was sentenced to six years in the reformatory for negro boys. Harris was found under a bed in the house of G. W. Asbill of Leesville.

RAWL CASE PROBABLY COME TO TRIAL FRIDAY

The case against Killian Rawl, charged with assault with intent to ravish and assault and battery of a high and aggravated nature, will probably come to trial Friday. A true bill has been found against the defendant by the grand jury.

TOWN TO HAVE POTATO HOUSE

A meeting of the Sweet Potato Growers' Association was held in the court house last Friday afternoon, at which time it was decided to proceed immediately with the building of a curing house, to be completed in time to receive this year's crop.

The committee appointed at a previous meeting to select a site for the house reported that a suitable lot had been secured near the depot of sufficient size to meet the present needs, and it was understood that additional ground could be had if it was found necessary to enlarge the building at some future time.

A building committee was appointed to let the contract for the erection of the curing house and to secure the services of an authority on potato houses from Clemson College to supervise the work. The house will be built according to specifications furnished by Clemson college.

It is proposed to erect a building large enough to accommodate something over 5,000 bushels of potatoes, which it is thought will be sufficient for the present, and the house will be constructed in a way that additions can be made at any time if larger quarters are needed.

A committee of three, consisting Messrs. J. A. Barre, John T. Sox, and Ira M. Sligh, was appointed to collect money for the stock pledges signed sometime ago, and to secure additional pledges for stock. The association instructed this committee to collect this money by September 20, so that the building committee will have funds available when the contract is let for the house. All those subscribing for stock in the association will please take note of this and be ready for the committee when it calls.

MISS SUSAN ROOF GOES TO BOSTON TO ENTER MUSIC CONSERVATORY

Miss Mary Susan Roof, daughter of Mr. and Mrs. E. B. Roof, left yesterday for Boston, where she goes to enter the New England Conservatory of Music. Miss Roof is a graduate of Coker College, Hartsville, and after completing the regular course at that institution, she did post-graduate and instruction work there. Miss Roof is a pianist of marked ability, and has thus far made unusual progress in the world of music. Her many friends will watch her future course with great interest, and all of them wish for her a successful year at the great Conservatory in Boston.

COMMUNITY FAIR AND BARBECUE AT STAR SCHOOL

The Ladies School Improvement League of Star school district No. 10, will give a Community Fair and a Barbecue at the school house on Thursday, September 22, 1921. Several prominent speakers have consented to be present and make speeches; among these speakers being Hon. Cole L. Blease. There will also be several games of good baseball played on the grounds during the day. The public is cordially invited to be present. 2t-c

PLEASANT HILL DOTS

It seems as Dan Supid has made a visit in this community. Mr. Crawford Taylor and Miss Eva Anderson were married Sunday evening at 3 o'clock by the Rev. J. E. Steel of Lexington.

Mrs. J. D. Taylor is on a 2 weeks visit with her daughter, Mrs. Dr. Ernest Hallman. They are all smiles; it's a girl.

Mr. Claude Taylor and family and brother, Carl and his family, visited their sister, Mrs. Dr. Ernest Hallman. Ha! Ha! Mr. James Gillion, better known as Uncle Jim, and Mrs. Mary Holly were married Sunday. We congratulate this couple.

Mr. and Mrs. J. Z. Taylor spent Saturday night with their daughter, Mr. and Mrs. Judson Cook.

Mr. Capus Burnett is all smiles; it's a boy.

Mr. and Mrs. Harley Taylor visited their father and brother, Mr. and Mrs. W. F. Taylor Sunday.

Mr. and Mrs. Marion Derrick and son, J. C., visited their father, Mr. Simpson Taylor Sunday night.

GRAND JURY URGES TRIAL CONTINUED CASES

GRAND JURY MAKES SPECIAL PRESENTMENT URGING THAT CONTINUED CASES BE TRIED AT THIS TERM.

There was a slight ripple in court Monday morning when the grand jury brought in a special presentment urging the presiding judge to expedite all cases and especially such cases as had been continued from former courts. The presentment was as follows:

"Lexington, S. C., Sept. 12, 1921.
"To the Court of General Sessions of Lexington County, now in session:
"We, the Grand Jury of Lexington County, respectfully submit the following recommendation to the Court: "That it use every effort available to expedite all cases up for consideration at this term of court. This seems to us necessary to better protect society and to decrease lawlessness in the county.
"We respectfully wish this to apply in cases heretofore continued. In our opinion this will go far in maintaining due respect for our courts and in preventing mob violence.
"Respectfully submitted,
"J. H. ROBERTS,
"Foreman."

In commenting upon the presentment, Judge Sease, with some feeling, said that courts over which he presided had always been noted for the dispatch with which business had been handled and this would be the case at this term of court and no presentment from the grand jury was necessary to insure this. As to continuances, if there was merit in such questions he would grant continuances, the grand jury to the contrary notwithstanding.

Immediately after the dinner recess Judge Sease again addressed the grand jury, stating that upon deliberation he felt sure the grand jury intended no reflection upon him and had he read carefully the special presentment he would not have spoken as he did. J. H. Roberts, foreman, grand jury, responded that he was glad his honor had correctly interpreted the sentiment of the grand jury. With these statements the incident was closed.

EFFORT MADE TO CONTINUE CASE AGAINST KELLY AND GOFF

Cole L. Blease, counsel for "Newt" Kelly and Frank Goff, charged with the murder of David Shull in New Brookland last December, Monday morning moved for a continuance of the case against the defendants. The ground on which the continuance was asked was that Col. J. B. Wingard, whom Gov. Blease said was the leading counsel in the case, was ill and would not be able to appear at this term of court. He also stated that by reason of crime conditions prevailing at this time it would be prejudicial to try the defendants who, he believed to have a really meritorious defense. Judge Sease said he would take the matter under advisement and assured counsel that the case would not be tried before Tuesday of next week, at which time further argument may be had on the motion for continuance.

MAY CONTINUE SWYGERT CASE ACCOUNT ILLNESS OF DEFENDANT'S BROTHER

George Bell Timmerman, of counsel for the defense, Wednesday afternoon made a motion for a continuance of the case against Job Swygert, indicted for murder, on the ground that Mr. Swygert's brother was very ill, his recovery being doubtful. Judge Sease took the matter under consideration to await the result of the sick man's illness. Should he be sufficiently recovered before court adjourns the case will be brought to trial.

COOK CASE LIKELY COME TO TRIAL THURSDAY

The case against Julia Cook, Sara's Minnie Cook, Henry Wheeler and James Barfield, accused of the murder of Marcellus Cook, will in all probability begin tomorrow. Upon arraignment the defendants stated that they had secured no attorneys and Col. G. T. Graham, Cyrus L. Sheely, E. L. Asbill and J. D. Carroll were appointed to conduct their case.