



Her eyes dulled strangely as she looked into his

# Murder—In Some Degree

By GEORGE F. WORTS

*Was Lawyer Gillian Hazeltine, fighting a bitter courtroom battle, combating a clever hypnotist?*

THE STORY HAS JUST BEGUN—START IT NOW

**L**AWYER GILLIAN HAZELTINE happened to be at the Greenfield airport one evening when a pretty girl giving the name of Mary Brown reserved two tickets for the morning plane to Dallas a couple of days later. He thought nothing of it at the time.

A day or so later Gillian received a telephone call from Dr. Hobart Creed, head of the Hobart Creed Hospital at Greenfield,

asking Gillian to come out. The aged doctor told Gillian of his plan, which he had not confided in anyone else, of leaving the \$15,000,000 hospital to his favorite understudy, Dan Starbuck, a surgeon. Dr. Creed was worried because of mysterious occurrences in the hospital, one of them being the systematic theft by someone of narcotics.

At the hospital Gillian met Hannah Star-

buck, Dan's old maid aunt, who was suffering from a heart ailment; Dr. Hoyle, Dan's anaesthetist; Dr. Claudia Barnum, Dan's good looking female assistant; Nurse Nancy Green, who seemed to be a trouble maker; and the girl he had seen at the airport buying tickets. He learned her real name was Carolyn Kelly, and that she was a nurse.

While Gillian was pondering the strange events at the hospital, he received word that Dr. Hoyle had been found murdered in his office. Dan's aunt, Hannah, died the same night after being given medicine by her nephew—and Dan and Carolyn Kelly eloped, heading for Mexico City.

Mark Storm, the district attorney who immediately took charge of things, announced his intention of extraditing Dan Starbuck for the murder of Dr. Hoyle, who had been stabbed with a surgical knife of Starbuck's.

## CHAPTER VI (*Continued*).

### ARSENIC.

**H**AZELTINE shook his head. "I don't know. I wish I did. Doctor, will you phone the hospital that they're to show every courtesy to a Mr. Aaron Savage, who will ask questions of everyone in the place? He's my assistant. I want him to check up on alibis."

"Certainly. I'll attend to it right now." The old man telephoned the hospital and gave orders. Then he looked at Gillian hopefully and said, "What clues did you find?"

"None of importance. The knife in Hoyle's throat is Starbuck's."

"Do you think Starbuck killed him?"

"I honestly haven't formed an opinion. Storm found dozens of empty gin, whisky and cocaine bottles under Starbuck's bed. They could have been planted there—or Starbuck may be a secret drinker and the man who's been

pilfering your cocaine. But Storm will certainly have a case."

"Will he extradite him?"

Dr. Creed was thoughtful for a moment, then, defiantly, "I never smelled liquor on Starbuck's breath or saw any symptom of cocaine."

"No. He doesn't look like a drinker—or a hophead. I'm convinced that Mark Storm is somehow involved in this mess. He's damned clever. Once again, doctor, I wish you'd let me draw your will, leaving all this property to a foundation. Whatever Storm's game is, that is the surest way to beat him."

But the old man was stubbornly shaking his head. "I don't believe in directorates for institutions like this."

"Are you still determined to make Starbuck your heir?"

"I don't know," Dr. Creed said wearily. "I'm confused. I'll wait for developments."

Gillian went to the door. With his hand on the knob, he turned.

"If anyone on your staff—or any one else—makes any kind of suggestion that you substitute another man for Starbuck in your will—will you let me know? Has any one ever done it?"

"No. But I'll let you know. And if Dan Starbuck is the scoundrel he appears to be, I'll certainly leave my property to one of my other men!"

**G**ILLIAN returned to his car and drove downtown to his office.

The mystery of the Hobart Creed Hospital, however it might resolve, was now out of his hands and in the domain of the Police Department. But he could not dismiss it from his mind. It still presented many aspects of a baffling mystery.

Because, to Gillian, any mystery was the very salt of his existence, he could

not let this one drop. His first act, on reaching his office, was to send for the head of his investigation bureau, a sharp-nosed, bright-eyed young man named Henderson.

To Henderson he said: "Get me all you can on these four people at the Creed Hospital: Dr. Lee Tichman, Dr. Claudia Barnum, a nurse named Nancy Green, and Cleve Salter, an orderly. Check on their activities since ten last night, and have them tailed all day today and tomorrow."

And when Henderson had gone to attend to these matters, Gillian put in a telephone call for an old client and an old friend, one Silky Davis, once a prominent and notorious bootlegger, now a prominent, prosperous and very respectable brewer. Silky Davis had not lost touch with the underworld of Greenfield, and his old mob, now gone respectable, had lost little of its cleverness.

To Silky Davis, he said, "Mark Storm is back and is up to some dirty work in connection with the Creed Hospital. The story will break in this afternoon's papers, so I won't go into details. What I want you to find out is, when did Storm hit town? He claims he returned last evening. I think he's been here longer. Find out. Find out where he's been spending his time and who he's been seeing. Check up on all his old hideouts."

And Silky said, cheerfully, "Okay, boss. Just leave it to Silky. You'll be hearin' from me."

It was not long before he made a report. Mark Storm, he had ascertained, had been in Greenfield at least a month.

"He's been hiding out in John Redfern's apartment," Silky added. John Redfern had been acting district attorney in Mark Storm's absence. "It's pretty hard to check up on all the peo-

ple who came and went in that month," Silky went on, "but there was one fellow I'm trying to track down—a young fellow of about thirty, with a scar on his forehead."

Gillian said to himself, "Tichman!" He put another question to Silky: "Have you a record of a red-headed woman or a platinum blonde going up there?"

"No, boss. No dames. Anything else?"

"Yes. Go to the Creed Hospital and take a good look at an orderly named Cleve Salter. Then find out if he's been going to Redfern's apartment."

"Okay, boss."

THERE were other reports to consider—the preliminary reports turned in by Gillian's investigation department, on Nancy Green, Dr. Tichman, Cleve Salter and Claudia Barnum. Gillian saw nothing of importance in these reports, but he told Henderson to keep a check on these four people.

Another report to which he attached no significance at the moment was the one made by the fingerprint expert of the Greenfield Homicide Squad.

"There are old fingerprints, probably of Starbuck's, on the handle, and old fingerprints of Dr. Hoyle himself on the silver skull plate," the fingerprint man said.

"The fresh ones were wiped off," Gillian said.

"Sure. And the guy who wiped 'em off must have done the job in a hurry, or he'd have caught the old ones, too."

Gillian must have been thinking of something else, for that comment aroused no suspicions.

"Did you see that little oblong dent in the wall?" the fingerprint man asked.

"Yes."

"What did you make of it, Mr. Hazeltine?"

"Nothing."

"Yeah. It has us stumped, too. Anything else I can do?"

"That's all this time. Thanks."

The Hobart Creed Hospital scandal broke in the early afternoon editions. The newspapers took up the case with enthusiasm.

On the front pages of the newspapers on the morning following were even more exciting developments. The district attorney's office had broken its silence. Mr. Storm would not yet speak for publication, but one of his deputies admitted that the district attorney was very much interested in the highly efficient embalming and burial of Dr. Starbuck's aunt.

This, the deputy said, would be investigated first, the brutal murder of Dr. Hoyle later.

A warrant of disinterment had been issued and the coffin containing the elderly spinster taken from the grave and photographed by perhaps a dozen newspaper photographers at sunup.

The body was rushed to the coroner's office, an autopsy performed.

The stomach was speedily dispatched to the laboratories of Harry Zarrow, the city chemist, and the report was announced early enough for the noon editions that the stomach of Miss Hannah Starbuck contained enough arsenic to kill five strong men!

## CHAPTER VII.

### AN AMBITIOUS WOMAN.

GILLIAN had an unexpected caller that afternoon. His secretary said that Dr. Claudia Barnum was in the waiting room and

wished to see him on a rather urgent matter, but would come later if he was busy now.

"Show her in," Gillian said.

The handsome red-headed surgeon was smartly dressed in dark green, with a smart little green hat to match. It seemed to him that she was paler than usual and that her beautiful eyes were tired. But her voice was as serene, as musical as ever.

Smiling, she said, "Mr. Hazeltine, I've come to tell you the story of my life—and to retain you as my counsel. It will probably strike you as a rather unusual request. Perhaps I should say selfish. You see, since I was a girl of ten, I've been determined to become a great surgeon. Nothing has been permitted to interfere with that ambition. I've sacrificed everything for it."

"You think," Gillian guessed, "that the scandal of this case—these murders—may hurt your reputation."

"Exactly. My father and both my uncles, on his side of the family, were great surgeons. All three were brilliant men. They might have become famous—they might have built a hospital just like this one—if each of them hadn't had a great weakness. Each of them drank himself to death. My father was the last. I was with him when he died. It was horrible. He died in delirium tremens. And when I saw him dying, I made the vow that I would become not only a brilliant surgeon, but a famous surgeon, a great surgeon—that I would surmount all the weaknesses, that I would let nothing come between me and my goal."

She smiled faintly. "So far I haven't. I began studying medicine and surgery when I was ten. I read books, I watched operations. I knew

it wouldn't be an easy road. People still don't trust women doctors or surgeons. I'm on the way to a real success. And as you guessed, I will not let this scandal or any other scandal touch my reputation—spoil my aims. It's certain that I will be called to the witness stand to testify in this case, isn't it?"

"I'm afraid it is."

"There's no way I can avoid it?"

"Not unless you run away, and that would ruin your reputation."

"I won't run away. I'll stay and fight. But I want your advice."

"There's little advice I can give you, except this: tell the truth. Tell the whole truth. If you're caught in a lie, your reputation will be ruined. Do you think Dan Starbuck killed his aunt and Dr. Hoyle?"

"I honestly don't know, but I think the circumstances are appalling—against him. If he did kill him, he is the greatest fool that ever lived. Because he was on his way to becoming the surgeon I'd like to become—the greatest in America."

"It may be a close case," Gillian remarked. "A great many people are under suspicion."

"Including me."

"You will doubtless be cleared of the slightest suspicion."

SHE bent forward, her eyes steadily on his. "Mr. Hazeltine, if I am called to that witness stand, and if this case remains as confused as it now stands, do you know what my attitude will be?"

Gillian smiled. "I could hazard a guess."

"Claudia Barnum," she said, "will come first, and second, and third—and all the rest. I will certainly not be sacrificed."

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"Even if it means sacrificing some one else?"

"I will sacrifice no one if it isn't necessary. But I will certainly protect myself. Why should I throw my life away? Don't you realize what I've gone through? I used to be a beautiful girl. I could have had loads of suitors. I might have married a man with loads of money and had beautiful clothes and jewels and all that. I passed that by."

"Long hours, overwork, studying, worrying—all those things killed my beauty and my youth. What would I have left if my career were nipped in the bud? Nothing!"

"It doesn't seem to me, doctor, that you need advice—or an adviser."

"But I don't want to make mistakes."

"I'd like to know, doctor, whether or not you believe in hypnotism."

She straightened up, stared at him a moment, then gave a soft little laugh. "Hypnotism? That's an odd question."

"Do you believe in it?"

"In the popular understanding of the word—not at all. In my researches into psychology, I have never yet found a person, man or woman, who could hypnotize another person unless the patient, or the subject, was willing to be hypnotized. There is no such thing as hypnotism as the public understands the word. If I were to stretch out on that couch and relax completely, you could make me go to sleep—but only provided that I wanted to let you put me to sleep."

"The enforcement of one's will upon another—" Gillian began.

"Is not hypnotism," Dr. Barnum finished. "That's merely the domination of a weaker will by a stronger one. You are a strong-willed man. Obviously, you dominate your wife—"



"You might be surprised," Gillian chuckled, then became grave again. "Would you say that it was utterly impossible for one person, let us say, to have hypnotized another to administer arsenic to Miss Starbuck?"

"Utterly impossible. Among other things, a person under hypnosis will do nothing immoral or criminal."

"I'm glad to know that," Gillian sighed. "I'd like to ask a very important question. Have you heard any rumor, or seen or heard anything directly, that might lead you to suspect that Mark Storm, the district attorney, or any of his representatives, assistants or associates, was in touch with any one at the hospital in the past month?"

Dr. Barnum opened her mouth to reply. There was that quick sparkle of interest in her eyes which made Gillian realize that she was on the verge of making a prompt and valuable answer to his question. Then, instantly, the look changed to one of vagueness, the very expression of her mouth changed, and he knew that she had decided to withhold that information.

With a little headshake, she answered, "I'm sorry—I don't, Mr. Hazeltine."

And she got up to go. She held out her hand and said, "At least, I've paved the way. If I find myself in hot water, if I need your help, I'm coming back."

"By all means," Gillian said. "I honestly don't think you have anything to worry about." And as she started for the door, he added, "If you should want to change your career—there'll always be a place for you in this office. The public may not be sold on women surgeons, but I'd love to turn you loose on a few juries!"

Evidently that little talk cleared up the problems in Dr. Barnum's mind, or gave her the courage of her resolutions, for she did not return for further advice."

OVERNIGHT, Mark Storm petitioned the Governor of the State for an extradition warrant for Dr. Daniel Starbuck on a charge of suspicion of murder, and for Mrs. Daniel Starbuck, as a material witness, from the sovereign state of Mexico.

The next day Silky Davis telephoned Gillian. He had been able to find no evidence that Cleve Salter, the hospital orderly, had been visiting Redfern's apartment to see Storm.

Aaron Savage reported on the alibis of Dr. Tichman, Claudia Barnum, Cleve Salter and Nancy Green. He said, "It's hard to dig up any useful information on such alibis. There is no question that all four were on the ninth floor when Hoyle was murdered, and all four had an opportunity to poison Hannah Starbuck. Nancy Green was in the room next door, getting it ready for a patient. Cleve Salter was seen around the third floor at intervals all evening.

"I also found out that Nancy Green and Salter were seen in earnest conversation not long after you talked to Starbuck's aunt, that night. But getting back to the time Miss Starbuck was killed, Claudia Barnum was alone with Miss Starbuck for a time—so was Starbuck, of course. And Tichman was on the third floor attending a patient some time between ten and ten-thirty. I can't find out anything about his activities, but it looks as if he would have had an opportunity to go to Room 310."

"How about the time of Hoyle's murder?" Gillian asked.

"What you told me about the actual time interval needed for the Hoyle murder—that's the main trouble. I'm convinced that Hoyle was—or could have been—lured into that office and stabbed to death in a matter, actually, of seconds. It could have been over with, from start to finish, in twenty or thirty seconds. So that any of these four could have done it and been back at his or her duties before being missed."

"How about Cleve Salter?"

"At the time of Hoyle's murder," Savage answered, "Salter was cleaning up a stretcher in a sort of laundry, only three doors from Hoyle's office. He would have had ample motive for killing Hoyle. He knew that Hoyle and Starbuck were good friends. He hated Starbuck for having reprimanded him several times for carelessness. He's the type who would brood over a fancied injury. I'd call him an ugly customer."

"Get me all you can on him," Gillian said.

And on a morning a few days later, Mr. and Mrs. Dan Starbuck, the romantic couple whose pictures adorned the front pages of every Greenfield newspaper, were greeted at the Greenfield airport by upwards of thirty reporters, news photographers, and news reel men and a delegation of about five thousand morbidly curious townspeople.

The young surgeon was spirited off to the Fourth Precinct Jail and was there booked formally on a homicide charge. His bride was, after questioning, permitted her freedom.

GILLIAN learned all this, or most of it, from the newspapers. He had already gleaned that the district attorney would bring the young man to trial on the charge of

having murdered his aunt by administering to her a lethal dose of arsenic in order to inherit her estate, of which he was the legal heir.

Thus was neatly established a perfect motive for the alleged murder. The charge of murdering Dr. Hoyle, the anaesthetist, would not be pressed, Gillian believed, until Dr. Starbuck's trial for the murder of his aunt was over. Nor would the third charge be pressed—that of criminal negligence in connection with the death of a hemophiliac, or bleeder, on the operating table.

Seldom in Gillian's career as a criminal lawyer had he known a case in which the defendant was so hopelessly hemmed in by serious charges. If Mark Storm failed to convict him for the murder of his Aunt Hannah, he could try him for the murder of Dr. Hoyle; and if, by some legal miracle, the unfortunate young man escaped the chair or a life sentence for this latter charge, the district attorney would bring the criminal negligence charge against him.

It seemed to Gillian that poor young Dr. Starbuck, even if he were as innocent as a new born babe, had as slim chances of running this gantlet of charges and retaining his life and freedom as, say, a rabbit would have in plunging headlong into a pack of whippets.

Shortly before noon of the day of Dan Starbuck's return to the scene of his alleged crimes, Dr. Creed telephoned to Gillian. He wanted merely to know if Gillian would take Dan Starbuck's case.

"I am pretty thoroughly convinced that he is as guilty as Cain," Dr. Creed said. "But inasmuch as he was always loyal to me, and a hard worker, I feel it my duty to retain the best lawyer

available. Will you take the case?"

"I never take a case," Gillian said firmly, "in which I can't see at least a ray of hope. I can see absolutely no ray of hope for Dr. Starbuck. Besides, he has good lawyers of his own."

Dr. Creed did not argue or protest. He shared, Gillian knew, the public's conviction that Surgeon Starbuck was a secret drunkard, a cocaine addict, and thrice a murderer.

"I'll want to see you on another matter in a few days," the doctor said.

"Another will?"

"Yes."

"Another beneficiary?"

"Yes."

"Who is it this time, doctor?"

"I haven't quite made up my mind. I'll phone you."

## CHAPTER VIII.

### GILLIAN DECIDES.

**S**HORTLY after luncheon Gillian received a caller—a caller whom he had been, in a way, expecting. She entered his private office heavily veiled, a slim, small person. She was wearing the veil, obviously, to avoid attracting attention on the street. And when she lifted the veil, although Gillian had been expecting her, he was greatly shocked, for suffering had refined the little Irish girl's beauty, had given her a tragic kind of loveliness. Her sapphire eyes in her small white face were enormous, and their beauty was enhanced by soft shadows in the clear white skin about them.

Her eyes were not bloodshot, nor was her nose pink or her mouth raw-looking, so he knew she had not been crying. And he guessed that she was the kind who took her punishment standing up.

Her bravery was touching, and he was suddenly resentful at the circumstances which had caused an innocent girl such suffering. He had seen other girls like this one face the future she faced—a future of the faintest hope and the darkest dread—and he pitied her. He pitied her particularly because he could hold out no hope for her. Girls in her predicament—girls with husbands or lovers or brothers about to be hurled into the heartless machine of the law—so many of these girls had come to him, expecting him to perform miracles.

This girl surprised him by not bursting into a piteous plea for his help. She said quietly, in a small, controlled voice, "Dr. Starbuck wondered if you would come to see him at the jail. He wants very much to ask your advice."

"I'll drop down, of course. But I'm afraid there's very little useful advice I can give him."

"We want very much for you to take his case."

"But he has an excellent firm of lawyers, Mrs. Starbuck."

She said spiritedly, "I know them! Tim Harnedy and Orel Lawler are good lawyers, but they're both in Nevada on a mining case. And Ira MacFarland isn't interested in criminal law. All he thinks about is his pecan grove. You are the only lawyer who can get my husband out of this horrible mess. It's a case for a great detective, as well as a great lawyer, and you're both!"

**H**E told her what he had told Dr. Creed:

"I never touch a case in which there isn't some ray of hope."

"Isn't Dan's innocence a ray of hope? Oh, I know your reputation. You won't take a case unless you think



there's a fighting chance. But there is a fighting chance! He is innocent of both these charges. He did not kill his aunt! She died of angina pectoris."

"How do you account for the arsenic found in her stomach?"

"I can't account for any of it. It's a job for some one much cleverer than I am. But I know he is being made the goat for some one. All those empty bottles found under his bed! Mr. Hazeltine, I've known Dr. Starbuck for two years. I've worked on countless cases with him. If he ever drank, if he ever used cocaine, I'd know it. When a girl loves a man, she notices everything. And he did not kill Dr. Hoyle. Some one did it and deliberately fastened the guilt on him by using that knife. Don't you agree that it was pretty crude?"

"Passion is pretty crude, too," Gillian argued. "Who killed Dr. Hoyle?"

"Tichman!" she cried.

"Can you prove that?"

"If I could, I'd be telling it to the police. He's always been jealous of Dan. And when Dr. Creed began showing such favoritism to Dan, Tichman was almost insane. I could swear that for a few days those black eyes of his had a red light in them! And the way he talked about Dan, behind his back—if he'd been a man I'd have knocked him down!"

"What about this bleeder case that died while your husband was operating on him?"

"A deliberate frame-up! Tichman was behind that, too. Oh, I know Tichman. How I've hated that man!"

She was, Gillian realized more and more, a fighter. She had not only the beauty of the Dublin type, but the fighting qualities of her race. And he liked her immensely because, plunged as she was in woe, she was being a

good little sport. She wasn't having hysterics, and she wasn't planning to burst into tears.

He said gravely, "You don't recognize me, do you, Mrs. Starbuck?"

She looked puzzled. "Of course I recognize you!"

"You didn't recognize me the other night."

"At the hospital?"

"At the airport."

"I don't—" she began. Then, "The airport!"

"The telephone booth."

She was staring at him now with large, startled blue eyes.

"Oh," she gasped. "You weren't the man in that telephone booth!"

He nodded.

Her eyes glistened. "I had to hide," she explained. "I saw Tichman. I'd just bought the tickets for Dan and me—for our elopement. We had planned to do it very secretly—to slip away without telling a soul. If Tichman had seen me there he would have suspected. It would have spoiled everything."

It was, Gillian felt, a very satisfactory explanation.

He said, "Do you know if Dr. Tichman has ever practiced hypnotism?"

"He practices it every minute of his life! He knows how hypnotic those black eyes of his are. He has half the nurses scared out of their wits. But please talk to Dan. He can tell you all about Tichman."

THEY went down to the Fourth Precinct Jail, and were presently being led down a corridor to the cell occupied by Dr. Starbuck. The young surgeon was seated on the edge of his cot.

When his wife and Gillian stopped at the barred door, he jumped up with

a wan grin of excitement. He looked sick. He was unshaved. His eyes were gaunt and his face was haggard. For a moment the bride and groom clung to each other, with the bars between, then the young man said in a shaky voice:

"It was good of you to come, Mr. Hazeltine. It all seems like a horrible nightmare. My God, they're charging me with three murders! And the only thing I'm guilty of is running off that way without telling them. I know it looks as if I were running away, with the law at my heels. I know I was a damn fool to do it. But for months Dr. Creed had kept me so busy that I didn't have a chance to be alone with Carolyn five minutes at a time. He kept me operating from the time I got up in the morning until I fell in bed at night, drunk with exhaustion."

"Not drunk," Gillian said, "on what was in those bottles they found under your bed."

"How could I drink," the young man demanded, "and do the work I was doing? I'll admit I made two mistakes—to run away, and to bury my aunt in such a hurry. That was sheer insanity. I should have realized how it would look. But you don't know how desperate we were! I was working sixteen hours a day to clear up my schedule, so we could get away on the date we had planned. My aunt's death was only another frustration to our plans. If we hadn't gotten away that night, we'd have never gotten away!"

"Don't," Gillian advised him, "let a jury hear you say that your aunt's death was just another frustration to your plans."

The young man said passionately, "I'll do what you say if you'll only take my case."

"He won't take it," Carolyn Star-

buck said, "unless you can show him a ray of hope. You've never lost a murder case, have you, Mr. Hazeltine?"

Gillian shook his head. "And part of my influence with juries is their knowledge that I never go into court to defend a man who is guilty."

"If I could prove to you I'm innocent," the young man said, "I could have proved it to the magistrate who arraigned me."

"Did you know that Dr. Creed had been planning to leave you, in his will, his entire establishment—all the buildings, grounds, equipment—everything?"

Dr. Starbuck stared at him with the open mouth of shocked incredulity.

"Good Lord, no!" he whispered.

"He told me you were the best man he has ever had on his staff."

The surgeon made a grimace, as if he had tasted something bitter on his tongue.

"Then that gives us the motive we've wanted. I thought Tichman was jealous because Creed was pushing me along so rapidly. Tichman must have heard about that will. Has Dr. Creed made it yet?"

"Not yet. And he swears he has mentioned it to no one but me."

"Tichman is back of it all!" Dr. Starbuck exclaimed.

GILLIAN said nothing. He let them argue. He had some definite suspicions of his own. Back of Tichman was Mark Storm. Gillian had been willing to believe, all along, in Dr. Starbuck's innocence. Having talked with him and his wife, he had learned that they possessed a look that he had come to know well in his years of courtroom experience—the aspect of innocence.

He decided suddenly that he would take the case. In doing so, he was violating the strict rule he had laid down—never to take a case in which there was not some satisfactory loophole. He saw no loopholes in this case. If he could possibly clear Dr. Starbuck of the charge for which he would be shortly under indictment, the young man would be re-arrested and tried for the murder of Dr. Hoyle, and even if Gillian cleared him of that, he could be again arrested on a criminal negligence and homicide charge in connection with the death, on the operating table, of the hemophiliac.

Gillian believed that somewhere in this maze of circumstance he might find the key, just as a logger finds the key-log in a jam and lets the mass go sweeping clear.

But back of his decision was not merely his wish to help an innocent man establish his innocence. There was another reason: his hatred of Mark Storm. Mark Storm had, the other morning at the hospital, thrown down the gauntlet to him—had suavely, urbanely jeered at him. And Gillian had never refused an invitation to lock horns with that courtly, scheming gentleman.

He said, "Dr. Starbuck, I'm going to take this case. And I'll want a great deal of help from both of you."

For the first time, there were tears in the eyes of Carolyn Starbuck, but these were tears of gratitude.

"I'll want all the information either of you can give me, bearing on the habits, the little personal habits, of Dr. Tichman, Dr. Barnum, and Nancy Green. Mrs. Starbuck, do you intend to resume your work at the hospital?"

"I will if I can be of any help. But will Dr. Creed let me?"

"I'll arrange that."

Gillian and Mrs. Starbuck left the jail shortly. Outside the jail, several reporters and newspaper photographers were waiting. Gillian, answering questions and posing with the beautiful Mrs. Starbuck for the photographers, fired his first shot in the campaign. He said he had studied the case with the greatest care and was convinced that Daniel Starbuck was an innocent man; therefore he was taking his case.

And if these sentiments had a familiar ring to the newspaper men, it was because Gillian had often expressed it as his belief that most murder cases were tried in the newspapers, and that a verdict was reached in the jury's mind before that jury ever entered the courtroom.

But it was, as an opening shot, a rather late one. For days, the newspapers had been shrieking with headlines manufactured in the district attorney's office. The tabloids already referred to Dr. Starbuck as the "Boy Butcher." It was darkly hinted that more than three deaths could be laid at the door of Dr. Starbuck.

And even as Gillian and the lovely Irish girl stood talking to the reporters, Mark Storm struck again. A deputy sheriff pushed through the crowd of newspaper men, and served Mrs. Starbuck with a warrant for her arrest on the charge of having been an accessory after the fact, an accomplice, in the murder of Miss Hannah Starbuck.

SHE was taken back into the jail, this time a prisoner. Gillian immediately appealed to the nearest magistrate for a writ of habeas corpus. When, after masterful arguments, he finally secured the writ and returned to the Fourth Precinct Jail, it was only

to learn that Mrs. Starbuck had been transferred to the Sixth Precinct Jail.

He promptly presented himself before another magistrate, secured another writ of habeas corpus, and hastened to the Sixth Precinct Jail. There, he was courteously informed that Mrs. Starbuck had remained only an hour, and had then been transferred to the Clinton Street Jail.

In legal circles, this procedure is known as the merry-go-round. It could be kept up indefinitely if Mark Storm wanted Mrs. Starbuck kept out of circulation. He would transfer her from jail to jail as fast as Gillian could secure writs of habeas corpus.

In all his battles with Mark Storm, Gillian had never known him to take such pains. It appeared that, now that Gillian had entered the lists, Storm was prepared to give him battle every inch of the way.

Gillian had wanted Carolyn Starbuck to work on the case with him. She was a clever girl, and a fighter, and her help would have been invaluable. When he was denied this help, he went ahead with the case with his usual methodicalness.

Intending to leave no stone unturned, he put his entire staff to work on the Starbuck case, and he shelved all other cases.

In preparing for the defense of Starbuck, Gillian first of all made himself thoroughly familiar with hospital and, particularly, operating room routine. He read books on medicine and surgery. He became a regular patron of the Hobart Creed Hospital. Overcoming his aversion to operating rooms in action, he spent all his free time watching operations, watching especially Dr. Tichman, Dr. Barnum, and Nancy Green.

He was interested to note that the

platinum blond nurse had been transferred to Dr. Tichman's operating crew. Each of the three, and Cleve Salter in addition, he had watched by his investigation department, and each morning on his desk was a detailed account of their previous day's activities. Notably was a report that both Nancy Green and Cleve Salter had been seeing a great deal of Mark Storm.

The courtroom fight would be, he knew, a dramatic and sensational one. It was, perhaps, the strongest case that Storm had ever taken into a courtroom, yet it was, to Gillian, no stronger than its weakest link. He was still confident that he would, in due time, find that link which would bring about the collapse of the entire case against Dr. Starbuck.

At night he often lay awake, thinking—trying to worry a useful meaning from the little rectangular impression he had seen in the wet paint above Dr. Hoyle's body—that and the absence of fingerprints from the anæsthetist's silver skull plate. He had long since learned that no one in the hospital had known that Dr. Hoyle had once had a brain operation.

Because he was determined to reinstate himself in the good graces of the public, following his flight abroad and his return to active life, Mark Storm saw to it that the case of the People *versus* Starbuck was given plenty of advance publicity.

When the trial started, in spite of Gillian's exhaustive attempts, he had not yet learned how Dr. Lee Tichman had been instrumental in the poisoning of Hannah Starbuck, the stabbing of Dr. Hoyle or the death on the operating table of the hemophiliac.

So avid was the public's interest in the trial that the courthouse corridors,

even the courthouse square, were a mass of humanity early on the day when the trial was scheduled to start.

## CHAPTER IX.

### DAMAGING TESTIMONY.

**M**ARK STORM was not present during the impaneling of the jury. In the past, he had always taken the greatest pains in the selection of a jury that might be sympathetic to his case. His absence during the first two days of the Starbuck trial indicated how sure he was of the outcome. But to Gillian, not at all sure, the selection of this jury was vitally important. Often he had won cases simply by appealing to the emotions or prejudices of a single juror.

On the morning of the third day, with the jury complete, Mark Storm came to court with his battery of assistants, and the fight began. It was refereed by Judge Hiram K. Phelan. And its most prominent spectator was Dr. Hobart Creed, who was assisted to his seat in the first row by Dr. Lee Tichman. The founder of the greatest hospital in the State looked old—ten years older than on the night when he and Gillian had had such a lively dinner. His hands shook continuously, and he had a sickly, waxen pallor. Throughout the trial he sat and stared at witness after witness with hardly a change of expression. But not once did he glance at Dr. Starbuck.

Mark Storm, entering the courtroom, with the inevitable white carnation in his left lapel, might have been a visiting member of royalty, an archduke perhaps. As usual, he was dressed for the boulevard—any boulevard as long as it was one of style and distinction.

As he came down the aisle, he smiled and bowed to left and right, and when he neared Gillian he held out both hands and cried, "Ah! My dear Gillian! How fit you're looking!"

He was so charming, so poised, so utterly suave that Gillian, as usual, caught unprepared, felt himself blushing and growing hot at the ears, and his voice, when he responded, was thick and rough with the kind of embarrassment a boy feels when he is called on to recite in front of class.

Going on to his end of the counsel table, Storm left Gillian boiling with helpless wrath. Why, he angrily demanded of himself, did this great rascal affect him so?

Mark Storm, in his preliminary address to the jury, stated that he would prove that the defendant had boldly and carefully planned the murder of his Aunt Hannah, in order that he might inherit her wealth to which, under her will, he was entitled at her death, and that the co-defendant, who was being tried as an accessory after the fact, aided and abetted the defendant in his plans of murder and escape.

It was, he said suavely, a perfect case of murder, with a motive, with adequate evidence of his commission of the act, and with proof of very suspicious subsequent actions.

He would prove, he declared, that Dr. Daniel Starbuck had with premeditation and with planning and with ruthlessness brought to an end the life of Miss Hannah Starbuck.

The first witness was the coroner of Greenfield County, who was called, in accordance with accepted legal procedure, merely to establish the fact that Miss Hannah Starbuck was dead, and that the corpus delicti which would be referred to throughout the trial was that of Miss Hannah Starbuck.



This formality attended to, the State called as its first important witness Mr. Anderson Lamy. Mr. Lamy was a tall, crisp young man with alert blue eyes. He was, he said, an employee of the Federal Air Lines; that he was on the night shift, from 8 P.M. to 4 A.M., and that his duties were to sell airline tickets and to answer questions and render similar services.

**U**NDER Storm's gentle questioning, he admitted that he had been on duty at the Greenfield Municipal Airport on the night of May 25th, last. And he identified the girl sitting at the counsel table between Gillian Hazeltine and the defendant as the one he had served on that particular evening.

"Do you recall her name?" the district attorney asked.

"Yes, sir. Mary Brown. She said she wanted two tickets for Dallas on the 3 A.M. plane, the morning of May 28th."

"Are you quite sure, Mr. Lamy, that this is the young lady who told you her name was Mary Brown?"

Mark Storm went to Mrs. Starbuck's chair and placed his hands on the back of it.

"Yes, sir. That's her, all right."

"And you're sure she said Mary Brown—not Miss Carolyn Kelly?"

"Yes, sir. The tickets were made out for her and for Mr. George Brown."

Storm went to his end of the counsel table and picked up a pair of square green slips of paper. He said, "Do you identify these as ticket stubs which you tore from the tickets you sold to Miss Brown—or Miss Kelly—now Mrs. Starbuck?"

"Yes, sir. The name Miss Mary Brown is written on one stub, and Mr. George Brown on the other."

Mark Storm looked meaningly at the jury. He had somehow managed—cleverly—to convey that this bit of subterfuge on Carolyn Starbuck's part on the night of May 25th was fraught with the most sinister significance. Why, indeed, had this girl used an alias if she wasn't up to something dishonorable?

The State requested that the ticket stubs be admitted as Material Exhibit A for the State. His questioning of the witness was resumed.

"Did you do anything else for Mrs. Starbuck, or Miss Kelly—I mean Miss Brown—on that evening?"

"Yes, sir. I made reservations for her through to Mexico City on our line and the Pan-American."

"Did you notice anything special about her that aroused your curiosity?"

"Yes, sir. She seemed very agitated. When she had bought the tickets, I heard her say, 'Oh, my God!'—and she ran!"

"Do you know why she ran?"

"I believe so. A man with a scar on his forehead had just come in the door from the field. She saw this man, and then she ran."

"Will you look about this courtroom and see if you can identify this man you saw?"

The witness looked about the courtroom. He said, "That's the man." and pointed to a man in the front row of spectators.

"Dr. Tichman?" Storm asked.

"I don't know his name. But that's the man."

Storm excused the witness, and Gillian waived cross examination. He knew that Storm's purpose in introducing this testimony was to establish premeditation—to implant in the jury's collective mind that the defendant and co-defendant had planned the murder

of Aunt Hannah and their getaway at least forty-eight hours in advance.

**T**HE next witness called by the State was Nora Halliday, a nurse from the Hobart Creed Hospital—a plump, pretty young brunette with bright brown eyes and a birdlike manner.

She was nervous as she went to the stand and was sworn, and when she seated herself in the witness chair, Gillian saw that her lively eyes darted here and there and then steadied on the eyes of the man with the scar. Watching Dr. Tichman, Gillian saw the surgeon's eyes concentrating on the nurse, with little lines between them in the flesh above the nose, as if, holding the girl with those black, intense eyes, Dr. Tichman were actually trying to hold her under his control.

Glancing quickly back at the nurse, Gillian saw her eyes lose their lively sparkle and become dull and strange. Her breathless voice had changed, too, and become curiously dull and mechanical.

Mark Storm was gently questioning her. She said she was a floor nurse, and that her station was the third floor of the main operating building, and that she had been on duty on the eventful night of May 27th.

Storm: "Was one of your patients a Miss Hannah Starbuck?"

The witness: "Yes, sir."

"Tell us about your duties in connection with her."

"She was one of my patients."

"How long had you known her professionally?"

"About six months."

"Did you notice anything particular about her actions or behavior on the night in question?"

Miss Halliday was staring at Dr.

Tichman, her eyes not moving from him. Gillian got up and stood so that he blocked that line of vision. But this blockade apparently made little difference. Either the Tichman brand of hypnotic influence worked regardless of optical barriers, or she was under his spell and would stay under it for some time.

**I**N the course of my rounds when I first went on duty," the witness answered the district attorney's question, "I went in to see Miss Starbuck. I first looked at her chart, and saw that she had been restless and complaining all day. She had complained about pains in her head and heart."

Storm: "Had she ever complained about her heart before?"

"Yes, sir. She was under careful observation because of several attacks of angina pectoris she had had in the past few months. And she was also under observation—and treatment—for a serious anemic condition."

"Do you know what treatment was prescribed for this anemic condition?"

"Yes, sir. A dilute solution of arsenic, and various kinds of food containing iron—mostly liver and spinach."

"How often was this arsenic solution given to her?"

"Three times a day, after meals."

"Just how was this solution kept? And where was it kept?"

"It was kept in a bottle on a shelf. In Miss Starbuck's room."

"How large a bottle?"

"A pint."

"Can you tell the jury, Miss Halliday, just how much of this weak arsenic solution was in this bottle on the night of May 27th?"

"Yes, sir. It was full within an inch of the top."

"Is angina pectoris a disease of the heart?"

"Yes, sir. It's a neuralgia of the heart."

"Did anything unusual occur on the evening of May 27th?"

"Yes, sir. The lively sparkle was not returning to Miss Halliday's eyes. She was staring steadfastly at a point on Gillian's chest, and if that invisible line were continued, it would reach the eyes of the man with the zigzag scar."

"At a little after nine thirty I went into Miss Starbuck's room and found her very low-spirited and complaining about a pain in her heart. She was in such distress that I sent another nurse to ask Dr. Starbuck to come."

"Was Dr. Starbuck the physician in charge of her case?"

"No, sir. Dr. Barnum was in charge of the case, but Dr. Starbuck was supervising. I mean, he took a very personal interest in the case."

"I should say," Storm said in his most ironical manner, "that he took a *very* personal interest in her case."

Gillian objected to this, and was sustained.

Storm now asked the witness if, when she sent for Dr. Starbuck, he had come.

"Not just then. Dr. Barnum came. By that time, Miss Starbuck's condition was rather acute. Dr. Barnum gave her a treatment. I think amyl nitrate. Miss Starbuck seemed to respond, and she seemed to rest more comfortably, so Dr. Barnum left. I think she was assisting Dr. Starbuck in an operation."

"Did you stay with Miss Starbuck?"

"For a few minutes. Then I went my rounds. But I looked in on her every few minutes. She was all right for a little less than half an hour, then she began to groan and toss about. So

I called Dr. Barnum again. He came and looked at Miss Starbuck and told me to send at once for Dr. Starbuck—that his aunt's condition was alarming."

"What time was this?"

"About ten five. The chart shows the exact time."

"Did Dr. Starbuck come?"

"Yes, sir. Miss Starbuck was in great pain, writhing and groaning and making awful faces and clutching at her heart and throat."

"What did he say to you?"

"He told me to go about my duties."

THERE was an electrical quickening in the air of the courtroom.

"You mean to say," Storm said sharply, "Dr. Starbuck sent you out of the room?"

"Yes, sir."

"I see. He dismissed you. Did you go?"

"Yes, sir."

"When was this?"

"About ten fifteen."

"What was your next observation in connection with this case, Miss Halliday?"

"About ten thirty, or a little before, I went into Miss Starbuck's room."

"Was anyone there with the patient?"

"No, sir. I looked at her and thought she was asleep—that Dr. Starbuck had given her something to make her sleep. Then I looked closer and saw her eyes open and staring. I took her pulse and listened for her heart action. She was dead."

"What did you do?" Storm snapped.

"I called the amphitheater where Dr. Starbuck was about to operate. A nurse told me he was just scrubbing up for an operation, and I gave her the message. I called Dr. Evans, one

of the house diagnosticians. Dr. Evans came and confirmed that Miss Starbuck was dead."

Mark Storm questioned the witness a little further, taking her back especially over that part of her testimony relating to Dr. Starbuck's sending her out of the room. He seemed to attach great importance to this, and he was, of course, anxious to establish in the jury's mind the obvious inference that Starbuck had sent her from the room to clear the decks for the murder he had been planning.

It was damaging testimony. Gillian asked the girl only a few questions, chiefly relating to Starbuck's attitude when he had come into the room.

**D**R. EVANS was the next witness. A typical general practitioner of the old school, his black suit looked rusty and shiny. He was a benevolent-appearing man of fifty-odd, with a clipped gray mustache and kindly eyes.

He testified that he had gone into Room 310 and examined the body of Hannah Starbuck, and found that she was dead. Consulting the chart, he found that Dr. Starbuck had administered caffein sodium benzoate.

Storm: "At what time did you enter Room 310?"

"About ten twenty-five."

"Didn't you write on the chart that she had died in an attack of angina pectoris?"

"Yes."

"Did you write that because of your observations of the body, or because you knew that caffein sodium benzoate is used in the treatment of angina pectoris?"

"It was my opinion, based on examination of the body, that she had died of angina pectoris."

Mark Storm walked toward Dr. Evans, and his air matched the kindness of the diagnostician's.

"Doctor, please tell the jury just what the woman looked like in death."

"Her eyes were open and dilated. There was a slightly green tinge in the flesh about the mouth. The mouth was open and there were flecks of foam on the lower lip."

"Wasn't it your opinion that she had died in a convulsion?"

"Not at the time. The appearance in death of one who dies of arsenic might be similar to that of one who dies in an attack of angina. Angina pectoris is a strange and terrible, disease, Mr. Storm."

"Will you tell us a little about it, doctor?"

Dr. Evans gravely obliged. "The victim has paroxysms of great pain in the cardiac regions of the heart, generally extending into the left shoulder and arm and the left side of the neck. This is accompanied by a strong sense of impending death. The pain in the heart is of great intensity—of a cold and sickening nature. Most patients I have treated for angina cried out, in attacks, 'I am going to die!' It is a horrible disease."

"How would these symptoms compare to those of arsenic poisoning?"

"The patient suffers great pain generally, and goes off into convulsions, dying in convulsions."

"Quickly?"

"It would depend on the amount of the dose, and the constitution of the individual."

"When you learned that Miss Starbuck had actually died of arsenic poisoning, not of angina pectoris, were you surprised?"

Dr. Evans smiled sadly. "Nothing surprises me, Mr. Storm."

Storm excused him. Gillian waived cross examination. The State called its next witness—Dr. Claudia Barnum. Tall, strikingly handsome in a severely simple blue dress, with her hair shining like burnished copper, the clever woman surgeon went to the stand. Her eyes were candid and gentle. She was, Gillian thought as she crossed the courtroom, typical of the clever, modern professional woman, and he wished that she were on his side. He did not, could not understand the antagonism he had sensed in her all along, although he was beginning to suspect its reason.

## CHAPTER X.

### ACCUSED!

WHEN she took the stand, her eyes went swiftly, as Nurse Halliday's had done, to the man with the scar who sat in the front row. Those black eyes seemed to burn across the courtroom into hers. And it seemed to Gillian that she suddenly lost most of her charming pink color and went pale, and that she wrenched her clear eyes from the hypnotic black ones of Dr. Tichman only with great effort.

Tichman was, Gillian reflected, a *Svengali* to a host of *Trilbys*, a sinister and dangerous individual he had proved to be.

It had been rumored that Dr. Barnum was the State's key witness, but although Gillian was familiar with most of the testimony she would utter, and was prepared for it, he was afraid he had not thought of everything. For that reason, and her own admission of ruthless selfishness, Gillian considered her the State's most dangerous witness.

And Storm's manner was confident.

In his questioning, he was cheerful, almost blithe. And he managed to convey to the jury that he had the deepest, the utmost respect for this beautiful red-haired surgeon.

Before she had gone very far with her recital of the events of that momentous evening, Gillian was aware that she had fallen under Dr. Tichman's spell, that the lustre was gone from her handsome eyes, the sparkle from her intelligent voice. Her eyes were fastened on those of the young man with the scar.

Dr. Barnum picked up the testimony of Miss Halliday, and described how she had gone to Room 310, given Miss Starbuck amyl nitrate inhalations, to check an attack of angina pectoris, and had, finally, in despair, sent for Dr. Starbuck.

"At what time was this?"

"Ten ten," the witness answered in that colorless, mechanical voice, as she stared fixedly at Dr. Tichman.

Crisply, Storm said, "Tell the jury, doctor, just what happened."

"Dr. Starbuck came and sent Miss Halliday from the room. Then he sent me from the room."

"Why?" Storm snapped.

"He said he didn't require my help."

"Didn't he order you out of the room?" Storm cried.

"He told me to go," Claudia Barnum answered tonelessly.

"Did he say anything else?"

"He said he was going to give her caffeine sodium benzoate."

"Did you see him give her this restorative?"

"No."

"What did you see? Tell the jury what you saw, doctor!"

There was a tenseness about her that aroused Gillian's suspicions. He



stood up quietly and walked over to where he could get a better view of her pale face with its lacklustre eyes. He glanced at Tichman, and saw that sinister individual staring at her with his fists on his knees, his body inclined forward from the waist, his whole attitude one of intense concentration and purpose.

In a breathless hush, the witness answered the question.

"I went outside, but I did not go away. I was worried about Miss Starbuck, and puzzled by Dr. Starbuck's orders to Miss Halliday and me. Then I heard something smash in the room. It sounded like breaking glass. I think my hand was on the knob all this time, but I'm not sure. In any event, I turned the knob and looked in.

"Dr. Starbuck was bending over his aunt, holding up her head with one hand, pouring something—a colorless liquid—into her mouth from a tall glass with the other. She seemed to be drinking with difficulty. Then—then I saw that the bottle of arsenic solution was missing from its shelf. I looked on the floor and saw the broken fragments of it under the washstand."

**G**ILLIAN had thrust his hands deep into his pants pockets. He was studying the beautiful surgeon's face with the most curious interest, for this was new. This was a surprise—a wicked surprise. He wondered if she knew what she was saying. Words came sliding off her lips, each one as if clipped; and she was staring, with a strange helplessness, or so it looked, across the room and into the black, compelling eyes of the hypnotic Tichman.

Storm said impatiently, "Go on, go on, doctor!"

She licked her lips. "That's all I saw."

"Wait a minute!" Storm cried. "Was the floor where the bottle had fallen and broken wet, or was it dry?"

"It was dry."

Gillian heard Carolyn Starbuck whisper hotly: "It's a lie!"

The beautiful woman on the stand evidently heard her, for she repeated: "It was dry."

"Just a moment, doctor," Storm said. "You say that this bottle you saw broken was the arsenic bottle from the shelf above the washstand?"

"Yes"—a whisper.

"Were you well acquainted with that bottle?"

"Yes. I was the physician in charge of Miss Starbuck's case—acting under Dr. Starbuck's orders. He had ordered a weak arsenic solution for his aunt's anemia. It was this bottle—a pint bottle—that was missing from the shelf and lying in fragments on the floor."

Gillian had removed his hands from his pockets and was rubbing them nervously together. He had anticipated none of this. It made the case against his client utterly airtight.

Dr. Barnum was saying, in substance, that she had looked into that room and seen Dr. Starbuck pouring a pint of arsenic solution into his aunt's mouth!

According to Starbuck's own recital of the facts to Gillian, he had sent Miss Halliday away simply because she was busy and was not needed. "I wouldn't have sent Dr. Barnum out," he had said, "except that my aunt seemed to be trying to tell me something and I gathered that she wanted me alone with her. When Dr. Barnum had gone out I gave Aunt Hannah an injection of caffein sodium benzoate. She

seemed to be reacting favorably. I was scheduled to operate in F. So when she started to come out of it I went out. Dr. Barnum was still there in the corridor. She said she'd wait there until the floor nurse came, so I left."

But it was a vastly different story that the beautiful Dr. Barnum was telling to the jury!

"Later," she was saying, "I went back there and examined that broken glass, and the floor. It had not been wet."

"Did you presume that the bottle when it fell—"

"Presumption isn't evidence," Gilian snapped.

"I merely wish to establish—"

"Rephrase your question," Judge Phelan ordered.

"You were saying," Storm suavely tried again, "that you went into the room later and found that the floor, all about where the bottle had fallen, was quite dry?"

"Yes, Mr. Storm."

**S**TORM now repeated and rephrased various of these questions, to establish in the jury's mind that, although the bottle of arsenic solution was empty when it fell to the floor, Dr. Starbuck had poured a large glassful of some liquid down his aunt's throat.

"When I talked to you on the morning following Miss Starbuck's death, why didn't you tell me about that broken bottle on the floor, Dr. Barnum?"

"It didn't occur to me as important, Mr. Storm. The incident puzzled me, but I attached no importance to it until Miss Starbuck's body was exhumed and her stomach was found to contain so much arsenic."

"Have you ever done any post mortem work?"

"I did nothing else for one year."

"Have you ever, in the course of your post mortem work, or your autopsies, examined the stomachs of corpses who had, in life, systematically taken arsenic for some such ailment as anemia?"

"Yes. A number of such corpses."

"Does the arsenic accumulate in the stomach?"

"No. It is distributed about the body. Arsenic assimilates rather rapidly into the blood."

"Then would you say emphatically that if a great quantity of arsenic were found in the contents of Miss Starbuck's stomach, it would indicate that it was not an accumulation of the small regular doses she was taking?"

"Most emphatically!"

"If an amount of arsenic totaling, let us say, six grains, were found in her stomach, would you say that that amount of this poison would have been enough to kill her?"

"I should say so."

"But I should think, doctor, that if this patient had been taking small amounts of arsenic regularly, in doses three times daily, she would have developed an immunity to the poison."

"Not at all. She might have a greater tolerance for arsenic than a person who had not been accustomed to the poison in small, regular doses, but her tolerance might not have been sufficient to accommodate such a large amount. In short, she would have died."

"Having been the doctor in charge of Miss Starbuck's case, and being very familiar with her physical state generally, would you say that six grains of arsenic would have been fatal?"

"I would, indeed!"

"That will be all. Your witness, Mr. Hazeltine." And the district attorney gave Gillian his courtliest bow, his most urbane smile.

As Gillian strolled toward the witness, a corridor door opened and a court attendant came down the aisle and spoke to Dr. Tichman. His husky whisper clearly said, "You're wanted urgently on the telephone, doctor."

With a frown, Dr. Tichman got up and followed the attendant out of the courtroom. Gillian waited until the man with the scar was gone. And it seemed to him that the witness watched his departure with doubt or misgivings.

GILLIAN had gone to some pains to arrange for that telephone call.

He had simply wanted Tichman out of the courtroom while he cross examined the red-headed surgeon. He wanted the girl free from that hypnotic influence.

He deliberately busied himself at his table, glancing at this paper and that, to give Dr. Barnum's mind a chance to be freed of the compelling power of the man with the scar. And when he believed that the time was ripe, he turned about and gently began to question her.

Her clear, candid eyes met his steel-blue ones, and she answered his questions quickly, thoughtfully, fully. He attempted to break her down, to make her deny her recent sensational statements. But the red-headed surgeon would not be broken down. She remained calm, poised—and clever. She crisply reiterated the story she had related under Storm's examination.

He was just finishing with her when Dr. Tichman, looking coldly furious, returned to his seat.

"That's all," Gillian said wearily. And he presumed that Mark Storm would now drive the final rivets into his case.

Gillian would have given a great deal to know just who had actually poisoned Hannah Starbuck. Dr. Barnum had had the opportunity—and Gillian strongly suspected her. But there were so many others to suspect, too.

Dr. Barnum's testimony was not that of an eye witness to a poisoning. It presented, rather, a chain of circumstantial evidence of the most damning nature—the pint bottle of arsenic solution, the glass of a "colorless liquid" which she claimed she had seen Dr. Starbuck pouring into his aunt's mouth—and the empty bottle, broken, on the floor near the washstand.

What conclusion could be reached but that Dr. Starbuck had poured the contents of the bottle into a "very large glass," smashed the bottle in an attempt to destroy evidence, and then made his aunt drink the arsenic?

Yet, despite its damning nature, it left Gillian a loophole—an opportunity, later, to devise one of the most daring and dangerous tricks he had ever used in a career of clever trickery.

The State's next witness was a nurse who had removed the bedding from Room 310, after Hannah Starbuck's death, and done the preliminary straightening up until the room should be thoroughly cleaned the next day. She had, she said, found a smashed bottle on the floor near the washstand and had removed the pieces. She had no other testimony to offer. Gillian, recollecting the particles of glass he had found on the floor of 310, waived cross examination.

Court was recessed for luncheon.

Under cover of the hum of conversation as the spectators arose, Gillian said to Dan Starbuck, "How about this smashed bottle?"

The haggard young surgeon said quietly, "As far as I know, that bottle was on the shelf, intact, while I was in the room."

But Gillian had himself found particles of glass in the room. Who, he wondered, had smashed that bottle?

THE first witness of the afternoon session was Nancy Green, her platinum blondness strikingly set off by a smart suit of a burnt orange color, her shapely ankles displayed in sheer chiffon.

She was so striking that the courtroom gasped as she arose and walked to the stand. Here again was unshakable poise—and here was one more *Trilby* to Dr. Tichman's amazing *Svengali*.

In a limpid voice she answered the rapid fire of questions put to her by the suave, poised district attorney.

"How long have you been in the employ of Dr. Creed?"

"Two years and five months."

"What are your duties in the Hobart Creed Hospital?"

"I am a nurse."

She was staring fixedly at Dr. Tichman, and her voice and expression had, like those of the two girls who had preceded her to the stand, swiftly become dull and lifeless and mechanical.

"Were you well acquainted with Dr. Starbuck?"

"Yes. I knew him very well."

"Did you ever see him take a drink of liquor?"

"Oh, yes. Many's the time." The witness was smiling faintly, maliciously. "He carried it on his hip—a pint flask."

"Did you ever see him take cocaine?"

"Often."

"Tell the jury what you saw."

But the dazzling blonde did not glance at the jury. With that faint smile of malice she stared into the hot black eyes of the man with the scar.

"He would dump a pill into his hand and then pulverize it between a thumb and finger. Then he placed it here—in the crotch formed by his thumb and forefinger, and sniffed it."

"Was he aware that you saw him taking the drug?"

"I don't think he minded in the least. He used to joke about it."

"How do you know it was cocaine?"

"Oh, he told me it was. He tried to make me take some."

"Did you?"

"Of course not!"

"Have you ever seen him so badly under the influence of alcohol or this narcotic that he menaced the lives entrusted to him?"

"Yes, sir," the witness said clearly.

"I saw him kill a man."

There was an excited outburst of murmurs. A bailiff silenced the uproar with a gavel.

Gillian was on his feet, objecting. He knew she was referring to that hemophiliac. And when Judge Phelan deferred a ruling until further evidence was taken, Gillian took exception.

Storm went on, "You say you saw him kill a man?"

"Yes, sir."

"Who was this man?"

"Norman Henderson. He was brought to the Hobart Creed Hospital for observation. He had a chronic appendix."

Gillian objected again, on the

grounds that this entire line of testimony was not related to the charge on which Daniel Starbuck was under indictment.

Storm suavely declared that he was introducing it as a character evidence. He said, "Your Honor, have I not the right to attempt to impeach the character of the accused?"

The Court: "I prefer to defer ruling. Go on with this examination."

Gillian saw a look almost of joy in Nancy Green's eyes as she met those of Dr. Tichman. He barked, "Your Honor, I request that a juror be removed." In other words—that it be called a mistrial.

The judge refused. He then decided to admit the entire testimony relating to the man called Norman Henderson, on the grounds that it was character testimony.

THE blond girl went on:

"Dr. Starbuck was so drunk he hardly knew what he was doing. He was often that way, but of course like most clever, drinking surgeons, the moment he walked into the operating room he was as steady as the rock of Gibraltar."

"Tell us just what happened in the case of Norman Henderson."

"The laboratory technician took a blood test and found he was a bleeder."

"How did he take this blood test?"

"By pricking the end of the patient's finger."

"Didn't the patient bleed?"

"Yes, Mr. Storm. But he was given an injection which stopped the bleeding. At a consultation, it had been decided that Mr. Henderson should have his appendix removed. But then the blood test was taken, proving he was

a bleeder, and a report was sent to Dr. Starbuck's office.

"I was in the office when he came in and picked up the report from his desk. He was so drunk he could hardly see the report. At least, he didn't read it at all. He just laughed and said, 'Send the sucker to B, and we'll yank that appendix out in a hurry.'"

"What happened?"

"He operated—and the patient died on the table of hemorrhage."

Gillian angrily insisted that this whole line of testimony be held inadmissible as evidence, on the grounds that it related to a charge already pending against the accused.

"Overruled!"

Storm: "Miss Green, do you recall showing me to Dr. Starbuck's room in the hospital on the morning following his—elopement to Mexico?"

"Yes, sir."

"Will you tell the jury what we saw under Dr. Starbuck's bed?"

"An accumulation of dozens and dozens of empty gin, bourbon and cocaine bottles."

Mark Storm waved a hand negligently toward Gillian. "Your witness, Mr. Hazeltine!"

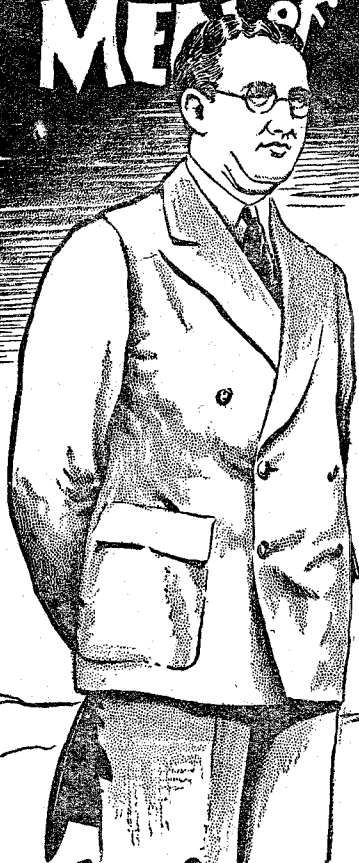
Gillian faced the beautiful blond nurse with a feeling of dislike which he had had for few women. He knew that this girl was anxious—more than anxious—to see Dan Starbuck go to the electric chair. She had been desperately in love with Dr. Starbuck, he knew. He had caught the look of hopeless forlornness with which she had gazed at the young surgeon the night she had seen the "ghost." But since then Dr. Starbuck had married Carolyn Kelly. And Nancy Green was now that most treacherous and dangerous of all women—a woman scorned.

TO BE CONCLUDED NEXT WEEK.



# MEET DARING

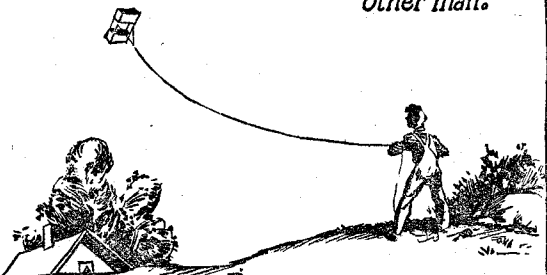
by STOOKI-ALLEN



**Glenn L. MARTIN**

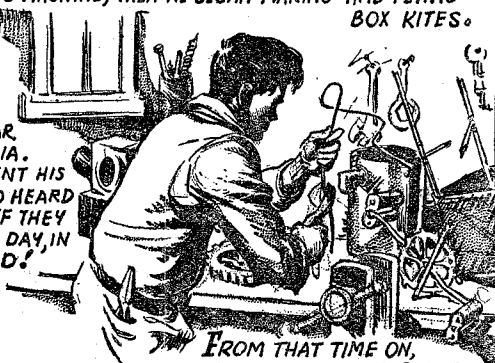
## AIRCRAFT WIZARD

Glenn Martin, famed maker of bomber planes, was not the first man to fly a heavier-than-air machine, though he made a successful flight soon after that of the celebrated Wright brothers. But as an aviator and plane inventor of rare skill and daring, he has attained more "firsts" in the progress of aviation than any other man.

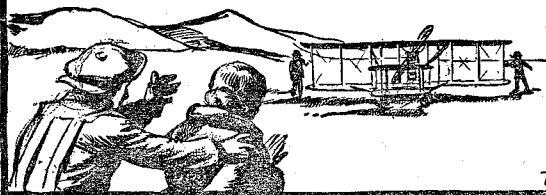


BORN IN MACKSBURG, IOWA, JANUARY 17, 1886, GLENN SPENT HIS BOYHOOD IN LIBERAL AND SALINA, KANSAS, WHERE HE INDULGED AN EARLY FLAIR FOR THINGS MECHANICAL. TAKING MACHINERY APART—ANYTHING FROM A BICYCLE TO A THRESHER—WAS HIS FAVORITE OCCUPATION. HE READ ABOUT CHANUTE'S PIONEER GLIDER AND LANGLEY'S FLYING MACHINE, THEN HE BEGAN MAKING AND FLYING BOX KITES.

GLENN TOOK NATURALLY TO GLIDING. HOWEVER THIS WAS QUITE DIFFICULT IN KANSAS WHERE HILLS ARE FEW AND FAR BETWEEN. THEN THE FAMILY MOVED TO CALIFORNIA. WITH HIS MOTHER'S ENTHUSIASTIC HELP, HE SPENT HIS NIGHTS BUILDING HIS FIRST AIRPLANE. HE HAD HEARD ABOUT THE FLIGHT OF THE WRIGHT BROTHERS. IF THEY COULD FLY, HE SAID, HE COULD TOO—AND ONE DAY, IN 1900, HE DID.



FROM THAT TIME ON, MAKING AND FLYING PLANES BECAME HIS LIFE WORK. IT WAS A PRECARIOUS BUSINESS, BUT MARTIN STUCK TO IT DOGGEDLY. HE WAS THE FIRST AVIATOR TO DELIVER MERCHANDISE BY AIR AND THE FIRST TO TAKE HIS MOTHER ALOFT!



A True Story in Pictures Every Week