

THEY WILL HANG.

Two Brutal Murderers Promptly Convicted Over in Lexington.

TELL OF THEIR CRIME

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

Ned and Brack Toland, the two negro boys who killed Mrs. Frances Ellisor at Cayce, across the river from Columbia, on Wednesday, February 26, were convicted at Lexington, on Tuesday of murder in the first degree and Judge James W. DeVore sentenced them to hang on Friday, May 1. The trial consumed only about eight hours.

Capt. Jos. R. Allen and the Richard Volunteers escorted the prisoners to Lexington Tuesday morning from the South Carolina penitentiary and throughout the trial remained on duty, with fixed bayonets, around the prison dock. The court room was crowded to its capacity and there were not less than 800 people in town to witness the trial. There was not the slightest sign of drunkenness and perfect order prevailed throughout the day.

Judge DeVore of Edgefield, the newly elected judge of the Eleventh circuit was commissioned by Governor Ansel to hold the special term of court ordered to try the Toland brothers. He proved an excellent presiding judge, and there was not a hitch in the proceedings of the court from the opening to the hour when the errier announced it adjourned sine die.

The trip was made to Lexington without mishap. A crowd of perhaps 100 men were at the station at Lexington when the train arrived, but the engineer, exercising due caution, ran past the station about 300 yards, where the soldiers detoured and, with the prisoners in the centre of company platoons, the march to Lexington court house, one mile and a half distant, was begun. The prisoners were extremely nervous and seemed to be momentarily in fear of receiving bodily harm and three times between the station and the court house it was necessary for the militia 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 militia 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 outside 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 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 the 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 handkerchiefs and three watch chains which were found on Brack Toland by Sheriff Buford.

Two chains, handkerchiefs, 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

BOOZE WINS FIGHT.

DISPENSARY HAS CLOSE CALL IN AIKEN COUNTY.

With Three Small Boxes Yet to be Heard From the Vote Stands 877 to 822.

A dispatch from Aiken to the State says the election there Wednesday as to dispensary or prohibition resulted in a victory for the county dispensary by a very small majority. With all but three small boxes heard from the dispensary has a 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.

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. Intending taking 7.25 train for Newberry, but was called off by Mr. L. B. Abernathy, who told him that Mr. Adam D. Shall wanted to talk with him about this murder.

There were 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.

He told of receiving information from Conductor John C. McCain of the presence in the forward part of the train that two negroes whom the conductor had suspected as having been connected with the murder. He arrested them and took them to the Newberry jail. They denied any 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 statement made by Brack Toland while in the Newberry jail, but this was objected to by counsel for the defendants on the ground that proper grounds for introducing a confession had not been laid and on further ground that the statement was made after the negroes had been told that they were in danger. The solicitor did not insist on the statement and this feature was dropped.

Sheriff Buford identified the articles found on the defendants. Confessed to Capt. Griffith.
Capt. D. J. Griffith, superintendent of the State penitentiary, testified that the defendants were placed in the penitentiary on February 27. He had a conversation with both of them in his office a few days later. They made voluntary statements about the Ellisor murder. Brack was the first to make a statement about the affair. He said he had never been away from home before; was induced by his brother to accompany him on this trip, telling him that he (Ned) knew where they could get some money. He said they staid around Cayce's depot for a day or two and the morning of the date on which they were arrested he and Ned went to the house where Mrs. Ellisor lived. They went into the house and asked for some bread. She gave them some biscuits and they offered to pay for it but she refused to take any pay. They then started into the house to warm. Mrs. Ellisor, he said, at first made no objection to their warming, but that she told them that she believed they were "up to some meanness."

Brack said that they grabbed her and while his brother got the axe he held her tight. Ned hit her in the head two or three times and they put her body in a basket, got some things out of the house and they ran, going through the woods a piece. They sold the gun to a man at New Brookland and then went to Columbia, taking the train from there and going to Irmo; that they walked up the railroad from Irmo to Hilton, boarding the C., N. and L. train there 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 cell, Ned was brought to the office and made substantially the same statement as that made by Brack, he too, being warned that he could not be made to make any confession and that whatever he said would be used against him.

Capt. C. C. Roberts of the penitentiary guard corroborated Capt. Griffith's testimony. The statements made by Ned and Brack Toland were made in his hearing as well as in the hearing of Corporal J. P. Harling. Ned Toland on Stand.
Ned Toland was sworn for the defense. He said he was from Prosperity. Left home on Monday (Feb. 24); told his brother that he was going to Columbia. His brother and he "beat" the local freight to Columbia. When they reached Columbia they



—Bush in New York World.

went to a restaurant. He bought some cocaine from a negro named Luther. After getting dinner he and his brother went to Cayce. He carried coal for the operator at Cayce and the latter allowed the two to sleep in the waiting room. They swept out the waiting room the next morning and then they left and went up the dirt road and stopped at a lady's house and got something to eat; saw Mr. Ellisor working in the field near his home. After getting something to eat at the lady's house they went into the woods and built up a fire, staying there until late in the afternoon, when they returned to Cayce and again used the waiting room to sleep in.

Leaving the station Wednesday morning, he took some more cocaine. He had but one nickel left. He and his brother started out, his brother saying that he was hungry. They went up to Mrs. Ellisor's and she gave them some bread. They then asked to be allowed to warm but she told them not to come in. They went on in anyway 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 he struck her and walked out of the house.

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 got something to eat in Brookland after he had sold the gun to Mr. Fox. Brack was worried about killing the "old woman" and told him he "oughtn't to have done it."

They crossed the bridge into Columbia and stopped at the C. N. & L. depot. They caught the midday train out but got off up the road, a few miles. They walked from Irmo to Hilton, where they caught train No. 21 for Newberry. He told of their arrest on the train and said that he lied to sheriff Buford about their names and where they were from.

Cocaine Fiend.

With tears in his eyes Ned said, "I'm de one dat's guilty of killing dat 'owman. Mr. brother is innocent and I did it because I'd been taking cocaine. I done it all and I just ask for mercy and dat you don't hang me."

He said Brack begged him not to kill the woman, and if he had listened to him he would not be where he is now.

Solicitor Timmerman asked Ned to explain the effects of cocaine and this is what he gave:

"When you snuff cocaine and put it on your tongue it denses 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 on 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 chain gang 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 anyway.

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.

Pleaded for Mercy.

After the jury brought in the verdict of guilty the prisoners were told to stand and receive the sentence of the Court. Almost every man in the building rose to get a look at the negroes, but at the request of Sheriff Corley they quickly resumed their seats.

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, 1908, 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."

TERRIBLE EXPLOSION.

Towns Within a Radius of Eighteen Miles Damaged.

Many men were reported killed, several fatally injured, and a number missing in an explosion early Tuesday morning at the Aetna mills of the Dupont Powder company, near, Millers, Ind.

The shock of the explosion was heard 18 miles away. The wrecked plant employed from 150 to 200 men in the day time, but the full force was not at work when the disaster occurred.

The night shift had just completed its task when the death-dealing blast startled the town. Houses were dismantled and windows broken hundreds of yards away from the scene. At Chesterton, Ind., harbor, Gary and Dane Park, a dozen or more miles distant, citizens thought an earthquake was upon them. Physicians and nurses were hurried to the scene. A number of the injured were removed to the new hospital at Gary on trains over the Lake Shore, and Baltimore and Ohio, and Wabash.

THE HANDWRITING.

LEAPED FROM TRAIN.

MR. ELY E. SMITH OF HARTSVILLE COMMITS SUICIDE.

Jumped Out of Window Without Warning and Died After Being Carried to Columbia.

The State says as train No. 53 on the Atlantic Coast Line reached the 17-mile post, nearing Columbia, Tuesday morning, Ely E. Smith, demented and under escort to the State Hospital for the Insane, raised himself out of the seat in the smoking car and dashed out of the window. The act was done before any of the horrified passengers could stop the unfortunate man and when the train was stopped and the body recovered it was seen that there was very little chance of recovery. Within a few minutes after arrival in Columbia he died and his body was at once shipped back to his home in Hartsville.

Mr. Smith has for two years had mental trouble, being injured by a fall from a building. He never recovered from the result of the injuries received by this fall and while not violent his mind gradually grew weaker and it was decided to place him in the State Hospital for the Insane.

He was carried to Columbia, escorted by the chief of police of the town, P. H. Kirkpatrick, and by Dr. J. L. Powe, who was on his way to the meeting of the State Medical association in Anderson. The man was always quiet, although his two companions deemed it best to keep a close watch on his movements. When Chief Kirkpatrick left his seat for a minute a stranger who came into the car took his place beside the lunatic and a second later Smith had raised himself out of the car and disappeared out of the open window.

Railroad Commissioner Earle, who was on the car, had the train stopped and a short distance back the body was found. The man was unconscious and a hasty examination showed that he had no chance for recovery.

On arrival at Columbia he was given medical attention but died within a few minutes of removal from the train. The body was shipped back to Hartsville to the family for interment. Chief Kirkpatrick and Dr. Powe regret the affair very much but according to the statement of those who witnessed the suicide nothing could have stopped the unfortunate man from his deed.

KILLED HIMSELF.

An Old Man Follows Advice of Dr. Osler.

When a man after an active life finds himself without an opportunity to continue his activity and through reverse fortune is without means of livelihood to retain honor and prevent himself from becoming a burden on his fellowmen, it is desirable that he follow the proposition attributed to Osler. I, therefore, deem it expedient to do so.

The above abstract from a letter found on the body of Joseph Child, who committed suicide Tuesday at his boarding house in 177th street, in Chicago, by inhaling illuminating gas explains his reason for his deed. Sixty-five years old without friends or relatives, out of employment and with no prospect of finding work and with his little savings rapidly dwindling away, Child chose to go to a suicide's grave rather than become a burden on the community.

LOST BOTH LEGS.

The Very Sad Fate of An Augusta Georgia, Boy.

The Augusta Herald says Tracy Owens, an 11-year-old white boy, was run over the other morning in the upper Harrisonville yards of the Georgia railroad, at the north end. Both legs were severed from his body. He was at once carried to the city hospital, where an operation was performed, and he may recover although it is considered quite doubtful.

The Georgia railroad officials state that engine five was in the act of taking the cab from the engine in order to leave it on a separate track, when Owens, who is said to hang around the place often endeavored to swing aboard the cab. His footing slipped and legs were severed. The cab was at once connected up and t he boy sent to the hospital. It is stated that young Owens had been frequently warned to stay away from the place.

CHURCH THIEF.

Woman Arrested for Robbing Worshipers While at Prayer.

As she rose from her knees, crossed herself devoutly and walked out of St. Elizabeth's Roman Catholic church, in Chicago on Sunday, May O'Hara, alias May Miller, was arrested by a police sergeant and three patrolmen for stealing the purses of worshippers. The woman's room, which she occupies with Frank Cunningham, a former pockey, were found to contain between forty and fifty purses and handbags, all of which are supposed to have been stolen by May O'Hara while she was pretending to be in prayer and was in reality searching the seats in front of her for plunder.

WITH BRYAN

And a Strong Running Mate Will Certainly Win Says

SENATOR TILLMAN.

He Thinks the Democrats Have a Magnificent Chance to Win in November—In the Northwest He Found Thousands of Republicans Who Will Vote for Bryan Because He Is With Roosevelt on Reform.

A special dispatch from Atlanta to the Charleston Post says Senator Tillman is much improved at the sanitarium, but is still weak. In an interview he says:

The Democrats have a magnificent chance to win. There is a spirit of unrest and discontent in the Republican party. With Bryan and a strong mate we can win.

Everything now points to Taft as the Republican nominee. He is supposed to typify Rooseveltism, but I believe he would be a different man as President. I do not believe Roosevelt or any other man could control him.

"In the Northwest I found thousands of Republicans who will vote for Bryan because they know he stands for the things Roosevelt stands for. Of course, the old conservative Democrats would probably go to the Republican nominee."

Senator Tillman expects to sail for Europe in a few weeks. He may decide to take a cattle steamer for the long slow trip and ocean air. He is able to take short walks.

DON'T WANT TAFT.

Negro Bishop Creates a Great Sensation in New York.

Bishop Alexander Walters, head of the African Methodist Episcopal Zion church in New York city, created something like a sensation among the colored worshippers of his denomination Tuesday by delivering himself of a bitter attack on President Roosevelt for the part he has played in the Brownsville affair, and declaring that Taft was unfit to be the negro's candidate for the presidency because he was with Roosevelt, a party to what the bishop termed "a deliberate plot to discredit the negro race for political purposes."

That the bishop's denunciation of the president and Secretary Taft did not fall on ears altogether appreciative was evidenced before the last clause of his letter had been read. Several of those present allowed them selves the privilege of groans of disapproval, and at the end Rev. Dr. Parks, chairman of the meeting, called attention as delicately as he could to the fact that the meeting was not to discuss politics, but to consider the education of the members of the race.

MYSTERIOUS MURDER.

A New York Woman Found Stabbed in Her Bed.

Mrs. Isaac Lieberman, described by her neighbors as the most beautiful woman in the Bronx, was murdered in bed at her home, No. 706 Courtlandt avenue, New York, Tuesday. Her husband, who conducts a shirtwaist store at No. 759 Melrose avenue, a block away, is under arrest on suspicion.

Mrs. Lieberman was stabbed twice as she slept, with a long dagger wielded by a powerful arm. One of the wounds is through her throat. The other is through her breast, penetrating both lungs. The knife was driven in from the left side of her body as she lay on her right side in slumber.

Lieberman and his wife occupied a flat on the second floor of an apartment house at the Courtlandt avenue address. They were childless and kept no servant. According to other tenants in the house they appeared to be as happy as the average married wife.

YOUNG MAN DROWNED.

Boat Upsets on Pacolet Mill Pond Near Spartanburg.

A dispatch from Spartanburg to The News and Courier says while shooting daddipers from a boat on the pond at Pacolet Mills Saturday afternoon, P. Kirby, aged 18 years, was drowned. The body was recovered Saturday night and the inquest held Sunday. The jury returned a verdict of accidental drowning.

Kirby, William French and a young man named Bryant got in the boat and started up the river on a fishing trip. Kirby carried a shot gun and commenced to shoot daddipers. Bryant took the gun to try his luck. Kirby, in turning the boat, caused it to dip and the three men tumbled into the stream. Kirby went down immediately, but Bryant and French reached shore. The water was drawn from the pond and Kirby's body was found in the mud.