



ON TRIAL Novelized by Charles N. Lurie From The Great Play by Elmer Reizenstein

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(Continued.)

The voice of Trask breaks the silence. "Hello! Yes, this is Trask. Is that you, May?"

The words galvanize Strickland into action. He rises from the crouching position he has assumed, aims his revolver at Trask and fires. The shot roars and she screams. The two sounds are almost merged, and they startle Trask, so that he drops the receiver and turns in time to see whence his fate has descended upon him. His last earthly utterance is: "Strickland!"

And with that Robert Strickland fires again. It is the end of an era for Gerald Trask, for the bullet lodges in his heart.

From the rear of the room rushes in Stanley Glover, bearing in his hand a heavy stick. He dashes at Strickland, and the stick falls heavily on the slab

He aims his revolver at Trask and fires. The shot roars and she screams. The two sounds are almost merged, and they startle Trask, so that he drops the receiver and turns in time to see whence his fate has descended upon him.

"My God, he's killed Gerald!" It is Glover who takes command of the situation. Scanning greedily the fallen Strickland, he urges the mourning woman to telephone a doctor.

So ran the story of the widow of the slain man. It was not told connectedly, but had to be elicited by the questioning, at times insistent, but at all times considerate and gentle, of the district attorney. It was his duty to bring out the facts, to invoke justice upon the man who had invaded his friend's home at night and had shot him down. The fact of the shooting by Strickland was established by the testimony of Mrs. Trask. Trask lay in his grave, and Strickland had done the shooting. It was not denied. Had he not been willing to plead guilty? Had he not in open court protested

"My God, he's killed Gerald!" against the continuance of the legal proceedings, which might send him to the electric chair, asking only that his little girl—his Doris—be spared the ordeal of the witness chair?

Throughout the appearance of Joan Trask on the witness stand her testimony had been followed with the closest attention by Judge and jury, by counsel for both sides and by the throng in the courtroom. It made the deepest of impressions. Especially when the money was mentioned, \$1,000 in cash, a large sum to the great majority of the audience, it was noticeable that Mrs. Trask's audience leaned forward in their chairs. Here, it seemed to their minds, the district attorney had asserted his opening address to the jury, mix

de found sufficient motive for murder. Strickland's financial difficulties, settled so short a time before the shooting, if really settled at all; his eagerness to pay in cash; his possession of the combination to the safe; his dramatic appearance in the Trask home only a short time after he had seen Trask in his own home; the elusive accomplice, who had disappeared—all pointed, in the minds of the hearers of Mrs. Trask's testimony, to willful, deliberate murder, only to be expiated in the chair of death.

Having told her story of the shooting itself, Mrs. Trask was retained in the witness chair to tell of the subsequent happenings in her home on the fatal night and to undergo cross examination by the attorney for the defense. A few minutes after the shooting the police arrived, she said, but her husband was dead by that time. He died instantly, the doctor said.

"Now, Mrs. Trask, did you observe the safe before the police arrived?" asked District Attorney Gray. "Yes; the safe was opened."

"Did you notice if any of the contents were missing?" "Yes, sir; the \$10,000 were gone."

"That's all, Mrs. Trask." And Mr. Gray turned to David Arbuckle, chief counsel for the defense, with, "You may cross examine the witness."

Then the district attorney, his militant air giving way to a relaxation that told of relief and satisfaction with his witness, settled back in his chair to watch the proceedings closely. He was a faithful prosecuting officer, intent on safeguarding the rights of his client. "The people of the state of New York. It was now the turn of the defense."

"Mrs. Trask," said Arbuckle, rising, "did you recognize your assailant, the man who opened the safe?" "No," replied the witness. "He came upon me so quickly. And the room was in total darkness."

"Are you sure that no one but Mr. Trask knew the combination of the safe?" "Was there a momentary pause by the witness? Did it enter her mind for a brief fraction of a second that the question and answer would be marked 'important' in the minds of the jury?"

The answer came, "Mr. Strickland knew it." "I move to strike out the answer as not responsive," said Arbuckle. "With that the district attorney sprang to his feet. The point made by Arbuckle was too important to be permitted to go unchallenged to the jury. 'I—your honor!' he exclaimed.

In the cold, quiet manner which marked him throughout the case Judge Dinmore made his ruling. "The motion is denied."

"I respectfully except," said Arbuckle, and he turned again to the witness. "Mrs. Trask, did any words pass between Strickland and your assailant?" "I can't be sure. There was a ringing in my ears. He almost strangled me."

"But to the best of your knowledge they did not speak to each other?" "I can't say one way or the other."

Dropping this line of questioning and taking up another, Arbuckle asked the witness: "Mrs. Trask, do you know who 'May' is?" "Up to this point the manner of the witness had been calm. She had suffered much in the months which had intervened between the killing of her husband and the trial of his assailant, and the first fire of her grief and shock had burned down. With the loving kindness of a good woman she had forgiven the offenses of the erring husband who lay in the grave. He had wronged and insulted her grievously, and no effort of the will could erase the memory of his wrongdoing, but he was dead now, and she was not a woman to carry even justified anger beyond the grave."

But now—The simple question of the attorney aroused her. Her lips tightened and her eyes flashed as she answered with emphasis: "NO, SIR, I DO NOT." This ended her testimony. Both Gray and Arbuckle signified that she was not to be questioned further, and she stepped down from the stand. At this point there was a slight hitch in the trial of Robert Strickland. District Attorney Gray called for Dr. Morgan, but he was not at hand. Explaining to Judge Dinmore that Dr. Morgan was the physician who examined Mr. Trask's body and that Dr. Morgan had said he might be detained, the district attorney asked and obtained permission to call Stanley Glover to the witness stand.

CHAPTER VII. The Card in the Pocket. GLOVER entered the courtroom with an air of assurance that might almost be called jaunty. He did not glance at the prisoner as he walked quickly across the courtroom, and Strickland did not change the attitude of dejection which had marked him for many hours. Only rarely did Strickland raise his head to listen to any of the testimony. Since the outburst in which he had protested against the proposed calling to the stand of his little daughter Doris he had seemed indifferent to his fate. The spectators who had known him as a happy, active business man, albeit one upon whom the sun of prosperity had not shone of late, noted and commented upon the change which acute mental and physical suffering had wrought in him.

Glover took the stand, and the clerk put to him the usual formal question: "Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?" Glover nodded, and the clerk asked: "What is your name?" "Stanley Glover."

Then the district attorney began his examination. The first question was, "Mr. Glover, you were Mr. Trask's private secretary?" "Yes, sir."

"On the night of June 24, after you left the library with Mrs. Trask's books, what did you do?" "I went upstairs to my room."

"Describe what occurred then." "I began going over the books. About half an hour later I heard a shot; then I heard Mrs. Trask scream and another shot fired. I picked up a heavy case I had in my room and rushed downstairs to the library. Mr. Trask's body was on the floor, and Strickland was



Mr. Trask's Body Was on the Floor.

standing at the other side of the room with a revolver in his hand. I dashed at Strickland with the cane and struck his arm. He dropped the revolver and fell to the floor."

"When you entered the room did you see any sign of the other man?" asked Gray. "No, sir; the French windows at the back were open, and he must have escaped that way. While Mrs. Trask was telephoning for the police I kept watch on Strickland. Then I happened to remember what Mr. Trask had said about giving Strickland the card with the combination to the safe on it, and I thought he might have it on him and that if he did it would prove of value to the police."

Here Arbuckle, ever watchful of the interests of the client who did not wish to be defended, interrupted Glover's testimony. A witness must tell what he knows of the case, but must not comment on his knowledge or draw conclusions therefrom or make inferences which may affect the mind of the jury. The law makes the jury arbiters of the facts in a case, not the witnesses. Therefore Arbuckle interjected:

"I object to the witness stating what he thought." Judge Dinmore sustained Arbuckle in his objection and directed that that part of Glover's answer be stricken from the record of the stenographic; and inferentially from the minds of the jurymen.

Then the district attorney admonished the witness. "Just tell what you did and saw, Mr. Glover," he said. "Well, I began to search Strickland's pockets."

"What did you find in the pocket?" asked Gray. "Again Glover's eagerness to volunteer information became apparent, and he answered: "Yes, I was afraid he might destroy the card."

This time Arbuckle made more vigorous objection. Springing to his feet, he shouted: "Your honor, I ask that the witness be instructed to answer the questions and no more!"

"Yes, strike out the answer," said Judge Dinmore. And then, with all the stern dignity of the representative and embodiment of the law, in cold, measured tones he said to Glover: "You must confine your answers to the questions which are put to you. You are not to volunteer and you are not to tell what passed through your mind. Is that clear?"

"Yes, your honor," said Glover, and the judge instructed Mr. Gray to proceed with the examination. "Did you find the card in Strickland's pocket?" "Yes, sir."

(To Be Continued.)

GERMANY TO CONSERVE BUTTER AND FATS Berlin, Dec. 10.—The federal council authorized municipalities to issue butter and fats cards similar to the bread cards which have been used for several months, to regulate the consumption of this food. The ordinance making this provision, which becomes effective Jan. 1, also contains regulations under which it will be possible to reserve the cheaper butter and fats for the poor. The commission organized by the council to equalize distribution of the butter supply is authorized to require large producers to sell part of their output, up to 15 per cent. of the total for resale to municipalities where shortages exist.

LITTLE ARMY OF MONTENEGRO IN SERIOUS DANGER

May Be Enveloped By Austrians—Albanians Prey on Fleeing Serbs.

Berlin, Dec. 10.—The outstanding feature of the situation on the Serbian front as shown by information received here is that the Albanian tribesmen, particularly the redoubtable Arnauts, have risen against the fragments of the Serbian forces which have succeeded in getting across the frontier into the Albanian mountains. Military writers here express the belief that the Serbs have little prospect to expect from the Albanians, who still maintain the blood war, with the exception of a small band of Serbians, the remnant of the Monastir army north of Ochrida Lake, no part of the Serbian armies remain on Serbian soil, it is stated.

The fugitives, without artillery or transport trains and with only such supplies as they can carry on their backs, are struggling not only with the pursuing Bulgars, Austro-Germans and hostile Albanians but with the rigors in full winter in pathless Albanian mountains. Military men here express the belief that not even a fragment will succeed in crossing Albania to the sea. The Montenegrin army, with such Serbians as were able to retreat in company with it, is said to be in a slightly better plight. The Montenegrins have been driven from their strong mountain positions along the crest of the Surohod Range, 3,500 feet high, on the northern slopes of the Balkans. The Austrians stormed these positions at the point of the bayonet after sufficient artillery preliminaries. The Montenegrins were badly defeated, and are reported to have been driven to retreat in an intact body and are conducting operations on their own soil through a friendly country.

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