

The Mount Airy News.

VOL. XXXVII

MOUNT AIRY, NORTH CAROLINA, THURSDAY, MAY 23, 1912

NO. 46

FLOYD ALLEN CONVICTED OF MURDER

After Deliberating Twenty Hours Jury Returns a Verdict Which Carries with it Death Punishment

Wytheville, Va., May 17th.—Floyd Allen's jury today found him guilty of murder in the first degree. Death in the electric chair is the penalty.

After a night of deliberation which at one time threatened a disagreement, the jury filed into court this morning and delivered its verdict. Sentence was deferred, as Allen may be called as a witness in the trials of his kinsmen who are also charged with the five murders in Carroll county court at Hillsville on March 14, when the Allen gang swooped down out of the Blue Ridge and all but one wiped out the human fabric of the institution. Clerk Goad was the only official who escaped.

A sparsely filled court room heard the end of the trial. Some thought that fear of an outbreak such as marked the adverse verdict at Hillsville might be seen today. It was impossible, however. Officers searched all who entered the room.

The other prisoners probably will be tried immediately. Friel, Claude, and Victor Allen, Byrd Marion and Sidna Edwards are under indictment for the murders, while Sidna Allen and Wesley Edwards, two other members of the gang, are defying capture in the fastness of the Blue Ridge.

Looked Like Mistrial Once.

When the court opened the trial, the man questioned by Judge Staples. The jurors declared there were a number of points of difference existing in the panel and it was doubtful whether a verdict could be reached. Judge Staples declared the case was one of much magnitude, he felt he must send the jury back with a few words of caution and advice. He said when a number of men were thrown together in intimate isolation for a long period of time, with all their thoughts and attentions centered upon one matter, it was but natural there should be a tendency to different views and positions. Along with this tendency, he said, there was another tendency of the human mind to fix deep rooted in ones own mind unwarranted opinion in an earnest effort to convince others.

Judge Staples declared the jury had not been sworn other than to reach one conclusion—the guilt or innocence of the accused. He said if the jurors lost sight of that issue in any private individual opinion, they would do wrong to themselves, an unintended violence to their solemn obligation and grave injustice either to the commonwealth or the accused.

"Guilty as Charged"

The jury again retired and it was but a short time before announcement was made an agreement had been reached. When court reassembled the foreman read the verdict of "guilty as charged in the indictment."

Judge Staples held that was not the proper form. The foreman then explained that the verdict was one of guilty in the first degree, then penalty being electrocution.

Floyd Allen was charged specifically at this time with the murder of Commonwealth's Attorney William M. Foster, prosecutor in the Carroll county courthouse at Hillsville last March when the trial of Floyd Allen culminated in the killing of five persons. The news of the shooting up of the court created a sensation and sent a thrill of horror throughout the country.

The tragedy created a panic in the little mountain side town of Hillsville where the inhabitants always held the Allen clansmen in deadly terror. Arrests of several of the Allens followed the shooting, but five of the prin-

cipals escaped to the mountains. Rewards for their arrest resulted in three of them being taken, but Sidna Allen, leader of the clan, and Wesley Edwards, his nephew, are still at large.

On the first ballot taken by the jurors the vote stood 10 for murder in the first degree and two for murder in the second degree. This vote remained practically unchanged until Judge Staples had addressed the jurors again this morning after they had announced they were unable to reach an agreement.

The verdict came as a distinct surprise as it was thought the jury was hopelessly divided. One of the twelve men is known to have said previous to being summoned for jury duty that "you can't always get justice in courts and maybe the Allens were not far wrong," and the attorneys for the commonwealth had made arrangements to arrest him on a charge of perjury should he bring about a disagreement. This morning he agreed to a verdict.

How The Jury Stood.

The jury stood ten for first degree and two for second degree murder on the first ballot. Jurors James and Williams constituted the minority. Last night James came over. Mr. Williams held out. Clerk Goad was the aggressor or had given the Allens strong provocation at the Hillsville court-house. After the special instructions of the judge this morning Mr. Williams joined the majority and made the verdict unanimous.

The prisoner had nothing to say to the Baldwin-Felts men who assisted him down the stairs and steps and rode with him in the automobile to the jail. He seemed somewhat downcast, but the expression of his face was as usual as he went through the streets, sitting in his customary place by the driver. He began yesterday to use crutches, and with these travels very well on level surface.

He wished to make a statement to the jury, merely that it had convicted an innocent man, was dissuaded by Mr. Willis, who, however, was willing to have that statement go to the public.

No Excitement in Court.

All the proceedings were quiet, decorous and formal. There was no scene, no excitement, not a tear or a symptom of nervousness anywhere. After disposing of the motion for new trial, Judge Staples took up the next case and put the Floyd Allen trial aside as a closed incident. He first thanked the jury, expressing his sympathy for its members in the long test to which their patience and endurance had been put, and saying that the court and State appreciated their service. Judge Campbell, who would succeed him, had undertaken, in case any of the members are drawn on a jury within the next two years, to excuse them if they would mention that they had served on this jury. He then ordered the jury discharged and the members crowded out together, free men once more and drawing deep breaths of relief.

In his remarks before overruling the motion for new trial the judge said he sanctioned the verdict, which seemed to him to be required by the evidence. The motion and the overruling order are docketed and may be argued next week. The attorneys for the State said they had no argument to present on the motion of Mr. Willis.

After the jury had been dismissed, Judge Staples said he understood the Commonwealth

had agreed to try Claude and Victor Allen together. Mr. Wysor promptly replied that the Commonwealth had not so agreed. It elected to try Claude Allen first and separately.

Claude's Trial Next Week.

Mr. Willis suggested that the defense had the right to know on what specific charge Claude Allen is to be arraigned.

Mr. Wysor said this defendant will be charged directly with the murder of Judge Massie.

The court ordered that the witnesses for the Commonwealth be summoned here for Wednesday. A new venire will be called for Monday. The witnesses for the defense will be summoned for Monday, May 27. An officer will be sent to Carroll to gather up the witnesses for the defense and he may be accompanied by any person counsel for the defendants may designate.

Verdict Pleases Wytheville.

The verdict is the cause of general satisfaction among Wytheville people, who seem to regard it as a vindication of their town and county.

By a coincidence, the day of Floyd Allen's conviction here, in mid May, is almost exactly such a day as that on which his crime was committed March 14—cold, dark, lowering clouds with promise of slow, chilly rain or snow in the heavy clouds.

"There seems to be a cursed streak of fatalism among the Allens."

Floyd Bears Up Well.

Floyd this afternoon is quite cheerful and says he does not feel that his time has come to die and does not believe he will go to the chair.

Claude shares this feeling and says he does not believe his

brother is more despondent than the others.

Wall Street Regards Democratic Success as Certain.

Charlotte Observer.

Writing in the Wall Street Journal, Holland, the well-known newspaper correspondent, declares Wall Street to have become so thoroughly convinced of the Democratic party's destined sweep to power next fall that it no longer puzzles its head over the matter at all. The Wall Street Exchange, which is the country's speculative center, and the Wall Street of the New York Clearing House Association, which is the country's financial center, entirely agree upon this view. So, while Wall Street is not indifferent, it regards the political skirmishes now in progress with the eyes of an observer rather than a participant. The unprecedented agitation and turmoil of this year's pre-convention politics might as well have taken place in Europe. It is held that the Republican party is split wide open and that the Democratic party will triumph on election day, no matter who the candidate may be. Also, that the Democratic majority in the House and that as soon as State elections for United States Senators can take place the Democrats will exercise complete control. Conjecture regarding the probable Democratic nominee therefore absorbs most of the active interest felt. Some Wall Street men are inclined to the view that he will be a man who has not been supported in any of the presidential preference primaries. Mayor William J. Gaynor, of New York, is regarded as a distinct possibility. But, according to this very competent observer, the opinion gains ground daily that a strong effort to nominate Colonel William J. Bryan will be made.

You Know what I want—NATIONAL OATS

Helps a Judge in Bad Fix.

Justice Eli Cherry, of Hills Mills, Tenn., was plainly worried. A bad sore on his leg had baffled several doctors and long resisted all remedies. "I thought it was a cancer," he wrote. "At last I used Bucklen's Arnica Salve, and was completely cured." Cures burns, boils, ulcers, cuts, bruises and piles. 25 cents at E. H. Hennis Drug Co.

FORMER MINISTER PAYS PENALTY.

Clarence Richeson, Confessed Poisoner of Avis Linnell, Dies in Electric Chair.

Boston, May 21.—Clarence V. T. Richeson was electrocuted at 12:17 this morning.

The current was turned on at 12:10.2, and the prisoner was declared totally dead at 12:17.

The former Baptist clergyman, confessed poisoner of Avis Linnell, of Hyannis, his one-time sweetheart, was outwardly calm when he entered the death chamber and he maintained his composure while the straps and electrodes were being adjusted as he sat in the electric chair.

Richeson walked to the chair erect, eyes straight ahead until he sat down. Then he closed his eyes and kept them shut until the end.

Seated in the chair, he was asked a series of questions by the Rev. Herbert S. Johnson, his spiritual adviser.

Answered Questions In Death Chair.

During his answers he said: "God will take care of my soul and I pray for all. I forgive everybody."

The last of the questions was: "Are you willing to die for Jesus sake?" the reply, in an even, well modulated tone, was simply, "I am willing to die."

The current applied was 1,900 volts, eight amperes. One application was sufficient.

When the officials and witnesses of the execution entered the death chamber after walking through the prison yard in a pelting rain they heard sounding through the walls the strains of song. It was Richeson and his spiritual advisers, Mr. Johnson and Chaplain Stebbins, singing. Distinctly audible as they closed were the words: "For I know, what'er befall me, Jesus doeth all things well."

Richeson left his cell smiling at 12:08. Before starting on the death march he shook hands with William A. Morse, his counsel, who at the last moment had been admitted as a witness of the execution, and with the two chaplains, the Rev. M. J. Murphy, the Catholic prison chaplain, being also present.

The party then entered the chamber, Richeson, accompanied by the clergymen, followed soon after, the unrobed minister appearing as calm as either of his companions.

Death Powder Sent Richeson.

Among many letters addressed to Richeson which were opened by Warden Bridges today was one which was found to contain cyanide of potassium. It was mailed from station N., New York city, on May 19, at 3 p. m. It contained no clue to the sender, the powder being enclosed in a small sub-envelope marked, "headache powders." An analysis developed that it was poison of the same nature as that which killed Avis Linnell.

Brother Wouldn't See Him.

Richeson reflected yesterday that he probably had less than 12 hours to live, and expressed a desire to see his brother, Douglas Richeson, of Chicago, who is in the city. The former clergyman told his spiritual adviser, the Rev. Dr. H. S. Johnson, that he could meet his brother without fear of collapsing. He had reconciled himself to his fate, he added, and felt that he was at peace with God and the world. Douglas Richeson decided that he would not go to his brother.

The condemned man slept soundly for four hours yesterday morning, after being awake nearly all night. He was calm and even cheerful at times during the night, occasionally singing a hymn or repeating his favorite scriptural passages.

What Texans Admire is hearty, vigorous life, according to Hugh Tallman, of San Antonio. "We find," he writes, "that Dr. King's New Life Pills surely put new life and energy into a person. Wife and I believe they are the best made." Excellent for stomach, liver or kidney troubles. 25 cts at E. H. Hennis Drug Co.

BECOMES DEFIANT FOR FIRST TIME

"If They Would Give me a Gun I Never Would be Electrocuted," Floyd Cries, in One of his Fits of Temper

Wytheville, Va., May 17th.—

Convicted this morning of murder in the first degree, involving sentence to death in the electric chair after he has been allowed to give evidence for his sons and kinsmen, involved with him in the slaughter of the court officials at Hillsville, Floyd Allen broke loose suddenly this afternoon.

Before he left the court room but after all the spectators had gone, he ceased from twirling and twisting at his strong mustache and leaned over from his chair and kissed his wife, pallid and cold and enveloped in black with a little white ruching from her throat to her breast. When she went to the jail to tell him goodbye before she left for their home in Carroll, he allowed his tears to flow. Like the other Allens, he always has been a faithful and considerate husband.

In a Sarcastic Mood.

After Mrs. Allen and Jack and Garland had left him, Floyd Allen fell into a lightsome and defiant mood, under the influence of the reassuring words of his lawyers and said to the Baldwin-Felts men, guarding him, that "they put one over on me this morning, but I have friends yet in Carroll and they will see me going to the electric chair with a sarcastic inflection."

Guards on the Alert.

Two hours later on eof the fits of temper that mark the Allen clan and made the members of it terrible seemed to come upon him. Having lain quiet on his cot, he turned suddenly and shouted: "If they would give me a couple of guns I never would be electrocuted!"

The only result was that the guards redoubled their vigilance. The Baldwin-Belts people interpret the exclamation to mean that their prisoner's ambition and strong desire in his moments of temper is to kill some of those around him and then himself.

Juror Was Near Arrest.

The country is spared a sensation, it now develops, by the agreement of the jury. It is understood that if one man had hung out and prevented a verdict he would have been arrested for perjury as soon as the jury was dismissed, because there was evidence that he had formed and expressed an opinion which he swore he had not done. Of course the juror could not by any possibility have known what was being said of him and was intended for him. As his reported expressions were favorable to the defense there can be no challenge from that source of the verdict to which all finally agreed.

Floyd Had a Fair Trial, Says Oglesby.

Bristol, May 17.—"Floyd Allen got a fair trial," asserted Judge N. P. Oglesby, who returned to Bristol this afternoon, after spending three weeks in defense of the Carroll county clansman. "Judge Staples was fair to the defense throughout."

Judge Oglesby said that a writ of error would at once be asked. Under the Virginia practice an appeal does not come as a matter of right, but only by permission of the higher court, after it has considered the grounds for appeal.

Judge Oglesby said that Floyd Allen's case was prejudiced by the fact that during the trial he was so heavily guarded as to give the impression to the jury that he is a desperado, that even though his leg is broken, is likely to shoot up another court. Judge Oglesby is more hopeful of saving young Claude Allen, whose trial will be begun Saturday.

CLAUDE'S TRIAL BEGINS.

Commonwealth Expects to Send Him to the Chair for Murder of Judge Massie.

Wytheville, Va., May 20.—The trial of Claude Allen, son of Floyd Allen, convicted last week of murder in the first degree in the Wytheville court, started this morning with Judge Waller R. Staples, of Roanoke, presiding. Court convened at 9:30 o'clock, with a large attendance, including 100 veniremen summoned from every section of Wythe county.

During the morning session the time was taken up in an endeavor to secure a jury, and out of 34 veniremen examined, seven were accepted.

Of the 34, nine were excused on account of having conscientious scruples regarding capital punishment. One man, Greek Neff, stated that he was scheduled to be married on Wednesday to a Wythe county lady, and Judge Staples considered this sufficient cause for excusing him. He was told to stand aside, greatly to his own satisfaction and to the amusement of the court officers and spectators.

A new plan was adopted in handling the present venire. They were all examined in a room

men was examined in a room required to remain in the room. All jurors examined, whether accepted or not, were forbidden to talk to anyone else about what questions were put to them. In this way any confusion has been prevented by those who have been excused talking to prospective jurors, and furnishing to them any clues by which they might render themselves incompetent.

Of the seven men selected so far one is a miller by trade and the remainder are farmers. They are all married with the exception of Miller Copenhagen, who is the youngest man yet to qualify. They range in age from 35 to 55 years. So far the jury is composed of much older men than those who served in the trial of Floyd Allen.

Judge D. W. Bolen, who testified in Floyd's trial that he saw Claude fire one of the shots that pierced Judge Massie, will testify in this trial and is believed his testimony alone will be enough to send Claude to the electric chair.

Gyves upon his wrists, Claude was brought into court this morning. He walked over from the jail. The automobile which was in evidence during the trial of his father, Floyd, was absent.

Arriving in the courtroom, one of Claude's hands was released, the other handcuff being left on so that he might be readily secured.

The young prisoner chatted with his guards and spoke pleasantly to those who greeted him. He watched every movement in the room with the keen and unsophisticated interest of a child. The prison pallor has not detracted from his look of vigorous health. He wore a light suit, neat shoes and lavender tie. Clean-shaven, with black hair slightly curly and well brushed, Claude's presence was good and he made a better court-room impression than Floyd.

The probability that the youth will die in the electric chair with his father has heightened the interest in this case. On the other hand, the expectation that much time would be consumed in the comparatively tiresome work of getting a jury, kept down the attendance this morning.

When court opened the only lawyers for the defense present were R. H. Willis, of Roanoke, and Judge N. P. Oglesby, of Bristol. All five of the state's attorneys were in their places.