

opened his eyes, Floyd told him he would kill him if he ever touched an Allen again. He broke Sammel's pistol across a wheel of the buggy and, throwing the pieces into the rig, told him to move on. As the deputy drove over the mountain, the curtain fell on the prologue of a tragedy that was to stir the world.

The Massies From "Down Yonder."

As the mountains fostered the Allens in lawlessness, so did the valleys and meadows below—"the land down yonder"—foster the Massies in respect for the law and their fellow-men's rights. Not blood and vengeance were their heritage, but peace and the finest tradition of civilisation.

Peter, ancestor in this country of Thornton Massie, in 1698 patented lands in York County down by the sea. As university graduates, planters, surveyors, officers in the wars with England and the Indians, physicians, surgeons, burgesses, lawyers, Constitution-makers, and college trustees, Peter's people descended. Thornton Massie's great-grandfather was a major on Nelson's staff at the fall of Yorktown. His grandfather, a physician, studied for his profession in Edinburgh, London, and Paris. Each generation carried the family farther west in Virginia, until Patrick Cabell Massie, graduate of Yale and father of Thornton, settled in Nelson County, in the heart of the Old Dominion. Thornton was born there in 1806; his mother was a sister of United States Senator Robert E. Withers.

Massie passed from the academic department of the University of Virginia into its school of law. Home on a vacation visit soon afterward, his father asked him to draw a charge from a menacing old muzzle-loading gun. Withers, a brother, then but a youngster, pulled the trigger, ignorant that a cap was still on the weapon. Thornton's left hand was torn off at the wrist. He quit college and taught school, continuing his law studies privately until his admission to the bar in his twenty-first year. That year, 1828, saw his shingle hung out in Pulaski, then only a boom town nestling on the southeastern slope of the Alleghenies. In a little while he

married Mary Kent Nicholson, a county beauty and daughter of an old family.

Massie's was not the brilliant, passionate temperament which snatches fame and following from the emotions of a people. He developed slowly. With him litigation was a lawyer's last, not his first resort. He lost many a fee. Early in his career one of his best clients suggested a shady way of accomplishing a certain result in court, all legal steps having failed up to that time. Massie handed the man the papers in the case and told him he had made a mistake in

friends, he made a quick shot at a rabbit. His horse, a fractious brute, reared and tried to throw him. To shoot it had been necessary for him to drop the reins. His horrified companions called to him to throw away his gun and save himself. He seemed not to hear them. After a long struggle he succeeded in "breaking" the gun and drawing its load. Then he dropped the gun and picked up the reins. A friend reproved him for not throwing away the gun in the beginning.

sacrifice for a man with two sons and a daughter to launch in life.

Still, there was a lure in it—a problem to be solved. The lawlessness of Virginia's mountains too long had been an affront. Carroll and Grayson counties, just across the border of Pulaski, were ten thousand miles away. Carroll, its county-seat, twelve miles from a railway, might boast a twenty-five-thousand-dollar bank building, but not a dollar to build a road. It might boast of its clans, but not an official brave enough to assess property at more than a fifth of its true value. And lawlessness could boast of a bench emptied by the resignation of each of the five judges who had occupied it in twenty years. With this vision Massie husbanded his resources and accepted the appointment.

From his beginning as a judge, Massie began to write himself largely into the law of Virginia. He was reversed but three times in his four years of service. Only a month before his end, the bar of the circuit, regardless of politics, petitioned the governor to appoint him to the Supreme Court of Appeals.

The county officials discovered at the outset that he could not be intimidated. He commanded their fealty. And the law-abiding folk of Carroll early learned that they could put their faith in this man who had come up to them "from down yonder."

This was the new force that Floyd Allen reckoned without when he made his assault upon Tom Samuels. If he gave it a second thought, it was that he might have to pay a fine. To be convicted and sentenced to wear stripes without the alternative of a fine—that was unthinkable.

Samuels, arriving in Hillsville without his prisoners, reported how he had lost them. With Massie behind it, the grand jury indicted the cubs. Floyd Allen gave bail and kept them from gaol pending trial. A petit jury dare convict them. Massie sentenced Sidna Edwards to ninety days' imprisonment and Wesley to thirty.

The creed of the wolf clan had been set at naught! Two Allens were behind bars! The law was coming into its own. Massie immediately impelled a new grand jury to investigate the assault on



THE POSSE OF HEAVILY-ARMED DETECTIVES ABOUT TO LEAVE FOR THE MOUNTAIN WILDERNESS TO SEARCH FOR THE ALLEN OUTLAWS.

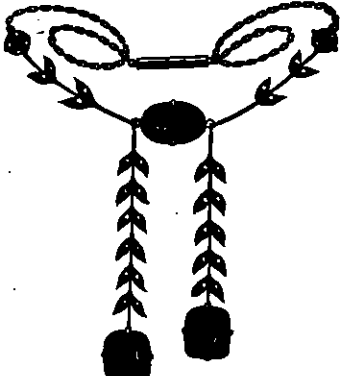
employing a lawyer. He served as the town's attorney, led its fight to be made the county-seat of Pulaski, and sat in its council.

There are three tests in southwestern Virginia to assess a man's worth: To drink with him. To play poker with him. To hunt with him. Thornton Massie stood the assay.

Despite Massie's one-handedness, his county boasted no better shot. Hunting horseback once with a party of

"It might have injured one of you. It was loaded," he answered.

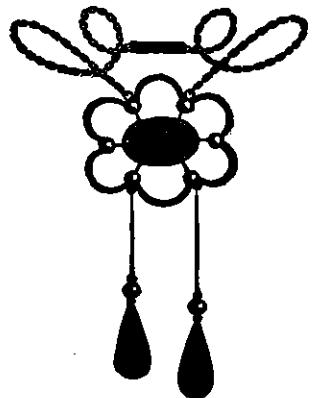
Massie was a leader of his bar when his old classmate, Senator Claude Swanson, then governor of Virginia, tendered him the appointment to the circuit bench of Pulaski, Wythe, Grayson, and Carroll counties. He was earning between five thousand and six thousand dollars a year. To give this up for twenty-five hundred dollars a year, and meagre travelling expenses was a tremendous



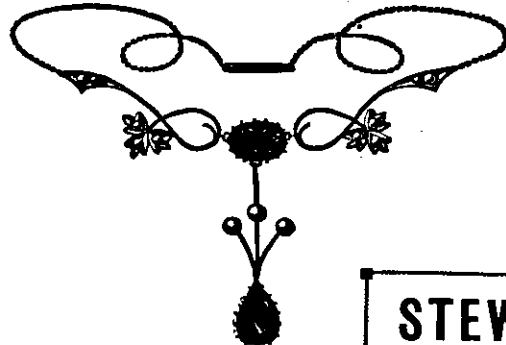
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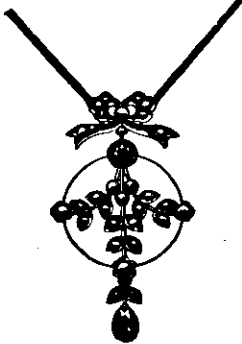
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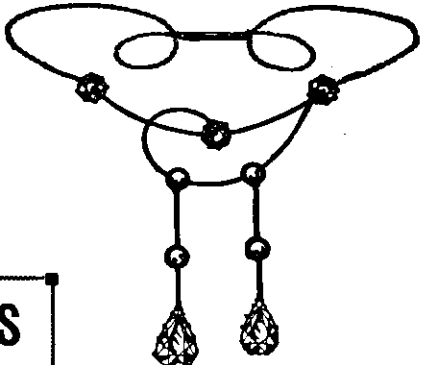
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