

## **CHAPTER XXVII - THE TRIAL.**

Edith Hudson spent a restless night, and early in the morning, as early as she thought she could reach him, she called the office of Jimmy's attorney. She told the lawyer that some new evidence was to have been brought in to him and asked if he had received it. Receiving a negative reply she asked that she be called the moment it was brought in.

All that day and the next she waited, scarcely leaving her room for fear that the call might come while she was away. The days ran into weeks and still there was no word from the Lizard.

Jimmy was brought to trial, and she saw him daily in the courtroom and as often as they would let her she would visit him in jail. On several occasions she met Harriet Holden, also visiting him, and she saw that the other young woman was as constant an attendant at court as she.

The State had established as unassailable a case as might be built on circumstantial evidence. Krovac had testified that Torrance had made threats against Compton in his presence, and there was no way in which Jimmy's attorneys could refute the perjured statement. Jimmy himself had come to realize that his attorney was fighting now for his life, that the verdict of the jury was already a foregone conclusion and that the only thing left to fight for now was the question of the penalty.

Daily he saw in the court-room the faces of the three girls who had entered so strangely into his life. He noticed, with not a little sorrow and regret, that Elizabeth Compton and Harriet Holden always sat apart and that they no longer spoke. He saw the effect of the strain of the long trial on Edith Hudson. She looked wan and worried, and then finally she was not in court one day, and later, through Harriet Holden, he learned that she was confined to her room with a bad cold.

Jimmy's sentiments toward the three women whose interests brought them daily to the court-room had undergone considerable change. The girl that he had put upon a pedestal to worship from afar, the girl to whom he had given an idealistic love, he saw now in another light. His reverence for her had died hard, but in the face of her arrogance, her vindictiveness and her petty snobbery it had finally succumbed, so that when he compared her with the girl who had been of the street the latter suffered in no way by the comparison.

Harriet Holden's friendship and loyalty were a never-ending source of wonderment to him, but he accepted her own explanation, which, indeed, was fair enough, that her innate sense of justice had compelled her to give him her sympathy and assistance.

Just how far that assistance had gone Jimmy did not know, though of late he had come to suspect that his attorney was being retained by Harriet Holden's father.

Bince appeared in the court-room only when necessity compelled his presence on the witness stand. The nature of the man's testimony was such that, like Krovac's, it was difficult of impeachment, although Jimmy was positive that Bince perjured himself, especially in a statement that he made of a conversation he had with Mr. Compton the morning of the murder, in which he swore that Compton stated that he intended to discharge Torrance that day.

The effect of the trial seemed to have made greater inroads upon Bince than upon Jimmy. The latter gave no indication of nervous depression or of worry, while Bince, on the other hand, was thin, pale and haggard. His hands and face continually moved and twitched as he sat in the courtroom or on the witness chair. Never for an instant was he at rest.

Elizabeth Compton had noticed this fact, too, and commented upon it one evening when Bince was at her home.

"What's the matter with you, Harold?" she asked. "You look as though you are on the verge of nervous prostration."

"I've had enough to make any man nervous," retorted Bince irritably. "I can't get over this terrible affair, and in addition I have had all the weight and responsibility of the business on my shoulders since, and the straightening out of your father's estate, which, by the way, was in pretty bad shape.

"I wish, Elizabeth," he went on, "that we might be married immediately. I have asked you so many times before, however, and you have always refused, that I suppose it is useless now. I believe that I would get over this nervous condition if you and I were settled down here together. I have no real home, as you know--the club is just a stopping place. I might as well be living at a hotel. If after the day's work I could come home to a regular home it would do me a world of good, I know. We could be married quietly. There is every reason why we should, especially now that you are left all alone."

"Just what do you mean by immediately?" she asked.

"To-morrow," he replied.

For a long time she demurred, but finally she acceded to his wishes, for an early marriage, though she would not listen to the ceremony being performed the following day. They reached a compromise on Friday morning, a delay of only a few days, and Harold Bince breathed more freely thereafter than he had for a long time before.

Mr. and Mrs. Harold Bince entered the court-room late on Friday morning following the brief ceremony that had made them man and wife. It had been generally supposed that to-day the case would go to the jury as the evidence was all in, and the final arguments of the attorneys, which had started the preceding day, would be concluded during the morning session. It had been conceded that the judge's charge would be brief and perfunctory, and there was even hope that the jury might return a verdict before the close of the afternoon session, but when Bince and his bride entered the court-room they found Torrance's attorney making a motion for the admission of new evidence on the strength of the recent discovery of witnesses, the evidence of whom he claimed would materially alter the aspect of the case.

An hour was consumed in argument before the judge finally granted the motion. The first of the new witnesses called was an employee of the International Machine Company. After the usual preliminary questions the attorney for the defense asked him if he was employed in the plant on the afternoon of March 24. The reply was in the affirmative.

"Will you tell the jury, please, of any occurrence that you witnessed there that afternoon out of the ordinary?"

"I was working at my machine," said the witness, "when Pete Krovac comes to me and asks me to hide behind a big drill-press and watch what the assistant general manager done when he comes through the shop again. So I hides there and I saw this man Bince come along and drop an envelope beside Krovac's machine, and after he left I comes out as Krovac picks it up, and I seen him take some money out of it."

"How much money?" asked the attorney.

"There was fifty dollars there. He counted it in front of me."

"Did he say what it was for?"

"Yes, he said Bince gave it to him to croak this fellow"--nodding toward Jimmy.

"What fellow?" asked the attorney. "You mean Mr. Torrance, the defendant?"

"Yes, sir."

"And what else? What happened after that?"

"Krovac said he'd split it with me if I'd go along and help him."

"Did you?"

"Yes."

"What happened?"

"The guy beat up Krovac and come near croaking me, and got away."

"That is all," said the attorney.

The prosecuting attorney, whose repeated objections to the testimony of the witness had been overruled, waived cross-examination.

Turning to the clerk, "Please call Stephen Murray," said Jimmy's attorney.

Murray, burly and swaggering, took the witness chair. The attorney handed him a letter. It was the letter that Murray had written Bince enclosing the supposed I.W.W. threat.

"Did you ever see that before?" he asked.

Murray took the letter and read it over several times. He was trying to see in it anything which could possibly prove damaging to him.

"Sure," he said at last in a blustering tone of voice. "I wrote it. But what of it?"

"And this enclosure?" asked the attorney. He handed Murray the slip of soiled wrapping paper with the threat lettered upon it. "This was received with your letter."

Murray hesitated before replying. "Oh," he said, "that ain't nothing. That was just a little joke."

"You were seen in Feinheimer's with Mr. Bince on March--Do you recall the object of this meeting?"

"Mr. Bince thought there was going to be a strike at his plant and he wanted me to fix it up for him," replied Murray.

"You know the defendant, James Torrance?"

"Yes."

"Didn't he knock you down once for insulting a girl?" Murray flushed, but was compelled to admit the truth of the allegation.

"You haven't got much use for him, have you?" continued the attorney.

"No, I haven't," replied Murray.

"You called the defendant on the telephone a half or three-quarters of an hour before the police discovered Mr. Compton's body, did you not?"

Murray started to deny that he had done so. Jimmy's attorney stopped him. "Just a moment, Mr. Murray," he said, "if you will stop a moment and give the matter careful thought I am sure you will recall that you telephoned Mr. Torrance at that time, and that you did it in the presence of a witness," and the attorney pointed toward the back of the court-room. Murray looked in the direction that the other indicated and again he paled and his hand trembled where it rested on the arm of his chair, for seated in the back of the courtroom was the head-waiter from Feinheimer's. "Now do you recall?" asked the attorney.

Murray was silent for a moment. Suddenly he half rose from his chair. "Yes I remember it," he said. "They are all trying to double-cross me. I had nothing to do

with killing Compton. That wasn't in the deal at all. Ask that man there; he will tell you that I had nothing to do with killing Compton. He hired me and he knows," and with shaking finger Murray pointed at Mr. Harold Bince where he sat with his wife beside the prosecuting attorney.