

A Master Hand

The Story of a Crime

Richard Dallas



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A MASTER HAND

THE STORY OF A CRIME

BY RICHARD DALLAS

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**"It is no use," he said; "I can see by the papers that everybody
thinks I am guilty."**

INTRODUCTORY

Twenty years have passed since the happening of the events, the history and sequel of which I am going to relate. It is the tale of a crime committed in one of the large cities of this country, and which, baffling the authorities at the time, still remains a mystery to all but myself and one other. Even now, at this late day, in deference to a plea that bore the seal of death, I shall only write of it with such changes of scene and names as I hope may prevent identification.

To me the history of this tragedy has always seemed convincing proof of the insufficiency of circumstantial evidence, except where such evidence is conclusive. I do not intend, however, to indulge in any abstract discussion of that subject, but shall consider that I have sufficiently fulfilled an obligation I owe to the law when I shall have submitted the bare facts of this particular case as I know them to have occurred.

While the changes of scene and names which I shall allow myself may involve some minor changes in the same line, I shall take no advantage of the opportunity that may thereby be afforded to complicate or exaggerate in any way the mystery that veiled the case, for to do so would be to subvert my purpose; but shall adhere to a plain statement of the facts, in every particular, as they successively discovered themselves to me. That it will prove an entertaining tale I do not promise, but that it will be a curious and interesting one I feel sure, and especially so to those who by profession are brought in contact with crime in its various phases.



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A MASTER HAND



CHAPTER I

A SOLILOQUY

On a Monday evening in January, 1883, I had returned comparatively late from work in the District Attorney's office in New York, and was in my rooms at the Crescent Club on Madison Square, corner of Twenty-sixth Street, making a leisurely toilet for dinner, when a note was brought me from Arthur White. In it he asked me to join a few mutual friends at his rooms on West Nineteenth Street off Fifth Avenue later in the evening for supper. He named the men—Gilbert Littell, Ned Davis, and Oscar Van Bult—who were to join him at euchre before supper. This was a favorite pastime with them, and I was bidden to come early, if I wished, and look on.

I did not play cards myself; not because of any scruples on the subject,—I had knocked about, a bachelor, long enough to take most things in a man's life as they come,—but because I did not care for games of any sort. I was, however, by my friends considered an unobjectionable onlooker—rather a rare reputation to enjoy, I may mention,—probably mine because I did not take sufficient interest in the play to either advise or criticise. It was not unpleasant, however, to sit by in White's attractive quarters and drink and smoke from his excellent sideboard. So having nothing better to do, I sent back word I would come, and getting into my evening clothes, went down to my dinner. It was not often I dined alone, as dinner to me was the occasion of the day and I deemed it incomplete, no matter how excellent the meal, without some congenial companion; but this evening I was later than usual, and so found no one available. Even the habitual acceptors who can always be depended upon in a club to give their society in return for a good dinner had all been engaged.

As I entered the dining-room, I saw my usual table reserved for me and my customary waiter on the outlook.

"You dine alone, sir, to-night?" he asked, as I took my seat, and then having suggested the outline of a light dinner, went off to give the order and bring my usual substitute for a companion, a magazine. To-night, however, I was not in the humor to read, but rather inclined to thoughts of the men brought to mind by White's invitation.

They were all intimate friends, and it is as well I should tell something about them here as another time, for they are destined to play more or less conspicuous parts in the miserable affair which is the occasion of this book.

To begin with my host—Arthur White was an attractive, lovable fellow when in his brighter moods, but weak and variable. A man of good impulses, I think, but so fond of luxury and idleness that he was often selfish in his self-indulgence; of that sort of men that other men feel something akin to affection for, such as for a younger brother or a woman, so easily led and dependent do they seem. He was still young, not yet out of his twenties, and, living in extravagant idleness and dissipation, was spending pretty rapidly a bequest of a hundred thousand dollars he had inherited, about two years before, from an uncle.

The bequest had created some little comment at the time, because thereby the only son of the testator, who was named in the will as residuary legatee, was reported to have inherited little or nothing.

However, the son had always been a "bad lot" and neglected the old man, whereas Arthur had lived with him, and, after his lazy fashion, cared for and helped him in his affairs. So the busy world shrugged its shoulders and passed the episode by, and only prosy moralists dwelt upon it to point the Fifth Commandment.

How Arthur reconciled it with his conscience to keep all the money, I never heard him say, but any sacrifice, I fancy, would have seemed hard to one so self-indulgent. In any event, whatever may have been the right or wrong of it, he was making the most of his fortune while it lasted, and his friends were incidentally getting some benefit therefrom too, as our invitation for the evening testified.

While White was the youngest of the quartette I was to join, Gilbert Littell was the oldest—old enough and worldly-wise enough, too, to have been a valuable friend and adviser to the young man, if the latter would have listened to, or been by any one diverted from the rapid pace he was going. He did try, I thought, to steady him sometimes, but would always abandon the effort and say in his quiet way that he guessed the boy would have to sow his wild oats and waste his dollars before he could be brought up; which was also the general opinion among us.

Littell was a clubman and a man of the world; long and shrewd observations of men and things—for he was past sixty and had lived thoroughly—had given him a keen insight into character and a knowledge of the trend of things that made

him a delightful and instructive companion. A little skeptical, perhaps, of the motives of men and particularly of the virtues they affected, and doubting of the seriousness of life and disposed to get the most out of it; his views and criticisms, while often keen and rarely orthodox, were never harsh or uncharitable, and at the most were but mildly cynical. I always felt he was advised whereof he spoke, and his judgment sound, and I had formed a habit of looking to him for advice and help in worldly affairs. He seemed to take the interest in me such as an older man might in a junior and looked me up often at my office or the club. The fact that he was a lawyer, though a retired one, gave us much in common, and we had many pleasant hours together.

Every one has known men like Ned Davis; well meaning and hard working, but without great ability, and fond of pleasure and extravagant living; he was incapable of real success at anything, and was born to trouble as the sparks fly upward. His resources were always something of a puzzle to his intimates, for while occupying some nondescript position with a prominent firm of brokers, he associated with men of large means and extravagant habits and played high at cards. Still I never heard that he failed to pay his debts, and if he borrowed, only the lenders knew of it, so the public had no ground for criticism. With all his shortcomings, he was a good fellow to know and be with; of a bright disposition, ready at any time for anything, unselfish and affectionate by nature, he was only his own enemy. The world has known many like him, but when it has spoken kindly of them, it has said all.

Oscar Van Bult was a man of a totally different stamp. Strong, self-contained, and a little serious, you felt in his presence the reserve force that was in him and with it respect. He was, perhaps, forty years of age, and unlike Littell and Davis, who had been New Yorkers from birth, was a stranger among us. Less than two years before he had appeared, none seemed to know from where, and had made friends and become one of us before we were quite aware of it. That the man was a gentleman in the worldly sense of the term was unmistakable; he was a handsome, manly fellow, too, and agreeable, and so was welcome for himself. Of his antecedents and resources, no one knew anything, nor was it likely much would be learned through Van Bult, who never sought nor offered confidences. One frequently meets such men. They come and they go, and generally things are none the better nor worse for them. I like them; for the time being they furnish me a new interest, something to observe, to study; but then I know I am getting older now and surfeited of the things of daily life, and look for entertainment too much to things outside of myself, my habits and friends now

prone to sameness through long acquaintanceship. It was different with me in the days of which I am writing. Then I was learning, and it is more agreeable to learn than to know. Knowledge of the world advantages sometimes, but it rarely entertains. As a glass through which to observe men and things, it is a help to the vision, but it is the defects it magnifies, and the colors in which it shows things are rarely bright or beautiful. But to this point of view I had not then attained.

Graduating from the Harvard Law School some twelve years earlier, I had practised my profession in a desultory way in New York, until about a year before, when I had secured a position as a deputy with the District Attorney. In my work there I found so much to occupy and interest me professionally that other things, such as my social and club life, became of only secondary importance. I was absorbed in my new duties.

The crimes and criminals of a great city are a study of fascinating interest. In each case, if we only knew it, is to be found a lesson in character, method, and motive. He who would cope properly with the subject must have been trained, not only long and faithfully but intelligently, to his work.

Noting, as I thought, deficiencies in the several departments which were auxiliary to ours, I had taken hold of my duties with vigor and with a purpose to lift the work of our administration, from the police officer up, to a higher and more intelligent plane of operation. Alas for such ambitions of youth, they seldom prove more than dreams.

My dinner that evening was at length finished; absorbed in my thoughts, I had dallied over the meal and not eaten very heartily; but, if I remember aright, I enjoyed it rather more than usual, though I was without company, and had left my magazine unread. After all there is no companion like one's self when taken in the right hour and mood, and the secret of happiness, learned as we grow old, is to choose our time and to control and direct our moods.

As I arose from the table, Brown pulled back my chair saying:

"I hope dinner pleased you, sir?"

I nodded an indifferent assent, but I would have been more appreciative, I think, if I had known how long it was to be before I should again dine with a mind so free from care.

CHAPTER II

A GAME OF CARDS

It was ten o'clock when I had finished my cigar and coffee in the library—where I had gone after dining—and I left the club and started for White's. It was a rainy, sloppy night, such as New York often provides in winter, and I hurried over the few blocks that separated me from my destination.

As I approached the house, I saw the light shining beneath the shade—which was not quite down—at the front window, and it held out promise of cheerful warmth within.

As I have said, White's rooms were on Nineteenth Street; they were on the ground floor of a house about midway of the block between Fifth and Sixth Avenues and on the north side of the street.

He had the entire first floor, which consisted of two rooms connected by a short passageway. The front room was the sitting-room, and the back his bedroom. With the latter I was not familiar at that time, but the sitting-room was a thoroughly delightful apartment. The floor was carpeted with Eastern rugs, and the walls, papered a Pompeian red, were hung with old prints and weapons. To the right of the door, as you entered, was a well selected library; to the left a piano.

The rear of the room was largely taken up by two doors—one leading to the bedroom through a short passageway, and the other to the bathroom, which again opened into the bedroom. Between these doors stood a handsome desk with the usual paraphernalia.

Opposite the entrance was a large fireplace adorned with brass andirons and fender, and over the mantel a mirror. To the left of the fireplace was a divan, reaching from the wedge of the chimney almost to the passage door, and on the other side, an antique mahogany sideboard, laden with silver and glass.

In front of the window was a small table holding a lamp, and in the centre of the room another and larger one, designed to be used for cards when required, but generally strewn with books and papers. A number of armchairs, each of its own

old pattern, but all adapted for comfort, completed the furniture. Everything betokened a man of luxury but also a man of taste.

Reaching the house, I mounted the two or three steps that led to the entrance, and stepping into the vestibule, rang the bell. The door was promptly opened by White's servant, Benton,—for it was but a step from his sitting-room door to the front door,—and I entered the hall and room.

As I expected, my four friends were engaged at their game around the centre table, White and Littell playing against Van Bult and Davis. White rose and greeted me, while the others nodded informally; my presence was too usual an event to call for any special demonstration, and after White had directed Benton to look after my wants, the game was promptly resumed.

I lighted a fresh cigar, took a brandy and soda, and selecting a comfortable chair, pulled it up between my host—who was to my left—and Van Bult to my right, and settled myself back to look on. The score-card stood at my elbow, and a glance at it showed that the host and Littell were winning. The game proceeded in comparative silence, now and then some one interrupting to ask for a cigar or drink. I noticed that White's orders were rather more frequent than the others, and that the man himself was not looking well. In fact he had not been looking well for some time, as his friends had remarked, but it was passed by with the suggestion that he was "going pretty fast."

After, perhaps, an hour of play, at the conclusion of one of the "rubs," White pushed back his chair and declined to play longer. As it still wanted some time of twelve o'clock, the others suggested that the play be continued, and Davis, who, with Van Bult, had lost considerably, rather insisted that they be afforded some opportunity to recoup; but White, without regarding him, got up from the table and directed the man to serve supper, and Van Bult thereupon counted out four crisp new fifty-dollar bills, and left them on the table in settlement of his losses. Neither Littell nor White took them up, and Davis in rather an embarrassed way told Littell he would settle with him next day, that he had not the money with him. I felt sorry for Davis, as I knew the loss, comparatively trifling to Van Bult, must mean some inconvenience to him, but he accepted it gracefully. By this time Benton was ready with supper and the game was apparently forgotten.

I do not know why it was, but the usual good spirits that prevailed at our little gatherings seemed lacking this night. Perhaps it was due to the mood of our host, who was evidently out of humor over something. Littell ventured one or two

remarks to which we responded perfunctorily, but White was moodily silent. I noticed he was watching me rather closely, and was not surprised when after a while he addressed me, but for his question I was unprepared.

"Dallas," he said, "you are in a public prosecutor's office and know something of the evil doings of men; do you think the consciousness of a wrong done a fellow-man clings to the wrong-doer all his life, or that in time he may forget it?"

I answered as I believed, that it depended entirely upon the temperament of the man, but suggested that a reparation of the injury, where that was possible, should help matters.

"Yes," he said, "but that is not always possible."

I had nothing more to suggest on a subject so totally foreign to the occasion and so offered no further opinion. But evidently White was in a psychological mood, for he next directed his questions to Littell.

"Do you agree with Dallas," he asked him, "that a man's temperament determines the matter, and that where one may find forgetfulness in security, another cannot rid himself of the recollection of a wrong he has done?"

Littell, indulging White's mood, replied that he had never been a public prosecutor and was therefore denied my opportunities of speaking from actual observation of criminals, but that if he might draw conclusions from his own experience of men, he thought there were very few of them whose consciences, after they had lived long enough to enjoy the opportunity, were not freighted with some evil act or other, and yet his acquaintanceships led him to conclude that few of them were troubled much with their past misdeeds.

"Indeed," he continued, "I find little entertainment in minutely reviewing my own history and therefore seldom indulge myself in the luxury. As to my fellow-men, if they don't brand themselves criminals or malefactors, I am willing to take them as they seem, as I think is the rest of the world."

Van Bult, who had been listening with evident amusement to the rather lugubrious conversation, here suggested in a whimsical tone that he was glad to learn that such was the disposition of the world, and of New Yorkers in particular, as it assured him immunity from undue curiosity.

"That's so, Van," said White; "if we insisted upon knowing our friends' credentials even, you might prove a difficult subject."

This was rather a daring speech to make to Van Bult, who had never encouraged any disposition to familiarity or confidence, and I felt some little concern as to how he might take it, but my fears were groundless, for he responded very pleasantly, that any investigator in his case would be poorly repaid for his trouble, and then more heartily, that the unquestioning regard of his friends was a source of much gratification to him. White could not continue his ill-humored tone with Van Bult after this answer, and I was about to tell Van that it was best to like a man for himself as we did him, or something to that effect, when White demanded that we all fill our glasses and drink to what we didn't know of each other, adding that while it might not be a great deal, he knew it would be interesting.

"If that be so," said Littell, "it will be because evil is more interesting than good."

"Then," said Van Bult, "we will abbreviate White's toast, and drink to *evil*."

White hesitated a moment, and then drained his glass, and threw it into the fireplace with a crash. We all looked a little surprised, I think, but no one offered any comment. Van Bult and Littell laughed and drank the toast. I did not altogether fancy the spirit of the thing, and quietly replaced my glass on the table, but Davis openly declared that he did not like the toast and would not drink it. This seemed to incense White, who by this time was very plainly showing the effects of the liquor he had taken, and he told Davis not to be a fool; that it ill became him to pose as a paragon of virtue.

Davis made no answer, and Littell, after a moment's awkward silence, suggested our going. We said good-night to White, who seemed to recover himself for the moment and murmured some apologies, mainly addressed to Davis, for his ill-humor. He also asked the latter, who lived in the same house, to remain with him for a while.

As we were going out, he called after me that he wanted to come to my office the next day to talk to me about something, to which I acceded. Littell delayed a moment for a last word with him, and then joined Van Bult and myself on the sidewalk and we walked together toward Fifth Avenue.

Van Bult was the first to speak:

"What is the matter with White?" he said; "he does not seem like himself."

"He has probably some trifling matter on his mind," I suggested, "the seriousness of which he morbidly exaggerates. He is a nervous fellow anyhow, and has several times hinted to me that he wanted to make a confidant of me about something. I am inclined to believe," I continued, expressing a thought I had entertained before, "that he feels he has been guilty of an injustice to his cousin, Winters, in taking the bulk of his uncle's fortune, and suffers some remorse when he sees the poor fellow going to the bad. For that matter, however," I concluded, "he would have gone there anyhow, and all the faster for a little money."

"It may be there is a woman in the case," said Littell; "it seems to me I have heard of an entanglement of some sort."

"So they say," I answered, "but I don't see why an affair of that sort should give him cause for much worry."

"Well, whatever it is," said Van Bult, "he had better pull himself together and go away for a change. One of you fellows suggest it to him, you know him better than I do. He may give you an opportunity to-morrow, Dallas," he continued, "if he goes to see you as he said he would."

By this time we had reached Fifth Avenue, where our ways separated, Van Bult living on Washington Square, Littell at the Terrace Hotel, at Fifth Avenue and Fifty-ninth Street, and I, as I have said, at the Crescent Club, on Madison Square. We stood, however, talking for a few minutes, and while doing so Benton passed us, going east toward Broadway. Van Bult stopped him to ask how his master was. The man said he had dismissed him soon after we left, and had thrown himself down on the sofa without undressing, and had apparently gone to sleep.

Littell asked if Davis was still with him, and the man replied, "No"; that "Mr. Davis had been leaving at the same time." He then bade us good-night, and went on.

Van Bult here left us, and Littell and I walked as far as Madison Square together, where I crossed over and Littell continued on.

As I entered the club and went up to my room, it was still a little before one o'clock.

Contrary to the usual experiences as claimed of my fellow-men under similar circumstances, I do not recall that I had any misgivings that night or premonition

of any sort of the terrible work that was to be done before day. Indeed, as well as I remember, I retired in an entirely placid frame of mind, and slept well.

I doubt if I should ever have thought again of the occurrences of the evening, which after all were commonplace enough, were it not for the sequel that made every word and moment seem fraught with meaning. So, always, it is not the sayings and doings of men that are important but the sequence and sequel of events for which they are but the signs and tools.



CHAPTER III

A TRAGEDY

I was awakened the next morning earlier than usual by a servant who announced in a hushed voice that Mr. White's man wanted to see me at once. I was naturally disinclined to get up at that hour, it being but a little after seven o'clock, and so directed that the man send me White's message. The reply that Mr. White was dead took me out of bed in a flash, and while I hurried into my clothes, the servant, in obedience to my order, went after Benton. Although but a few minutes had elapsed, I was about dressed when he appeared at the door.

"Is it true," I asked, "that Mr. White is dead?"

"Yes," he answered, and then coming in and closing the door, whispered:

"He was murdered some time last night. I found him dead on the divan in the sitting-room, when I went there this morning."

The news was almost too horrible to believe; but the white face and trembling voice of the man who told it, carried conviction.

"How do you know he was murdered," I asked, after a moment's silence.

"He was stabbed," he said; "the dagger was sticking in him up to the hilt."

"Come on!" I told him, for now I was dressed, and I hurried down the stairs and out of the club, Benton following.

As we walked rapidly toward the house the events of the preceding night recurred to me, but I had no time then nor was I in a sufficiently composed mind to analyze them nor find their bearing, if any, on the subsequent events of the night. Of Benton I asked no more questions; it did not seem worth the while. He had apparently told all he knew of real importance or if he knew more it was not likely I could easily elicit it. Afterwards, I over and over again tried to trace in the events of that evening some drift towards this tragedy, and I had much to ask of Benton. But later I will tell of it all.

When we reached the house, Benton still dogging my footsteps, a few idlers

gathered about the door were the only evidence of anything unusual having happened; but as I entered the doorway, I was stopped by a policeman, who refused me admission. He recognized Benton, however, and sent him for some superior, who appeared in the person of Detective Miles, whom I knew, and who admitted me. I remember I hesitated at the sitting-room entrance. It was terrible to think of looking upon the dead body of a man I had left strong and well only a few hours before. The detective observed my action as he stood by to let me enter and said:

"It is a case of murder, Mr. Dallas, but there are no evidences of a struggle, and the victim looks as if he were only asleep."

A little ashamed of my momentary weakness, I crossed the threshold and stood in the room. For a moment I looked about me, avoiding unconsciously the first glance at the poor boy whom I knew lay on the divan. Everything seemed as we had left it the night before. The cards and score-card were still scattered over the centre table, the dishes and glasses stood on the sideboard—they had not even been washed,—and as far as I could judge, the chairs were arranged just as we had occupied them; it was hard to realize I had been away. Then I looked at the divan. Yes, White was there, and, as the detective had said, looked as if asleep. He was dressed as when I left him, in his evening clothes, and lay as a tired boy might have tossed himself down, resting on his right side with his head drooping on the edge of the pillow, one arm thrown over it, and his face partially hidden.

For a moment I thought it all must be some horrible mistake or a dream, so impossible did it seem that he was dead, but then, the detective, who had stepped to the divan, placed his hand significantly on something scarcely observable protruding from his back, just behind the left shoulder. It was the hilt of a dagger; the blade was buried.

I went over and stood beside the detective, and looked down at the body and felt the hand. It was cold. Death must have been some hours before. There could not have been much, if any, struggle, and there were no signs of violence, except the dagger. This had apparently been taken from its sheath, which was still suspended from the wall, within easy reach, just over the divan. I had seen all I needed to tell me the man had probably been murdered in his sleep, and I turned away to look more carefully about the room.

Already the influence of my training in the District Attorney's office was asserting itself, and I was looking for evidences of the criminal, even while

sorrowing for my friend. At the first glance, as I have said, nothing had appeared changed in the room or its contents since I had left it the previous night, or rather that morning, but now as my eye fell upon the cards scattered over the centre table, and the score-card still undisturbed, I remembered the money that Van Bult had placed upon the table and that was still there when I left. It was now gone. I looked on the floor where it might have fallen, but could see it nowhere; some one had taken it or perhaps it was in the dead man's pocket; but that would be determined at the right time, and I passed it by for further study of the room.

Just at this time Ned Davis, whom I had not observed on first entering, crossed over to me from a seat by the piano, and asked what I made of it, adding some expression of horror at the terrible event. I told him I could form no theory as yet; then he called my attention to the fact that a plaid ulster that White was in the habit of wearing in rough weather, and which had been lying across a chair near the window, had disappeared.

I remembered it, also, but its disappearance seemed unaccountable upon any theory, and I concluded it would be found somewhere in the room or hall and dismissed it from my mind for the time. I asked Davis if he had seen either Littell or Van Bult, but he said no; that he had been aroused about seven o'clock by a maid servant of the house who was almost hysterical, and only managed to tell him to go down and "see what was there." He had dressed hastily and come down to find things as I saw them, only that there was no one present at that time but a policeman and the landlady, the former standing guard over the door, which was open, and the latter sitting in a half-dazed state on a chair in the hall. That shortly afterwards another officer had appeared with the man to whom I had been talking, he presumed a detective, and he had then been admitted to the room, but not questioned in any way or permitted to touch anything. He said Benton had also appeared at the door with the detective and officer, but had rushed off again somewhere, and that he had seen no one else, except a few of the inmates of the house, and Dr. Lincoln, who had come in, pronounced White dead and left again, saying that he would return at once.

I then turned from Davis, who had resumed his seat, and rejoined the detective, but the latter knew less even than we, for to my question—what did he make of it?—he answered "Nothing yet. The man has been murdered, I think, that is all."

I had seen more or less of this man, Miles, and knew him to be cleverer than the average detective, intelligent, and experienced in his business, and disinclined to hazard opinions prematurely or unofficially, and though I might by insistence

have gleaned further expression from him on account of my more or less authoritative position, I did not think it advisable at the time, and allowed the matter to pass to give my attention to Benton, who had just returned.

He told me he had sent a message to Littell at his hotel, and that he would be down at once; also that he had been to Van Bult's rooms, but that the latter had left the city by an early train, and his servant did not know when he would return.

I asked him if he had summoned the officers and he said, "Yes"; that he had found the officer on the beat, nearby, immediately after discovering the crime, and brought him to the house, and then, by his direction, had notified the police station, after which he had come to me. By this time the doctor had returned, and a number of other people, official and otherwise, were in and about the room.

After a while, I saw Littell, who had come in without my observation, standing near the body. He turned away just then, and seeing me, came over and joined me, but further than a mutual expression of grief and horror, we had neither of us anything to say, and stood silently observing the scene.

He recognized and spoke to Davis, and asked where Van Bult was. I told him Benton's report, and he said nothing further. After a while the Inspector of Police directed every one but the officials to leave the room, and Littell and Davis were excluded with the others. I, by virtue of my office, remained and joined the Inspector.

He said the Coroner's jury were about to view the body and the premises, and that after they were gone the police would make a thorough investigation and I decided to remain till it was completed. Very shortly the Coroner and his jury entered, and the latter, after their usual fashion, stood huddled together and stared about them.

Most of them seemed to take chief interest in a morbid way in the body and one or two were inclined to handle it, but this was stopped by the Coroner, who promptly proceeded to herd them and march them through the rooms.

After they had made a tour of the sitting-room, they followed in wake of the Coroner, through the passageway and bedroom and back into the sitting-room again. How much they really did observe that was worth while, I don't know, but I think very little. This formal ceremony over, they were indulged in another look at poor White and then taken away to meet later to "hear evidence and find

a verdict."

Once they were gone, I drew a sigh of relief and in company with the Inspector and detective entered upon what was the real search of the premises. With the sitting-room and its contents I was very familiar, and nothing new was developed to interest me until the detective, leaning over the divan and White's body, reached down between it and the wall, where there was a space of a few inches, and brought out a small plaid cap that I recognized as being a match to the plaid ulster that was missing.

The cap had been lying on the floor directly under White's head, where it partially hung over the divan, and had apparently fallen there when he lay down. On seeing it I could not suppress an exclamation of surprise which drew the attention of the officers; so I explained to them that I had not seen the cap since the night before, when it had been lying on a chair with the ulster, and that from its present place I concluded White must have worn it, whereas I had not supposed he had gone out after I had left him.

"But he did go out," said the Inspector, "and not very long after you left."

"But if he wore that cap," I inquired, "how about the ulster that was here last night. Where is it gone?"

"We don't know yet," he replied, "what he wore when he went out; we only know that he did go out." This ended the discussion of the subject for the time.

From the sitting-room we went through the passageway, which contained nothing but some coats and hats hanging from hooks, the plaid ulster not being among them, and then into the bedroom. I saw nothing of interest here; the room was comfortably furnished, but not unusual in any way. The bed had not been disturbed, and everything was in perfect order. Two windows in the rear opened into a yard about six feet below, and one was down from the top, about six inches; otherwise they were closed and the blinds drawn.

A door leading into the rear of the hall was also closed, and locked on the inside. Here, too, there was no sign of the plaid ulster which now seemed to me to bear some relation to the mystery.

Finding nothing further to especially interest me I left the officers to continue their search, and after looking through the adjoining bathroom, that disclosed nothing new, returned to the bedroom and thence, passing the policeman

standing guard at the door, went out of the house.

It was now past eleven o'clock, and I had eaten nothing that day. Still I was not hungry, but a feeling of faintness admonished me I must breakfast and at once, if only to fit myself for the difficulties of the case, for I had by this time determined to make it my special duty, if I could secure the consent of the District Attorney thereto.

After breakfasting at a neighboring restaurant, I took the "L" road to my office, studying on the way over the facts surrounding White's death as far as I knew them, but only two things seemed to promise any clue to the mystery,—the missing money and ulster.



CHAPTER IV

THE SUSPECT

On reaching the offices, I at once sought an interview with the District Attorney and found him expecting me. He had, of course, learned of the tragedy from police headquarters, and of my presence on the scene.

There was little I could tell him that he did not already know. The information he had received, however, was but a meagre statement of facts and supplied no clue to the criminal.

"I suppose," he said, "it will prove an ordinary case of burglary and incidental murder, and I have no doubt the police will soon run down their man."

With this expectation I could not so readily agree, and told him so. I explained to him that while the disappearance of the money I knew to have been on the table seemed to bear out his view, the absence of the ulster showed something in the case that would have to be explained.

"Well, Dallas," he said, "I confess I don't see why the ulster should not have been stolen as well as the money, and I doubt if we find the case in any way unusual, but perhaps you are right. Suppose you take charge of it for the office and follow it up!"

I could see he thought my connection with the matter, and friendship with White, was influencing my judgment, but as I was mainly anxious to obtain the commission he had voluntarily given me, I only replied that very likely it would prove so, and withdrew to my own office. Here leaving other matters neglected, I sat down, and thought the case over. Could it be that the District Attorney was right and that I was trying to make a mystery out of a commonplace crime; certainly his prompt suggestion that the ulster had also been stolen along with the money was entirely likely and yet I could not satisfy myself that it was correct.

As I look back now I realize that it was the intuition of youth rather than the keen reasoning of an experienced lawyer that directed my judgment at that stage. The facts as they were apparent at the time furnished no sufficient ground for my

conclusion and I was forced to admit to myself that I must reserve my judgment, at least from public expression, till I had more light on the case.

My interest and impatience, however, would not allow me to await in idleness the Coroner's hearing the next day, and I determined, therefore, to go at once to Inspector Dalton's office, and learn from that department all that was known. On entering the Inspector's office, I found him in consultation with Detective Miles.

I knew both men well, having worked with them before, and recognized in them conscientious officers of experience. The Inspector was a man of about sixty and somewhat pompous and dictatorial with the consciousness of power, which he owed, nevertheless, mainly to "political pull." Miles, on the contrary, was a much younger man, and had attained to his position through good work. He was naturally keen and reticent, and well fitted for his vocation, and he possessed besides a better education than the average man of his calling.

The Inspector, however, was little more than a machine, without much originality, and he worked on the lines dictated by experience and with the means and methods tried and available. In the latter respect our police and detective departments are well equipped; also, they are well disciplined, and systematized; but what both departments should have and rarely possess, are men of exceptional ability, training, and broad education at their heads to plan and direct the work of their subordinates.

The consultation in which they were engaged was interrupted upon my entrance and they waited for what I might have to say.

In response to my request for any additional information they might have, Miles reported fully on his investigations of the morning and there were some newly disclosed facts of which I had not before been aware.

I had been told, as I have said, that White had gone out after we had left him, but it now developed from the night-officer's story that White had left the house a little after one o'clock wearing the plaid ulster and cap and had gone rapidly west on the north side of the street. He had returned the salute of the officer who was on the opposite side of the street. What further direction White took the officer could not say, as he had not watched him. He did not see White return, but about half an hour later when he was again approaching the house on his rounds he had observed a man peering in at one of White's windows, where the shade was slightly up, who, on finding himself observed, had walked away. The officer's suspicions were aroused, however, and he had returned to the scene again in a

few minutes, and had then seen what appeared to be the same man come out of the vestibule of White's house and hurry west, turning up Sixth Avenue.

He had followed him to this point, though no further, but had gotten a fair view of him, and thought he could identify him by his clothing and walk.

"And how about the plaid ulster," I asked; "did the man have it or any large bundle with him that might contain it?"

"No," the Inspector answered, "he was dressed in a light overcoat and a brown derby hat, and carried no bundle of any kind."

"Then, where is the ulster," I repeated.

"I don't know," he replied, I thought, somewhat testily.

"We have got to find that coat, nevertheless," I persisted.

"We will find it, sir; I'll promise that," said Miles; "that is, if it has not been destroyed."

"Have you any idea," I asked, after a moment's reflection, "who was the man the night-officer saw?"

"Yes," said the Inspector, "we have an idea it may have been White's cousin, Winters."

"Henry Winters, do you mean?" I asked, startled.

"Yes," he said, "do you know him?"

I made no answer, but my thoughts went back to the old college days when Winters was a bright-faced, merry boy, and we had been chums and inseparable companions. Since then he had gone from bad to worse till he had become a social outcast, and we had drifted altogether apart, but even thus I could not believe of him this awful charge. There must, I felt, be some mistake somewhere, and I asked, doubtfully, why they thought it was Winters.

"Because," the Inspector replied, "the officer had seen him come out of White's house at night on other occasions and the man in this instance was of about his size and appearance."

I said no more, but thought it looked a little black for poor Winters, whom the police were evidently still hunting.

After I left them I walked slowly uptown, reflecting upon the situation in the light of the Inspector's view of the case.

I was not disposed to altogether condemn police methods, for they were generally successful, if illogical, but I saw that in this case they were pursuing their usual course of first determining who ought to be the criminal and then securing the evidence to convict him; instead of, as seemed to me proper, developing first the evidence and reserving conclusions till it discovered the offender.

I thought the police method unfortunate, to say the least, for with the best intentions the exercise of unprejudiced judgment and the fair use of evidence is made difficult where the case is "worked up" upon a preconceived theory that a particular individual has committed the crime. It is extraordinary how in many such cases evidence is secured, and in good faith, that seems to bear out their theory and many little things that in themselves have no importance, when presented in the light of the theory furnish circumstantial evidence in its support. These same little things are often hard to explain away too, because they had no purpose at the time and have no explanation; for each act of a man deliberately done and with a purpose, there are a hundred that have no conception, no purpose, and hardly consciousness.

Truly I saw a hard time ahead for poor Winters, who, without friends, money, or character, would have little chance against the machinery of the law; and with the warm impulse of youth I was inclined to become my old friend's champion while yet knowing almost nothing of the facts. I had condemned the police for premature judgment of the case and now, influenced by sympathy, I was near doing the same myself, unconscious of the inconsistency of my mental attitude. I would be more deliberate to-day; time has taught me the wisdom of going slow, but I hope it has yet to teach me indifference to the troubles of others.

I had walked some distance thus absorbed in thought when I was suddenly recalled to my surroundings by finding myself on Nineteenth Street opposite White's house—following unconsciously the bent of my thoughts, I had taken that route home. I was about to hurry on, having no desire to linger on the scene, when my attention was attracted to a man leaning dejectedly against the railing of the steps. On a closer look I recognized Winters and with a pang of regret saw that he wore a light coat and derby hat such as described by the night-officer.

After some hesitation, I crossed over and spoke to him. He stared at me for a

moment in a half-dazed way, and then recognized me indifferently. He looked wretched; his clothes were soiled and threadbare, his face haggard, and his eyes bloodshot with drink and lack of sleep; he seemed a being utterly hopeless and lost to manhood. Before I could collect myself to speak to him, he had relapsed again into his stupor and had apparently forgotten my presence.

Anxious, nevertheless, to learn something from him of himself, and to help him if possible, I asked him if he knew his cousin was dead. He nodded an assent without looking at me. I then told him that he had been murdered, to which he only answered:

"So they say."

"Have you been in to see him?" I continued.

He said, "No," and then added bitterly: "Why should I wish to see him? Have I not troubles enough of my own?"

I abandoned my efforts to talk with him, for it was evidently useless, and as there seemed nothing I could do for him, continued on my way.

As I reached the corner of Fifth Avenue, I recognized a detective standing idly by the curb. Already the shadow of trouble was over the wretched man. I could not help him now, however, it must be later, if at all, and I passed on.



CHAPTER V

THE INQUEST

The next day at the time appointed, three o'clock, I attended, as representative of the State, the Coroner's hearing. Since my interview with the Inspector, reported in the last chapter, I had seen no one likely to throw any light upon the case. I had also avoided any personal investigation as I did not wish to form conclusions, preferring to give an unprejudiced hearing to the evidence as it was offered from the lips of the witnesses on the stand.

When I entered upon the scene, the usual pomp and circumstance of such proceeding were present. Behind his desk sat the Coroner, serious and dignified, as became the presiding officer of the occasion.

Ranged to his right were the jurors as I had seen them at the house, no more intelligent in appearance now than then, but perhaps with even greater solemnity in their bearing and expression, as was demanded of them in this hour of public importance.

I crossed over to the table on the Coroner's left, reserved for the State officers, and took a seat there with the Inspector, Detective Miles, and several policemen.

A mass of people filled the farther end of the room; most of them spectators drawn to the scene by the morbid curiosity that always attends on such occasions. Conspicuous among them I recognized Littell, Davis, Benton, and others whom I knew to be present as witnesses. Van Bult was not there, however.

Davis looked pale, nervous, and miserable. Poor fellow, evidently this sort of thing did not agree with him. Benton was also nervous and excited, I could see. Littell looked somewhat bored and tired, but gave me a nod and came over to me, making his way into the forbidden precinct without interruption, as can only be done by men such as he, who by quick and mendacious assumption are in the habit of getting what is not by right theirs.

As he leaned over my chair, he whispered: "This is a miserable affair, Dick!" I was not inclined for conversation, however, as I wished to give my entire attention to the proceedings, so I only motioned him to a chair nearby.

Without unnecessary delay, the Coroner briefly stated the occasion of the hearing, and then gave the results of his observation and post-mortem. He did it with no more verbosity and display of unintelligible technical terminology than the ordinary medical expert indulges himself in on such occasions.

The jury and audience were able to glean from his testimony with reasonable certainty, nevertheless, that White had died from a stab—I believe he said "an incised wound"—made by a dagger or dirk or some similar slim, sharp instrument driven with great force into the back, just beneath the left shoulder blade, slightly downward in direction and penetrating the heart,—such a blow as might have been given by a man standing over him while he lay on his right side.

There was no other cause of death, for White was organically as sound as the average man. In reply to a few suggestions rather than questions from the Inspector, he added that, when he had first seen White about eight o'clock the preceding morning, he had probably been dead some hours, he could not say definitely; that he died suddenly, probably without much outcry or struggle; that he had not killed himself, because the wound could not have been self-inflicted. This much was reasonably clear from his testimony, and as he was not afforded by cross-examination an opportunity to explain or contradict himself, the jury was left with some information on the subject.

Dr. Lincoln, who succeeded him, told of his early call about seven o'clock by Benton; of his finding White dead, as described, on the divan, and his subsequent assistance at the post-mortem.

In a very few words he corroborated the Coroner's testimony in all important particulars and left no doubt in any one's mind that White had been murdered some time early in the night and with the stiletto, which was produced and identified by both him and the Coroner as the weapon they found in the wound.

The sheath was also produced and fitted to the weapon and its location over the divan described.

Benton was the next witness. He was laboring under considerable excitement, but gave his evidence clearly. He testified to leaving White the night of his death about quarter to one o'clock. That White had been drinking, and was in an ill humor, but not drunk. That he had thrown himself upon the divan almost immediately after we had left, and at the same time had ordered the witness to go home, which order he had obeyed without delaying to arrange anything. In the

morning he had returned at his customary hour, a little before seven o'clock, and had entered the room, the door of which, contrary to custom, he had found unlocked. That the room appeared just as he had left it and to his surprise he had seen White still upon the divan, apparently asleep. That he went over to arouse him and discovered he was dead and saw the dagger hilt protruding from his back. That he had rushed out into the hall and called for help, then into the street, leaving the door open behind him, to find a policeman. That he succeeded in doing so within the block, and returned with him to the house. When they got there they found the landlady and the housemaid standing in the hall looking into the room, but they had not apparently been in. That by direction of the officer he next went to the police station and reported the case, and then came to me. After which he sent a messenger for Mr. Littell and went himself for Mr. Van Bult, but the latter had left the city by an early train, at least so the servant said. That he had then returned to the house, where a large number of people were gathered. He knew nothing further about the matter.

The Inspector asked if there had been any money on the card table when he had left that night, to which he answered that there had been some large bills left by one of the gentlemen after the game, but that he did not see them there in the morning.

The plaid cap, which had been found back of the divan, was here produced and shown him and he was asked if he recognized it. He responded promptly that it was a cap which White was in the habit of wearing sometimes on rough nights and volunteered the statement that both it and a corresponding ulster had been lying on the chair near the window the night of the murder, but the latter was not there in the morning.

Benton was succeeded on the stand by Davis. The latter had little to tell, however. He briefly related in a weak voice about our doings there the previous evening, stating that he had left about the same time as Benton, leaving White stretched out on the divan, and had closed the door behind him. That he had gone up to his room and retired. In the morning about seven o'clock he was aroused by a commotion and the call of the housemaid and had dressed and gone down immediately to find White dead on the divan, as described. That a police officer was then in the room, and the landlady and housemaid were in the passage. That shortly afterwards others came, myself among the number.

He also testified that Van Bult had left four fifty-dollar bills on the table the night before and that they were there when he left, but that he did not see them in

the morning; so, also, he said the plaid cap and ulster had been on a chair near the window, but were missing in the morning.

He offered no further testimony and was permitted to leave the stand without questions.

Littell was then called and told briefly and clearly what had happened as I already knew it on the night of White's death. After reciting the events of the evening, he stated that he had walked to Madison Square with me and then continued uptown to his hotel. That on the following morning while dressing, he thought about eight o'clock, he received a note from Benton, which he produced, telling him of the murder, and that he had then gone at once to White's house and found things as they had been described. He corroborated Benton and Davis about the missing money and the cap and ulster. He also was not cross-examined.

Van Bult was then called, but did not answer, and the sheriff's deputy explained he was "non est." This, coupled with the statement of Benton that he had left the city early on the morning of the murder, created some stir among the audience, their first active demonstration of interest that I had observed, though they had given close attention to all the proceedings.

Next the day-officer on White's beat took the stand and told of his call by Benton, the visit to White's rooms, and his guard over them until others arrived on the scene and took charge. He confirmed the statements of the previous witnesses as to the conditions of the room and position of the body, but as he had not come on duty until six in the morning, he could give no information on the important matter of what happened earlier.

The Inspector here leaned over and asked me if I cared to testify, but as I could throw no additional light upon the subject and preferred on account of my official position not to take the stand, I declined. He then suggested that as he had no further important testimony ready to offer the hearing be adjourned to the second succeeding day.

I guessed that his purpose in omitting the testimony of the night-officer was to collect evidence against Winters before disclosing his case, but I felt it was only right he should do so and as I was anxious that more should be learned if possible of the whereabouts of the ulster, I agreed to the suggestion and the hearing was accordingly adjourned.

After requesting him to send Detective Miles to me the following morning to report, I gathered up the notes of the evidence which I had taken for later use, and in company with Littell and Davis took my way to the Crescent Club.

As we walked uptown Davis seemed too depressed for conversation, while Littell with his usual serenity contented himself with the remark that it was an unpleasant affair and he hoped it would soon be over.

I was not satisfied, however, to let the subject pass in so indifferent a way, for I wanted some expression from him on certain points in the case. I therefore asked him what he made of the disappearance of the ulster. He answered rather impatiently, I thought, that he made nothing of it, that he did not see how he could be expected to under the circumstances, as no one had furnished him any information on the subject.

At this Davis, who always had an ear for the ridiculous, laughed in a half-hearted way.

I felt a little annoyed, however, at his indifference, more especially as I was confident that his astute mind had not overlooked the incident or its importance, and I asked him rather sharply not to trifle with a serious subject, but to give me his real opinion, for I wanted it.

"Well, Dallas," he said, "if you must have it at this very undeveloped stage of the evidence, I think that when you find the ulster you will be on the track of the murderer," and after a moment's pause he continued: "The ulster was in the room when we left it and it was not there the following morning. Some one, therefore, was in the room in the meanwhile and removed it. Now, it is very unlikely that more than one man was there, and that man must have been the murderer as well as the thief." He reflected a moment, and then went on: "The ulster, nevertheless, was not taken for its value, for to have realized on it the thief must have contemplated selling it and no man in his right senses, who had been guilty of murder, would have jeopardized his neck by selling any article taken from the scene of the crime so conspicuous as that ulster. No," he resumed, after a moment's thought, "it was taken with some deeper design and is now either destroyed or safely hidden, or, more likely still, disposed of in some ingenious way that will only further baffle the authorities when found."

Thus far Littell's reasoning had been similar to my own, only, as I had to confess, clearer and more direct. I wished now to lead him a step further and confront him with the dilemma that had met me when I learned that White himself had

worn the coat out that night after we left him. So I told him that within less than half an hour after we parted with him White had left the house wearing the ulster.

"How do you know that?" he asked.

"Because," I answered, "the night-officer saw him."

"Well," Littell said, "that is a curious coincidence, I admit, but it does not interfere at all with our theory. If he did leave the house," he continued, reasoning apparently as much to himself as to me, "he certainly returned, because he was murdered there, and upon returning he removed the ulster and lay down again and the original conditions were restored. I do not see that it alters the situation, except that it drops the curtain a little later."

"Then," I said, "you adhere to the theory that the murderer took the ulster?"

"Yes, I see no other solution," he replied.

I reflected that if Littell's reasoning were correct, then Winters, or whomever the man may have been that the night-officer had seen coming out of the vestibule of White's house, had not been the murderer, and I determined to see what view Littell would take of it. I, therefore, related this incident to him and continued:

"This man, it is thought by the police, was concerned in the murder, but he did not have the ulster with him when he left the house."

Littell looked puzzled for a minute and then answered:

"I adhere to my opinion just the same; if that man did not have the ulster, he was not the murderer. His presence on the scene that night very likely had no connection with the crime."

"But," I insisted, "your reasoning is all premised upon the assumption that White must have worn the ulster when he returned, for otherwise there would be no necessity for accounting for its disappearance. Is it not possible on the contrary that he left it somewhere and returned without it?"

"No," he said, "not on such a wet night and in evening dress."

"I admit its improbability," I acknowledged, "but is it not possible, nevertheless?"

"Not sufficiently so to be taken into account," he replied. "Most things are possible, but if we stop to consider all the possibilities in a case, we will have no time for the real facts and will arrive nowhere and accomplish nothing. Take my word for it, Dick! the man who committed the murder took the ulster."

This was my opinion, too, and as we had reached the club no more was said.

On entering a servant told me that Mr. Van Bult was waiting for me in the library; so we went there and found Van Bult seated in front of the fire with an unopened paper in his hands gazing abstractedly before him. We greeted him and then for some moments were silent. There was so much to say and so little that seemed adequate. We four of all others were most allied by friendship and intimacy with poor White and by the incidents of that night with the tragedy of his death. All seemed too oppressed with the memories of our last gathering to break the silence and we stood waiting on one another for the first word. Several members of the club in the meantime came to the door and looked in, but seeing us four together turned back. At last Van Bult said:

"I suppose the papers have told me all you men know. I learned of it first in Buffalo, and returned as soon as I could. I am sorry I went away at all, but it was a matter of importance and I suppose I could have been of no use here." He paused a moment, but none of us said anything, and he went on: "So far as I can learn there is absolutely no clue to the mystery. I did not know that poor Arthur had an enemy in the world. Is there any evidence of a motive?" he concluded.

"None," Davis replied, "except that the money you left on the table was gone."

"That was a small sum to murder a man for," he replied; "and no one knew of its being there, either, but—" he hesitated, and then broke off: "Does suspicion attach to any one?"

I refrained from answering but Littell said, "No."

Noticing my silence, however, Van Bult turned to me and asked if the police knew more than the public.

"Yes," I told him, "they do; they think perhaps they have the right man."

"It is clever work if they have really found him so soon," he answered, "for it must have been a blind trail to pick up."

"Too clever by much," said Littell; "I don't believe it."

"Nor I," I joined in, but more to myself than the others.

Davis ventured no opinion. He only looked from one to another of us as we spoke. I doubt if the subject would have interested him at all except for our connection with it. After a while, in a pause in our talk he suggested something "to eat and drink and billiards or anything to cheer us up," as he said.

I don't think any of us were averse to a digression from the subject which hung over us like a pall and we took his advice and to all appearance, at least, the others put the subject away from them for the remainder of the night. It was never out of my thoughts, however; till the man who killed White was found and brought to justice I knew I could not rest, and I fancy Littell and Van Bult had some idea of what was in my mind, for they looked at me curiously now and then during the evening, and at parting Littell said:

"Cheer up, Dick, the world is full of the troubles of other people, and you will find your own enough to worry over."

Van Bult only told me to go to bed and sleep as he bade me good-night and went off with Davis, but I knew he also thought I was dwelling too much on the subject. I have no doubt they were right, but I could not help it and went to my room to pass a sleepless night.



CHAPTER VI

THE INQUEST CONCLUDED

Whatever my inclination may have been, I had no opportunity the next day to work on the case and scarcely any for thought of it. An important business matter took me out of town by an early train and kept me away over night so that I got back only in time to attend poor White's funeral the morning following, and then to hurry to the adjourned hearing before the Coroner.

In some respects I regretted my absence, as I might have become more familiar with the case in the interim had I been at hand, but I felt fresher for the change and diversion and ready and keen to make the most of every bit of evidence.

The crowd in the little court-room was greater and the interest seemed more intense than upon the first day.

The morning papers had hinted vaguely at newly discovered important evidence and a possible clue to the identity of the murderer and a glance at the face of Inspector Dalton confirmed them. It was confident, almost triumphant, in expression, and I had misgivings that it boded no good for Winters. Indeed, I looked over my shoulder to see if the police had a prisoner, but it was not so.

Standing a little aside from the crowd were my three friends talking quietly together and nearby Benton, as also two women closely veiled and several rather seedy looking men,—witnesses, undoubtedly.

When the jurors were all in their seats the Coroner requested Dalton to proceed with the evidence and Van Bult was called. He advanced promptly but without haste and, taking the oath, faced the jury. He was perfectly composed, and gave his testimony in a clear low voice without hurry and without hesitation. It differed very little from that of Davis and Littell and threw no new light on the case.

When he concluded he turned to the Inspector for further questions. Dalton asked him what were the denominations of the bills he had left on White's table and if he remembered where he had obtained them. He answered they were fifty-dollar bills and that they were new ones which he had obtained from the

American National Bank where he had drawn five hundred dollars in fifties.

On being asked if he had any of them with him, he took one from his pocket-book and handed it to me. The Inspector here turned to one of the policemen and despatched him on some errand. He then asked the witness where he had been at the time of the preceding hearing, and was answered that he had gone to Buffalo by an early train the morning of the murder and returned only the succeeding evening, too late to attend.

Dalton asked him if his trip had not been a sudden one, and what had taken him. He replied that his trip was not unexpected and that it had been on personal business. The Inspector seemed inclined to push his questions but changed his mind and allowed him to leave the stand. I felt relieved, for I had seen by Van Bult's expression that he was not disposed to submit to further questions concerning himself and I knew his temper would not brook insistence from the Inspector.

The night-officer, the substance of whose testimony had been told to me in the Inspector's office as I have related, then testified. He gave his account of the happenings of the night just as I had heard them and in answer to a few direct questions stated positively that it was not later than a quarter after one o'clock when White left the house that night wearing the cap and ulster, that he had seen him wear them more than once and knew them. That it was about a half-hour later when he had seen a man looking in White's window and some little time later, probably still before two o'clock, when the same man came out of the vestibule and hurried away, turning up Sixth Avenue. That he wore a light coat and brown derby hat and that he thought he could recognize him if he saw him again.

The witness impressed me as honest and painstaking in his work but not as especially clever. The effect of his evidence upon the jury and all present was plain. They had hung on his every word with breathless attention. To them it evidently seemed, as to the police, that they had fixed upon the criminal.

At my request the Inspector asked the officer if the man he had seen leaving the vestibule had White's ulster with him, and he answered positively that he had not.

My intention, of course, was to call to the notice of the jurors its unaccounted-for disappearance. I was not, however, encouraged to hope I had been successful, for from the indifferent expression with which the answer was received by most of

them at least, they apparently thought it gratuitous and I realized that it would require a lucid argument to awaken them to its importance.

As the officer left the stand, I wondered whom the next witness would be, and if I was ever to hear anything further of the ulster or if its disappearance was to remain unexplained, to be ignored! I remembered, however, Detective Miles's promise, "We will find it if it is not destroyed," and felt sure he would keep his word, and this expectation was promptly confirmed.

"Call Mrs. Bunce!" and one of the ladies I had previously observed came forward. She was past middle age and plain but respectable looking.

"Where do you live?" she was asked. She gave her residence—a house on Nineteenth Street, west of Sixth Avenue, on the north side and only a block west of White's house.

She kept a lodging-house, she said.

An officer, by order of Dalton, now unwrapped a large package and produced the ulster. Miles smiled at me and I nodded my approval. The witness was asked if she knew anything about it. She identified it immediately and explained that she had found it lying over a chair in her front hall when she came down early the morning of White's death. She did not know how it came there; it was not there when she retired about eleven o'clock. No inmate of the house owned such an article that she knew of. In fact no one lived in the house but herself and one other lady—and she looked toward her companion,—and a servant girl. The Inspector asked her nothing further, and Miss Stanton was then called.

When Mrs. Bunce left the stand, a slight, graceful woman came quickly forward and took her place and as she lifted her veil to take the oath, a very pretty face was disclosed. She was young, not much more than twenty, I should say, and had the dark hair and the blue eyes of the Irish type. The gray hat she wore with the big tilted brim had a jaunty look, while it cast a softening shadow over her face, and a close-fitting tailor gown of gray home-spun fitted well her trim figure. Altogether she was a very attractive-looking woman. When she spoke her voice was low and not unrefined, but there was a slight metallic tone to it and a lack of sensitive modulation that was a bit disappointing. Her eyes, too, when she looked at you, though undeniably handsome, were too direct and persistent in their glance to be altogether pleasing; there was also a little hard look about the mouth that should not have been there in a woman. I had never seen her before, but I knew of her quite well as the somewhat questionable friend of White's of

whom we had been talking on the night of his death, and I took perhaps a greater interest in her on that account than I might otherwise have done. I noticed, too, that Davis, Littell, and Van Bult were also observing her closely, the latter with his monocle critically adjusted. So far as I was aware, however, none of them knew her except by reputation.

I was amused to see the Inspector straighten up and unconsciously plume himself a little as he prepared to question her and his voice was gentler and his manner more deferential than it had been.

"This is Miss Stanton, I believe, Miss Belle Stanton?" and he smiled encouragingly.

"Yes, Inspector," she answered.

"We will not detain you any longer than necessary, Miss Stanton, and you must not be nervous," he continued, still with the same reassuring manner, and she smiled sweetly at him in return.

I felt myself getting out of temper. What business had Dalton indulging in gallantry and platitudes when engaged on an official investigation that involved life and death? I fear my manner or expression must have suggested my feelings, for he resumed his business-like tone and conducted his examination from then on more tersely, though he could not quite abandon a little gallantry of manner.

"I believe, Miss Stanton, that you reside with Mrs. Bunce?" The answer was in the affirmative.

"And have you any knowledge of the finding of that ulster?"

"I understand from Mrs. Bunce that it was found in her hallway, though I did not see it there till later in the morning, and I do not know how it came there," was the answer.

"Did you ever see it before or have you any knowledge of its owner?"

"Yes," she said, "I have seen it a number of times when worn by Mr. Arthur White."

"Then you knew Mr. White," Dalton asked.

"Yes, I have known him for about a year"; and the questions and answers continued in rapid succession:

"Was he a particular friend of yours?"

"He was."

"Was he in the habit of visiting you and sometimes in the evening, rather late, perhaps?"

"He was."

"As late as one o'clock?"

"Yes, sometimes, not often."

"Did Mr. White have a latch-key to the house?"

"He did."

"Had you seen him on the evening or night before the ulster was found?"

"I had not, nor for a couple of days."

"Have you any knowledge of Mr. White or of any one else having been at your house late that night or any knowledge of how the ulster came there?"

"I have not."

"It was through you, was it not, that its discovery was reported to the police?"

"It was; I heard of Mr. White's death, and considered it my duty to have so curious a coincidence reported."

"Thank you, Miss Stanton. I think that is all; we won't trouble you any longer," Dalton concluded.

The witness smiled her thanks brightly to her interrogator as she left the stand, but I thought she seemed troubled and somewhat sad too in spite of her apparent indifference. As she rejoined her companion she replaced her veil and, turning her back to the room, stood looking pensively out of the window.

The Inspector evidently considered that he had exhausted the witness, but I was far from satisfied and I meant sometime to see more of Miss Stanton; I felt that through her might yet be found a clue that would explain the presence of the ulster in that house.

Miss Stanton was succeeded on the stand by a flashy-looking man of the

gambler type who gave his name as James Smith, and his occupation as dealer at a faro lay-out on Sixth Avenue near Twenty-seventh Street.

He was asked if he had charge of the game on the previous Monday night and said he had. The Inspector then handed him a fifty-dollar bill and asked if he had seen it before and, if so, under what circumstances. Smith carefully examined the bill, reading off it the name of the bank—the American National—and the number. He then answered that he had given that same bill the previous night to the Inspector, who had come to his place to get it.

In answer to another question, he said that he had obtained the bill about two o'clock or a little later Tuesday morning from a man who had lost it at his game. He stated further that the man was unknown to him, but that he thought he could recognize him should he see him again. Then pointing to one of the witnesses, he said:

"That man was with him!"

All eyes were turned in the direction he indicated where a shabby, dissipated looking young fellow was standing by himself pulling at his mustache with an air of assumed bravado.

"That will do," said Dalton, and the witness stepped hurriedly down, looking relieved over his dismissal.

The bill the witness had identified, together with the one Van Bult had given me, were then compared by the officials and the jury, and they proved to be of the same bank issue and series. I saw the jurors looking with admiration at the Inspector, and I felt myself that much credit was due him.

The police work had been quickly and well done. Their case was indeed thoroughly "worked up," and I had to confess to myself, despite my disapproval of the method, that if they had not started with the assumption that Winters was the guilty man, they would not have found the money or secured any evidence to direct the verdict of the jury; but the question still remained, was its conclusion to be the true one? Time would tell.

Almost before the sensation created by the last evidence had subsided, Dalton called to the stand the man pointed out by the witness. He came forward slouching and ill at ease and the looks cast upon him from all sides were not reassuring. Having taken the oath, he stood sullenly awaiting the questions.

In answer to the usual question he gave his name as Lewis Roberts.

"You were in Smith's place Tuesday morning," the Inspector stated, rather than asked him.

"I was," he answered.

"You were with another man," he continued in the same peremptory tone.

"I was."

"Did you see him lose that fifty-dollar bill," pointing to the one Smith had identified.

"I saw him lose a fifty-dollar bill—I do not know that it was that one."

This was plainly a difficult witness. The Inspector leaned toward him, looking him straight in the eyes, and put his next question slowly and with emphasis on each word.

"Who was that man?"

Just as slowly and firmly came the answer, each word falling distinctly in the stillness.

"I do not know."

It was almost a sigh of relief that escaped from the audience, but Dalton continued:

"Then how did you meet him and when?"

"That night in a saloon on the corner of Sixth Avenue and Twenty-Fourth Street; we got to drinking together there."

"And where did he get this money?"

The witness seemed inclined to answer more freely now, and replied that it was suggested that they go and play the bank, but neither of them had any money, and then his companion said he knew where he thought he could get some and went off saying he would be back before long.

"What time was that?" the Inspector interrupted.

The witness thought "it was some time after one o'clock," and continuing said,

"the man was gone about half an hour and then returned with the fifty dollars and we went to Smith's place and lost it."

"And what did you do next?" he was asked.

"We had no more money and so we left. We parted outside and I did not see him again."

"And so," said the Inspector, "you don't know him? Do you think you would know him if you saw him again?"

"I do not know."

"That is all," said Dalton; "go back to your place. We may want you."

The tone implied a threat and the witness answered it with a defiant look. He had evidently been lying, but not to shield himself, I thought. I wondered who the next witness would be; there did not seem occasion for many more for already the police had pretty nearly put the noose around the neck of their man.

Turning, after a few minutes delay, to Dalton to see what might be the cause of it, I saw he was in earnest conversation with a sergeant. He was evidently receiving some important report, for he listened attentively and gave an order in response which despatched the officer rapidly from the room. Then giving his attention again to the proceedings, he called another witness.

It was the paying teller of the American National Bank. His evidence required but a few minutes. He stated he had paid Mr. Van Bult five hundred in "fifties" on the morning before White's death, and that they were new bills just received by the Bank from the Sub-Treasury. On being shown the bill produced by Van Bult and that recovered from the gambling house, he identified them as two of the bills thus received by the Bank, though he said he could not state positively they were the same drawn by Van Bult as a few others had also been paid out. However, it was hardly necessary that he should do so as every one was satisfied the bill obtained from the gambling house was one of those left by Van Bult on White's table.

It only remained now for the man who had lost it to explain how he came by it. Would the explanation be satisfactory? That was the one material point.

When the paying teller had concluded it was late in the afternoon. It was dark out-of-doors and the gas had been lighted within, but the crowd had not

diminished; on the contrary, it had been steadily augmented wherever a new spectator had found a chance to wedge his way into the throng. So intense was the interest that neither the Coroner nor a juror had suggested any recess. They sat scarcely moving in their seats, intent only on the words of each succeeding witness. All felt something final must come soon. The evidence was logical and dovetailed perfectly; it all pointed to one man. Who was he? The police must know, they could not have failed in this one vital particular after succeeding so fully in all others. I could read these thoughts in the faces of those about me, in their expectant attitudes; and I felt they were not to be disappointed. The police had done their work thoroughly and the Inspector had submitted its results with telling effect. If it were his purpose to work his evidence up to a climax he had succeeded and the moment had now come for the crowning of his success,—the identification of the man. After that there would be little left apparently for the lawyers of the State to do; but I felt there might be something for some one to undo.

There was a slight disturbance among the spectators at one side of the room near the door; "another spectator struggling for a nearer view," I thought to myself; and then amid an expectant hush the night-officer was recalled to the stand.

"Officer," said Dalton, "you said you thought you would recognize the man you saw that night if you should see him again; look about you now! Do you see him?"

The officer let his gaze pass over the jury and witnesses and slowly on to where the spectators were gathered at the farther end of the room,—men retreating before the searching glance as from the eye of fate,—and then he leaned forward and fixed his look on a man standing where the retreating crowd had left him almost alone:

"That is the man," he said.

I looked; it was Winters! He wore the light coat and was fingering nervously the brown derby hat which he held. His head was bent, but one could see that his face was very pale and his eyes dull and heavy from drinking. It was a pitiful sight, this helpless accused man, seemingly unconscious of his position, and I turned away; but the crowd stared as though fascinated even while they shrank from him.

The Inspector next recalled the witness Smith.

"Can you identify among the persons present the man who lost the fifty-dollar bill at your gambling table?" he asked.

Without hesitation he also pointed to Winters and said that he was the man.

There was a moment's delay, and I knew Dalton was hesitating to put his question of identification to the witness Roberts, for fear of damaging his case by a denial, but professional duty prevailed, and he called him up and asked him pointedly if that was not the man who was with him Tuesday morning and lost the fifty-dollar bill.

The witness at first seemed disposed to evade the question, but his courage failed him and in a low voice he admitted that it was. Then Dalton turned slowly and faced Winters and said:

"Henry Winters! You are under suspicion of having killed Arthur White. Have you anything to say?"

I looked at Winters again. He had not changed his position, but his glance was turned to Dalton with a look of dumb appeal and then it went wandering round the room as if he were struggling to understand it all, but he made no answer, and after a moment his eyes fell again and he relapsed into his former insensibility. At a signal, an officer who had been standing back of him advanced, and handcuffing him, led him without resistance from the room.

The crowd had been silent during this scene, but when he was gone there was that stir among them that is heard when people rouse themselves after an ordeal.

By an effort I recovered my self-possession in time to give appropriate attention to the closing proceedings. The Inspector was announcing in his former business-like tone, that the evidence was all in and the jury at liberty to find their verdict.

There was no doubt as to what it would be. They withdrew and were gone a few minutes for form's sake only and on returning the foreman announced the verdict:

"The jury find that Arthur White came to his death on the morning of January the —, 1883, in the city of New York, through a wound deliberately inflicted by Henry Winters."

That was all.

The jury was dismissed, the crowd dispersed, and the first stage of the case had closed.



CHAPTER VII

AN EVENING AT THE CLUB

Upon the conclusion of the hearing I left at once and, avoiding any chance of interruption, went directly to my rooms. Once there I pulled my chair up to the fire, lighted my pipe, and sat down to think it all over.

If I were going to work intelligently upon this case I must understand it, and if I meant to proceed upon the theory that the accused was innocent and try to establish that fact, I must have good reason for such course. Hasty conclusions would not do. They must be deliberate and be logically deduced from the evidence.

I realized that I was now in possession of sufficient facts to draw some conclusions if only, tentative ones, and I felt, indeed, that there was great doubt if any further light would be thrown upon the case before the trial, so that I might as well study the situation as it was.

The police believed they had established their case against Winters and all their future efforts would be directed against him. If, therefore, his conviction was to be avoided, it would most likely have to be through such analysis of facts arrayed against him as should demonstrate the possibility of another theory of murder and not by direct evidence of his innocence, for such would probably not be forthcoming.

Could I do this? Would an analysis of the facts and testimony afford the opportunity? I could but try.

My thoughts were in confusion, and I was unable for a time to direct them or to clearly define for contemplation the different elements in the case. After a while, however, as the personalities of the different witnesses faded from my mind and the vivid impression I had brought away from the scene of the court-room grew dim, I succeeded in concentrating my attention on the subject in the abstract. I now concluded to review the whole case and to determine upon what, if any, reasonable theories Winters could be innocent.

The strength of the case against him was plain. The Inspector's method of

procedure had been such as to present it strongly and allow of no part being overlooked; and I recognized also that the evidence had probably all been true and that any effort to reach a different conclusion would have to be premised upon an admission of his facts and be made consistent with them. I had set myself a hard task, but its very difficulties only incited me to greater effort.

While the evidence against Winters was very strong it was not conclusive. This much I felt, and I, therefore, meant to proceed upon the theory of his innocence.

The facts were that he had been at White's house that night and that he had possession of one of the bills Van Bult had left on the table, but it did not necessarily follow from them that he had killed White. He might have taken the money, while he slept, and without disturbing him. Such an hypothesis was consistent at the same time with the facts and with Winters's innocence.

Such being the case why should he not be innocent? These two facts, his presences at the house and possession of the bill, were in reality all that had actually been proved against him, although as the evidence had been presented at the hearing, it had seemed almost conclusive of his guilt.

Having reached this conclusion it still remained necessary, in order to make his innocence a reasonable hypothesis, to demonstrate in some way that some one else had probably been there that night also; and thus make possible another theory of the murder.

There was one fact in the case that I thought did suggest—sufficiently at least for argument—the presence of a second person on the scene.

Van Bult had left four fifty-dollar bills on the table, and of these only one had been traced to Winters, and the remaining three were missing and unaccounted for. If it could be demonstrated with reasonable certainty that Winters had not taken them, it must follow that some one else had done so, and the presence of this other party would thus be established.

Under these conditions, until such person could be found, and his innocence shown, the chances of Winters's guilt or innocence of the murder would be equally divided.

Of course I recognized the fact that Winters might have taken them all, but it seemed very unlikely. It was clear from the evidence that between the time the officer saw him leaving the vestibule and the time he rejoined his friend in the

saloon on Sixth Avenue but a very brief period could have elapsed, not enough under any ordinary circumstances to account for the disposal of a hundred and fifty dollars. There was no suggestion that he had spent any while with his friend before they visited the gambling house, and he had lost but one of the bills there. If, then, he had secured more than one of them, he must have kept the balance in his possession; but to admit this was to conclude that he had abandoned his gaming while he had plenty of money in his pocket, which was highly improbable in a man of Winters's habits and temperament; such was not the way with his kind. I concluded, therefore, that it was not unreasonable to assume that he had not taken all the bills and that some one else had probably been on the scene that night, in which case the police must either negative this assumption or find that other person, and establish his innocence, before they could with any certainty establish Winters's guilt. At least so I reasoned.

As I further reflected, however, there occurred to me another explanation of the disappearance of the money that did not involve the intervention of a third party. White had apparently gone out that night. Why should he not have disposed in some way of all but the one bill during his absence? It was possible, just as possible as any other hypothesis, and would undoubtedly suggest itself to the prosecution when the question arose. There would still, of course, remain some doubt as to the true explanation of their disappearance; and every doubt, no matter how small, was a cloud upon the State's case; but I felt it would be insufficient to weigh against the other evidence unless corroborated by additional facts. I was thus compelled to look further for the evidence I sought.

The only other tangible factor in the case that seemed to suggest in any way the presence of a third party was the ulster. My former theory that its absence from the scene—since it had not been taken by Winters—proved the presence of a third party, failed now since it had evidently been worn out by White himself, and apparently left by him at Belle Stanton's; but this last conclusion I was not yet quite prepared to admit. Of course, Belle Stanton's home was a place where White might well have left it, had it been likely that he would have left it anywhere; but I thought it highly improbable that any man would have walked back nearly two blocks on such a rainy night, and in evening dress, without an overcoat; that is, unless he was out of his mind, and White was certainly not that when I had parted from him less than an hour earlier. Furthermore, I reasoned, if he had done so his clothes must have shown the effect of exposure to the weather and as far as I recalled, they were immaculate when I saw him the following morning. On the whole I was not ready to admit that White had left the ulster

there. Assuming, therefore, that he had not done so, I turned my thoughts to the consideration of some other means by which it could have gotten there. It must have been taken out by some one with intimate knowledge of White's habits and private life, and also by some one having access to his several establishments, to at once secure the ulster and dispose of it in a place so suggestive of the action of White. The very conditions of the problem suggested the answer. I knew of but one man who possessed the knowledge and opportunities required. That man was Benton.

With the recognition of this fact came a very disagreeable sensation. I was anxious to establish Winters's innocence, but I recoiled from the thought of hunting down another man in his place, especially when I realized that while the conclusion of my reasoning might raise a doubt as to Winters's guilt, it was entirely insufficient to do more than cast an awful suspicion upon Benton.

I sat long in reflection over the situation. I was at first inclined to abandon the whole thing, but then I recognized the obligation to fulfil a duty I had undertaken, especially since it had disclosed a theory of the murder that might be the means of saving an innocent man's life. Could I, to spare the feelings or even to spare the reputation of another man who might be either innocent or guilty, leave Winters to the fate I felt must overtake him if I did not interfere?

My duty was plain; miserable as was the task, I must go on with it to a conclusion one way or the other, but I determined that so long as I could, I would pursue the investigation alone, and thus spare Benton trouble and mortification if it should develop that he was innocent. Time enough to submit it to the police when I had something more tangible to go upon than mere speculation based on the fitting of acts to opportunities. Furthermore, I knew the police would not be grateful to me for upsetting or even casting doubt upon their well-worked-up case, and would depart upon the investigation of a new clue with very little enthusiasm for the work.

At this point my reflections were interrupted by a servant who came to tell me that Benton would like to see me.

I almost jumped from my chair. What irony of fate had brought this man—the one I wished least of all to see—to me at this moment? I felt guilty at the mention of his name. How should I treat him? What should I say to him? At first I was inclined to refuse to see him, but then I reflected that it was as well to have an interview with him now as another time. I need ask him no direct questions,

do nothing to alarm him, but could listen to what he might have to say. The interview being unsolicited, on my part, he could have no idea of my suspicion and might therefore be led to talk freely. My determination thus taken, I told the servant, who had been patiently waiting on me, to bring Benton to my room. By the time he appeared I had composed myself and was prepared to take advantage of any opportunity that might offer to further my investigation.

On entering he was so eager to impart his news that barely waiting for me to signify my readiness to hear him, he began telling it in a hurried and nervous manner.

"I came, Mr. Dallas," he said, "because after I saw at the trial this afternoon that the police had caught Winters and that he was the man, I thought I ought to tell you at once what I know about it. I would have told it when I testified, but did not think of him at all then. Mr. Winters," he continued, "was always coming to Mr. White's rooms, at all times of the day and often late in the evening, too, and he always wanted money, and Mr. White always gave it to him; sometimes a good deal, and sometimes a little, just according to what he had with him; and he had generally been drinking, more or less, and sometimes he would beg and cry, and sometimes, when Mr. White didn't have as much money to give him as he wanted, he would get mad, and say it was all his money by right anyhow, and that Mr. White had as good as robbed him of it and such like; but Mr. White would never say much to him, but just give him the money and be kind to him, and tell him to come again when he needed more; and indeed it seemed to me he was always coming, sir, and it used to bother Mr. White, I am sure, for he seemed worried and out of sorts after Mr. Winters had been there." He paused for a moment and then went on. "That is all I wanted to say, but I thought I ought to tell you, sir. I tried to see you after the trial, but you got away too soon, and so I thought I would wait until you got through your dinner, and had time to see me. So I came around now."

He had rattled on till he was out of breath, and now stood in some embarrassment waiting for what I might have to say.

I sat looking at him. I was puzzled as to his character. Either the man was simple and straightforward in nature and worked up at the moment to a high pitch of nervous and pleasurable excitement over the murder, as is apt to be the case with his class; or else he was a worse man and a deeper one than I had conceived him to be.

"Sit down, Benton," I said at last, pointing to a chair opposite me; "what you have told me is of much importance, and I want to talk to you further about it."

"Yes, sir," he said, and sat down obediently. I felt I had a delicate task in hand. I must on no account alarm him or in any way arouse his suspicion, and yet the opportunity of questioning him was too good to lose.

"It is very important," I continued, "that I should learn all I can of Mr. White's habits. I knew him well, of course, but as his servant, you knew more about him than any one else. How long, now, had you lived with him?"

"More than a year," he answered.

"Did you know this Miss Stanton, who testified to-day?" I continued.

"Yes, sir, I did; he had been going with her ever since I knew him."

"Do you know whether he was in the habit of visiting her house often late in the evening?"

"I think so, sir, but I do not know just how often. I used to take notes for him to her house, and sometimes she would come to his rooms and take supper with him."

"Did she have any key to his rooms?" was my next question.

He said he did not think so, because she always rang for admission when he was there.

I inquired then if he knew of any one who had keys to White's room.

He said he did not think any one had except, probably, the landlady and himself.

"I think," I said, "you testified that you found the door unlatched when you went to the rooms the morning of Mr. White's death. How do you mean it was unlatched?"

"I mean," he answered, "that the catch was so fixed that it could be opened from the outside without a key. This was hardly ever the case that I remember, and never before over night."

I asked him how the catch was fixed when he left, and he answered that he could not say because the door was open, and Mr. Davis still in the room.

"And you did not go back that night?" I asked.

"No, sir," he answered promptly, "certainly not. You saw me going home yourself."

"So I did," I admitted; "and how about the front door when you left, was that unfastened, too?"

He said that he had closed the door after him when he went out, but did not know whether it was fixed to open from the outside or not as he had not tried it, but that it was fastened when he returned in the morning because he had to use his key to get in.

"Had Winters a key?" I asked.

"No," he admitted, "I am very sure he hadn't."

"Then in case the door was locked," I said, "how could he have gotten in?"

He looked puzzled for a moment, but brightened up, and suggested that Mr. White might have let him in, as he never refused him admission.

"But in that case," I suggested, "Mr. White would have been awake and he was apparently asleep when he was killed." He had nothing to say to this, except to suggest rather doubtfully that Mr. White might have laid down and gone to sleep again while Winters was there.

"Do you think that likely?" I inquired.

"No," he said, "I do not."

"Then," I continued, "why do you feel so sure that Winters killed him?"

After looking at me in a surprised way, he asked:

"If he didn't kill him, sir, who did?"

I admitted I did not know, but suggested that we ought not to be too hasty in our conclusions.

"Well, sir," he answered, "perhaps he didn't, but everybody thinks he did, and I think so too."

I felt that the examination was at an end, and that I had not made very much of

it. If Benton was guilty he had successfully avoided giving evidence of it, and if he was innocent, then his attitude was a pretty fair sample of the estimate the average man or juror would be apt to place upon my conjectures and theories.

"You may go," I told him; "I am much obliged to you for coming, and you must tell me anything more you may learn or that occurs to you about the case."

"I will, sir. Good-night, sir," he answered, and went out promptly and quietly, like the well-trained servant he had always been.

If it had not been for my horrible suspicions I should have liked to engage him myself. A man such as Benton is a great comfort to a bachelor—that is, under ordinary circumstances—but not when you think he may have murdered his last master.

When he was gone I looked at the clock, and saw it was after eleven. I had been in my room with my thoughts and with Benton for three hours, and I could not say that either companionship had been altogether pleasant. I determined to go downstairs now and see what was going on. It was the time of the evening when the club was likely to liven up with men returning from the theatre or other places of amusement for an hour of cards or gossip, and I hoped to find diversion in their society.

As I descended the stairs, Ned Davis was standing in the hall, and he immediately locked his arms in mine and began talking of the case.

"Extraordinary, isn't it," he said, "that Winters should have done it? Awful clever of the police, too, to ferret it out so soon, don't you think so?"

I was annoyed at this unhesitating assumption of Winters's guilt, and somewhat out of humor also, I have no doubt, and I asked him sharply:

"How do you know Winters did it?"

"Why, you haven't any doubt about it, have you?" he asked.

"Certainly," I said, "it isn't proven yet."

"Well, if it isn't proven, I never saw a case that was."

"Look here, fellows!" he called out to a lot of men who were seated nearby talking and who looked up inquiringly at his hail; "Dallas don't believe Winters did it."

I realized at once that a man holding my office could not afford to be quoted as an exponent of Winters's innocence, and therefore disclaimed any such expression of opinion.

"No," I said; "I merely decline to accept his guilt as a fact until he shall be convicted."

"That's all right, Dallas," one of them answered, "we all understand you mustn't express an opinion under the circumstances of course, but we all know what you really think, and we hope you will go in and convict the fellow quickly. Sit down and take a drink with us, we were just talking about the case."

I declined the invitation, pleading some excuse, and leaving Davis to accept it, walked on to the billiard-room, in the hope of escaping the subject in a game, but it was of no avail, for there, too, it held the floor.

As I entered the room I observed collected at one end a group, the personnel of which I at once recognized. It was made up of a class of men such as are to be found in every club, men to whose words attaches no responsibility and who are accustomed to express themselves on all subjects, particularly sensational ones, in exaggerated language. They are of the sort that become especially enthusiastic over a jockey, a prize-fighter, or a detective, and on any provocation will indulge in flights of hero-worship. In such a clique are always to be found certain leaders who assert themselves and their opinions in aggressive tones and to whom the others render admiring homage. It was so now; one of the Solons was on his feet engaged in an argumentative review of the evidence in the case to an admiring audience. The tables were deserted, except for an old gentleman, who always played his "evening game for a little exercise before bed," but who now stood disconsolately leaning on his cue while his partner hung absorbed over the group of listeners.

"Now see here, Dallas," said the speaker on observing me, "wasn't that about the finest worked-up case you ever saw? Here was an instance where the police had absolutely nothing to go on but some missing money and a glimpse at a man peering in at a window on a dark night, and yet within forty-eight hours they run down their man and have him safe in jail. There is no doubt of it, we have the finest police force in the world, and I always have said so. That man Dalton is a wonder."

"Yes," chimed in another before I had time to assent or dissent, "and what an eye he has; it pierces you like an eagle's when he looks at you. He understands his

business."

"Indeed he does," the first speaker continued, "and he leaves nothing undone. Did you read the testimony in the 'Extra' this evening? He has seized and exhausted each clue systematically. He hasn't left a loophole of escape for Winters." To which ultimatum, all assented heartily.

"So you think there is no doubt of his guilt?" a mild little man, anxious for a word, next ventured to ask in a deferential tone.

"Doubt of his guilt!" repeated the first speaker, in a tone of pitying indulgence; "why, man, the case is all over."

"Of course, the evidence proves that," the little man hastened to explain apologetically, "I only asked to get your opinion."

"That's all right," continued the speaker, mollified; "I am glad you asked. There can be but one opinion. Winters was a bad lot anyhow and bound to come to a bad ending."

"How soon do you suppose he will be tried?" he added, turning to me again.

I said I did not know, but I thought very soon. At which they all expressed satisfaction.

Then he began once more: "There is nothing like swift and sure justice," he announced, "and there now remains in the Winters case only the formality of a trial. The work of the Inspector has left nothing more to be found out."

He would apparently have gone on in this strain indefinitely, had he not been interrupted by Littell, who had come in unobserved, and now quietly asked the speaker's opinion as to what the Inspector might have done with the other three fifty-dollar bills that had been left in the room.

"And pray what has the Inspector to do with them?" was the rejoinder.

"I don't know, I'm sure," Littell answered, "but you said the Inspector had exhausted every clue and left nothing more to be found out and I thought perhaps that if the tracing of one bill was sufficient to convict a man, the whereabouts of the other three might be of importance, too. When found, you see," he continued, "they might convict three more men."

A dead silence followed this explanation, and I fear I rejoiced maliciously over

the evident discomfiture of the crowd while at the same time I was gratified by the apparent confirmation of my own views.

"Then you don't think Winters guilty?" some one timidly asked, after a while. I listened eagerly for the answer.

"I didn't say that," Littell replied, "I only wanted to find out if there might not possibly be something that the Inspector did not know."

He refused to be drawn into further discussion, rather suggesting by his manner that he did not think it worth while; and after an awkward pause, the party moved across the room to a more congenial atmosphere, whence in a few minutes I heard them with recovered assurance again telling one another all about it. Evidently side remarks were not in order, particularly if they savored of incredulity.

After they had gone I took the opportunity to ask Littell if he thought the missing bills a serious defect in the case.

"I think it is important that they should be found, if possible," he said, "though I doubt if it would alter much the present status of the case. I only suggested their absence to these men, to show them how little they really knew about it, and that the police are not infallible."

I turned away disappointed: even Littell did not consider the missing bills of much real importance. Their absence might do to juggle with as a lesson to superficial talkers, but from a practical standpoint, it was immaterial.



CHAPTER VIII

THE PROSECUTION AND THE PRISONER

The next day was Sunday, and I passed it in restless impatience over the enforced idleness, occupying myself as far as I could with the newspaper reports of the Coroner's hearing.

I found much to read, but little to please me in them. With few exceptions they accepted the police version of the case, treating Winters almost as a convicted criminal and praising unstintedly, in some cases fulsomely, the work of the Inspector's department.

It was only necessary to scan their columns to learn that:

Winters bore a bad reputation, and had long been known to the police; that:

It was one of the most brutal murders in the annals of crime; that:

"The assassin coolly scanned his sleeping prey"—with an illustration of Winters peering in the window at White asleep on the divan; that:

"The foul deed was perpetrated while the unconscious victim slept"—with illustration; that:

"The prisoner stood mute under the fearful accusation"—with illustration; that:

It would be the first execution by the new sheriff, etc.

The maxim of the law—"that each man shall be deemed innocent till proved guilty"—was entirely disregarded by these tribunes of the people. Like bloodhounds on the trail, they gave tongue to notes that incited all men to the chase, including those who were to sit as judges without prejudice on the life of the quarry: they assumed Winters guilty till proved innocent and the possibility of such a contingency they did not even suggest.

I finally pushed the papers away from me in angry protest and spent the remainder of the day in vain effort to forget the subject.

Early Monday morning I hurried to the office eager to resume my work on the

case.

I found awaiting me there a member of a law firm who gave me the not very welcome news that White had made me the sole executor of his will, a copy of which he handed me. I made an appointment with him to submit it for probate, and he left me to its perusal.

A few minutes sufficed for this, as it was simple and brief. After the usual clause, providing for payment of his debts, etc., he left all the rest of his property unconditionally to his cousin, Henry Winters, and then followed the unusual explanation that he did so, "as a late and imperfect reparation of a wrong."

In reflecting over this statement, I recalled that it had occurred to me on several occasions when White seemed worried and anxious to make a confidant of me that he was possibly remorseful over the injustice he fancied had been done Winters by the unequal division of his father's property, but for such striking evidence of the feeling as this expression evinced, I was not prepared.

This phase of the matter was of short interest to me, however, when I considered how seriously the words might affect Winters's chances of acquittal. In an apparent confession by the victim of a wrong done to the accused was furnished the strong motive of revenge, and if knowledge of the contents of the will could be brought home to him, the additional incentive, to the crime, of a much larger gain than a few hundred dollars.

Little had poor Arthur thought when he made that will, honestly trying, I was sure, to repair what he felt to be an injustice, that its consequences might prove so fatal to the man he meant to help. I put the paper away with a sigh: it was no time for unavailing regrets, if Winters was innocent and was to be saved, action was needed.

I received a summons at this moment from the District Attorney and went to his office in response. I found closeted with him Inspector Dalton and Detective Miles. A consultation over the case, which had now become of chief concern to the office, was in progress.

"Dallas," the District Attorney said to me, "I have just been congratulating the Inspector upon the excellent work of his department in the White murder case. I have read the report of the evidence before the Coroner's jury and find it very complete and strong. The Inspector tells me," he continued, "that the case is practically ready for trial, as seems true, and he urges prompt procedure. I have,

therefore, ordered the case sent to the Grand Jury to-morrow, and we must then bring it to trial without unnecessary delay. In cases as serious as this one," he concluded, "the public as well as the reputation of this office demand quick justice and I mean to make an example of it."

"Winters," I suggested, "should be allowed a reasonable time in which to engage counsel and make preparation for his defence."

"Preparation for his defence," he answered, "can only mean the manufacturing of one, for he is evidently guilty: and while of course he must have time to secure a lawyer, it is not worth while to afford him time to work up an alibi or other plausible lie. A fortnight, I think, will be more than enough for all his purposes and I will arrange for such date with the court."

It was on the tip of my tongue to tell him I was not entirely satisfied of Winters's guilt and would not be until at least all the missing money should be accounted for, but I remembered the deprecating indulgence with which he had received a similar suggestion about the ulster and refrained from commenting on it to him, I did, however, ask the Inspector how he accounted for the three missing bills.

He looked surprised at the question and a little taken aback, I thought, but replied confidently that White had most probably put them in the pocket of his ulster and left them with it at Belle Stanton's house.

"But," I said, "I did not understand from the testimony that they had been found there."

"No," he answered, "the housekeeper denied any knowledge of them when questioned on the subject, but that is hardly surprising and I think they will yet be traced to some inmate of that house."

"Well," said the District Attorney, "that seems reasonable enough, and I have no doubt will prove the case: and now, Dallas, if you will take hold of the case in conjunction with the police department and prepare it for trial, I will look after its early assignment and be ready to conduct the prosecution. You will of course assist me in it."

I said, "Of course," nothing else occurring to me at the moment, but I had grave misgivings regarding the duty.

I then suggested that I see Winters and warn him to be prepared. This was agreed upon, and the Inspector, Miles, and myself departed together, leaving the District

Attorney to give his time to some one of a hundred other important matters that demanded his attention.

The Inspector parted from us outside; Miles, at my request, accompanying me on my visit to Winters at the Tombs.

I wanted Miles with me, because I wished to consult him about some features of the case that I considered important, and which were not yet clear to me, and I meant to discuss them with him as we proceeded. I had been impressed not only with the natural cleverness of this man, but also with his disposition to be fair, and I felt sure that if he had observed the details that I had overlooked, no matter what their bearing might be on the case, he would give me truthful and unreserved answers.

I had the incident of the ulster in mind and thought if it should appear, as I expected, that White had worn it home that night when he returned after going out as the officer testified that I would then have gone a long way toward creating a doubt of Winters's guilt. So much indeed seemed to depend upon the answers to my questions that I put them with some trepidation as to the results.

After consideration I concluded it was best to let the detective see what was my purpose, so I opened the conversation by calling his attention to the fact that in the event that White, by any chance and contrary to the accepted opinion, had worn the ulster upon his return to the house, then some one else than he must have taken it to Belle Stanton's. I saw at once that Miles had grasped the full purport of the suggestion, and that it was unnecessary to enlarge upon it, so I continued:

"It was raining and if White returned without any outer covering it should have been evident from the condition of his clothes. How about them?" I was watching the detective while I talked and saw that he was giving me close attention and had anticipated my question.

After a moment's thought, he said: "What you have been saying, Mr. Dallas, had occurred to me too and I did observe his clothes as I always do in such cases, and they showed no signs of exposure to the weather. In fact, I did not believe he had been out that night without some protection. Knowing, therefore, that though he had worn the ulster when he went out, he had apparently not worn it when he returned, I examined his umbrella, which stood near the door. This though unwrapped, suggesting recent use, was dry, but as it probably would have dried in the meanwhile in any case, I could draw no conclusions from the fact."

I interrupted him here to ask if White had had the umbrella with him when the night-officer saw him, and he said the officer reported that he had been in the act of raising an umbrella as he passed him.

After a pause, he continued: "I did not stop, however, with the examination of his clothing and umbrella, but looked at the light patent-leather shoes he had on. They were new and the soles not even soiled. They had not, I am sure, been worn on wet streets. Next I looked for and found his overshoes nearby the umbrella: they had evidently been worn in rough weather and had not since been cleaned, but they too were dry and so did not prove anything."

"But," I asked, "what bearing could that have on the question any way? He had certainly been out that night, for the officer saw him."

"Yes, the officer thought he saw him," he replied, "but officers are sometimes mistaken."

I saw his drift and also his oversight, as I thought.

"I am afraid you are off the track a bit, Miles," I said, "when you try to reason that the officer was mistaken and that White was not out that night. We have both for a moment overlooked a factor in the case that proves the contrary. Admitting," I continued, "that the officer might possibly have been mistaken as to the identity of the man he saw leave the house, he was not mistaken about the ulster for it was taken by some one to Belle Stanton's, but whoever wore the ulster also wore the cap that matched it for the officer saw that too, and as the cap was back in the room in the morning, the wearer of it must have returned."

Miles nodded his assent. "Such being the case," I concluded, "the wearer must have been White, because no one else, certainly not the murderer, would have returned to the scene."

"That is true," Miles admitted; "I had forgotten about the cap."

"That being so then," I said, "I also maintain that he wore not only the cap, but the ulster when he returned, and that the ulster must therefore have been taken to Belle Stanton's by some one else, and at a later hour."

The detective shook his head. "I hardly think you have satisfactorily established the last proposition," he said, "for he might have returned with the cap though without the ulster."

"Well, we will see who is right," I answered, for I was not willing to abandon my theory.

Nothing more was said, and during the remainder of our journey I was absorbed in the intricacies of the case, and I think Miles was similarly engaged, for he seemed in a deep study. I was glad to think it so, for I wanted to thoroughly engage his interest, as I had determined to make him an ally. I felt that I could not handle the matter alone, for while I was willing and able, as I thought, to reason out all the abstractions involved, I must have expert assistance in the detective work to furnish me the material of facts with which to really accomplish anything.

I had no hesitation in using Miles in this way, for while I realized that its end was to establish, if possible, the innocence of the accused, which was contrary to the usual attitude of a prosecuting officer, I, nevertheless, felt at that time and feel now that it is not the single duty of the prosecution to convict, but also, and even more importantly, its duty to see that each accused have every opportunity to prove his innocence and that there be no conviction if there be reasonable doubt of guilt. Sentiment has no place with the prosecution: charity should be dealt out with a sparing and discriminating hand, but justice should always be guarded, and above and before all, no innocent man should be convicted.

Upon arriving at the Tombs we were promptly admitted, and saw the superintendent, who at my request directed that Winters be brought from his cell to the private office for our interview with him.

While we waited, I confess to a feeling of some doubt and apprehension as to the result of the interview. I was inclined to think the man innocent, I hoped he was so, and the confirmation or disappointment of my hopes depended to a great extent upon his own statement of the case. Could he and would he explain the circumstances of his part in that night's tragedy consistently with his innocence, or would he establish his guilt by some palpable fabrication, or it might even be by a confession! I felt anything was possible.

We were kept waiting only a short while before one of the guards conducted Winters into our presence.

He showed the severe strain of his recent dissipation, and forty-eight hours of confinement: but he was sober and in the full possession of his senses, as his look of intelligent recognition when he saw me proved. His physically exhausted condition I did not altogether regret, for I felt it made it next to impossible for

him to manufacture any plausible story in his defence or to successfully evade direct questions. I shook hands with him and introduced Miles in his proper capacity, and then, as he had dropped wearily into a chair, suspended my questions, intending to give him a moment to recover his strength. He anticipated me, however, by asking abruptly if I believed he had killed Arthur.

I made no direct answer, but replied evasively that I had come to see him to hear what he might have to say on the subject in case he felt disposed to talk.

He rested his head in his hands for a few minutes, apparently reflecting, and then said:

"I did not realize my position or understand the evidence against me until I read of it all in the papers." Then raising his head and looking at me, he continued in a despondent tone:

"I did not kill Arthur and I know nothing about his death, but everything those witnesses testified to concerning me was true just the same. I did go to his house that night, and I went there to try and get money from him. I had been drinking as usual and had no money, and I wanted it to drink and gamble with. Arthur had given me money before, when I asked him for it," he continued, "and I knew if I could find him, he would again. So I went to his house and seeing a light in his room, looked in the window to find out whether he was there and alone or not. I saw him asleep on the sofa—or perhaps he was dead then, I do not know." He stopped a moment to recover his breath, and then went on. "I was about to ring the bell when I saw a policeman observing me, and as it was late I thought I had better wait until he was gone and so went away. After awhile I returned again and started to enter the house when I saw something lying on the flagging in the vestibule. I picked it up, and finding it was a fifty-dollar bill, put it in my pocket and hurried back to the saloon where I had left my friend.

"The rest you know," he continued; "we went to Smith's gambling house, and there I lost the money, and then I went to my room and went to sleep. The next afternoon I read of the murder in the papers and went to Arthur's house, meaning to go in and see him, but I was so ill and nervous that I had not the courage to do it, and after staying around the place for awhile, where you saw me, I returned to my room."

He relapsed into silence and I thought he had finished what he had to say, but he had evidently only been trying to collect his thoughts, for he continued: "I cannot remember very well what I did from then until I was arrested and taken to

the station house. I was too ill at the time to think much about it, and I had no idea that there was any belief that I had killed Arthur until the Inspector accused me of it, and I hardly realized it then." He stopped but neither Miles nor I said anything, wishing him to volunteer all he had to tell, and seeing our expectation he added: "That is all I know about it."

After he had finished he sat looking at me inquiringly, almost pleadingly, but I was silent, for I did not know what to say to him. I believed his story: it was simple and straightforward and told without hesitation, but I saw it afforded no satisfactory defence and when told at the trial under the strain and excitement of the ordeal, and apparently with the guidance and coaching of counsel at his elbow, would lose in great part its only strength—the stamp of unpremeditated truth.

What was I to say to this man who was pleading to me with his eyes for encouragement, for hope? I could give him none. Everything he had said but confirmed the testimony against him. His statement that he had found the money would seem puerile to a jury already convinced of his guilt, and what else but denial of the crime would they expect from the accused?

In my dilemma I looked to Miles in the hope of help, but his gaze was turned to the open window in seeming abstraction.

At last, unable to longer bear the strain of his pathetic silence, I yielded to the promptings of my feelings and putting my hand on his shoulder told him that I believed what he said and would help him if I could. The light of hope came into his face at once, and clasping my hand with both of his, he thanked me.

I had not the heart to discourage him at that moment in his new-found hope, though I felt there was little foundation for it, and so, to avoid further questions, asked him if he could suggest any lawyer whom he would like to engage to defend him. He thought a moment but shook his head.

"No," he said sadly, "I have neither friends nor money. How can I get a lawyer?"

"You have money," I told him, "though I don't know how much; for Arthur White has left you his sole heir."

"Arthur has left me his heir!" he repeated after me in a vague way and without any sign of emotion.

"Yes," I said, "and as I am the executor of his will, I will see that a good lawyer

is retained for you."

He made no answer, and I added: "If you need anything, let me know and I will attend to it for you."

"I shall not need anything," he replied, "but won't you come and see me sometimes?—I am lonely."

I promised to do so, and feeling that nothing more could be done for him then, closed the melancholy interview by recalling the warden for his prisoner.

I shook hands with him upon leaving, and as I reached the door was glad to see Miles, as he followed me, do the same. Winters kept his eyes fastened on me alone, however, and they had in them a child's look of trust and dependence. Truly I had assumed a sad and heavy burden.

As the great doors and gates closed in turn behind us with a thud and thang and we stood in the bright sunshine once more and amid the busy throng of the streets, I drew a long breath of relief, but my heart ached for the lonely man behind those prison walls.

Neither Miles nor myself had much to say for awhile as we took our way back toward our own section, but finally I broke the silence by asking him how he was impressed with Winters's statement. He replied:

"It won't acquit him unsupported, but I think he told the truth."

"What are we to do about his case then," I asked. "Certainly you do not intend to continue your search for evidence against him?"

"No," he answered, "it is not necessary that I should do that. I will do what I can to get more information about the case generally, which, if he is innocent, can only help him."

"Then," I said, "I may depend upon your help in my work." He promised it, and I asked him to find out for me first, if possible, what had become of the missing bills.

He smiled a little before he answered. "I am afraid I can find them all too easily for your purposes"; and then added, "come with me now if you have the time and I will show you how we sometimes accomplish our ends by playing a bluff game."

"Where are you going," I asked. He replied, "To Belle Stanton's for the missing bills," and hailing an uptown car, boarded it, I getting on after him.

Indeed, I thought, if this man's expectations prove true and he traces the money to that house, our first service will have proved of a kind Winters could better have dispensed with. Perhaps we would be unsuccessful, though, and then on the other hand we would have accomplished something worth while.

When we reached our destination, Miles rang the bell and the door was opened by the landlady herself. She evidently recognized us and looked none too agreeably surprised, but asked us into the big bare parlor, quite politely.

I took a seat, but the detective, declining her invitation, turned to her very quickly, and said:

"Mrs. Bunce, we find there were three fifty-dollar bills in the pocket of Mr. White's ulster when it was left here the night of his death and we need them, so I came around to ask you to get them for us."

"Do you mean to say," she answered in an indignant tone, "that you think I took them?"

"No," he said, "I know of course that you did not, but they were taken, or possibly lost, out of the pocket somewhere in this house, and I want to find them."

"They were neither lost nor taken in this house," she answered shortly, and my hopes rose as I began to feel more confident that Miles was mistaken. The detective, however, showed no signs of discouragement, but continued in the same urbane tone:

"You think they were not, madam, I am sure; but we know they were. You have a maid-servant here," he went on; "please send for her."

"What for?" Mrs. Bunce asked with some symptoms of alarm, I thought. "Do you wish to question her?"

"No," Miles answered. "She took the bills and I must arrest her."

Mrs. Bunce hesitated for awhile and seemed uncertain of her course, but at last said:

"I don't want anybody arrested in my house—it will hurt its reputation, you

know—and if you will wait I will see her about it myself."

"Very well, we will wait, but you must tell her to give up the bills, as otherwise we must arrest her. This is a very serious matter. You can say to her," he continued, "that if we get the bills there will be no more trouble about it."

The woman left us and was gone for about five minutes, during which Miles said to me that she would bring back the money with her. I was not so sure of it and said nothing, but when she returned she handed him three fifty-dollar bills, saying:

"You were right, she did have the money, the hussy; and here it is."

"Thank you," said Miles; "were they found in the pocket of the ulster, do you know?"

"Yes, the outside pocket," she answered.

Miles looked at her severely.

"Mrs. Bunce," he said, "if I were you I would admit I found the bills myself, otherwise it may be awkward for you when we have to put you and your servant on the stand to prove where they were found. This gentleman and myself will not say anything about this conversation and there will be no trouble if you simply tell the truth about it."

The woman broke down finally and began whining something about a poor woman not being allowed to keep what she found in her own house and what belonged to her by right, but Miles did not wait to listen but left the house, I following him.

Once alone with him again I could not restrain the expression of my disappointment.

"That was a very clever piece of work, indeed," I said, "but unfortunately does the case of Winters harm instead of good."

"How?" he asked.

"Why, the missing bills having now been accounted for," I answered, "there is nothing to show that any one else was on the scene that night or to furnish a motive for the crime, and so there remains no one but Winters to whom suspicion can attach."

"You don't look at it properly," he answered; "the most important thing incidental to the discovery of the money is the fact that its effect will be to substantiate Winters's statement."

I looked at him inquiringly, and seeing I did not comprehend, he explained.

"White evidently took all the money with him, carelessly stuffed in the outside pocket of his ulster, when he went out that night and he might easily have dropped one of the bills in the vestibule: such being the case, Winters's statement that he found it there becomes not only reasonable, but probable."

I saw the force of this at once, and was rejoiced at it: but at the same time I was more perplexed than ever by the situation it disclosed.

"If White," I asked, expressing my doubts to Miles, "took all the money out with him that night, as you say, what motive remains to explain the murder?"

"We have got to find a new motive," he answered, "and when we do find it, I am much mistaken if it does not disclose a deeper planned scheme and a cleverer hand than we have anticipated."

My interest was keenly aroused and I was ready at once to enter into the new aspect of the case, but Miles would not have it so.

"Wait till to-morrow, Mr. Dallas," he said; "you are tired, and had better seek some amusement this evening," and bidding me good-bye, he left me.

I recognized the virtue of his advice and acted on it, for after all enough had been done for one day.



CHAPTER IX

A CLUE AND A CONFERENCE

A week had elapsed since the happening of the events related in the last chapter, and I sat with Littell and Van Bult in one of the private rooms of a quiet downtown restaurant, where we had been lunching together by my invitation.

For some time past I had seen little or nothing of these two friends. Van Bult had been off again somewhere, and I had been too busy to look up Littell, for my whole time and attention had been given to investigation of the White case: but now being at the end of my resources I had summoned them to this gathering that I might advise with them.

I must advise with somebody, and it seemed to me that these two were the most available. They were necessarily interested in the case and more or less familiar with the facts, and besides they were both cleverer than the average of men, while one of them at least was an experienced and astute lawyer.

I felt, therefore, or perhaps only hoped, that where Miles and myself had come to a halt in our work from sheer inability to make further progress, these two, building on what we had done, and fresh and new to the subject, might supplement our efforts and carry them on to some definite result.

During the preceding week, the detective and myself had not been idle nor had we worked altogether to no purpose, for we had secured one bit of additional evidence that seemed to open a new field for investigation, and it was this new matter with the other occurrences that led up to it that I was now submitting to my friends.

The day after our interview with Mrs. Bunce, which resulted in the finding of the missing money, Miles and I had resumed our work upon the case, but from a new standpoint. After a consultation we had concluded, as he had suggested, that we must look for the motive of the crime in some object less commonplace than theft.

To assume that White had been murdered for the money and that it had been abandoned almost immediately afterwards and without any apparent occasion,

was too unlikely to be tenable. To find another motive for the crime, however, seemed next to impossible. If the object of the murderer was not theft, then he must have had a personal interest to subserve in the removal of White: but such an assumption involved the recognition of some grave secret in the life of White and anything of that kind was inconsistent with the life and habits of the man. I had known him long and intimately, and knew no one whom I thought in character less devious or secretive. His life had been that of any other idle man of means about town. It had not even had a serious side to it that I had ever observed, and I could not conceive of his having had an enemy who could cherish animosity, much less a design upon his life.

Under these circumstances, as may be understood, it was with faint hope that I undertook the new line of work; but there was no alternative, for, as Miles had said, if I was right in my belief in Winters's innocence, there must have existed some mystery in White's life to explain his death, and if we were to save Winters, we must discover it.

Yielding to the force of this argument, therefore, I had sought another interview with Benton and probed him upon every subject that could throw any light upon White's private life or associations: but further than some additional details of the intimacy with Belle Stanton, I learned, as I had anticipated, nothing of any importance. If White had either enemies or secrets Benton either had no knowledge of them or was unwilling to disclose it.

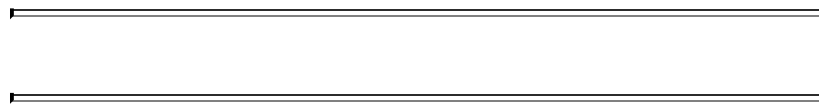
In the meanwhile the detective had sought Belle Stanton and interrogated her to the same end, but with no better success. She talked very freely on the subject and apparently told all she knew, but this was little or nothing of importance. She admitted, however that for some time past, White had seemed worried and nervous, which condition had been steadily getting worse. He had also, she said, complained of not sleeping and being worried about some person or something, but he had never mentioned in her hearing any name.

Failing thus with both Benton and Miss Stanton, the only two persons who seemed likely to know anything of White's private life, we next had recourse to inanimate sources. By the detective's advice, we determined to make an exhaustive search of his rooms. The authorities had, of course, already done this, but it was just possible something had been overlooked.

In pursuance of this plan we had visited the premises, and thoroughly examined everything. I had even gone through the pockets of his clothes while Miles had

ransacked every drawer, vase, and other receptacle that by any chance might contain anything. It had all, nevertheless, proved in vain, and we were about abandoning the work, when Miles picked up a piece of paper, a corner of which had been barely visible, protruding from under the writing desk. He glanced at it, at first indifferently, then with a closer interest, and at last took it to the window and scrutinized it under the light, while I, too impatient to wait on him, studied it at the same time over his shoulder.

That which he had found was a torn bit of a letter without either address or signature, but the latter was unnecessary as I recognized the handwriting of White. The paper was about the following shape, and contained these broken words and sentences:



We turned the sheet over, but the reverse side was blank: evidently the letter had been concluded on another page, if it were ever concluded, and all else was missing.

We renewed our search, peering into every nook and corner of the room and moving the furniture, but there was nothing more. Probably the other pieces had been thrown into the waste-paper basket which stood beside the desk, and this scrap, by a lucky chance, had escaped its destination.

We sent for the landlady and interrogated her as to the disposition made of the sweepings of the room. She in turn sought the hired girl, who remembered "fixing up the room" and emptying the basket the morning before White's death, but she had put the sweepings in the ash-can and they had long since been removed in the usual way.

We deemed it of the greatest importance that we find the other pieces of the letter if possible, and to that end Miles had sought out the ash-man for the district, and had the dump where he unloaded his cart thoroughly searched for them, but in vain. The rest of the letter was hopelessly lost.

In it we both believed was contained a clue to the mystery we were trying so hard to unravel, but we were compelled to accept the inevitable in this instance and make the most of what we had secured. It was a good deal, too, though very

incomplete. It might not trace the crime to any particular individual, but at least it showed a secret in the life of the murdered man that affected him deeply and in which another had an intimate share, and it showed, further, that all was not in accord between the two. There had evidently been a bitter contest going on, for how long or what about was not disclosed, but it had existed and should be explained.

I had tried to complete the lines that were mutilated, but some of them were so incomplete and susceptible of so many different interpretations that the results were not sufficiently reliable to be useful or safe to work upon. I did, however, satisfy myself that the substance of the first seven lines had been something like the following (the words in parentheses are supplied):

"longer, my conscience will not"
(let) "me rest—I must, I will"
(do) (so-) "mething about it in"
(spite of) or (stead of) or
(place of) "you;—If you will"
(oppose) or (thwart) or
(not help) "me, then I will"
(ask some one) or (appeal to some one)
or (confide in some one) or
(tell some one) "else—We"
(have been together in) "all this"

Further than this it was useless to try to fill in the broken sentences.

This much was all we had accomplished and the situation was critical. With the day set for the trial less than a week distant, I had not only failed to find definite evidence that could direct attention to any one else than the prisoner, but so far had even failed to secure the services of a lawyer to defend him. There were plenty to be had among those who made a specialty of criminal practice, but I did not consider such qualified for the service: the best of them were so well known in that capacity that their methods and arguments were received with incredulity by the average juror: while of those who were engaged in civil practice, I found none of such parts as I sought inclined to take the case.

Whoever defended Winters would have an uphill fight to make. The prosecution would be supported by the press and by public sentiment and the jurors would probably take their seats in the box with every disposition to deal fairly by the

prisoner, but with an underlying conviction that he was guilty and the trial but a legal formality.

To successfully combat such odds, to even command a serious hearing, would require not only a lawyer of ability and standing, but a man possessed of the quality of personal magnetism: for it is this that is most potent in saving desperate cases. To find that man, however, seemed next to hopeless.

Such, then, was the status of things at the hour of which I write, when having submitted the facts and the difficulties, together with my theories of the case, to my companions, I sat waiting expectantly for some expression from them on the subject: but there ensued only discouraging silence. Littell sat tipped back in his chair, smiling a little to himself and reflectively watching the smoke curl slowly up from the cigar held daintily between his fingers: while Van Bult, leaning forward, contemplated the tips of his shoes, elevated apparently for the purpose, and whistled a plaintive tune.

My position was not an agreeable one. I felt my friends were trying to determine in their own minds just how best to deal with a man whom they considered suffering from temporary mental aberration, and as I waited for the decision, the silence seemed to grow thick around that melancholy ditty of Van Bult's. At last, unable longer to stand it, I said with sharp interrogation: "Well!"

It had the desired effect, and relieved the situation, at least for me. Van Bult ceased whistling and Littell put his cigar back in his mouth and both looked at me.

"I really don't see, Dallas," Van Bult said at length, "why you are bothering yourself about this man's fate. It cannot differ so much from many other cases you have come in contact with."

"It does, though," I answered, "because Winters and I are old friends, were college boys together, because by White's will I am left in charge of all the means he has, and above all, because I don't believe him guilty."

"Those are good reasons," he replied, in a more serious tone, "particularly the last one, and if I can help you, I will do so."

Then he turned to Littell and asked him if he also thought Winters was innocent.

"I am inclined to think so," Littell answered thoughtfully.

My pulse jumped with delight, but again subsided at Van Bult's discouraging response.

"Well, I confess," he said, "I cannot quite take that view of it: it seems to me that Dallas has been creating doubts out of his own inner consciousness, but I am willing to assume he is correct for the sake of his case, as he has given it more consideration than I have: and now what is to be done?"

"There is unfortunately little time for anything at this late hour," I replied, "except to try and find the right lawyer, and put him in possession of what facts and materials we have for the defence. We can hardly expect," I continued, "to secure any important additional testimony within the few days that remain to us before the trial."

Van Bult studied over my words and then, looking from Littell to me, said:

"You say you have tried and failed to secure such a lawyer as you deem necessary: one with reputation, ability, and personal magnetism, I think you said."

"Yes," I acquiesced, "that is what is needed."

"If that is all," he then continued, with an amused twinkle in his eye, "it seems to me we have not far to go for our man!" and he put his hand significantly on Littell's shoulder. "Here he is," he said, "ready made to hand. A lawyer possessing all your requirements, and with faith in the innocence of the client besides!"

I accepted the suggestion with joy, and was only surprised that it had not occurred to me, but Littell was evidently taken aback and none too well pleased.

"No, no! Van, it cannot be," he said, "it is impossible," and he got up and walked to the window and stood looking out with his back to us.

"You know, Dick," he continued, "that I have not practised in ten years, and I am getting old and rusty, and unfit for such a great responsibility: you are the proper man, not I, and you had better resign from the District Attorney's office and take the case yourself."

"I cannot," I answered. "Such a proceeding would be unprecedented, and besides I am too deeply interested in the case to handle it as dispassionately as is necessary."

Van Bult, who had been listening to our colloquy with evident amusement, here interrupted:

"If I were a lawyer, I would take it myself," he said; "but as I am not, it remains for one of you to do so, and as you cannot agree about it, I am going to cast the deciding vote. Will you both consent to abide by my decision?"

There was no other alternative that I could perceive, and much as I feared his choice might fall upon me, I said I would do so.

"And you, Littell," he asked. The latter hesitated and resumed his seat before he answered, but finally assented. Then said Van Bult: "I choose Littell."

I gave a sigh of relief. Winters's case was at last entrusted to good hands and the wisdom of my judgment in confiding in my friends was confirmed, but when my first selfish feeling of satisfaction had passed, I realized we were asking a great deal of Littell. He was no longer a young man and, as I knew, all his tastes and feelings must revolt against the nature of the task we had put upon him, and I looked over with some sense of regret for my action, but he sat there serenely smoking his cigar, and sipping his brandy as though nothing unusual had occurred. With his never-failing philosophy he had already resigned himself to the inevitable and whatever misgivings he may have had, they were evidently not going to affect his course from then on.

I felt like a man from whom a great load had been lifted. Not only had I found some one to share the burden I had been staggering under for two weeks and which was daily growing heavier, but it was that one in whom before all others I placed the greatest confidence.

It was Littell who recalled me from my abstraction to the consideration of the serious business we had in hand. Looking at his watch, he said:

"It is four o'clock and I am ready to begin my work. You, Van!" he continued, "cannot be of any assistance just now, but Dick can take me to my client, for I want to talk with him and hear his story."

"Do you wish to go now?" I asked.

"There is no time to be lost and as you know I have no other serious duties to occupy me," he answered.

Van Bult gazed at him with evident appreciation of the sacrifice he was making.

"It is good of you, Littell," he said, "and I fancy the world will think none the less of you for the sacrifice you are making for a poor fellow who is nothing to you."

Littell shook his head impatiently; he was never a man who liked compliments.

"I have undertaken it, and that is all there is to it," he said.

"Well," Van Bult replied, "we won't say anything more about it, but before I leave you, let me offer a suggestion that does not seem to have occurred to Dallas with all his theorizing."

"What is that?" I asked.

"Only that it seems to me if you be right in your opinion that Winters is not guilty, and the criminal some person who was involved in trouble with White or bore ill-will to him, that in such case the most likely person from whom to seek information should be Belle Stanton."

He paused, but seeing that we were expectantly waiting for him to go on, continued:

"She must know what person, if any, was likely to have left the ulster at her house, that is if she did not do so herself. She probably had a key to White's room. If he had a secret she more likely than any one else shared it with him; and if his affections for her were waning or straying, she could well have felt both the spirit of hate and revenge. 'Hell knows no fury like a woman scorned,'" he finished, impressively.

"All you say is true," I answered, "and most of the arguments you have advanced occurred to me, and for that reason, as I have told you, I had Miles interrogate her closely, and you know the result; he believes she knows nothing of the murder."

"I believe she does, nevertheless," he replied.

"You are wrong, Van," Littell put in, "for, even admitting the force of your arguments, the woman must have been mad to have taken the ulster home with her after the deed; she would sooner have dropped it on the street than have left such tell-tale evidence on her own premises."

Van Bult shrugged his shoulders as he replied:

"You men overreach yourselves with your refinements of reasoning, and attribute to criminals red-handed from crime the same cleverness that you display yourselves when calmly analyzing their acts. A woman who has just committed a murder is apt to lose her mental balance and to do many irresponsible things. I do not mean to say, however," he continued, "that she is guilty, for it still looks to me as though Winters were, but if you and Dallas are right in your belief in his innocence, then you will find that it is through that woman you must trace the criminal. If White did not leave the ulster at her house, she did or knows who did!" and giving us no time to argue further with him, he left us.

Littell and myself, without continuing the discussion, then took our way to the Tombs to see Winters. It was not a pleasant visit to make and I would willingly have escaped it, but I had to comply with Littell's wish.

When we reached the building and had been admitted, I introduced my companion to the warden, explaining that he was to defend Winters. The warden looked him over with interest, saying as he shook hands:

"Not an easy job of yours, I fear, sir"; and then addressing me: "You will not find the prisoner looking any better since your last visit."

"Is he any worse than he was?" I inquired; "for I had expected to find him improved by his rest and confinement."

"Yes," he replied; "he is in a bad way, I fear."

When Winters made his appearance, I appreciated the meaning of the warden's statements. He had grown pale and thinner since his confinement and seemed weaker. Of course the immediate effects of dissipation had disappeared, but behind them they had left the evidence of a man really ill. He recognized me with evident pleasure, but showed little interest in Littell even after I had explained the occasion of his visit.

"It is no use," he said, "I can see by the papers that everybody thinks I am guilty."

"But I don't!" said Littell promptly. "I feel sure you are not guilty and that is why I am going to defend you."

The strong confident tones of Littell acted like a tonic on the man. He braced up and seemed to shake off much of his despondency.

"And you have read all about it too?" he asked.

"Yes," Littell said, "and I am here now to hear the truth about it from you, so tell me everything."

Winters then repeated carefully his whole story as he had told it to me. It differed in no particular from the previous recital, and satisfied me more than ever of his innocence.

Littell listened closely and when he had finished asked him, in a conversational way, many questions about details; questions that seemed natural and innocent in themselves, and which were promptly and freely answered, but questions that, I felt, would have confounded and tripped up a guilty man or an untruthful one.

When the interview was concluded and we were on our way uptown, Littell said to me:

"That man is starving for hope and sympathy, for freedom and sunlight. He is innocent, too, Dick! and we must save him."

I concurred heartily in his opinion; "And what further can I do to help you?" I asked.

"Nothing more just now, I think," he answered. "There is too little time left for you to take up any new lines of investigation. We will devote ourselves to thoroughly digesting and mastering the facts we have so that we may make the most of them at the trial."

I assented, and with my arm locked in his we walked the rest of our way engaged in earnest discussion of the defence.



CHAPTER X

THE TRIAL

It was the morning of the day of the trial and I sat at my desk getting through some routine duties in an entirely perfunctory way prior to attending the opening of the court.

It had been determined that I was not to participate in the conduct of the case in any way: indeed, there was little alternative left the District Attorney in the matter after I had explained to him the course I had been pursuing and my views on the subject.

He had not appeared much surprised by my disclosures and was probably not unprepared for them, but he questioned me as to my opinions and I thought seemed not unimpressed. In any event he acquiesced in my request to be excused from participation and even added the assurance that Winters should have every opportunity of defence.

At this moment, however, I did not feel confident. Look at the facts as I would, they presented very little to encourage. Nothing had changed since Littell and I had paid our visit to the Tombs. Nothing new had been discovered: indeed we had made little attempt in that direction, recognizing the almost certain futility of any effort in the limited time available, and in the meanwhile public opinion and the expression of the press had been crystallizing into an abiding conviction of the prisoner's guilt.

I could not criticise the sentiment, for I recognized the strength of the State's case: and when I reviewed it, as I had done over and over again, it seemed all but conclusive even to me. The defence had absolutely nothing to present against an array of hard facts, but some ill-supported theories.

It was a quarter to ten o'clock, and I put away the work I had been affecting to attend to, and took my way to the court-house.

Only my official position gained me admission to the scene, and as it was, an officer had to make a passage for me through the crowd that had collected in and about the building.

The Judge had not yet taken his place upon the bench, but the lawyers, clerks, bailiffs, and reporters were in their accustomed places within the rail which held back from the sacred precinct a throng of spectators so dense that it could not make room for one more.

If one had been disposed for it, a lesson in the nether nature of man might have been studied in the faces of those pressing eagerly about the railing, alert with morbid curiosity.

In the crowd were both men and women and others little more than children: many who had themselves figured in the prisoner's dock in that same courtroom: many more who would be there, and all, or nearly all, of that waste class that make the criminals and the crimes of a great community.

Littell sat at the table of the defence quietly observing the scene about him, very likely engaged with thoughts such as had suggested themselves to me: but his face wore a more serious expression than was habitual to it, and there was a look of self-reliance and determination in the brave eyes and about the firm mouth that inspired me again with some confidence.

Winters had an able jurist and a dominating personality to guide his fortunes and I felt there was a chance for him even against the odds.

At the table of the prosecution sat the District Attorney and the junior he had selected to assist him in my stead. They were good lawyers, and would handle their case well I knew, but the work they were to engage in was an old story to them,—a matter of almost daily routine,—and they would therefore lack the concentrated interest and the nervous force that attend upon the defence.

There also, seated within the rail among the witnesses, were Van Bult, Davis, Belle Stanton, Mrs. Bunce, Miles, and Benton, and all the others that had already figured in the case.

I felt a strong inclination to take my seat beside Littell, for that was where my sympathies led me, but with only a glance in his direction, I took the chair a bailiff pushed up for me to the table of the prosecution.

Then a door opened and closed at one side of the room, and the crier in a brisk tone ordered "Hats off!"

A moment later, as the Judge took his seat on the bench, the same voice intoned: "Oyez! Oyez! The court is now in session!" and then the bustle of business took

possession of the scene.

The Judge adjusted his collar and tried the points of some new pens; the lawyers sent the bailiffs hurrying for "authorities"; the clerks rustled the pages of their dockets, and the reporters sprawled over their table and scribbled copy.

Next a whispered conversation took place between the District Attorney and the Judge, and a moment later, by the order of the clerk, the prisoner was brought out.

All faces were turned in his direction: the crowd of spectators swaying as each one struggled for a passing glance.

I looked at Winters as he was led in between two wardens. Fear was depicted in his face, and he shrank from the hostile and angry looks that met him on all sides as with lowered head and eyes he made his way to a place by his counsel.

It was hard to conceive how the appearance of that broken man could fail to excite pity and there must have been some among the crowd who pitied him, even though they condemned: but the majority saw only a murderer and hated him.

It was the manifestation of that unreasoning brute instinct to torture and kill dominant in the lower order of men, and which when encouraged by numbers and incited by the chance of a helpless victim, finds its active expression in a lynching.

When Winters had taken his place, the clerk read the indictment on arraignment and then put the usual question: "Are you guilty or not guilty?" to which the answer, in a low voice, was, "Not guilty!"

Next followed the selection of a jury. This task proved less difficult than usual in such cases, mainly because Littell showed no disposition to captious challenges, seeming only desirous of securing the services of intelligent men.

In a little more than two hours therefore, the twelve men were in their places and had been sworn, and as I looked over the jury, I felt that Littell had obtained his object, for its personnel was above the average.

The opening address of the junior for the State, which followed after a recess, was a clear and a concise statement of the facts, free from argument and dispassionate as it should be.

Upon its conclusion the State proceeded to offer its testimony. Witness after witness was called in rapid succession. First the technical requirements of the case were established: the death of the deceased, the character of the wound, the nature of the instrument used, and then other similar formal details; and thus in categorical questions and answers that were uninteresting, but essential, the first day's proceedings drew to a close.

During each examination Littell had been an attentive listener, but had portrayed no special concern and had rarely interrupted. He was too good a lawyer to lessen his prestige with the jury by indulging in aimless cross-questions of witnesses who had simply told the truth about undisputed facts. When he did cross-examine at all in such cases it was but briefly and with no attempt to break down the witness, but rather to develop more fully the facts and possibilities of the case, and the result of his questions in each instance had been to throw additional light upon the subject and to help the jury to its better understanding.

After adjournment I stood with others an interested observer of a short conversation the lawyer was holding with his client. Whatever the substance of it might have been, it was such as to bring a smile to the face of the prisoner as he turned away with his guards to go back to his prison.

Littell looked after him thoughtfully for a moment before he gathered together his papers and himself prepared to leave. As he did so I joined him, anticipating that we should have an evening in each other's society; but it was not to be, for I found him in a mood stern and taciturn and disinclined to talk about the case, and so after several ineffectual attempts at conversation I left him.

My evening—spent alone therefore—was a dull one and the night long, and I was glad to find myself again at the trial table on the following morning. Here, all about me, the surroundings were unchanged in any way and it was hard to realize that there had been an interval of emptiness and silence within those walls.

As soon as court opened the State called Benton to the stand, and then the real battle of the trial began. He presented a different subject for the handling of the defence, for he not only testified to important matters, but he was the first witness to show any bias, and Littell gave more marked attention to his testimony. Under lengthy examination the witness told his story to the smallest particular, including the tales he had brought to me about the visits of the defendant to White's house, his demands upon him for money, and his assertions

of his right to the money left by his father, and he also threw out some hints of threats and quarrels—all tending as much by insinuation as fact to cast suspicion upon the prisoner.

After the State had extracted all it could from him, he was turned over to Littell, and then the wisdom of that lawyer's previous course was demonstrated, for when, instead of waiving the witness from the stand or asking a few indifferent questions as he had done on other occasions, he turned and faced him preparatory to full cross-examination, both Judge and jury showed a newly awakened interest.

Littell allowed a few minutes to elapse while he scrutinized the witness, before he put his first question, and it was apparent to me that the delay was trying to Benton, who was already in a nervous state, for he moved restlessly and directed his gaze anxiously to the lawyer.

At length Littell began his cross-examination, and after taking him categorically over each item in his testimony, pinning him definitely in each instance as to time and place and separating fact from conjecture, he asked him pointedly if he had told the Coroner's jury as he had this one that Winters was in the habit of visiting White; or that he demanded money of him, or that he claimed White's money to have been by right his.

The witness admitted that he had not told them any of these things.

"Why did you not?" Littell continued.

Benton seemed embarrassed, but at length said he supposed he had not done so because he did not think of them at the time.

Littell waited patiently till the answer was forthcoming, and then continued:

"Now tell the jury was not the real reason you did not tell these things at that time because it had not then occurred to you that suspicion would attach to Winters?"

"Yes," he admitted, after some hesitation, "I expect that was the reason."

"And," continued Littell, "when you found later that suspicion had attached to Winters, and that he was arrested for the murder, did you not then tell these things because you thought they would strengthen the case against him?"

"Yes," he replied, "I think they are evidence against him."

"And why should you wish to give evidence against him? Do you think him guilty?" was the next question.

This was a little further than Benton was willing to go, and he answered that he did not know.

"Well," said Littell; "let us see if we cannot find out what you really do know about it; you probably have more knowledge of the conditions surrounding the case than has any one else."

And then, by further interrogation, he elicited the fact that the front door of the house was fastened and required a latch-key to open it when Benton arrived the morning of the murder, and also that while he had frequently admitted Winters to the house, he had never known him to possess a key to the premises.

"And how, then, do you think he got in on this night?" Littell continued.

Benton probably recalled his unsuccessful attempt to explain this problem to me on another occasion, for he made no effort to do so now, merely acknowledging lamely that he did not understand how he had obtained admission.

"And yet," continued Littell, "you have said everything you could to the jury to make it appear that Winters was White's murderer."

Benton did not attempt to answer this charge and seemed anxious to evade further questions, but Littell showed no disposition to let him off, but leaving his seat took his stand at Benton's elbow and continued his questions at close range, emphasizing each one:

"As a matter of fact, don't you know, or at least are you not satisfied, that Winters had no key to White's house?" he asked.

Accustomed to render obedience to Littell, and by this time thoroughly cowed, Benton was no longer capable of resistance, and assented obediently to the question.

"And do you not know also," Littell continued, "that whoever secured access to White's room that night and killed him, had, in all probability, a key to the house?" and again Benton assented.

"Then it hardly seems likely that Winters was that man, does it?" he concluded,

—and the witness had nothing to answer.

Littell next questioned him about White's habits and his relations with other men, and extracted the admission that for some time before his death White had seemed worried and had talked vaguely about some trouble and some person.

"Do you know what that trouble was?" he was asked.

"I do not," he answered.

Littell hesitated as if doubtful of the expediency of pressing his questions further on this line, till the Judge, observing it, himself asked the witness if he knew who the person was; but the witness replied that he did not, adding, however, as an afterthought, that it might have been Winters. At this Littell took a vigorous hand again.

"Do you believe it was Winters?" he asked sharply.

"I don't know," he was answered evasively.

"But was not Mr. White always very candid in speaking to you about Winters?" Littell insisted.

"Yes," he replied; "he was."

"Then if it had been Winters, do you not think he would have spoken of him by name?" and Littell's tone was almost angry.

"Yes," Benton answered reluctantly.

"Then you do not believe it was Winters?" Littell concluded.

"No, I do not," he admitted finally.

Next Littell secured from Miles the torn piece of a letter we had found in White's sitting-room, and with the consent of the State submitted it to the witness and had him read its broken sentences to the jury, and after he had done so, asked him if he had any idea to what it referred or for whom it was intended, but the witness denied any knowledge on the subject.

The defence having concluded, the prosecution endeavored upon re-direct examination to restore the force of the direct testimony, but without much success; the damage was done, and the witness was no longer capable of assisting in its repair.

Littell had scored, and that on the first occasion on which he had taken any serious part in the proceedings, and it must be, I thought, that the jury would now await his words with even increased interest. He continued sparing of them, however, permitting witness after witness—Van Bult and Davis among them—to leave the stand without cross-examination or with only a few casual questions.

Nothing new was developed until Belle Stanton was cross-examined. Her direct testimony had been a mere repetition of that which she had given before the Coroner's jury, but Littell,—regardless of the strict limitations of cross-examination—directed his questions to the matter of White's supposed trouble, of which it seemed possible she might have some knowledge, and his course was justified by the results.

She corroborated Benton's testimony as to White's disturbed mental condition and went so far as to testify that he cherished some bitter feeling towards some one. She said that this much she had learned from his own lips and was sure of, and also that his feeling in the matter was becoming daily more acute, but she denied having any knowledge of its cause, or of the identity of the person. She, too, when shown the letter, was unable to say for whom it was intended, but she expressed the opinion that its contents were suggestive of some of the things White had said when talking of his trouble. Nothing more definite than this could be obtained from her, as she disclaimed recollection of any exact words used by him, and said it was all only an impression she had gathered almost unconsciously from disconnected remarks which he had dropped at different times. "He had been drinking a good deal before his death," she added in explanation, "and was not always quite himself"; and Littell, having attained his object of enforcing upon the attention of the jury these apparent secrets in White's life, did not pursue the cross-examination further.

I had looked for him to question her regarding the presence of the ulster at her house but he did not do so, and I concluded he was satisfied that it would be to no purpose.

I was amused when Mrs. Bunce testified by the promptness with which she acted upon the advice given her by Miles; in her anxiety to do so even volunteering the information that she had found three fifty-dollar bills in the pocket of the ulster; otherwise her testimony did not differ from that formerly given. Littell, however, insisted upon knowing in what condition she found the money, upon which she said that it was carelessly stuffed in an outside pocket, and agreed to his further

suggestion that part of it might readily have fallen out.

Of the night-officer, when he had given his damaging testimony against the prisoner, Littell asked first if Winters had the ulster, or any bundle that could have contained it, when he saw him come out of the vestibule; to which the witness gave a positive negative.

He then cross-examined him as to the reliability of his identification of the man he saw clad in the ulster as Arthur White.

In reply to successive questions, it developed that the officer's observation of the man had been made from the opposite side of a dimly lighted street upon a dark night; that he wore the collar of the coat turned up and the vizer of the cap pulled down, that he was in the act of raising an umbrella, and that he walked rapidly, showing no signs of intoxication.

The witness insisted, however, in spite of these facts and with every sign of sincerity, that he was confident of his identification, and it seemed very uncertain if much doubt as to it had been created with the jury.

Detective Miles was the last witness to be called by the State. He was allowed to give his testimony in his own way, which he did conscientiously and in detail, neither omitting or coloring anything that could have bearing upon the case.

He identified the torn letter which had been shown to Benton and Miss Stanton and told of its discovery in White's rooms. It being admitted that it was in the handwriting of White, it was put formally in evidence at the request of the defence, and was then submitted to the jurors among whom it was passed from hand to hand with evident interest.

Littell, upon cross-examination, brought out the fact that the apparel, including the shoes, worn by White on the night of his death showed no evidence of exposure to the weather, and following it up by adroitly put questions as to the condition of his overshoes and umbrella, suggested the improbability of his having been out that night, and prepared the way for his theory that it had been some one else whom the officer had seen clad in the cap and ulster.

Littell knew that he had a favorably disposed witness in Miles and made the most of the opportunity, but there was so little that the detective knew of his own knowledge that it was not of great advantage.

Upon the conclusion of his evidence, the prosecution closed its testimony, and it

being then late in the afternoon, the Judge, after consultation with the lawyers, adjourned court till the following day.

After the adjournment I had opportunity to hear expressions of opinion from various members of the bar who had been spectators at the trial and who like myself lingered on the scene for awhile, and I found that while they all agreed that the prosecution had made out its case, there still existed a strong feeling of curiosity regarding the line of defence to be pursued.

It was plain an alibi was out of the question, for while Winters's identification by the night-officer was not fully positive, the subsequent possession by him, on the night of the murder, of one of the missing bills confirmed its correctness beyond any possibility of reasonable dispute.

It was the unanimous opinion, however, that some plausible explanation of his possession of that bill must be forthcoming if the defence entertained any hope of an acquittal, and there were many conjectures as to what the explanation was to be. I could not but be entertained, in spite of my perturbed state of mind, by the unconscious assumption on the part of all who joined in the discussion that the explanation when it should be forthcoming, would evidence in its ingenuity the cleverness of the defence.

So confident was the general opinion of the prisoner's guilt, that it was not even suggested there might be a true explanation available, nor did it seem to occur to any one of them that Littell, with the high professional reputation he possessed, might be unwilling to endorse by his advocacy any other sort. Having accepted the case, they assumed apparently that he would make the most of it, whatever its character or merit might be.

This mental attitude of prejudice was calculated to work injustice to the defence, because, as I knew, Littell believed in the innocence of his client, and his evidence and his arguments would be conscientiously presented and would represent his convictions and should therefore be received with some measure of credence and respect. To anticipate in them but subterfuge and chicanery was eminently unfair and I felt disposed to take issue then and there with my brother lawyers; but when I reflected that after all it would be the jurors who would decide the case and not those about me I restrained my impulse and went my way in silence.

CHAPTER XI

THE TRIAL CONCLUDED

When I took my seat again the next day and looked about me upon a scene now become familiar, I entertained little hope of the result of the day's proceedings. I knew better than others how meagre was the evidence of the defence and I could not see how the unsupported testimony of the prisoner, even if he were physically capable of giving it coherently, could have much weight; and yet I knew that that was all Littell had to offer. But even I, as I was yet to learn, failed to appreciate the splendid abilities and resources of that man.

When court was opened there was a longer delay than usual over that period of busy idleness that usually precedes the moment of getting down to work, and during this time it was plain from the remarks audible on all sides that every one was awaiting with expectancy the opening statement of Littell, for in it was looked for a key to the line of defence.

Whether Littell felt he could argue the whole case to better advantage at a later stage, or whether he thought it wiser to leave unsatisfied to the latest moment the intense curiosity and interest he knew he had aroused, I do not know; but whatever his reason may have been, when signalled by the Judge, he rose only to say that he had no preliminary statement to make, but would leave it to the prisoner to tell his own story, and therein all the defence knew of the case, to the jury without preface. He added that they would find it a straightforward, credible statement which he believed would carry conviction; that it had been told to him voluntarily, and he was willing the Court and jury should hear it in the same way.

He then called the prisoner to the stand, and I was gratified to see by the inquiring look he directed to Littell as soon as he had taken his place in the witness-box that Winters was fully conscious of what was demanded of him and prepared to meet it.

Littell met his glance encouragingly, and in response asked him to relate all he knew concerning the death of White, and to tell of his own whereabouts and doings about the time of the occurrence.

"Address the jury!" the lawyer concluded, and Winters obediently faced his

judges and during all his testimony addressed his words directly to them.

He spoke in a low voice, but very distinctly, each word being audible, and his manner was quiet and entirely free from anything suggesting defiance or cunning.

It is not necessary that I should again repeat his story. It was given just as he had told it to me and subsequently to Littell and as I have already related it, and it seemed to me on this occasion, as on the previous ones, to bear the stamp of truth.

It made an impression, as I could perceive, upon the jury also, but whether any of them believed it or not, I could not tell. The greater part of them I feared were saying to themselves "This man is clever" rather than "This man is innocent."

During the entire recital, Littell kept his attention fixed on the jury, his keen gaze studying each countenance and trying to read there the impression made, but neither by sign nor word did he interrupt or endeavor to lead the witness. Evidently he was playing his best card, and, alas! his only one.

There was a few moments interval after the conclusion of Winters's direct evidence while the prosecution consulted together before the District Attorney began his cross-examination, and during that time Winters sat listlessly in his chair, seemingly indifferent to his surroundings. I think his long siege of trouble and sickness must have more or less stupefied him or have made him callous, perhaps desperate. Whatever the cause, his mental attitude was probably the best possible one under the circumstances as it made it unlikely he would become either nervous or excited.

The cross-examination proved a long and searching one, enough to tax the nerve of any ordinary man, but except for some signs of physical weakness, Winters remained perfectly composed, nor could the lawyers trip him up in any particular. He reiterated his story, piece by piece, in response to their questions, deviating in no particular from his first statement, while in new matters broached by them he was apparently entirely candid.

He admitted the bad feeling he felt towards his cousin and charged it to the unfair provisions of his father's will. He confirmed Benton's testimony that he frequently demanded money of his cousin.

He denied any knowledge of the contents of White's will and also denied that he

had ever corresponded in any way with White, or that there was any secret between them. This last was in reply to questions by which the State's officers endeavored unsuccessfully to connect him with the letter found by Miles, as also with the conversation related by Belle Stanton.

In no particular could they break down his testimony. They did, however, show by his own admissions, that he was an idler and a drunkard, and a man of bad reputation and associates, but his answers were so freely given that these facts lost some of their damaging effect. Altogether, he must have made about as favorable an impression as a man in his position could, but I could see no reason to hope that it had done more for him than possibly to excite the interest and in some degree the sympathy of the jury.

When it came to Littell's turn to re-examine, he left his seat and, going over to the prisoner, took him by the arm and raised him to his feet.

"Winters," he said, "I believe you have told all you know of the case, but before you leave the stand, I have one more question to ask you. I want you to tell this jury, and tell them upon the solemn oath you have taken, had you any hand in your cousin's death or any knowledge of it?"

Winters looked at him and then at the jury before he spoke and then answered firmly:

"I had not."

"That is all," Littell said, and the witness returned to his place.

There was a period of expectation,—everyone was waiting for something, you could feel it in the air,—till after awhile Littell, apparently in response to the silent question, leaned forward with a little expression of surprise and said in the most even tones:

"That is all, your Honor, I have no further testimony to offer."

The effect of this announcement was immediate; the air of expectation was banished and astonishment took its place; people exchanged glances of surprise—almost consternation: "Was this all there was to be to the defence; why! there was no defence." You could almost read the words in the expressions of those about you, but Littell seemed undisturbed and after a moment's hesitation the Judge announced an hour's recess with the expectation that the case would be concluded at a late session.

It had been a long morning, for the proceedings had been late in beginning and the testimony of Winters had occupied several hours, and most of those within the rail, that is, those who were assured of regaining admission to the scene, hastened away upon the announcement to make the most of the opportunity for rest and refreshment. Not so with the spectators, however; there was scarcely a movement in that compact mass; for any of them to go was to resign their places to others—and the sacrifice was too great.

I looked toward Littell in the hope that he would join me at lunch, but his head was bent over some papers and if he was conscious of my glance he gave no sign, and so I went out alone.

When I returned he was still in the same attitude and I doubted if he had left his seat. One by one the others dropped in and resumed their places until, when the recess had expired and the session was resumed, all was in readiness to proceed.

There was some delay, however, while the State's officers engaged in earnest consultation, till the attention of the Judge being attracted thereby, he looked up and peering inquiringly over his glasses in their direction said: "Well, gentlemen, are we ready?" At this the junior arose and asked permission to recall the defendant. General surprise was manifest at this request, and Littell offered prompt objection to its concession. In a few words he called attention to the fact that there had been no such re-direct examination of the defendant as to afford occasion for re-cross, and further insisted that as the witness had been permitted to leave the stand he could not be recalled; and he added pointedly that the prisoner was too exhausted to stand the strain of further examination—which fact his brother lawyers knew and were seeking to turn to their advantage. When, at the conclusion of these words, the District Attorney arose with severe mien to reply himself in place of his junior, I knew there was coming the usual indignant protest of injured innocence, and I listened with indifference to its eloquent vindication and then to the argument that followed. It was the first tilt of the trial between counsel and as usual proved a source of entertainment to the spectators, but to me it was weariness. Still, I gave attention while the lawyer told why he wished to recall the witness and why he should be allowed to do so, and argued that he had never said he was through with the witness and had never closed his case—through all of which the junior nodded approval, and Littell looked bored and occasionally interrupted, and the Judge remained expressionless—and so it went on and meanwhile the daylight faded in the room and the gas was lighted and the atmosphere, already oppressive, became almost stifling in its heat, and the crowd moved restlessly and men yawned, and I listened and listened in dull

consciousness till, feeling satisfied that in the end the Court would rule for the defence, I slipped quietly from the room. Littell's summing up could alone affect the final result now, and in the meanwhile the quiet and the cool air of the corridor were welcome.

As I paced up and down smoking a cigar and weighing in my mind the chances of the trial, I would occasionally get a momentary glimpse into the court-room as the door would swing open to permit the exit of some other weary spectator like myself, and in the hot glare of the gaslights the scene within would be visible through the doorway like a picture within a frame, the court with all its surrounding functionaries, the figure of the speaker gesticulating as he addressed the Judge, the form of the prisoner bowed and still between his guards, and in the foreground the dense throng of spectators, all in vivid relief.

I can close my eyes and recall that picture even to this hour, but never without a feeling of overwhelming melancholy; so strong are the impressions some things leave upon us.

After a while there was a stir within and some one said that the Court had sustained the objection of the defence and declined to permit the recall of the defendant, and that Littell was about to begin his final argument, and so I hurried back. He was already on his feet in the centre of the room and facing the jury. He had neither books nor memoranda by him and evidently relied upon his memory for all he meant to say.

His voice was deep and serious when he began to speak:

"I have been practising my profession, as your Honor knows, for forty years and this is the first as it is the last time that I appear before a criminal tribunal; only a sense of imperative duty as a lawyer and as a man has brought me here to-day; could I with a clear conscience have escaped this solemn duty, I would have done so, but a call higher than has ever appealed to me before has summoned me to the side of a man who is being wronged, and therefore it is I am here.

"I am without the resources of my brother lawyers accustomed to practise in this court and I have, therefore, no facts to submit, except those presented by the witnesses for the State, and no evidence to offer, except that of the prisoner himself.

"I believe the evidence of the State's witnesses to be substantially true and therefore have made no effort to cast doubt upon it, and I believe the testimony

of the prisoner to be true, and, therefore, I rely upon it."

Then in a more conversational tone he addressed himself to the jury.

"The unusual feature of this case," he said, "is that while the testimony of the State would seem to make out the guilt of the prisoner, his own story makes out his innocence, and yet both are uncontradicted and are consistent with each other. I wish you to keep this in mind, because, if it be as I say and the story of the prisoner be not incredible, you cannot convict him; you must remember it is not the duty of the defence to prove the innocence of the accused, but that of the prosecution to establish his guilt.

"It is going to be my effort now to demonstrate to you the truth of what I have said by an analysis of the evidence, and then I am going to do what is more than is demanded of me as counsel for the defendant,—I am going to try and point out to you not only the possibility of its having been some one else than the accused who committed this deed, but who that some one was."

Then he took up the evidence piece by piece and analyzed it. Every doubt, every possibility in the case, which he and I had so often discussed together, was developed and presented to the jury in its strongest phase, till there appeared to be left no possible theory of the crime that could make consistent all the facts.

The State's case seemed torn to shreds, and its evidence, which but a few moments before had seemed plain as day in its application, was now full of unsolvable mystery. I waited breathlessly to see where his wonderful logic and eloquence would finally lead him and us, while the jury hung in spellbound attention on his every word. Then, when he had each one helplessly at sea looking eagerly to him for some explanation that would fit the case and solve its doubts, he turned abruptly to the dock and pointing to the prisoner, said:

"Forget that man; he did not do it! You must start afresh in this case if you are to find the murderer!

"I may not tell you who he is; that is not my duty; but I will tell you what sort of a man he is, and why and how he did this deed.

"It is all so plain that he who runs may read.

"It was a man in White's own station in life, a man who knew him and knew his ways, his haunts, his very nature.

"A man who was implicated with him in some wrong-doing and feared for his own safety while the weaker vessel shared the dangerous secret with him.

"A man of pride whose reputation was dear to him; a man of resource and determination; one who did not know fear or hesitation.

"That man, whoever he may be,—and such a one only killed White,—was the man for whom that half-written letter full of reproach and threats was meant, and it was such threats as those that drove him on to his terrible deed.

"He came there that night after I and the others had left; he came probably to expostulate, or to plead, but he found the victim in a sleep, heavy from drink, and the weapon was at hand and it was the easier and the shorter and the sure way, and he killed him.

"Then he put on the cap and ulster to disguise himself and he stuffed the money that was on the table in the pocket to mislead simple people and as he hurried away from the scene one bill dropped in the vestibule, where Winters, as he said, found it.

"The ulster and the other bills he left at the house of Belle Stanton, the place most likely again to confound the simple-minded, because the place where White was most apt to go at all hours.

"Now that I have told how and why the crime was done, let the police go and find their man and bring him to you, and not ask you to make good their shortcomings by convicting this innocent prisoner.

"Acquit him! Let him go free! He is only his own enemy! No such weakling ever did that deed! He is incapable of it! I tell you he is innocent! I know it!"

His voice, which had been growing more and more impassioned till each note vibrated through the room, suddenly ceased and absolute stillness followed, till the voice of the Judge was heard addressing him in a low tone.

"Mr. Littell," he was saying, "I cannot allow you to give your own opinions to the jury; it is contrary to the practice; you must confine yourself to the evidence."

Littell stood erect, listening to the remonstrating words, and when they were concluded, replied gravely:

"I have undertaken the defence of this man, your Honor, and the obligation it carries with it is above the rules of practice. That prisoner is innocent and I have only told this jury so, as was my duty. I have no more to say"; and he turned away and resumed his seat, but not till the last echo of his words had ceased did a man move in the court-room. All eyes remained fixed on the lawyer—unable to break the spell he had put upon them. That a change had come over the feelings of all there, could be felt.

How much conviction he had carried to the Judge and jury, or how much of only wonder and uncertainty it was that I saw written in their faces, I could not tell, but all signs of listless indifference were gone, and in their place was tense feeling. I felt as though the wonderful insight of this man had worked a revelation. I had expected a great argument, but this word-picture of the nameless criminal and his crime was dreadful in its realism.

When the District Attorney rose to begin his closing argument, he acted like a man confounded by an unexpected proposition, and groped about amid legal generalities till he felt his way. Then he caustically referred to his opponent's closing sentences as a brilliant bit of fancy fitting for a place in a stage setting, but with no proper place among the real things of life, and he admonished the jury to put it aside from their consideration till they should have dealt with the serious facts before them.

Then he proceeded to a review of the case and again arrayed in order all the damaging facts of the evidence, which seemed to fix the crime on Winters. Throughout he received the close attention of the jury, but that he was entirely successful in eradicating the effect of Littell's speech seemed very doubtful.

After he had finished, the Judge charged the jury. His review of the evidence was fair and impartial, but it necessarily told against the prisoner, to whose testimony he would only allow its proper balance of weight.

He hesitated before he referred to Littell's argument as if doubtful just how to treat it, but at length said that the theories of the counsel could be considered only in so far as the evidence bore them out.

He might have said more, but he, too, I thought, was unable to overcome entirely the effect the speech had had upon him.

He then directed that the jury retire to decide upon their verdict, and announced to the lawyers his intention of waiting till twelve o'clock for their decision, in

case they should reach an agreement by that time.

When the Judge retired, most of the spectators and witnesses left the court-room, but the lawyers and reporters gathered about the trial table as is their custom—in interested discussion of the case. Littell, however, sat aside to himself with his head resting on his hand in a deep study. Several endeavored to congratulate him, but he only shook his head and turned away.

"I fear it has been of no avail," he said to me. He was evidently thinking of the prisoner and not of himself. I refrained from any comment, but was doubtful of the State's chances of securing a verdict, and there were many opinions expressed to the same effect. The very persons who during the recess had taken conviction as a foregone conclusion were now not only doubtful of the verdict, but in some instances, I thought, even doubtful of the prisoner's guilt. No stronger evidence of Littell's masterful conduct of the case would have been needed even had the general opinion on the subject not been outspoken, but through it all Littell sat by indifferent.

Time passed and when the hour of twelve came around, the Judge returned to the bench and all was decorum again.

A bailiff was sent to inquire if the jury had agreed.

It was but a matter of form, for all knew that had they done so, they would have reported it voluntarily; but still each man kept his place and waited with nervous expectation, while the court sat to receive the reply. In a few minutes the messenger returned and reported that there was no present prospect of an agreement that night, whereupon the court adjourned until ten in the morning.



CHAPTER XII

AN EPISODE AND A DINNER

The jury did not agree. They stood nine for conviction and three for acquittal when the court met in the morning, and there being no prospect of an agreement, they were discharged.

It was looked upon as a victory for the defence, but only because a conviction had been generally expected. As it was the case had to be tried over again.

Upon leaving the court-room, Littell accompanied me to my office, for he was anxious to secure some little delay before the next trial and wished to see the District Attorney regarding it. He said he needed time to recuperate and his appearance bore this out, for I had never seen him look so fagged or dejected.

We found the District Attorney in his office in conversation with his associate and the Inspector. He greeted Littell very cordially and congratulated him upon his conduct of his case; but Littell, after only a word of acknowledgment, hastened on to the subject of his visit. He asked for at least a month's interval before the next trial, and urged in support thereof his need of rest and change.

The request was readily acceded to, in spite of some objection from the Inspector, who was evidently chagrined over the failure of the State's case.

"I suppose, Littell," the District Attorney said quizzically, as we were leaving, "you also want time to hunt up some evidence to support that very interesting personal account of the murder you gave to the jury!" but Littell replied with some abruptness, I thought, that the only defect in his theory of the case was that it lacked the evidence of an eye-witness to prove it, which was also lacking upon the part of the State.

"It is all a matter of deduction from circumstances," he added, "and I think mine were fully as reasonable and likely as yours."

"Yes," replied the District Attorney, "three of the twelve jurors apparently agreed with you," which created a laugh, but Littell evidently was not in the humor for badinage and made no rejoinder, and we withdrew to my private office.

There we found Miles in waiting. We told him of the date fixed for the next trial, and Littell added that it might afford him opportunity to secure some additional evidence.

"Of what kind?" the detective asked.

"Any kind," he replied, "that will throw doubt upon the State's case."

"Why not hunt for the real criminal?" Miles inquired.

"Do you think you can find him?" Littell asked.

"I can try," was the reply.

"Well," Littell said, "I am going away and will not return for a time, so you and Dallas can have a free hand in the meantime to follow your own course, but for myself I don't think you will accomplish much on that line."

The detective made no answer, and I inquired of Littell when he thought of going and learning it would probably be the next day, suggested he dine with me at the club that evening, and added, as the idea occurred to me: "I will ask Davis and Van Bult too. We would all like to see something of you before you go."

He accepted the invitation, and as he prepared to leave us looked towards Miles, but the latter had his back to us, and was absently turning over the pages of a book on the table.

After Littell was gone, I waited for Miles to make known the business that had brought him, but he remained absorbed in a brown study.

At length, to recall his attention, I inquired if he had any definite plans for the course he meant to pursue, adding that I agreed with him in his determination to try and find the real criminal, and that I did not believe it could be so difficult as Littell seemed to judge.

He shook his head. "It will be difficult, I have no doubt," he said, "but still I think perhaps I can do it."

"Tell me your plans," I urged, my interest aroused.

He hesitated and seemed embarrassed. "I think, if you don't mind, I would rather you would leave it all to me just now," he said at length.

I was too surprised to make any immediate reply. This man, whom heretofore I

had found subservient to my every suggestion, was now prepared apparently to assume the leadership and relegate me to the background. "But," I said, when I had recovered from my astonishment, "do you expect me to abandon the case altogether?"

"Not at all," he hastened to explain; "I only wish you to leave the work of the next few days to me. It is peculiarly in my line, and besides I do not think you would find it agreeable. Leave it to me," he urged, "and I will report all results to you as soon as possible, and after that I will be guided entirely by you in the matter."

He was evidently in earnest and so serious over it that I offered no further objection, though I was somewhat humiliated at what I deemed his lack of confidence in me. When he had left me, I puzzled over his strange conduct, but as I could make nothing of it wisely determined to resign myself to the inevitable and make the most of the respite this forced inaction would grant me.

After I had despatched notes to Van Bult and Davis, asking them to dinner, and had attended to some routine duties, I made the first use of my freedom by leaving my office and devoting the afternoon to a long horse-back ride. It was a glorious winter's day, cold and sparkling, and full of sunshine, and I drew in deep lungs full of the bracing air as I directed my way leisurely towards the Park.

Once clear of the stones, I gave the horse his head and with an eager bound he had stretched out into a gallop. As we went speeding along through the country for mile after mile, it seemed to me that I had never felt anything so fine as this gallop. After my long siege of worry and work it was like a tonic to my mind and body and with every stride of the horse I seemed to get stronger and brighter.

I could feel the blood coursing through my veins, while my mental faculties were stirred into renewed vigor, and I began to realize into what a rut I had gotten and how morbid had become my state of mind, and I was content to accept the dictum of Miles and to put the case and all its gruesome details away from me.

When at length, wearied with the rapid pace and my horse giving signs of laboring, I pulled him down to a walk and settled with a feeling of tired comfort in the saddle, the buoyancy of youth had reasserted itself in me and I felt at peace with the world.

I had turned about and was well on my way toward home again, given over to pleasant thoughts about lighter things, when I overtook and passed a woman riding by herself. I scarcely noticed her and would have continued on without giving her a second thought if I had not heard my name called after me. I stopped and looked back and, to my surprise, recognized Belle Stanton.

She was approaching me slowly, patting the neck of her horse, that was a little restive under her, and her manner betokened no consciousness of anything unusual in her salute. For a moment I was doubtful of the accuracy of my hearing, for I scarcely knew her, if it could be said I knew her at all, the chance meeting at the trial furnishing the only excuse for acquaintanceship; but my doubts were dispelled by her friendly little nod as she came up with me.

Evidently she considered the acquaintance legitimate enough for informality, even if I did entertain some doubts on the subject. She looked well in her riding habit and sat her horse gracefully, and as she swayed in her saddle, looked at me with a merry challenge in her eyes.

"You had rather ride with me than ride alone, had you not?" she asked demurely, and I obediently wheeled my horse beside hers, as I assured her the encounter was welcome; and while we rode on together, she told me she had wanted to know me for a long time, and that she felt we were old friends, though this had been our first real meeting, and many other such things that a man likes to hear a pretty woman say even though he knows she is fooling him.

"Don't you think," she said, "that people sometimes feel they are going to like each other before they have ever met?" and she laid her hand gently on my arm and looked up for my answer.

I have since tried to defend myself for the weakness of that moment in which I was near being recreant to the memory of a friend, but I know in my heart that there was no excuse for me except it be the witchery of the woman and the charm of the occasion. She was pretty—awfully pretty—and she knew all too well how to attract men, and then, too, the time and place were in her favor.

The winter's day was in its last twilight, the moon was already filling the wayside with light that made shadows on the snow, and through the long avenue of trees that stretched before us no one was in sight, we two were alone. As I felt the caressing touch and looked into the fair face lifted to mine, I forgot all else in the intoxication of the moment, and responding impulsively leaned down to meet her glance and would have been guilty of what foolishness I know not, had her

woman's mood not changed in time to save me.

With a laugh she rapped me over the fingers with her whip and, spurring her horse, was gone from my reach in a moment. No man altogether likes the sensation of having been played with, and as I galloped after her I made up my mind not to let myself be again distracted by her wiles, but when I should have overtaken her to make the most of my opportunity to learn anything more she might know about the death of White.

When she had tired of the fun of leading me a long and not very dignified chase, she pulled up and waited for me to rejoin her, remarking casually as I did so that I seemed to have a "good steady horse."

"Yes," I replied, rather sharply I fear, for I was out of breath and humor, "and a fast one when I think it worth while to call on him." She looked him over carelessly as she replied: "I thought he was doing his best just now; he seems a little blown, does he not?"

I deigned no reply to this and there were prospects of our ride being finished in silence, for if I intended to sulk she evidently meant to let me. Such a course, however, was not calculated to accomplish my purpose and as we were nearing the city again, I determined to introduce the subject I had in mind.

"It is strange," I said, "is it not, that you and I should both be connected so closely with the circumstances of Arthur White's death?"

She looked up surprised and evidently none too well pleased with the unexpected change in my tone.

"I don't know why you should say that," she answered, "I had nothing to do with Mr. White's death."

"No, nor had I directly," I replied; "but I was at his house the night of his death and he was at yours."

"You may have been at his house," she answered, "but I do not know that he was at mine."

"But he left his ulster there," I insisted.

"His ulster was left there," she said, changing my phraseology; then she stopped and hesitated; "but let us talk of something else," she concluded, "for the subject

makes me sad," and I discerned a little tremor in her voice that I thought was genuine.

Sometimes a woman like Belle Stanton may grieve, though she must not show it, and I was sorry for her, but I meant to persevere in my purpose, nevertheless.

"I do not wish to make you feel badly," I tried to say gently, "but I want to learn all I can about Arthur's death and if you know any more than you have yet disclosed, I wish you would tell it to me."

She looked away, as if determining something before answering, and then asked what reason I had for thinking she knew anything more than she had told at the trial. For reply, I quoted to her Van Bult's words:

"You will find it is through Belle Stanton that you must trace the criminal."

"Who said that?" she asked quickly. I told her.

"Oh! it was Van Bult, was it? Well, you may find he was mistaken," and her tone betokened indifference.

"Do you then know nothing at all that can help us in the case?" I inquired. She stopped her horse, for we had reached the Fifty-ninth Street entrance, and wheeling him so that she faced me, said:

"I know very little more than I have told, probably nothing of any importance, but if you will come and see me sometime, I will help you, if I can"; but I was impatient and urged her to tell me at once what she knew.

"No," she replied, "you must leave me here and if you wish to learn more you will have to come and see me," and turning her horse she waved her hand to me and rode away.

I sat looking after her just a moment debating over what she had said and then hastened home, for it was approaching my dinner hour, but the first thing I did on entering the club was to write a line to Miles.

"Stanton knows more than she has told," I said. "Find out what it is." And then I made my preparations for dinner.

At eight o'clock I was in the reception-room awaiting the arrival of my guests, and as I surveyed myself in the long mirror, I felt a thrill of pleasure at finding myself again a part of the social world.

After all there are two sides to life—the serious and the gay—and we must mingle them to get the most out of it. For a long time now I had known the serious side, but the release from the service on the case and the ride and encounter of the afternoon had awakened in me a longing for the brighter side that I had no disposition to deny.

When Davis entered with his cheery way and cordial greeting I was more than usually glad to see him and we fell as readily into our accustomed easy intercourse as though it had never been interrupted by a tragedy. A few minutes later Littell and Van Bult appeared and our party was complete.

I advanced to Littell as he appeared, eager to welcome him, but he had stopped on the threshold and while rolling a cigarette between his deft fingers was inquiring casually of Davis concerning the latest bit of social scandal as if he had no more serious thought in the world. A few hours had sufficed to remove every sign of care and fatigue that I had observed in the morning.

Van Bult in the meanwhile had sauntered over to the fireside, and, leaning on the mantle, was looking from one to the other of us with that rare smile that helped to make him so attractive.

I was proud of my friends as I stood in their midst and reflected that it would be hard to find three better dressed, better appearing men than those. They were gentlemen, all of them, not by assertion or imitation, but because it was inherent in them. And the atmosphere they created was reposeful and agreeable.

When dinner was announced, we adjourned to the private dining-room I had reserved and were received by my old servitor, Brown, standing ceremoniously at the door, and I think he was as pleased as any one over the reunion. His bow to each of us as he passed the frosted martinis was almost a salaam, and no dish was served till it had passed under his critical eye, and no bottle uncorked till he had tried its temperature with solicitous touch.

We were a pleasant party of old friends together as we sat down that night, with mutual interests and associations to talk over, and the conversation drifted from one topic to another, in easy sequence.

The boyish gayety of Davis was infectious, and drew out the brightest side of Van Bult's nature, though in the sober tone habitual to him, while Littell's side fire of cynical, humorous comment gave a keener edge and point to all that was said.

After the coffee and the cigars had been brought and Brown had retired, our talk took a more serious turn and eventually passed to the subject of the trial, which by tacit understanding had been avoided before. I would very willingly have let things continue as they had been and have ignored the subject altogether, but it was not to be. It was evidently on all minds and would not be avoided. Some one referred to it and immediately all else lost interest. The witnesses and their evidence; the bearing of the prisoner; the division of the jury, and the arguments of counsel, were each discussed in turn; till finally Davis, in his irreverent way, inquired of Littell if he flattered himself the jury had believed the fairy tale he had told them.

"So you think it was a fairy tale I told the jury, do you, Ned?" Littell said. "Well, it may have been, but I have known truth as strange."

"Do you mean to say," Van Bult inquired, "that you believe the statement you made to the jury to be the true explanation of the murder?"

"I do," Littell answered.

"But if that were so, it might put the crime upon some man we know," Van Bult continued, "possibly even a friend and you cannot think that?"

"Why not?" Littell asked; "it would not be the first time a man of intelligence and social prominence had done such a thing. You can never tell what a man is capable of till he has been tried. Very few men, I admit you," he went on, "commit great crimes, but that is not always because they are too good for it; it is sometimes only because the fatal occasion does not arise for them and sometimes because the men themselves are not equal to the occasion. The man who has once committed a murder," he continued, reflectively, while we all listened intently, "is no worse in nature, necessarily, after than before the deed, and no more dangerous to society, that is if he is a man of intelligence; because he has done it once is no reason that he will do it again, any more than the fact that he has never done it is an assurance that he never will. There are worse offences than murder, too; a man may kill another man, and yet not cheat at cards or talk about a woman." He paused, but no one said anything and he went on in the same dispassionate tone: "There are men of wealth and position in this city, men respected and sought after, not a few, who would kill if the occasion were great enough; it is only a matter of measure with them; and it is among such men you must look for Arthur White's murderer."

When he concluded there was an expression of horror upon Davis's face and I

was repelled even while fascinated by this cold-blooded analysis of my fellow-men's nature and motives, but I recognized there was a degree of truth in it, nevertheless.

It was Van Bult who continued the conversation.

"I do not agree with you," he said, "and I do not believe you mean what you say; I know the pessimistic view you affect to take of human nature, and I know, too, the real charity you feel for it in your heart." Van Bult spoke warmly, but Littell received the tribute with a shrug as he held his glass up to the light and judged critically its color.

"Have your way," he said, "but if the time ever comes when my words are verified, remember I said them."

"Perhaps we may not have to wait very long for the truth about this case," I now said, "for Miles thinks he has discovered a new clue and is hard at work upon it and I happened upon something this afternoon that may help him."

"What was that?" Davis inquired, but I did not think it worth while to go into the details of my meeting with Belle Stanton and did not answer.

"The case is too much for such as Miles to solve, I think," Littell said, and then looking at me added, "You might do better, Dick, but I am not sure the job would repay you."

"I would willingly undertake it, nevertheless," I answered, "if I only knew where to begin."

"If there is any truth in Littell's words, it might lead you to very unpleasant consequences," Van Bult here suggested.

I was reflecting over his words, when Littell, reading my thoughts, added:

"If you do continue your investigation of this case, and it does lead to some man you know, what will you do?"

"I can do but one thing," I answered, "give that man to justice."

"And if he should be friend, what then?"

Such a contingency had never occurred to me before, but in the trend of the conversation it seemed a possibility, and I felt its awful responsibility.

"Give it up, Dick," advised Davis; "Littell is only dissecting you morally, and the idea is too absurd to talk about, much less to accept seriously"; but I saw the others were waiting for my decision, and I would not evade it.

"I would still do the same," I answered.

"Do you think it would be really worth while or your duty, to do such a thing?" Littell asked. "Winters will probably be acquitted; White is past helping, and what could be gained by offering up a friend as a sacrifice?"

"Nothing," I answered, "but the demands of the law."

He leaned over and put his hand on my shoulder.

"Dick," he said, "you are a strange fellow with more than your share of conscientiousness, but even with you there must be a point where duty ceases and human nature asserts itself. Would you, if it were one of us three, your friends, upon whom you fixed this crime, give him over to the gallows?"

"I refuse to answer," I said.

"But you would do it!" Van Bult asserted, and I did not dispute him.

"I am going home," Davis broke in. "I have had enough of this; you fellows can go on hanging one another all night, if you choose, but I won't have a hand in it," and he pushed his chair back from the table.

The laugh that followed relieved the tension, and we prepared to break up.

"Let us have a last drink together before we go out," Littell said, and following his example, we all rose and filled our glasses.

"The toast?" Van Bult asked.

"Failure to Dallas," said Littell, and I could not refuse to join them.

To change the tenor of our thoughts, I asked Littell if he had definitely decided about his trip.

"Yes," he replied, "I shall go to Florida, to-morrow, but will be back in time to receive any revelations you may have to make."

"Better take him with you," said Davis. "He is hardly good company, but it will keep him out of harm."

"Why not go?" Van Bult urged. "It will do you good—you need rest even more than Littell."

"No," I said, "I will stay here."

By this time we had reached the front door and no one seemed disposed to linger. Though our little dinner had begun auspiciously and full of promise of a pleasant evening, its ending had been rather melancholy and I knew they all felt so and, try as they would, could not throw the weight off. Somehow or other, this death of White seemed fated to bring us all constant trouble.

Davis and Van Bult nodded me a farewell as they went away, but Littell held out his hand and, as I took it, said earnestly, almost affectionately:

"Your fidelity to your purpose may prove to your sorrow, Dick, but I respect you for it, and I wish some of us could be more like you."

"It is you that I would be like," I answered him.

"Good-night," he said, and joined the others as they crossed the square.

As I stood for a moment, looking after their retreating forms, I saw again the detective I had seen shadowing Winters the day I had met him by White's house.



CHAPTER XIII

THE TRUTH AT LAST

It was nearly two weeks after my little dinner that I sat late one afternoon alone in my office. The rain without pattered dismally against the single window that looked into a deserted court and within the room was dimly lighted by the fading daylight and the fire that flickered on the hearth. The gloom of the close of a rainy winter's day was over everything and my thoughts and heart seemed full of the vague shadows that haunted the room. I was awaiting the coming of Miles, who that morning had sent me word that he had something to report. During the past fortnight he had been persistently engaged in working on his new theory of the case, but with what results I did not know, for he had told me nothing.

I also had at first made an effort to accomplish something along the same lines, for I had found inaction almost unbearable, but it proved to no purpose. The time had passed for analyses of conditions; what was now needed was expert detective work, and this I could not do, and so I had to give it up and in despair resign myself to idly waiting on Miles.

I might have sought the companionship of Van Bult and Davis, for they were about as usual, doing the same old things in the same old way, but I was not disposed to engage in their amusements and I doubt much if they were anxious for the society of a man in a condition of mind such as mine. From Littell I had only heard once since his departure and that letter recently received from Florida was but to tell me that he was about starting for home. He was coming back, he wrote, to again conduct the defence of Winters; if it were so, it would prove but a wasted errand, I feared, for there seemed little likelihood of Winters needing our services again. He was very ill, and no longer confined in a cell, but in the hospital ward of the prison to which he had been removed by the physician's orders after the trial. His strength was gone, and it did not need the professional eye to see that he was dying.

As soon as I had learned of his condition I had gone to him, not once but almost daily, and each time I had spent long hours at his bedside. No one was ever with him but his jailors and nurses; they were attentive, considerate, but to them he was only a criminal whom they had in charge and they performed their duties

and no more. I was his only visitor, his only friend; even the hysterical women whose habit it is to shower their attentions and tears on hardened criminals found nothing heroic enough by the silent bedside of this dying man to call for their ministrations. His case, now become but a nine day's wonder, forgotten or neglected by the press and public, furnished no longer a gallery to be played to. Poor fellow! he must have spent many weary hours alone on that prison bed with only his wasted life and his wrong-doings and his wrongs to think of, but when I visited him he had always a smile and a pleasant word with which to greet me,—there was never a complaint. Sometimes he would talk of himself and of his early life when he and I had been at college together, and he would ask about his old friends and the outside world, and all in the manner of a man who had done with it, but he seldom referred to the charge against him or to the death of White. Once he asked me about Littell and Miles and when I assured him of their continued interest in his behalf he shook his head and bade me tell them to think no more of it—"they have been very kind," he said—and I knew he meant he would not live for a second trial, and I could not contradict him.

Sometimes during these days I would doubt, too, if it were worth while—this task I had set myself—of hunting down the murderer, for it could no longer avail to help Winters and must only bring more trouble in its trail. The authorities would be content to let it pass with the death of Winters into the long category of undetermined crimes and why should not I also? and I would be tempted to call Miles from his work, but always something—a vague fear I wanted quieted, held me back. I would recall many things that had happened and that had made little impression on me at the time, but which seemed now in the hours of my solitude and depression to be fraught with some strange significance. That speech of Littell's to the jury in which he had described the murderer as a friend of White's, and his strange words of admonition to me at our dinner, and the refusal of Miles to let me longer share in his work, and the presence of the detective, lurking near our club when my friends took their leave, what did it all mean? Was there something in the background which I did not know and which they did not wish me to learn? I feared for that which I knew not and which was coming with a fear that gripped my heart, yet I would not lift a hand to stay it, but waited for it with passive submission.

Such thoughts, such feelings as these possessed me as I sat alone in my office this gloomy afternoon waiting for Miles. After a silence that seemed ages he had at last sought me and I knew he had succeeded in his task and was coming to tell me of it. As the hour drew near for his arrival my vague fears grew stronger and

would not be shaken off. I had a premonition of evil—I tried and tried again to convince myself that I was morbid and fanciful, but the thoughts and the fears would return and each time with deeper and more sinister meaning. They crowded on me as I sat bowed over my desk till I could bear them no longer and I got up and walked to the window and, pressing my head against the cool glass, stood looking with unconscious eyes through the rain into the darkening court. How long I stood thus I don't know; every faculty was absorbed in the one dreadful thought: "What if Miles has discovered the murderer and is coming to tell me he is some one I know, a friend"—I could get no further, just that train of thought, never finished, but repeated and repeated, till cold and trembling I turned at last from the window. As I did so I faced the detective; the hour had come. There was just a moment of hesitation, and then I steadied myself.

"Well," I said, "what news."

"Let us sit down," he replied, "it is a long story."

I walked to my desk and resumed my chair, and he seated himself opposite to me. By this time the room was in darkness, except for the flickering light of the fire, and though I tried to study his face I could not do so for the shadows.

"Well!" I repeated,—for he had not answered me,—"what news?" He leaned forward and put his hand on my arm, but I shook it off and straightened myself—"What news?" I said again sharply, though my voice was hoarse and my words hardly articulate.

"I have discovered the murderer," he replied.

I tried to ask the name, but could not, and turned away to look into the fire and watch with abstracted gaze the little yellow tongues of flame as they darted here and there over the dark surface of the coal. They seemed to me to be like tiny serpents at play and I smiled at their antics, but underneath in the dull glow of the deep fire I found a silent sympathy with my mood and there my gaze lingered while I thought.

The secret I had worked so long and hard to know was mine for the asking and I was silent. I could feel Miles was looking at me and could read my thoughts and thought me a coward, but what did it matter to me then? I must think if I could think. A man may stop and wait and still not be a coward—and so we sat in silence. At last something, perhaps it was pity, made him offer a last chance of escape.

"I alone know the name of that man," he said; "and I need never tell it."

I listened and I knew then that my struggle was over and won, and I turned back to him and leaning across the desk looked him in the eyes:

"No," I said; "tell me his name."

"Littell," he answered.

I sank back in my chair; it had come at last and I knew now what it was that I had feared and that, unacknowledged to myself, that fear had been with me ever since,—well, no matter when, for I hardly know, but I had guessed it, and it was not a secret that I had feared to hear, but the sound of a name.

So for a long time we sat there while the hissing of the fire alone broke the silence and the shadows deepened in the room. My thoughts were travelling back over the years through which I had known and looked up to the man who was now charged with crime. He had been my friend and guide, and he had fallen. He was a murderer, and I must denounce him. My nature recoiled from the dreadful thought.

"There must be some mistake," I said, "it cannot be"; and I looked at the detective for some sign of wavering or uncertainty, and he understood me, for his eyes fell pityingly, but the grave face gave no hope. "I must have proof, then," I said. For answer he extended a roll of paper he had been holding. I took it mechanically and unrolled it, and, smoothing it out before me, sat staring blankly at it in the darkness till he got up and lighted the gas and then I saw it was his report.

"Read it," he said, and I obeyed, and read it deliberately, dispassionately, each word. There was no need for question or comment, it was all too plain, and when I handed it back to him I knew Littell was guilty. This is what I read:

THE REPORT OF MILES

"This report relative to the case of the death of Arthur White covers the period of my work from the time of the trial of Henry Winters to date. The facts discovered before the trial were presented in the evidence and need not be re-stated.

"They pointed to Winters as the criminal, but I did not believe him guilty. If

Winters was not guilty, theft was not the object for which the crime was committed, for all the money missing not traced to him was otherwise accounted for. This made it likely that the crime was committed by a higher order of criminal, some one who had a personal motive for wishing White out of the way. Such a man should be looked for among White's associates. Mr. Littell had taken this line in his defence, and it seemed sound. I was satisfied that the facts would not lead me to the criminal: that course I had tried, and it had failed. I therefore determined to try and find the criminal and trace him to the crime. The method, though not generally approved, is not so haphazard as it might seem to be, and I have tried it successfully before when only circumstantial evidence was available.

"White's closest associates were Van Bult, Littell, and Davis, and they had all been with him the night of his death. I therefore immediately put detectives on each of them and began my work on the case of Van Bult. I went to his rooms and interviewed his servant. Van Bult left his rooms about seven o'clock on the evening of the murder. His servant, who slept elsewhere, did not see him again till the following morning about half-past six, when he went again to the rooms and found Van Bult there and assisted him in his preparations for a journey, served his breakfast, and saw him off by the eight o'clock train from the New York Central Depot for Buffalo. He had been told by Van Bult the evening before of his intended trip to Buffalo, and had come early that morning by his order. He had not seen Van Bult again till the next succeeding evening, when he had met him at the depot, in obedience to a telegram sent from Buffalo in the name of Van Bult.

"Van Bult's actions on the night of the murder still remained to be accounted for, and I sought information of them elsewhere. The rooms adjoining Van Bult's are occupied by a gentleman named Dean, who is a friend of his. I interviewed Dean. He recalled the night of the murder and stated that on that night Van Bult had returned to his rooms about one o'clock. He recalled the hour because he had been up and Van Bult had come to his room and they had remained together talking for nearly an hour and afterwards he had heard Van Bult for some time moving about in his own rooms.

"In the meanwhile I had sent a man to Buffalo to trace his actions while there. He reported that Van Bult had arrived there on the afternoon after the murder, stopped at the Wilson House till the following morning, and had then taken a train for New York. While in Buffalo he remained most of the time in the hotel, but made a visit to a private insane asylum, of which his wife had for two years

been an inmate.

"Van Bult's actions were thus accounted for fully and I was satisfied of his innocence.

"Next I took up the case of Littell. He parted from Mr. Dallas a little before one o'clock on the night of the murder in Madison Square and apparently continued up Fifth Avenue. He testified at the Coroner's inquest that he walked directly to his hotel, The Terrace, near the Park entrance. It was first important that I should determine about this fact. For that purpose I went to the hotel and interviewed the desk clerks. There are two of them who divide the night work, one relieving the other at 1.30 A.M. Littell, on that night, had not reached the hotel during the hours of the first clerk; he did come in about fifteen or twenty minutes after the second one had taken the desk; therefore he arrived about ten or fifteen minutes before two o'clock. There was no trouble in fixing the occasion with the witnesses I interviewed. Littell's association with so sensational a case had made all his actions of that night a matter to be remembered by those who had seen him. I had thus established the fact that nearly an hour had elapsed between the time Littell left Mr. Dallas and that at which he arrived at his hotel. It was altogether improbable under these circumstances that he had gone directly home as he said he had done, but this was still unimportant unless I could track him to the neighborhood of White's house. It was evident that I could not expect to actually locate him there, but I had another means available of establishing his probable presence on the scene if such were a fact. The hour that intervened between his parting with Mr. Dallas and his arrival at the hotel was too much time to have been consumed in a direct walk there, but it was insufficient to admit of his returning to White's house unless he later used some quicker means of reaching the hotel than by walking. In such event he must either have taken the elevated road or a cab. The former seemed the more probable and the easier to determine, so I tried it. I found that at about half-past one o'clock on the night of the murder, a man wearing a long light coat and a soft gray hat, such as Littell had on, took a north-bound train at the Eighteenth Street station. This I learned from the night-guard, whose attention had been especially directed to the passenger because of the necessity of changing a five-dollar bill to make the fare. By itself this was not sufficient to establish the identification but I had a further means at hand. If that man was Littell he must have gotten off at some station near his hotel. At the Fifty-eighth Street station on the same night about ten minutes later Littell got off a north-bound train. The night-guard at this station knew him and spoke to him, for he had been using the station almost

daily for several years. I had thus located him at four points within an hour, that is Madison Square, a little before one o'clock; Eighteenth Street elevated station about half after one; Fifty-eighth Street, about ten minutes later, and at the hotel about a quarter before two. I then accounted for his movements in the following way: he had consumed about half an hour from the time he left Madison Square till the time he took the train at Eighteenth Street. Of this period, he was about five minutes returning to White's house; he was there about ten minutes; the remaining fifteen minutes were divided between a journey to Belle Stanton's and thence to the station.

"This all required action, but Littell is a man of quick action. Note that I allowed time for him to have gone to Stanton's. I did this because I have always believed that it was the murderer who left the ulster there.

"The man the night-officer saw leave White's house about a quarter after one o'clock was not White as he supposed, but the murderer wearing his ulster and cap as a disguise. Note again the hour, a quarter past one o'clock; the same at which my calculations place Littell there. There remained another point to be determined.

"If my theory was correct and Littell the man who left White's house, disguised in the ulster, and if he disposed of it at Stanton's house, some explanation had to be found of his means of access to the house. If he had such access it was most likely he secured it through Stanton, with whom he was acquainted.

"From her I learned that Littell probably possessed a key to the front door of the house where she lived; she told me that shortly before the murder Littell had taken her home from a supper somewhere and that she had given him her key to let her in and that he had failed to return it to her. With this key in his possession his means of access to the house is explained. With these facts brought out I had accomplished all I could expect to from the events of that night.

"I could not actually fix the crime on any one because no one saw it committed, —but I had demonstrated:

"1st. That Littell had testified falsely as to his movements on that night.

"2d. That he had been in the neighborhood of the scene of the crime and the place where the ulster was found, because he must have passed that way to get from Madison Square to the corner of Sixth Avenue and Eighteenth Street.

"3d. That he occupied over half an hour in covering the distance, which is but six blocks, and therefore must have delayed in some way.

"There are also many peculiar circumstances in the case all explainable on the theory of Littell's guilt:

"1st. The criminal secured admission to White's rooms, although the doors were generally locked. Littell was there that night and had opportunity to fix the catches so as to permit of the doors being opened from the outside.

"2d. If White did not leave the ulster at Belle Stanton's house the criminal did, and his object in so doing was plainly to convey the impression that White had done so, and such purpose suggests a man intimate with White and having knowledge of his personal affairs.

"3d. If White did not wear the ulster and the cap out that night the criminal did, but the cap was back in White's room in the morning. The criminal therefore must have found some opportunity of returning the cap. Littell was on the scene and by the divan where the cap was found before it was discovered the following morning.

"A strong circumstantial case was thus made out against Littell, but the necessary motive was still lacking.

"For this motive in the case of a man like Littell, it was necessary to look into White's life and actions, for the motive would not be of an ordinary kind. The evidence had disclosed the fact that White had some trouble of some kind and that another was involved in it; it had also disclosed the fact that White felt under some great obligation to his cousin Winters and the language used in the will, that he left his estate to Winters as 'the reparation of a wrong,' pointed to the disposition of his uncle's estate as the possible explanation of it all. It was extraordinary under any circumstances that a father should leave practically all of a large fortune to a nephew and cut off his only child with almost nothing. I therefore investigated the circumstances under which the will of Winters, Sr., was made. The will was witnessed by the butler and a trained nurse who was in the house at the time, and was made on the testator's death-bed. I found the butler and the nurse and from them learned the following facts:

"On the morning of his death the testator in the presence of the nurse told White he meant to leave him a bequest of ten thousand dollars and asked him to go for his lawyers, who were Dickson & Brown. White departed on the errand and

returned in about an hour with Littell.

"The butler let them in and knew the latter.

"The nurse heard the testator ask White why he had not brought his lawyers, to which White replied that they were both out of town. The testator then instructed Littell as to the provisions of the will; his voice was very weak and the nurse could not distinguish what they were. Littell then left the room with White, and they went to the library, where the butler provided them with materials for drawing the will. They returned to the room of the testator and Littell read the will to him. The nurse was standing in the embrasure of a window near the bed and heard the will read. She remembered distinctly that as read by Littell it gave to White the ten thousand dollars the testator had promised. The testator did not read the will himself, he was not able to do so. The will was thereupon duly executed by the testator and the witnesses, and the former directed that it be given into the custody of Dickson & Brown, who, as afterwards appeared, were named as executors. The testator died that afternoon. I did not in any way suggest anything to the nurse about the provisions of the will,—merely asked her if she remembered them and she volunteered the statement about the bequest of ten thousand to White. She did not even know that the will actually gave to him a hundred thousand, for she had never given it further thought or heard of it again. I visited the law firm of Dickson & Brown, and from them learned that after the death of the testator but on the same day White had delivered the will to them and also that they were neither of them out of town on that day.

"Six months after the death of the testator they distributed the estate. White received from them his bequest of one hundred thousand dollars and deposited it in the bank as I on inquiry learned; within a week he withdrew fifty thousand dollars and the succeeding day Littell deposited that amount in a bank in Jersey City, subsequently withdrawing it and depositing most of it—forty-odd thousand—in his own bank in this city. This latter fact I learned from his New York bankers and through them I was enabled to trace the deposit in the Jersey City bank, from which bank the transfer had been made direct.

"The witnesses necessary to substantiate the foregoing facts are all at hand and can be produced at any time.

"Respectfully submitted,

"C. MILES.

"NEW YORK, March —, 1883."



CHAPTER XIV

THE DEATH OF WINTERS

Let me now pass quickly on with my tale over the few succeeding hours which witnessed its final scenes. What remains to be told is as well told shortly and I have no wish to linger over it.

It was the next morning, and I again sat in my office, when the shrill voice of the office boy interrupted my bitter reflections.

"Mr. Littell to see you, sir," it said.

"Show him in," I answered mechanically. I had been thinking of him and accepted the announcement as a matter of course, though I had no reason to expect him at that moment. Less than a day had elapsed since I had read the report of Miles and I had now to confront Littell. There had been no opportunity to take counsel with myself upon my course. I had hardly yet grasped the full import of the situation and I must at once at this very moment meet him—talk to him. I could not do it. I needed more time, and desperately pulling some papers in front of me, I buried myself in what I meant to appear a mass of work.

The door opened and he stood upon the threshold. I pretended neither to see nor hear his entrance, but I stole a glance at him without lifting my head. It was the same Littell; perfectly dressed, graceful, insouciant, the well remembered, attractive personality.

"Well, Dick," he said, "I am with you again you see!" and in his voice was a note of genuine feeling as he stood there smiling a greeting to me.

It was impossible to pretend unconsciousness longer and with an effort I looked up and met his open glance with my conscious, faltering one, and tried to respond as cordially as I could, but I kept my seat for I could not take his hand. It was not that I would not take the hand of a criminal, but that I could not give mine to a man I meant to destroy; so to cover up the omission and to avoid the questions that I feared he would put to me, I asked him to be seated while I finished my work. He looked at me inquiringly, but I avoided his eyes.

"Well, go on with your work," he said quietly, "I am not in a hurry"; and he sat down and waited and watched me.

I struggled to fix my attention on the matters before me and to maintain my composure, but it was more than I was equal to; I could not do it, and crushing my arms over the books and papers, I squared myself and faced him to meet the worst—anything was better than this suspense.

"You are not inclined to work after all, it seems," he remarked, on observing my action.

"No," I said, "I cannot."

"What is the matter?" he asked, and what I should have answered I don't know, for at that moment there was a knock at the door and in response to my eager, "Come in!" Miles entered. No one knows the relief the interruption brought to me, for it meant at least some moral support—if not a respite. Miles looked at Littell and bowed, receiving a nod in response, and then glanced inquiringly at me, and I understood the question and shook my head. Littell may have observed us, but if so, there was no evidence of it, for he continued as imperturbable as ever.

"Do you wish to speak to me privately?" I asked Miles.

"No, I think not," he replied; "what I have to say will interest Mr. Littell as well"; and without waiting to be questioned, he added, "Winters is dying!"

I rose. "I shall go to him at once," I said, and I asked the detective to accompany me, but I said nothing to Littell, for it hardly seemed the place for him.

"I think I shall go too," he announced, and then as if by way of explanation, for he must have seen my hesitation, he added, "I am his counsel, you know."

To this I had nothing to say. If he wished to go he had a right to do so, and with a short nod of acquiescence I led the way from the room.

"I have a carriage at the door; there is no time to lose," Miles said, and we entered it and were driven rapidly towards our destination.

After we were well on our way, Littell turned casually to Miles.

"Well," he said, "have you made any progress?"

The detective hesitated, then he answered simply, "Yes."

"Hardly found your man, though?" Littell continued in the same tone:

Again the detective hesitated and answered, "Yes."

I clutched the sill of the window and sank shivering back into my seat, and then as Littell started to speak again, I grasped his arm. In response he turned and looked at me for a second with something almost like pity in his eyes, and then addressed himself again to Miles.

"Who is he?" he asked.

"Not now! not now!" I gasped, appealing to Miles. "I must tell him; leave it to me."

"Very well," Miles answered, and Littell after a single inquiring glance turned from us and for the remainder of the journey looked calmly out the open window beside him. If he felt either fear or remorse it was not apparent. He was inscrutable.

On arriving at the hospital we were conducted directly to the room of Winters. It was not different from other prison hospital quarters—neat and clean, but bare and hard, it was unspeakably dreary. A single barred window before which a yellow shade was drawn let in a half-light that was reflected from the whitewashed walls and showed at the farther end of the room a narrow cot and upon it the wasted form of Winters. It was motionless and the face was pallid and the eyes closed and I feared we had not come in time. I crossed the room and stood by the side of the bed and Littell followed me. By the window the doctor and a nurse were conversing in low tones, but when I looked towards them inquiringly they discontinued their conversation and the doctor came over to me.

"If you have anything you wish to say to him," he said, "you had better do it at once; he will not last long." But I had nothing to say that made it worth while to rouse the dying man and I was waiting the end in silence when Winters opened his eyes and after a vague wandering look about him, fixed them upon me. I leaned over him.

"Do you know me?" I asked, and in a voice scarcely audible, he whispered "Yes."

"Is there anything I can do for you?" I asked next. His lips moved and I thought I

distinguished the name "Littell." I looked towards Littell. He was standing at the foot of the bed, and his attitude was tense and his face was white and drawn in the way that indicates suffering in a strong man. He was not looking at me; his eyes were rivetted upon the bed: in that room for him there was only Winters. I touched his arm.

"He wishes to speak to you," I said.

He seemed not to comprehend my words until I had repeated them and then he moved close to the side of Winters and said very slowly and distinctly:

"I am Littell; do you wish to speak to me?" At the sound of his voice Winters looked up into his face and, recognizing him, smiled, and with an effort spoke:

"I want to thank you for defending me," he said, "and to tell you I am not guilty."

"I know you are not," Littell answered hoarsely; "I have always known it." And then, after a moment's struggle with himself, he added, in a voice as gentle and as tender as a woman's, "You have been wronged and you have suffered, but you have borne it bravely, and it is over now."

As he listened to these words the face of Winters lighted up and he half raised himself on his pillow and, turning to the speaker, reached out his hands in a feeble gesture of gratitude. Littell took them in his and sank down till his face was hidden beside the dying man. I bowed my head and thus we awaited the end. After a while, Littell arose and gently releasing the hands that had been clasping his, laid them tenderly down and then with a little gesture of infinite appeal he touched the fair hair that was clinging to the damp forehead and stood looking down at the still form. Winters was dead, but on the boyish face at last was an expression of happiness and of peace, and to Littell it had been granted to bring it there.

I turned away—there was nothing more that I could do—and left Littell for the moment with the dead and his thoughts. As I passed Miles on my way out he stopped me.

"What am I to do now, sir?" he asked.

"Nothing," I said, "leave it to me." He hesitated before he asked:

"Do you mean to tell him?"

"Yes," I said.

"When?" he asked.

"At once," I said, "and I will not need you." He touched his hat and left me.

I looked around. Littell was still by the bedside.

"We will take the carriage and drive to the club," I said, "when you are ready."

In response to my almost peremptory tone he lifted his head haughtily:

"I am ready now," he said, coldly, and followed me with firm steps to the carriage.

On arriving at the club I led the way within and, selecting an unoccupied room, motioned him to enter and following closed the door; without looking around or showing any surprise he walked to a table and, having rung for a waiter, dropped into a chair. It was his usual club habit. I saw no change.

"I want a drink," he said. "Will you join me?"

"No," I answered shortly.

"As you choose," he responded, and then from the waiter, who had meanwhile appeared, ordered brandy.

While he waited for his drink he drummed idly on the table and I leaned on the mantel striving to imitate his imperturbability. My sympathy, my affection for Littell for the time were gone, and it was a hard and unyielding man who faced him waiting for the moment to speak.

When the brandy was brought, Littell swallowed a glass of it and, having done so, himself deliberately closed the door again behind the waiter, so that we should be alone. Then standing with his back to it, he looked at me and I at him. We understood each other.

"What have you to say to me?" he asked.

There were no signs of flinching on his part. I walked over to him.

"That you killed Arthur White," I said.

He took a step towards me and I steadied myself for what might be coming, but

he changed his purpose, whatever it was, and turned away with a laugh.

"You are mad," he said.

"I have spoken the truth," I answered sternly, "and you know it."

"Your proof!" he demanded.

"It is here," I said, and I held out to him Miles's report; "you may have it; it will show you that you have no chance."

He seemed to deliberate and then slowly, hesitatingly, like a man making up his mind to something, he reached out and took the report from me, and in the act our hands met and at the touch his face flushed, but mine grew pale and I wavered. Suddenly he extended his hand to me and I took it.

"It is all right, Dick," he said, but my head was bent and I did not answer, and when I looked up he was gone.

I never saw him again, but the next morning's mail brought me this letter from him:

THE LAST LETTER

"You are right; your dogged persistence has at last accomplished its purpose and my end, and to what good? White is dead, Winters is dead, and I shall be within a few hours. The tragedy has worked itself out. I do not know that I am sorry the game is played,—life's game it has proven with me; neither do I reproach you for your part in it. I might have lived a few years longer, but I am not sure that I wish to. My life has lasted sixty years, and they have not been so free from trouble that I should crave a few more waning ones. The world owes me little, and I owe it less; let us separate while we are at peace.

"I should wish, if you can find it consistent with that importunate conscience of yours, that you would leave my memory as it now abides with my friends, pleasantly, likely, and not overburdensome. I would not ask even this, but all I take with me, or leave behind, is the good-will of a few men, and I would as soon as it were not too rudely ended.

"To you I am a murderer: not a pleasant word for a man to use about himself; but the truth, nevertheless. I have not always agreed with other men, and I do not in this, but such would be their verdict and I recognize it.

"I was the instrument that brought about the death of White, just as I shall be the instrument of my own death, but it was the original act conceived in the mind of White that started the train of events that led successively to both consequences. Had he been different in temperament, or had I, it might have been otherwise, but with the conditions as they existed, it was inevitable, and, after the initial step was once taken, it was better so. He was less unhappy when we saw him that morning after than he was when we left him the night before, and I shall be at peace when you see me again, as I have not been in many days.

"No! I have never harbored remorse over White's death, and I indulge in no regrets now for my own. We have worked out, each of us, our own destiny, that is all; but with Winters, it was different. Poor fellow! he had a hard time, and though he was a worthless drunkard, he had no responsibility for the act which, in its consequences, shortened his life. He suffered innocently, and I might have spared him, and I did not. I was a coward in that and I despise a coward, but let that be. I might tell you that I had intended, should it have come to that, to have saved him from the gallows, but it is a weakness and an imposition to ask credit for what one claims one might have done, and it is a plea as available to a liar as to a truthful man.

"Whatever I might have done, I was saved the occasion by Winters's death. With that my obligation ended. To have given my life for a reputation that was well buried with the man, would have been quixotic. It could have done him no good, and the world would not have cared.

"I hardly know why I have written you all of this. Perhaps it may be because there comes to each of us, even the strongest, a wish at the end to extenuate, to explain. No man can entirely separate himself in his moral life from his fellows. No matter how vigorous his individuality, he can never escape the consciousness of their standard and their judgment, and he must be swayed by it more or less, even though he denies it for awhile to himself.

"Such has been my case. Unknown to them, I have battled with my fellow-men; the struggle has been all with me and yet they have won, and at this last hour I cannot give up my place among them, even though it be for oblivion, without a wish to live unsullied in their memories. I have repudiated their laws and have established a law for myself, but in the end mine has failed me and theirs controls. It is not that my law is illogical or unethical, it is only that they will not accept it, and I cannot escape from theirs.

"Am I inconsequent, I wonder, or incoherent? If so, it may be because the presence of death makes man's mind wander or distorts his mental vision, but I do not think it is thus with me. Such may be the case when death comes slowly and the mental faculties are impaired, but when one contemplates it, as I do now, in the full possession of all my faculties, it is rather, I think, that a prescience of the unknown, a touch of omniscience comes to a man and he knows more than other men know.

"As I sit here with death beside me, waiting for me, I seem to see things as I never saw them till now, and had I the chance I might wish to live on, but it is too late; to-morrow would bring me ruin and disgrace. Better death than that. It has been my philosophy that death was not an evil, but a solution for evils, and I will abide by it.

"It grows late and this letter must catch the mail. Let me then tell you quickly what I did that night, and how I came to do it, and so end all.

"I drew the Winters will and at the suggestion of White, who sought me for the purpose, I made his bequest one hundred thousand dollars instead of ten thousand dollars, and for doing so, I received a share. I needed money, and when a man at my age needs money it is hard. The matter would have ended there had White been less remorseful, but he grew daily more morbid over it, till I knew that in spite of all I could do, he would some day confess. Still I had no thought of killing him, and when I left his house that night and fixed the catches on the doors so that I could re-enter, and when I parted with you and retraced my steps, I had still no thought of killing him. I meant only to reason with him and dissuade him as I had done a dozen times before, but when I entered his room and found myself alone in the safety of the night and saw him asleep with the heaviness of drunken stupor and the means ready to my hand, the thought came to me and it was the easier and the surer way.

"Then I put on the cap and ulster and gathered up the bills that were on the table and went out. I left the ulster at Stanton's house, but forgot the cap, and then, seeking the nearest elevated station, went home. In the morning when I returned to White's rooms, I took the opportunity while I was by the body to drop the cap unseen behind the divan. I knew that it, as the other circumstances I had created, would but serve to further involve the case when it should be investigated. That is all.

"I might tell more of the impulses that swayed me, and of my feelings on that

night and since, but it could serve no purpose and I am tired.

"I have rung for a servant to mail this; when he shall have taken it and shall be out of hearing——

"Think kindly of me if you can, Dick! for I have loved you."

THE END

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