

MAY ONE KILL AN ESCAPING BURGLAR

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The law of burglary has many dramatic angles. It touches the white hot passions of mankind. The primitive instinct of the householder to protect his home, flaming forth in a mad moment of peril, may lead him to take the life of a midnight intruder, even while the latter is seeking refuge in flight. How far if it all does the law extend its mantle of protection to the killer of a fleeing burglar?

Let me take you to a little farm on the outskirts of a New England village of considerable size, where one such tragedy occurred. Joel Carter, the owner of the homestead, was one of the wealthiest farmers in that region. His wife had died some years before, leaving two daughters, both of whom had now reached the full flower of womanhood. Mary, the eldest, was a girl of irreproachable character, a teacher in the local high school and much sought after by the young men of her acquaintance. But her choice had apparently settled upon John Sargent, a young business man of the village.

The younger daughter Ruth however was a reckless, fun loving girl who prided herself on being very modern. Even while in high school, humored by her invalid mother, she had given her father and sister considerable cause for uneasiness. Her companions were usually of the frivolous if not vicious type. Stormy scenes had occurred at the Carter farmhouse. After the death of her mother the girl had had no one to take her part. She had come to feel that her father and sister were arrayed against her. Reckless of consequences she was drifting perilously with a tide that could lead only to disaster. Her father had refused the house to some of the idle and dissolute young men who seemed to be her favorite

escorts. Ruth had now ceased to permit any of her male friends to visit her home, meeting them instead on joy rides, at dances and parties or in the homes of some of her girl friends.

It was at a cocktail party one night when Ruth had indulged somewhat too freely that she poured out her troubles to the company, in which were several young men of uncertain occupation who nevertheless seemed to be well supplied with money and altogether too well supplied with liquor.

The scene opens next morning at the lodgings of two of the men:

Tom: "Well, Ruth sure did pan her old man last night."

Jerry: "I should say she did! When these dames get about so much gin in em they're ready to tell all the dirt about the family."

Tom: "Jerry, did you get what she said about how stingy the old boy was with his money; always having coin coming in by the fist-full for calves and cows and milk and what not?"

Jerry: "Yeah, I did and I'm just aching to get a look at that Carter place - inside the house I mean."

Tom: "Me too. But Ruth says the old man won't allow any of her friends in the house. Her sister can have a beau call and the old man is nice to him, but her friends - No."

Jerry: "Say, Tom, that gives me an idea. I'll cut out the booze for a while and shine up to the older sister, enough so I'll have a reason for calling."

Tom: "Oh yeah! I'll order a halo for your manly brow. Jerry, you make me laugh!"

Jerry: "Go ahead, laugh. I mean it, I tell you."

Tom: "Well, I'll stick to little Ruth and cocktails for information and we'll see who has the best luck."

(Music)

Mary Carter: "Father, I am growing more and more worried about Ruth and the way she carries on. Last night she was at another of those dreadful parties and this morning she is fairly sick abed."

Carter: "Mary, I can't sleep nights for worrying about her. None of my people were ever that way. They were like you, steady, church-going and decent. I used to tell your mother that it was a mistake to let Ruth run around so much with those village girls - cheap huzzies a-chasing beaux when they should have been playing with dolls or getting their lessons."

Mary: "I know it father, but dear mother was always so soft with Ruth. She was sure that it was innocent desire for a good time and that Ruth would grow out of it as she grew older."

Carter: "Grow out of it! She is nearly twenty-two and worse and worse every day. She will drive me crazy."

Mary: "Poor dear, it is hard on you and it is dreadfully embarrassing to me. You remember that fine looking young man that I introduced you to at church Sunday - Mr. Morton, Jerry Morton? Well, he told me that he had seen Ruth at some dance when she was actually intoxicated."

Carter (bitterly): "Well, I guess he isn't the only one that has seen her that way."

Mary: "No, but father, when I invited him to call at the house he told me that he would like to do it when Ruth wasn't home, for he feared that it would be embarrassing to her. Just imagine it!"

Carter: "I hope he wasn't intoxicated too."

Mary: "Oh, no father, he doesn't drink. He has very high ideals. You will like him, I know."

(Music)

G.L.A. (resumes) And so we have a strange drama of life being enacted in the Carter home. Ruth and her sister at sword's points, going for days without speaking to ~~one another~~ ^{each other}. The sorrowing and distracted father was at times tender with his erring daughter, especially in her days of repentance for mad escapades. At other times father and daughter clashed bitterly. To John Sargent who had been keeping company with Mary Carter for months, the advent of the dangerous Jerry Morton was especially disturbing. He had realized with dismay that a change had come over the girl. But it was some time before he discovered the identity of his rival. Jealousy, added to a natural distrust of the man led John Sargent to carry what scraps of information he could glean concerning Jerry Morton to a friend on the police force. Surprising results were to follow. The next scene is at the lodgings of Jerry and Tom.

Tom: "But I say Jerry we have been in this hideout long enough. Our coin is running low. We gotter crack a safe with a good lot o' jake in it and make a getaway."

Jerry: "Plenty of time - plenty of time. I like this little burg. I'm in no hurry to leave."

Tom: "Oh yeah! I know what ails you. You're falling for that school-marm - you're in l-o-o-ve. Huh, it takes a skirt to ruin a man."

Jerry: "Shut up will you. I wish I had never teamed up with such a plug as you are. Honest you get on my nerves."

Tom: "Is that so! Well, now let me tell you something. The minute that girl finds out who you are it's good night to you. You don't have a chance! Pulling the goody, goody stuff for a while to find out the lay of the land and old Carter's strong box - and you goes and falls for a skirt!"

Jerry: "I'll work that job alone and you can keep your dirty hands out of it."

Tom: "Say, who do you think you are, you yellow rat? Well, let me tell you something. The police were here today checking up on us. That means we gotter go whether we want to or not. We strike old man Carter's money box tonight and light out before morning - get me?"

(Music)

G.L.A. The annual installation of the Eastern Star is in progress. Mary Carter and her father are in attendance. John Sargent calls Joel Carter from the hall on a matter of great importance:

Sargent: "Mr. Carter I dislike to trouble you but I have just learned that this chap who calls himself Jerry Morton is Jerry Devereaux, one of two very dangerous criminals who are wanted in Kansas for a bank robbery. They are hiding here in town - they are experts in cracking safes."

Carter: "You don't say - and that loafer has been hanging around my place for days. Jehosophat, I have a lot of money on hand - should have deposited it today. I'm going home this minute. Here comes Mary (fading out) - you tell her."

Mary: "Good evening, John. What did father ask you to tell me?"

Sargent: "That he is going home."

Mary: "Why? Is he sick? It must be very sudden."

Sargent: "No Mary, he isn't sick. He has gone home and he won't be back."

Mary: "John Sargent, you have been telling him something."

Sargent: "Yes, Mary, it was my duty to tell him that Jerry Morton is not Jerry Morton at all but a dangerous cracksman and safe robber."

Mary: "Oh! Oh! You wicked man to say such things - just because you're jealous. There's not a word of truth in it. I'll never speak to you again."

(Music)

G.L.A. (resumes) In the meantime strange things were happening at the Carter home. Angered by the fact that Tom had failed to keep a date with her, Ruth had returned to the deserted house. It was a hot night. She had drawn water for a bath and clad in a loose robe was going down the hall to the bathroom when she heard the sound of a key in the lock. Astonished that anyone should be coming in at this early hour, for the Eastern Star installation was always of long duration, the girl paused in the darkness of the hall and listened. The door opened but she could hear no footsteps. She could see nothing.

Suddenly a flashlight shone full in her face. One horrified scream broke from her lips as she turned to flee to her room. Before she had gone a dozen steps she was overtaken by a man whose flying tackle threw them both to the floor of the hall. Even in her frantic struggles to free herself she realized that there was a second man who was playing the flashlight upon them. But struggle as she might, even with eel-like wriggling under the loose robe in which she was garbed, the girl was speedily overpowered and trussed up with towels from the bathroom. As though she had been a stick of cordwood the two men picked her up bodily and carried her into the living room, depositing her none too gently on the davenport. Then she was aware for the first time that one of the men was her friend Tom. She called his name in shocked surprise:

Tom: "Well, you little hell cat, you gave me quite a tussle didn't ye?"

Ruth: "But what are you doing here?"

Tom: "Keeping our date. I never miss a date with a dame, you know."

Ruth: "You beast you! Oh, if my father were only here!"

Tom: "Yeah, we'd probably have to croak him if he was. Don't worry about him. He's at the shindig at town hall and little Ruth can do the honors. Don't know the combination to this safe, do you?"

Ruth: "You burglar, you lowdown thug!"

Tom: "Harsh words, my girl, but I like my molls to have lots o' fire and fight. We'll get the stingy old boy's dough and you and me will have half of it. What say we go to Niagara Falls or some place?"

Ruth: "I hate you, I hate you!"

Tom: "Oh yeah! Well, you're the girl that put me wise to this job - the night you got drunk and spilled the story about how stingy the old man was and all about his money. Hold that flashlight here Jerry while I take a whirl at this combination. These hick safes aint so hard to open."

G.L.A. (resumes) But at that instant came to their ears the sound of heavy footsteps on the front walk. The flashlight was extinguished. The listening girl realized with a pang of terror that her father had come home unexpectedly. He was unlocking the door. He was about to walk into a fatal trap. But with that realization came swift knowledge that the cold muzzle of a revolver was being pressed against her forehead and she was being sternly admonished not to scream or to make a sound on peril of death. The door creaked on the hinges. The girl screamed a warning - a scream that died in her throat as two revolver shots rang out, one muffled, the other resounding horribly in the darkness.

The crash of an overturned chair told its story of flight. The bandits dared not use their flashlight. With nerves unstrung, pistols in hand, they groped in the darkness of strange surroundings. But the master of that house, though half dazed from a bullet wound that was soaking his clothing with blood, knew every inch of that house and could have made its circuit blindfolded. He had already reached his shot gun on its bracket in the back hall. It was a repeater and fortunately loaded. The ominous click of the breech lock as old Joel pumped a cartridge into the barrel filled the

intruders with mad panic. They dashed for the front door and into the full range of vengeance.

Did you ever hear a shot gun fired in a small room? Then you have no conception of the terrific pandemonium that burst upon these fleeing figures, silhouetted against the glass panel of the door. That panel itself vanished, shivered into a thousand fragments under successive broadsides from the avenging shot gun. Like trapped rats the desperadoes paid the penalty for their dastardly crime. Those who came racing to the Carter home afterward declared that for sheer horror they had never seen its counterpart. The old man had flashed on the light in the living room. Grievously wounded he was weeping his heart out over his murdered daughter. In the front hall were two shot riddled bandits - their evil careers quite finished - the farmhouse a shambles.

The thrill seeking daughter who had called down shame and sorrow upon her household and unwittingly brought dangerous criminals into her home had atoned in tragic fashion for it all. In a flame of love for her father, who was walking unsuspectingly into death through her fault, she had given her young life that she might warn him of his peril by that last scream. The unnerved bandit, Jerry Devereaux, had missed a vital spot and the old man lived.

An interesting legal question arose in connection with the slaughter of the bandits. They were attempting to escape when he killed them - Did this fact render Joel Carter liable for manslaughter? Not at all. While a private citizen is not legally justified in killing, in sheer revenge, an assailant who is seeking to escape from pursuit yet these men were still on the scene of their crime. Even in flight gunmen have been known to kill their pursuers. These might have killed the wounded man except for the devastating effect

of the hail of duck shot from his deadly shot gun. Carter was clearly within his rights. So long as they were in his home the burglars were outlaws whose lives might be taken by the householder in defense of that home and of his own life.