

A Courtroom Massacre: Politics and Public Sentiment in Progressive-Era Virginia

By RANDAL L. HALL

REMINISCING, FLOYD ALLEN'S ATTORNEY RECOUNTED HIS CLIENT'S actions in the courtroom in Carroll County, Virginia, on March 14, 1912: "[Floyd] hesitated a moment, and then he arose . . . He looked to me like a man who was about to say something, and had hardly made up his mind what he was going to say, but as he got straight, he moved off to my left, I would say five or six feet, and he seemed to gain his speech, and he said something like this, 'I just tell you, I ain't a going.'"¹ Floyd Allen (1856–1913), a prominent county merchant, farmer, and sometimes public official, faced a guilty verdict that morning for interfering with deputies performing their duties. Upon receiving a sentence of one year in prison, Allen announced his refusal to go with the sheriff when the officer moved to place him into custody. As Allen unbuttoned his sweater and fumbled beneath it, gunfire erupted. Floyd, his son Claude (1889–1913), his brother Sidna (1866–1941), and his nephews Friel Allen, Wesley Edwards, and perhaps Sidna Edwards pulled concealed pistols and exchanged fire with courtroom

¹ Testimony of Judge David W. Bolen, transcript of Floyd Allen's first trial, p. 6. (The trial testimony began on May 2 and ended on May 11, 1912.) Copies are available in the Wythe County Circuit Court, Wytheville, Virginia; and as Wythe County Circuit Court, *Commonwealth of Virginia v. Floyd Allen*, April–May 1912, Acc. no. 28311, Local Government Records Collection (Library of Virginia, Richmond, Va.); hereinafter cited as Allen trial transcript. The pagination of the transcript is somewhat inconsistent in places, but I have included the page numbers nonetheless. I would like to thank Ken Badgett, Walter Beeker, Carlos K. Blanton, Michele Gillespie, Ron Hall, Ron Leonard, William A. Link, Bill Lord, the five anonymous referees for the *Journal of Southern History*, and all participants in the SHOpTalk seminar held at the University of North Carolina at Greensboro.

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officials, some of whom—such as the court clerk Dexter Goad—had their own illicitly concealed weapons. The battle spilled out of the courthouse, with the building's columns and a Confederate monument in the center of the street providing cover. When the shooting ended, the judge Thornton L. Massie, the sheriff Lewis F. Webb, the commonwealth's attorney William M. Foster, a juror, and a witness in the case lay dead or dying. Floyd and Sidna Allen and Dexter Goad suffered gunshot wounds, as did several others.

The bulk of Carroll County lies on the crest of the Blue Ridge Mountains, though the southern portion includes the precipitous slope of the Blue Ridge chain as it blends into foothills and the bordering Piedmont region of North Carolina. Writers and observers around America automatically applied the worst of Appalachian stereotypes when national headlines blared the news of violence in the county courthouse on that chilly March day. Both the newspaper reports and a flurry of rapidly prepared books by journalists and other outsiders brought the incident to national attention and explained the affair as the work of lawless, bloodthirsty mountaineers.² Most subsequent writing

² Deeply stereotypical books produced quickly include Edgar James, *The Allen Outlaws: A Complete History of Their Lives and Exploits Concluding with the Hillsville Courthouse Tragedy* (Baltimore, 1912); J. J. Reynolds, *The Allen Gang: Outlaws of the Blue Ridge Mountains* (Baltimore, 1912); and Edwin Chancellor Payne, *The Hillsville Tragedy: Complete Story of the Allen Clan*, edited by E. B. Jacobs (rev. ed.; Chicago, 1913), an account by a detective who helped capture the fugitive Allens. Edgar James notes, "The enterprise of the publishers of this book is shown by the fact that the news of the outrageous riot had scarcely reached the outside world before they had the writer on his way to the scene of the crime." James, *Allen Outlaws*, 133. A jailer in Wytheville who guarded the courtroom (and thus heard the evidence) during all seven trials of the Allens encapsulated his understanding of the incident in a book-length poem. Samuel S. Hurt, "Gentlemen I Aint A-Goin'" (Wytheville, Va., 1913). Historians studying the southern Appalachian mountains have created two particularly fruitful lines of analysis in recent years, and both approaches must be taken to understand the events in Carroll County in 1912. First, scholars have disproved the many stereotypes of the region that developed throughout the nation in the late nineteenth and early twentieth centuries. The area was not filled with so-called contemporary ancestors, a homogeneously white, impoverished, rural people generations behind the rest of the country, nor were the area's residents the product of a Celtic background that left them uniquely prone to violence and barbaric feuds. Instead, writers and media figures created such stereotypes as part of their own ideological attempts to deal with the industrialization, urbanization, and rapid change occurring in the United States. A second, related line of thought has challenged the argument for Appalachian exceptionalism. The mountain areas, differing greatly even within the highlands, exhibited many of the same historical struggles and developments shared by other regions in the South, though with examples of uniqueness and variation that one would find by looking at any other of the many geographical subregions in the southern states. The feuding and violence in the mountains grew out of the same sources as in the rest of the South—not from unique depravity but from demographic and economic change combined with political competition. See John C. Inscoe, "The Discovery of Appalachia: Regional Revisionism as Scholarly Renaissance," in John B. Boles, ed., *A Companion to the American South* (Malden, Mass., and Oxford, 2002), 369–86; Dwight B. Billings, Mary Beth Pudup, and Altina L. Waller, "Taking Exception with Exceptionalism: The Emergence and Transformation of Historical Studies of Appalachia," in Pudup, Billings, and Waller, eds., *Appalachia in the Making: The Mountain*

about the killings has been prepared for the purpose of entertainment or by partisan locals debating who deserved blame for starting the shooting. The authors of various songs and books have battled to establish control of the historical memory of the massacre, a rhetorical struggle that has reflected changing local and regional mores.

Only recently have writers attempted systematically to analyze the courthouse shooting using documentary sources, and they have shown that the existence of an active two-party political system in the mountains of southwestern Virginia was a prerequisite for the incident. One master's thesis and two detailed chronicles by amateur historians situate the immediate origins of the violence in the context of political opposition and personal animosity between the Allens—violent but well-to-do leaders in the county's Democratic Party—and Goad, Foster, Webb, and other prominent local Republicans who in the preceding few elections had displaced the dominance of the Democrats. With much zeal, Foster won several indictments after a relatively minor scuffle involving Wesley and Sidna Edwards disrupted a Primitive Baptist church service held in a schoolhouse in December 1910 by their uncle Garland Allen. In arresting the young men and bringing them back to Hillsville, the centrally located county seat, two deputies, Pink Samuels and Peter Easter, had one brother tied and the other handcuffed as their buggies passed in front of Sidna Allen's store in April 1911. An angry Floyd deemed this to be excessively humiliating, and he forcibly released them from their bonds. The officers alleged that Sidna Allen and Sidna and Floyd's nephew Barnett aided in the release, but trials on those charges had not been held when Floyd's refusal to accompany the sheriff from court triggered the courtroom bloodshed. At the time of Floyd's trial in 1912, his family's reputation for violence had court officials (and many others in the community)

South in the Nineteenth Century (Chapel Hill, 1995); and Inscoc, ed., *Appalachians and Race: The Mountain South from Slavery to Segregation* (Lexington, Ky., 2001). See also Kenneth W. Noe, "Appalachia Before Mr. Peabody: Some Recent Literature on the Southern Mountain Region," *Virginia Magazine of History and Biography*, 110 (No. 1, 2002), 5–34. Van Beck Hall, in "The Politics of Appalachian Virginia, 1790–1830," in Robert D. Mitchell, ed., *Appalachian Frontiers: Settlement, Society, and Development in the Preindustrial Era* (Lexington, Ky., 1991), 166–86, points out that even in the early republic the mountain areas of Virginia did not fit later stereotypes. The political representatives of this diverse and developing area "voted for programs that many historians have associated with progress and modernization" (p. 186). In thinking about mountaineer stereotypes, one must keep in mind that mountain residents were only one of many groups viewed through the lens of cultural chauvinism in the midst of Progressive-era efforts to "Americanize" immigrants and others such as Indians and blacks. For example, see Emory S. Bogardus, *Essentials of Americanization* (3rd rev. ed.; Los Angeles, 1923), particularly chap. 10, "The American Mountaineer."

nervously anticipating trouble, and at the officials' moment of apparent triumph, they came under fire.³

Historians have not studied sufficiently the long-term origins of the shootings, nor have they examined in full detail the statewide struggle to define the significance of the violence during the year following the killings—a vivid debate about the cause of the incident and the proper punishment for the Allens, particularly Floyd and his son Claude. After a manhunt that brought national prominence to the tiny town, several of the Allens and their relatives endured trials and convictions for murder. The state of Virginia electrocuted Floyd and Claude in March 1913, and other family members, including Floyd's brother Sidna, served lengthy prison sentences. The series of events raises issues far

³ In this interpretation, much like examinations of Kentucky feuds by historians Altina L. Waller, Dwight B. Billings, and Kathleen M. Blee, the Carroll County killings grew out of political struggle among mountain elites in a time of change. See Waller, "Feuding in Appalachia: Evolution of a Cultural Stereotype," in Pudup, Billings, and Waller, eds., *Appalachia in the Making*, 347–76; Waller, *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860–1900* (Chapel Hill, 1988); Billings and Blee, *The Road to Poverty: The Making of Wealth and Hardship in Appalachia* (Cambridge, Eng., 2000), chaps. 4 and 8; and Blee and Billings, "Violence and Local State Formation: A Longitudinal Case Study of Appalachian Feuding," *Law and Society Review*, 30 (No. 4, 1996), 671–705. On the existence of a competitive two-party political system in the southern Appalachians see Gordon B. McKinney, *Southern Mountain Republicans, 1865–1900: Politics and the Appalachian Community* (Chapel Hill, 1978). If considered cautiously as a partisan document by a Republican leader from Tazewell County, one can gain much information on politics in southwestern Virginia in this period from William C. Pendleton, *Political History of Appalachian Virginia, 1776–1927* (Dayton, Va., 1927), chaps. 22–27. For more on the Republicans' organization and beliefs, see Republican Party (Va.) State Executive Committee, *1905 Campaign Text Book of the Republican Party of the State of Virginia* (n.p., 1905); and Republican Party (Va.) State Executive Committee, *1909 Campaign Text Book of the Republican Party of the State of Virginia* (n.p., 1909). Strongly biased works on the Carroll County incident include E. J. Cooley, *The Inside Story of the World Famous Courtroom Tragedy* (Charlottesville, [1959?]); G. M. N. Parker, *The Mountain Massacre* (Bluefield, W. Va., 1930); Rufus L. Gardner, *The Courthouse Tragedy: Hillsville, Va.*, edited by L. Gardner (5th ed.; privately printed, n.d.); and, most important, J. Sidna Allen [in collaboration with J. O. Thomas and Upton Gwynn Wilson], *Memoirs of J. Sidna Allen: Being a True Narrative of His Life and Early Manhood, the History of the Allen Family, What Happened at Hillsville and His Life at the Penitentiary* (Madison, N.C., 1929). For academic analyses see an undergraduate honors project by Meg Hewes published as "The Effects of Mis-memory and the Tragedy of the Hillsville Courthouse," *International Social Science Review*, 73 (Nos. 1 and 2, 1998), 22–36; James Tice Moore, "Allen, Floyd," in John T. Kneebone et al., eds., *Dictionary of Virginia Biography* (2 vols. to date; Richmond, 1998), I, 78–82; April C. Cheek, "The Hillsville Tragedy: Appalachian Stereotypes as Examined Through the Carroll County Courtroom Shootout of 1912" (M.A. thesis, Virginia Polytechnic Institute and State University, 1998); John Alexander Williams, *Appalachia: A History* (Chapel Hill, 2002), 196–97; and Cynthia Saunders, "The Hillsville Shootout: Still a Living Legend," paper presented at the Ninth Annual Appalachian Studies Conference, Appalachian State University, March 22, 1986 (photocopy in author's possession). The encyclopedic amateur histories of the incident are Ronald W. Hall, *The Carroll County Courthouse Tragedy* (Hillsville, Va., 1997); and William "Bill" Lord, *The Red Ear of Corn* (privately printed; Pittsburgh, 1999). At least one report indicated that Garland Allen sought the indictment and arrest of his nephews after the disturbance at the church service. *Mount Airy (N.C.) News*, March 21, 1912, pp. 1 and 5.

more complex than the contours of a simple partisan battle. This article contributes to understanding violence and the Progressive era by looking at the subtle ways that a variety of individuals—the killers, the prosecutors and state officials, lawmen, the clergy, other Virginia citizens, and journalists—struggled to define the meaning of the outbreak of violence. Deeply rooted in local antagonisms and partisan competition, this unsettling moment of political violence and its aftermath suggested broader disagreements about social and structural change in statewide politics. The killings uncovered divergent beliefs about such Progressive trends as a centralized judicial system, deference to abstract and consistent legal principles, and a state government responsive to a rationalized bureaucratic view rather than personal or populist appeals.⁴

Virginians wielded power with words as well as guns. Correspondence, newspaper editorials, and the petitions and letters that flooded the governor's office reveal contradictory views of violence, law, family, honor, religion, and strong state government.⁵ These complex exchanges open a window on Virginia politics and culture at a crucial period of transition. Governor William H. Mann and others who supported harsh punishment for the Allens took part in nationwide trends among Progressive reformers who sought rational state bureaucracy and social order. At a time when so-called demagogues ruled in many southern states, the Virginia governor and his advisers had to weigh the great political advantage that could be gained from granting clemency to the Allens, well known as members of the governor's own party, against the principles underlying his leadership of an evolving state government. In the end, the governor's support of political and social Progressivism trumped narrow partisan loyalty toward fellow Democrats in the Allen family. He instead gave priority to incorporating this frontier of modernizing Virginia into the orderly political culture he sought for the state. In contrast, the Allens and the many

⁴ As such, this essay explores the detailed local links between political institutions and more encompassing yet nebulous social questions. The analysis reflects to some extent the goals apparent in a recent collection on southern politics. Its editors explain in their introduction, "The notion of politics that informs this collection extends from the polling station to the front porch, and bridges the distance between public and private contests for power and dignity." See Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon, eds., *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights* (Princeton, 2000), 4. Nonetheless, older methods emphasizing the significance of political structures also inform this essay.

⁵ One can usefully consider the massacre, its origins, and especially the aftermath as an example of cultural trauma and the process of working through it. See Piotr Sztompka, "Cultural Trauma: The Other Face of Social Change," *European Journal of Social Theory*, 3 (November 2000), 449–66.

advocates on their behalf looked backward to a time when local conflicts could be resolved independently within isolated communities. Despite the time and place—a state in the upper South in the Progressive era—they articulated with surprising strength a view privileging family loyalty, honor, majoritarian expectations, and political violence over deference to the state.⁶ Virginia's conservatism and oligarchic political structure prevented the emergence of a demagogue as governor. The outpouring of support for the Allens, however, illuminates the existence of the same sentiments that brought vocal and colorful leaders such as Coleman L. Blease and Jeff Davis to the fore of the Democratic Party elsewhere in the South and that challenged orderly government at times in the West and other areas of America.

The Virginia legislature had formed Carroll County in 1842, primarily from the eastern portion of Grayson County. Settlers arrived extensively in the late eighteenth century, and residents numbered 21,116, almost all white, in 1910 (a strong increase from the 15,497

⁶ For the classic interpretation of this time period in American history see Robert H. Wiebe, *The Search for Order, 1877–1920* (New York, 1967). For an astute analysis of the conflict between localism and centralization in the South see William A. Link, *The Paradox of Southern Progressivism, 1880–1930* (Chapel Hill, 1992). Robert S. Weise, *Grasping at Independence: Debts, Male Authority, and Mineral Rights in Appalachian Kentucky, 1850–1915* (Knoxville, 2001), summarizes the outlook of rural mountain residents as “household localism.” He explains, “The concept of household localism provides a way of seeing the interplay between household production and markets, local bases of power and larger political networks. . . . Household localism rested on a sense of egalitarian self-government among white men in opposition to claims of special privilege, wherever they might arise” (p. 9). The views of the Allens and their supporters resonate with this conceptual framework. For more on Weise’s arguments see a roundtable discussion in the *Appalachian Journal*, 30 (Fall 2002), 76–113. The initial depictions of the courthouse incident relied comfortably on the principal stereotyped Appalachian characters—feudists and moonshiners. Both Floyd Allen and Sidna Allen denied the popular accusations that they made illegal whiskey. Floyd complained, “A great injustice has been done me in so many stating that I had sold or handled blockade whiskey. I had never run a blockade still in my life. There has never been a still operated on my land except one, a long time ago, which was there according to law. This still made brandy.” Floyd Allen, Statement, pp. 16–17, March 29, 1913, Acc. no. 28355, Personal Papers Collection (Library of Virginia); hereinafter cited as Allen, “Statement on His Life.” Sidna explained likewise much later: “The Allens, you know, have all been branded moonshiners. My personal plea is not guilty. For one season, however, I was in the distilling business, but not in violation of law. One summer when fruit was plentiful in Carroll county, Jasper Allen and I took out government license for the making of brandy. Our operations were carried on in accordance with law and under the eyes of a government gauger. . . . I never did engage in moonshining.” Allen, *Memoirs*, 18. There is great irony in the fact that the Allens seemingly adjusted to the intensive bureaucratic intrusion of the federal government’s regulation of alcohol production at least sometimes while resisting the deepening penetration of Virginia’s justice system at the expense of local autonomy. For many southerners, particularly residents of the mountains, active resistance to a more powerful state took the form of violence against federal revenue agents. See Wilbur R. Miller, *Revenuers and Moonshiners: Enforcing Federal Liquor Law in the Mountain South, 1865–1900* (Chapel Hill, 1991); and William F. Holmes, “Moonshining and Collective Violence: Georgia, 1889–1895,” *Journal of American History*, 67 (December 1980), 589–611.

residents in 1890). Farming predominated in the county's early economy and remained a major source of livelihood at the time of the courtroom killings, though many farmers also found paid work in developing industries. Contrary to stereotypes of an isolated Appalachian region, economic trends of an industrializing nation firmly grasped Carroll County by the late nineteenth century. Cutting and sawing timber provided some opportunities, and copper and iron mines, worked sporadically by the late eighteenth century and more intensively beginning in the 1850s, contributed economically in the rugged northern section of the county. Unusual in its topographical variety, the county's elevation varies from a high of 3,570 feet above sea level to a low of about 1,100 feet; residents of the foothills section and the southern edge of the mountains (such as the Allens) frequently engaged in economic exchange with vibrant and easily accessible communities such as Mount Airy and Winston-Salem in North Carolina. By the early years of the twentieth century, railroad connections reached Sylvatus, ten miles north of Hillsville, and the industrial town of Galax to the west, split between Carroll and neighboring Grayson County. The penetration of the railroad also sped the construction of dams to exploit the county's section of the ancient New River for the generation of hydroelectric power. In 1912 building crews finished two dams less than a mile apart, and the dynamos pulsed their power across Virginia. Electricity began flowing to principal customers in the coal mining operations near Bluefield, West Virginia. The guns exploding in March 1912 reverberated across a dynamic rural American, as well as southern Appalachian, landscape.⁷

⁷ Owen Bowman, *Carroll County, Virginia: The Early Days to 1920* (Virginia Beach, Va., 1993); C. R. Boyd, *Resources of South-west Virginia, Showing the Mineral Deposits of Iron, Coal, Zinc, Copper and Lead* (New York, 1881), 268–95; R. L. Humbert, *Industrial Survey: Carroll County, Virginia* (Blacksburg, Va., 1929); John Perry Alderman, *Carroll 1765–1815, the Settlements: A History of the First Fifty Years of Carroll County, Virginia* (Roanoke, Va., 1985); Keith Robert Webb, "Labor and Social Barter in an Appalachian Community: Carroll County, Virginia, 1880s–1930s" (M.A. thesis, Virginia Polytechnic Institute and State University, 1994); Richard O. Currey, *A Geological Visit to the Virginia Copper Region* (Knoxville, 1859); and Gladys D. Ganley, "The Female Settlers of Carroll County, Virginia: An Examination of Their Historical Documents" (M.A. thesis, Harvard University, 1987). A newspaper in nearby Mount Airy, North Carolina, depicted a prosperous landscape: "Any man who drives through the country and sees the large and fertil[e] fields well fenced with wire; sees the large, comfortable, and even expensive farm houses; sees the large and roomy stock barns that shelter the finest stock and cattle that are bred; sees the nice churches and school houses that here and there dot the hills; sees the town of Hillsville with its large and spacious hotels, nice churches, splendid residences, large stores and intelligent people[;] any man who mingles with the people of the county and town enough to be entitled to an intelligent opinion will know that they are not inferior to other people of other sections . . ." *Mount Airy News*, March 21, 1912, p. 1. Just before the courtroom massacre, a Moravian missionary from Winston-Salem similarly praised Carroll County for being "right up with the world." *Wachovia Moravian*, 20 (March 1912), 3–4 (quotation on p. 3).

As part of Progressive-era reform, Virginia's judicial structure became more centralized shortly after the turn of the century. Under the new constitution proclaimed by a constitutional convention in 1902, the court system of Virginia changed significantly. Though the convention sat mainly to disfranchise black voters, the delegates modified other aspects of state government as well. In various forms, monthly county courts had anchored Virginia's judiciary since colonial times, but the new constitution abolished them and placed their authority in circuit courts, in which a single, full-time judge served several counties on a less-frequent basis. The state legislature still appointed judges, but each delegate had less assurance of dictating that his home county's court would be served by a local judge of his choice. Judges could no longer practice law simultaneously as they could under the county court system, and their status as regional figures made them less likely to serve as heads of county political rings and thus less responsive to local political pressure. Corrupt courthouse rings, sometimes associated with county judges, featured prominently in the Democratic political machine that Thomas S. Martin had controlled in Virginia since the early 1890s. Though this judicial change did not directly assault that arrangement, the convention delegates at least acknowledged the problem, and in the case of Carroll County, the new system made a difference. Circuit courts with fewer powers already existed under the old constitution, but the broader authority took effect February 1, 1904. Carroll County joined the twenty-first circuit under Judge Robert C. Jackson.⁸

⁸ Wythe Holt, *Virginia's Constitutional Convention of 1901-1902* (New York, 1990), 189-98; Ralph Clipman McDanel, *The Virginia Constitutional Convention of 1901-1902* (Baltimore, 1928), 101-12; A. E. Dick Howard, *Commentaries on the Constitution of Virginia* (2 vols.; Charlottesville, 1974), II, 683-702; F. Thornton Miller, *Juries and Judges Versus the Law: Virginia's Provincial Legal Perspective, 1783-1828* (Charlottesville, 1994); Albert Ogden Porter, *County Government in Virginia: A Legislative History, 1607-1904* (New York, 1947), 304-44; *Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, During the Extra Session of 1902-3-4* (Richmond, 1902, 1904), 626; and *Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, During the Session of 1904* (Richmond, 1904), 13, 228, 341. On the national importance of state constitutional conventions during this period see John Dinan, "Framing a 'People's Government': State Constitution-Making in the Progressive Era," *Rutgers Law Journal*, 30 (Summer 1999), 933-85. On the rise of the Martin machine see Allen W. Moger, *Virginia: Bourbonism to Byrd, 1870-1925* (Charlottesville, 1968), chap. 10. Important work by Ronald L. Lewis on West Virginia in the late nineteenth century argues that circumscribing the power of county juries and courts was a vital part of an effort by industrialists to "transform the law into a progressive partner in industrial development rather than a protector of a conservative philosophy and legal culture carried over from Virginia" at the time of statehood in 1863. Lewis, *Transforming the Appalachian Countryside: Railroads, Deforestation, and Social Change in West Virginia, 1880-1920* (Chapel Hill, 1998), chaps. 4 and 8 (quotation on p. 103). Reformers in Virginia similarly had to consider political and legal means of overcoming local opposition to change.

In the years preceding the 1912 shootings, the Allens made themselves familiar figures to many Carroll County residents and court officials. In a letter to Governor Mann in January 1913, Hillsville attorney William D. Tompkins, a Democrat, chronicled the many misdeeds attributed to the Allens and made a case that under the county court system the family members had grown accustomed to avoiding the consequences of their actions. He claimed that in the late 1880s Floyd, Sidna, and their brother Garland had “considerably bruised and beat up” a man named Thomas Dalton by throwing rocks at him during a meeting to discuss building a railroad through the southern portion of the county. The man sought Tompkins’s assistance, but “they (the Allens) made a demonstration against Mr. Dalton, after which he told me that he did not care to prosecute the case any further, . . . and I understand that the warrant was dismissed.” Dalton indicated that he was hiring Tompkins because David W. Bolen, another local attorney and at times county court judge, refused to help—Dalton protested “that he could not get Judge Bolen to prosecute them [the Allens] because he lived out there among them and they would kill his stock and burn his property if he should appear as counsel against them” On another occasion a decade later, as Tompkins outlined, “Floyd Allen and Brother, Jack Allen[,] fell out in a dispute over some blockade [illegal] Liquor that their father had on hand when he died: Jack was administrator, and he did not have the liquor appraised: They met at a Magistrate’s Court and shot each other, and they lingered between life and death for several weeks, however, they recovered and were indicted, when the case came on to be heard, (that being in the days of the County Court,) the Judge from the bench announced that this was a family quarrel and had been settled as such and directed a verdict of ‘Not Guilty’: Again the ‘powers that be’ temporized with this Clan.”⁹

County records confirm Tompkins’s depiction of a long record of violence and legal tangles involving the Allens. In May 1889 Garland and Sidna Allen faced trial for carrying concealed pistols and assaulting a group of thirteen men. Sidna demonstrated resistance to the legal

⁹ William D. Tompkins to William H. Mann, January 29, 1913, in Virginia Secretary of the Commonwealth, Papers relevant to the Floyd Allen case, 1912–1913, Acc. no. 21690, State Government Records Collection (Library of Virginia); hereinafter cited as Clemency Petitions. David W. Bolen served as judge of the county court from January 1879 to January 1883 (with the exception of a few months) and later served as the area’s circuit court judge from April 1890 to April 1892, but he also worked as an attorney in Hillsville during this period. See Circuit Court Law Order Book 4 and County Court Law Order Books 8 and 9 (Carroll County Clerk’s Office, Hillsville, Va.). Bolen represented Carroll County at the constitutional convention and voted against proclamation of the new constitution. McDanel, *Virginia Constitutional Convention*, 160.

process by refusing his summons to answer the charges. The deputy delivering the summons noted on his copy that "he [Sidna] refusing to accept same I threw it down at his feet and left it . . ." In July 1889 the court indicted Floyd Allen for assault as well, though perhaps in an unrelated matter. After pleading *nolo contendere* on the assault charges, Garland and Sidna each faced a \$5 fine plus court costs in September 1889, and the prosecutor dropped the concealed weapons charges. In December 1889 the commonwealth's attorney chose not to prosecute the case against Floyd. The list of men assaulted did not include Thomas Dalton; therefore, these indictments may or may not have grown out of the rock-throwing incident mentioned by Tompkins.¹⁰

Tompkins also described accurately the tension between Floyd and Jack. In February 1898 the court appointed Jasper "Jack" Allen, brother of Floyd and Sidna, to be administrator of the estate of their father, Jeremiah Allen, and Sidna provided Jack's required bond. In March, however, Sidna withdrew his bond, in all likelihood because "the gold fever" had stricken him. He was preparing for what would be a nine-month excursion to Alaska and the Hawaiian Islands, Sidna's self-described "first trip . . . into the outside world." Sidna's action left the county sheriff as administrator and, apparently, Jack and Floyd at odds. A brief news item from October 1899 reported matter-of-factly that "a desperate row took place . . . between two brothers, Floyd and Jack Allen, who had been at 'outs' for some time over a business matter. It seems that the brothers had a trial Saturday and the shooting grew out of this. Floyd Allen shot first, the ball striking his brother, Jack Allen in the forehead, glancing around the skull, making a painful, though not serious, wound. Floyd was shot three times, once in the arm, one time in the leg and the third shot entering the left side of the body, the latter being the most serious shot fired during the difficulty." In July 1900, having recovered, the brothers faced charges for shooting each other with pistols. The county court under Judge N. P. Oglesby (who served in that role from January 1892 until the end of the county court system in 1904) heard the case in August 1900, and the same jury

¹⁰ File for Cases Ended in County Court, July, August, September, October, November, and December, Terms 1889; and entries for September 17, 1889, and December 16, 1889, Carroll County Law Order Book 11 (both in Carroll County Clerk's Office). Floyd was indicted in July 1889 for assaulting Willie Tow. At his 1912 trial Floyd testified as to his relations with one Sidney Towe: "When he went to leave this country once when I was deputy sheriff & he had a sale, and had to settle a lot of attachments I had in my hands before he could sell, and I had some trouble with his father, a little fight with him." Testimony of Floyd Allen, p. 1479, Allen trial transcript.

found each not guilty. In each case the record includes the phrase “no evidence being adduced,” which may indicate that Oglesby did in fact direct a judgment of not guilty, as Tompkins claimed. Unsurprisingly, given Tompkins’s indications about Bolen’s neighborhood ties to the Allens and the results of these trials under Oglesby, Judge Bolen later acted as one of two attorneys for Floyd Allen in his March 1912 trial, and Oglesby would serve on the defense team throughout the trials of the Allens following the courtroom massacre.¹¹

Tompkins also acquainted Mann with the Allen family’s involvement in a lynching in Carroll County on June 20, 1898. Officers held Mack Howlett and his brother Andrew in the county jail in Hillsville for allegedly killing Carr Allen, a cousin of Floyd, with a shotgun. Mack Howlett, who supposedly fired the shots, was seized from the jail on the night before the grand jury would convene. A group of men, labeled as “unknown parties” in the report of coroner C. B. Nuckolls, shot Howlett to death. Tompkins witnessed the aftermath: “The next morning as I went to my office, his body was lying in full view of the Courthouse in front of the jail; Court sat and charged the Grand Jury, but made no reference whatever to the lynching of Mack Howlett and no Grand Jury was ever charge[d] to investigate this matter: This was the same Judge [Oglesby] that had directed a verdict of ‘Not guilty’ when [F]loyd Allen and Jack Allen, his brother, were tried for shooting each other.”¹² The county court under Oglesby convened the day of the lynching and the days following. On June 22, the court set bail for Andrew P. Howlett, but the lynching made the record only indirectly in the approval of expenses regarding the inquests for Carr Allen and Mack Howlett and the ironic approval of a payment of seventy-five cents to T. J. Burnett for “1 nights guarding Mack and Andrew Howlett, chgd. with murder . . .”¹³ Sidna Allen celebrated the

¹¹ Allen, *Memoirs*, 25 (first and second quotations); *Mount Airy News*, October 19, 1899, p. 3 (third quotation); entries for February 21, 1898, March 21, 1898, April 20, 1898, and August 21, 1900 (final quotation), County Court Law Order Book 12, (Carroll County Clerk’s Office); File for Cases Ended at All Terms 1900 (Carroll County Clerk’s Office); Lord, *Red Ear of Corn*, 27, 76–77, 278. See County Court Law Order Books 11, 12, and 13 (Carroll County Clerk’s Office) for confirmation of Oglesby’s tenure. Jack Allen eventually died a violent death in 1916 after being shot in a roadhouse near the Virginia–North Carolina border.

¹² William D. Tompkins to William H. Mann, January 29, 1913, Clemency Petitions; “Coroners Inquest over body of Carr Allen, deceased” and “Inquest held by Coroner over the body of Mack Howlett,” Coroner’s Inquest File (Carroll County Clerk’s Office); W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana, 1993), 282; Hall, *Carroll County Courthouse Tragedy*, 15–16, 91.

¹³ Entries for June 20, 21, 22, and 23 (quotation), 1898, County Court Law Order Book 11 (Carroll County Clerk’s Office). Ironically, Andrew Howlett was present and wounded during the courtroom shooting in 1912. *Richmond Planet*, March 23, 1912, p. 6; Hall, *Carroll County*

lynching. The killing of his kinsman “did not go unavenged. Howlett suffered death for the murder of Carr Allen.”¹⁴ The Allen family’s likely resort to lynching—an incident that one historian classifies as a private mob action to displace the legal process—presaged their later unwillingness to accept the court’s verdict.¹⁵

Just as the election of a slate of Republican candidates meant that the court officials and law enforcement officers no longer supported the Allens, the debut of the new circuit court assured that the family members no longer faced a sympathetic local judge. Hillsville attorney S. W. Tompkins (brother of William D. Tompkins) cried to Mann that “the citizens here have been terrorized for years by this Allen clan” and that Virginia’s “money could not be spent in a better way than in this way making it possible for law abiding citizens of the Commonwealth [to] feel like they are safe from Mob violence, by bringing this clan to justice.” He urged Mann to substantiate the allegations by contacting Judge Robert C. Jackson, an attorney in Roanoke and the late Judge Massie’s predecessor in the Carroll County courtroom.¹⁶

Jackson responded to Mann’s subsequent inquiry by describing at length the conditions during his term of service with the new court system from 1904 to 1908: “It was not long after I commenced to hold the Courts in Carroll in 1904, that I learned something of the Allens. Several of them at that time were rated as very bad, dangerous men. Floyd Allen was perhaps the worst man of the clan—overbearing, vindictive, high tempered, brutal, with no respect for law and little or no regard for human life. During my term of office Floyd Allen was several times charged with violations of law. In several instances he escaped indictment, I am satisfied, because the witnesses were afraid to testify to the facts before the grand jury.” Jackson recalled a trial in

Courthouse Tragedy, 91. Walter Tipton, Floyd’s other attorney at the March 1912 trial, served as the commonwealth’s attorney for Carroll County from 1891 to 1899, encompassing the time of the lynching.

¹⁴ Allen, *Memoirs*, 8. Sidna was away on his trip to Alaska and Hawaii at the time of the lynching, though.

¹⁵ Brundage, *Lynching in the New South*, 282.

¹⁶ S. W. Tompkins to William H. Mann, December 2, 1912, Virginia Secretary of the Commonwealth, Papers Relevant to the Floyd Allen Case, 1912–1922, Acc. no. 39265, State Government Records Collection (Library of Virginia); hereinafter cited as Allen-Edwards Case Collection. This collection contains correspondence, clippings, petitions, and other materials related to the clemency requests of Floyd Allen, Claude Allen, Sidna Allen, Friel Allen, Sidna Edwards, and Wesley Edwards. Both Jackson and Mann publicly supported vigorous prosecution efforts in earlier high-profile murder cases in Virginia. See Richard F. Hamm, *Murder, Honor, and Law: Four Virginia Homicides from Reconstruction to the Great Depression* (Charlottesville, 2003), 148; and Suzanne Lebsack, *A Murder in Virginia: Southern Justice on Trial* (New York, 2003), 166–70.

1904 in which Floyd was convicted of assaulting a neighbor, Noah Combs. The sheriff and commonwealth's attorney had asked Jackson to disarm Floyd in the courtroom because "if Allen was convicted and given either a penitentiary or jail sentence, he would not hesitate to resist . . ." Jackson explained that he "refused to have him disarmed and gave it as my reason that if men like Floyd Allen in Carroll County were made to think that the Court and its officers feared violence at their hands, nothing could be done to maintain the supremacy of the law in that section."¹⁷ Floyd Allen cultivated a prickly aversion to jail. For the assault, the jurors sentenced him to an hour in jail and a \$100 fine, plus costs. He posted bail pending an appeal and at the next term of court produced a pardon from Governor Andrew J. Montague excusing him from the time in jail. In this matter Floyd's defense team included former commonwealth's attorney Walter Tipton and recent county judge Oglesby, again demonstrating the tight connections that existed among the thorny Allen family members and the Democrats who had composed the county judicial structure before the constitutional revision.¹⁸

Sidna had traveled more widely than his brothers and by 1911 had

¹⁷ Robert C. Jackson to William H. Mann, January 27, 1913, Clemency Petitions. Mann made the letter public. In Floyd's final statement, he noted that Jackson's comments offended him: "I have been very much surprised and hurt by the statement of Judge Jackson. I had always considered Judge Jackson my friend. He appointed me deputy sheriff and I would not accept it under a Republican sheriff, and at one time wrote and asked me to come to Hillsville and be at court, as he expected trouble and wanted me to protect him, or words amounting to about the same as this." Allen, "Statement on His Life," p. 2. Combs was the principal witness in the earlier indictments against Jack and Floyd for shooting each other. File on Cases Ended at All the Terms 1900 (Carroll County Clerk's Office).

¹⁸ Hall, *Carroll County Courthouse Tragedy*, 17–18; William D. Tompkins to William H. Mann, January 29, 1913, Clemency Petitions; entries for September 7 and December 13, 1904, Circuit Court Law Order Book 5 (Carroll County Clerk's Office); Lord, *Red Ear of Corn*, 278. Floyd's propensity toward violence persisted, even while under indictment for rescuing his nephews. On May 20, 1911, one G. B. Cody shot twice at Floyd as Floyd rode down Main Street in Mount Airy in neighboring Surry County, North Carolina. The second shot missed, and "only for the fact that the first shot struck a pistol in Mr. Allen's breast pocket, it would have ended his life." At his trial "Cody claimed that Mr. Allen accosted him on the street at the time of the shooting and, after making a remark about the part Mr. Cody had played in the arrest of some relatives of Mr. Allen, started to draw a pistol, as he thought." *Mount Airy News*, November 30, 1911, p. 2. The *Mount Airy News* later (March 21, 1912, p. 5) reported of the incident, "Mr. Cody was let off with a small fine and Allen made to pay a fine for carrying a concealed weapon. Many of the people expected trouble at that time but nothing unusual happened. Before this shooting Mr. Cody had arrested Allen here in Mt. Airy, and some time afterwards Mr. Cody was coming from over the mountain when Allen and some of his followers held him up and inflicted serious wounds by beating him over the head with pistols." Floyd believed angrily that Carroll County prosecutor William M. Foster had written his counterpart in Surry County to encourage him not to prosecute Cody aggressively for shooting at Floyd because "if Cody had killed him when he shot at him, that he [Foster] would have one less man to deal with in Virginia." Testimony of E. M. Cooley, Allen trial transcript, p. 82.

built an exceptionally fine home to complement his successful businesses. In 1910 an observer in Mount Airy, North Carolina, recommended Sidna as “a well known citizen of this section and a man of large means and good credit.” Nonetheless, Sidna had compiled a number of legal difficulties of his own before the courtroom massacre. The circuit court under Jackson convicted him of an assault charge in December 1904, fining him \$100. This is likely the same case that William D. Tompkins described to Governor Mann as involving an attack by Sidna on a constable who was serving papers in a civil case: “It was shown that he knocked the Constable in the head with a block of wood.”¹⁹ The federal judicial system also ensnared Sidna in 1910. The federal court in Greensboro, North Carolina, judged him not guilty of counterfeiting gold coins after a trial in which the prosecution reportedly brought thirty witnesses from around the nation. On the stand he underwent what a news reporter called “the most gruelling examination ever heard here.” Walter Tipton represented him too, along with another attorney. Sidna’s alleged accomplice, Preston Dickens, was found guilty and sentenced to serve five years in federal prison. Sidna then was tried and found guilty of perjury in his trial testimony. He appealed and gained a new trial on the perjury charge, but the Hillsville events ensued.²⁰

The Allens’ many encounters with the law occurred in the context of a complex array of political exchanges. The local political environment involved vigorous party competition to an extent unusual in many parts of the South but familiar to some other parts of the Appalachian region. The area of most consistent strength for the state Republican Party lay farther west in the Ninth Congressional District, but as part of Virginia’s Fifth Congressional District, Carroll voters aided strong Republican challenges against Democratic dominance of the seat. In 1908 the Democrats controlling the Virginia legislature plucked ad-

¹⁹ Mount Airy *News*, June 9, 1910, p. 2; entries for December 9 and 10, 1904, Circuit Court Law Order Book 5 (Carroll County Clerk’s Office); William D. Tompkins to William H. Mann, January 29, 1913, Clemency Petitions; Allen, *Memoirs*, 20–23.

²⁰ Raleigh *News and Observer*, June 11, 1910, p. 1 (quotation), June 12, 1910, p. 9; Winston-Salem *Journal*, June 12, 1910, p. 1; Allen, *Memoirs*, 35–43; Hall, *Carroll County Courthouse Tragedy*, 28–30. While Sidna was at large following the courthouse shooting, Mann tried to arrange early release for the astute Dickens through Senator Thomas S. Martin because Mann and the Baldwin agents in charge of pursuing Sidna believed Dickens could be of assistance. William H. Mann to W. G. Baldwin, July 13, 1912, and Mann to Martin, July 31, 1912, Allen-Edwards Case Collection. In late September Dickens led Winston-Salem police on an unsuccessful search for counterfeit gold coins that he claimed he and Sidna had hidden. Roanoke *Evening World*, October 1, 1912, p. 7. Sidna’s still-open perjury case attracted attention again when he was released in April 1926, but federal prosecutors apparently did not pursue it. Charlotte *Observer*, May 1, 1926, p. 12. Some reports mistakenly refer to Dickens as Dinkins.

joining Floyd County, heavily Republican, from the district in an unusually blatant example of gerrymandering. The U.S. House Committee on Elections concluded, “The only and the specific purpose of the act of 1908 in taking the county of Floyd out of the Fifth District and transferring it to the Sixth District, as appears from the evidence, was the political advantage that did result in making a close district barely safe for the dominant political party of the State.” Election results remained close, even though the district extended to heavily Democratic areas such as Danville, well beyond the mountains. In 1910 the Democratic congressional candidate outpolled his Republican challenger only by a vote of 7,537 to 7,382. In Carroll County the Republican Party had earned significant support beginning in the early 1880s in the wake of the Readjuster movement. Steady progress culminated with a sweep of the major county offices—commonwealth’s attorney, sheriff, treasurer, and court clerk—in the elections of 1903 and 1905.²¹

Within Carroll County, Dexter Goad figured prominently in Republican electoral gains. Goad formerly served as a delegate to the state House and was once a United States commissioner in the county. Floyd Allen dogged him repeatedly: “I reported Dexter Goad for selling blockade liquor in his office while he was United States commissioner. . . . I cannot say whether he resigned or was left out, but anyway he was no longer United States commissioner. We have been political enemies for years.” Goad ran in 1905 for the office of county clerk of court, a pivotal position in the local power structure. He topped the long-serving Democratic incumbent W. H. Sutherland, a former Confederate officer, by only a few dozen votes. Floyd Allen’s name headed a list of eighteen people who signed a complaint contesting the election on ground of irregularities at the polls. Goad responded “that the friends of W. H. Sutherland with his knowledge and consent and approval used and spent large sums of money, and quantities of liquor in order to corrupt and debauch the voters of the county, and induce them to vote for him” Circuit court judge Jackson dismissed the complaint in March 1906. When Goad ran for reelection, the Allen

²¹ 1909 *Campaign Text Book of the Republican Party*, 65–67; *Contested Election Case of Jno. M. Parsons vs. Edward W. Saunders From the Fifth Congressional District of Virginia: Brief for Contestant* (Roanoke, Va., [1909?]); *House Reports*, 61 Cong., 2 sess., No. 1695: *Contested Election of John M. Parsons v. Edward W. Saunders, Virginia, with Minority Report* (Serial 5599, Washington, 1910), 9 (quotation); Michael J. Dubin, *United States Congressional Elections, 1788–1997: The Official Results of the Elections of the 1st through 105th Congresses* (Jefferson, N.C., 1998), 382; George Leonard Vogt, “The Development of Virginia’s Republican Party” (Ph.D. dissertation, University of Virginia, 1978), chaps. 2–3; John Alderman, “A Political Review of Carroll County” (photocopy of unpublished manuscript in author’s possession).

brothers “felt it our duty to oppose Goad and we did oppose him, as did many other Democrats, with the result that [his opponent] lacked only a few votes of being elected.” In contrast, Goad testified blithely in 1912 that “me and Mr. Floyd Allen had no difference, no, sir.”²²

Members of the Allen family deftly participated in political campaigns. Floyd and Jack sought and held political office several times. Floyd summarized his success in local politics: “I believe I was first elected constable, . . . then I believe I was elected supervisor next. I was appointed as deputy sheriff I believe for about eight years, four years at a time, I think, and deputy treasurer, I believe, a year or two.” As late as September 1911, even while Floyd was under indictment for freeing his nephews, Judge Massie tried to appoint him as a special police officer to keep the peace at a crowded site on the New River (likely at a dam under construction). Floyd’s brother Jack served as a constable, and Jack apparently cherished larger political ambitions for his son Walter. A county native and supporter of the Allens recounted that Jack expeditiously joined the Republican Party in the years after the turn of the century with the expectation that the Republicans would support Walter in a bid for the office of commonwealth’s attorney. When they did not, Walter ran independently as a Republican but lost to incumbent William Foster in 1907. In the shifting sands of the county political landscape, Foster had himself switched to the Republican Party (after an unsuccessful try for the office as a Democrat in 1899) before winning the office in 1903.²³

Foster roused the political ire of the Allens as much as Goad. Sidna recalled, “Several years previous to the schoolhouse trouble, Floyd Allen had a fight with W. M. Foster In this fight, which came about because of political differences between the two, Floyd worsted Foster. Ever afterwards Foster was Floyd’s enemy.” Explaining further, Sidna complained, “There was . . . a little courthouse ring of Republicans who hated us bitterly, and with us out of the way it would

²² Floyd Allen, “Statement on His Life,” p. 8 (first quotation); Sidna Allen, *Memoirs*, 49 (third quotation); testimony of Dexter Goad, Allen trial transcript, p. 283 (last quotation). For the election complaint, Goad’s response (second quotation), and the dismissal see the file on Judgments of Law, March 1906 (Carroll County Clerk’s Office).

²³ Testimony of Floyd Allen, Allen trial transcript, p. 1397 (quotation); Cooley, *Inside Story of the World Famous Courtroom Tragedy*, 15, 26–27; Lord, *Red Ear of Corn*, 23–24. The entrenchment of the modern state required a degree of violence. As a constable, Floyd could threaten violence on behalf of the law as well as in opposition to it. He reportedly once helped a revenue officer who had been wounded and was under siege from moonshiners. According to the officer, a neighbor alerted Floyd, and he “grabbed his rifle and came at full speed He told the men that if they touched me he would kill the first one to do so.” Roanoke *Evening World*, December 3, 1912, pp. 1, 5 (quotation on p. 5).

be easier for them to run things. Prominent members of this ring were W. M. Foster and Dexter Goad.” This animosity, the Allens believed, led Foster to prosecute the Edwards brothers excessively for the fight at the schoolhouse church service in December 1910 while not pressing charges against their antagonists. Likewise, Foster pursued multiple indictments not only against Floyd, but against Sidna (who was never tried) and Jack’s son Barnett (who was acquitted) for the forcible release of their two young Edwards kinsmen.²⁴

The atmosphere of mistrust swirled even more intensely following the indictment of Floyd in May 1911 for the incident. Floyd held “that whenever Mr. Dexter Goad took stock against a man it had got so that it was a mighty hard matter . . . to get a fair trial at Hillsville . . .” Given the clerk’s role in compiling lists of potential jurors, tension stiffened when Floyd heard rumors that “Goad would get a jury that would acquit” Floyd, if he would support Goad politically. Jack and Floyd fought back, and they drew on both their experience with legal maneuvering and their rough capacity for violence (whether undermining the law or enforcing it). Floyd swore out a warrant against Peter Easter, one of the deputies from whom he had freed his nephews, for allegedly shooting at Floyd. He had Jack, a constable, serve the warrant by arresting Easter. Jack had an even more pointed encounter with Pink Samuels, the other deputy slated to be a key witness against Floyd, Sidna, and Barnett. On the street in Hillsville, as Deputy Samuels walked by, Jack challenged him to explain what his son Barnett had done to justify the charges. Samuels, Jack explained, “said that he had been run over by us Allens as much as he was going to . . .” The frightened deputy “just sort of ran backwards away from me and grabbed his gun, and when he done that I got mine and threw it right on him, and I said ‘take your hand off that gun, or I will kill you,’ that is what I said, and he took it off. If he hadn[’]t I should have shot him, that is just what I should have done.”²⁵

This convoluted political and legal conflict churned until the eruption of violence in the courtroom. In September and December 1911 the court postponed the case against Floyd due to the failure of Samuels to appear as a witness. At the December term Judge Massie summoned Jack and Floyd before him to reprimand them for intimidating witnesses.

²⁴ Allen, *Memoirs*, 45 (first quotation), 48 (second quotation); Hall, *Carroll County Courthouse Tragedy*, 254.

²⁵ Testimony of Floyd Allen, pp. 1421, 1485, and testimony of Jasper (Jack) Allen, pp. 1378–79, Allen trial transcript.

Floyd's attorney Walter S. Tipton recalled that Massie "simply said that if it was necessary [in order] to enforce the law he would bring in the State troops to do it." The March 1912 trial took place without Samuels, and Goad and Foster remained apprehensive and wary of the Allens. "The Commonwealth's Attorney had on various occasions told the Court that these people were out-laws and would resort to any means to thwart the ends of justice, and believing as he did, I had gone to the Court-room armed from the beginning of the trial," Goad admitted later. He savored the trial and conviction of Floyd: "Proof was positive against him; his admissions were sufficient to convict him; the Commonwealth's Attorney had vigorously prosecuted him, and many say that the prosecution had never been excelled at this bar; his closing speech was masterly, admonishing to the jury to take courage and do their duty in relieving our county of mob violence, which he said had reigned in this county for fifteen or twenty years." Floyd said later he planned to accept the guilty verdict, but, he claimed, as the sheriff moved to take Floyd into custody, Goad already had a gun in sight. "When I saw Dexter Goad get out his gun that changed my mind right then," he said, and flaming guns shattered the tense air.²⁶

Governor Mann reacted quickly and passionately to the news of the killings in Hillsville. For him, the incident allowed for only one interpretation and one solution. The Allens had challenged the majesty of the law in the Commonwealth of Virginia, and orderly rule had to be restored at all costs. On March 14, the morning of the shootings, local residents quickly telegraphed the news to the authorities in Richmond. To Governor Mann one condensed the chaos, "Judge Massie shot dead on the bench, commonwealth shot dead at the bar, the sheriff shot dead in court house, several others wounded, help wanted." The governor immediately wired W. G. Baldwin of the brutal Baldwin-Felts detective agency in Roanoke to "take such men as you think may be necessary and proceed at once to Hillsville and arrest murderers and all connected with the crime. Spare no expense . . ." Though utilized by corporations around the region and beyond, the Baldwin-Felts agency had particular ties to Carroll County, where co-founder Thomas Felts made his home near Galax.²⁷ By the following day, the detectives had Floyd Allen, his son

²⁶ Dexter Goad to William H. Mann, March 20, 1912, Allen-Edwards Case Collection (second quotation); testimony of W. S. Tipton, p. 1233 (first quotation), Exhibit K, testimony of Dexter Goad, p. 295 (third quotation), and testimony of Floyd Allen, p. 1423 (last quotation), Allen trial transcript.

²⁷ J. G. Ayers to William H. Mann, March 14, 1912 (first quotation); Mann to W. G. Baldwin, draft of telegram, [March 14, 1912]; both in Allen-Edwards Case Collection. For more on the

Victor, and even their friend Byrd Marion (later shown to be uninvolved) in custody, but Floyd's son Claude, nephews Friel Allen and Sidna and Wesley Edwards, and brother Sidna remained at large. Days later a grand jury indicted each for all five murders.²⁸

As newspaper readers around the country avidly followed the case, the Baldwin-Felts detectives unleashed a manhunt for the fugitives. Behind the scenes, the detectives worked to erode family loyalties among the Allens. Jack, for example, tried to help his son Friel at the expense of his nephews. According to Baldwin, Jack agreed with Felts "to turn up Sidney [*sic*] Edwards, Friel Allen, Claude Allen, and Wesley Edwards, and that he was to receive part of the rewards, and that [the detectives] would guarantee that Friel Allen would be pardoned in five years." Jack arranged Friel's surrender, and he provided information that helped in the capture of Sidna Edwards. Floyd, already in custody, had nothing to lose by cooperating. Baldwin claimed in early June that "Floyd Allen arranged with his wife . . . to get positive and definite information by Thursday as to [his brother]

Baldwin-Felts agency see Richard M. Hadsell and William E. Coffey, "From Law and Order to Class Warfare: Baldwin-Felts Detectives in the Southern West Virginia Coal Fields," *West Virginia History*, 40 (Spring 1979), 268–86. For a book defending the detective agency see John A. Velke III, *Baldwin-Felts Detectives, Inc.* ([Richmond], 1997). For a cinematic representation of activity in the West Virginia coal region by the Baldwin-Felts agency see John Sayles's 1987 film *Matewan*. The Baldwin-Felts agency, including some of the same personnel present in Carroll County, also played a particularly brutal role in suppressing coal mining strikes in Colorado in 1913 and 1914, a series of violent encounters that culminated in the infamous Ludlow Massacre on April 20, 1914. Clare V. McKanna Jr., *Homicide, Race, and Justice in the American West, 1880–1920* (Tucson, 1997), 104–12. For comparison see the account by Charles A. Siringo of his activities both in the West and in the Appalachians of Virginia and of Kentucky as a detective employed by the Pinkerton agency. Siringo, *A Cowboy Detective: A True Story of Twenty-Two Years with a World-Famous Detective Agency* (Chicago, 1912). There are many conceptual affinities between southern and western regional histories, but the Baldwin-Felts link is unusually direct. Comparisons between the Hillsville situation and beliefs about the American West were natural ones for observers at the time of the shootings as well, particularly given that the idea of the Wild West was of recent origin at the time. One writer noted in 1912, "Incredible as it may seem, the Carroll County section of the Blue Ridge Mountains in Virginia is as wild as the heart of the Rockies, and it seems almost impossible that such a wild region and desperate men could exist in a locality so close to the very center of civilization. That almost unexplored regions of vast woods and wilderness should be situated within a few hours' railroad ride of the Capitol of the Old Dominion State is on the verge of unbelief, but the fact remains that as great forests and as bad men as ever flourished in the days of Jesse James and his gang in the wilds of Missouri are today still in existence so close to even the Capital of the State and Nation." James, *Allen Outlaws*, 40. On the creation of the idea of the Wild West (a process not unlike the creation of Appalachia in the national mind) see Kevin S. Blake, "Zane Grey and Images of the American West," *Geographical Review*, 85 (April 1995), 202–16; and Christine Bold, *Selling the Wild West: Popular Western Fiction, 1860 to 1960* (Bloomington, 1987), chap. 2.

²⁸ T. L. Felts to William H. Mann, March 15, 1912, Allen-Edwards Case Collection; Lord, *Red Ear of Corn*, 502.

Sidna's whereabouts, and he agreed if we would give Mrs. Allen one half of the reward for [Sidna] Allen and [Wesley] Edwards, she would turn them up." Floyd could not deliver on his agreement, though. By the end of March, Sidna Edwards, Claude Allen, and Friel Allen had surrendered or been captured, but Sidna Allen and Wesley Edwards had fled to Des Moines, Iowa. Not until mid-September 1912 did Baldwin-Felts men arrest them; detectives learned their whereabouts from Edwards's girlfriend and her father in Carroll County after Wesley could not resist sneaking home to Carroll County for a quick visit.²⁹

Writing to Joseph C. Wysor, the leading member of the prosecution team the state had assembled for the trials of the Allens, Governor Mann placed "first and foremost as the end to be reached the complete vindication of the laws of the Commonwealth and the punishment of the men who have committed the most outrageous crime in the history of Virginia." Both Mann and Wysor, active Democrats, helped to fuel the Progressive movement in Virginia. A former judge and railroad attorney, Mann had established his credentials as a Progressive reformer by taking prominent stands on behalf of prohibition, scientific agriculture, and improvements in public education, while Wysor had worked with the state commission regulating corporations and had unsuccessfully run for Congress. Virginia's reform movement nourished a particularly traditionalist bent. Historian Dewey W. Grantham sums up, "The progressives themselves were basically conservative, defenders of Virginia's peculiar cultural values, intent upon restoring social order and morality following the chaos and trepidation of the late nineteenth century." In labeling the courtroom violence as a sacrilegious affront within the commonwealth's "temple of justice," Mann emphasized that the Allens had done much more than commit murder; they had challenged the allegiance to rationality and social order by which Progressives expected to guide Virginia toward a bright and stable future. Mann's commitment to restoring the symbolic sanctity of the law would remain steadfast, despite eventual cries for mercy toward the Allens, even from within the highest ranks of the powerful political machine of his own party.³⁰

²⁹ W. G. Baldwin to William H. Mann, August 19, 1912 (first quotation), June 4, 1912 (second quotation), September 10, 1912, Allen-Edwards Case Collection; and Lord, *Red Ear of Corn*, 502-4. Both fugitives had already found jobs in Des Moines, and Sidna was planning to go into the business of selling generators for acetylene lights. Allen, *Memoirs*, 74-81.

³⁰ William H. Mann to Joseph C. Wysor, July 16, 1912 (first quotation); Mann to Haynie H. Seay, November 13, 1912 (third quotation); both in Allen-Edwards Case Collection; Henry D. Flood to Mann, February 19, 1913; Richard E. Byrd to Mann, March 27, 1913; both in Clemency Petitions; Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and*

Mann's vigorous reaction must also be understood within the broader context of violence and its opponents in Virginia. From the 1880s until the 1920s across the South, lynching and other forms of mob violence reached epidemic proportions.³¹ The wave of killings in Virginia proved less severe than in most southern states, but lynching activity was most intense in the southwestern counties. As W. Fitzhugh Brundage has shown, unlike its neighbors in the Deep South, Virginia developed a vocal and somewhat successful antilynching contingent in state government in the two decades before the incident in Hillsville. The state's peculiarly elitist political development after the Civil War left conservatives in firm control in the 1890s and afterward, and they committed themselves to the diversified economic development of the state. As a result, Brundage writes, "the theme of law and order had a resonance that it lacked in most other southern states . . ." For "much of the leadership of the Democratic party, mob lawlessness, in all of its many guises, threatened to overwhelm the entire social and economic order upon which the New South and Virginia rested." The number of lynchings in Virginia had declined dramatically by 1912, but the killings in the Hillsville courtroom menacingly tweaked the same frantic

Tradition (Knoxville, 1983), 65–74 (second quotation on p. 72) and 363–65; Raymond H. Pulley, *Old Virginia Restored: An Interpretation of the Progressive Impulse, 1870–1930* (Charlottesville, 1968), chaps. 5–8; William A. Rhodes, "William Hodges Mann: Last of the Boys in Gray," in Edward Younger and James Tice Moore, eds., *The Governors of Virginia, 1860–1978* (Charlottesville, 1982), 182–94, esp. 192–93; Pendleton, *Political History of Appalachian Virginia*, 506–13. Virginia's oligarchic government structure endured under the control of the Byrd political organization into the 1940s and beyond. See V. O. Key Jr. (with the assistance of Alexander Heard), *Southern Politics in State and Nation* (New York, 1949), 19–35. For more detailed spatial analysis of the significance of courtrooms and courthouses see Jonathan D. Rosenbloom, "Social Ideology as Seen Through Courtroom and Courthouse Architecture," *Columbia-VLA Journal of Law and the Arts*, 22 (Winter 1998), 463–523. For more recent examples of courtroom violence see Don Hardenbergh and Neil Alan Weiner, "Preface," *Annals of the American Academy of Political and Social Science*, 576 (July 2001), 8–18; and Weiner and Hardenbergh, "Understanding and Controlling Violence Against the Judiciary and Judicial Officials," *Annals of the American Academy of Political and Social Science*, 576 (July 2001), 23–37. They note that "threats or attacks against judicial officials, court employees, and court visitors or against the courthouse become symbolic attacks against the justice system as a whole." Hardenbergh and Weiner, "Preface," 8.

³¹ Sheldon Hackney, "Southern Violence," *American Historical Review*, 74 (February 1969), 906–25; John Shelton Reed, "Below the Smith and Wesson Line: Reflections on Southern Violence," in Merle Black and John Shelton Reed, eds., *Perspectives on the American South: An Annual Review of Society, Politics, and Culture* (4 vols.; New York, 1981), I, 9–22; Albert C. Smith, "'Southern Violence' Reconsidered: Arson as Protest in Black-Belt Georgia, 1865–1910," *Journal of Southern History*, 51 (November 1985), 527–64; Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (New York and Oxford, 1984); Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Urbana, 1995). See also the many relevant entries on violence in Charles Reagan Wilson and William Ferris, eds., *Encyclopedia of Southern Culture* (Chapel Hill, 1989), 1469–513.

fears of disorder—anxieties heightened even further in this instance by the growing rarity of violent outbreaks, the deaths of elite whites rather than powerless blacks, and the blatantly direct challenge the incident made to the legitimacy of state courts.³²

With their family's violent reputation long established, memories of the massacre fresh, and public outrage initially passionate, Floyd and Claude went to trial first, during the spring and summer of 1912 (even before the capture of Sidna Allen and Wesley Edwards). Wytheville, the county seat of neighboring Wythe County, hosted the trials, with juries secured from a variety of Virginia locations. In a special session beginning April 30, the court tried Floyd for the murder of Foster. Floyd defended himself by claiming that clerk Goad had a gun ready and was in concert with the sheriff to kill him, but Floyd failed to sway the jury. The prosecution argued instead that the Allens had conspired to shoot the court officers if Floyd received a jail sentence, and the jury found the state's argument convincing. The jurors convicted Floyd of first-degree murder. Claude faced trial only days later, charged with murdering Judge Massie as part of the conspiracy. He swore to have fired only at Goad and only then in defense of his father when he saw Goad trying to shoot Floyd. This jury apparently considered the conspiracy argument less credible and convicted him of second-degree murder. In July the state again brought Claude before the court, this time for the murder of Foster. A first trial on this charge collapsed with

³² Brundage, *Lynching in the New South*, chaps. 5–6 (quotations on pp. 169 and 172). See also Brundage, "Racial Violence, Lynchings, and Modernization in the Mountain South," in Inscoc, ed., *Appalachians and Race*, 302–16; Ann Field Alexander, "'Like an Evil Wind': The Roanoke Riot of 1893 and the Lynching of Thomas Smith," *Virginia Magazine of History and Biography*, 100 (April 1992), 173–206; and Lisa Lindquist Dorr, "Black-on-White Rape and Retribution in Twentieth-Century Virginia: 'Men, Even Negroes, Must Have Some Protection,'" *Journal of Southern History*, 66 (November 2000), 711–48. On the changing depictions of murders in Richmond see Michael Ayers Trotti, "Murder and the Modern Sensibility: Sensationalism and Cultural Change in Richmond, Virginia, from the Victorian Era to the Age of Ragtime" (Ph.D. dissertation, University of North Carolina at Chapel Hill, 1999). For an example of how differently southern officials could view courtroom violence when it involved community retribution against a black man see James M. SoRelle, "The 'Waco Horror': The Lynching of Jesse Washington," *Southwestern Historical Quarterly*, 86 (April 1983), 517–37. In this case in May 1916, white residents of Waco, Texas, seized from the courtroom a black man who had just been convicted of murder and lynched him in a most brutal way. Despite the violation of the courtroom's sanctity, no charges were filed against mob leaders. For comparison, see mention of a courtroom gun battle that killed a judge on the bench in Meridian, Mississippi, in March 1871 in William C. Harris, *The Day of the Carpetbagger: Republican Reconstruction in Mississippi* (Baton Rouge, 1979), 397–98. In Virginia the Hillsville incident also raised memories of a gun battle in which three people died at a magistrate's hearing in Rockbridge County in 1889. Roanoke *Evening World*, November 26, 1912, p. 6. For a later, much publicized case in Virginia that incorporated issues of social order see Eric W. Rise, "Race, Rape, and Radicalism: The Case of the Martinsville Seven, 1949–1951," *Journal of Southern History*, 58 (August 1992), 461–90; and Rise, *The Martinsville Seven: Race, Rape, and Capital Punishment* (Charlottesville, 1995).

a hung jury, but a second jury later in the month convicted Claude of first-degree murder.³³

At this point public sympathy for the Allens burgeoned.³⁴ The family had their supporters from the beginning. Only a week following the shootings, detective Baldwin wrote Mann, "There are quite a number of Allen sympathizers in Carroll County. I do not mean by this that there is any very much proportion or percentage of the total citizens, but they have their friends and they are already making excuses for the Allens." During the summer, the sympathy took root beyond Carroll County. Following the initial conviction for second-degree murder and the hung jury in Claude's second trial, one of the prosecutors wrote Mann, "The case was clear and strong against him; the defense was contemptible and weak, but for some reason, which I cannot understand, it seems that we are unable to find a jury that will find him guilty of murder in the first degree. It is a great surprise to me to find such a spirit of anarchy among the people as there seems to be. The Allens have a great many sympathizers and a great many of the people seem to think penitentiary sentences sufficient punishment. All of the defendants are guilty of Murder in the first degree, but it seems that we will not be able to accomplish this result. . . . It seems next to impossible for a jury not to be influenced by the action of another jury in a similar case." Governor Mann stood unmoved, opposed to compromise.³⁵

Despite their eventual success in convicting Claude of first-degree murder, the prosecutors started to feel the pressure of public opinion and to find themselves unable to convince subsequent juries that the shooters had conspired. Friel Allen and Sidna Edwards agreed in August 1912 to plead guilty to one count each of second-degree murder in exchange for the dropping of all other counts. The team of prosecutors justified their decision regarding Friel (who was born in 1892), "We were influenced in agreeing to the verdict and sentence, by the fact that a jury might have found such a verdict on account of the youth of the prisoner and his youthful appearance." Later the same day they

³³ Lord, *Red Ear of Corn*, chaps. 5–15; Hall, *Carroll County Courthouse Tragedy*, chaps. 20–24.

³⁴ There are examples from throughout the world of widespread support for violent outlaws whose actions express sentiments held by a broad segment of the populace. As with the Allens, the outlaws may receive adulation while alive and then become even more romanticized as heroes in folk and print culture after their deaths. See Eric Hobsbawm, *Bandits* (1969; rev. ed., New York, 2000), esp. 139–45 and 150–66.

³⁵ W. G. Baldwin to William H. Mann, March 21, 1912; J. C. Wysor to Mann, July 15, 1912; Mann to Wysor, July 16, 1912; all in Allen-Edwards Case Collection.

wrote the governor again to notify him of Sidna Edwards's agreement. They elaborated defensively, "There was no proof that he shot inside of the Court House, and he is a stupid dull man, and the probability was that a jury would have found him guilty of murder in the second degree."³⁶ Victor Allen's trial in mid-September resulted in a verdict of not guilty, and the prosecution chose not to try Byrd Marion. No longer needed as defense witnesses, Floyd and Claude could at last receive sentencing. The judge condemned each to death, as required for conviction of first-degree murder. The lesser convictions and lighter sentences imposed on the other family members did not affect the fate of Floyd and Claude, a discrepancy that agitated supporters of clemency for the next seven months. The judge set November 22 as the execution date, and soon officers moved the two men to the state penitentiary.³⁷

The Allens lived among a state citizenry generally comfortable with the death penalty, particularly given changes made to the execution process in the preceding years. A sentence of death followed automatically for convictions of first-degree murder. In 1908, emulating reform trends around the nation, Virginia mandated that all executions in the state be carried out under central state control at the penitentiary in Richmond, a move intended to limit the public spectacle and emotion that marked some executions conducted locally. Officials chose electrocution rather than hanging as the means of death, also an attempt to be progressive. Proponents of execution by electricity contended that this modern miracle produced less pain for its victims than previous methods. Executions under state authority peaked at seventeen in 1909, followed by fifteen in 1910, three in 1911, and seven in 1912, including the state's only electrocution of a woman (a seventeen-year-old black laundress convicted of murdering her white employer).³⁸

³⁶ J. C. Wysor, W. S. Poage, and John S. Draper to William H. Mann, August 17, 1912; Wysor, Draper, and Poage to Mann, August 17, 1912; both in Allen-Edwards Case Collection; Hall, *Carroll County Courthouse Tragedy*, 198–200. Friel's sentence may also have been lessened by the deal his father, Jack, made when helping in the earlier manhunt. Friel was to serve only five years if Jack helped capture Friel, Sidna Edwards, Wesley Edwards, and Claude Allen. Even though Jack helped agents find only two of the fugitives, Baldwin claimed that he nonetheless interceded for Friel "and succeeded in getting him a sentence of eighteen years." Baldwin to Mann, August 19, 1912, Allen-Edwards Case Collection.

³⁷ Hall, *Carroll County Courthouse Tragedy*, 201–20.

³⁸ Roger Neustadter, "The 'Deadly Current': The Death Penalty in the Industrial Age," *Journal of American Culture*, 12 (Fall 1989), 79–87; Jürgen Martschukat, "'The Art of Killing by Electricity': The Sublime and the Electric Chair," *Journal of American History*, 89 (December 2002), 900–921; William J. Bowers, *Executions in America* (Lexington, Mass., 1974), 7–11, 31–42, 93, 386–88; Kathleen A. O'Shea, *Women and the Death Penalty in the United States, 1900–1998* (Westport, Conn., 1999), 359–63; "Capital Punishment in Virginia," *Virginia Law*

Shortly after the sentencing of Floyd and Claude, detectives arrested Sidna Allen and Wesley Edwards in Iowa. The state tried Sidna in early November for the murder of Judge Massie, but prosecutors again failed to garner a conviction for first-degree murder, instead eliciting a guilty verdict for second-degree murder with a sentence of fifteen years. In early December, Sidna Allen was convicted only of manslaughter in the death of attorney William Foster and given an additional five years of prison time. Prosecutor John S. Draper rationalized to the governor, "I am at a loss to know how to account for this verdict We were left at the mercy of vacillating and weak men as jurors. I think that the blatant, clamorous part of the public, who accept wild rumors as facts and adroit false statements as evidence, have been largely responsible for the verdicts in these cases. People seem to seek for some excuse to sympathize with these outlaws, and you will find most of the sympathy based upon the fact that Goad and Foster were armed and the false impression made that Goad precipitated the difficulty." Rather than undergo additional trials, Sidna reached a plea bargain to admit guilt in Sheriff Webb's death, receive fifteen additional years, and have the other charges dropped. Wesley Edwards followed suit, reaching plea agreements for a total of twenty-seven years in prison.³⁹ Another prosecutor defended the decision to conclude deals with the two. He wrote, "We prosecuted the two cases against Sidna Allen with all the force and vigor we could command. The evidence against him was overwhelming, but after the verdict in the second case we deemed it best to settle his case without further trial, and also that of Wesley Edwards, as it seemed impossible to stem the rising tide for these people among a certain class."⁴⁰ Surveying the seven trials in mid-December, a Roanoke newspaper editor captured the change in public mood: "The facts in all these cases were essentially the same, but while they were in operation, sending a part of the clan to prison and part to the electric chair, a current of vast strength favorable to the clan began to assert itself. In a little while it spread all over Virginia, creeping into remote corners and moving with swelling volume into every county and city and town."⁴¹

The outpouring of petitions and cards and letters from individuals to

Review, 58 (January 1972), 97–142; Paul W. Keve, *The History of Corrections in Virginia* (Charlottesville, 1986), 147–48.

³⁹ John S. Draper to William H. Mann, December 13, 1912, Allen-Edwards Case Collection; Lord, *Red Ear of Corn*, chaps. 16–20; Hall, *Carroll County Courthouse Tragedy*, 201–20.

⁴⁰ Walter S. Poage to S. W. Williams, December 14, 1912, Clemency Petitions.

⁴¹ Roanoke *Evening World*, December 12, 1912, p. 4.

the governor on behalf of the Allens began in earnest with the acquittal of Victor and the sentencing of Floyd and Claude in September and continued until their execution the following March. Family members and local supporters directly circulated some petitions. Others originated from industrial workplaces, Sunday School classes, Washington and Lee University, the law school at the University of Virginia, retail businesses, a special meeting of women in Richmond calling for petitions from other women around the state, and voting precincts during elections in November.⁴² Advocates employed several lines of argument to recommend commutation of the death penalties to imprisonment. For some, Goad and the other Republican officials in Carroll County made easy targets, not least because of their party affiliation in an overwhelmingly Democratic state. For example, a Manassas merchant wrote, "I do honestly believe that Goad and one or two others are absolutely responsible for the shooting and the only reason that the Allens got off was that they were better marksmen. . . . They are manhood to the su[b]limest extent . . ."⁴³ A Richmond businessman agreed that politics created the incident: "This unfortunate Carroll Court house tragedy was the result of a political feud in which that man Goad was the aggressor with the democratic Allens his special aversion."⁴⁴ Other petitioners asked for the sentences to be commuted because Floyd and Claude "are no more guilty than the other participants in the crime which was committed, and for which confinement in the penitentiary only is to be inflicted."⁴⁵ Religious beliefs drove other pleas. In one of her several letters to Mann, a woman from Evington, Virginia, beseeched, "These men stand in the relation of lost humanity. You, Governor, stand in the relation of God, the Great Judge, and these law abiding petitioners stand in the relation of Jesus Christ, pleading for condemned humanity . . ."⁴⁶ The plight of the Allens even attracted sympathizers from neighboring states. R. B. Glenn, former governor of North Carolina, addressed Mann on behalf of Claude:

⁴² *Ibid.*, November 19, 1912, p. 1, November 22, 1912, p. 8, November 23, 1912, p. 1, November 26, 1912, p. 9, November 29, 1912, p. 1.

⁴³ R. S. Hynson to William H. Mann, November 18, 1912, Allen-Edwards Case Collection.

⁴⁴ T. L. Anderson to William H. Mann, November 22, 1912, Allen-Edwards Case Collection. Allen supporters talked seriously of trying to indict and prosecute Goad for his role in the affair, but nothing came of the movement. Winston-Salem *Twin-City Daily Sentinel*, February 16, 1913, p. 7.

⁴⁵ Undated petition from Halifax County (quotation); George Cameron Jr. to Mann, January [?], 1913; petition from Faber, Virginia, January 21, 1913; all in Allen-Edwards Case Collection.

⁴⁶ Martha Davis Anthony to William H. Mann, letter accompanying a petition, November 1912, Allen-Edwards Case Collection.

“Governor, consider the boy’s youth, his surroundings, the persuasion, and perhaps the positive command of his father, brought to bear upon him to make him be present and engage in this difficulty; and considering all this, if consistent with your sense of justice and duty, can you not remit the extreme penalty to a life sentence?”⁴⁷

Journalists around the country distorted the shooting, manhunt, and series of trials through a deeply stereotypical and flawed understanding of the Appalachian region. Most ignored the facts that the Allens were prosperous, somewhat educated, and economically tied to other states and regions in favor of showing them, and all Carroll County residents, as isolated and backward mountaineers.⁴⁸ Many readers—even in other parts of Virginia—accepted the stereotypes and from them developed sympathetic views of the Allens. Some pleaded for clemency for Floyd and Claude on the basis that “they have always lived in the wilds of the mountains, and are uneducated, rugged pioneer backwoods-men, sensitive, high-tempered and restive of restraints.” They were “as much to be pitied as censured.”⁴⁹ A petition from Chesterfield County intimated, “We believe from what we have read in the news papers that the Allens were a passionate tender hearted, childish people and people who would never stoop so low as to form a conspiracy to shoot up the court”⁵⁰ A doctor in Norfolk adopted the language of science in an effort to be more persuasive on this point, telling Mann that “the attitude of their (the Allens) minds, it seems plain to me, Your

⁴⁷ R. B. Glenn to William H. Mann, January 17, 1913, Allen-Edwards Case Collection.

⁴⁸ See Cheek, “Hillsville Tragedy.” For instance, Sidna Allen had traveled to Alaska and the Hawaiian Islands, and Claude Allen had attended a business college in Raleigh, North Carolina. Allen, *Memoirs*, 25–34; S. M. Smith to William H. Mann, November 13, 1912, and Alma Yates to Mann, November 27, 1912, Allen-Edwards Case Collection. In a rare and perceptive departure from the stereotypical viewpoint, John H. Ashworth used biased coverage of the Hillsville incident as the major reference point for an important article in 1913 decrying incorrect depictions of Virginia’s mountain residents and pointing out their basic similarity to other Americans. His ideas anticipate the revisionist arguments of the present generation of academicians studying Appalachia. See Ashworth, “The Virginia Mountaineers,” *South Atlantic Quarterly*, 12 (July 1913), 193–211. The coverage of the massacre extended to the emerging medium of film. In April 1912 the Liberty theater in Winston-Salem, North Carolina, screened a film showing the courthouse and various participants in the events. It was a hit: “With every seat in the house sold long before the first show began the largest crowds that have ever attended a vaudeville and picture theatre in Winston-Salem thronged to the Liberty theatre yesterday afternoon and last night. The principal attraction was the exhibition of the Allen pictures taken at Hillsville, Va.” *Winston-Salem Journal*, April 24, 1912, p. 6.

⁴⁹ Minitree J. Fulton to William H. Mann, December 4, 1912, Allen-Edwards Case Collection. See also Roanoke *Evening World*, December 3, 1912, p. 5, for a reprint of an editorial from the Fairfax *Herald* expressing similar sentiments.

⁵⁰ Petition from Chesterfield County, Virginia, March 3, 1913, Allen-Edwards Case Collection.

Excellency, was that of a sensitive man of the primitive type jealous of his honor and his rights”⁵¹ Religious zeal could also shape the Appalachian stereotypes. A Georgia man had “a strong sympathy for the Allens and those connected with them” because “in their isolation for generations they have grown up under a code of laws of their own.” He urged Christian churches to establish a school in Hillsville to unlock “refining and elevating influences” that would help the mountaineers “cease to do evil and learn to do well.”⁵²

Other entreaties for clemency, particularly for the son Claude, recognized that Appalachian mores moved in solid accord with those throughout the South. Southern views of honor, violence, and justice provide the keys to comprehending much of the outpouring of support for Claude. Justifications of Claude’s actions on the basis of loyalty to his father constituted a prevalent theme uniting the myriad letters and petitions inundating the governor’s office. Claude’s supporters credited that he was innocent of involvement in a conspiracy and that, when faced with the situation of Floyd under fire from county officials, Claude reacted to save his father. Claude’s girlfriend, Nellie E. Wisler, voiced this defense to Mann: “What could be more serious than to take a boy’s life for doing no more than any boy would do for an old gray haired Father without a moments [*sic*] time to consider.” However, most of those appealing to Mann on Claude’s behalf were men emphasizing that Claude did “only what your son or mine would have done under similar circumstances,” as one state senator phrased it. A merchant from Quinque, Virginia, echoed the same sentiments: “I am the father of four boys and I would feel disgraced if I should raise a boy who would not defend me guilty or innocent under similar occasion.”⁵³ The argument had appeal across the state. A former neighbor and teacher of Claude’s in Carroll County wondered “what son who is worthy of the name would not have done as he did.” In distant Prince George County, supporters believed similarly that “none other than a . . . base coward would have done less.”⁵⁴

⁵¹ S. W. Hammond, M.D., to William H. Mann, November 19, 1912, Allen-Edwards Case Collection.

⁵² W. A. Huckabee to *Religious Herald*, January 2, 1913, clipping in Allen-Edwards Case Collection.

⁵³ Nellie E. Wisler to William H. Mann, February 10, 1913; N. B. Early Jr. to Mann, January 29, 1913 (second quotation); R. N. Stephens to Mann, November 18, 1912 (third quotation); all in Allen-Edwards Case Collection. Some reports mistakenly spell *Wisler* as *Wissler*.

⁵⁴ W. A. Wisler to William H. Mann, November 25, 1912 (first quotation); William B. Daniel et al. to Mann, November 27, 1912 (second quotation); both in Allen-Edwards Case Collection.

Historian Bertram Wyatt-Brown, analyzing a key component of southern culture, has written that “honor and shame are convenient labels that cover a very wide range of conduct and moral judgment.” Applied with restraint, explanations of honor among southerners in the nineteenth century nonetheless offer some insight into the actions of violent Virginia men even in the early twentieth century. A commitment to honor most fundamentally included “an acute sensitivity to insult and a propensity for violence” In a society based upon honor, external standing in the community determined an individual’s self-worth, and recognition by others of one’s strength and independence underlay the ability to be influential and successful. Challenges to honor had to be answered immediately and decisively, or the recipient of the challenge risked shame in the eyes of the community. Even the most enthusiastic academic proponents for the importance of honor acknowledge that this ethic declined in the South after the Civil War, but it survived intermittently and in various forms into the twentieth century.⁵⁵

Standards for honor grew more difficult to define, however, as social sanction for it splintered, and for its adherents, the closed circle of the family became the site for clarification. As Edward L. Ayers points out, “Outside authority changed, the economy changed, laws changed, but family endured.” On the other hand, Progressives and middle-class southerners in the early twentieth century emphatically rejected the traditional ideas of honor; Ayers notes that “the men who steered the South into ‘progress’ tended to have little use for old-fashioned honor.” The violence implicitly accepted by the doctrine inhibited the growth of the orderly, businesslike, and evangelical society sought by Progressives. In contrast to the Progressive ideology, Claude Allen and his supporters believed that he acted laudably and out of necessity when defending his father; to have done otherwise would have brought shame upon himself and the entire family. To them, as with many

For similar appeals from around the state see also David W. Bolen to Mann, November 18, 1912, Clemency Petitions; William M. Brown to Mann, November 25, 1912; B. F. Wright to Mann, November 13, 1912; J. E. Blakemore to Mann, November 18, 1912; “Sympathizer” to Mann, October 29, 1912; Will W. Booker to Mann, October 19, 1912; Miss Carlotta Kindred to Mann, August 1, 1912; petition from Culpeper, Virginia, November 18, 1912; newspaper clipping with J. E. Cooke to Mann, February 7, 1913; and Aaron Nester to Mann, November 17, 1912; all in Allen-Edwards Case Collection.

⁵⁵ Bertram Wyatt-Brown, *The Shaping of Southern Culture: Honor, Grace, and War, 1760s–1890s* (Chapel Hill, 2001), 296 (first quotation); Ayers, *Vengeance and Justice*, 274 (second quotation).

perpetrators of lynching, abstract considerations of law, morality, and social progress had no place when a challenge warranted a violent response.⁵⁶

Virginians applied religious beliefs in support not only of ideas of honor but also of emerging Progressive views. The spreading debate over clemency for the Allens engulfed two of the state's best-known clerics, George W. McDaniel, pastor of the First Baptist Church in Richmond, and James Cannon Jr., a Methodist leader, editor of the denomination's *Christian Advocate*, and crusader for prohibition. Their opposing viewpoints bring to light the divergent ways that religious faith could impact the debate over this case. McDaniel became one of the leading proponents of clemency for Floyd and Claude Allen, agitating forcefully across the state through media outreach and personally in Richmond by coordinating presentations to the governor and counseling the condemned. He explained his actions in a letter to the hostile editor of the *Roanoke Times*. McDaniel first made clear that his opinions were "the mature convictions of months of investigation and entertained by one who believes in capital punishment and has never before felt impelled to protest against an execution." Having established that he worked for commutation of Claude's sentence as "a matter of conscience" rather than out of "maudlin sentiment," McDaniel argued that "it would demand supreme moral courage for the Commonwealth to admit that some of her own officers were largely responsible for the conditions and the crime." He reasoned that Goad and his supporters had brought on the battle as part of political intrigue; McDaniel also found it disturbing that the family members convicted after Claude received lesser sentences. He proposed a clear solution: "To say that a commutation of Claude's sentence would be to invite anarchy, is absurd. Executing Floyd and commuting Claude [to life imprisonment] would be anything but condoning such a crime. It would mean that the integrity of the courts had been vindicated, the majesty of the law upheld, the committal of crime discouraged, and also that 'mercy had tempered justice.'"⁵⁷ To the last moment McDaniel campaigned for mercy. He wrote Mann two days before the executions, "To-day, I have had a heart to heart talk with Claude Allen, as one of his spiritual advisers, and have sought to prepare him to meet

⁵⁶ Ayers, *Vengeance and Justice*, 264 (first quotation), 273 (second quotation). On lynching and its causes see Brundage, *Lynching in the New South*.

⁵⁷ George W. McDaniel to the editor of the *Roanoke Times*, November 9, 1912, as reprinted in Lord, *Red Ear of Corn*, 338–40.

his God. If I am any judge of human nature and if I have fathomed the secrets of Claude Allen's heart, he is innocent of premeditated murder and ignorant of any conspiracy to shoot up the Hillsville court."⁵⁸

McDaniel's religious scruples and implicit sanction of killing in defense of family guided him to support mercy toward Claude, but the evangelical values undergirding Progressivism led Cannon to a different conclusion. An old friend on "quite intimate" terms with Governor Mann, Cannon raised an important voice among Methodists on behalf of Progressive reforms such as prohibition, and, like Mann, the assumptions he brought from those campaigns shaped his views of the clemency debate.⁵⁹ In contrast to McDaniel, Cannon asserted that the Allens had "proclaimed themselves above the law and were feared by many citizens." To condone lighter sentences would "put upon Virginia a brand of shameful infamy, far deeper and blacker than the anarchy of the Allens." They "did not make an attack simply upon men, nor upon men with whom a feud existed, nor upon men who were armed. They assaulted Virginia, the social order, the law which had spoken through its official agents, and which had declared that the anarchy of the Allens must cease." For Cannon, religious imperatives imposed no reason to hesitate at execution. He would "be glad to hear of their contrite penitence for their crimes, instead of their attempts to blame others, and [would] be as sorry if they die impenitent, as he would be sorry for any other sinners." Claude nonetheless deserved death for murder and for his challenge to a peaceful, Progressive state: "The great principles of the Mosaic Code . . . declared that the life of the murderer must be given for the protection of society."⁶⁰ In their conflicting views, Cannon and McDaniel confirmed the ubiquitous but protean political influence of southern religion.

While most petitions and many letters and editorials supported clemency, Governor Mann heard from many other citizens, some of

⁵⁸ George W. McDaniel to William H. Mann, March 26, 1913, Clemency Petitions.

⁵⁹ On Cannon and his relationship with Mann and other Virginia politicians see James Cannon Jr., *Bishop Cannon's Own Story: Life As I Have Seen It*, edited by Richard L. Watson Jr. (Durham, N.C., 1955), 120 (quotation); Robert A. Hohner, "Bishop Cannon's Apprenticeship in Temperance Politics, 1901–1918," *Journal of Southern History*, 34 (February 1968), 33–49; Hohner, *Prohibition and Politics: The Life of Bishop James Cannon, Jr.* (Columbia, S.C., 1999), chap. 5; and Moger, *Virginia*, 300–301. For the nineteenth-century roots of clerical support for progress see Beth Barton Schweiger, *The Gospel Working Up: Progress and the Pulpit in Nineteenth-Century Virginia* (New York and Oxford, 2000).

⁶⁰ Baltimore and Richmond *Christian Advocate*, November 7, 1912, pp. 4–5. Supporters of capital punishment in the antebellum North used similar scriptural justifications. See David Brion Davis, "The Movement to Abolish Capital Punishment in America, 1787–1861," *American Historical Review*, 63 (October 1957), 23–46.

them prominent local or state leaders, who like Cannon wished to see the executions take place. Often, these correspondents agreed with Cannon that the debate would determine the future of strong and orderly state government. Proclamations against sentimentality marked several of the missives urging Mann to uphold the death sentences. S. C. Hatcher, an officer of Randolph-Macon College, wrote, "I think the law ought to be allowed to take its course. Maudlin sentimentality for criminals is one of the bad signs of this day. A healthy sentiment dignifies and respects law." One person, lamenting that "a lot of morbid women and sensational preachers are working up a sentiment for the Allens," urged that "no morbid sentimentality should be allowed to interfere with the law."⁶¹ Similarly, others railed against "the abnormal and hysterical agitation" and "the attitude of a number of preachers and others who have encouraged and indulged in a sickly sentiment . . ."⁶² A letter to the editor of the Richmond *Times-Dispatch* expressed the perceived dangers of sentimentality by invoking fear of an out-of-control populace: "The ease and rapidity with which a public sentiment has been built up in favor of the Carroll County murderers affords [*sic*] a striking example of the perils of what would be termed 'mob rule' if the movement had been organized to insure their execution upon a miscarriage of justice, instead of their delivery in violence of law."⁶³ Even some of the prosecutors from the Allen trials singled out weak-minded sentimentalism: "Sidna Allen's and Wesley Edwards' escape from the chair was the most shameful miscarriage of justice that ever took place in the Commonwealth, and was due to the maudlin sentiment, that seemed to be at work in the State in favor of all of them."⁶⁴

In decrying champions of clemency as sentimentalists, Mann's proponents stigmatized their opponents as weak and unmanly, thereby regaining from the Allen supporters the rhetorical advantage on the field of masculine honor. By portraying "morbid sentimentality" and "hysterical" romanticism toward the outlaws as feminine traits, and by arguing that advocates for the Allens gained their opinions passively through news coverage, proponents of execution further exposed their

⁶¹ S. C. Hatcher to William H. Mann, November 25, 1912; clipping from Richmond *Virginian*, December 1, 1912; both in Allen-Edwards Case Collection.

⁶² E. B. McCluer to William H. Mann, November 27, 1912 (first quotation); John W. Chalkley to Mann, January 4, 1913 (second quotation); both in Allen-Edwards Case Collection.

⁶³ Undated clipping from Richmond *Times-Dispatch*, Allen-Edwards Case Collection.

⁶⁴ Walter S. Poage to S. W. Williams, December 14, 1912, Clemency Petitions.

antagonists as lacking the purposeful sense of self that marked courageous and honorable men. They also swept aside concerns about the morality of the electrocutions by associating preachers with weak women. With these maneuvers, Virginia citizens defending Mann tried to regain any ground lost to Claude Allen's backers who claimed Allen did only what any courageous and honorable young man would do. Governor Mann himself made sure to adopt a posture of robust masculinity. Only days after the shooting, he wrote Dexter Goad to praise him for firing back at the outlaws. He assured Goad (and himself), "That you had the nerve to follow these men out of the courthouse and continue firing although wounded . . . shows that your veins are filled with the red blood of Virginia ancestors and that the state has a right to and can confidently expect of the citizens of Carroll every effort for the capture and punishment of the men who have defied the laws of Virginia. I have entire confidence in the manhood of a county which has such a citizen and officer as yourself."⁶⁵

Part of the anxiety about public sentiment rested on the racism and mistrust of the lower classes by the so-called best people of Virginia society. One woman from Epworth, Virginia, representing "the Christian mothers of our church and community," informed Mann that signatures on the petitions were often from youngsters and could not be trusted, while worthy members of the community remained silent. "The best people are afraid to run petitions, for fear of fire or secret revenge from the Allen sympathizers," she wailed. "It is Anarchy pure and simple." Two members of the legal team that had prosecuted the Allen cases wrote to the governor from Pulaski, "The petitions which they have addressed to you from here on this point were largely signed by negroes and by irresponsible parties and school children . . ."⁶⁶ Similarly, a resident of Wytheville worried, "Many of the signers upon the petition sent from this place are women, some are children and colored people, and a great many others who are ignorant of the real facts." He longed to impress Mann "with the fact that these names do not in any degree represent the sentiment of the thousands of good responsible people who have not signed this petition, and who would not have signed it; but expect to be protected against a recurrence of

⁶⁵ William H. Mann to Dexter Goad, March 18, 1912, Allen-Edwards Case Collection.

⁶⁶ Mrs. M. E. V. Hines to William H. Mann, n.d., Allen-Edwards Case Collection; J. C. Wysor and John S. Draper to Mann, November 23, 1912, Clemency Petitions.

this sad affair.”⁶⁷ Others of “the large silent majority of the citizens” feared for the state’s stability and their safety if Mann were to commute the sentences. One begged, “Stand firm. The best people are not crazy. If the Allens get off with light punishment, what is to become of the courts[?]”⁶⁸

During the Progressive era, the supposed irrationality of unabashed rule by the uneducated majority troubled many middle-class southerners. Their anxiety in Virginia grew in part from the political challenges by non-elite whites and blacks during the Readjuster movement in the late 1870s through the early 1880s and the Populist movement in the 1890s. This sense of crisis had climaxed in 1901–1902 with the drafting of the revised state constitution that limited the franchise for both blacks and poor whites.⁶⁹ In the Allen cases, a state senator from Lynchburg accordingly took seriously the symbolic threat that clemency might pose anew to public stability: “A great many of our thinking men say that they were at a loss to see how clemency could be asked[,] . . . and I have heard several express the opinion that the willingness of so many good people to unite in a petition of this character indicates a fearful danger to the institutions and maintenance of free and popular government.” A member of the House of Delegates similarly charged, “So uncertain and unreliable is public sentiment—or that part of it which upon such occasions insists upon being loudest and most heard—that after the lapse of the greater part of a year it is almost ready to laud as heroes those who openly, and in the presence of many witnesses, committed one of the worst—perhaps the worst, crimes that is recorded in the criminal annals of our State. I have no sympathy for the Allens and in my humble judgment every one of them should be punished capitally, and to let such criminals escape with less punishment is not only a terrible blow to law and order, and our system of jurisprudence, but is dangerous to civilization.”⁷⁰

Concern about popular sentiment also emerged in one man’s choice of comparison: “Virginians are proud of the Governor; they cannot

⁶⁷ H. M. Heuser to William H. Mann, November 27, 1912, Clemency Petitions.

⁶⁸ J. E. West to William H. Mann, January 2, 1913 (first quotation); E. S. Keisling to Mann, November 27, 1912 (second quotation); both in Allen-Edwards Case Collection.

⁶⁹ Pulley, *Old Virginia Restored*, chap. 4; William Larsen, *Montague of Virginia: The Making of a Southern Progressive* (Baton Rouge, 1965), chap. 8.

⁷⁰ Howell C. Featherston to George O. Greene, December 31, 1912 (first quotation); W. A. Willeroy to George O. Greene, December 30, 1912, with copy to Mann (second quotation); both in Allen-Edwards Case Collection.

think that he has any desire to ape Gov. Blease; or disregard the just decisions of our Courts”⁷¹ For many leading Virginians, the rise of Governor Coleman L. Blease in South Carolina represented the darkest of their fears for their own state. By pardoning criminals, touting lynching, using class-based rhetoric, and blocking most Progressive legislation, Blease earned his status as a symbol of demagoguery to middle-class reformers who sought to reshape government and society in what they believed to be rational, uplifting ways. For Mann’s backers, Blease’s political approach would have been anathema, and this correspondent had chosen a potent symbol to convey his beliefs.⁷²

Many of those championing order wrote in support of deeply felt political ideals, but for others, their support for execution rested on local and at times quite personal considerations. Their personal pleas for security and order could only have strengthened Mann’s principled resolve to reaffirm the death sentences. The daughter of the deceased sheriff Lewis Webb entreated, “I am afraid you are going to commute the sentences of Floyd and Claud[e] Allen, which I beg you not to do. I think it awfully sad for any one to be electrocuted but people should obey the law. The Allens have never obeyed the law, and have just been the worst outlaws in Carroll and always blockading [distilling and selling illegal whiskey]. I never thought when Papa left home on Monday that he would come back a corpse.” A daughter of Peter Easter, one of the deputies whom Floyd had attacked, also pressed for an end to the Allens’ local dominance. She wrote that Floyd’s friends threatened her father, “telling him they would kill him if he did not leave the country, and he took my mother and us ten children and left a good house and fled to [N]orth [C]ar[olina]”⁷³ C. B. Nuckolls, a prominent coroner, doctor, and druggist in Hillsville, emphasized that fear of the Allens extended to many in the community: “You can hardly realize how defiant this clan is becoming since these appeals for them are so popular.” A resident of Fancy Gap echoed that plea, informing Mann that “Victor Allen Sr. a brother of Floyd has been

⁷¹ John T. [Beale?] to William H. Mann, n.d., Allen-Edwards Case Collection.

⁷² Bryant Simon, “The Appeal of Cole Blease of South Carolina: Race, Class, and Sex in the New South,” *Journal of Southern History*, 62 (February 1996), 57–86. Governor Mann’s wife found particularly pleasing an article favorably comparing Mann to Blease on this issue. Etta Donnan Mann, *Four Years in the Governor’s Mansion of Virginia, 1910–1914* (Richmond, 1937), 131.

⁷³ L. Edna Webb to William H. Mann, February 5, 1913; Ella Easter to Mann, November 19, 1912; both in Allen-Edwards Case Collection.

going all over the county with a petition and no doubt there is a good many people signed the petition through fear”⁷⁴

Though from the controversy’s beginning Governor Mann instinctively wanted to reinforce deference to the law and preserve order in the commonwealth, he nonetheless weighed the appeals for clemency with care. Ultimately, Mann’s predilection to support a strong state judicial system—combined with an acceptance of allegations about the Allens’ long history of brutal local control—ensured that he would rebuff all clemency requests. Calls for mercy reached his office shortly after Floyd’s conviction in May 1912, and Mann’s initial responses laid out the views he held throughout the months ahead. In early June he wrote, “I do not see how I can make any compromise in the Allen case. I have no trouble about capital punishment, which is for the court and jury to inflict under the laws of this commonwealth, and while I feel very sorry for anybody who has by his conduct gotten himself into such a fix, there must be . . . strong reasons for me to interfere.” The following month he articulated his views even more forcefully: “I am in favor of capital punishment, and think people who commit these horrible offences ought to give a life for a life. That is the bible doctrine, and must be the wise doctrine. Punishment is intended as a protection to society, as frequently mercy to the guilty is cruelty to the innocent people of this great state.”⁷⁵ Floyd Allen’s past did little to endear him to the governor. Mann wrote, “These people had violated the law until they thought they were superior to it Confidentially, there is not a greater ruffian in Virginia than old Floyd Allen. I feel sure that he has killed people of which there has been no public information. I am satisfied that he and all his gang knew what was right, but did not choose to do it.”⁷⁶

⁷⁴ C. B. Nuckolls to William H. Mann, December 3, 1912; J. H. Sowers to Mann, November 30, 1912; both in Allen-Edwards Case Collection.

⁷⁵ William H. Mann to I. J. Buttam, June 4, 1912; Mann to Martha Davis Anthony, July 15, 1912; both in Allen-Edwards Case Collection. Mann simultaneously dealt with another complicated clemency appeal. On August 16, 1912, Virginia executed seventeen-year-old Virginia Christian, a black domestic worker convicted of murdering her white woman employer. Mann refused to commute Christian’s sentence despite appeals from the NAACP, the National Association of Colored Women’s Clubs, and Chicagoans roused by a newspaper campaign there on Christian’s behalf. Derryn Eroll Moten, “‘A Gruesome Warning to Black Girls’: The August 16, 1912, Execution of Virginia Christian” (Ph.D. dissertation, University of Iowa, 1997).

⁷⁶ William H. Mann to Dr. John Dunn, June 4, 1912, Allen-Edwards Case Collection. Mann’s attorney general, Samuel W. Williams, had served as judge for the circuit court in Carroll County from April 1892 to May 1896. Knowledge of the Allens that Williams gained at that time might well have been offered to Mann and may have undergirded Mann’s quick conclusion about Floyd Allen’s character. Mann had also sent Williams to the county immediately following the shootings as the governor’s representative to restore the courts, perhaps allowing Williams to regain

In deciding how to proceed, Mann received a great deal of advice, some of which he solicited, from lawyers and judges acquainted with the case. Despite the confident tone Mann adopted in supporting the death penalty for Floyd and Claude, he reconsidered the trial records with care and observed the public debate attentively. "Public opinion in this matter does not [a]ffect me," he asserted to Henry D. Flood, one of Virginia's members of Congress. "What I want is reasons why I should interfere with the verdict of the jury and judgment of the court," he continued. "I have studied and am studying it with a view of getting at the exact facts, and then taking such action as I shall think best for the people of the Commonwealth."⁷⁷ At the sentencing in September, the judge set the execution date for Floyd and Claude as November 22. In mid-November, lawyers for Floyd and Claude lost one appeal when the Virginia Supreme Court of Appeals ruled against their request for a new trial. The court found no basis for the Allens' claims that Claude faced double jeopardy on the charge of conspiracy, that the trial judge had made improper rulings regarding admission of evidence, or that the juries followed biased instructions. With the executions imminent, Mann postponed them until December 13 and scheduled a public hearing on November 29. He invited John Draper of the prosecuting team to join the Allens' supporters in Richmond to review all sides of the arguments. Reverend McDaniel chaired the meeting that coordinated the presentation of petitions with thousands of signatures (reportedly, according to the *Roanoke Evening World*, seventy-five thousand) and herded speaker after speaker, including many prominent citizens of Richmond, before the governor to plead for the commutation of the death sentences.⁷⁸

For a time, the cause of the Allens gained momentum, but Mann ultimately did not bend under the pressure for mercy. As the possibility of political advantage became apparent, the populist example of Cole Blease's frequent pardons tempted some Virginia political leaders. The list of those supporting clemency soon grew to encompass prominent members of Virginia's Democratic Party, including fellow Martin machine operatives U.S. senator Claude A. Swanson and the speaker of

local ties and knowledge. See Circuit Court Law Order Book 4 (Carroll County Clerk's Office); and Hall, *Carroll County Courthouse Tragedy*, 114, 121–23.

⁷⁷ William H. Mann to Henry D. Flood, December 9, 1912, Allen-Edwards Case Collection; *Roanoke Evening World*, November 18, 1912, p. 6.

⁷⁸ *Allen v. Commonwealth*, 114 Va. 826 (January 16, 1913); William H. Mann to John S. Draper, November 25, 1912, Allen-Edwards Case Collection; *Roanoke Evening World*, November 30, 1912, p. 4; Lord, *Red Ear of Corn*, 387.

the House of Delegates, Richard E. Byrd. Through the efforts of Claude Allen's girlfriend and others, even the jurors who convicted Claude of first-degree murder asked the governor to commute the sentence. Mann agreed to a further postponement of the executions until January 17, 1913, to allow the Allens' attorneys again to petition the state supreme court for new trials for Floyd and Claude, this time on the basis of new evidence supposedly having emerged in subsequent trials of the other family members. The attorneys presented evidence that some prosecution witnesses had committed perjury in the trials of Floyd and Claude. Though the second appeal failed, Mann delayed execution until March 7, allowed Allen supporters (including Byrd) before him again in early February to press their points, and again sought input from the prosecutors regarding details of the evidence. Unconvinced by appeals for mercy and confident of the evidence, Mann released a lengthy statement on March 6 finally denying commutation of the death sentences. Meanwhile, the Allens' attorneys sought a hearing from the U.S. Supreme Court, but the justices refused to hear the case. Mann set March 28, 1913, as the execution date, and the electrocutions took place as scheduled despite the opposition's last-minute strategy to push Lieutenant Governor J. Taylor Ellyson, an Allen supporter and longtime Martin organization loyalist, to commute the sentences while Governor Mann traveled out of the state. Alerted by his family and Attorney General Samuel W. Williams to hasten back to Virginia, Mann aborted the plot when he edgily wired Ellyson upon reaching the border town of Alexandria, "I am in Virginia and Governor."⁷⁹

The Allens never wavered in denying that they had conspired to kill the court officers. In a final statement on March 27, 1913, Floyd proclaimed that "a great injustice has been done" and that he was in fact the victim of a plan to kill him. He claimed, "I believe that the attempt on my life was made for no other cause except for my active work in the Democrat[ic] party and the bitter feeling that had gotten up between Dexter Goad and others on account of my work for the party." Floyd recorded his gratitude to McDaniel and assured supporters:

⁷⁹ *Allen v. Commonwealth*; William H. Mann to S. Floyd Landreth, January 13, 1913, Allen-Edwards Case Collection; Landreth to Mann, January 14, 1913, Clemency Petitions; *Roanoke Evening World*, December 11, 1912, p. 10; Moore, "Allen, Floyd," 81; Lord, *Red Ear of Corn*, 387, 398, 410-64; Hall, *Carroll County Courthouse Tragedy*, 227-29; Mann, *Four Years in the Governor's Mansion of Virginia*, 184-86, 311-17 (quotation on p. 186); *Annual Report of the Attorney General to the Governor of Virginia for the Year 1913* (Richmond, 1914), 52-54.

“Shortly we will have to stand before our God and each one will give an account of our treatment to each other. The true facts will all then be known. I say to my friends that I have told the truth. I am innocent of the charge of which I am convicted and I have no fear of meeting my God in connection with the crime for which I am dying, as I am innocent.” Claude’s final public utterance expressed similar views.⁸⁰ In his 1929 memoir Sidna likewise declared that there had been no conspiracy. He made his position clear in the introduction, “It is not my purpose here to deny, nor have I ever denied that I had a part in the Hillsville courtroom tragedy, but I do deny that it was a premeditated part. What I did was done on the spur of the moment and in defense of my own life and the lives of my brother and other relatives.”⁸¹

The vivid claims of political intrigue have animated local debates in the nine decades since the incident, and they also served to rally friends of the Allens in the years after 1913 to seek pardons for the imprisoned members of the family. The new thrust for pardons pushed many of the same contentions used in the unsuccessful attempts to rescue Floyd and Claude from the electric chair. Friends, family members, and their attorneys sporadically worked unsuccessfully for the prisoners’ early release, and, as Sidna explained, “about 1920 a real organized movement was set on foot to have us pardoned. Between 65,000 and 100,000 people, citizens of Virginia, signed a petition to the Governor of the State asking him to use his prerogative as Chief Executive to set us free.” In October 1922 Governor E. Lee Trinkle relented and released Sidna Edwards and Friel Allen, but not until April 1926, after another petition campaign, did Allen supporters convince freshly inaugurated governor Harry F. Byrd (son of Richard E. Byrd) to free Sidna Allen and Wesley Edwards. Fourteen years after the killings, the political flexibility of the son advanced the lenient views that his father’s urgings could not bring to bear in 1912 and 1913.⁸²

Of the Allen family members, Sidna retained the most prominent public role following his pardon. Not only did he profitably publish a memoir in 1929, but, ever the entrepreneur, Sidna earned significant

⁸⁰ Allen, “Statement on His Life,” pp. 1, 5–6, 33–34; Lord, *Red Ear of Corn*, chap. 22.

⁸¹ Allen, *Memoirs*, 5.

⁸² Allen, *Memoirs*, 110–20 (quotation on p. 110); Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville, 1996), 87. On Byrd’s rise to power as the successor to Thomas Martin in leading the Democratic machine see Moger, *Virginia*, 333–44. There are numerous letters and petitions in the Allen-Edwards Case Collection relating to the pardon efforts between 1918 and 1926.

amounts of money by traveling to various towns and small cities in North Carolina, Virginia, and West Virginia to exhibit a collection of intricate furniture and decorative items he had fabricated during his spare time in prison (using tiny pieces of wood collected from the debris in the prison shop where he worked). He noted, "As soon as possible after entering prison, I began the making of a collection of artistic cabinet work for exhibition after my release." Allen observed proudly that on April 30, 1927, precisely a year after he left prison, Governor Byrd visited the exhibit during the Apple Blossom Festival in Winchester, Virginia, and talked with Allen for an extended time.⁸³ Upton Gwynn Wilson, a paralyzed North Carolina journalist who assisted Sidna in writing his memoir, thought him "merely a man who had desired above all things to get on in the world and win security for himself and his family." But for his willingness to kill in 1912, Sidna, with his curiosity, entrepreneurial vigor, and personal charisma, fulfilled the criteria defining a hero in the aggressive, business-oriented America of the time. Through his successful exhibitions of prison-made furniture he displayed such an instinctive understanding of the growing demand for titillation that even the governor chose to take in the spectacle.⁸⁴

Months after the executions, Virginia's attorney general Samuel W. Williams struggled to put the year of controversy in perspective: "It is fair to assume that no criminal trials have ever taken place in this Commonwealth that were of more real importance in the administration of the criminal laws, and in the vindication of the supremacy and power of the courts of the Commonwealth to administer the criminal

⁸³ Allen, *Memoirs*, 121–31 (quotation on p. 122). The meeting between Byrd and Allen at a festival inspires thoughts of the regenerative effects of the temporary collapse of social hierarchy within the liminal environment of carnivals and other ritual spaces. For brief summaries of these ideas see Mikhail Bakhtin, *Rabelais and His World*, trans. Helene Iswolsky (Bloomington, 1984), 10–11; and Victor W. Turner, *The Ritual Process: Structure and Anti-Structure* (Chicago, 1969), chap. 3.

⁸⁴ Upton Gwynn Wilson, *My 33 Years of Life in Bed* (privately printed; [Durham, N.C.], 1946), 65–68 (quotation on p. 67). Before a gunshot paralyzed him, Wilson's job involved frequent rail travel in western Virginia in 1912, and he recalled seeing the Baldwin-Felts detectives scurrying about the mountain region searching for the Allens. *Ibid.*, 67. One can only wonder whether Sidna might have read the 1903 autobiography of Thomas Coleman "Cole" Younger (1844–1916), another violent but resilient native of the South, who was a model prisoner pardoned from a long prison term and who found success entertaining the masses (as a lecturer and as partner of Frank James in a Wild West show, in his case). Sidna, too, had twice looked to the West for opportunity, in his 1898 trip to Alaska and Hawaii and in fleeing to Des Moines. See Younger, *The Story of Cole Younger by Himself: Being an Autobiography of the Missouri Guerrilla Captain and Outlaw, His Capture and Prison Life, and the Only Authentic Account of the Northfield Raid Ever Published* (1903; reprint, St. Paul, Minn., 2000).

laws of the State, than were the Allen cases.” Williams rightly underscored the strength and influence of the state’s judicial and penal systems. In the trials of the Allens, state government officials wielding the power of a centralized court system destroyed the influence of a family long accustomed to using violence to maintain a degree of local hegemony. The growth of state power in the Progressive era did not occur without discord at the local level across America, and the courtroom violence and its aftermath demonstrate vividly the potential for conflict.⁸⁵ Particularly noteworthy is the extent to which many Virginians, including prominent clergy and members of state government, sought to diminish the seriousness of Claude Allen’s involvement. Even at the core of Virginia’s Progressive-era society and government, an ethic of vengeance and family honor—or what an anthropologist might label as loyalty to a “web of primordial attachments”—resonated as a rich, if dissonant, counterpoint.⁸⁶

In pleading for Claude’s life, tens of thousands of the commonwealth’s citizens trumpeted their unwillingness to defer to state authority and trust the courts. In refusing to heed their sometimes shrill calls, Governor Mann distinguished Virginia, safe in the hands of a conservative Democratic machine, from some other southern states in which so-called demagogues proved more responsive to public outcry. The willingness of some of the machine supporters to follow the flow

⁸⁵ *Annual Report of the Attorney General to the Governor of Virginia for the Year 1913*, p. 50. For an example from the American West of violence in the context of advancing centralization in Wyoming see Daniel Belgrad, “‘Power’s Larger Meaning’: The Johnson County War as Political Violence in an Environmental Context,” *Western Historical Quarterly*, 33 (Summer 2002), 159–78. One can also usefully compare the Allen family’s rebellious violence in a society increasingly supportive of regulated behavior and intrusive state institutions with “the development and generalization of disciplinary mechanisms” in modernizing Europe (primarily France) as examined by Michel Foucault. He outlines the broad contours of the methods by which power controlled individual action and summarizes the links between legal institutions and social norms: “Discipline ‘makes’ individuals; it is the specific technique of a power that regards individuals both as objects and as instruments of its exercise. It is not a triumphant power, which because of its own excess can pride itself on its omnipotence; it is a modest, suspicious power, which functions as a calculated, but permanent economy. These are humble modalities, minor procedures, as compared with the majestic rituals of sovereignty or the great apparatuses of the state. And it is precisely they that were gradually to invade the major forms, altering their mechanisms and imposing their procedures. The legal apparatus was not to escape this scarcely secret invasion.” Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1977), 170 (second quotation), 222 (first quotation). The decision to sentence Floyd Allen to prison initially for behavior that was similar to actions he had previously taken without punishment represents the growing watchfulness of the state of Virginia, as Progressive reform enabled the gaze of the state to extend farther into local legal institutions.

⁸⁶ Clifford Geertz, “The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States,” in Geertz, *The Interpretation of Cultures: Selected Essays* (New York, 1973), 270.

of popular opinion leaves no doubt that Virginia contained, but repressed, many of the same political dynamics dominant in the Deep South. The underlying tensions among the individual, populist democracy, and state stability remained important throughout the twentieth century and to the present. "The liberty of the individual is no gift of civilization. It was greatest before there was any civilization," wrote Sigmund Freud in 1930. "No doubt he will always defend his claim to individual liberty against the will of the group. A good part of the struggles of mankind centre round the single task of finding an expedient accommodation . . . between this claim of the individual and the cultural claims of the group . . ." ⁸⁷ In the context of political conflict in the early twentieth century, the Allen family failed to find such a harmonious accommodation.

Writers, singers, and activists seized the conflicting versions of the killings, and they have told and retold the story for the last nine decades. In wrangling to dictate the historical memory of the events, they have voiced the hostile political views—both those at the local level and regarding larger issues—that ignited the original violence. Ballads that glorified the Allens' bravery and criticized the governor for executing Claude emerged among Virginia musicians, and with the growth of the commercial country music industry in the 1920s, songsters recorded them for a larger audience. Sidna Allen brought the controversy to the fore again with the memoir he published in 1929, and the following year a minister devoted to uplifting mountain residents turned out a book to criticize the lawlessness he saw in Allen's early release from prison. Periodically for several decades, magazine articles reminded Virginians of the event, and the subject revived amid the youthful cultural upheaval of the 1970s, this time with Claude represented in a play as a good but rebellious young man swept up by the plotting of his elders. A rock opera about the incident composed in the early 1990s moved farther from the historical record in displaying the whole Allen family as victims of the state government. ⁸⁸

⁸⁷ Sigmund Freud, *Civilization and Its Discontents* (1930), in Peter Gay, ed., *The Freud Reader* (New York, 1989), 722–72 (quotation on p. 741).

⁸⁸ I have explored the battle for the historical memory of this event in greater detail in "Justifying Violence: Ninety Years of Explanations for a 1912 Courtroom Massacre in Virginia's Blue Ridge Mountains" (paper presented at Cultures of Violence conference held in Prague, Czech Republic, August 2002). See Parker, *Mountain Massacre*; Allen, *Memoirs*; and Tom Harvey, *Sid Allen and the Devil's Den: An American Rock Opera* (selections from which can be heard online at http://www.iuma.com/IUMA/Bands/Harvey,_Tom/ [accessed January 26, 2004]). Several traditional songs also memorialized the event. See Mellinger Edward Henry, comp. and ed., *Folk-Songs from the Southern Highlands* (New York, 1938), 316–20; and Ethel Park

In the struggle for memory, the crackle of gunfire and deadly electric current still echoes across the years. In 2001 Sidna Allen's granddaughter reprinted his memoir with a long addition about her spiritual life. She praised Sidna for enduring "utter humiliation and anguish with a wonderful, optimistic, responsible spirit" and admitted that she wanted "to maximize the interest in grandfather's book as an opportunity to help people come to know the Lord Jesus Christ personally." Two events by the Carroll County Historical Society disclose more broadly the ongoing local importance of the killings. In 1997, for the eighty-fifth anniversary, a carefully nonpartisan memorial service packed the county courtroom (the same room, remodeled) for music, prayer, the reading of a laudatory letter from Governor George Allen, and a presentation by historian John H. Roper. The publication of the two amateur histories of the courthouse murders led in 2002 to a similar meeting featuring the authors to mark the ninetieth anniversary. These latest books and observations, along with those of other recent local commentators, seek to sustain local harmony by maintaining that both sides had good intentions but shared blame for the violence. As one wrote, "In summary, the whole thing appears to have been a tragic mistake."⁸⁹ This latest version of the story parallels the depiction a

Richardson, comp., and Sigmund Spaeth, ed., *American Mountain Songs* (1927; reprint, [New York], 1955), 34, 106–7. Early country music pioneers Ernest Stoneman and Henry Whitter recorded ballads about Claude and Sidna, respectively; the songs, "Claude Allen" and "Sydney Allen," sung by other artists, can be heard as part of an online exhibit created by the Blue Ridge Institute and Museum of Ferrum College at <http://www.blueridgeinstitute.org/ballads/allens.html> (accessed January 26, 2004). Because Stoneman was a native of Carroll County, his biography also provides useful cultural context. See Ivan M. Tribe, *The Stonemans: An Appalachian Family and the Music That Shaped Their Lives* (Urbana, 1993), esp. 69. See also Louise Jones Du Bose, "The Fatal Doom of the Allens of Carroll County," *Virginia Record*, 86 (December 1964), 16–31; M. Clifford Harrison, "Murder in the Courtroom," *Virginia Cavalcade*, 17 (Summer 1967), 43–47; Seth Williamson, "Hillsville Massacre," *Roanoker*, 9 (November 1982), 28–29, 44–51; and Rodger Doss, "The Hillsville Courthouse Massacre: International Headlines for a Quiet Mountain Town," *Blue Ridge Country*, 5 (March/April 1992), 36–39, 49. The incident also inspired a novel, a play published in three parts, and an unfiled screenplay. Rodger Doss, *The Killing of a Court* (Roanoke, Va., 1994); Ronald M. Larson, "A Tragedy at Hillsville: A Play in Three Acts," *Appalachian Heritage*, 7 (Winter 1979), 58–79, (Spring 1979), 62–79, and (Summer 1979), 59–80; Bynum Shaw, "The Hillsville Massacre" (photocopy of script in author's possession). For a general introduction to the complex topic of history and memory in the American South see W. Fitzhugh Brundage, ed., *Where These Memories Grow: History, Memory, and Southern Identity* (Chapel Hill, 2000). The Australian outlaw Ned Kelly, executed in 1880, has been memorialized in folk and commercial productions in similar ways. See Graham Seal, *Ned Kelly in Popular Tradition* (Melbourne, 1980).

⁸⁹ Betsy W. Chandler, ed., *Memoirs of J. Sidna Allen: A True Narrative of What Happened at Hillsville 1912, 85-Plus Years Later, A Granddaughter's Legacy Redeemed: Tragedy to Riches in Christ* (Eden, N.C., [2001]), ix–x (first and second quotations); Hall, *Carroll County Courthouse Tragedy*, 247 (third quotation); program and videotape of the 1997 service in the author's possession; *Hillsville Carroll News*, March 19, 1997, pp. 1, 3; *Galax Gazette*, March 19, 1997, pp. 1, 3. On March 18, 2002, over fifty spectators (including the author) attended a meeting

century ago of a much greater example of violence; it unfurls in microcosm the reconciliatory myth of the Lost Cause at the turn of the twentieth century.⁹⁰

sponsored by the same historical society to mark the ninetieth anniversary. Ronald W. Hall and William Lord were the featured speakers.

⁹⁰ On the Lost Cause see David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass., 2001). Good tales never lack fresh tellers. Carroll County orchardist and author Frank Levering plans to dramatize the story and debut the play in 2004 at his Cherry Orchard Theatre. Hillsville *Carroll News*, July 9, 2003, p. 1.