THEY WILL HANG

Two Brutal Murderors Promptly Convicted Over in Lexington.

Whice Was Brutal in the Extreme-The Slayers of Aged Mrs. Ellison Given Quick Trial and Will Be Speedily Executed-A Very Large Crown Witnessed the Trial, but Everything Passed Off Quietly.

Ellisor at Cayce, across the river from Columbia, on Wednesday, Febton, on Tuesday of murder in the this feature was dropped. first degree and Judge James W.-De-Vore sentenced them to hand on Fri-cles found on the defendants. day, May 1. The trial consumed only about eight hours...

or Ansel to hold the special term of court ordered to try the Toland brothannounced it adjourned sine die.

ington when the train arrived, but the some meanness." engineer, exercising due caution, ran half distant, was begun. The pris-oners were extremely nervous and tia to halt for five minute periods to allow the negroes to rest, Ned Toland giving out completely.

As they neared the court building several men on the corner of the street opposite the entrance of the court house yelled three or four times, and some person loudly called, "Where are you niggers?"-but nothing was started. The crowd in front of the building cleared the way for the miliatia and prisoners and soon they were safely in the court room and the negroes seated in the dock Here a line of militia was placed on each side of the aisle, on the outer side of the bar railing, a line on each side of the aisle inside the railing and four at either corner of the prison dock.

Two yound lawyers were appointed by the Judge to defend the murderers and the defendants were then formally placed on trial and a plea of not guilty was entered as to each. Under the law a defendant can not plead guilty in a case the possible outcome of which is capital punishment. Found the Body.

Mr. Paul Ellisor, nusband of the deceased, was the first witness. He testified that when he left his home at Cayce on the morning of Feb. 26. to go to New Brookland, he left his wife there, in good health. He left his home about 7 o'clock and returned about 11. The house was locked. When he entered he found his wife's dead obdy in a clothes basket in the rear room, with clothes and quilts thrown over her. Her clothes were bloody and there were wounds on her head and face. He stated that he missed a gun, loaded shells, a razor, a coat, his wife's at that very moment Brack Toland was wearing, as the coat that was taken from hs house the morning of

His gun had been returned to him identified by witness and placed in evdence. It is a single barreled breech loader.

The axe with which the crime was evidence. He said that the axe was standing at the foot of the bed and there was blood on the table. It had been used to break open the trunk. He identified the razor, three hankerchiefs and three watch chains by Sheriff Buford.

Two chains, hankerchiefs, etc. found on Ned Toland by Sheriff Buford were identified by Mr Ellisor Witness testified that he was the first to reach his wife and when he discovered her body in the basket life was extinct. There was a bad gash in the wa of the head and another ugly wound on the side of her face. There was blood on her dress, especheriff Buford Made Arrest.

county, testified that he made the ar- lumbia and stopped at the C. N. & L. rest of Ned and Brack Toland on the depot. They caught the midday train Mowberry and Laurens railroad. The Mowberry and Laurens railroad. The 21 for Newberry. He told of their res in Columbia on the day hat arrest on the train and said that he of off by Mr. L. B. Aber- etc. o told him that Mr Adam ranted to talk with him

to this line of testimony as being here say and witness was instructed that he couldn't tell what others had said

He told of receiving information from Conductor John C. McCain of he presence in the forward part of the train that two negroes whom the conductor had suspected as having been connected with the murder. He Newberry jail. They denied any TELL OF THEIR I CRME knowledge of the crime. Later he telephoned for Mr. M. F. Fox to come to Newberry and identify the prisoners. Mr. Fox and Mr. Abernathy came up early Thursday morning and after the former identified them they

were taken to Columbia and placed in the penitentiary for safe keeping. Sheriff Buford started to tell of a defendants on the gruond that proper grounds for introducing a confession Ned and Brack Toland, the two had not been laid and on further negro boys who killed Mrs. Frances ground that the statement was made after the negroes had been told that they were in danger. The solicitor ruary 26, were convicted at Lexing- did not insist on the statement and

Sheriff Buford identified the arti-

Confessed to Capt. Griffith. Capt. D. J. Griffith, superintendent Capt. Jos. R. Allen and the Rich- of the State penitentiary, testified that land Volunteers escorted the prison- the defendants were placed in the ers to Lexington Tuesday morning penitentiary on February 27. He had from the South Carolina penitentiary a conversation with both of them in crowded to its capacity and there were make a statement about the affair. me." not less than 800 people in town to He said he had never been away from witness the trial. There was not the home before; was induced by his perfect order prevailed throughout the trip, telling him that he (Ned) knew is now. where they could get some money. He Judge DeVore of Edgefield, the said they staid around Cayce's depot newly elected judge of the Eleventh for a day or two and the morning of is what he gave: circuit was commissioned by Governthe date on which they were arrested ers. He proved an excellent presid- the house and asked for some bread. ing judge, and there was not a hitch She gave them some biscuits and they in the proceedings of the court from offered to pay for it but she refused you'll do anything. into the house to warm. Mrs. Ellisor, cocaine for three or four years.

seemed to be momentarily in fear of receiving bodily harm and three times between the station and the court and going to Irmo; that they walked to Atlanta, and he was sent to the field crops of the United States for boarding the C., N. and L. train there trouble he had with his wife. and being arrested a few minutes later by Sheriff Buford.

Capt. Griffith said he warned Brack before he made any statement that it would be used against him.

After Brack was sent back to his

Capt. C. C. Roberts of the peniten- told him to tell it. lary guard corrobated Capt. Griffith's of Corporal J. P. Harling.

Ned Toland on Stand. perity. Left home on Monday (Feb. dirt road and stopped at a lady's was the same as told by Ned. into the woods and built up a fire, staying there until late in the afterroom. He identified the coat, which and again used the waiting room to less of what the consequences were several kinds of blackbirds which at

He had but one nickel left. He and by Mr. M. P. Fox. The gun was saying that he was hungry. They them some bread. They then asked to be allowed to warm but she told them not to come in. Iney went on committed was identified and put in in awyway and he grabbed her and told her he would kill her. His brother grabbed him and told him not to kill her. He pushed her toward the back room and picked up the axe and struck her in the head. Brack turned her loose just before which were found on Brack Toland he struck her and walked out of the

Ned said he put Mrs. Ellisor's body in the basket and covered it up and then took a gun, a lot of shells, coat, etc., and locked the door of the house and left. He told Brack to get behind him and step in his (Ned's) tracks, which Brack did. They crossed the road and went through the woods toward Brookland, passing three men who were hunting. They fally around the throat. There was got something to eat in Brookland ne sign of a struggle. As soon as after he had sold the gun to Mr. Fox. could recover from the shock he Brack was worried about killing the informed his neighbors of the crime. "old woman" and told told him he "oughtn't to have done it."

M. M. Buford, sheriff of Newberry They crossed the bridge into Cot of Feb. 26 between Hilton and out but got off up the road, a few rest was made on the train. He 21 for Newberry. He told of their

Cocaine Flend.

Mr brother is innocent

BOOZE WINS FIGHT.

DISPENSARY HAS CLOSE GALL IN AIKEN COUNTY.

arrested them and took them to the With Three Small Boxes Yet to Heard From the Vote Stands 877

A dispatch from Aiken to The State says the election there Wednesresulted in a victory for the county dspensary by a very small majority. statement made by Brack Toland With all but three small boxes while in the Newberry jail, but this heard from the dispensary has a was objected to by counsel for the lead of 55, and it is probable the other three boxes will run the majority up to 100 or more.

> Great interest was taken in the election all over the county. Although the weather was threatening a large crowd was around the polls in Aiken all day, among whom were many ladies. About the time the returns began to come in it began to rain but notwithstanding this large crowds assembled around the bulletin boards and waited for the returns which came in rapidly. It was a close election. The following is the total vote: For dispensary, 877; against dispensary, 822

andthroughout the trial remained on his office a few days later. They made and I did it because I'd been taking duty, with fixed bayonets, around the voluntary statements about the Ellis- cocaine. I done it all and I just ask gion a pest; in another a blessing. prison dock. The court room was or murder. Brack was the first to for mercy and dat you don't hang

kill the woman, and if he had listenslightest sign of drunkenness and brother to accompany him on this ed to him he would not be where he

Solicitor Timmerman asked Ned to

he and Ned went to the house where it on your tongue it deadens the ton- group of birds. It is well that this Mrs. Ellisor lived. They went into gue—gives you more nerve than you is so, for the destruction of weed

did it anyhow.

Brack Toland's Story. Brack Toland testified that he had been away from home but one time \$35,000,000. cell. Ned was brought to the office before the day when Mrs. Ellisor was

testimony. The statements made by that he held Mrs. Ellisor while his almost exclusively on insects. Ned and Brack Toland were made in rbother hit her in the head with the his hearing as well as in the hearing axe. He said this was not the truth, ly birds that consume the seeds of Ned struck her. He begged Ned not white is a confirmed eater of weed Ned Toland was sworn for the de- to kill her-told him that if he want- seed. Highly esteemed as bobwhite fense. He said he was from Pros- ed anything in the house to get it. He is by the epicure for food and by was holding her with one hand and the sportsman as an object of pur-(4); told his brother that he was go- pushing his brother away with the suit, he is probably worth so much ing to Columbia. His brother and he other. Ned had hold of her with his more as a weed-destroyer that the 'beat" the local freight to Columbia. left hand and the axe was in his farmer can ill afford to have him When they reached Columbia they right hand. He turned her and his shot, even though the privilege is brother loose and ran out of the door roundly paid for. A bevy or two of Luther. After getting dinner he and went outside the house and was com- of which no thrifty farmer should his brother went to Cayce. He carried ing back up the steps when his broth- overlook. Doves also are seed eatcoal for the operator at Cayce and the er came out. Ned locked the door ers, especially the turtle-dove, whose latter allowed the two to sleep in and threw the key in the yard. They crop oftn is so packed with the seeds the waiting room. They swept out then left the house and went toward of weeds that it can hold no more. the waiting room the next morning New Brookland. Subsequent events and then they left and went up the were detailed and his story as to these

He didn't seem to realize the gravidealing with him than it would in. dealing with Ned. It appeared that skirts of the dastardly crime.

Pleaded for Mercy.

After the jury brought in the verdict of guilty the prisoners were told to stand and receive the sentence of sects, and very many more, as black the Court. Almost every man in the birds, orioles, and some hawks, de building rose to get a look at the negroes, but at the request of Sheriff of their livelihood. The little spar-Corley they quickly resumed their row-hawk lives very largely upon

why sentence of death should not be the Swainson hawk of the Western pronounced, Ned said: "I ask the court to have mercy upon me and please don't hang me. I am guilty, gether with small rodents, to save but my brother is innocent."

When the question was put to Brack he said: "I ask for the mercy of the court, but I am innocent; my brother done it."

Judge DeVore then read the sentence of the court: "That the defenden from whence they last came (peni- tation, and their relations to each confinement until Friday May 1, and puzzling. The insects that feed 1903, when they are to be taken to on vegetation at some stage or other the regular place of execution for of their existence probably encounter Lexington county, there to be hang- all others, both in number of species

sleeve brigade.

FARMER'S FRIENDS.

and Numerous Other Enemies of

The substance of this article is but a summary of an account of the work day as to dispensary or prohibition partment of Agriculture, prepared by H W. Henshaw.

> lished in 1885, with Dr. C. H. Merriam as director. The relations of the particular kinds they eat. The titles.

birds cat insects, or that they destroy crops. Birds are injurious at one time and not at another; in one re-

The Tree Sparrow Beneficial. We may roughly group our smal He said Brack begged him not to ers and the insect eaters.

explain the effects of cocaine and this designed for crushing seeds. Their "When you snuff cocaine and put tains more species than any other want-looks like it make you do any-seed is of tremendous importance to thing. Its a king of good feeling but the farmer, whose trouble to keep farmer's boy should learn to know the opening to the hour when the crier to take any pay. They then started He said he had been "snuffing" now, would be vastly increased were it not for the soberly-clad and unob-The trip was made to Lexington he said, at first made no objection to Ned declared that the story told by truste little sparrows. We may get the red-shouldered or redtail hawk, without mishap. A crowd of perhaps their warming, but that she told them Brack at Newberry was "made up." an idea of the value of the service. 100 men were at the station at Lex- that she believed they were "up to He said he told Brack to tell what he these birds render by noting what is did, "so's to keep the blame off'en done for the farmer by the tree-spar-Brack said that they grabbed her me." He said his brother had always row, one of the most confirmed seed past the staton about 300 yards, and while his brother got the axe he been a good boy, whereas he (Ned) eaters of the group. A quarter of where the soldiers detrained and, held her tight. Ned hit her in the had been in trouble often. He said an ounce of seed for a day is a safe with the prisoners in the centre of head two or three times and they he told Brack that he would shield estimate of the food of an adult company plateons, the march to Lexput her body in a basket, got some him (Ned) on account of his bad treesparrow. On this reckoning, in
ington court house, one mile and a
things out of the house and they ran, "recommendation." This makes the a State like Iowa, where agriculture fourth time he has been in jail; serv- is relatively very important, tree-They sold the gun to a man at led on the chaingang for breaking in sparrows eat about 875 tons of weed

> up the railroad from Irmo to Hilton, chain gang once on account of some the year 1906 was about \$3,500,000, He said Mrs. Ellisor begged them bined consumption of weed seed by not to kill her, but he was scared and the sparrow family results in an annual saving of only 1 per cent. of total saved to thefarmer in 1906 was

> Though seeds form the chief part and made substantially the same killed. He deniel having anything to of the subsistence of sparrows, the statement as that made by Brack, he do with the killing of Mrs. Ellisor. destruction of seeds is by no means too, being warned that he could not He said he told Sheriff Buford the all we have to thank these birds for be made to make any confession and story at Newberry in the hope of They eat many insects also, and that whatever he said would be used helping to shield his brother, that he seems to know instinctively that told what he did because his brother while seeds are excellent for adult birds, they are necessarily good for He admitted telling Capt. Griffith nestlings, and hence feed the latter

that he was not holding her when weeds. The Eastern quail or bobwhen the first blow was struck. He quail on a farm is an asset the value

birds that confine their attention to grass and weed seed, and welcomes their presence always and every-Mr. Ellisor working in the field near ty of his situation and evidently was where. There are birds, however his home. After getting something laboring under the impression that which eat such seeds as corn, wheat to eat at the lady's house they went the jury would be more lenient in and barley, and whose place in the farmer's esteem is by no means so well assured—the crow and the noon, when they returned to Capce he was after clearing himself regard- blackbirds for instance. There are as to Ned. There was nothing in times attack crops as also does the Leaving the station Wednesday his manner to give the impression crow. The destruction by the crow morning, he took some more cocaine. that the story told on the witness of meadow mice, and of cutworms stand was more truthful than that and other insect pests and the dehis brother started out, his brother which he had told Capt. Grifith and struction of many kinds of insects by Capt. Roberts, and few of the specta- the blackbirds, however, are considtosr believed that it was another ered in most localities to offset the "hatched up" story, concocked for the damage done in other ways and even sole purpose of clearing his own to leave a balance in favor of the

Birds That Eat Insects.

Many firds, as flycatchers, warblers, swallows and chimney-swifts. live exclusively, or almost so, on inpend on them for a considerable par grasshoppers, crickets and beetles and even one of the larger hawksplains-at certain seasons destroys enough of these injurious insects, tothe Western farmer upwards of a hundred thousand dollars a year If all insects preved upon vegeta-

tion, our inquiry into the value of insect-eating bires need go no further, since all of them might be set down as beneficial; but by no means ants, Ned and Brack Toland, be tak- all insects are destructive of vegeattention here, the predaceous and the parasitic. The predaceous inthe "good old summer time" is sects, either in the adult or larval
about here, as witness the shirt state, feed upon other insects and hence in the main are beneficial. It With tears in his eyes Ned said.

The time you can depend on a woas birds destroy predaceous insects

I'm do sae dat's guilty of killing man is when you can't on anybody do them harm. That birds do destroy a greater or less number can-

SOME BIRDS THEY SHOULD PRO-

according to circumstances.

of the Biological Survey of the Defor the National Geographic Magazine The Biological Survey was estab

the bird to the crops were not then well understood. It is not enough, says Mr. Henshaw, to be told that birds feed on insects; we must know fact that the crow sometimes eats corn is not sufficient evidence on which to condemn the bird. We must learn the nature of its food at all times; hence the necessity for the examination of the birds stom-

It is not enough to know that

birds into two classes—the seed eat-

The seed eaters, mostly of the and strong conical bills, especially or by moonlight; sometimes when name is legion and the family conahead of the weeds, great as it is

the value of the crops the total sum

The farmer has no quarrel with

not be dehied, but as many species of name; for while both species occa-this group secrete nauseous fluids, sionally snatch a chicken, the habit From the foregoing which serve, in a measure at least, is far too uncommon to justify the to protect them, and as many are of name "hen-hawk." The good these bounties indiscriminately for the retiring habits and not readily found, two big hawks do in the long run by heads of hawks and owls, as has the number destroyed by birds is rel- destroying rats and mice far more been done by some states, is a misatively not large. Moreover, some of than compensates the farmer for the take, and results not only in the the predaceous insects, when insect insignificant damage, he suffers at wasting of public funds, but in the food is not available, become vege- their talons.

attack insects in every stage of ex- perhaps that of the young, for last decade in certain parts of the isence and insure their destruction by depositing eggs, on, or in, the bodies of adults, their larvae (the worm or caterpillar stage), their pupae, or their eggs. Now, birds recognize no fine distinctions in the insect world. All is grist that comes to the avian mill, and parasitic insects are snapped up by birds without the slightest achs to learn not only the kinds of regard to the fact that they are use food eaten, but their relative quan- ful to man. Hence we have a complicated problem to unravel in respect to the inerrelation of insect pests, of insect parasites that destroy them and of Birds that destroy both pest

and their parasites. Hawks and Owls Beneficial.

The hawks and red owls spend most of their lives in killing small rodents Their work is complementary. Hawks hunt their prey between the hours of daylight and dark; owls hunt in Sparrow family, have stout bodies the early evening and morning hours,

pressed by hunger by day. The bulk of the depredations on birds and chickens due to hawks is committed by three species—the Cooper and sharp-shinned hawks and the goshawk; and the sportsman and the daring robbers by sight, so as to kill them whenever possible. The so-called "hen-hawks," usually either are too often made victims of a bac

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tarians, and hence assume the role | Both hawks and owls often swal- can be replaced, if at all, only with of enemies of the farmer; so that low their prey entire or in large frag- great difficulty and after the lapse when birds destroy predactous in-sects they may be doing the farmer and ven some of the feathers. Avian ular does the public, especially the either a good turn or an ill turn, digestion is both good and rapid, but sportsman and farmer, need to be The relation of birds to the so- ting such substances, and accordingly hawks. The temptation to shoot a called parasitic insects is still more both hawks and owls throw up these hawk or owl, perching or flying, is intricate and puzzling. Parasitic in- rejecta in the form of neatly rolled well nigh irresistable, and the bad sects fill a very important place in pellets. In studying the food habits habit is having the natural result of the economy of nature; it is even of birds of prey much use is made so reducing the numbers of these claimed by entomologists that they of these pellets, and the vicinity of birds as to make it impossible for do more effective service in aiding to a nest of a pair of horned owls, for the survivors to do the work nature keep true the balance in the insect instance often contains an unmistak- intended them to do. The notable world than any other agency. They able record of the birds' food, and increase of noxious rodents in the

destruction of valuable lives, which is is unequal to the task of assimila- educated more than in the value of United States and the resulting damage to crops without doubt are due in no small part to the destruction of their natural enemies, chief of which are the birds of prey.

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appear that the practice of offering

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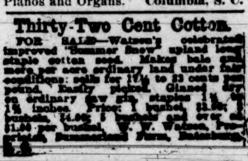
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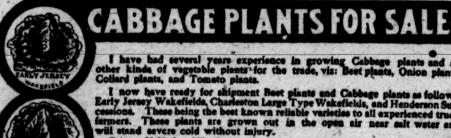






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