

THE DIVORCE COURT MURDER

By Milton Propper

FIRST INSTALLMENT

At 3:15 on the Wednesday afternoon of June 7th, on which the law offices of the firm of Dawson, MacQuire & Locke became the scene of a crime that was to startle Philadelphia, and indeed the entire nation, by its sensationalism and mystery, six people were gathered in Mr. Dawson's private office. Of these, one pair sat together in deep chairs upholstered in brown leather, off to the right and before a long black mahogany table. One was a man approaching middle age, and the other a younger, handsome, woman. A second couple, both youngish men, sat to the left of the table, directly opposite the first two, and facing them. The fifth individual was Mr. Dawson himself; he lounged in a swivel chair back of the table. He thus directly confronted the sixth person, a man, seated on the other side of the table.

Outwardly, the gathering appeared peaceful and quite enough. Yet an alert witness could have sensed, beneath the surface, a pregnant air of tension, an almost explosive clash of human emotions, the chief of which were a mutual distrust and hostility.

The woman on the right was clearly angry, though she subdued and suppressed her resentment. Her eyes glistened metallically, in distinct menace; she compressed her lips vindictively, and clenched her hands in her lap until her knuckles whitened with the pressure. Her older companion's excitement was apparent in his determined, flushed face and vicious scowl. Beads of sweat glistened on his wrinkled brow, and from time to time he wiped it nervously with a kerchief.

Of the other pair, the apparent calm of the younger man was also deceptive. Actually, he bent forward in his chair, taut and alert to everything that transpired. The man sitting beside him wore an expression of anxiety and indignation.

Only Mr. Dawson and the sixth person in front of him, at the table, gave no intimation of being troubled by the provocations swaying the others. Judicially aloof and com-

posed, the lawyer was well preserved for his fifty-five years. He had a commanding personality; his wide forehead and clear, penetrating eyes betokened a shrewd intellect and a keen faculty for decision.

The man opposite him was also middle-aged, rotund and somewhat nearsighted, and wore glasses; he had a totally bald head, a round owl face, and vague, amiable features. A notebook on the table directly before him proclaimed him a clerk of some sort.

His attention centered on a blue typewritten pamphlet open on the table, Mr. Dawson was speaking slowly and deliberately.

"... about these new developments in the case of Rowland vs. Rowland," he stated, "as I understand them, the defense has uncovered new evidence, since our last meeting, two weeks ago, so that Mr. Rowland can now produce positive grounds for resisting his wife's libel for a divorce. And the court has granted him leave to amend his answer to introduce these facts."

He looked up from his pamphlet toward the man he addressed, the older and less agitated of the two men on his left, the lawyer for the defense.

Mr. Trumbull nodded. "It is, Mr. Master," he replied casually.

"Then we must now consider the significance and bearing on the case of your claims," Mr. Dawson said.

"You are..."

The woman's companion leaned forward suddenly and raised his hand.

"Just a moment, Mr. Master," he interrupted Mr. Dawson swiftly, "I object to the introduction, by the respondent, of any evidence impugning Mrs. Rowland's chastity or the conduct of her private life."

Mr. Trumbull turned sharply and inimically toward the speaker, as Mr. Dawson lounged still farther back in his swivel chair and folded his hands.

"On what grounds, Mr. Willard?" he inquired calmly.

"Because, Mr. Masters," Mr. Willard replied eagerly, "when Mr. Rowland originally answered these divorce proceedings by his wife, he made no suggestion of any such evidence. Indeed, he put in no defense whatever. He had the opportunity at the beginning of the action to indicate how he would contest it, in his formal reply. Having failed to do so, it is now too late, after I have presented all the testimony in Mrs. Rowland's behalf, for him or lawyer to produce any fresh affirmative facts."

Mr. Trumbull half rose in his excited appeal to the arbiter behind the desk.

"These new facts, Mr. Master," he declared, "occurred only since our last meeting or they would have been offered long ago. All this was argued before the court last week and decided in my favor. My client, Allen Rowland..."

Mr. Dawson interrupted him with a gesture. "That is correct." He faced Mr. Willard solemnly. "Judge Finley heard Mr. Trumbull's motion to change his original answer, to enable him to present this new evidence before me in the respondent's favor. You had notice of that hearing and were there; despite your arguments against it at the time, the motion was granted. I have no power or intention, now, of reconsidering that finding," he pronounced.

"But the answer comes as a surprise against which my client has had inadequate warning," Mr. Willard protested. "It is insufficient; it fails to specify the nature of the grounds on which Mr. Rowland bases his defense. And it gives me no fair chance to prepare to refute them."

Before the master could reply, Mr. Trumbull met the objection crisply and scornfully.

"It complies with all the formal requirements, Mr. Willard. It states that his wife was also guilty of adultery, the charge she brought against him. The rest is a matter of proof for these hearings, at which the details will be fully established by the testimony of witnesses."

Said the woman's attorney, "Just the same, Mr. Master, it isn't enough. The answer fails to identify the man with whom Mrs. Rowland is alleged to have had... immoral relations. He should have received notice of the charge, so he could appear and refute it; if he chose, just as any co-respondent might. He is as much a party to this action as Mr. Rowland or his young lady, Miss Edmond."

"He has been fully informed of it, Mr. Willard," Mr. Trumbull returned quickly; "in fact, he is present in the outer office. I have subpoenaed him as a possible witness."

Instantly, Mr. Willard leapt to his feet, and extended both arms; his flushed features ruddy with anger, he trembled in agitation.

"Mr. Master, I insist this entire

proceeding is irrelevant and inadmissible!" he cried hoarsely. "It's a put-up job to attack my client and sully her reputation, because she has exposed her husband's infidelity with Miss Edmond and established her right to a divorce. There isn't a word of truth in it!"

His opponent rose just as quickly. "Mr. Willard is evidently permitting himself to be carried away by his personal prejudice in the case. Because he happens to be Mrs. Rowland's brother as well as her representative is no excuse for his claiming dishonesty on the part of the—"

The crash of Mr. Willard's fist on the tabletop punctuated his reply.

"My relationship to my sister is a private matter, which has no connection with the merits of my claim," he declared vehemently. "I protest the introduction of personalities and demand an apology for Mr. Trumbull's insult!"

"And I demand, Mr. Dawson," Mr. Trumbull retorted hotly, "that Mr. Willard's accusation, imputing chicanery to the defense be stricken from the record. It is his offense; he owes me an apology for his attack on my integrity."

"I didn't say, Mr. Master, that Mr. Trumbull's participation in this fraud is deliberate. But I claim this evidence has no place at this hearing."

Mr. Trumbull interrupted sarcastically. "It is clear that Mr. Willard is not yet well acquainted with divorce law. Then I must enlighten him. Where one party sues for separation on the ground of adultery, his or her adultery is a good defense. This is known as recrimination; the complaining spouse will not be granted a decree where it can be shown that he or she was also guilty of the same immorality."

Thus appealed to, Mr. Dawson looked soberly from one antagonist to the other.

When, at length, he spoke his voice rang with his curt reprimand. "Both of you gentlemen, be seated," he ordered brusquely. "This meeting will be conducted in a respectable, courteous manner or not at all... Mr. Simpkins, you will please disregard these last remarks in your notes."

The clerk nodded. When the two attorneys had reseated themselves, Mr. Dawson addressed Mr. Trumbull.

"I think we may proceed with the business. No doubt, you are fully prepared to sustain your contention that Mrs. Rowland was unfaithful to her husband?"

"Yes, Mr. Master," Mr. Trumbull nodded; then hesitated, somewhat uncertainly. "By an unusual set of circumstances, my client can produce a young lady, who was almost an eye-witness to her affair. She is in this suite now, waiting to be summoned to make her disposition."

"This woman is your first witness of the afternoon, Mr. Trumbull?" the master inquired.

"Yes, I shall offer her evidence now. Afterward, if there is still time today, my client himself will take the chair to support her statements."

Mr. Willard rose again, more calm and self-possessed.

"I enter an objection, Mr. Master, to hearing any testimony by Mrs. Rowland's witness. It is impossible that she has any direct knowledge of this action. She is barely acquainted with my sister and not on the best of terms. In fact there are strained relations between them, which would prejudice her against my client and render her evidence valueless."

"I deny that!" Mr. Trumbull answered excitedly. "Her information is personal, the result of her own observation. And her position is unimpeachable. She is a member of Philadelphia society and the wife of one of its most prominent citizens; she would never lend herself to anything dishonorable."

"Nevertheless, her words cannot be accepted in these circumstances," Mr. Willard maintained. "Antagonism is apt to blind her to the truth."

Unexpectedly, the woman interposed, as though compelled by her resentment she could not contain.

"Mrs. Keith isn't to be trusted," she insisted angrily. "She's utterly immoral and holds a grudge against me."

Allen Rowland as promptly took up the cudgels. "That's a damned lie!" he flared. "She has an excellent reputation and doesn't deserve to be slandered..."

Mrs. Rowland's lawyer looked pained, his chief concern appearing to be Mr. Dawson's possibly unfavorable reaction to her unpleasant outburst. "As I started to say, I ask that the witness be excluded."

He broke off, subsiding abruptly, as Mr. Trumbull laid a restraining, warning hand on his arm.

Frowning, Mr. Dawson pondered the request, then shook his head.

"I cannot allow the objection, Mr. Willard," he declared, "as there is no concrete evidence of her bias. If she is prejudiced you will be able to discredit her, after she has been questioned... You may bring your witness in, Mr. Trumbull."

(Continued Next Week)

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