Accomplice

BY FREDERICK TREVOIR HILL

Author of "The Case and Exceptions," "The Minority," "The Webb," Etc.

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Though Gilbert's case had ended soon-than I expected, Barstow was evident-prepared for his announcement, for sprang to his feet as he heard it and avanced to the rail with a memoran-um in his hand. "If the court please," he began, "I re-uest your honor to instruct the jury to ender a verdict of acquittal in this case. here is not sufficient evidence of the effection of the case.

render a verdict of acquittal in this case. There is not sufficient evidence of the defendant's guilt to raise any question for the jury. No verdict except 'not suilty' could be supported by the Lacts submitted by the prosecutor. The circumstability proofs wholly fail to make out the case required by law. Indeed, there is not a word of testimony connecting the defendant with this crime. It has not been shown that she was seen in or about Mr. Shaw's study on the night of the crime. On the contrary, it has been demonstrated that she was in a different and remote part of the building at the time he met his death. It has not been proved that the threads of cloth left in the candle-grease belong to any dress in her possession, and their identification with the skirt she gave the Mapes woman is not sufficient to create any presumption against her. But if it had been demonstrated that she wore a skirt matching the threads on the night of the murder, and if her opportunity to commit the crime stood undenied, there would still be an entire absence of proof mmit the crime stood undenied, there

commit the crime stood underlied, there would still be an entire absence of proof upon the all-important element of motive. The only suggestion of motive anywhere in the case is found in the tastement of one witness to the effect that high words passed between Mr. Shaw and his defendant on the night of his death. The idea of predicating an accusation of murder—to say nothing of a verdict of guilty—on such testimony is mossirous. Everybody in this room. I suppose, has had high words at one time or another with somebody. We have come to a pretty pass, indeed, if high words necessarily imply murderous thoughts necessarily imply murderous thoughts necessarily imply murderous thoughts necessarily imply murderous action! We were told in the prosecutor's opening that robbety was the defendant's motive, or, at least, he indicated it as one of her many motives. According to my learned friend she plotted fo marry Shaw for his money and, failing in this, she forged a will. she plotted fo marry Shaw for his money and, failing in this, she forged a will, hoping he would kill himself, and it was the discovery of this forgery which caused her to take her employer's life. We have listened to hours of testimony along these lines, and at the end of them all what do we find? There was no robbery, There was no forgery. Mr. Shaw had what do we find? There was no robbery. There was no forgery. Mr. Shaw had not refused to marry his secretary—she had declined to marry him. But they had had high words. That is the sum and substance of the whole matter. It would be laughable if it were not so serious. But it needs no comment. I desire, however, to call attention to the fact that only one witness testifies concerning these vague high words, and it is proper to consider who and what that witness is. When the prosecutor told us in his opening that we would find Alice Emory in every dark corner in this case. I assume he must have meant Mademory in every dark corner in this case, assume he must have meant Made-ine Mapes. Listen at the door of isw's study, and what do you hear? quarrel between Shaw and Miss Mapes a quarrel between a faithless lover and discarded woman. No high words, it plenty of bitter hate there. Look

but plenty of bitter hate there. Look through the window of Miss Emory's chamber on the night of the murder, and whom do we find occupying the room so conveniently situated next to Shaw's study? Madeleine Mapes. Draw aside the curtain of her closet door, and what do you find? A blue cloth skirt belonging to the Mapes woman! Open the furnace door, and what do you see? The charred remnants of her telitale skirt. Will you credit the word of this female Oudas, who swears eternal friendship

notice of the interruption, and before he could continue Judge Dudley interferred.
"Counsellor," he began, "it is only fair to say that I have fully determined to to say that I have fully determined to allow the jury to pass upon this case. Please state your motion as briefly as possible, and I will deny it, and give you the benefit of an exception."

Barstow regarded the speaker with indianast astonishment.
"Do you mean to decide this vital question without hearing me?" he demanded. Bercely.

fercaly.

The judge frowned at the offensive The judge frowned at the offensive question, and his protruding lip twitched suggestively, but he maintained a dignified stience until he controlled his voice. "I have heard you, sir he responded, at last. "But my mind is made up, and you can't change it. This case has got to go to the jury, and you may as well understand it one time as another." "Your honor takes a grave responsibility, and—"

The old jurist interrupted the speaker with an impatient gesture

The old jurist interrupted the speaker with an impatient gesture. "I take grave responsibilities every day, sir," he retorted, and up to date I have been equal to them stenographer, have you recorded Mr. Harstow's motion, and the grounds upon which he bases it?" he continued, sharply, "Yes? Mery well then. Motion denied and exception granted. Now, counsellor, I will allow you to open to the jury to-night if you desire, but I propose to adjourn court as soon as you have finished your address."

address."
Barstow threw his papers upon the in-ble and pushed back his chair. make no address to the jury.

Judge Podley looked up sharply from
his minute-book as he heard the nonouncement, and nodded with calm dignity,

"As you please, str." he observed.

"Are you preserved to begin the examination of your witnesses"
"I shall call no witnesses."
"The response was curt decisive, and challenging, and an audible murmur of astonishment swept uver the room.
Judge Dudley's face betrayed no surports. prise, however, as he met the lawyer's defiant stare "You rest" he inquired imperturbahowever, as he met the lawyer's

Before Barstow could reply the defen-

The words were plainly sudible to the fury, and the lawyer reluctantly yield-

"Your honey will grunt me a moment's induigence?" he inquired over his shoulder as he moved away.

The judge moded, and every eye in the room centered upon the lawyer and his client, as they begin a whispered consultation which grew more and more animated as it proceeded. Miss Emory speaking rapidly and forcibly, and farmow replying with equal determination, his head shaking from aide to side, and his lips scarcely moving as he uttered his impatient replies. I had noticed the defendant's eyes when I had first seen her, but until I watched them during this conference I had no idea of their heatty. Indeed, het whole appearance was transfigured as she faced her counsel, her eyes flashing with determination, and her expression indicating a force of character with which I had not neviously credited her. Her caimness and danity had been impressive throughout the trial, but her sudden animation revealed a strong personality of intensely human iterest.

Saretaws replies came at longer and lamps intervals as the conference continued, and at last he consect speaking intervals as the conference continued, and at last he consect speaking intervals as the conference continued, and at last he consect speaking intervals as the conference continued, and at last he consect speaking intervals as suddenly pushed back his cinic and strode to the rail.

The defendant rosts? he amounteed, with agreement furness.

casive framess.

the words were fairly uttered,
ay was at his side,
conor, I desire to be heard?"

remonstrated. "I suggest that you address the court through him."
"Sour honor, I desire to testify in my own behalf, and my counsel will not permit it." Miss Emory spoke in a low tone, but her every word was platnly audible in the intense silence. "He governed by his advice, madam." The judge spoke gravery, soothingly, but the defendant instantly shook her head.

"I cannot, your honor. I am accused of an infamous crime, and my dearest friend has been denounced by my own lawyer. Have I not the right to ans-

friend has been denounced by my own lawyer. Have I not the right to answer?"

"You have the right madam. But I would advise you to consider the matter carefully before you act counter to your lawyer's advice."

"It is my life which is at stake, your honor, and not his," she burst out, passionately. "Surely I cannot be denied a hearing because my lawyer objects. But, if so, let me change my counsel. I have waited for this moment for months and months. May I not defent myself by telling what I know?"

The woman's yoke trembled with excitement, but it was clear and fearless. Judge Dudley glanced inquiringly at Barstow, but the lawyer made no answer.

with that my duty ends, Self-respect demands my withdrawal, and I leave the case in your hands—"Wait-wait, Mr. Barstow!"

The lawyer was already on his way from the court-room as Judge Dudley spoke, but he halted and turned inquiringly to the beach.
"I cannot allow you to retire at this stage of the case, sir,"-continued his hear. "Igecognize the delicacy of your position and the embarassment to which you are subjected. But the defendant cannot be left unprotected, and there is no one so competent as you to repre-Barstow moved to the door as he poke, but his honor instantly halted

him.
"You must do nothing of the kind. sir.
No member of the Bar is privileged to
abandon his client at will. I am rendy ing to the Mapes woman! Open the fursize door, and what do you see? The
charred remnants of her telltale skirt.
Will you credit the word of this female
Tudas, who swears eternal friendship
for this defendant in one breath, and
tries to swear her into eternity with
another? I denounce her! I denounce
her publicly, and in the name of the law.

"Mr. Barstow"

I started as Miss Emory uttered her
counsel's name, and turning I saw her
counsel's name, and turning I saw her
standing by her chair, her face flushed
with anger, her arms extended rigidly,
and her hands tightly clinched. Barstow
paused for an instant, but took no other
motice of the interruption, and before he
abandon his client at will. I am ready
to grant an adjournment to enable you
to mature your plans or to consult with
to grant an adjournment to enable you
to mature your plans or to consult with
to grant an adjournment to enable you
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cared to receive, and to receive, and some three or four
months after I came to pay me more attention to

reached the last row of benches, his non-or leaned over the desk and pointed his gavel at an attendant.

"Officer," he roared, "if Mr. Barstow attempts to pass that door arrest him betrothed?"

Twas and am energed to

CHAPTER XXIX. Burstow was almost at the door when

dent suddenly moved forward and chitched his arm. He turned to her with a
frown of impatience

"Please take your seat. Miss Emory."
He muttered. "I cannot be interrupted in the stepped to the rail with all his customary aggressiveness.

"Your honor cannot do so," he asserted, hotly. "I now demand an adjournment as a matter of right, and while as conducting this case I insist that no

stantly darkened.

"You forget yourself, Mr. Barstow!" he exclaimed. "The court has placed no obstacles in your way, but it has reached the limit of its patience with your truculent behavior. insolent stars.

"Exception!"

"Exception!"

Barstow retreated to his chair, muttering hercely to himself, and, grouching down, watched the judge with an expression of vindictive fury until the defendant reached the witness-stand. Then his expression suddenly changed, and pushing his chair forward he concentrated his gase on his elient's face, studying her as he had studied the jury during the early hours of the trial.

I had heard the oath administered to many witnesses before Miss Emory took the stand, but until I saw her with her hand uplifted listening to the judge's words, I had never been interested with the solemnity and dignity of the simple ceramory. Even when I had been sworn as a jurior I had merely responded to the dramatic appeal of the moment. In Itself the formula prescribed by the law did not inspire me with stry particular faciling of powerance. But Miss Emory

bench as she heard the words.

"I understand perfectly, your honor," she responded. "Mr. Barstow has informed me of all my rights, and I regret exceedingly to disregard his advice."

"You are not obliged to incriminate yourself in any way," continued the judge. "The fact that you do not personally answer the charge against you does not create any presumption of your guilt, and the jury will be specially instructed to give it no consideration what soever. Moreover, I urge you to be goverened by the advice of the experienced counsel who represents you, and log abide by his decision upon the policy of your defeace." your defeace."

The grace courtesy of the words increased my respect and admiration for the venerable speaker. His office was too high for personal resentment, and his impartial bearing ander grievous provocation embodied the splendid impersonality of the law.

Miss Emory seemed to realize the solemnity and dignity of his calm admonition, for she turned to him almost apologetically.

emnity and dignity of his calm admonition, for she turned to him almost apologetically.

"I appreciate all that has been done
for me, your honor," she answered, "but
I feel sure I am right in this. I would
have been content to make no denial for
myself. But my dearest friend has been
attacked—cruelly attacked to divert attention from me. Therefore I insist upon telling the whole story. She is as innocent as I."

There was a note of firm defiance in the
speaker's voice, and I began to understand the nature of Barstow's quarret
with his client.

"Miss Mapes is not upon trial, madam,
and requires no defence at your hands.
If this is your reason for disregarding
your lawyer's advice—"

"I desire to be heard in my own behalf
as well, your honor. I finderstand my
rights in every particular."

"Very well, madam. Do you wish to
examine the witness, Mr. Barstow?"

The lawyer shook his head, but his
eyes never left his client's face.

"Then tell your own story, madam, in
your own way."

Your honor will question me if I do not Your own way."
Your honor will question me if I do not make myself clear?"

Your own way.

Your honor will question me if I do not make myself clear?"

"Certainly. Face the jury, madam? They cannot hear you if you look at me."

Miss Emory turned from the bench, and her glance rested momentarily on Barstow's heavy face before she met the eyes of the men who were to judge her story. For an instant she hesitated, and I understood the dread feeling of oppression with which she was struggling. The twelve men confronting her, the stepographer, the lawyers—all the eagerly staring and listening occupants of the room were crowding upon her with suffocating closeness, and the very allence of the place was stifling her.

"I first met Mr. Shaw two years—a little more than two years ago," she began, at last, speaking rapidly, almost breathlessly. "I applied to him at his office for a position as private secretary and obtained it. I—"

"How did you happen to make the application, madam? Did you answer an advertisement?"

The defendant turned to the judge with a grateful expression as he interrupted, and shook her head.

"No., sir." she answered. "I was recommended to him by a friend."

"Who was that friend?"

"Mr. Barstow."

All eyes immediately centred on the

"Mr. Barstow."
All eyes immediately centred on the lawyer, who continued his gazing steadily at the defendant as though unconscious of the interest he inspired.

"Proceed, madam."
"I carried a letter of introduction from "I carried a letter of introduction from Mr. Barstow, whom I had known for several years, and Mr. Shaw immediately engaged me. At first I worked only at its office, but before long he suggested that I take up my residence at his home in Pollicet, as most of his correspondence could be conducted there. I consented to this and became a member of his household. For a time everything worked satisfactorily, and then Mr. Shaw began to pay me more attention than I

was my employer."
"Did he repeat his offer of marriage?"
"He did, before a month had passed, nd this time he pressed me so hard for the reason of my refusal that I told him frankly that I was not free." "Meaning you were already engaged?"

'Yes, sir. I was and am engaged to r Barstow.'' An audible murmur of astonishment came from the audience, and again the lawyer became the centre of interest,

"He never asked me whom I was en-gaged to," answered the witness, "and I hever told him. In fact, I do not think he believed me at all, for, although he again promised to drop the subject, he never really did so, and hardly a day passed without some direct or indirect reference to it, until the situation be-came so intolerable that I confided in Miss Mapes. She and I had been friends from the moment I came to the farm. Miss Mapes. She and I had been friends from the moment I came to the farm, and we have been like sisters ever since. In fact, I should not have consented to become a member of Mr. Shaw's household had I not known she was there, and I would not have remained had she left. We had our meals together, and when we were not working we were constant. we were not working, we were constantly in each other's company. I knew she
was quare of Mr. Shaw's marked attentions to me, but she never spoke of them
until I broached the subject. Then she
warned me against him, and told me
something of her experiences—most of
which she has repeated here to-day. She
was sympathetic, windly—even senerous.
I never heard her speak a bitter word
against Mr. Shaw in all our conversations. We became even more strongly
attached to each other after this, and
spent more and more of our time togethwe were not working, we were constant spent more and more of our time togeth er. Mr. Shaw was extremely nervous and excitable for some weeks before his death, and I knew in a general way that he was in some difficulty which might dure serious consequences. But just Juve serious consequences. But fust what he had done or why he was anxious I never learned until after his death. During this time, however, he left me aione, and I was beginning to feel more at ease with him, when he suddenly renewed his attentions, and ended by threatening to kill himself unless I consented to become his wife."

"When was this?"

threatening to kill himself unless I consented to become his wife."

"When was this?"

"The afternoon before he died."

"Tell us everything that occurred."

The silence of the court-room was broken only by the ticking of the clock as Miss Emory hesitated.

"I had been working, with Mr. Shaw in his study." she continued, at last, "and found him more than usually nervous all the afternoon, but he gave me no warning of what was coming until he audidenly threw aside his papers and began urging me to marry him, using all sorts of arguments and making promises of various kinds. I steadily refused to consider the matter, and when I rose to leave the room he pulled a paper from his desk and insisted on my reading it. It was the will which has been shown here, leaving all his property to his wife Alice. Alice, he said, referred to me. I indignantly protested against his use of my name in such a connection, and he replied by showing me a list of property which he said he owned in Venezuela, and which he declared i could have for the asking, if I would be his wife. I told him that I was not to be brilled, and that I would leave his house the very next day. Then he drew a revolver and told me that I would not have to wait long before I became a widow, but that I must become his wife. I thought he had lost his mind, and was about to the from the room when he pointed the pistol at my head and told me not to move. Then he undenly laughed, those the weapon saide, and durting forward, seized me in his arms and Massed me I struck him across the mouth and managed-to escape to Miss Mapes.

The descusiant has told her story in short gasping sentences, and when she payed, exhausted, the audience which had hung upon her every word stirred gainly, exchanging excited whispers.

until about noon that I heard what the physicians had discovered."

"Who told you of that?"

The judge was leaning over his desa, his hand behind his ear as he interrupted, and the defendant turning found hereif face to face with her questioner.

"Mr. Barstow," she answered, calmly. The judge nodded comprehending;", "I remember," he answered, lightly, "He heard of the trouble and called to advise you not to talk too much. That is what Miss Mapes said, I believe?"

"Yes, sir. That is true."

"Did you tell him what had occurred the previous evening?"

"I did."

"Did you tell him about having let Mr.

"Did you tell him about having let Mr.

"Did you tell him about having let Mr. Hunt into the house?"
"Yes, sir."
"Was Miss Mapes present at this conversation?"
"Not the first time I talked to Mr. Barstow. Later she was."
Gilbert had risen when the judge had begun questioning the witness, and as she gave her last answer his honor nod-ded to the prosecutor, who at once took up the examination, plying the defendant with inquiries, all pointed directly at Miss Mapes, and displaying intense interest in her every word and action. Miss Emory at first answered the questions quietly, but as the inquiry continued she showed impatience and even indignation, and when the prosecutor introduced the subject of the blue skirt she turned appealingly too the judge.
"If your honor will permit me to tell the rest of my story in my own way," she exclaimed, "I know I can save time. Miss Mapes had nothing to do with this matter, and I can prove it. I will answer any questions afterwards."
Gilbert immediately resumed his seat with a satisfied expression, your honor," I accept the suggestion, your honor, "I accept the suggestion, your honor, a immediately and hurried from the room.
"Proceed, madam."

whispered communication and transfer from the room.
"Proceed, madam."
Miss Emory glanced at the judge, and for a moment I thought she was about to address him, but she finally turned again to us

"Mr. Barstow told me at our first interview," she began, "that every inmate of Mr. Bhaw's household would be under suspicion, and advised me to say nothing without consulting him. Later, when he learned that Miss Mapes and I had exchanged rooms, he asked to see her, and explained the situation to us both, telling us of the blue threads which the detectives had discovered in the candle-grease, and questioning us about our gowns. I had owned a blue skirt but when I looked for it after our talk I could not find it, and Miss Mapes finally confessed that she had burned it in the furnace fearing it might subject me to suspicion. Of course I was indignant, but I knew she had intended to do me a service, and when I saw how frightened she was I tried to make light of her indiscretion. Mr. Barstow, however, took a very serious view of the matter when he learned that Betty Field had come into the cellar just as Miss Mapes was thrusting the garment into the furnace, and insisted that she should not speak another word or do another thing without his permission. She promised to obey him, and he warned me not to tell her anything. When the authorities began to suspect me I wanted to make a frank statement of everything I knew, but he would not permit it, and when I insisted he told me that I would do him a great wrong if I talked, for I would convict his friend and client Owen Hunt."

For a moment I did net realize the "Mr. Barstow told me at our first in-

any one in the audience fully compre-hended them. "Do you mean to say that Mr. Barstow confessed to you that Owen Hunt killed Mr. Shaw?"

The judge leaned excitedly over his desk, and his tone expressed astonishment and increallity. ment and incredulity.

"He did, and he begged me not to be-tray a man who had once saved his life." Miss Emory answered, steadily. iffe. Miss Emory answered, steadily. "He told me Hunt was innocent—that Mr. Shaw had attacked nim in a burst of rage, and that Hunt had stabbed him in self-defence. If the man had only made a clean breast of the matter, he explained, instead of trying to conceal the facts, he could easily have been acquitted. But as things were, nothing could save him if I confessed that he was in the house. Even after he saw I might the house. Even after he saw I might be indirect, Mr. Barstow begged me not to speak, and I agreed to keep silence, knew Mr. Hunt was a brave man to I knew Mr. Hunt was a brave man to whom Mr. Barstow was under deep obligations and who had once saved his life, and I felt perfectly safe in Mr. Barstow's hands. He attacked Miss Mapes because he found the testimony against me was stronger than he liked, and when he persisted in protecting me in this manner L repudiated my promise of silence."

Miss Emory paused and leaned back vearily in her chair. "That is all I have to tell," she con-The pent-up excitement of the audience found vent in a wild burst of applause a spontaneous tribute which the judge did not try to repress and as I watched ald not try to repress—and as I watched the exciting scene I saw Gilbert standing mear the door earnestly whispering to Barbara Frayne and her father. Before I recovered from my surprise, however, the prosecutor wrote a few words on a slip of paper, shoved it into the girl's hand, and, hurrying her and the colonel from the court, slipped quietly back to his place again.

from the court, slipped quietly back to his place again.
Finally the judge hammered the nudence to order and addressed Barstow, who still sat watching the defendant.
"Do you wish to cross-examine, Mr. Barstow?" he inquired.
"No, sir. My own statement will be forthcoming at another time and place. I move that the jury be instructed to accidit. I move that the jury be instructed to acquit.

The lawyer did not look up, and his lips scarcely moved as he muttered the response.

"I will reserve decision on your motion until the prosecutor finishes his examination," his honor answered. "Have you any further questions, Mr. Gilbert?"

The prosecutor was already on his feet as Judge Dudley spoke.

"Miss Emory," he began, "did any one except you know of Hunt's presence in the farm-house on the night Mr. Shaw was killed?"

"No one, I think."

"No one, I think."
"Not even Miss Mapes?"

"Not even Miss Mapes?"

"No."

Glibert moved outside the rail and took up his position on the far side of the jury-box.

"Turn to me, Miss Emory," he commanded. "That's better, Farther still, please. Twist your chair until you face the twelfth juror. Good! Now tell me how you happened to know that Hunthad an appointment with Mr. Shaw on the evening you let him into the house."

"Because Mr. Shaw told me so."

"He said he had an appointment with Mr. Hunt?"

"No.! think he said Mr. Barstow.
But they always came together."

"Who! Hunt and Barstow?"

"Yes."

"They were frequent visitors at the

The color had left Miss Emory's face and her voice broke nervously. "Did you ever tell Hunt that you knew he was the guilty man?" pursued the

woman pushed it away and stared at the prosecutor with a look of dawning terror.

"Was the gas lit in the hall when you opened the door for Hunt, Miss Emory?" The tone of the question was reassuring, but the witness's voice sank to a whisper as she assented.

"So that you could plainly see the person you admitted?"

"Yes."

"Describe him, please."

"He was a tall, clean-shaven man with dark hair and eyes. His face was thin, and his nose rather sharply pointed, Oh, what is the use of going into all this!" she burst out, hysterically. "Bring Hunt here. I will identify him."

"Yes-yes-of course," answered Glibert, soothingly; "but so that can be no error, Miss Emory, tell us how he was dressed when you saw him in the hall that night."

"He wore an alpine hat, a black overcoat, gray trousers, and-"

Gillbert glanced across the court-room.

ingly. "That is all, miss you."

The end came so suddenly that the judge himself was startled.

"Any further questions, Mr. Barstow?" he inquired.

The defendant's counsel mopped his face with his handkerchief and mutter-"Then as I understand it, both sides rest?" continued the justice.
"Pardon me, your honor," interrupted Glibert. "I desire to call a witness in rebuttel."

rebuttal."
"In rebuttal? You mean to contradict the last witness?"
For the only time during the trial the judge's voice reflected something of the excitement of the audience.
"Yes, sir. I mean to contradict her."
Gilbert's answer as steady, confident, and decisive, and the judge nodded acquiescently. "Owen Hunt!" announced the prosecu-

The audience turned expectantly to the court-room door as Gilbert apoke, and a deathlike silence followed, the jurors glancing at one another in utter bewilderment, and the judge himself staring with strained intensity at the calm, resolute face of the public prosecutor. I no longer cherised any prejudice against Deake Gilbert, and my early impressions of the man had completely faded. Indeed, in the whiri of events and the confusion of the moment-mot knowing what to think or to expect-I was conscious of a firm reliance in his judgment, of a supreme confidence in his ability to handle the situation and extricate us all from the mass of contradictions and surprises in which we were involved.

Suddenly Barstow staggered to his feet

dle the situation and extricate us all from the mase of contradictions and surprises in which we were involved.

Suddenly Barstow staggered to his feet and broke the silence with a burst of violent protest against continuing the trial. It was preposterous, he asserted, to begin rebutting testimony at such an hour. There was no necessity for crowding the work of two days into one night. The situation demanded an instant adjournment. It was inhuman to prolong the case beyond the endurance of jurora and counsel, to say nothing of the accused. He himself had not the physical strength to continue, and a postponement was imperative.

The lawyer swayed unsteadily, clutching wildly at the rail as he spoke, but when the prosecutor rose to reply he turned upon him with a torrent of invective, denouncing his professional conduct and impugning his motives with such thunderous vehemence that the judge was poweriess to make himself heard. Finally he ordered a court-attendent to force the excited speaker to his seat, but the nistant the official haid a hand upon his shoulder Barstow flung him one side with a wave of his arm and continued his impassioned denunciation. Then he suddenly paused, and sinking into his chair, alared at his opponent with all the desperate ferocity of a madman.

As soon as the commotion among the spectators subsided Gilbert rose and addressed the court with quiet and impressive dignity. It was apparent, he observed, that his opponent was suffering from a nervous strain of unwant severity. And if his official duty would permit him to do so he would gladly consent to the requested adjournment. But the ends of justice, he asserted, were paramount to the counter to nonvenience of any individual, and the highest public interest demanded the immediate examination of Owen Hunt, not only because he had been publicly accused of a crime, but also because there was a grave danger that another day might find him physically incapable of tentifying to any mind they conveyed a suggestion of assertions. Even to any m

Well, something of that sort," he added, bitterly.

"In whose employ are you?"

"Until to-day I was in Ferris Barstow's,"

"You mean Mr. Barstow—the counsel for the defence?"

Hunt nodded affirmatively.

"How long have you been in his employ, Mr. Hunt?"

"About six years."

"Did you know the late Gregory Shaw?"

"I knew him well."

Shaw?"
"I knew him well."
"Who introduced you?"
"His lawyer, air. Barstow."
"Were you in Mr. Barstow's employ when he first had business with Gregory Shaw?"
"Yes."
"Do you know what that business

bart.

Hunt met the question with an expression of low cunning and a shake of the head.

"I guess the other side would have uald him as much to talk as Shaw paid him to keep quiet." he answered. "He gave his client good value for his money, and kept him soing longer than any other lawyer could have done."

"Was Mr. Barstow known as Shaw's attorney?" attorney?"
The witness smiled grimly as Gilbert

Judge Dudley glanced inquiringly in the Barstow, but the lawyer made no answer.

"I think I must permit the defendant to take the stand, if she insists upon disregarding your advice, Mr. Barstow." A ripple of applicates greeted the judge's words, and before he could control it a thinderous burst of approval swept over the court-room.

Barstow waited for the tumult to subside, his finger pointing steadily at the stenographer's open book.

"The case is closed, your honor," he asserted. "I am the attorney of record in this case, and the fact that the defendant has rested is already in the minutes. Further testimony cannot be received."

Barstow ignored the woman standing beside him, and gazed steadily at the

beside him, and gazed steadily at the court as he spoke with all his customary court as he spoke with all his customary force; and aggressiveness.

"I must reopen the case, Mr. Barstow," amounced the justice, "unless you can pursuade your client to think better of her action."

"I am not to be pursuaded, your honer." Miss Emory interrupted, hastily. "I demand the right to be heard,"

"Then, you may take the stand, madam."

Barstow stepped to the table as Judge Barstow stepped to the table as Judge Dudley uttered the words, and took up his coat and hat.

"Lexcept to your honor's ruling," he observed, with studied calmness, "and with that my duty ends, Self-respect demands my withdrawal, and I leave the force in your honds."

cannot be left unprotected, and there is no one so competent as you to represent her 'at this crisis."

"I thank your honor, but I cannot remain in a case where my advice is disregarded, and with due respect to the court I must retire."

udge's voice, but Barstow continued almly on his way. Finally, as he eached the last row of benches, his hon-

he judge's order rang out, and, seeing he attendant spring forward to dispute the Judge's order rang out, and, seeing the attendant spring forward to dispute his further progress, he turned and walked back to the counsel's table.

"I submit to the court's authority," he answered, "although the best interest of a defendant can never be served by forcing an anwilling counsel upon her. As your honor insists upon my services, however, I suggest the propriety of an adjournment."

"I take grave responsibilities every ay, sir," he retorted, and up to date have been equal to them stenographe, have you recorded Mr. Harstow's mobin, and the grounds upon which he asses it?" he continued, sharply, "Yest of you feel then. Motion denied and exemption granted. Now, counsellor, I will flow you to open to the jury to-night you to get the word of the second as you have finished your as soon as you have finished your address."

Barstow threw his papers upon the tage and pushed back his chair.
"You are not the best, judge of your own inferests, madam," he responded, quietly. "Your proposed action is against the advice of your lawyer, and you should take time to consider the matter before committing yourself irrevocably."

militing yourself irrevocably.

Thave considered it. I cannot bear which sh was sym
You are excited now, madam. When you are colmer you may see the situation in a different light." in a different light."
"I am perfectly calm, your honor, but I dread waiting for another day. I have waited so long already."
There was a note of pitcous appeal in the speaker's voice, and the judge nod-ded symathetically. ded sympathed-cally,
"I am inclined to let the defendant
take the stand, Mr. Harstow," he ob-The words seemed to renew Barstow's fighting spirit, for he stepped to the rall with all his customary aggressiveness.

"Your honor cannot do so," he assert-

ury, and the lawyer reluctantly yield.

Tour honer will grant me a moment's stantly darkened.

Way."

Way."

Way."

Way."

His words and manner were equally offensive, and Judge Dudley's face instantly darkened. tient behavior." Harstow received the reproof with an

Insolent stare.

"I may have forgotten myself." he muttered, slowly. "But I have not forgotten that your honor promised me an adjournment if I continued in the case." The judge's face flashed angrily as he heard the insinuating reply.

"The court entered into no such bargain, sir." he retorted, "I offered you an adjournment, and you responded by attempting to leave the court-room contrary to my instructions. Now I deny your application, "Take the stand, madam, if you please."

posed to ma."

"I told him something about them, but not everything until after Mr. Bhaw's death."

"Why not?"

"Because it distressed him."

"How did he show his distress?"

"Because it distressed him."

"How did he show his distress?"

"Didn't he insist upon your resigning your position?"

"Yes, but when I heard what an important client Mr. Shaw was, and saw that my leaving would lead to a quarrel, I decided to remain."

The examiner paused for a moment before he put his next question.

"Miss Emory, did you see Hunt leave the house on the night of Novamber 2nd?" he inquired, at last.

The witness shook her head.
"I told you I did not" she responded.
"Are you perfectly sure that the person you let into the house that night was Owen Hunt?"

"Why, of course!" she exclaimed, impatiently.

"Who else could it be?"

"Why, of courset" she exclaimed, impatiently.

"Who else could it be?"

"I don't know. But your story is a serious accusation, and I want you to consider the possibility of a mistake."

Gilbert paused and turned to Corning, who had satered the room and was easerly waiting to deliver a message. A brief whispered consultation followed, and then the assistant again hurriedly left the court as the prosecutor resumed his questioning.

"Did you inderstand from Barstow that flunt was alone with Shaw when this—tragedy occurred?" he continued. Miss Emory nodded.

"I did," she assented.

"Have you any other information on the subject?"

The witness shot a frightened glance at her linguisitor.

"No," she answered. "Why..."

"It is possible is it not," Gilbert interrupted, "that Mr. Shaw might have had other visitors without your knowledge?"

"Yes.—but..."

he was the guilty man?" pursued the examiner.
"No."
"Did you have any conversation with him concerning his share in the crime?"
"No."
The answers came in choking gasps, and seeing the witness giancing wildly about her one of the attendants hurried forward with a glass of water, but the woman pushed it away and stared at the prosecutor with a look of dawning terror.

coat gray trousers, and..."
Gilbert glanced across the court-room, and nodded as he saw Abel Corning re-entering the door.
"Gray trousers!" he repeated, meaningly, "That is all, Miss Emory. Thank

quiescently:
"Very well, sir," he responded, "call

truth, and nothing but the truth, so help you God?"

Hunt touched the Bible with his lips, but his eyes never left Barstow's face as the judge addressed him.

"Mr. Hunt, are you aware that you do not have to answer any questions which may tend to incriminate or degrade you, and that you cannot be compelled to testify against yourself in any way?"

The witness glanced up and nodded.

"I understand." he answered.

"Are you likewise aware," continued his honor, "that you have been accused in open court of the crime of murder—the murder of Gregory Bhaw?"

"That is what I am here to answer."

The defiant response brought Barstow to his feet.

"I advise the witness to remain slient!" he thundered. "I advise him that anything he may say will be used against him. No promise of immunity will be binding or effective, and I warn him—"

"I'll take my chances," Hunt interrupted, impatiently. "What do you want to know, Mr. Gilbert?"

"I want you to tell the jury everything

Till take my chances," Hunt interrupted, impatiently. "What do you want to know, Mr. Gilbert?"

"I want you to tell the jury everything you know concerning, the death of Mr. Gregory Shaw."

Barstow, who had turned sway with a shring of his shoulders, instantly wheeled about, his face white with rage. "That is ne way to conduct an examination, and you know it." he shouted flercely. "Your honor, this is a flagrant attempt to prevent me from excluding improper testimony. It is."

"The prosecutor will question the witness by the usual manner," Judge Dudley inferrupted, but Barstow was not sattisfied, for he finnediately interposed new objections too technical for me to understand, and no sooner carried one point than he presented another; contesting every inch of ground, and fighting against time with wonderful persistence and resource. But ingenious as his tactics were Judge Dudley met them with prompt concessions, yielding, every demand until the obstructionst desisted -urays out pur unpannuxs soons contesting every inch of ground and fighting against time with wonderful persistence and resource. But ingenious as his tactics were Judge Dudley met them with prompt concessions, yielding, every demand until the obstructionst desisted -urays out pur unpannuxs soons contesting with a gased vindictively at Barstow."

The witness nedded slowly. "He demanded Barstow's authority for saying what Miss Emory should do or leave undone," he responded, "and Barstow declined to give it. That was the beginning of the trouble, but they soon got to talking so fast I couldn't distinguish what they said until Shaw shouted out that he'd talk about his wife in any way he pleased, and thrust another paper under Barstow's nose," "Did you see what that paper was?" interposed the judge.

The witness smiled grimly as Glibert put the question. "Of course not." he answered. "It was an absolute secret."
"Why?"
"Because Barstow was in close touck with the people Shaw was feecing, and if it had been known that he was Shaw's adviser some one might have become suspicious."

"No, Barstow brought them. I was to In the breathless silence which followed Gilbert's demand, Miss Emory rose and drew her chair close beside her

counsel.

"We went into Mr. Shaw's study and found him writing at his desk." began the witness. "He was excited, and when

the table, saying he would not permit the use of Miss Emory's name."

The witness paused, groping at the counsels' table with out-stretched hand, and one of the attendants interpreting the gesture hastened forward with a glass of water. Hunt moistened his lips and sank back in his chair with a gasp. "Did you hear Shaw's reply to Barstow's declaration?" prompted Gilbert, after a pause.

The witness nodded slowly.

"He demanded Barstow's authority for saying what Miss Emory should do or leave undone." he responded, and Barstow declined to give it. That was the beginning of the trouble, but they soon got to talking so fast I couldn't distinguish what they said until Shaw shouted out that he'd talk about his wife in any way he pleased, and thrust another paper under Barstow's nose."

"Did you see what that paper was?" interposed the judge.

"It was a copy of the will made out in

interposed the judge.

"It was a copy of the will made out in favor of his wife Alice." Hunt responded, "and the moment Barstow saw it he flung it on the floor. 'You impudent rascal!' he hissed. 'You're not married to Alice Emory, and you know it!' Shaw laughed in his face. "I'm as good as married to her, and what's good enough for her and me ought to do for you,' he leered, and before I realized what was happening Barstow had him on the floor and it was all over."

The speaker's voice sank to a whisper, and in the awful silence which followed I glanced at Alice Emory. From the moment Gibert had called the witness to the stand her expression had indicated horror, and as Hunt uttered the last

was?
The witness started to reply, but Barstow instagity smathered the answer with a flood of objections which had to be diverted and bridged in a dozen different ways before the story proceeded.

Barstow had chanced upon a clew to Gregory Shaw's defalcations. Hunt at last responded, and had followed it up no closely that Shaw had to retain him to avoid exposure.

"Do you mean to charge that Mr. Barstow blackmailed Mr. Shaw into retaining him as his counsel?" demanded Gilbart.

Hunt met the question with an expression of low cunning and a shake of the head.

"I guess the other side would have head to the would have honored a better man, and from that instant his entire demanded." Did you not know what had happendant of the would have honored a better man, and the country of the head.

"Did you not know what had happended after." "Did you not know what had happe ed, Mr. Hunt?" Gilbert demanded, aft

"Not until Barstow got up," the witness answered, "and then I saw he had a miniature foil in his hand which Shaw used as a paper-cutter. I had seen it lying on the tubic just a moment before." The witness paused again, took a slip of water, and waited for a prompting

"Did the sight of the weapon tell you what had occurred?" queried Gilbert. Hunt shook his head. Shaw's adviser some one might have become suspicious."

"Were you the only person who knew of their relations?"

"Who else knew them?"

"Who else knew them?"

"Miss acretary."

"Miss Alice Emory?"

"Yes."

The witness sianced at the defendant but his eyes instantly reverted to the prosecutor.

"Was she aware of the sort of busi-

Sunday, September 23rd

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