

means that the subscriber to this copy of The News is behind on subscription. Please make a payment as soon as convenient.

# The Mount Airy News

VOL. XXXII

MOUNT AIRY, NORTH CAROLINA, THURSDAY, APRIL 4, 1912

NO. 39

## APPEALS FOR CHANGE OF VENUE.

### Floyd Allen Through His Counsel Asks Judge Staples to Remove Case From Carroll—Full Text of His Petition.

Roanoke World, 30th.

This afternoon Judge Staples is hearing a motion from Messrs. Hairston, Hairston and Willis acting as counsel for Floyd Allen, for a change of venue; that is for the transfer of his case from Carroll county to some other place. Representing the prosecution and strenuously opposing any such plan are Commonwealth's Attorney Landreth, of Carroll; J. C. Wyster and John S. Draper, of Pulaski, and W. S. Poage, of Wytheville.

Three questions were presented to Judge Staples, as follows:

That Victor Allen be granted bail.

That those attachments against the property of the Allens be quashed.

That the case be transferred from Carroll county to Roanoke.

As to bail for Victor the court declined to take any action at present.

As to the attachments, the court will hear argument on April 11th in Wytheville.

The question of venue is being argued. Judge Staples may render a decision some time today.

Following is Floyd Allen's petition filed in Judge Staples' court:

Judge of the Circuit Court for the County of Carroll, Va.

Your petitioner, Floyd Allen, respectfully presents unto your honor as follows:

1. That on the 14th day of March 1912, there occurred in the court room of the court house in Carroll county an encounter between certain of the court officials and your petitioner and others at the time of which a number of shots were fired by various persons in the court room and the Commonwealth's Attorney, Wm. M. Foster, the sheriff, L. F. Webb, the judge of court, Thornton L. Massie, a juror, —Powler and a bystander, Miss Bettie Ayers, were killed; that your petitioner, the clerk of the court, and various others were wounded, and that your petitioner, jointly with seven others, to-wit: Sidna Allen, Friel Allen, Victor M. Allen, Claude Allen, Wesley Edwards, Sidna Edwards, and Byrd Marion, have been indicted on the charge of murdering the said persons who were killed as aforesaid.

2. That there prevailed in Carroll county, and Hillsville, the county seat of the county aforesaid, intense public excitement on the part of many citizens of Carroll county feelings of great bitterness and hatred to your petitioner at the time of the shooting and up to the present time, so that a number of persons who would naturally collect in and about the court room at the time that any trial of the petitioner might be held in Carroll county, were not only unfriendly, but bitterly antagonistic towards your petitioner.

3. At or immediately after the shooting, the deputy sheriffs of Carroll county who had assumed the duties of the sheriff, called upon the governor of the state of Virginia to send troops or other aid to Carroll county, and in pursuance thereof, the Governor of Virginia ordered to Carroll a captain of the state militia at Roanoke city, to come to Hillsville with several of his aids and lieutenants, which the said captain did, and has ever since remained in Hillsville for the purpose of apprehending persons who were jointly indicted with your petitioner, and for the protection of the persons including your petitioner while he was in Hillsville, after they were arrested.

4. That a large part of the county of Carroll is being controlled and under the domination and control of the said armed force of detectives or posse of men, and that any sympathizers or persons disposed to be in sympathy with your petitioner or to assist in the conduct of his trial are thoroughly terrorized and fearful lest they be arrested on some charge in connection with or complicity with your petitioner and put to the expense of a long and tedious criminal defense.

5. Any trial which would be held at Carroll county must be held in the court room which was the scene of the sad and unfortunate occurrence, and it would be unfair and unjust to your petitioner to try him by a jury and court sitting in the scene of this tragic occurrence.

6. The county officials, so far as your petitioner knows, including the Clerk and his deputies, who must swear and charge the jury, the deputy sheriffs, who will have the said jury in charge, the recently appointed commonwealth's attorney, who will conduct the prosecution of the petitioner, will be witnesses for the commonwealth against your petitioner. These facts of itself would necessarily so prejudice the minds of the jury that the ability of your petitioner to obtain a fair and impartial trial would be a matter of great and serious doubt.

7. That the relatives of the persons who were killed and wounded are so distributed over Carroll county, that is to say the relatives of Dexter Goad, live in the northeast and southeast section of said county; the relatives of Miss Bettie Ayers, who was shot as well as the relatives of L. F. Webb, reside in the southeast section of said county; the relatives of Wm. M. Foster, as well as the relatives of C. C. Kain, who was wounded, reside in the southwest part of the county, while the relatives of A. C. Howlett and — Worrell, who was wounded and Mr. — Fowler, the juror who was killed reside in the northwest section of county so that it not only would be difficult if not impossible, to obtain a fair and impartial jury in the said county for the trial of your petitioner but the animosity and ill will of persons so widely distributed that the fairness and impartiality of the trial of your petitioner would be greatly endangered.

8. That the said Wm. M. Foster, L. F. Webb, and Dexter Goad not only had great influence in the said county of Carroll on account of their official positions, but their family connections were many and influential, having resided in said county many years. And that the other people who were killed and wounded also belong to large and influential families, living in various sections of the county, for which reason it would be impossible to secure a trial in said county which would be free from such influences.

9. Your petitioner would further show unto the court that the Hon. Thornton L. Massie, was judge of the 21st judicial circuit of the state; that he was a man greatly beloved by all the people of his circuit and having a host of friends in the said circuit; that the feeling against your petitioner in the other counties of the said circuit is perhaps even more intense than in the county

Felts Detective Agency of the city of Roanoke to send to Carroll county a force of armed and tried officers of the law who have remained in the said county and apprehended the persons jointly indicted with your petitioner, and have been used from time to time to protect those who have been arrested.

4. That a large part of the county of Carroll is being controlled and under the domination and control of the said armed force of detectives or posse of men, and that any sympathizers or persons disposed to be in sympathy with your petitioner or to assist in the conduct of his trial are thoroughly terrorized and fearful lest they be arrested on some charge in connection with or complicity with your petitioner and put to the expense of a long and tedious criminal defense.

5. Any trial which would be held at Carroll county must be held in the court room which was the scene of the sad and unfortunate occurrence, and it would be unfair and unjust to your petitioner to try him by a jury and court sitting in the scene of this tragic occurrence.

6. The county officials, so far as your petitioner knows, including the Clerk and his deputies, who must swear and charge the jury, the deputy sheriffs, who will have the said jury in charge, the recently appointed commonwealth's attorney, who will conduct the prosecution of the petitioner, will be witnesses for the commonwealth against your petitioner. These facts of itself would necessarily so prejudice the minds of the jury that the ability of your petitioner to obtain a fair and impartial trial would be a matter of great and serious doubt.

7. That the relatives of the persons who were killed and wounded are so distributed over Carroll county, that is to say the relatives of Dexter Goad, live in the northeast and southeast section of said county; the relatives of Miss Bettie Ayers, who was shot as well as the relatives of L. F. Webb, reside in the southeast section of said county; the relatives of Wm. M. Foster, as well as the relatives of C. C. Kain, who was wounded, reside in the southwest part of the county, while the relatives of A. C. Howlett and — Worrell, who was wounded and Mr. — Fowler, the juror who was killed reside in the northwest section of county so that it not only would be difficult if not impossible, to obtain a fair and impartial jury in the said county for the trial of your petitioner but the animosity and ill will of persons so widely distributed that the fairness and impartiality of the trial of your petitioner would be greatly endangered.

8. That the said Wm. M. Foster, L. F. Webb, and Dexter Goad not only had great influence in the said county of Carroll on account of their official positions, but their family connections were many and influential, having resided in said county many years. And that the other people who were killed and wounded also belong to large and influential families, living in various sections of the county, for which reason it would be impossible to secure a trial in said county which would be free from such influences.

9. Your petitioner would further show unto the court that the Hon. Thornton L. Massie, was judge of the 21st judicial circuit of the state; that he was a man greatly beloved by all the people of his circuit and having a host of friends in the said circuit; that the feeling against your petitioner in the other counties of the said circuit is perhaps even more intense than in the county

10. That there prevailed in Carroll county, and Hillsville, the county seat of the county aforesaid, intense public excitement on the part of many citizens of Carroll county feelings of great bitterness and hatred to your petitioner at the time of the shooting and up to the present time, so that a number of persons who would naturally collect in and about the court room at the time that any trial of the petitioner might be held in Carroll county, were not only unfriendly, but bitterly antagonistic towards your petitioner.

11. At or immediately after the shooting, the deputy sheriffs of Carroll county who had assumed the duties of the sheriff, called upon the governor of the state of Virginia to send troops or other aid to Carroll county, and in pursuance thereof, the Governor of Virginia ordered to Carroll a captain of the state militia at Roanoke city, to come to Hillsville with several of his aids and lieutenants, which the said captain did, and has ever since remained in Hillsville for the purpose of apprehending persons who were jointly indicted with your petitioner, and for the protection of the persons including your petitioner while he was in Hillsville, after they were arrested.

12. That a large part of the county of Carroll is being controlled and under the domination and control of the said armed force of detectives or posse of men, and that any sympathizers or persons disposed to be in sympathy with your petitioner or to assist in the conduct of his trial are thoroughly terrorized and fearful lest they be arrested on some charge in connection with or complicity with your petitioner and put to the expense of a long and tedious criminal defense.

13. Any trial which would be held at Carroll county must be held in the court room which was the scene of the sad and unfortunate occurrence, and it would be unfair and unjust to your petitioner to try him by a jury and court sitting in the scene of this tragic occurrence.

14. The county officials, so far as your petitioner knows, including the Clerk and his deputies, who must swear and charge the jury, the deputy sheriffs, who will have the said jury in charge, the recently appointed commonwealth's attorney, who will conduct the prosecution of the petitioner, will be witnesses for the commonwealth against your petitioner. These facts of itself would necessarily so prejudice the minds of the jury that the ability of your petitioner to obtain a fair and impartial trial would be a matter of great and serious doubt.

15. That the relatives of the persons who were killed and wounded are so distributed over Carroll county, that is to say the relatives of Dexter Goad, live in the northeast and southeast section of said county; the relatives of Miss Bettie Ayers, who was shot as well as the relatives of L. F. Webb, reside in the southeast section of said county; the relatives of Wm. M. Foster, as well as the relatives of C. C. Kain, who was wounded, reside in the southwest part of the county, while the relatives of A. C. Howlett and — Worrell, who was wounded and Mr. — Fowler, the juror who was killed reside in the northwest section of county so that it not only would be difficult if not impossible, to obtain a fair and impartial jury in the said county for the trial of your petitioner but the animosity and ill will of persons so widely distributed that the fairness and impartiality of the trial of your petitioner would be greatly endangered.



FLOYD ALLEN.

of Carroll for the reason that in those counties he has not even the personal friends that he has in Carroll county, that the fairness and impartiality of a trial in any one of those counties would not only be greatly endangered, but your petitioner feels that it would be impossible that he should obtain a fair and impartial trial in any one of the counties of the said judicial circuit.

9. That the city of Roanoke is the most accessible place outside of the said circuit for the conduct of the said trial. That it is more easily reached on these railroad than other points at which the said trial of your petitioner might be held outside of the said circuit.

That there are better facilities for the accommodation of the great numbers of witnesses or others attending the trial. The counsel and the court could have access to better libraries.

That your petitioner earnestly urges upon the court the fact that he is a man of declining years and not in good health, that he has been seriously shot in several parts of his body. That he is already in the city of Roanoke, and that it would not only endanger his health, but would perhaps endanger his life to move him from Roanoke city to some other point for the conduct of his trial; that here in Roanoke city he is confined in jail on the same floor as in the court room, whereas in any other place he would perhaps have to be removed to a different building each time he was taken from the jail to the court room and from the court room to the jail.

Police a Protection Here.

That it would greatly tend to prejudice your petitioner's case in the minds of the jury if it were necessary to provide during the proceedings of this trial a large additional guard to be present at the trial. The city of Roanoke being a city of considerable size, it is well policed and it would not be necessary to provide such guard here as it possibly would be necessary to provide at some other place.

It is therefore the prayer of your petitioner that your honor will order the venire of this cause to be changed from the county of Carroll to the city of Roanoke, which place is sufficiently removed from the place where the offense set out in the indictment against your petitioner was alleged to have been committed to insure your petitioner a safe and impartial trial.

Respectfully,  
FLOYD ALLEN.

You will look a good while before you find a better medicine for colds and coughs than Chamberlain's Cough Remedy. It not only gives relief—it cures. Try it when you have a cough or cold, and you are certain to be pleased with the prompt cure which it will effect. For sale by All Dealers.

Don't forget—You can taste the difference—National Oats.

By virtue of an order of the Superior Court of Surry County, appointing the undersigned Commissioner to sell the lands hereinafter described, I will sell at public auction on the premises at the old residence of James S. Reeves, Deed, on Saturday the sixth day of April 1912 at one o'clock P. M. the following real estate, lying and being in Surry County, N. C.

First tract, Lying on the Ararat river in Siloam Township adjoining the lands of F. A. Snow, Thomas Reeves, Thomas Wall and others, containing about 150 acres more or less and known as the home place of James S. Reeves, Deed.

Second tract, Known as the Pine Hill tract adjoining the lands of Jesse Dinkins, William Brown, John Bowles, Jeff Logan and others, containing about sixty acres more or less.

Said land is fine farming land, has good timber and are desirable places and will be sold for partition. Terms of sale one half cash and the remainder in twelve months with note and approved security on deferred payments. This 5th day of March, 1912.  
A. H. Marion,  
Commissioner.

## SIX CARROLL OUTLAWS NOW IN ROANOKE JAIL.

### Claude and Friel Allen Are Brought and Lodged in Prison With Floyd and Victor Allen, Byrd Marion and Sidna Edwards.

Roanoke, Va. April 1.—Claude and Friel Allen, the two young outlaws who were captured by the Baldwin-Felts detectives last week, were brought to Roanoke yesterday evening on train No. 2, arriving at 6:30. They were taken from the train at the depot, where Detectives Albert Baldwin and J. M. Harrison, who had charge of the prisoners, were met by Chief William G. Baldwin and his brother, D. O. Baldwin, with an automobile.

They were halted long enough to give Photographer George C. Davis an opportunity to get a picture of the young outlaws, after which they were immediately taken in the auto to the Roanoke jail. A large crowd of curiosity seekers, all anxious to get a view of the desperadoes, had gathered around the jail and it required the services of a number of police officers to keep the crowd back.

When the automobile came up Campbell avenue and stopped just to the west of the station door there was a buzz of suppressed excitement and hundreds craned their necks to get a sight of the young mountaineers.

The irrepressible photographer was on hand with his camera ready for a snapshot. The Allen boys were halted at the west entrance to the jail in order to give Davis a chance to get a good picture.

They were surrounded by detectives, when Chief W. G. Baldwin called to the photographer and asked: "Who are you photographing, these men are the two men?" laying his hand on young Friel Allen's shoulder. A smile covered the faces of the two outlaws, while many persons in the crowd laughed outright. They made no objection whatever to being photographed. There was scarcely any resemblance between the two cousins.

Friel Allen is a mere boy in appearance. He is beardless, and hardly looked the criminal he is alleged to be. He was not handcuffed as was the case with Claude Swanson Allen, and his hands hung by his side.

Claude Allen had his hands cuffed together in front. He had a week's growth of beard on his face. Neither were dressed in Sunday garments.

Many persons were heard to remark that they did not look desperadoes.

It only required a few seconds for the photographer to get in his work, when the prisoners were escorted up the west stairway to the jail, guarded by a half dozen detectives.

They were placed in cells removed from other members of the Allen gang and were not allowed to see their kinsmen.

The detectives left Hillsville Sunday morning at 10 o'clock with the prisoners and drove to Jackson's ferry, 14 miles distant, where they caught the evening train for Roanoke.

It was generally understood by the public that the prisoners were not on No. 2, but the crowd gathered at the police station was determined to stay and see for themselves. A few minutes prior to the arrival of the train W. G. Baldwin, D. O. Baldwin and other detectives passed up Commerce street in an automobile. They turned into church and doubled back to the depot to meet the prisoners.

A representative of the World boarded the train at Salem and rode into Roanoke with the detectives and prisoners. The Allens were cheerful and talked much, but were very careful not to give any definite information concerning Sidna Allen and Wesley Edwards or as to where they themselves had spent the time intervening between the shooting up of the courthouse and their capture except that they were hiding in the mountains.

While on their way to Roanoke with detectives Friel and Claude

Swanson Allen talked freely on certain subjects with a reporter for The Evening World, although they would make no mention of the tragedy enacted at the courthouse. When asked where they had been during the time between the affair and their capture, both laughed, Claude answering, "I don't know," and his cousin, "I would not like to say."

When one first sees Friel, it seems hard to believe that he stands indicted for murder. He would be far more in his element under the care of a school teacher. His pale, beardless face quivered, so as to seem that he wanted to cry if he were made of the stuff that wants to cry. His cousin on the other hand had a harder face, with a two weeks' growth of beard on it, at first sight he might have been taken for an outlaw, though a single glance into his kindly eyes gave that the lie.

One of the questions asked Friel Allen was, "When did you finish school?" Immediately he put on a "big man" expression and answered, "It's been so long ago that I can't remember."

## THINK THIS OVER.

### This Offer Should Gain the Confidence of the Most Skeptical.

We pay for all the medicine used during the trial, if our remedy fails to completely relieve you of constipation. We take all the risk. You are not obligated to us in any way whatever, if you accept our offer. That's a mighty broad statement, but we mean every word of it. Could anything be more fair for you?

A most scientific, common-sense treatment is Rexall Orderlies, which are eaten like candy. Their active principle is a recent scientific discovery that is odorless, colorless, and tasteless very pronounced, gentle and pleasant in action, and particularly agreeable in every way. This ingredient does not cause diarrhoea, nausea, flatulence, griping, or other inconvenience. Rexall Orderlies are particularly good for children, aged and delicate persons.

If you suffer from chronic or habitual constipation, or the associate or dependent chronic ailments, we urge you to try Rexall Orderlies at our risk. Remember, you can get them in Mt. Airy only at our store. 12 tablets, 10 cents; 36 tablets, 25 cts. 80 tablets 50 cts. Sold only at our store—The Rexall Store. The Peoples Drug Store.

## Trustees Sale.

By virtue of a deed of trust, executed on the 21st day of May, 1910, by W. W. Noah, appointed me trustee, said deed of trust being recorded in book 39, page 90 of the record of mortgages of Surry County, I will sell to the highest bidder, for cash in front of the First National Bank in Mt. Airy, on Saturday at 1 o'clock the 20th day of May, 1912, the following real estate, to-wit: All of the right, title and interest of W. W. Noah in and of a piece of land in Surry County, Westfield Township, adjoining the lands of Everett Scott and others, same being the land purchased by the said W. W. Noah from S. T. Lewis, and for particular boundaries reference is made for the title bond of S. T. Lewis to W. W. Noah. Sale made to satisfy a debt of \$50.00 due the First National Bank of Mt. Airy, with interest and cost added.

This 18th day of March, 1912  
W. F. Carter,  
Trustee.

## Almost a Miracle.

One of the most startling changes ever seen in any man, according to W. B. Holtslaw, Clarendon, Tex., was effected years ago in his brother. "He had such a dreadful cough," he writes, "that all our family thought he was going into consumption, but he began to use Dr. King's New Discovery, and was completely cured by ten bottles. Now he is sound and well and weighs 218 pounds. For many years our family has used this wonderful remedy for coughs and colds with excellent results." It's quick, safe, reliable and guaranteed. Price 50 cents and \$1.00. Trial bottle free at E. H. Hennis Drug Co.