

# THEY WILL HANG.

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# TELL OF THEIR CRIME

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**Found the Body.**  
Mr. Paul Ellisor, husband 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 body 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 cloak and other articles from the room. He identified the coat, which at that very moment Brack Toland was wearing, as the coat that was taken from his house the morning of the murder.

His gun had been returned to him by Mr. M. P. Fox. The gun was identified by witness and placed in evidence. It is a single barreled breach loader.

The axe with which the crime was committed was identified and put in 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 hankchiefs and three watch chains which were found on Brack Toland by Sheriff Buford.

Two chains, hankchiefs, 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 top of the head and another ugly wound on the side of her face. There was blood on her dress, especially around the throat. There was no sign of a struggle. As soon as he could recover from the shock he informed his neighbors of the crime.

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"When you snuff cocaine and put it on your tongue it deadens the tongue—gives you more nerve than you want—looks like it make you do anything. Its a king of good-feeling but you'll do anything."  
He said he had been "snuffing" cocaine for three or four years.

Ned declared that the story told by Brack at Newberry was "made-up." He said he told Brack to tell what he did, "so's to keep the blame off me." He said his brother had always been a good boy, whereas he (Ned) had been in trouble often. He said he told Brack that he would shield him (Ned) on account of his bad "recommendation." This makes the fourth time he has been in jail; served on-the-chains for breaking in a store; he and "Young Bridges" robbed the Sligh postoffice and were sent to Atlanta, and he was sent to the chain gang once on account of some trouble he had with his wife.

He said Mrs. Ellisor begged them not to kill her, but he was scared and did it anyhow.

**Brack Toland's Story.**  
Brack Toland testified that he had been away from home but one time before the day when Mrs. Ellisor was killed. He denied having anything to do with the killing of Mrs. Ellisor. He said he told Sheriff Buford the story at Newberry in the hope of helping to shield his brother, that he told what he did because his brother told him to tell it.

He admitted telling Capt. Griffith that he held Mrs. Ellisor while his brother hit her in the head with the axe. He said this was not the truth, that he was not holding her when Ned struck her. He begged Ned not to kill her—told him that if he wanted anything in the house to get it. He was holding her with one hand and pushing his brother away with the other. Ned had hold of her with his left hand and the axe was in his right hand. He turned her and his brother loose and ran out of the door when the first blow was struck. He went outside the house and was coming back up the steps when his brother came out. Ned locked the door and threw the key in the yard. They then left the house and went toward New Brookland. Subsequent events were detailed and his story as to these was the same as told by Ned.

He didn't seem to realize the gravity of his situation and evidently was laboring under the impression that the jury would be more lenient in dealing with him than it would in dealing with Ned. It appeared that he was after clearing himself regardless of what the consequences were as to Ned. There was nothing in his manner to give the impression that the story told on the witness stand was more truthful than that which he had told Capt. Griffith and Capt. Roberts, and few of the spectators believed that it was another "hatched up" story, concocted for the sole purpose of clearing his own skirts of the dastardly crime.

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Asked if they had anything to say why sentence of death should not be pronounced, Ned said: "I ask the court to have mercy upon me and please don't hang me. I am guilty, 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 defendants, Ned and Brack Toland, be taken from whence they last came (penitentiary) and there be kept in safe confinement until Friday May 1, 1903, when they are to be taken to the regular place of execution for Lexington county, there to be hanged by their necks until they are dead, between the hours of 10 a. m. and 2 p. m."

The "good old summer time" is about here, as witness the shirt sleeve brigade.

# FARMER'S FRIENDS.

## SOME BIRDS THEY SHOULD PROTECT.

As They Destroy Insects, Weed Seed and Numerous Other Enemies of the Farm.

The substance of this article is but a summary of an account of the work of the Biological Survey of the Department of Agriculture, prepared for the National Geographic Magazine by H. W. Henshaw.

The Biological Survey was established in 1885, with Dr. C. H. Merriam as director. The relations of 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 the particular kinds they eat. The 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' stomachs to learn not only the kinds of food eaten, but their relative quantities.

It is not enough to know that birds eat insects, or that they destroy crops. Birds are injurious at one time and not at another; in one region a pest; in another a blessing.

**The Tree Sparrow Beneficial.**  
We may roughly group our small birds into two classes—the seed eaters and the insect eaters.

The seed eaters, mostly of the Sparrow family, have stout bodies and strong conical bills, especially designed for crushing seeds. Their name is legion and the family contains more species than any other group of birds. It is well that this is so; for the destruction of weed seed is of tremendous importance to the farmer, whose trouble to keep ahead of the weeds, great as it is now, would be vastly increased were it not for the soberly-clad and unobtrusive little sparrows. We may get an idea of the value of the service these birds render by noting what is done for the farmer by the tree-sparrow, one of the most confirmed seed-eaters of the group. A quarter of an ounce of seed for a day is a safe estimate of the food of an adult tree-sparrow. On this reckoning, in a State like Iowa, where agriculture is relatively very important, tree-sparrows eat about 375 tons of weed seed annually.

The total value of the principal field crops of the United States for the year 1906 was about \$2,500,000,000. If we estimate that the combined consumption of weed seed by the sparrow family results in an annual saving of only 1 per cent. of the value of the crops, the total sum total saved to the farmer in 1906 was \$25,000,000.

Though seeds form the chief part of the subsistence of sparrows, the destruction of seeds is by no means all we have to thank these birds for. They eat many insects also, and seem to know instinctively that while seeds are excellent for adult birds, they are necessarily good for nestlings, and hence feed the latter almost exclusively on insects.

Sparrows, however, are not the only birds that consume the seeds of weeds. The Eastern quail or bobwhite is a confirmed eater of weed seed. Highly esteemed as bobwhite is by the epicure for food and by the sportsman as an object of pursuit, he is probably worth so much more as a weed-destroyer that the farmer can ill afford to have him shot, even though the privilege is roundly paid for. A bevy or two of quail on a farm is an asset the value of which no thrifty farmer should overlook. Doves also are seed eaters, especially the turtle-dove, whose crop often is so packed with the seeds of weeds that it can hold no more.

The farmer has no quarrel with birds that confine their attention to grass and weed seed, and welcomes their presence always and everywhere. There are birds, however, which eat such seeds as corn, wheat and barley, and whose place in the farmer's esteem is by no means so well assured—the crow and the blackbirds for instance. There are several kinds of blackbirds which at times attack crops as also does the crow. The destruction by the crow of meadow mice, and of cutworms and other insect pests and the destruction of many kinds of insects by the blackbirds, however, are considered in most localities to offset the damage done in other ways and even to leave a balance in favor of the birds.

**Birds That Eat Insects.**  
Many birds, as flycatchers, warblers, swallows and chimney-swifts, live exclusively, or almost so, on insects, and very many more, as blackbirds, orioles, and some hawks, depend on them for a considerable part of their livelihood. The little sparrow-hawk lives very largely upon grasshoppers, crickets and beetles, and even one of the larger hawks—the Swainson hawk of the Western plains—at certain seasons destroys enough of these injurious insects, together with small rodents, to save the Western farmer upwards of a hundred thousand dollars a year.

If all insects preyed upon vegetation, our inquiry into the value of insect-eating birds need go no further, since all of them might be set down as beneficial; but by no means all insects are destructive of vegetation, and their relations to each other and to birds are very complex and puzzling. The insects that feed on vegetation at some stage or other of their existence probably encounter all others, both in number of species and of individuals; but there are two other classes of insects which deserve attention here, the predaceous insects, either in the adult or larval state, feed upon other insects and hence in the main are beneficial. It would seem, therefore, that in so far as birds destroy predaceous insects do them harm. That birds do destroy a greater or less number of

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Two young 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, husband 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 body 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 cloak and other articles from the room. He identified the coat, which at that very moment Brack Toland was wearing, as the coat that was taken from his house the morning of the murder.

His gun had been returned to him by Mr. M. P. Fox. The gun was identified by witness and placed in evidence. It is a single barreled breach loader.

The axe with which the crime was committed was identified and put in 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 hankchiefs and three watch chains which were found on Brack Toland by Sheriff Buford.

Two chains, hankchiefs, 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 top of the head and another ugly wound on the side of her face. There was blood on her dress, especially around the throat. There was no sign of a struggle. As soon as he could recover from the shock he informed his neighbors of the crime.

**Sheriff Buford Made Arrest.**  
M. M. Buford, sheriff of Newberry county, testified that he made the arrest of Ned and Brack Toland on the night of Feb. 26 between Hilton and Little Mountain, on the Columbia, Newberry and Laurens railroad. The arrest was made on the train. He was in Columbia on the day that Mrs. Ellisor was murdered. Intended taking 7.35 train for Newberry, but was called off by Mr. L. B. Abernathy, who told him that Mr. Adam Smith wanted to talk with him.

Mr. Smith made a series of objections to this line of testimony as being hearsay and witness was instructed that he couldn't tell what others had said to him.

# WHEN

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