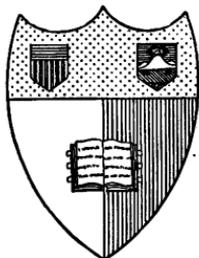


The
VAN BECK
WILL

HENRY
WYNANS
JESSUP

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The van Beck will, a novel, by Henry Wyan



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BOOKS BY
HENRY WYNANS JESSUP

Fiction

THE VAN BECK WILL
ABIMELECH POTT
HEARSAY

Non-Fiction

PROFESSIONAL IDEALS OF THE LAWYER
LAW FOR WIVES AND DAUGHTERS
THE BILL OF RIGHTS AND ITS
DESTRUCTION
FAITH IN EVERY-DAY LIFE
HISTORY OF THE FIFTH AVENUE
PRESBYTERIAN CHURCH
LAW AND PRACTICE IN SURROGATES'
COURTS

THE van BECK WILL

THE VAN BECK WILL

A Novel

BY

HENRY WYNANS JESSUP



NEW YORK

WALTER NEALE

1928

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To
C. A. B. AND J. H. C.
Periti Rerum Ethicarum Ambo

PROLOGUE

And thereby hangs a tale

—RABELAIS

MR. ETHICUS EXPLAINS

I

THE place where I am writing this narrative of the singular circumstances that led up to and followed the sudden death of Stuyvesant van Beck, Sr., is a great contrast to my modest quarters in New York City. I myself am a great contrast to the young people who have persuaded me to this most unusual task.

I am bewildered that I ever consented to undertake it. How old K——t would roar with unholy glee if he ever should suspect that the story you are about to peruse was written by John Ethicus, whose treatise entitled *The Reason-Impulse Theory of Crime* antedated the work of Lepato. John Ethicus! The great criminologist and penologist. If I were on my oath I should have to add, "the greatest living criminologist."

And, at the end of a series of chances and coincidences unparalleled in my previous experience of fifty years, I find myself in this great room.

No, let me be honest with myself; it is rather after a wonderful sequence of Providential guiding that I

have once more a relative to love and an interest in life other, yes, I must say it,—greater than my life-study of the causes of criminal impulse and their development as affected by environment.

There is nothing of vanity in what I have said, although Mary Jowett frowned a little as she read over my shoulder. It is due to my self-respect to let you know who I am who write this narrative.

I am assured that scientists accept as authentic a re-constituted brontosaurus that some paleontologist evolves out of one or two prehistoric bones. All but art dealers listen with respect when an art critic attributes the various alleged Rembrandts in New York to Carel van der Pluyn or to Solomon Hornick or to Jan Simonz Pynas, professing to discover the artist of any painting by the "truth he reveals," "the types he portrays or creates," or "the themes he picks and chooses."

This being so, you can see it was child's play for me, John Ethicus, with a reputation on both sides the Atlantic, once I had the data given me by Dick Jowett, my nephew, by Mary March, by Michael Moran and Adam Noone, illuminated by the comments of old Mike Dolan,—mere child's play for me to infer and deduce with unerring exactness just what had taken place and why.

To be sure, Mary March, now Dick's wife, did a fairly expert bit of deducing herself, and I frankly shall give her credit for it.

Thomas Mulvaney confided in her. He might have been too shy, learning who and what I was, to have volunteered to me the story that put Mary March on the right track.

But I must go back first to the circumstances that account for my being in van Beck in November, 1915.

I had not been there since 1867, when I was a young man of twenty-four, just beginning the investigation and studies that culminated in my great work.

"Hey! what's that, Mary?"

"You are a bit conceited, aren't you?" says Mary.

"Conceited!" I exclaim, much annoyed. "Not at all."

"Well, you're always harping on that 'great work.'"

"Rubbish," I replied, "I'm just alluding to it, so those who read this wretched story will know I am to be relied on, and that it's a true narrative of the inevitable operation——"

"All right," she interrupts, "go ahead. Do it your own way. But hurry up and get to Richard."

Having forbidden her to read over my shoulder again, I resume:

Every intelligent reader,—and I write for such alone,—will want to know the truth about how such an one as I should become involved in what, to many, will seem mere detective investigation. That is what infuriates me so. Dr. Richard Jowett, who married my older sister, Dick's mother, never could get it into his head that I was not a detective. That is what we quarreled over, and it led to our estrangement; so

that, from the time my sister died and when Dick was three years old, to November, 1915, I had not seen nor heard of him. I had led a lonely life. And now that Dick and I have met and have discovered a mutual affection, and I realize all I have lost by my folly, I can see it was vanity and not dignity that was hurt. Maybe in those days I *was* a bit conceited, as Mary says. Yet, on the other hand, maybe that streak enables me to understand old Stuyvesant van Beck's mind and actions all the more clearly.

On the twenty-first of November I was on my way back to New York from California and smoking in the club car. My attention was arrested by hearing:

"Telegram for Mr. Ethicus! Mr. Ethicus! Telegram!"

The voice of the Pullman porter roused me from my reveries and I caught him by the jacket and secured the message. My efficient secretary, knowing only approximately my itinerary, had forwarded this message to every transcontinental train east for three days. Efficiency! That's why she was my secretary.

I took out my blunt-tipped pocket scissors, cut off a thin end strip of the yellow envelope, noted the date and hour of receipt, and then leisurely opened the enclosure.

I had just completed a most interesting and entertaining investigation into insurance frauds and I indulged in a little feminine preliminary speculation as to the nature of the telegram before reading it. Why not?

For, whatever effect the summons might have on my plans, the train would not reach the next station stop for two hours, and I had plenty of time to reach my decision.

I am not going to reveal the theory upon which I have built up my reputation as an unraveller of mysterious situations, although an alert mind undoubtedly will get a hint of it now and then in this narrative, which I really began to record in that Pullman car. I had a "hunch," to use a vulgar term I recently heard, that that telegram was the door to an interesting experience. My secretary would not have gone to that trouble, and expense, for any humdrum matter. The message was short. It was garbled in transmission by some Western Union operator who thought he knew better than the sender what the message should be. But it spelled something interesting.

I read the words "Trouble no one." There was no signature as thus read. I went back to my section, opened my grip, unlocked my indexed register of names and facts,—and turning to T, at once found "Trouble," followed by a red ink note, "See Noone."

Under N, I found "*NOONE*, Adam, 1867," and certain cipher notes that, even after so long an intervening period, brought me a vivid retrospect of a man I had long forgotten. You can imagine I had a professionally delicious anticipation of a new enterprise.

I carefully wrote out a reply on my pad of telegraph blanks and despatched it, personally, at the station we

had reached. It read: "Adam Noone, van Beck. Accept your invitation—Will arrive Sunday. Ethicus."

I omit the State in which the town of van Beck is situated, for reasons that must now be made clear.

In 1867, on the very threshold of my study of penology, I had a wonderful opportunity for first-hand observation, or collecting data from which to establish my deductions.

I paid a long visit to my uncle E——— W———, who, himself a pioneer student of criminology, was led to accept the post of warden of a western penitentiary. He looked upon it as a clinical course, just as an M.D. covets a hospital appointment on the threshold of his career.

While visiting my warden uncle at the penitentiary, I had opportunities of learning the history and of studying the mental operations of the involuntary inmates. My uncle winked at my intimacy, in view of my choice of my life occupation, which, unhappily, however, he conceived, like my brother-in-law later on, to be merely that of detecting crime. By gifts of tobacco and other forbidden sweets, I would get opportunities for long chats with desperate characters, and I found a deal of human nature in the worst of them, and, on their occasional disclosures of how they had been led or impelled into a life of criminality, I built up my "reason-impulse" theory of conduct.

One morning W——— came to my room, greatly disturbed. One of his star-boarders had escaped and

there seemed to be no clue to the method of his escape. My uncle, who, as I said, persisted, to my annoyance, in looking upon me as intending to be a detective by profession, wished me to take the matter up and assist the authorities to apprehend the fugitive when I had located him. He emphasized the fact that there would be a reward and said he would facilitate my endeavors to win it.

I did not disabuse him of this idea, for I saw my chance; so I finally assented, making, however, a most important stipulation. I had seen a good deal of the escaped convict—shall I call him X?—and I had concluded that his conviction and sentence was one of those social self-defense blunders that are inevitable under our laws, but in their aftermath are often none the less cruel perversions of real justice.

My stipulation was: that no one but my uncle should know I was on the job; that I would report to him the result of my inquiries, but I reserved the right to withhold the whereabouts of X if and when discovered, provided, in my judgment, he was found under circumstances indicating that he was going straight and could make good if not interfered with; that my uncle was to treat my report as sacredly confidential, unless I concluded the man was a menace to society and should be reapprehended. Of course, I was not intending to claim any reward.

My uncle jibbed at all this for some time. He seemed to think he'd be compounding a felony. But

when the state police got nowhere in their search, and, when I pointed out that my work need not take the place of any continued activity on their part, my uncle consented on my conditions.

Since I could conceive of no way in which X could have escaped unless the affair was engineered from outside,—for my uncle's safeguards against escape seemed perfect,—I began by figuring out what some one else would have been likely to do,—of course some one who wanted X out of jail. The point was: who could be that some one else. Some trusted insider must have coöperated. I did not care who—but I *did* want to know who induced him to do it.

I had learned X's story. He had told and retold it, sometimes calmly, sometimes bitterly and fiercely. He had enlisted in the Federal Army in 1862, served through to the end, been mustered out, and had hurried home to his aged mother, whom he had left barely provided for by the income of a small fund left by her husband. He had found the homestead occupied by strangers, had found his mother subsisting on the bounty of a distant relative. He discovered that she had been swindled out of her money by a man named Keane. Hunting out the scoundrel, he had found him in a small crowd at the village store; and in a hot altercation, in which Keane maddened him by his sneering jibe, "What you going to do about it?" had shot him down.

The trial was a matter of form,—but, as X was a

soldier and had served with credit, the sentence was commuted by the governor to life imprisonment.

I decided to call first on that official. My uncle gave me a letter to the governor. I found him a real human being.

"I wanted to pardon that boy," he said; "his mother and the murdered man's wife both asked for it."

I exclaimed at this, but he restrained me, and continued:

"That Keane was a bad egg.—It seems he had blackmailed the father of his wife into making her marry him. She told me the whole pitiful story,—how she was engaged to a man named Stuyvesant van Beck, who was her childhood playmate; how he had gone East to make his fortune; and she had not heard from him all through the war, and thought him dead. I'm told he's a big mill-owner or something now—back there—lives in a town he named after himself. He came on recently and married Mrs. Keane and took her and the child with him.

"Both Mrs. Keane and the convict's mother pleaded with me. But, while my heart said 'pardon' my head said 'No,' for if a soldier of Uncle Sam should be pardoned for taking the law into his own hands, think of the effect of such an act on society when thousands of our boys are coming back after years of rough army life and with a disregard of the sanctity of human life. I just had to refuse, sir.—Wasn't I right?"

Of course, according to my theory, elaborated later

in my monograph, I did not agree with him; but I expressed sympathy; and saying: "Well, he's out now," I bade the governor good-bye.

"Are you going after him?" he asked shrewdly.

Knowing the sense in which he asked the question, I was able to say:

"No; but it is an interesting story to write up."

"Oh!" exclaimed the governor, in a disappointed tone, "You're one of these writer-fellows. Well, good-bye."

I then went to see the boy's mother,—a dear little old gentlewoman, with the indicia of poverty and sorrow about her. I told her of her boy's escape and of my interest in him and my belief in his possibilities, given a chance, free of police persecution. Her astonishment at his escape was obviously genuine, but changed to anxiety at once.

"Oh, will they capture him!" she cried, wringing her thin hands. I tried to reassure her: "They have no sign or trace of him, so far," and I got away at the first glimpse I had of the dawning question, *why* was I interested; but not until I had satisfied myself by my questions that she was quite innocent of participation in his escape and ignorant of his whereabouts.

Still, the governor's story had given me a clue.

Who else was interested in this imprisoned soldier? Could his escape benefit any one? I could find no answer to that. Suddenly the idea came to me: Had his

crime benefited any one? The answer flashed plain to my mind.

I started East and found the town of van Beck. I professed to the clerk at the hotel to be looking for land to buy, and learned that the whole town of van Beck was owned by Mr. Stuyvesant van Beck. When I suggested he might sell me a lot or two, the hotel man laughingly suggested I could try. This enabled me to inquire about the local celebrity and his surroundings.

"Oh, he's the whole works here," said my informant. "He bought the valley years ago as farm lands. He built the mills and every house here. He rents, but never sells. His folks? you ask. Well, he has built himself a big stone house down the valley, and last year he brought home a wife from out West. She'd been married before, I take it, for she had a boy with her when she came. But now the old man has a child of his own. And he has been smiling all over the place. Dunno's I ever heard of his smiling before. But his wife is ailing, I'm told.—Anyone else? Oh, yes!—coupla months ago he imported a private secretary—queer fellow—young—but his hair is white as snow—name of Noone. Queer no one remembers to've seen him arrive. The old man pronounces his name as if it was No One,—but folks mostly says Noone. But he sticks to the old man like a shadow."

So the clerk, who seemed to have little else to do, rambled on.

Well, it proved easy to meet van Beck and Noone

at their office. My offer to buy land was turned down curtly. Noone, of course, recognized me instantly. The moment I met him in the outer office, I reassured him that I had no hostile purpose, and gave him news of his mother. He nearly broke down at that.

He was slight, pale, stern-looking; his face deeply lined, his hair blanched, old before his time. But Mr. van Beck had a mortgage on him so far as my getting him off by himself was concerned.

So I finally took the bull by the horns and called at the Place. Upon being admitted to Mr. van Beck's library, I stated my purpose in coming to van Beck, without circumlocution.

"Does the warden know you are here?" grimly inquired van Beck.

I shook my head, but looked at him with sharpened interest. Did he meditate my disappearance or demise? I was tempted to lead him on,—but one glance at Noone's agonized face dissuaded me. I frankly told them my theory of rehabilitating so-called criminals,—the stipulation I had made with my uncle and my decision to refuse to disclose the whereabouts of the escaped X, in view of his wonderful chance to prove his real worth in his new environment. But I made a condition that Noone was to report to me from time to time so that I could test my theory as to impulsive crime, and if he happened on a cognate case, I was to be promptly notified.

Sounds illegal, eh? Well, I was young—I had my

theory. I had to have data in my business, and here was one source "made to order," and, anyhow, I made that bargain,—the first of many like ones. My silence, for Noone's confidence. But I felt curious to know the details of his escape, and Mr. van Beck, who seemed to be intrigued by the account I had given of my proposed life-work, asked me to dine, and after the coffee we three adjourned to the library.

II

A word first as to this Library in which I am writing,—for it impressed me with great force the moment I entered it fifty years ago.

Roughly, the room was fifty feet long, thirty wide, and twenty high. It had on the south side French windows to the floor, overlooking a ravine, along the bottom of which ran the driveway, some twenty feet below. Other windows pierced the west wall, facing the ridge, and revealed the magnificent trees of the old forest that had been individualized by cutting out small timber and underbrush. The mantel with its fireplace, on the north side, was made appropriate by the great height of the room. It was of white marble, the fireplace opening was about six feet square, with old-fashioned iron cranes and seats at the side. The overshef was six inches thick,—a magnificent slab,—and on it stood a group, marvelously executed, at which I never

tired of looking. Cut in the stone were the words, THE FIRST FAMILY.

At the left, half-kneeling, with her arms stretched out, and the most tender look of mother-love in her face, was Eve, her lips parted in a smile, and her whole figure ready to dart forward towards the little Abel, evidently on his first essay in walking, his face very solemn, the hands out at the side, like a rope walker, the feet braced sidewise, his look glued to the ground before him.

Back of Eve, seated on a rough stone, sat the young Cain, glaring at his little brother, scowling with hate; an apple half lifted to his mouth in one hand, while the other clutched a bunch of grapes.

Back of Abel, looking, however, at neither Eve nor the baby she was teaching to walk, but at the frowning Cain, stood Adam.

It was a magnificent figure, of masculine strength, undraped, save for the symbolic fig-leaf, every muscle tense, the arms folded, the head bent forward, the gaze concentrated on the child-hater. The figures were more than life size, obedient to that rule of sculpture that admits, without explaining it, that actual life size in marble gives an effect of puniness and undersize.

The weight of the group and of the whole fireplace was tremendous, and I learned, upon inquiry later, that the stone foundation beneath was carried down to solid rock, thirty feet beneath the house.

One's first impression, of course, was all of Eve and

Abel. But once you had enjoyed the loveliness of that, your eye drifted to Cain, and you received a shock. The artist had put into that child's face a prophecy of the first murder years ahead. And then the father's gloomy foreboding, in his expression pondering the child's look! The narration in Genesis ran through my mind as I gazed, and almost I seemed to hear that first father saying, as Cain later cried out: "My punishment is greater than I can bear!"

After offering me a cigar, Mr. van Beck withdrew, saying, gruffly:

"You may want a confidential chat with Mr. No One—I'll be back later." He added as he left: "Under the circumstances, Mr. No One, tell Mr. Ethicus the facts—once for all. I accept his pledge of silence hereafter."

So I turned to X and asked him to give me the story concisely.

He told it slowly, rubbing one hand over the other as if washing them,—a gesture I recalled as characteristic,—and stared into the great fire on the hearth while he spoke.

"I seem to feel anew," said Mr. Noone, "the strain I was under during that imprisonment. At one moment I would wonder what my mother would do without my work to support her, at another all my capacity for feeling was drugged by my horror and sense of degradation resulting from the treatment meted out to all convicts,"—(remember, this was before Prison

Reform had made any headway), "whether by brutal guards or upon one another by still more brutal convicts. Again, I would be overwhelmed with remorse for my impulsive fatal act. . . . What a penalty to pay through long years for a minute's folly!

"Had I to choose today between death and life sentence, I would choose death. . . . A patient and forgiving God could not deal more harshly with a penitent soul than does man. . . . I would choose death.

"The bright spots in my life in the prison were your visits to my cell and the clandestine pleasure of smoking and chatting with you. It is my recollection of that kindness that influences me to believe your promise of silence, rather than to make a desperate break in search of another hiding-place. . . . For I suffered in that cell.

"My reason was nearly unhinged. And when the chief warden came in one night—with gruff kindness—told me my mother had died, I think I did go mad for a while. It was a hideous blunder, for the news turned out to be untrue—but the warden did not know it. I know I became sullen. I refused to comply with rules that seemed arbitrary or unjust. I fought several of my fellow convicts.—I was finally deprived for six weeks of even the normal jail liberties of walking and exercise.—Then came the amazing experience.

"One dark stormy night a man entered my cell, where I lay manacled because of a violent outburst against brutal discipline during the day, and to my

amazement he quietly began to file the bars of my window. Then, unlocking the handcuffs, he curtly bade me change my prison garb for garments he produced. After handing me a package wrapped in oilskin, which he told me to open after crossing the river that ran past the prison walls, he left the cell, carrying everything with him, and locked the door behind him. Stupefied with amazement, and still half dazed by the beating up I had endured from the guards, but naturally eager for freedom, I climbed through the window, dropped recklessly into the water, struggled across, and walked through fields and woods, until I reached a highway. By the light of early dawn, I opened the packet. It contained a ticket to an Eastern railroad station, one hundred dollars in money, and a note, unsigned, directing me on leaving the train to inquire for a man referred to as 'Sam' and to go where he should drive me, without question.

"Bewildered as I was by every circumstance of my escape, unable even to conjecture by whom it had been planned, I followed these directions to the letter. The train arrived at the station, which was a mere hamlet, about five in the morning. 'Sam' was waiting with a buggy and a team of powerful roans. After driving three hours, I arrived at a town he called van Beck, where 'Sam' drove me, more and more bewildered, to the house of Mr. Stuyvesant van Beck!

"I did not remember Mr. van Beck, though I knew his name, as already narrated. Of course, he had not

known me; but equally of course, he knew who I was. I doubt if any of my schoolboy acquaintances who had not seen me for as long a time as had elapsed since I had disappeared could have recognized in the careworn, prison-pale, white-haired man the lad they had known.

“As Mr. van Beck came into the room and looked me up and down, I felt angry a little, afraid a little, yet safe a little. For he looked at me as if I were a pawn he was about to move; yet he looked as if he did not care whether the move would please the pawn or not. Mr. van Beck has the reputation here of being a cold, selfish man. Why was such a man the one to whom I was thus brought from the prison, which I had looked upon as my lifelong tomb? Yet, I say, I felt safe. He looked strong, fearless. He had the look that says, ‘Don’t worry, this is going my way,—things always do!’ And so our first conversation began.

“Still, it was hardly a conversation. I barely spoke ten words. A man running from Justice, for two days on trains, afraid to take his cap off for fear of showing his cropped head,—I had a bandage around mine, which I had been wise enough to leave undisturbed when I put on the outfit left in my cell. I was grateful. I longed to show my savior how grateful. But I should be cautious, lest I confide in the wrong person. I was, therefore, gruff and tongue-tied, until the underlying kindness of what this strange man was doing with such harshness overcame my doubts and sowed the seed of

a grateful respect and affection, which I shall hold through life.

"He bade me sit down. This library is, as you see, built over a cliff-side declivity, at the foot of which is visible the road up which I had been driven.

"This I had noted in the quick, furtive investigation I had made the instant I had been left alone by the servant; for my constant thought was safety, my purpose, escape, and my determination death,—death rather than a return to that living hell. I must admit that in this interview Mr. van Beck spared neither himself nor me. He was bent on making me understand. And, by heck! he did!"

Mr. No One—Mr. Noone—gave a start as he paused, and, half smiling, went on:

"You have no idea, Mr. Ethicus, how astonished I was when I used that mild expletive. I used it as a soldier-boy; the wonder is I used no stronger one; but, since the day I am telling you about, I have lived a life of such repression and taciturnity that I do believe I have not yet even thought of an expletive or any formerly individualizing expression. I have so feared self-betrayal since arriving here! Permit me, then, the enjoyment of repeating: 'By heck! he did!' But I'm interrupting.

"Mr. van Beck spoke in crisp, comprehensive sentences. He looked keenly at me as I rose at his entrance into the room. Then he began pacing back and forth before this great fireplace, with his hands under

the tails of the wide-lapelled, long-skirted frock coat,—Prince Alberts they are called,—which he always wears.

“Then he stopped and snapped out, ‘So you are the man!’

“I did not feel much of a man; but I nodded, still guarded and watchful. ‘You were a soldier; Kargé’s Corps?’ I straightened up. It was a fillip to my self-respect.

“‘Good job, you did, ridding the town of S——, of that damned scoundrel Keane—’ A slight pause; then, ‘Eh?’ he snapped, ‘Are you dumb?’

“‘N-n-no, sir,’ I stammered; ‘but I’ve been through a lot, and I’m puzzled at things——’

“‘That’s natural enough,’ he interrupted. ‘I’m going to put things plain to you, once for all. I will make you a proposition. Take it, or leave it. If you take it, I’ll warrant you safety. If you decline it, you’re free to go where you like,—back to where you came from—or anywhere.’

“I must have shrunk visibly at his suggestion that I might return to that hell in the penitentiary, for he said grimly: ‘I thought so. And that is the consideration *moving* me, as my lawyers say, in the agreement I offer to make. Here it is: I propose to buy your fidelity with my guarantee of your safety. I’ll tell you enough to let you understand why I took enough interest in you to buy a jailer’s conscience and bribe you out from behind the bars. I committed a

punishable offence in so doing. You know it. But you can't use the knowledge without a worse penalty for yourself. But why did I do it?"

"'Yes, sir!' I ejaculated; 'that's what I can't understand.'

"'Well, listen!' he replied; and, resuming his slow pacing, he continued:

"'When I left S—— I was as poor as any of the other lads at school with me. Alice Grey and I were pledged to marry, and I left town with the grim determination to make enough money to marry on.

"'I made a great mistake. I determined no one in S—— should hear of me or from me till I had made good.

"'What really led to that foolish resolve was Deacon Grey's refusal to recognize any engagement between *his* daughter and a penniless youth. I resolved I would *show* him.

"'I had made some money when the war broke out. I had overheard some men talking in New York about army contracts. I went to our Congressman—showed him how much money I could control. He gave me introductions and, to make a long story short, by contracts and by sub-letting contracts I cleaned up a very large sum.

"'As fast as I handled my profits I bought up or closed options I had secured in this valley. I hit on the place by accident, when traveling on a commission for a New York concern, and I had a vision of what mills

could be driven by the water power up at the Gap yonder.

“ ‘When I was through with the contracts, I owned every foot from the lake above the Gap to a point ten miles south. I own it still, and I am beginning to lay out a great town and mills, all to be owned and operated on my lines, and governed my way, without politicians or town councils or grafters interfering or holding me up.’ His eye lit up, he paced silently a while, lost in his vision of power.

“ ‘Then I went back to S———. Then I learned that the girl I had worked and waited for had been married!

“ ‘I was shocked and angered. My informant told me who her husband was, Keane,—a man I remembered as a sneak and a coward. I became bewildered. I was told he had been shot in a sudden brawl and that Alice was a widow with an infant son.

“ ‘My first anger yielded to the impulse of sympathy. Yet, as I went to see her, I was steadily growing more and more resentful. I did not then realize that my pride, my determination to prove Mr. Grey in the wrong in rejecting me as a son-in-law had been purely selfish. I went determined to learn why Alice had accepted Keane.

“ ‘I heard her story. Instead of disloyalty to me, I discovered the rarest courage and loyalty to her father, of which, frankly, he was not worthy,—for she married this blackmailer to prevent the exposure of her father’s

wrong-doing. But this concerns you but little; she loved me still, as I loved her, and we were married as soon as it could be arranged. She is here with her child, named, after that unspeakable villain, Reuben Keane.

“‘I make no bones of the matter. We are both grateful to you, my wife and I,—the girl who married Reuben Keane. We look on you not as a madman but as the cutter of a Gordian knot that might have tied our lives in hopelessness.

“‘I propose this: You stay here quietly till your appearance is normal. I will then announce you as my new private secretary. Mrs. van Beck will not know who you really are. You will cultivate taciturnity. You are nobody now. You will be called “No one”—pronounced “Noone,” that means Nobody. Your first name will be Adam. How’s that?’ he said with one of his very rare gleams of humor. ‘You are a damn nobody, eh? Adam Nobody. Your name will always remind you of the necessity for silence and reserve.’

“‘I flung out my hands. As if I needed such a caution! Any name, any work, any conditions were acceptable to a man pulled out of the Slough of Despond as I was.

“‘The chaplain of the penitentiary had a number of copies of *Pilgrim’s Progress*, and Bunyan’s *Holy War* that he lent to the inmates. I had read them. I was not then a Christian man; but whatever in that respect I may later become, I believe I shall owe to the imag-

ery and incidents that that other man in jail had been inspired so wonderfully to write.

"I was ready to climb the Hill Difficulty, and as for the Lions, why, I knew in advance they would be chained.

"I tried to express my gratitude; but, stern and hard again in an instant, he shut me up and, calling a servant, directed him as to my rooms. To come to an end, Mr. Ethicus, here I've been ever since."

After a long silence, Mr. Noone,—as I must now continue to call him,—resumed quietly:

"I want to thank you, Mr. Ethicus, for that book you lent me in prison."

"You mean the *Law Breaker*?" I asked.

"Yes," he replied.

This pleased me greatly, for he referred to a short story I had had published in a magazine, which story foreshadowed the later and inimitable narrative by Anatole France, entitled *The Crime of Sylvestre Bonnard*. I cannot resist quoting Mr. Noone's estimate of my long-forgotten story,—since it would serve as the nucleus of a review of France's great book. Noone said, musingly:

"After my first eager reading, I had to cudgel my brain to recall just in what respect that lovable, gentle, generous soul whose experience you portray was a criminal; for in my mind, as I read, I praised and commended him for the deed that, it developed, was, under the law, severely punishable.

“I owe a debt of gratitude to you for demonstrating that once in a while man can defy man-made law without experiencing a sense of moral turpitude; although, as in my case, if he break a law of divine ordaining, he suffers the spiritual penalties of sorrow or remorse, without possibility of evasion. Of course, I appreciate your view, that murder is not to be conceded to be justifiable merely because one believes the one killed deserved his fate; but more fully do I appreciate your theory that a murderer may be reclaimed in character,—at least, among men,—if given his chance. God bless you for your theory! May it work out in my own case!”

Let me add that several weeks later, through a friend in London, I had mailed from there a bare report to my uncle, the warden. He was loyal to his promise. Hence in all these years Noone had been safe and, I assumed, happy in his new life in van Beck.

So much in explanation of why, nearly fifty years later, Mr. Noone called on me to help him in a new crisis of his life, arising out of the death of his benefactor, Stuyvesant van Beck.

III

But a word or two is advisable as to the topography of the town and the valley of van Beck, as Mr. Noone showed it to me the day after my arrival, in November, 1915. It seems there had been a terrific storm raging

over the region some ten days before. My copy of the United States Department of Agriculture's *Monthly Weather Review* (Vol. 43, No. 11) records the Weather Bureau's warnings and contains the charts showing seventy-two-mile gales and a precipitation of nearly eight inches in that locality.

We stood on Lookout Rock, with Silver Lake to the north behind us. At our feet, swollen by the recent rains, the river plunged in four long rapids or falls down to the bed of the valley, two hundred feet below, and ten miles to the south gleamed the waters of "Lower Lake," which, Mr. Noone told me, had the peculiarity of having no visible outlet. I recall seeing such a lake in the Helderberg Hills, south of Albany, New York, near the caves where the Regicides are said to have hidden in Colonial days.

On either side of the valley lay hills covered with woods, still russet-colored with the leaves that were beginning to fall.

Near the gorge of the falls was a power plant, and on the west side of the river lay the mills; while trimly laid out workmen's houses and little garden plots were across the first bridge on the east bank.

These mills and houses extended down the valley basin for nearly a mile.

Then, clearly defined, began the business area. I could see a great square equal in extent on either bank, and Mr. Noone pointed out the buildings of the van Beck offices, of the bank, of the opera house, of the

court-house. On the west lay residence streets, and on the east was a recreation park, with a hospital on the slope backed by the woods.

Beyond the hospital appeared what looked like a great park, but which contained, scattered among the great trees of the original forest, the houses occupied by the wealthy people of van Beck.

Below that, and glistening under the morning sun, extended the links of the country club.

But the outstanding feature of this beautiful landscape was the Place, that is, the great stone van Beck house. It stood, in command of the whole valley, on a queer headland about a hundred feet high, jutting from the west hills, right away out to the river bank.

The forest trees had been so felled that two dozen or so, giants they were, stood out here and there against the horizon in beautiful outline.

The remaining five miles were dotted with market-garden fields and little white farmhouses, and here and there cattle of a great dairy farm.

"And every foot of ground, and every building," said Mr. Noone, "belongs to Mr. van Beck!"

It was a very impressive panorama. The air was washed clean. A few white clouds floated lazily above us, dragging their shadows here and there as if to call attention to this or that part of the landscape.

This particular view of the valley is one of the most beautiful in the United States. I have seen but one, anywhere, that excels it, and that is the one that bursts

on the traveler emerging westward after a hot ride over rocks and sand through the pass in the Lebanon on the old Damascus road, in early June, say. For beauty, like wit, lies often in the unexpected.

There the arid limestone cliffs fall away precipitously before you, with here and there a picturesque pine stretching its careless branches wide, down to the foothills, and thence to the plain girdling Beirut, the Naples of the eastern Mediterranean. Groves of pines, orchards of mulberries and oranges, here and there a date palm, or a funereal group of cypresses, lend each their distinctive shade of green to the picture; and then, if you are lucky, you may witness the marvelous effect of the rising seabreeze ruffling the surface of the dark olive groves and turning up the under surface of their leaves till you see a shimmering silver wave sweeping across the plain before you.

Beyond are the vivid orange and yellow and red tones of the sand dunes, held at bay in their stealthy, unending encroachment upon the city by the "subbire" or prickly-pear hedges; and, beyond all, the glorious sea, with its indescribable blue. Or, if you come through about sunset, you can, in the stillness of your arrested ride, hear the soft susurrus of the surf, eight miles below you, and once in a blue moon, they say, you can see the pink touch of the setting sun illumine the peaks of Cyprus, seventy miles away.

The beauty of the van Beck Valley is to that Syrian

vista, so inadequately described, as is the beauty of a lovely quiet home to the intricate loveliness of an Italian palace. It is,—how shall I put it?—it is—satisfying.

CHAPTER I

*A lawyer, sir, must first get on,
then get honor, then get honest.*

—ANON

I

I MUST now record the events that preceded my visit, as I later pieced them together, bit by bit, from my talks with the actors in this little drama.

It was two o'clock in the afternoon of a mid-November Saturday, in 1915; that is some ten days before my summons to van Beck. A young man stood at a window in the second story of a boarding house high up on the east hillside of van Beck, just north of the hospital grounds. He was staring disconsolately out, trying to discern, through the driving sheets of rain, the golf links, from which he was being detained.

The northerly gale howled past the window. The river was boiling down between its embankments. The roar of the falls, a mile north, could be heard even above the tumult of wind and rain.

For nearly an hour the young man had stood there thinking and worrying, making and discarding plans; for the spectator of the storm was "up against it," and was wondering about rent and board and such like sordid details.

The surroundings were conducive to retrospection, and Richard Jowett, whom I have already introduced as my nephew "Dick," was prone to think things out backwards and forwards.

They tell us that in a moment of crisis, such as drowning, one's past flashes through the memory, like an accelerated motion picture reel, in an instant of time.

Dick Jowett was undergoing a crisis, but the picture he had been visualizing was a slow-motion panorama of the recent years of his struggle for success.

His mind went back to a little over a year before. He remembered, with a smile, that, taking refuge from a thunderstorm under a ledge of rock near the Adirondack camp of Stuyvesant van Beck, he had fallen asleep. He awoke with a start. In the dusk, as he started up, he could vaguely discern something large between himself and the mouth of the cave. He heard a sniff. His hand, stretched out at his side, touched an old tin can. Instinctively he grabbed and hurled it at the intruder, with a simultaneous yell of fright. As luck would have it, the projectile struck the wandering bear full on the snout, and, frightened in its turn, it lumbered at a clumsy gallop down the hill, across a clearing, and burst into the woods that skirted the shore of the lake just as two men and their guide were emerging, "fearing no harm," as Moran put it later on, and disappeared, after scattering them in alarm.

Dick had heard the shouts and laughter of the returning party and had cut across to join them at the

camp. Stuyvesant van Beck, Jr., and Michael Moran had been his roommates, classmates, and fraternity brothers at a western State university. Two years before this story opens had occurred their commencement day. Michael and Dick had, since that commencement, studied law in a law school in the Northwest, and had planned to "hang out a shingle" together wherever a favorable opening presented itself. Pursuant to a promise made when they had parted at their college graduation, they had now come East at Stuy's invitation for a month's camping, and their visit to the North Woods was nearing its end.

They had endlessly canvassed the question of where to settle. Both were singularly free of local ties. Both were orphans, and had worked their way through college and law school. Dick had had a few thousand dollars of insurance money, paid him upon the death of his father, a famous New York surgeon, whose kindly heart led him into so much free work among the poor that he left his only son no greater inheritance than a small insurance and his example of fearless adherence to high ideals of professional conduct, at whatever cost of personal profit. He had been a Quixotic Galahad, and his son adored his memory.

Michael Moran, born in New York City, of Irish parents, had been in turn newsboy, office boy, and finally, emergency farm-hand in the harvest fields of a Western wheat ranch, and there young van Beck had met him while on a hunting trip, had been attracted by

his humor, and impressed by what seemed to the young fellow his great fund of experience, had talked him into going to college, and there both Moran and van Beck had met Dick Jowett, whose father had been an alumnus of the same institution.

Mr. van Beck had sent his son west to this college because his own early life had been lived in that State, and purse-proud though he was, the one redeeming trait of his money-hardened character was this love for his son. In planning for him, he displayed a kind of wisdom not otherwise manifest in his actions. For while he had spoiled the lad in many ways, he had a strong conviction that there was more first-hand manhood in the west. "Buck up," he said to the boy, "buck up against men who have worked with their hands, who are willing to work for an education, and if you can make a creditable showing against them, you will prove yourself fit to tackle the work I am ready to pass on to you."

Reuben Keane, Mr. van Beck's stepson, had preceded the three young men by several years at the same college, and by the time young Stuy returned East, Keane had firmly established himself in his stepfather's office.

At college Keane had been a good student, but a bad influence among the weaker crowd. Still, the college authorities could never bring anything home to him. As he never gambled nor drank, he had a reputation for strength of character.

The day after the ursine comedy had occurred at the Adirondack camp, Reuben Keane had arrived, to report to his stepfather, on some business complication. At lunch, on the clear ground in front of the main camp shack, Stuy had given an entertaining account of the triple fright. Keane, who had no sense of humor,—a fatal defect in successful villainy,—sneeringly inquired, "Why didn't you shoot the bear?" Stuy remarked that there had not been time. "Time!" sneered Keane; "you had plenty of time. No man ought to be trusted with firearms who needs time to shoot." He then turned the talk to revolver shooting, for Stuy was known to be singularly unsuccessful in his shots.

Keane rose, and getting out a beautifully ornamented weapon from his grip, gave an uncanny exhibition of his prowess at fixed and moving targets, and from every conceivable position of either hand. It was a bit of queer ostentation. Reuben Keane did not often boast. But it was, without a spoken word, sheer concentrated bragging. Dick Jowett had been greatly impressed. The senior van Beck looked at his stepson, Reuben, in some surprise. He had a vague Herbert Spencer idea that many hours "of misspent youth" must be accountable for this unsuspected proficiency.

But Dick Jowett was moved to emulation. He asked leave to try the pistol, and Keane, with ill-concealed reluctance, handed it to him, after reloading it. Dick clumsily let it fall. It struck on a rock, and chipped at the butt, a bit of the beautiful decorative work, about

the size of a fifty-cent piece, breaking off. Jowett was overcome with mortification, and apologized, and offered to replace the pistol; but Reuben, snatching up the pistol, roughly rejected his overtures, muttered that it was "irreplaceable," and disappeared in a rage for the rest of the day.

Little did any of the party dream that this weapon, so unmistakably individualized by this accident, would later reënter their experience.

II

Richard Jowett's father had been, as already noted, a famous surgeon. He had once been summoned by a former colleague to go to van Beck from New York for a consultation over Stuyvesant van Beck, Sr. In his masterful way, he had overridden the local consultants, who had refused to operate, on the ground that it would be too late to prevent death.

He proceeded with an emergency operation at the home. The usual aseptic conditions available in a hospital were lacking. As a result of the necessary speed of the task, he had cut his own hand, and the cut had become infected. He saved Stuyvesant van Beck; himself he could not save.

His first associate in his metropolitan practice had been Stephen Lax, practicing at the town of van Beck when the life of that city's principal citizen was saved. Dr. Jowett had separated from him years before van

Beck had been operated on. Jowett had criticized Lax sharply for lack of the finer ethical perceptions in his pursuit of patients, and Lax had removed to van Beck. There he had found an untrammelled opportunity, free from ethical restraints; and, by what we used to term "bootlicking," he pushed his way into the hospital and into a good deal of private practice, including the van Beck household and factory. But his quarrel with Jowett had not dimmed his appreciation of his former colleague's ability; so he had called him into the consultation when van Beck the elder was at death's door.

Accordingly, when the senior van Beck, in the relaxed friendly intimacy of camp life, learned who Dick was, he had become cordial,—for him,—and questioned the young man and young Moran as to their plans, and they were eager listeners to his shrewd, caustic counsel as to how young men should go in pursuit of success. He was rather carried away with his own momentum, once launched; but it all boiled down to "hard work" and "concentration." Whatever the sincerity of his religious convictions, he was a firm believer in the power of the individual will to surmount obstacles. But the two guests had listened in vain for any definite suggestion.

Dick's memory concentrated on the talk which he and Moran had had that night. How Moran had suggested that Dick might bank on his father's service to their host, and ask him if there might not be

an opening in van Beck County for two bright and dependable lawyers.

"It wouldn't be ethical," Dick had exclaimed. "It would be soliciting business. We're not ambulance chasers. Remember the Canon of Ethics the old Dean made us learn by heart? Solicitation 'not warranted by personal relations.'"

"Well," rejoined Michael, "isn't this a personal relation; a clearly defined relationship? Your father saved his life. His son is our nearest and dearest friend." With a sudden inspiration, he added, "Ask Stuy?" No, Dick wouldn't ask Stuy either.

Moran had not much expected he would. And it says a good deal for the "old Dean's" influence that Michael himself was not over anxious to "ask Stuy" himself. It seemed to him too much like begging of a rich man.

All through their law-school course, Dick had been the most enthusiastic student in the old Dean's quiz on ethical problems. His classmates had dubbed him a crank. He had a complete collection of the literature of Professional Ethics. He worried each of the problems of the Ethics Clinic¹ to the bone. He

¹ Note: There has been since 1908 a committee of twenty-one lawyers devoted to the work of explaining and applying the Canons of Ethics. Their answers to questions as to the propriety of professional conduct in given emergencies are published in many legal publications and sent to lawyers all over the world. They are also used in many law schools. Doubtless they are what Dick Jowett had studied.—ETHICUS.

leaned over backwards after righteousness. He was in danger of becoming, he later confessed, a bit Phari-saical. Moran was a high-minded fellow, and, despite his cruel boyhood, he had the instincts of an honorable Irish gentleman. But he had a keen sense of humor. He loved to tease Jowett, who was easy game; and, withal, Michael was bent on professional success; and what is more obvious than that, for a lawyer to succeed, he must have clients. So he and Jowett were soon in the usual hot debate over ethics as an unbending guidepost *vs.* ethics as a bunker to be played over or around.

The resultant ill-humor vanished, however, when Stuy entered their room about midnight.

"I heard you two disputing, so I came in to act as peacemaker. What's the question up for debate?"

His guests were embarrassed, Dick Jowett painfully so. Moran quickly recovered. "Just one of Dick's ethical attacks," he said; "we'll finish it when we open our law office."

Stuy inquired, "Where have you decided to locate?"

"We haven't decided," replied Michael.

"It would be fine if you could come to van Beck," carelessly observed Stuy.

"Wouldn't it?" said Moran, with studied carelessness.

Dick looked uneasy, but his "ethical attack" was not acute enough to lead him to interrupt the exciting colloquy.

“By Jove!” said Stuy, suddenly waking up for the first time to the practical situation, “if you have not decided to practice out west, as I supposed you would, you must come to van Beck. You’ve never visited me there. Yes, I know,”—he waved aside Moran, who muttered something about railroad fare,—“you never would let me blow you off to the trip. This is the first time you, or either of you, have consented to be my guests.”

Both protested. They recalled the advantages they had derived from their joint occupancy of college rooms, furnished lavishly for Stuy by his father; the books, the piano, the use of his car; but he silenced them by saying he would have had them anyway, and stumbled over some expression of their friendship and its value to him, and their help to him in screwing him to passing grade, and standing by him in his scrapes, and then warmed up to a description of van Beck. He dwelt, to Moran’s great satisfaction, on his father’s interests, the mills, the trust company, the corporations. But when Michael, at a pause in his eulogy, inquired if there was much law business, Stuy was bewilderingly vague.

“I suppose so,” he said. “There’s a court-house, you know, and er—all that; and there are some very disagreeable lawyers I’ve met at directors’ meetings. But, I say; I don’t know much about law business! I’ve never been put in the law department yet,” ruefully adding, “I suppose I’ve blundered too much to be

trusted there, yet." Then he savagely went on: "That's where Reuben shines. This lawyer-chap usually says, when we are to vote on some long-winded paper, 'I may add that I have gone over these provisions with Mr. Keane, and I believe they have his approval,' and Reuben turns to father and says, 'In every respect,' and then we all vote 'Aye'—and I no wiser than ever." His brow clouded as he added:

"You see, fellows, he's so damned efficient,—and father loves efficiency. I don't care a hang for the money,—though I'm so used to having it I wouldn't know what to do without it;—but father is so keen on my succeeding him in the business.—It's been his whole life since mother died, and he's been father and mother to me—and I want to please him—and—everything goes wrong." He choked, but went on:

"And, between ourselves, I am getting convinced that Reuben works things so as to put me in wrong. He makes me furious by the way he patiently advises me,—of course, only when father is with us,—and points out what might have resulted from one of my fool blunders, if he 'hadn't stepped in,' and 'put things right,' and all that sort of rot. However, that's my funeral! I didn't mean to talk like this."

Moran, with his "eye on the squirrel," observed: "Whom else would you talk to, old man, if not to your pals. I'm getting to 'loathe that fellow Snaggys' myself. He was certainly rude to poor Dick here when he dropped that pistol. But you were speaking of

this town of van Beck as the possible scene of our activities. Do you think we could rent an office cheap?"

Stuy, who hadn't the vaguest knowledge on the subject, was sure they could. After an hour's further talk, it was decided the two young lawyers would return with the van Beck family, that they would put up at the "House" until they could find rooms and an office, and the two legal aspirants were left to dream of big business and success.

Dick's memory then raced over their actual coming to the valley, their stay for a few days at the Place, the total absence of any further suggestions from Mr. van Beck; young Stuy's unconsciousness of their hope he might hint at some business connection, his own refusal to bring such a matter up, and the discouraging record of his struggle to get established in the practice of the law.

The two young lawyers, after a few days prospecting, had hopefully rented two connecting rooms, hung out their shingle, and like two coöperated ethical spiders, waited for clients to fly unsolicited into their web.

Dick still had some of his insurance money left; Moran had saved a little by doing coaching at law school. I suppose they really had banked heavily on Stuy in their expectation of business. He had suggested their starting in at van Beck, and it was only natural that they should expect him to "steer" something their way. But the dear fellow never apparently

gave another thought to it. Nothing was more natural. But there are friends whose affectionate inactivity leads to Micawberism in those who "wait for something to turn up."

The corporate law business of the van Beck business was huge; but Keane, not Stuy, had the "steering" of it. And he steered it carefully into the office of what was known by the local lawyers as the "syndicate firm," an aggregation of four men who frankly viewed the law as a business and were out to get business. Mr. van Beck judged by results. The "syndicate" produced results, and kept the business.

Their methods violated every canon of the American Bar Association in such case made and provided, and by their intimate relations to the local judiciary (who were the result of careful and, in Mr. van Beck's view, natural selection), they were entrenched in a monopoly of all the emoluments that inhere in the outflow of judicial patronage.

The junior member was a Uriah Heap up to date, an oleaginous person, who had a most exasperating manner in his attempt to "mix" with everybody and who insisted on shaking hands, leaving moist and unfragrant residuary deposits on the hands of the shakees.

He and Keane were inseparable, and what hatred and dislike the three friends could spare from Keane, they lavished cheerfully on Krone.

Michael and Dick waited. They continued to wait.

They got the position of counsel to the local Legal Aid Society; but it was unpaid work. It gave them what Moran called "a fine clinical experience," but did not swell their diminishing exchequers. Dick, whose ideals of the professional life were very high, threw himself into this philanthropic service with great zeal. That is the way the Mulvaney family come into this story. But Moran was a bit cold to the idea. He contended that they had their way to make. That Dick, certainly, if he expected to marry and support a wife, must make money. That ideals were fine, but would not pass as currency in adjusting rent and board bills. But Dick loftily rejoined that "Mary approved" of his doing this work, and anyhow, he "must be his own judge," and so on and so forth.

I shall present "Mary" to the reader presently.

Dick's more practical partner had not lost sight of the political features of the goal he had set for himself. He decided to "get busy" on his own account and to get in on something that had pecuniary attachments.

As he said later to me, "I'm Irish, and I love the political game."

Let me digress a moment.

He told me about his entry into the politics of van Beck County, in a chat we had, when old Dolan, and the young district attorney, after the tragedy I am about to disclose had occurred, were telling me some of the facts above noted.

"I was a member of the minority party," said Moran

reminiscently, "but still ignorant of the hollow mockery of its organization. The van Beck district attorney died, so I went to my leader; and, my parents having kissed the Blarney Stone together in 'the ould days,' I painted a persuasive picture of my qualifications and availability. He said he would 'think it over.' Some days later I was telephoned to and requested to step over to Mr. van Beck's office.

"Dick,—Richard Jowett,—then still my partner, and I were all agog. We both supposed the old man was going to put his assurances to Dick in some tangible form. He was under obligations to old Dr. Jowett, Dick's father, for saving his life, or something of the kind. I didn't connect the request in the slightest way with my own political aspiration. We both wondered why Dick had not been sent for instead of myself. But he, dear fellow, showed no jealousy, and I went over, thinking, to tell the truth, that maybe the employment involved something that Jowett's already well-known ethical scruples might balk at. I went, of course, determined not to agree to do any "dirty work," yet eager to accept any reasonable employment that would help on bread and butter.

"*Figurez vous*, as our French cousins say, my amazement when Mr. van Beck after subjecting me to a rather disconcerting silent scrutiny for some time slowly observed:

" 'I hear you have decided to enter the public life

of our community and are a candidate for the office of district attorney.'

"I stammered assent, wondering how he, a well-known Republican, had heard of it.

" 'Very proper, sir; very proper indeed,' he went on, his eyes still seeming to bore into me; 'but what chance do you think you have of election as a Democratic candidate? I am informed they only polled 1968 votes at the last election.'

"I stopped my attempted reply as he raised his head. He certainly had a dominating way.

" 'I had the highest respect for the late incumbent of the office. Mr. Conover was a great public officer. I fear we shall feel his loss. Still, his office is well organized, and on lines that have stood the test of time, and have ensured the public safety. His successor, if a man of ability, and, shall I say,—er—adaptability, might make a success if he were not too much afflicted with the new-broom idea.

" 'My son has often spoken to me of your partner and yourself, and I like what I have seen of you both. I owe my life to Richard Jowett's father, and I have had his son's welfare in mind for some time.' He hesitated, looked a bit disconcerted at the expression I could not keep from my face, but went on:

" 'Er—yes, for some time. Still, for political life, your friend is perhaps not fully qualified. I hear his principles of life are—shall I say, rather strict. Not that that lessens my esteem for him, Mr. Moran. Do

not misunderstand me. I honor him for it. Nor do I imply, sir, that you are not a man of honor; but, I gather, you are a practical man as well as one of excellent principles.

“‘If I could feel sure,’ he spoke slowly, and I realized he was getting down to brass tacks, ‘that Mr. Conover’s successor, whoever he may be, would assure to this community a—er—shall I call it, a continuity of administration,—er—an absence of disturbing readjustments, I would be highly gratified. In fact, I would be disposed to throw what little influence I personally may have, after all the years I have devoted to this county’s upbuilding, in support of his candidacy.’

“By this time I was under his spell. I smelled no rats. I had no suspicions. I was a newcomer, and had no large array of friends to distribute spoils to, if spoils materialized. I viewed Mr. van Beck’s attitude as wholly a personal one. But his support would be invaluable. So, after pocketing a check for what Mr. van Beck called ‘legitimate campaign publicity,’ I went off, with my head in the air. The leader to whose office I repaired did not seem greatly impressed by Mr. van Beck’s contribution. He took it, to my surprise, as a matter of course. But I was duly nominated.

“The Republicans nominated Mr. Krone; but his candidacy was not enthusiastic. It was half-hearted from the start. He referred to me in his speeches with exaggerated, oily courtesy. Stuy and Dick and I canvassed the mill and factory hands. The Legal Aid

clients whooped it up for us, and, to make a long story short, I had an overwhelming majority. In fact, until a few months later, the returns puzzled me exceedingly."

Moran was a most refreshing companion, and between him and old Dolan I secured enough to fill out the whole story of the fraud and the crime that I have been asked to record. A delightful evening at the Jowetts' also gave me Mary Jowett's account, without which the play would have lost its Hamlet.

III

To resume the narrative of Dick's memory panorama :

Richard Jowett, meanwhile, after Moran's election as district attorney, had been having an uphill time, practicing alone. He had given up the second room of the former offices of Moran and Jowett. His bookshelves, filled on the instalment plan, afforded a partition warranting the application of the words, OUTER OFFICE, and PRIVATE OFFICE, to the space divided by them. He told me in detail one evening the whole story of those days of waiting, and my account is therefore authoritative.

In his methodical way, he said,—or I inferred from his manner,—his position could be summed up as follows :

He was still the unremunerated counsel for the Legal Aid Society.

He had just enough left to cover his office rent, his lodging, and his club dues for six months. But it was not in cash. It was in a \$500 bond, which he stubbornly refused to sell below par, and for which the bank told him no one would pay more than 95 and interest.

No van Beck business had materialized.

He was scrupulously obeying the Canon of Ethics that declares solicitation of business by a lawyer to be improper and unprofessional. He adhered to the spirit of the rule, "Sound not a trumpet before thee, as the hypocrites do." And no one else seemed to care to sound it.

It is unhappily obvious that these Canons of Ethics were a great handicap to Dick. Decalogues are like a railroad track: the train progresses only while on the rails. He and Moran often came near to a serious quarrel when the latter urged that the Canons were counsels of perfection, to which no average human being could more than approximate his life; that "ethics were made for lawyers, not lawyers for ethics." Moran quoted Scripture in support of this satanic epigram.

I enjoyed listening to a debate, at times heated, between Moran and Jowett on this question.

Richard Jowett's scruples can hardly be intelligible to the casual reader without some reference to the conflict between the two ideas now in close grapple, as I have discovered on looking the matter up, the one

contending that the law is a profession, the other that it is merely one form of specialized modern business.

If law be a learned profession, as Jowett insists, regulated as to its membership by legislative and judicial safeguards in the interest of the community, so that in the maintenance of the citizens' rights they shall not be prejudiced by the activities of ignorant or dishonest practitioners, then it is reasonable to expect that members of the bar, actuated by the traditional rule, *noblesse oblige*, shall voluntarily submit themselves to the yoke of canons of professional ethics in the discharge of their threefold duties,—to their clients, to the courts, and to the community. This obedience on the lawyers' part to this self-denying ordinance should be instinctive; but rules may be necessary to jack up the flagging ethical energies of the "weak brother." Hence, Committees on Discipline, or on Grievances.

But if the practice of the law be, as Michael Moran asserted,—though with a twinkle in his eye,—a mere business activity, then that measure of common honesty that prevails in their particular community is the highest norm to which lawyers can be reasonably held to conform. Under such a theory they are free to advertise their wares, *e.g.*, the lawyers' efficiency in driving reluctant debtors to the wall, their ability to sway or to hang a jury, or their skill in the drawing of documents that will stand the test of litigation. And so, of course, any "business" man would be deemed a fool who did not "hustle" for business, who did not prose-

cute his business for what there was in it, and who did not measure his success by his balance-sheet each year. That way lies "ambulance chasing" and indecent solicitation of employment.

It seems to me there may be little to choose on the score of dignity, between the huckster crying his wares and the spider waiting in his web for flies to happen in; but metaphors serve only to amuse during controversy and rarely to convince.

But I am sure that a *gentleman* in any profession will be dominated by the idea of service. The pecuniary rewards will be a secondary consideration. The essential dignity of his profession will require of him conformity to high ideals.

If into the profession there enters one not a gentleman, one to whom traditions are outworn, or never even heard of, then the existence of rules to which he must conform, under penalty of censure, suspension, or disbarment, is imperative and indispensable; else, lacking the motive to conform and the conformity involving the loss or the deferring of pecuniary gain, he will certainly not conform.

If the law be a mere business, why impose tests of character and of learning as conditions of admission to the bar? In passing, it may be noted that in many states the only persons whose "good character" must be certified to before they begin business are lawyers and, in pre-Volstead days, saloon-keepers.

After all, the community is the chief gainer from

the safeguards of high ethical standards in any profession, law, medicine, engineering, and what not. Any one interested in following this subject more fully need only refer to *The Ethics of the Professions and of Business*, in Vol. CI (May, 1922) of the *Annals of the American Academy of Political and Social Science*, in Philadelphia.

I must have failed in my delineation of Dick Jowett, if you have not placed him in the "profession" class. The average attitude, it is to be feared, is a "middle-of-the-road" one. So Moran usually gave intellectual assent to Dick's theories; but in his own experience applied what he considered the pragmatic test.

As one lawyer of whom I was inquiring cynically observed, "I never could jack myself up to the plane of the Apostle Paul, who said if meat caused his brother to offend, he would 'eat no meat while the world stand.'" Much is done in the name of that doctrine that is best described as "damning the sins we are not inclined to," or words to that effect.

And as to church people generally, the "no meat" teaching is preached largely by "moral vegetarians."

One observation more, and this apparent digression will have pointed a moral, if it has not already adorned this tale.

On the "business" hypothesis, the client hires a lawyer, and expects that his own interest is the only one involved. A lawyer who is a mere employee loses his status of professional dignity at once. He is at his

employer's orders, and may be expected, by every hook or crook, by technicalities of which our statute-stained jurisprudence is full, to accomplish the result for which he has been or is to be paid.

On the "profession" hypothesis, the lawyer accepts a retainer, without abdicating his dignity. He is counselor and friend to his client, but will seek no advantage for him involving deception of the court or overreaching the adversary. He retains his spirit of self-respect and courtesy. He has his grip of the tiller of litigation and controls its successive moves. He conceives of himself as a minister of justice, and, devoting himself to the ascertainment of the truth, he will not consciously effectuate a fraud. He is available, by reason of his equipment, for public service and ever believes that his oath to support the sacred institutions of his community is a real and continuing obligation. His honesty is not a policy; it is the mere exponent of his character.

And so it is that for a poor young man to struggle through years of waiting and hardship to actual success and standing in the average American community affords one of the finest examples of character-building in our modern social life.

Richard must have been a descendant of one of those Smithfield martyrs pictured in the New England primer, burning in the faggots, with a wife standing by "with eleven children, one at the breast." Dick would

probably have expected his family, had he one, to join him in the flames.

So Dick and Michael were diametrically at odds over the canon that forbade hustling for business. "Watchful waiting," was Dick's motto and, as usual, it got him nowhere. He might just as well have been the Mexican situation. Moran got busy—and got business.

When a man's "neutrality of word and thought" extends to his own interests, God alone can do anything for him. For Dick believed that the prohibition of self-advancement by soliciting business meant "directly, or indirectly." He was greatly encouraged, however, by what Moran reported of his talk with Mr. van Beck; but nothing had materialized from it. And the summer had dragged on. Watchful waiting is apt to develop into what Paton styles "wishful thinking," and the man who sinks into that substitute for energy directed by will power is in danger of developing into a Micawber.

One illustration will bring this point home. Two "gentlemen of color" were sunning themselves upon cotton bales on the levee. To avoid too ready identification, let them be known as A. and B.

A. "Ah wish't ah had a hundred dollahs."

(Pause.)

B. "You do?"

(Pause.)

A. "Yessuh, ah do."

(*Long pause.*)

B. "Ef you had a hundred dollahs, would you give me ten dollahs?"

A. "Ah would not."

(*Pause.*)

B. "Then would you give me five dollahs?"

A. "Ah would not."

(*Long pause.*)

B. "Ef you had a hundred dollahs, would you *lend* me one dollah?"

A. "Ah would not. Do your own wishin', you d—d lazy niggah!"

Jowett was by no means a "wishful thinker." He was a plain, earnest Christian gentleman. He loved a fine womanly girl, who believed in him, and who believed with him in his ideals of life.

Dick had gone to New York the year before to meet Mary and her father, returning from his "sabbatical" abroad.

They had both heard Principal Cairns of Aberdeen in his famous sermon in the Fifth Avenue Presbyterian Church, in which he had put forward his great statement: "Faith is an abiding confidence in the friendliness of our God."

Still, Mary March, for all her faith in a friendly God and in Richard's ideals, at times grew wistful as the years went by and Dick's letters, brave but rueful,

reported only Legal Aid activities or a new pauper client; but her answers never had a word of criticism nor a murmur of complaint.

It is good for a man, runs Holy Writ, that he bear the yoke in his youth.

But *terque beati* those who have the syzygistic assistance of a yoke-fellow.

And the love of a good woman is the secret of many a successful life, which, without it, might never have been able to withstand the slings and stones of outrageous fortune.

Job might never have broken out into his historic reproaches if Bildad the Shuhite *et al* had shown a little more real sympathy in his time of testing.

The inspired writer makes no reference to Mrs. Job, or to the Mrs. Job, if there were several. No record of her, or their, sympathetic wifely ministrations during his testing is given us, except inferentially in the statement that, when the clouds rolled by, she, or they, coöperated to the extent of seven sons and three daughters.

Jowett's successful passing of the testing of his principles, to adopt the shoemaker's famous advertisement, was due both to "Men's and Women's *conscia recti*."

But I find I am digressing again.

I left Dick Jowett in his room, staring out of his windows towards the golf course, obscured by the misty sleet that was falling, and gloomily considering ways and means and indulging in retrospection. The Great

War was on, but although the three friends, Dick, Moran, and Stuy, had already discussed the matter, the spirit of the American people had not fully awakened. Dick had been thinking about trying to go over by way of Canada.

As he stood staring out of his window, he was diverted by a knock at the door, which preceded the entrance of Mrs. Mulvaney, accompanied by her freckle-faced and only offspring, Thomas Mulvaney, Jr., lugging Dick's weekly laundry. Both were dripping wet.

Mrs. Mulvaney had been referred some two years previously to the office of Moran and Jowett by the Legal Aid Society, in a dispossess proceeding. Her husband had been a member of the New York detective force. At his death, she had removed to the town of van Beck with the boy, had lost her insurance money to some wheedling "investment" swindler (How great the harvest field for these grim reapers!), and had been reduced to taking in washing. She was a pleasant-faced, buxom, and garrulous Irishwoman, hardworking, honest, bound up in little Thomas, and convinced that her landlord was a grasping scoundrel. For had not his agent "raised her rint" on her, and she would "niver consint to be chated," not she, and her refusal to pay had involved her in the meshes of litigation.

Stuy happened in to the office of his friends the morning of the trial, and, being unoccupied and bored, went along to court to see Dick try the case.

Dick never knew till long afterward how he came

to win that case. And, happily for him, Mrs. Mulvaney never knew the inside facts. The van Beck judicial steam-roller was working in cold efficiency. The case was going against the poor tenant. Stuy, listening idly, suddenly realized that the landlord was, after all, his own father. Mr. van Beck was the more-or-less "universal landlord" in van Beck. Stuy went out quietly, jumped into his car, and went up to the renting office and, roused for once, asserted his position as his father's son. As a result, a messenger went to the attorney of the company on the trial, the *bête noire* Krone, by the way. He was furious, but handed up a note to the judge. The lever was reversed; again the system worked. The obedient jurist dismissed the proceeding, and Mrs. Mulvaney departed triumphant with her vociferous friends to trumpet Dick's professional abilities abroad in pauperdom. Stuy arranged the matter so that Mrs. Mulvaney was to stay on at the old rent and was to pay by the month instead of by the week. Dick returned, elated by the supposed effectiveness of a question of law he had looked up and argued, with, as it proved, unnecessary learning and earnestness. It was based on some technical defect under a recent amendment of the law in the notice to the tenant.

Right here, let me record, for it amused me very much, that Stuy's knowledge of the ownership of the particular tenement was due, not to his general knowledge, but to one of his own testing-out experiences during his father's attempt to find out by a pragmatic test

just what kind of business activity would draw out his son's persistently latent powers. Keane would have known, because of his knowledge of his stepfather's affairs. But Stuy, while vaguely aware that his father "owned van Beck," simply never thought of his relationship to a particular bit of property.

It seems he had been assigned by Mr. van Beck's realty manager to collecting the rents of a block of buildings, including this tenement. He entered upon his duties obediently, and "like a perfect gentleman," as all the tenants agreed, excepting one harridan, who, having been denied some coveted repairs, flatly refused to pay the rent. Stuy made his report, seconded her suggestion as to the repairs, was curtly turned down by the manager, and told to "collect." As the manager brutally said, "The instructions are 'They pays or they gets—see?'" Upon his return he reported the account as "paid," and turned in the money; but, when it subsequently developed, on a personal visit to the office by the tenant herself, that she had never paid, nor did she intend to do so until the repairs were made, Stuy admitted that, rather than engage in further disputes with the voluble lady, he had contributed the rent out of his own pocket. This subversion of the van Beck system had led to his transfer to still another line of duty.

As Mrs. Mulvaney knew of none of these things, her faith in "Mr. Jowett" had been unshattered by real knowledge of the facts. So she entered his room on

this November afternoon, rosy with the cold, respectful to the great lawyer it was her privilege to serve, but stimulated by her maternal solicitude to propose an arrangement that very seriously embarrassed her client,—or what is it that a *blanchisseuse* has? Customers? No, she sells them no goods. Patients? Not in the normal meaning of the word. Clients will have to serve. If only it followed that one could retain one's laundress on the contingent fee basis!

She told Tommy to put down the basket of laundry. Dick, because of his previous meditations on his straitened circumstances, was mortified; he owed her a two weeks' account already. He started to mumble some apology in reference to that fact.

But Mrs. Mulvaney disclaimed any desire for a settlement of her account, let alone any anxiety as to its security. She had larger fish to fry. Yet, her Celtic shrewdness may have taken that very situation into consideration in selecting the time for her appeal.

"Sure, Mr. Jowett, it's not needing the money now I am, since ye arranged the rint to be paid be the month. It's Tommy here I'm anxious about."

Relieved at the change of subject, Dick looked at the blushing and squirming Thomas, whose left shoe seemed to be endeavoring to bore down through his right. He remarked:

"Thomas looks to me like a very nice boy. I don't believe he would willingly give you an anxious thought, Mrs. Mulvaney. Let me see. How old is he?"

"That's just it, sorr; I knew ye'd be understandin' the matther. It's thirteen he is, and he's through wid the schoolin', and it's his career I do be anxious about."

"His career!" exclaimed the puzzled lawyer.

"Yes," went on the mother. "It's this way. His father was a deteckative, God rest his sowl and a foine one too, and Tommy here do be wantin' to be a detekative, and be the same token, he's after shtudyin' the law in your office, sorr, to prepare loike."

"In my office! Study law! at thirteen!" Dick ejaculated. "Why, he is hardly old enough to be an office boy."

"Shure, that is what he says,—to shtudy the law as an office boy. So's he will be the better deteckative of thim as is agin the law. Manny's the time Mulvaney said to me, sez he, 'Katie, if I cud only have shtudied the law, I cud have reached the top and now I can never hope to get no higher.' "

Dick tried to interrupt, but Mrs. Mulvaney had full steam up, and on the *carpe diem* theory, was not going to be sidetracked.

She embarked on a maternal commendation of Thomas, who wriggled in his embarrassment. And, having warmed to her task, she wound up:

"And it's a foine moind he has, all his teachers would tell ye the same; 'an inquirin' moind,' says Father Brophy to me, when I told him about the angleworms at the Fresh Air Farm."

"The angleworms?" queried Dick, becoming interested.

"Yis, sorr; for didn't he ate two of the craythurs to find out why the robins loiked them so much? And so," coming to the point, "he's found out, be inquiring of the janitor where your office is,—he's a neighbor, sorr, Patrick Maloney,—that ye have no office boy shtudyin' the law, so will ye give the lad a thrial? A fair thrial,—that's all ye want, isn't it, Tommy?"

Reflecting ruefully on what an additional "overhead" charge would mean in his budget, say four dollars a week and fifty-two weeks in the year, Dick finally agreed to take the young aspirant on, and the laundress and the budding "deteckative" withdrew, flushed with triumph.

This was Saturday evening, November 6th, 1915.

CHAPTER II

When Pride thaws, look for floods

—BAILEY

I

THE facts as to the conference between Mr. van Beck and his confidential secretary and his old chief of police, Mike Dolan, were given one by one by the two survivors, and if I have visualized some of the old millionaire's thoughts, you will admit I was warranted in so doing.

The pride of Stuyvesant van Beck was so much a part of him as to seem natural and beyond criticism.

"Why shouldn't he be proud?" old Mike Dolan said. The foundations of his pride were his achievements, known and visible to all who knew him.

On the Monday following Dick Jowett's gloomy retrospections, as he sat at his desk, his shoulder turned to his faithful old henchman, Dolan, and to Mr. Noone, and gazed out of the huge bay-window that constituted the west wall of his plain office, Mr. van Beck could have seen the tangible things that justified his pride,—if pride can be justified.

Yet, van Beck's gaze was unseeing; for his pride, wounded to the quick by old Dolan's matter-of-fact

comment, had set his memory racing back over the years, like a cinema film speeded up in a fantastic rush.

In less time than it takes to record it, he could have recalled, but without, I think, any feeling of shame, how, during the Civil War, he had evaded the draft in a Western State and had come East. He doubtless remembered, with angry self-reproach, how he had callously left the girl to whom he was betrothed to wait for him for years without one word. He saw, step by step, his progress, when, after multiplying the few hundred dollars he had available by investing and reinvesting in army contracts, he had discovered and settled in that valley in the Middle East, which, with the town and county since erected, had for many years prior to 1915 borne his name.

As he turned to the wide window to the right of his flat-topped desk, in his bare, unadorned office, to recover his self-control, shattered by poor Dolan's unconscious words, his eye traveled over what lay before him.

Before him spread, in lovely panorama, tangible proofs of his achievement. At the head of the valley were the buildings of the great power plant that ran the van Beck mills, lit and warmed the town, and ran its cars. The hum of the turbines caressed his ear. There, too, stood the great factory buildings on one side of the river, and the workmen's detached model cottages and gardens on the other.

Then came the town and the main residence district,

extending about a mile down either side of the stream. He could see the western hills that guarded the valley. The parallel eastern range lay behind him. He could see the City Hall he had built, the Dutch Reformed Church of which he was what is sometimes misleadingly called a "pillar." High up on the opposite hillside stood the van Beck Memorial Hospital. Two miles to the southwest he could glimpse the Park district and the roofs of his own Place with its surrounding groves of aboriginal trees, and emerging beyond that the open reaches of the Country Club links. Even the railway did not disfigure this landscape, for the line entered through a tunnel at the east and ran into another in the hills that faced him.

He had bought the land of this valley in the period from 1864 to 1869 from the owners, impoverished by the war and the operations of the two armies, at an average price of a dollar an acre, with a prophetic eye to the water-power possibilities, and, except to a few friends, had never deeded a foot.

Each development, nearly every building, represented van Beck money and the fruition of a van Beck purpose.

Dairies and market gardens; mills and factories; bank and trust company; churches and hospital; Y. M. C. A. and University Club; theatre and public library, were, in a large sense, his. The citizens of van Beck rode on his trolleys, banked in his bank, patronized his

theatre, convalesced or died in his hospital, or enjoyed his Park and golf links.

No English squire could have possessed a more autocratic control of his tenants than did Stuyvesant van Beck. He had early foreseen, Mr. Noone told me, that, with the development of the community, which his business enterprise would ensure, there would come an increased population that might, by the mere expedient of the ballot, restrict, or attempt to regulate, his affairs, his enterprises. This he was determined to avoid; or, at least, to counteract. So, with a patience equalled only by a prodigality of expenditure, which was, however, warranted by the results,—he had given himself to the task of building up a political machine. This was efficient, and worked as silently and as irresistibly as did the giant machines in his mills.

He had the town and the county in his grip. Towards the unthinking many, he acted on the *panem et circenses* theory. To the reflecting few, he did not hesitate to use his position as a church member and a recognized public benefactor, as an appeal for support on the public measures, which from time to time he staged for the purpose of concealing his control. He not only financed the majority political organization, but, through judiciously selected and highly subsidized henchmen, he colonized the minority organization. As a master-stroke, from time to time he started and encouraged occasional violent “reform” campaigns.

His State, having inaugurated a plan of govern-

mental administration by municipal commissions, bipartisan in their membership, he had always available minority representatives on such commissions, who were rewarded for their apparent exile from the party of their conviction by appointments to represent, on a good salary, the other party by their leader's choice.

So, while only a few trusty men knew it, van Beck, on the principle "*qui facit per alium facit per se*," governed the district, assessed, collected, and distributed the taxes, let the public contracts, fixed the franchise rates for his public service companies, and thus water, light, traction, paving, building,—everything,—was in his control.

Americans believe blindly in majorities. Rule by majorities is a sort of political cure-all fetish. But,—the beneficence of majority rule depends on the majority, not on the politics of the majority. A New York Tweed Ring has been doubly discounted by a Philadelphia Republican Ring. However, if the control be so complete that the public comfort and convenience is a necessary part of the controller's own personal interest and profit, a one-man rule may, as it was in the case of van Beck, on the surface, be a benevolent despotism. It was so in van Beck; for the roads were good, the streets clean, the light excellent, the water pure, the public recreations fairly high-class, and the public buildings modern and kept up to date.

It was a community known as a "model town." It was "pointed to with pride." The citizens respected

him; and so did the mill hands; for, with all his hard selfishness, van Beck knew how to handle men, and while they feared him, yet they never had called a strike in one of his mills.

Perhaps his control of the police department had something to do with the fact that walking delegates found the place impervious to their missionary labors. Two were known to have tried it; but after a third degree experience, after arrest on a charge of inciting a breach of the peace, staged for the purpose, they had departed broken in spirit.

When old Solomon reached the pinnacle of pessimism and wrote "Vanity of vanities; all is vanity!" he had realized the futility of human individual achievement.

It was with a vague feeling like that of the old Hebrew King that, aroused by what Dolan had said, van Beck's memory was racing back to the beginnings. Unlike the much-married Solomon, he had been a one-woman-man. He remembered how, after ten years' absence from his Western home, he had gone back to claim his bride whom, in his selfish confidence, he had expected to find waiting and ready. His love for her, he reflected, must have been the only redeeming trait in his hard character; for he had been a silent as well as an absent lover.

When he had returned, he had found her a widow, with one child, a boy of four.

"If you had only written, Stuyvesant! If I had only

known where to reach you!" He could still hear the voice that had for once pierced the crustacean shell of his selfishness. It had been a pitiful recital. It had shaken him.

It is important to repeat that he had learned that her father, a weak, easy-going man, some years after his departure, had fallen, she never knew how, into the clutches of a blackmailer named Keane, who had coveted the beauty of van Beck's betrothed. To save her father's good name, and despairing of van Beck's return, and too hurt, in view of his long silence, to appeal to him, even if she had known where to reach him, she had consented to marry the scoundrel and had had agonizing years of wifehood, only recently terminated by the bullet fired by the crazed son of a victim of another of her husband's schemes.

Mr. van Beck had taken the blow calmly, to all appearances. He had resented the existence of the child. But it was his chief characteristic that he rarely abandoned a purpose. He had returned to his old home with the purpose of marrying, and, moreover, he had the justness to realize that the woman he loved had never been faithless to her love for him. So he had married her out of hand and taken her East, with her child, Reuben Keane, to the home he had already built as a milestone of his career. His memory raced over the twelve short years of happiness; he recalled the birth of their son, Stuyvesant, named after himself. He suffered anew. He remembered her death and the

promise he had made to her while she was dying to care for *her* son as well as for *their* son, and he had felt a glow of satisfaction as he assured himself that he had kept that promise, while ever wondering that a woman should care for her child by a man she had hated equally with her child by her beloved husband.

Mindful of that pledge, Reuben Keane and his own boy Stuyvesant had had the same opportunities, at school, at college, in the home, though the stepson was so much the older.

But it was not love of his stepson that had influenced him. It was a scrupulously observed duty to himself he had performed. For even a selfish man can be honest and even honorable.

To his own son he had transferred the affection he had borne his mother. But the results were, from the father's point of view, disconcerting. The stepson, under a tutelage guided by stern duty, had become the efficient business aide of the stepfather, though in point of character a replica of his stepfather's selfishness; the son, beloved as was Joseph or Benjamin, had disappointed the father, capitalist that he was, in every business aspect.

In details of corporate management, and even of political control, Reuben had become the *alter ego* of old van Beck, and was a past-master in the gentle arts of money-making and management. Morally, he was his own father's son. But this the stepfather, in the indifference of no affection, had never noticed, nor ap-

praised. But the son Stuyvesant grew up to be the image of the only woman his father had loved. And so far as heredity went, it had looked for years as if the son possessed rather the qualities of his weak maternal grandfather, Philip Grey, than the characteristics of his own sire.

Handsome, popular, eager to please, an athletic star at school and in college, young Stuy, when he entered the arena of business life, was the joy and secret butt of the van Beck employees,—and the despair of van Beck himself. To the boyish, honest mind of the lad, the intricacies and indirections of local business and politics were not so much confusing as incomprehensible. The old gentleman had been embarrassed to the point of actually experiencing twinges of shame at some of the boy's series of questionings on the ethics of corporate business.

So it seemed to van Beck that his conscientious training of his stepson had double-discounted, in terms of efficiency from the van Beck viewpoint, the affectionate upbringing of his own son.

To which of the two he should hand on the conservation of his fortune and the fortunes of the community dependent upon him, had actually been much of late in his mind. He had talked it over with Mr. Noone again and again. And because he was a supremely selfish man, he had not been able to bear the thought that after his death what he had gained might diminish or disappear. He loved money and the power it gave.

He cherished the idea that he, Stuyvesant van Beck, held the valley in his hands. And he was proud,—and with reason, it must be conceded,—of the respect in which he was held. This brought his mind right back to old Dolan, faithful old Dolan, still patiently confronting him across the simple flat-topped desk, with his bull neck and grizzled locks and shaggy eyebrows and devoted Irish eyes, his hairy hands gripping his knees, and perplexity in his honest face.

Mr. van Beck's anger returned. For, as a selfish man may be an honest man, so he may be a moral man in his relations to women, a scrupulously moral man judged by current social standards. He may indulge his selfishness in every particular, yet remain a man of clean life in his family relationships. Affection in such men is rarely openly manifested; so its objects may come to think that it does not exist. It has no "market value," because there are no "transactions" by which to estimate its value.

And in the case of such a man, where sex makes no appeal, the very multiplicity of his other forms of selfishness renders him the more intolerant of what, manifested in others, he deems inexcusable weakness.

In his long career of struggle and stress, every weakness or habit in physical indulgence that might interfere with his being "fit to fight" had been abstained from. He had seemed devoid of appetites, excepting that for gold. His business ethics were nil; but he

believed himself to be an observer of the law, and paid his lawyers well to keep him within the law.

The old gentleman was not a handsome man, though he had that distinction of appearance and bearing inseparable from success and the habit of command. Thin, with straggly gray locks, little thirty-per-cent Dundreary side whiskers, queer pale green eyes, with the left eyebrow higher than its mate, and with enormous lobeless ears, he justified the comment of old Gabriel, the darky factotum at the country club, who had been heard to say, "Ef old Stuy van Beck wa'n't the riches' man in town, he'd look jess like a monkey." His straggly gray locks were a tonsorial triumph. In bed, the old man's head was as bald and polished as a pool ball. His toupées conceded partial baldness, but were graduated from a fresh-hair-cut length on the first of the month to a straggly length indicating a need of tonsorial treatment toward the end of the month.

When Michael Moran first learned of this perfection of tonsorial art, he exploded, "*C'est magnifique, mais ce n'est pas la hair!*"

He had that queer double-face that so many men exhibit who are given to intense concentration in their affairs. The word "double-face" is unfortunate in implication, but it carries the meaning. Perhaps I should say two-sided rather than double. If the reader will take, for example, a good picture of, say, Edison, and lay a covering over either side of the face, leaving exposed just one-half at a time, it will show on the one

side a genial, almost whimsical, kindly expression; while, when the other side alone is exposed, the face seems to be that of a hard, stern, almost cruel man. Both sides seen at once reveal the composite Edison as the world knows him. It is an interesting experiment.

I saw the same peculiarity in the face of a popular American artist, in his portrait painted by himself, showing how faithful his portraiture had been, even though he was probably unconscious of the two so opposite expressions.

What had pricked the bubble of van Beck's self-esteem and had wounded his selfish pride? Merely a casual item in his henchman's report, with the revelation, in its very casualness, of old Dolan's attitude of mind towards his superior. Of what avail these long years of self-repression and control, if the man who had had more opportunities of knowing his life and motives than any other but Noone could believe him to be a hypocrite and a roué!

"Let me get this straight, Dolan," he snapped. "You say there was a disgraceful scene at some resort on Fourth Street, that a young woman named Bianchi was the cause of it, and that the police took no action, as they feared I might disapprove! And then, when I asked you for the reason of this attitude, you had the effrontery to say it was because it was *my* place, and that while such occurrences had been rare, it was becoming hard to suppress the talk about it and that I

had better give the Bianchi woman orders, and orders to the manager of this dive, or saloon, or hell,—whatever it is! Is that right?"

Dolan flushed more at the tone than at the contents of the statement, for he had made his report for years to the Old Man, and their weekly interviews had never lacked frankness or directness.

"That's about the way of it, sor," he said. "It's a little of each; but lately it's mostly hell."

"But, Dolan, man,"—the old gentleman's tone was almost pleading: "You said you thought it was *my* place, that you had let it down easy to oblige *me*. *Me*, the owner of a dive,—a hell! Is that your opinion of me, after all these years? What did you have to go on?"

"Well, sor, you own nearly every foot of land in the town, and I never heard of your selling any land on Fourth Street, and I've had to keep track."

"Hold on a minute!" Van Beck pressed a button. A clerk came in.

"Bring my title and rent register."

When it was brought to him, he ran over its indexed leaves, carefully examined an entry, looked very thoughtful, then:

"Dolan, go over to the City Hall and see if there is any record in the prothonotary's office of any deed from me to Reu—to any one, of any lots on Fourth Street, and hurry back."

Dolan rushed out.

Van Beck looked at the register again. Two years previously he had given his stepson, Reuben Keane, a deed to six city lots and the buildings thereon; and the street numbers of them included two of those marking the place where this resort was said to have been flourishing as his, under police protection, for nearly two years!

The police had obviously assumed that Stuyvesant van Beck, Sr., owned, operated and profited by this place of ill-repute and,—horror of horrors!—dealt leniently with this frail female because of his supposed and even reputed interest in her. Good God! He wiped the perspiration from his wrinkled forehead. The forehead of a pillar of the Reformed Church! What would his fellow-church officers think? Worse, what would his son Stuyvesant think? Could any of them already know about it?

Dolan returned and reported. “No record of any transfer from you, sor, of any lot on Fourth Street to annyone!”

There was a pardonable tinge of triumph in the old Irishman’s voice. His “boss” glared at him helplessly for a moment. Then his habit of quick decision re-emerged.

“Dolan, we’ve had few secrets from each other. I’ve trusted you with my plans, and you’ve carried out my orders for years, and I notice that, although you’ve been considering me a damned hypocrite these last two

years, you have never shown any lessening of respect or obedience. For that, thank you."

Dolan flushed gratefully, but the old gentleman waved aside any interruption. "Now, listen! First, I don't own those lots. I gave them to Reuben Keane in 1913, two years ago, a deed for the adjoining lots and the buildings thereon. It now appears that he has held the deed unrecorded, and that for all purposes of public knowledge, and even of private police information, I am the owner still, and thought to be running that damnable resort——

"Now this is *Orders*, Dolan. *Orders*, you understand. That young woman must go. I can't have Reuben——I made a promise to my wife, Dolan. I must get her away. I suppose with that kind of person, Dolan, money would——?"

"Sure, money talks to the loikes of her. Leave it to me, sor."

"No, Dolan; I'll handle it myself."

"You, sor, why, if you were seen! If you went there——"

"But, I'm not to be seen—and I'm going there," said the old man. "And you're to arrange it so I can see her privately. Let me see." He consulted a memorandum book. "Next Thursday evening, that's the eleventh, is the first time I can manage. You will see to it that I get to this place; that no one knows of my visit; and that I see this er—creature—and I'll do the

negotiating. . . . How much do you suppose I ought to pay to get her to go away and stay away?"

"Well, sor," replied Dolan, "it is said, here and there, that she's been getting a fortune out of your son——"

"My stepson, Dolan!" shouted van Beck. "Don't call him my son again!"

Probably at that instant, reported Mr. Noone, was born the final purpose the old man later directed to be embodied in his will.

"Yes, sor,—I mean no, sor," said Dolan. "I think she'd be expecting five thousand or so——"

"As little as that!" interrupted van Beck, evidently relieved.

"——a year," went on Dolan, "or a lump sum that would figure out that way."

Van Beck glared. He had an expert knowledge of how to deal with men, how to bully them into favorable adjustments; but he had had no experience with women like this Bianchi girl. Still, his very ignorance led him into confidence that, if he should handle this matter personally, he could dispose of various birds with one stone. He could put an end to the scandal involving his own reputation, and, at the same time, contrive still to do his duty by the stepson towards whom his feeling of confidence experienced a chilling change.

He had assumed the existence in the young man, so like himself in financial aptitudes and abilities, of similarity in a code of living that he himself had deemed

vital to success. His self-denying ordinance had paid him in terms of health. He was eighty years old, and still alert and vigorous. But Reuben——

Like many a step-parent, van Beck had but vaguely allowed for the operation of the principle of heredity. But he had had every motive to forget who and what the father had been. He had only thought in that connection, after all, of the young man's mother. Now he realized that, so far as heredity went, the criminalities of the young man's father might have to be reckoned with. He had but vague memories on this point. And they were too painful to stir up. Perhaps he could talk it over with Noone,—good old Noone. But if Reuben was bad in one respect, it might pay to inquire whether the young man might not be weak in others more vital to his own business and fortune. In a recent lawsuit, van Beck had been impressed with a characterization by one of the lawyers of the testimony of a witness, "*Falsus in uno, falsus in omnibus.*" This bore on the flaw in Reuben. Environment, as an influence, van Beck reflected, was, or had been, under his own parental control. As he looked back, Reuben had had the best education money could pay for, and as for his business training, it had been under his own eye.

But heredity was a force, he reflected, working along lines of moral operation, that he clearly had not taken into consideration and that had obviously been gaining strength and impetus, unchecked by any real paternal solicitude on his part.

The lack of love between his dead wife and her first husband, who had forced himself into her life, might explain the lack, or the weakness, of maternal hereditary influence. He began to re-compare Reuben and his own son, young Stuy, in the light of character and disposition, rather than, as theretofore, in respect of achievement in business, ruthlessness, and efficiency.

He made two decisions that he communicated to Mr. Noone: the one respecting a new will; the other, a sterner control of his stepson. To Noone he said, "Tell Reuben to take that new freight contract to New York and to stay on the job till he gets the changes I requested: that'll keep him out of the way the rest of the week." To Dolan, waiting patiently, he said, rising to dismiss him:

"Thursday, then. Fix the hour, and see to it that my visit is absolutely unobserved.

"Trust me, sor," said Dolan, "It'll be O. K. I can threaten a raid or something. Trust me!"

But van Beck was no longer listening and, to Dolan's disappointment, forgot, for the first time in years, to go through the pleasant formality of opening that third drawer on the left hand side of his desk and of bringing out those cigars, the possession and smoking of which, in the presence of envious friends, with complacent reference to their origin, had given the old chief not a little of his influence and standing in the lower ranks of van Beck society.

CHAPTER III

*Pallida mors æquo pulsat pede
Pauperum tabernas regumque turres*

—HORACE

I

MEANWHILE, on that same Monday, the youthful and ambitious assistant, the lad Tommy, who had been wished on Richard Jowett by Mrs. Mulvaney, was already in the office when Dick arrived. The neighborly janitor had let him in, equipped him with a duster, and the boy had been hard at work dusting. Jowett went out and ordered a little desk and an extra chair, which had to be placed by the opening at the end of the partition formed by the book-shelves, because of the way the door to the hall swung in and of the position of the "outer office."

Consequently, the new occupant was at first where he could feast his eyes on his employer, towards whom he exhibited all the signs of hero-worship, to Dick's great discomfort. Dick told me that he invented errands, to get the boy out of sight, and finally had the desk turned so that the lad had to sit with this back to the "inner office," in his own light, to be sure, a most reprehensible arrangement for one to make who was charged with the responsible duty of master to so

young a servant. But then, the lad had, as yet, no clerical duties appropriate to his mother's ambition that he should be "shtudyin' the law," although Jowett noticed that he was constantly writing in a dog-eared note-book. He inquired of the lad what it was, from idle curiosity.

"It's me deteckative note-book, Mr. Jowett. Me father always kept a note-book when he was deteckatin'."

Dick was amused, but asked, with sarcasm quite wasted on the earnest disciple of Lecoq and Holmes, not to mention Mulvaney the elder:

"I trust you do not intend to practice detecting on me, Tommy," little dreaming that the day was at hand when the lad's queer ambition and tattered note-book would prove the young lawyer's professional life-preserver.

He turned to his desk and proceeded to read law, that is to say (to pirate Mr. Choate), the latest decisions of the Supreme Court of the State; his meditations, however, constantly interrupted by wondering how he was going to manage the laundry bill plus the four dollars due the next Saturday, without selling his remaining bond.

Debt to an honest man is like a millstone hanged about his neck. It dulls the edge of his mental activities, clogs his progress, recalls itself to mind at the most inopportune times, makes him oversensitive amongst his friends. It's the great professional handicap. For

the young lawyer has got to "put up a front." He has to *look* prosperous. Nothing succeeds like success. Business men look on the outward appearance. To him that hath shall be given. Dick had not got on. But he was honest, and he hated and feared debt. So, on this Monday forenoon, melancholy marked Dick Jowett for her own.

But not for long. Tommy's advent to the office coincided with the approach of Opportunity, as fickle a jade as is her sister Fortune.

At 11:05 in the forenoon, to be exact, Thomas ushered in, around the end of the book-shelves, Richard Jowett's first bona-fide, simon-pure, paying client.

What an opportunity for an analytical novelist to go off on a sidetrack at this point from his narrative and depict and classify the reactions produced on the mind of a young professional man by the encounter with the First Client, the reviving hopes, the anxiety as to the sufficiency of his equipment to deal with the case.

Two "equally conclusive" reasons deter me from such a disquisition. The one, that I am not a novelist, analytical or otherwise; the other, that, being a lawyer, though, of course I never practiced, I should deem such disclosure disloyalty to the profession. If the casual reader be a lawyer himself,—or herself, for that matter,—it is unnecessary to recall such reactions to his memory. They would result probably in humiliation or, at best, humility. But if the reader be not a

lawyer, then why lift the veil and give him the unfair advantage of such knowledge, should he ever become a First Client? Laymen should not be too much indoctrinated,—at least in advance,—in the weak points of the professional mind.

As above noted, long had Dick listened and waited for the resounding footsteps of a real client. But Dick's aural agonies were forgotten in joy, to paraphrase the Scriptures, that a man client had been born into his world. A woman client, well, that is another story, a "very 'nother story," as Dolan's little niece puts it.

But Dick, though he had at first expected Mr. van Beck to send him business, and still had hopes, had never in his most extravagant dreams assumed that the great Stuyvesant van Beck would come in *sua propria persona* to consult or to employ him.

With a highly creditable self-control, however, he rose, greeted the millionaire, directed the awestruck Thomas to pull up a chair, and in his best professional manner, said:

"What can I have the pleasure of doing for you, Mr. van Beck?"

To his great surprise, his client replied:

"I want my will redrawn."

"But," objected Dick, his ethical principles energized into activity by contact with a client, "you have your regular attorneys." He had a vague idea that it would be improper for him to take even a volunteer client

from a fellow-practitioner, even from one he disliked as he did Krone.

“What of that?” snapped van Beck, “I do not choose to employ them in this matter. Have you any objection to acting for me? I suppose——”

“Not at all, sir; I felt it my professional duty not to interject myself without first——”

“That’s all right,” interrupted his client, “I’m doing the interjecting!” And while Jowett took careful notes, van Beck rose and dictated the scheme of his new will, inspired by his talk with Dolan, insisting at times on certain explicit wording. Dick was impressed by his terse, clear way of putting things. It was the first time he had seen Mr. van Beck attending to a business matter. It was obvious that he knew what he was about. All he himself had to do, Dick realized with some chagrin, was to follow instructions. There was not a point at which he could offer any legal objection, or call attention to any statutory restriction. Apparently, the testator could just as readily have dictated the whole document to a stenographer. The young lawyer could not help reflecting that one could not under the circumstances make much charge for restatement in legal terminology. And he had sense enough to know that the language van Beck was using was more apt to make his testamentary intentions unmistakable than any technicalities of legal verbiage. Still, he was cheered by the thought that Mr. van Beck

was accustomed to big business, and his "syndicate lawyers" were known to be "coining" money.

Certainly he could charge fifty dollars, and that would carry Tommy's wages. Perhaps one hundred dollars! The wings of his imagination still lacked pinfeathers enough to fly higher than a hundred dollars.

When his client had gone, he telephoned for a typewriter to be sent in "on trial," and also rang up an office and engaged an emergency operator to come in and write out the will, to the final phrasing of which he gave the rest of the day, with profound satisfaction.

His dream of Mary as Mrs. Richard Jowett began to seem less visionary. His hopes ran high.

On Tuesday the girl from the agency arrived; a fluffy-haired, over-dressed, and distressingly incompetent specimen. Trained in one of these commercial schools, her ignorance of law terms was simply colossal. The will had to be recopied twice, and was still full of mistakes; so she was told to return Wednesday to complete the work.

After a couple of hours, exasperated by her coquetish appeals to him to explain this-that-and-the-other, Dick carefully corrected her latest effort with print-letters, so that she, "though a fool, should not err therein," and fled the office.

As later transpired, no sooner had he gone than the typist announced to Tommy that she had a "date" for lunch. After an elaborate toilet at the wash-stand and

mirror, she went out, leaving her work on the typewriter-desk, and one sheet unfinished in the machine.

Shortly after that the office door had opened and Reuben Keane entered and asked Tommy if he could see Mr. Jowett.

When Dick returned, he was completely puzzled that a man he disliked so much and who disliked him in return, with interest, could be coming to see him professionally. He gathered from Tommy's account that his visitor thus called. It seemed Keane had said he would wait a few minutes.

But the details of Tommy's narrative as to the peculiarity of his actions Jowett only half heard, or if he heard, he did not hearken. The reactions to a "first client" experience do not quickly disappear. They sometimes last even beyond the fee itself! So Dick missed, in puzzling over the cause of Keane's call, Tommy's excitement, his frequent references to his note-book, and his repeated allusions to the typewriter.

So, too, when the exasperatingly self-satisfied typist returned, adjusted her hair, got down to her job, and finally announced that the will was ready, Dick, between his conjectures and his desire to get rid of her, fell into the not unprecedented error, in comparing the document, of reading his draft aloud with his own corrections written in it, while she was supposed to read her rendition of it. It is a blunder that has cost many a practitioner dear.

Had it not been for Mary March, and her womanly

intuition sharpened by love, Dick's blunder would have cost him dear and would have lost a fortune to young Stuyvesant van Beck.

II

Keane's visit, unexplainable to Jowett, was, however, as I have analyzed the subsequent events, a natural one.

Necessary as Keane had made himself to his stepfather, and master though he had become of the details of his business, there were still secrets he had not solved. As Mr. Noone sized up Keane's mental situation to me, the old man had been willing to have a shock-absorber in his corporate schemes. He had wearied of the strain of keeping in touch with his numerous lieutenants. He had satisfied himself by shrewd tests that Reuben was serving him; though he did not know, and might not have cared much if he had known, that Reuben was feathering his own nest by using confidential information derived from his employment. What Reuben was anxious about was the ultimate disposition of the van Beck estate. Patiently, insidiously, with great show of fraternal interest in Stuy's business education, but always in connection with some exposure of his inadequacy, he was trying to undermine his stepbrother's chances of inheritance. His success, so far, had given him confidence.

But on the subject of the old man's will, Reuben could get no definite knowledge. The time was getting

short, for his stepfather was over eighty. Krone, whom he subsidized in various ways, particularly by giving him a "leg up" socially, and who was not likely to be shackled by any ethical restraints, informed him that his firm had drawn a will in 1910, but that it had been revoked by burning. That even the office carbon copy had been burned also, and that he could find no papers that gave any inkling of what that will had contained. But Krone was sure no new will had been drawn by his firm. If it should be drawn later, he would notify Keane. Accordingly, when Keane entered the office after Dolan had been there, and as Mr. van Beck was leaving, and heard van Beck say to one of the clerks, "I'm going out to my lawyer's," he was at once on the *qui vive*, for it was most unusual. The custom was to send a curt message to the lawyers to send Mr. This or Mr. That over at once.

Keane, who had hurried out by a private exit and had seen Mr. van Beck walking down Main Street, wondered why his stepfather had not followed his custom of sending for his attorney. But, to his surprise, the old gentleman had passed the Trust Company building where the "syndicate" firm had their offices, and had turned up a side street and entered a second-rate four-story building.

Keane allowed him time to disappear; then, following in, scanned the little directory board, and, to his disagreeable surprise, saw at the bottom:

FOURTH FLOOR
RICHARD JOWETT*Attorney-at-Law*

ROOM 24

Keane had never had interest enough to care to ascertain where Dick's shingle hung. But there it was. He returned to the office mystified. Believing as he did that he was wholly in his stepfather's confidence, he had put himself repeatedly in his way during the day; but van Beck was more than usually taciturn, and Reuben knew him too well to try any direct tactics. Mr. van Beck did say: "Did Mr. Noone give you my orders about that contract?" and Keane answer: "Yes, sir; I've made a reservation for the midnight."

He saw Krone at lunch, who whistled at the news.

"It can't be any new litigation," he observed, "for everyone here knows how your father kicked that process-server out of his office. They come direct to us always. They know we'll appear for him all right."

The two smoked awhile in silence. Suddenly, Krone said slowly:

"I wonder,—yes, that must be it!"

"What?" snapped Keane, nervously. "Out with it, man!"

"Well," said the little attorney, "your father had words with our firm yesterday. He gave Mr. Jacobs a tongue-lashing over that franchise case at the Capital.

Maybe he is going to change lawyers.”

“Nonsense,” replied Keane, evidently relieved; “that’s nothing. I knew he was angry at that defeat; and, I must say, I think the opposition caught you fellows napping.

“But you and I know that, assuming he was going to change lawyers, he would not dream of employing that crank Jowett. He has no experience and, by the way, he preaches ethics. I imagine he would be hardly equal to handling,”—Here he smiled a thin malicious smile,—“some of the matters you four experts are willing to put across.”

Krone showed a little spirit. “We do nothing you don’t plan and authorize and pay for, Reuben.”

Keane brushed the remark aside and rose, observing: “I’ll get to the bottom of this. I guess I ought to be equal to turning that little whipper-snapper inside out. I’ll go see him.”

“What excuse will you give?” asked Krone.

“Oh, any excuse will do! He’s bothering our renting department with his Legal Aid suits. I’ll give him a friendly hint, eh?”

They both grinned. So Keane had gone to Dick’s office and had, as will soon develop, found the key to the mystery, and had also encountered his temptation and had yielded to it, with dire results, as we shall see later.

On Thursday, which you will recall was the day fixed with Dolan for the proposed interview with the Bianci

woman, after a telephone inquiry, Mr. van Beck called and executed the will. Dick was by way of making rather a solemn ceremony of it, but van Beck seemed preoccupied, and just inquiring if it were all right, nodded when Jowett said he had compared it with the original draft. His witnesses, two young clerks who came with him, signed their names, and the old man left hurriedly, without taking the will, remarking: "Send in your little account at your early convenience, please," leaving Dick in the new and delicious quandary of deciding "how much," moderated in its pleasantness by the words "little account."

He noted, too, with pleasure, the respect with which the two clerks treated the draftsman of their employer's will.

III

Friday morning Dick overslept. He had sat up late writing a long hopeful letter to Mary. He gulped his breakfast on his way to his office and did not even open the newspaper until seated at his desk. He was horrified by the first headlines:

DEATH OF OUR GREAT BENEFACTOR

MR. VAN BECK SUCCUMBS TO EMERGENCY OPERATION

From the newspaper account, which was necessarily meager, it appeared that Mr. van Beck had been suddenly taken ill, that Dr. Lax had been summoned and

had operated for appendicitis, and that the patient had died during the operation, which had been performed at his home.

Jowett's first thought was of the will. He vaguely remembered the hurried, preoccupied manner of his client the day before. But his next thought was of his client's son, next to Moran his closest friend. At that very moment, the 'phone tinkled. Stuy's voice came, asking him to come up in an hour, so he swung around in his chair and tried to marshal his ideas as to what it would devolve upon him to do. He felt a swell of importance that now the fact that he was the draftsman of the great man's will would become known. Legitimate advertisement is rare in a lawyer's life. How great the gain in his reputation, he reflected, when the will was filed and it developed that he, Richard Jowett, Esq., had not only been selected to write it, but was named as one of the three executors!

Engrossed in such pleasant reverie, he was at first unconscious that he was staring at Tommy, who sat with his back obediently turned to his employer. Could he have seen his face, he must have noticed the boy's excitement. Thirteen years is not sufficiently long, at the beginning of life, to develop equanimity, and Tommy's first week of "studying law as an office boy" had been "chock full of arrers" and had confirmed him not only in a sense of Jowett's importance and intimate relations with the great and powerful, but, as you

will shortly learn, had led him far on his road to his "detectative" ambition and goal.

But Dick saw nothing, noticed nothing; no shadow of impending calamity darkened his thoughts, and he presently left to keep his appointment with his bereaved friend, and prepared for that transmission of sympathy, usually wordless, which men who love one another so commonly and so acceptably display.

Reuben Keane, unexpectedly already back from New York, had left the House early. Stuy was crushed by his father's sudden death; yet, unconsciously, had expected sympathy from his stepbrother, despite their previous hostile relations. But Keane had been cold, apparently unmoved. He asserted his seniority, was more than usually patronizing, and reminded Stuy that he was familiar with all the family affairs. He added that he would see the reporters and the undertaker and attend to all the sad but necessary details; and Stuy, always only too ready to throw off responsibility, and crushed by his sudden bereavement, acquiesced with a feeling of relief. But, in his loneliness, he craved companionship, and rang up Jowett and Moran. The latter proved to be out of town, but Dick was available.

As young van Beck awaited his friend's arrival, he wondered, vaguely, at Reuben's manner. His stepbrother's face had been stern and hard, but there had been a look, it seemed to Stuy, of fierce elation and at the same time, he imagined, also of nervous fear. It puzzled the younger man. Keane had walked down the

hall and out to the car with quick, elastic step, his head high and his shoulders back. "Maybe," said Stuy to himself, "he was just fighting for self-control. After all, Father was all the father Reuben had. I must not quarrel with him now, even if he doesn't show his sorrow."

But, in his own grief and his struggle to conceal his own emotions, he kept recurring to Keane's manner, and was increasingly angered and mystified by it.

Moreover, he was bitterly grieved at the fact that he had been kept from seeing his father before he died. He was puzzling over the events of the night before when Dick was ushered in.

CHAPTER IV

The little foxes that spoil the vines

—THE SONG OF SOLOMON, ii, 15

I

“WHY, Dick!” said Stuy, immediately his friend entered the library, “I cannot understand it. We dined together, father and I. Reuben, he said, was in New York, and wouldn’t get back till Saturday. Father was as well as you and I. He was in a hurry about something, and went out right after dinner. He said he had an important appointment. But it seems to me now he was more affectionate and companionable than I ever knew him to be before. Still, he gave no sign of being ill. . . . I wonder how it happened that Reuben was here after all.” He puffed at his pipe, but resumed:

“I went over to the Archers’ dance, and when I came home, between two and three, I found that Doctor Lax here, and Reuben, and they said father was very ill. Reuben sent me to the drug store for something the doctor said he wanted, and when I got back I was told father was dead. It’s horrible! I simply can’t understand it.”

Neither could Dick. His client’s manner the day

before had been hurried, just as Stuy described it; but he had merely seemed preoccupied; it was not the manner of a sick man. Still, appendicitis, that was what the newspaper had reported, was supposed to be often a sudden affair. Thinking it would be well to divert Stuy's thoughts from his painful experience, Dick took the will out of his pocket, remarking:

"Your father came to my office yesterday and executed his will, and I thought——"

"That reminds me," interrupted Stuy; "he spoke of it at dinner and handed me an envelope, saying it contained your fee and that it might give me pleasure to hand it to you myself." He handed an envelope to Dick, who, on opening it, found it to contain two one thousand dollar bills. He was staggered. It exceeded so vastly the amount he had thought "the traffic could stand."

As a first experience in his relations to "big business," it was delightful, exhilarating. He forgot his immediate errand as comforter.

He was falling into a reverie about Mary, and the possibility of marriage, when he was recalled to the present by Stuy's lighting a cigarette and saying, "Well, everything is being attended to by Reuben; and, after all, I'm glad to be relieved of it. Suppose you read the will."

Dick, again on his exaggerated professional high-horse and, therefore, to mix our metaphor, as scruple-ridden as ever, hesitated:

"Perhaps, we ought to wait for Keane. Is he in the house? He is one of the family, and——"

"For Reuben!" Stuy sat up. "That would be the limit! what has that dirty fox to do with it, *now*?" he inquired hotly, with significant emphasis on the adverb.

"I know," said Dick; "I understand perfectly, old man; but you know your father's promise to provide for Reuben made to your mother,—and she was Reuben's mother too, for that matter. He referred to it again yesterday. He has remembered Keane handsomely in the will, and there is a provision about employing him in settling the estate.

"Damn!" ejaculated Stuy in dismay; at which Dick, who sympathized fully in his new capacity as executor-to-be as well as individually, since he disliked the prospect of such intimate associations with Keane, said:

"I guess there is no harm in our reading it over now, and we can read it again at the formal meeting, and ask Reuben to come to that."

"All right, blaze away," said Stuy. "Of course, father would take care to provide for him; but blamed if I consent to live with Reuben any more! That's flat! We'll have to come to a definite understanding right after the—funeral." He gulped back a sob. Hurriedly, Dick proceeded to his task and was soon warming to it. Finally he came to the residuary clause, when, his eyes running ahead of his voice, he was horrified to see a word that changed the whole provision, a word not intended by the testator, not written into

his own draft; but there it was, in the formally executed typewritten will, which was shaking in his trembling hand.

He could still hear the clear incisive voice of the old gentleman dictating to him:

"All the rest, residue, and remainder of my estate, of whatever nature and wheresoever situate, I give, devise, and bequeath to my son, commending to him the advancement of the interests of his half-brother," and so forth.

What was this horrid blunder? In place of the words, "to my son," appeared the clear unmistakable words, "to my stepson."

Not only clear, but emphatically so, as though each letter had been pressed down extra hard. Dick stammered, hesitated, gathered himself together, and folded up the will, saying in reply to Stuy's exclamation of surprise:

"The rest is formal. He wanted you to have the whole residue, subject to this clause about Reuben." He read the words beginning "commending to him."

"Then he appoints the Trust Company, yourself and me as executors, and,—that's all." He rose, put the will in his pocket, and inventing an excuse of business, at which, ordinarily, Stuy would have cracked some friendly joke or jibe, he hurried back to his office—to think.

II

But thinking over a disaster is sorry work. A wise man may be heard to attribute much to the mistakes he has made. Horne Tooke refers to that wider knowledge of a country achieved "by the traveler who loses his way." But a blunder in one's professional career has the catastrophic effect of a tidal wave. It leaves no room for hope at first. After an hour or so of pondering, Dick was distracted. How could such a mistake have been made? As the Irish put it, "he would not put it past" that fluffy typist to have added this crowning blunder to the many he had had to correct. But while heartily cursing her in the name of the Goddess Mut, he had the fairness to recall that he was the draftsman, that the fault was his, that the transferring of millions from his friend Stuy to the man they both hated—what had Stuy called him?—yes, "that dirty fox,"—was the result of his own carelessness.

He had compared the will: he recalled telling the old gentleman that he had, but, (and now he realized it) the girl had held the final typewritten copy, which the testator had signed, and he, Richard Jowett, like an ass, had read sonorously his own draft.

Mistake! The word "Stepson," had been *typewritten* in. Stay! Could that dratted girl have been bribed? By whom?

"Why, by Jingo, by the stepson, Keane himself!"

Dick sat up with a bounce. He remembered the surprising call Reuben had made at his office. He became aware, as once before, of Thomas, and that he had been staring at him for some time with unseeing eyes.

His nerves were on edge with worry. His professional hopes were crumbling. The executorship, with its influence and incidental fees, lost its value, with Reuben Keane as beneficiary and Stuy the victim of a friend's inexcusable blunder. What would Stuy say? Worse yet, what would Michael Moran think and perhaps say!

So, when he realized that Tommy was sitting, with eyes intent on a little circular mirror held in his left hand, a gleam reflected from which had doubtless arrested his own attention, Dick burst out:

"Damnation, Tommy, what do you mean by spying on me in that way? Confound it all, give me that mirror!" and he rose threateningly and stalked across the office.

"Spyin' on you, Mister Jowett?" sobbed the frightened boy; "sure, I'd never be spyin' on you, sir!"

"You were, too," snapped Dick. "What's that mirror for, then?" reaching out for it.

Thomas clutched it closely. "It's just me glass for practicing deteckatin'."

"Detecting!" shouted Dick. "That's the same as spying, so far as I am concerned. Give it here!"

Thomas, at bay and desperately distressed at the

charge of disloyalty to his hero, held his treasure behind his back.

"I was not spyin'," he firmly repeated; "I was readin' me notes of how I was deteckatin' the other day, on that dirty fox that came in while Yer Honor was out."

Dick glared. The coincidence of appellation was startling. Keane referred to in the same way by Stuy and Thomas! and that, too, just as his suspicions were trying to focus on the author of the damnable alteration in the will. He became very thoughtful. What had led Thomas to such a discriminating estimate of that *bête noire*? In a gentle tone, he ordered Tommy to come into the inner office.

"See here, my boy, I'm sorry I shouted at you. I'm a bit wrought up."

"Yes, sir," interjected the boy, the unshed tears glistening in his eyes. "I know, sure, it's Mr. van Beck dying on you, as soon as he began for to come here for you to practice law on him."

Dick could not help grinning at Thomas's diagnosis of his employer's grief. "Tell me about these notes of yours and the dirty fox, as you called him; you mean _____?"

"I mean that Mister Keane, who was in the day you was out and stood around by the typewriter and poked his cane at it——"

"What's that you say?" exclaimed Dick.

"Yes," continued the budding detective, looking proudly at his notes, "and sittin' at your desk, and all.

I tried to tell Yer Honor before, but we've been that busy, you know, sir."

Dick patted him on the shoulder and, by degrees, got a pretty full account from the boy of Keane's actions during his stay in the office. As he told Mary later, it made him "sit up and take notice."

He began to see daylight, so far as the author of the "mistake" was concerned, but none as to how the result could be avoided or corrected. He must have advice; his own judgment was "dethroned" by worry and dread.

If only he could see Mary, for he felt that only to her could he confide his hideous blunder, his approaching loss of reputation; only she could give him the sympathy and comfort his nerves and heart craved. It would cost his pride too much to take Michael Moran into his confidence.

But Mary's love and common sense had always been so sure and helpful. Well, he could not see her. She was out West with her father, and he could not go to her. The services at the house, the interment the next week in Michigan, whither he had already promised to accompany Stuy, prevented that. But when in Michigan he could go to her; or, meanwhile, he could write; and he did, at length, his pen flying over the sheets, which he finally enclosed and ordered Tommy to mail, "special delivery."

In a measure relieved by the act of confession, he began to plan how he could gain time. He must have

time. Publicity as to the will thus altered must be held up till he could see Mary.

The thought came suddenly, that if Keane was the one guilty of the "mistake," then he, at least, knew already the terms of the typewritten will. He might betray himself, if time could be gained and if he should become impatient and try to force matters. But how could he be prevented from enjoying the benefit of the change!

He took the will to the Trust Company, hired a box in his own name, deposited the document, and also banked his big fee. Then he cashed an unaccustomedly large check. Next he wrote to Keane and van Beck, suggesting that the will-reading be deferred until after the interment, paid Tommy his week's salary, told him to deliver the letters, and added that the office would be closed Saturday. Then he went home, procuring an evening "extra" on his way.

III

The newspaper recorded an interview with Dr. Lax, which, however, threw little additional light on van Beck's death. It seemed the doctor had been summoned from some social affair, at a moment's notice; but he asserted that his skill had been invoked too late and that the "shock" of the operation was too much for the aged patient's heart.

An interview with Keane was of more interest to

Dick. Reading as he could between the lines to a certain extent, the statements of Keane seemed adroit. It was not made quite clear where his stepfather had been taken ill, nor where Keane had found him; but he dwelt quite fully on Mr. van Beck's great interests; discreetly referred to his own intimate relation to the deceased and to his connection with his affairs, and expressed a subdued gratification at the confidence reposed in him by the great man. To a query as to a will, he had guardedly remarked that undoubtedly there must be a will; that he believed the matter had been much on Mr. van Beck's mind of late. There was a covert suggestion that his health had been a matter of recent family concern. In the light of what afterwards became known, the interview was clever,—devilishly so.

Dick took the midnight express East and spent the next day in New York at a law library, in quest of authorities on the reformation of mistakes in a will; but, while the law was not obscure, the problem of how to establish the fact that a mistake had been made, *without publishing his own negligence*, was a different matter. However, he had the courage of his own ethical defects, and he returned ready to sacrifice his reputation as a careful practitioner, to save Stuy's fortune. The average person may think that it was the only possible course to adopt. Of course it was; but all that a man hath will he give for his professional life, and Dick had fought a hard battle. Mary and marriage

would have to be put off again! He might be driven by mortification to leave the town and begin again elsewhere. The temptation was so great. If he kept silence, the general public would consider the will as it stood a reasonable one, taking the characters of the two young men into the reckoning. Stuy himself, after the first sting was over, would have acknowledged his own failure to come up to his father's expectations and hopes. Still, Jowett was helped in a way by the fact that he had already told Stuy what his father's will had been, *as dictated to him, Jowett*. And he won his battle.

He decided he would go and tell Stuy frankly of the botch he had made and of his suspicions of Keane, then do all in his power on the probate to rectify the hideous blunder. But he *must* put the humiliating interview off as long as he could.

He thought, of course, of going to Michael Moran for help and counsel; but, while he felt the affair would soon be public property, he hated to tell his old friend and former partner of the way he had bungled his first big case. His confession, written to Mary, had been hard enough to make, and the reaction left him limp. He could not think clearly. But he was stubbornly resolute to delay by any decent means the ultimate disclosure. He got back Sunday about ten in the forenoon.

The funeral was to be Sunday noon, and Monday night he and Stuy and, of course, Reuben, were to take

the Western Express for Michigan. He reflected that the trip would give him a breathing space. Once it occurred to him to consult Moran as district attorney; but, assuming his suspicion to be well founded, he could not see how the thing done had constituted a crime. He reasoned that, even if Keane himself had changed, or had bribed the copyist to change, the wording, nevertheless, the testator had executed the will *as changed*, and so the question of forgery or what not was much obscured. He and Michael had a bully argument over it afterwards, and Michael came to the conclusion that Dick was right. Anyway, the last thing Dick wanted then was publicity; even the "secrecy" of a complaint to the Grand Jury sometimes leads to that. He shivered with humiliation as he thought of going before those jurymen and owning up to his blunder.

IV

All van Beck was at the funeral service at the Place on Sunday noon, and Stuy asked his two friends up to the library after the service. Keane invited himself and made himself even more than usually disagreeable. Dick was uneasy, so much so that Moran noticed it, but he refrained from his usual blunt retorts to Reuben. Stuy refused to speak to Keane. The bad blood already between them had been added to by Stuy's refusal to present his half-brother to his own fiancée a fortnight before at the Country Club. The slight was

intentional, public, and marked. Keane had been livid with anger. But his conduct in the library bewildered Moran, who had witnessed the scene at the club. Keane was disagreeable,—he always was,—but in an exaggerated, courteous way. He acted as if he were doing the honors of the house, rang for the butler to bring the Scotch and sodas, asked the two guests to sit down, and so on. Stuy glared at him.

Finally, Keane turned to Dick and said:

“By the way, Jowett, Miss Cole,”—that was van Beck’s personal stenographer,—“tells me my father,”—Stuy stiffened at the insolent assumption,—“had you redraw his will. Is that so?”

“Yes,” growled Dick. “I wrote you about it.”

“Did you?” said Keane. “I have not yet received the letter. However, shall we meet and run over it tomorrow morning?”

Dick turned red. Stuy seemed unconcerned. Moran was a bit peeved that Dick had had such a stroke of luck, and had not said a word to him about it. The young district attorney’s surprise at Keane’s statement of Dick’s employment was great indeed. And he was greatly pleased as well. But why had Dick been so secretive?

To Keane’s suggestion, Dick answered shortly:

“I have arranged with Stuy that the will be read on our return from Michigan. That’s time enough, eh, Stuy?”

Stuy nodded his agreement; but Keane seemed an-

noyed. "Where do I come in, then? My father has repeatedly assured me he would provide handsomely for me. As you all know, I was his right-hand man. I don't see why I should be held off at arms' length like a stranger. I'd like to see it tomorrow."

As he said "*I* was his right-hand man," he looked contemptuously at Stuy. His tone grew insolent. His voice sounded threatening. Moran noted this and glanced at Dick, who seemed strangely ill-at-ease. But Stuy, who could not stand the repeated references by Reuben to "my father," broke out:

"Damn it all, Reuben, just cut out your reference to *my* father. He was not yours, thank God! The will will be read as Dick and I have arranged it, and not a damned second sooner. If you don't like it, lump it!"

Keane looked at his half-brother and smiled. A hateful smile he had. Like a snake smiling, cold, slow, venomous, malicious, something sure about it, as though he knew he could wait or that he could strike before his victim could escape.

He stared searchingly at Dick, who glanced nervously away; then, making contemptuously courteous excuses to Moran, he left the room. The three friends looked uncomfortably at one another.

Moran, feeling more and more hurt at Dick's withholding from him the knowledge of his employment by Mr. van Beck, said nothing. Stuy, having no clue to the situation and still furious at Keane, smoked jerkily. Dick, miserable and acutely conscious that Keane surely

knew how the will ran, could say nothing. They finished their drinks. Then Dick and Michael left and walked silently to their rooms. Moran asked Dick to join him at the club; but he, muttering some excuse, let himself into his own room.

V

Later, however, loneliness and worry drove him to the club. Michael and Tom Rhodes were still there. Also two clergymen, Mar, the Congregational minister, and Dean, the rector of the Episcopal church, who had no evening services. Dean had introduced Father Brophy, the little Catholic priest, as his guest. The three dominies were enthusiastic golfers, and were always welcomed in the club "conversaziones." Rhodes had uttered his usual direction, "Boy, take the orders!" Dick Jowett was hailed with cordiality, and gratefully joined the circle; Rhodes pounded the bell and had Dick's order filled.

Over their Scotch and seltzer, Mar was giving a humorous resumé of a paper on local option that the Rev. Tobias Towler, D.D., the pastor of the van Beck Memorial Reformed Church, had prepared, and had submitted for his perusal before it should be read the next week, on Monday, at their clergy club. The four clergymen played a foursome every week, then lunched at the Country Club, where they held their symposiums

and discussed methods of coöperation in the work of benefiting the community.

Towler's trouble, it seemed, lay in the difficulty of logically reconciling his views as to how the drinks of those of the general public given to inebriety could be regulated without prejudice to the sanctity of his own private cellar, which was not only well stocked, but had been, largely through the generosity of van Beck, very choicely stocked. As a clergyman, he disapproved of saloons, but claimed the personal right to control his own life and appetites and conduct generally. He was fond of saying, "I am all things to all men." He interpreted Paul's advice to Timothy as mandatory, not merely directory, and, moreover, as being of daily application. The words "a little wine" he held by exegesis must be admeasured to individual need by the qualifying words "for the stomach's sake." Being a portly man, and having a stomach of generous capacity, he evidently gave the words a quantitative as well as a qualitative weight.

Then Moran told an amusing story of how, while in college, he and Stuy and Dick had worked in a local-option campaign, where the issue at the election was "License *vs* No License," and the college crowd—as a huge joke—had succeeded in carrying the election by a close margin for the temperance crowd by convincing several saloon-keepers and their befuddled constituents to vote "No License," on the representation that it meant they would not have to pay for a license if the

election went that way. The aftermath, when the outraged toppers learned the true inwardness of the ambiguous representation and that they not only need not, but could not, pay for a license, was a record-breaking and head-breaking Town-and-Gown row, in which Dick had displayed Herculean prowess.

Dean narrated, by request, his story of the "snake cave" in Maine, provided for the use of strangers unknown to local drug-store dispensers of "cold tea." It seems they were required to repair to the cave, where, upon entrance, they were obligingly bitten by the occupants. Thereupon the local doctors were willing to issue prescriptions in adequately antidotal quantities, which could be "renewed occasionally," as the apprehensions of the patient might require during his stay.

The point of the narrative lay in the rage of the drummer at having to run the gauntlet of successive disappointments of "no bar in this hotel"; "this is a prohibition State"; "Perhaps" (here a wink) "at the drug store"; then, at the drug store, "Where's your prescription?" "For what?" "Why,"—in a surprised tone,—"for snake bite, of course."

Then the reference to a nearby medical practitioner, whose high sense of professional ethics required that he be shown a real *bona fide* bite to justify his prescribing; then the dash, along the well-worn path, to the unique cave.

Then the return, hot, dusty, and thoroughly enraged, to the doctor's office, demanding the prescription any-

how. "Where's your bite, I see none. Could you not find the cave?"

"Sure I found it; but, say, doctor, one of the snakes is exhausted from overwork, another is in the family way, and the third is engaged three weeks ahead!"

The little group laughed heartily. Father Brophy, who had, for reasons to be later detailed, been noticeably silent and preoccupied, joined in the merriment and told of the scheme evolved by a former parishioner of his in another prohibition State.

This parishioner, Murphy by name, with Celtic exuberance of imagination, proposed the incorporation of a Snake Trust, to maintain a chain of caves appropriately contiguous to the Trust's chain of drug stores. "Thirst bonds," in varying denominations, were to be issued, with coupons attached. The purchaser, when driven by bibulous desire, would be admitted to the cave on the presentation of a coupon and subject himself and the coupons to reptilian perforation, whereupon the coupon would be honored at its face value at the Trust dispensary.

Jowett forgot his worry, and was enjoying his evening. It is perhaps the chief advantage of club intercourse that a man can rinse the worry out of his mind in the hearing and telling of the current anecdotes,—not always new, not always worth while; but they serve their purpose at the time. But, suddenly, Dick saw Keane come into the room in company with a friend. His back had been turned to the entrance; but Father

Brophy's face had changed suddenly from its jolly laughing expression to so sober, sad, and severe a stare, as his story ended, that Dick had turned to follow the direction of the priest's look.

Keane left his companion and sat down at a writing desk in the corner. Nobody greeted him, not even Rhodes, although that hospitable soul had moved his hand automatically toward the bell. When he saw who it was, he drew it back.

It was obvious to Dick that Father Brophy knew something about Keane to his discredit. How else account for the look of disapproval, almost fear, that had appeared on the little priest's customarily merry countenance?

Yet, Keane was not a Catholic. The puzzle was too much. Dick gave it up.

But Moran, who rarely missed anything that took place about him, had been watching Dick covertly. He was still wondering what lay back of his friend's secretiveness about the will. He had been running over in his mind the occurrence of the afternoon. He also had seen Father Brophy's face as Keane came in. He knew how many opportunities of knowledge came to a parish priest. As district attorney, and at the suggestion of the old chief of police, he had once or twice drawn a bow at a venture in asking for an indictment on the strength of the report that a man suspected of a crime had, after long abstention from confession, been seen to go to church and enter the box; although, of course,

he had known that he could not, under the statutory rule in that State, in any event compel the priest receiving the confession to testify even to that fact alone.

He wondered whether, by that medium, Father Brophy had learned of some knavery of Reuben's of which one of his parishioners might have been the victim. But he quickly abandoned the idle speculation. He had none of Dick's suspicions, or facts, to which to link it. His heart yearned toward his friend. Even a temporary misunderstanding after years of close,—more than brotherly,—intimacy grieved and worried him. He was glad, anyhow, that Jowett had repented of his refusal to join him at the club.

He tried to cheer Dick up and to draw him into the genial conversation.

“By the way, Dick, old man,” he broke in, “where have you been; out of town?”

Dick jumped. “Oh,” he said, looking uneasily around, “I ran up to New York and had a friend give me a card at the Bar Association. I wanted——” he cast around hurriedly for an explanation that would be veracious, but non-disclosive of his trouble——“er, I wanted to follow up my article on *Privileged Communications Between Physician and Patient* by one on *Confidential Statements by a Client to his Attorney*.”

Father Brophy seemed at once interested.

Moran, who saw in the answer a perfectly natural explanation, in view of Dick's obsession with legal ethics, and who had read the contribution to the medi-

cal journal that Dick had referred to, nodded. Then it occurred to him that, in view of Mr. van Beck's death and Dick's close relation to Stuy, the time for taking such a trip was queer, to say the least.

Dick's hesitation in answering had been noticeable. But he felt sure all would soon be cleared up. So he changed the subject to golf.

Dean and Mar, to the little priest's obvious but not uncomplacent embarrassment, told of some of his recent marvelous putts in the clergy club foursome.

Rhodes repeated his instructions to the "Boy," but his genial invitation was declined. Whereupon he attempted to tell his only anecdotal gem, full of "says I" and "says he," which was hilariously and frequently and destructively interrupted, until he gave up in sulky disgust, and the group broke up.

VI

Monday morning Dick went early to his office, but found Tommy there ahead of him, who excitedly whispered:

"Another gentleman to see you, sir. It's that doctor, Mr. Jowett, who killed Mr. van Beck in an operation."

Dick hushed him up and went around the partition, to find Dr. Lax staring out of the window. The surgeon was a large, pompous, red-faced man, with the side whiskers that some supposedly English butlers affect. Moran, the first time he saw him, quoted the dictum: "A harelip is the act of God; but sideboards are a man's own fault." Dr. Lax prided himself on

his immaculate clothes. He was always playing to the gallery. He was a clever man in his line; but his methods of getting patients and of undermining the confidence of other men's patients in their own medical advisers were matters of club gossip. He was personally unpopular, but supremely unconscious of it. He had the biggest practice in the county, for he had real professional ability, and he patronized the other attending physicians at the van Beck hospital. He had, as I have already noted, quarreled with Dick's father; but he, the pachydermatous Lax, bore no grudge. Had not the result been most profitable to him? As long as he could make money, he was content to be the "big toad in the little puddle." He always greeted his former partner's son jovially, slapping him on the back,—a damnable form of cordiality, by the way,—and Dick, while always polite, confided once to Stuy and Michael that he disliked the doctor exceedingly, if for that trick alone. The "blow" had given Michael an anecdotal opening. He suggested to Dick that he prepare for the next encounter as Grogan had done under similar circumstances.

"Never heard of Grogan," said Dick shortly, still wiggling his shoulder blades, as if to throw off the doctor's greeting.

"Oh," said Moran, "I love that story of Grogan. It seems he was going to work one day with his friend Pat Evans and asked him:

"Do yez know McGonigle, Pat?"

“ ‘Sure an’ I knows him. He lives on the flure abuve me.’

“ ‘Do yez loike him?’

“ ‘Faith! An’ why not? He’s all roight to me.’

“ ‘Well,’ says Grogan, ‘I don’t loike him, at all, at all. He’s always slapping of me on the chist when he meets me, and it’s four foine seegars he’s busted in my vist pocket already that I was savin’ to smoke in the noon hour. But I’m prepaared for him, Patrick, today. I’m prepaared for him.’

“ ‘Evans inquired:

“ ‘What’s this ye’re sayin’? Prepared for him? What do yez mean?’

“ ‘Feel that, now,’ said Grogan, pointing to a protuberance in his coat. ‘Aisy now! Just feel of it!’

“ ‘Patrick did so. The protuberance was hard, long, and narrow. ‘What is it?’ he inquired. ‘A fake seegar?’

“ ‘Seegar! Hell no!’ replied Grogan. ‘It’s a shtick of dinnymite, be gob!’ ”

To resume. Dick greeted Dr. Lax, offered him a chair, made a show of examining his mail, pocketed the daily letter from Mary, which he was crazy to read, though he thought she could barely have had time to have received and answered his letter telling of his trouble. Then, swinging his chair about, he confronted the doctor, who was impatiently waiting.

“ ‘Are we,—or can we be, rather,—absolutely private

here?" the doctor asked, looking around at the opening where Thomas's obedient back was visible.

"Certainly," said Dick; "I'll fix that," and, scribbling a note to Stuy, to say he would attend to the railroad tickets and the sleeper, he despatched Thomas with it, telling him to find Mr. van Beck "personally and wait for an answer."

"There," he said to the doctor, "that'll take him an hour, anyway. Did you wish to see me on a business matter?"

He supposed Lax might have some bill to collect. He was known to charge "like a pirate" for his operations, and it was possible some wealthy worm had turned and refused to pay.

The doctor leaned forward and said impressively:

"Jowett, am I right in understanding that communications between a man and his attorney are confidential?"

"Absolutely so," answered Dick, at once on his hobby. "In the case of the Duchess of——"

"No matter about that," broke in Dr. Lax. "This matter is one of supreme importance, and I simply want to feel that I can talk freely to you."

"Certainly, sir," said Dick. "My views on——"

"Yes, yes, I know," interrupted the doctor again. "I read your article in the *Medical Times* some time ago. Did you great credit, Jowett, great credit. In fact, you owe to that article my thinking of coming to you now on a most delicate matter,—most delicate."

Dick blushed with pleasure. This Dr. Lax was, after all, a discriminating man: less of a bounder than he had supposed. The article had cost him weeks of toil, and except for Stuy and Michael, who, of course, had had to read it while Dick sat by waiting for their verdict, the young lawyer now beheld in the flesh the first authentic "gentle reader" he had known. Moreover, the surgeon was Client No. 2, on an undoubtedly pay basis.

"Proceed, doctor," he said, and settled back in his chair to listen. His mind, despite his efforts, kept recurring to his own quandary.

But the doctor's story startled him erect in no time, for it not only had the most vital relation to his own trouble, but threw a blaze of light on the facts of Mr. van Beck's death, hitherto so vague and obscure.

The doctor began by saying that on the previous Thursday evening he had been playing bridge at his club. The stakes were high, he remarked pompously, and he had been winning. The attendant came up about ten and said, "Telephone call for Dr. Lax." The doctor insisted on knowing who was calling (why do club attendants never find that out at the outset?—It would save them two trips!). The man returned, saying: "The party would give no name, sir; but said it was a matter of life and death, sir; that a car was being sent for you, sir."

The doctor, reflecting that he was a considerable winner, accordingly went down and got his coat. "A

car for Dr. Lax," was announced. He went out and, to his surprise, found Reuben Keane, alone, driving the car. Keane was greatly agitated, said something about Mr. van Beck and an accident and hurried the doctor off,—the surgeon's reluctance being at an end, since van Beck was the patient.

"Instead of turning toward the Place, he drove towards town," said the doctor.

"Keane drove like Jehu, the son of Nimshi," he continued. "I thought, time and again, we were done for. He shaved the corners at full speed. It was the very devil. But at last he pulled up at that hell of his."

"What hell? Whose hell?" asked Dick.

"What hell?" exclaimed the doctor. "There's only one in town. The police see to that. It's Keane's place down on Fourth Street."

"Never was in it," said Dick. "And I never knew Keane had anything to do with it."

But bits of forgotten gossip came to his mind, and he listened intently. The doctor looked at him curiously.

"Where do you live, young man, when you are at home? Why, everybody knows Keane's place. It's metropolitan; gambling; cabaret; private rooms,—all the latest improvements."

A reminiscent grin spread over his smug face. Dick was disgusted, for he was exceptionally clean-minded, and stiffly brought his client back to his story.

The doctor, rather reassured after all, it would ap-

pear, by Dick's ignorance of this place of ill-repute, as though it was a proof of character and thus giving him higher assurance that his attorney could be trusted, proceeded:

"The place was dark; but Keane knew his way, all right. By the way!" he interjected, "I never knew it to be closed so early before. However, Keane had a flashlight, and guided me up to the rear extension suite on the second floor. Oh, I forget you said you had never been there! Well, that is where Blanche Bianchi, that Italian dancer (born in Schenectady, New York, they say!), has been quartered this year past, and there I found Mr. van Beck, on the floor, leaning against the side of the bed,—dead, sir!"

"Then you did not operate——" began Dick "—— the papers——"

"Don't interrupt me," said the doctor petulantly. "I must tell this *my way*."

Dick apologized; but looked sternly at Lax, his mind racing in new conjectures. The doctor, who was pointing his podgy forefinger at the lawyer and wagging it up and down for emphasis, went on:

"He had been shot, sir!"

Dick jumped, in his amazement.

"The wound was in the lower right side of the abdomen. Very little external bleeding. A pistol lay near his right hand. By the way, I picked it up, and you may as well hang onto it for the present."

Dick's amazement reached maximum, for the weap-

on the doctor produced from his pocket and passed across was one he had seen before! It had a chipped butt! He knew to whom it belonged. He recalled how his clumsiness in dropping it had chipped off a piece of the chasing work.

The situation was engrossingly interesting. But he controlled himself with an effort from further interruption.

"There was no one else in the room, though there were abundant signs of recent feminine occupation, if you understand what I mean." Dick gave a disgusted nod. But he was astounded to hear of the austere old man being found in such a resort and in such a woman's room. The doctor, who was incapable of seeing anything to wonder at in any man's forms of selfish indulgence, went on:

"I asked Keane how it happened. But he merely asked me if Mr. van Beck was dead. I told him 'Yes, dead nearly an hour.' He seemed badly broken up—for such a cold-blooded cuss. He spoke of having been sent for by the management—that the fair Bianchi and his stepfather must have had a quarrel—that he had evidently shot himself in her room—that there would be a serious scandal. Could I not do something to help hush it up? When I asked him what the devil he expected me to do, he opened up the damndest proposition I ever listened to—and I've heard some queer ones, Jowett, believe me!"

Dick listened intently. The doctor continued:

"The long and the short of it was—Keane said we should take the body home—that I should operate for appendicitis. The location of the wound suggested that—then I should file a certificate of death—from shock."

Dick looked his amazement. The doctor went on:

"Well, for a while, I wasn't taking any in mine—till he said:

"'Doctor, it will be worth one hundred thousand dollars to you!' Just those words—and—I fell for it."

The expression on Dick's face disconcerted the speaker. He flushed up, but continued:

"Well,—I was only hushing up the scandal of a suicide. The man was dead. He had been my patient for years—and a profitable one, I may add." This with a complacent air. "Besides, I was not responsible. The police do it—often—so I've been told—I guess many's the doctor has helped them. Still, it was my first experience in that line.

"The money settled it. I've had losses—I needed the money. One hundred thousand dollars, my boy—Think of it! So I finally agreed.

"We had the devil's own time getting the body down to the car. We stopped at my house while I got my instruments and some bandages. That damned cub van Beck arrived at the house a bit later—just coming home—Keane became greatly excited. But I invented a prescription I knew would take some time to fill and begged him to get it filled. While he was gone to the

druggist's we stripped the body. Somehow, Keane disposed of such of the clothes as showed blood."

The doctor was out of breath. He paused. Dick was speechless in astonishment. Getting his second wind, Lax went on:

"I performed an operation of sorts. I got the appendix—there it is!" He waved a phial before Dick's amazed and disgusted gaze. "I didn't have time to find the bullet—but I had him bandaged all right before young van Beck got back. That damned fool seemed unable to grasp the situation. I was for telling him the whole story,—for, of course, he wouldn't want the scandal about his father's death in such a place. But Keane wouldn't hear of it. He got quite excited again—said it would break the lad's heart; that the kid actually revered the old man! So what was I to do? It was high-class stuff he put across on me. But he persuaded me—— Ha! ha!" He laughed, while Dick grew red with anger. To think of old Stuyvesant van Beck as a saint——a—ha! ha!—pillar of the church—and found dead in the Bianchi's room! An old hypocrite, after all! Well! Well! Well!——Oh! I forgot! That old Noone turned up too—been asleep in the library—close call that, if you ask me——"

"And so you filed the death certificate?" interrupted Dick frigidly.

The doctor stared. "Yes, Friday noon I filed it. I had a time standing off the reporters, too; but I got through O.K. However, that's neither here nor there.

You want to know where you come in?" Dick nodded. "We will get back to that hundred thousand dollars. Keep your keen, astute, and expectant professional mind on that, Richard. I'll pay handsomely." Dick waved his hand, in irritation. "On Sunday, just before the service at the House," went on Lax, "I took Keane one side and suggested that he come across with the money. Will you believe it!"—his finger was vibrating forty strokes to the second,—“he repudiated the whole arrangement. He said *he* never promised to pay that sum or any other. He had only suggested it would be *worth it to me!* And he suggested that it was worth that and more too to a man of my standing in this town of van Beck not to give undue publicity to the fact that I had filed a false certificate and hushed up a suicide—or perhaps a crime—a crime, he said, mark you! I suppose,” he interjected as the thought flashed into his mind, “he meant that that Bianchi woman may have done it! And to cap the climax he suggested, in his nasty polite way, that I go to hell;—and by the jumping Judas, I want to know how to bring him to book and make him pay up—damn the dirty fox! Welching on me like that—and I did my share pretty well, I must say!”

“Your share of what?” Dick was about to ask. But the man was his client. He had listened to his confidence. Of course he could not advise him that he could recover the money at law. No court could justify

so unconscionable a transaction. None would enforce such a promise.

Moreover, as the doctor paused, Dick's eye fell again on the pistol. Keane's pistol; that he himself had dropped and chipped several summers before! What was that particular weapon that Keane cherished so especially doing in that woman's rooms? Who took it there? What was Keane doing there, leaving aside the question of old van Beck's being found there?

But his thoughts were broken off at this point. They heard a knocking at the office door. Dick made a quick decision. "I'll have to look up the authorities, doctor," he said. "This is a very interesting question. It involves a large amount. I can't give you an opinion off-hand, nor would you be satisfied with what is called 'horseback opinion.' I'll write you in a few days."

"All right," said Lax. "I retain you to go for that scoundrel. Meanwhile, remember we are in a confidential relation." So saying, he handed Dick a bill,—one hundred dollars.

Dick hesitated. He was reluctant to accept any pay from a man as lax in morals as he was by name. But he wanted time to adjust these newly-learned facts to his own trouble. Would they dovetail together? He could always return the fee and refuse to proceed with the case. So he thanked the doctor stiffly (only making the latter think, however, that he considered the fee insufficient), and then escorted him to the door of the

office. When, as the doctor went out, in came the last person Dick would have expected to see,—yet the very one he most wanted to see: Mary March!

Dick did not see the doctor's appreciative grin as his satyr eyes fell appraisingly on Mary's charming face and graceful figure. If he had, no doubt he would, even then, have thrust his fee back to him and rejected all further relations with him. But he had eyes only for the girl.

"Mary!" he cried; "is it you!"

CHAPTER V

Suspicion follows close on mistrust

—LESSING

I

THE reader will remember that I arrived at van Beck on the Sunday following Mr. van Beck's death. Mr. Noone met me at the station in great distress. Singularly enough, he recognized me as I did him, which made me realize that I was the same short, wiry, leathery-faced sort of a person I had been in the late 60's. Of course, his hair, having grown white in prison, his appearance was also but little changed. He was, as my notes had proved, now seventy-two and I was three years older.

As soon as he had ushered me into a waiting car, I asked:

"What's the cause of your telegram, after all these years?"

With tears in his eyes, he replied:

"Mr. van Beck, my benefactor, died suddenly, last Thursday night."

He so emphasized the word "suddenly," that my first impulse, to utter some banal remark about Mr. van Beck's age and that it was natural he should have

come to the end, was stifled in my surprise at his expression; so, instead, I asked:

“By suddenly, you mean——?”

“By suddenly,” he answered slowly, “I mean that he was perfectly well at six o’clock in the evening, when I last saw him alive and when he was going out to a very unusual appointment. Yet, about an hour after midnight, awaking from a doze I had dropped into while in the library, waiting for him to return, I found a local doctor and Mr. Reuben Keane in the hall, and was told that the doctor had just conducted an emergency operation for appendicitis and that Mr. van Beck had died——”

I interrupted him. “Keane, you said. Wasn’t that the name of——”

“Yes, the name of the son of the man I——”

He stopped in agitation. I understood him. My coming had revived the scene of fifty years before, when the vivid fact in our meeting had been his shooting of the father of this young man.

“Pardon me, Mr. Ethicus,” Mr. Noone begged, “but seeing you,—you so unchanged,—brings back the past too sharply. While I have never forgotten one thing, yet much has been obscured by my real happiness, all these years, in congenial work, in enjoying the respect of other men. And in watching my dear three musketeers.”

“Who are they?” I interjected. But I made a quick mental note of this valuable proof of the theory on

which I had connived at his escape after his "impulse" crime under circumstances that would ensure his "come-back" as a man.

"Of course you would not know," he said. "I'm taking you to the Place—that's the van Beck house. In spite of his father's death, young Stuy, the minute he heard I had an old friend coming to visit here, insisted on your staying there. It seems providential."

"Providential!" I exclaimed testily. Remember, I was a crusty old bachelor, solitary in my habits, not given to social life and attracted to the town of van Beck solely by the lure of some new data for my treatise.

"Providential! Why I'd be much better off at a hotel. And as for your musketeers, why——" But I paused at the hurt look in the old man's face.

He laid his hand on my knee.

"Please, sir," he urged, "fall in with my plan. You see, you'll be on the ground."

"On the ground?"

"Certainly,—where you can investigate without raising any suspicion."

"Suspicion of what?" I asked rather angrily.

"Why, suspicion of your purpose, sir,—in coming to van Beck."

Suppressing my voice to what is called "calm-even-tones," I inquired:

"And what is my purpose, as you understand it?"

"Why, to solve this mystery of Mr. van Beck's death!"

"Mystery? I don't understand! Didn't the surgeon operate?"

"Frankly, Mr. Ethicus, I don't know."

"Don't know!" I almost shouted. "But you were at the house, you said. Didn't the surgeon file a death certificate?"

"He did so," replied Mr. Noone; "but the trouble is, I suspect him and Reuben Keane. Before we reach the Place, let me tell you my reasons for suspicion.

"First: Mr. van Beck had his appendix removed in Washington in 1902. I am the only one here who knew it. Why, then, did Dr. Lax say he had removed it?

"Second: Mr. van Beck was perfectly well when I last saw him.

"Third: Mr. van Beck went on an errand of such a nature that he took the chief of police along to safeguard him.

"Fourth:" [and here he paused] "——and fourth——I hate to say it, Mr. Ethicus, but Reuben Keane, who was supposed by his father and myself to be in New York, was here,—here at midnight—with his father's dead body—and earnestly—too earnestly—corroborating the doctor's account."

Mr. Noone paused for a while. Then the old man continued:

"Fifth: Dolan, that's the chief of police, who was

waiting around the corner, for the—er—er—appointment to end, says Mr. van Beck did not return to the car, and when he, the chief, finally disobeyed orders and went up to the place, there was no one there. When he finally drove out here, he was astounded,—more so than I myself,—at the news he received. He and I want to go over the matter with you.”

My temper was getting out of control. Here was Noone also taking me for a detective. I exploded with words to that effect. But the old man was going through a new crisis of emotion and experience, and it made him brave. He interrupted me.

“Don’t say such things, Mr. Ethicus! It grieves me to the heart. I know who and what you are. None better, as you well know. But this matter, if my suspicions prove true, is so colossally important in this community,—and particularly to young Stuy, whom I love as a son,—that we must proceed with infinite caution. And in some way I feel, sir, that Reuben Keane is involved discreditably, to say nothing stronger.”

A flash of inspiration came to him as he pleaded. I swear I saw a twinkle gleam in his eye as he added:

“Hereditary influences, you know, may——”

I swallowed my rage and interrupted:

“This son of the scoundrel you eliminated may himself be a scoundrel, you mean?”

“That’s what I have been fearing for some years. You see,” he went on hurriedly, “I’m the last man in the world to be hounding him, whatever he has done,

and the matter is above Mike Dolan's head. Mr. van Beck was everything in the world to me, sir,—savior, employer, and for many years a true friend. I cannot leave this mystery unsolved. To whom can I turn in such a crisis but you,—you, who gave me my chance and made all this lifetime possible,—this life of contented work and respect and friendship?"

"Say no more, Noone," I replied softly. "I'll see you through this; but for God's sake, keep my identity secret!"

"I am afraid I can't do that with your name," he rejoined; "but as for your identity, no one here but myself has the faintest idea of who Mr. Ethicus is."

I winced at that; you can understand. Such is fame! But Mr. Noone was mistaken. There was a man in van Beck who knew what the name Ethicus connoted. You shall see.

As we entered the house, I reverted to his use of the term "three musketeers."

"Who are they?" I asked.

"We'll probably find them in the library," he replied, "and you can see them and size them up for yourself."

Sure enough, there were four young men standing in the great room. The wonderful fireplace recalled it at once to my memory.

I was introduced to them. I noticed a curious blaze in Reuben Keane's eye as he heard my name. To the others, young van Beck, Richard Jowett, and Michael Moran, it clearly meant nothing. They were quietly

cordial. They accepted me as a friend of "dear old Noone," and then fell apart in a group to resume their interrupted conversation.

Noone and I stood by the south windows for a moment—, until my things should have been taken upstairs, he said.

The first in interest to me, naturally, would be Dick Jowett. I alluded above to my estrangement from his father and my ignorance of his whereabouts. It was quite a shock to me when the fair-haired, grey-eyed young fellow, the image as well as namesake of his father as I remembered him back in 1895, greeted me most cordially. Young Stuy introduced him; but I didn't then catch his name. I took to the lad at once. But as soon as I was apart with Noone, I asked:

"Who is that young fellow with the fair hair? Tell me what you know of him."

My voice must have betrayed my agitation, for Noone looked at me curiously a moment.

"Why he's one of the 'three musketeers.' Stuy and Michael Moran, our district attorney, and Dick are inseparable. They were classmates at college."

Then the old man proceeded to give an account of Dick's activities (or inertia) since he had settled in van Beck.

"But," I asked, "is the boy prospering?"

"No, I'm afraid not," rejoined Noone, regretfully, as I felt. "Mr. van Beck likes to be called upon for help—and Dick would never dream of asking it. And

so he has not had an ounce of van Beck's influence behind him. From what Moran hinted one day, he is pretty well up against it."

"But," I put in with some curiosity, "you tell me young Stuyvesant is his friend. Why doesn't he say a word for him?"

Noone looked affectionately at young Stuy, and said: "Stuy is thoughtless. He knows nothing of the need for money, for he never lacked it. His father loves him—er—loved him, I should say,—but was desperately disappointed in him——"

"And Keane," I inquired, "did Mr. van Beck love him?"

"He did not," answered Noone. "But he recognized his business ability. He gave Reuben every advantage of every opportunity. He has been, I must admit, his stepfather's right-hand man, knows every detail of the business, holds a power-of-attorney, and handles all matters requiring conference with lawyers. His name should be Jacob."

It took a moment for this remark to sink in. Then I saw the point.

"Ah, the supplanter, you mean?"

"Yes," said Noone. "I am dreadfully worried. I have been afraid he'd manoeuvre Stuy out of his inheritance." He paused. "It would be intolerable. He is selfish, and I believe him to be bad,—thoroughly bad."

"Could you not put in an oar?" I queried idly.

Noone looked at me, horrified.

"I? I am the last man to interfere."

"Why?" I asked, without thinking.

Noone turned and looked me sadly in the eye. His hands washed each other unceasingly.

"Why he is the son of the man I——" He could not go on.

I laid my hand gently on his arm. "Stop. I understand. Forgive me for my forgetfulness."

Then my interest quickened, for I remembered the kind of man the father had been, and I was full of my theory as to the forces of heredity; I fastened on his words "thoroughly bad."

"Bad! you say. In what way?"

Noone hesitated, but his anxiety overcame his habitual discretion, and he drew me still farther away and unburdened his mind about the way he knew Reuben Keane had been feathering his nest and abusing his authority as his father's agent, and ended up by saying:

"It is commonly believed he keeps a mistress."

I looked away down the long room at Keane. The other three young fellows were chatting happily.

Reuben stood by the impressive fireplace, just below the group of the first family I have described, scowling into the heart of the great fire. His lips were closed in a straight line. His face looked hard, selfish, relentless. It had a jaw and cheek line indicating power. His right hand was in the pocket of his dinner coat, his left hung clenched at his side.

At a sudden burst of laughter from the group across the room, he half turned his head, then resumed his former position, with a half-sneer on his lips.

I saw it was natural that Noone could not like this young man. It was obvious he was trying not to let his prejudice affect his conduct toward him, but was even trying to "lean over backwards" in the effort to be fair. But, so far as appearance went, it was equally obvious that he had some cause for his distrust as well as for his dislike. Keane had a bad face. I decided it was worth watching as a "case" for my notes.

Then my attention returned to Richard Jowett. He was quiet, listening eagerly and interestedly. His admiration for Moran's quickness of wit was evident. Stuy and he stood side by side, with hands clasped, very much as two girls would have stood. The mutual affection of the three was so obvious that the title of the "three musketeers" seemed very apt to me.

I made a sudden decision. "See here, Noone," I said, "you knew me years ago as W———. Does that convey anything to you?"

He looked genuinely puzzled.

"No," he replied.

"Well," I went on, "that was Dick Jowett's mother's name. She was my only sister. I took the name Ethicus in 1870, though I gave it to you as a code name for telegrams when I was here."

Noone looked at me still more puzzled. I saw the question in his eyes.

"Yes, I know," I interrupted; and told him how it was I was practically meeting my nephew for the first time. As I told the sorry tale, I felt a surge of loneliness and an urge of desire for the affection and intimacy of that fine-looking lad down the room.

"See here, Noone," I concluded, "my present name can mean nothing to the lad. He has no possible way of knowing who I am. He was but three when I last saw him. Say nothing. Let me look on awhile and choose my own time to tell him. If he needs helping, he may accept assistance from his only relative, if I can win his affection."

Of course Noone agreed.

Here was a new and a strange interest in life for me. Could I, while helping Noone with his problem, also make amends for my foolish pride and come in some way not objectionable to his own proper pride to the assistance of this forgotten nephew, who was so hard up against it, and yet so cheerful, so in the lap, as it were, of luxurious surroundings and friends, yet so lacking in pecuniary reward of his labor? Noone told me that Dick was attorney for the local Legal Aid Society, one of the pioneers of that excellent form of helping the children of disadvantage. "Yet," he added, "that pays him a mere stipend, and I doubt if he has any other clients to speak of."

Three of the young men were going West on the nine o'clock.

When we had sat down to an early dinner, I overheard one remark that greatly interested me. Young Jowett, with a flushed but radiant face, said to Moran:

"Michael, who do you think is here, at Miss Fowler's?"

"Not Mary!" shouted Moran and young Stuy in unison.

"Yes, Mary," happily replied Richard. "She's going to 'phone you to lunch with her tomorrow, Michael."

Michael expressed his delight; but Stuy said, hesitatingly:

"Say, Dick, maybe you'd rather not go with me to Michigan, then?"

Dick answered pluckily and loyally:

"Not at all, old fellow—I—er—explained it to her and she's making quite a visit, and she insisted on it—and I'm going just the same."

"I appreciate it, Dick," said Stuy.

I was tired that night and retired early. Noone had said that he had made an appointment for Dolan to meet us in the morning. I needed rest.

As Noone took me to my room, I asked, "Who's Mary?"

Mr. Noone, rubbing his hands happily (It was extraordinary how he could convey such an impression with such a gesture!), replied:

"She's the daughter of the boys' old professor at col-

lege and Dick's future wife. She's a wonderful young woman. Dick's fortunate to have won her."

I said good-night.

II

The next day, at 9:30, we,—Mr. Noone and Mike Dolan and I,—were driven by a winding road up the western hill slope to Lookout Rock, dominating the view northward over the lake region and southward down the valley.

There was a ledge below the rim of the rock about six feet wide, and as I had been provided with a fur coat and a rug, and as the weather was milder and the sun shining, I was made comfortable, so prepared to listen to Mr. Noone and the grizzled old Irishman.

It is unnecessary to repeat what I have already narrated as to the interview between the late Stuyvesant van Beck and his chief of police at which Noone had been present. It was all told me then by old Dolan with interjected comments by Mr. Noone.

When Dolan came to his reference, whimsically comical, to his disappointment over the cigars, Noone said:

"You see where we start, sir."

"No," I rejoined, "I can't say that I do."

"Why," said Noone, "we have three important facts:

"First: Dolan went off and made the appointment

with the Bianchi woman and warned her to tell no one of it,—if she wanted to make 'big money';

"Second: Mr. van Beck went out and saw Richard Jowett about his will."

"He did!" I interjected. "Why, you said Richard Jowett had few clients!"

"I know," said Noone, "but Mr. van Beck told me he was going to try the boy out because he knew Reuben was too thick with his regular attorneys, and that he had decided, at last, what to do in regard to Reuben, and did not want it to leak out, as he intended to test him out,—if he got rid of this woman he was infatuated with."

"Well, go on," I said.

"Third:—and this I consider most important,—Keane went to New York with instructions as to securing a contract that were impossible to follow with success, judging from what I know from the correspondence with the New York concern. Mr. van Beck thought that even if Keane failed, he might return for the week-end. But, note this, he was back here Thursday night, the very night Mr. van Beck planned to have him away."

"Maybe," I said, "the girl told him despite Dolan's orders."

"Eh!" grunted Dolan, "that's an idea now."

"Or, maybe, he'd succeeded in getting the contract," I suggested further.

Mr. Noone scowled at this idea.

"I have not looked that up. But no,—if he had he would have wired. It would have been a great feather in his cap. He never overlooked an opportunity to make a record of his success."

"Where were you that night?" I asked.

"When Mr. van Beck told me Dolan had everything arranged, I went to the club for my weekly dinner with Mr. Mar, the Congregational minister, Mr. Dean, the rector of the Episcopal church, and Father Brophy, the parish priest. Thursdays we have our game of whist till eleven, and it was about half after that when I got back. I must have fallen asleep in the library. About two, I was awakened by voices. Coming out into the hall, I found Dr. Lax and Reuben, and just then Stuy rushed in with a package, which, I gathered, he had been sent uptown to the drug store to procure. I heard the doctor say: 'Too late, boy. I'm sorry. Your father is dead.' Oh——it was dreadful!" He paused.

"And when I tried to find out what had happened, Reuben, who has never dared to treat me insolently, knowing how Mr. van Beck regarded me, brushed me aside and, looking at Stuy, with unconcealed hatred, said:

"I got home at midnight—while you were off dancing I suppose—found father here in agony—got out my car and hunted up the doctor. He came—did his best.' That was a cruel thing to say to Stuy, for he too is just engaged, and he was with Miss Katherine at a

dance. The lad went white with pain. He'll never forgive Reuben for that cruel remark.

"Now, Mr. Ethicus, that story of Reuben's can't be true, for how could Mr. van Beck get home without calling for Dolan, who was waiting in the alley, a block away, as *he himself had directed*. If Reuben did get back, and found Mr. van Beck at the Bianchi woman's, how is it Dolan didn't see him? And why didn't the doctor take him to the hospital? And why did they not try to rouse anyone to help?"

He was rushing through his story, but he stopped a moment, then went on:

"The doctor looked flustered when I put my questions. But Reuben rushed him off before he could answer. Stuy told me his father was perfectly well at dinner."

"When had Stuy come in?" I inquired.

"He says he got home—just before I awoke I suppose—for the doctor had rushed him off to the druggist."

"What did he bring from the druggist?" I asked.

"I don't know," replied Noone. "And that's suspicious, too; for Stuy can't remember—and the package has disappeared."

"Have you asked the man at the drug store? He'd surely recall it,—being waked up and all?"

"Leave that to me, sor," said Dolan.

"All right, Dolan," I said. "Have you anything to

add. Seems to me the Bianchi woman could clear up the whole situation."

"I'd not have you think that did not occur to me, sor. I went there first off, after waiting two mortal hours, and there was no one there. Then, when I finally heard the terrible news that the ould man was dead, I'm confessing it drove me out of me head that night. But the next day, after Mr. Noone 'phoned me, I tried to find the girl. But, d'ye know, she'd disappeared off the face of the earth! I was intending to go see young Keane, but Mr. Noone here he says to me, I'm sending for a friend, a great authority on crime, he says, and he urged me to wait, sor, till ye'd come."

He looked at me directly, and seeming to appraise me to his satisfaction, went on:

"I'm still looking for her, because Mr. Noone tells me the money Mr. van Beck drew from the bank, so must have taken with him, was not to be found after the operation."

"How much?" I asked.

"One hundred thousand dollars," replied Noone.

"You see, sor," continued Dolan, "ayether the girl got it after promising to go away and made her get-away in good faith like, or that old hypocrite of a doctor swipes it from his clothes. Or, if you asks me, I wouldn't put it a-past Reuben Keane to have done that same——"

He talked much longer; but I do not wish to anticipate the narrative, save to say I advised Dolan to go

see the district attorney, but under the seal of confidence till the funeral party should return and we could be sure of laying our hands on Keane,—if Dolan's suspicion was correct.

I must say I could not, at this point, see anything indicative of a crime. As I summed it up, Mr. van Beck had drawn out a sum corresponding to Dolan's idea of what the girl would demand.

Evidently, he had prevailed in his interview, paid her the money, and perhaps had aided her to get away. He might well have intentionally kept Dolan in the dark and with his influence have got some other henchman to help the girl to some distant place; then, on his way home, or after getting there, van Beck might have been seized with the pain.

But Keane was the only one who could say where he himself had found his stepfather, unless the doctor knew.

But Dolan had looked up the doctor's death certificate. It was regular in form, and "the Place" was filled in as the place of death.

I was beginning to be annoyed at being called in to explore a mare's nest, and would have decided to leave for home had it not been that my nephew, Richard, had yet to be told of our relationship and his affection won, if that were possible. That alone would be ample satisfaction and make me forever grateful to Mr. Noone.

Noone said he could doubtless arrange for me to

meet the doctor soon. It was left to me, therefore, to elicit from the surgeon all the facts and see if they tended to put suspicion on to any one.

Meanwhile, and before I could meet the doctor, events were marching that I must detail in narrative form without another reference to the time when I was told by the various actors the story of their several parts in it.

Several days went by. I used to go over to the University Club and sit quietly by and listen. I got readily to identify voices and speakers. Despite my three-score-years-and-ten, my hearing is, and always has been, very acute, and I overheard several times low colloquies between Reuben Keane and a friend of his whom I did not meet. These scraps later on returned to my mind and enabled me to draw some excellent conclusions.

CHAPTER VI

I shall be as secret as the grave

—CERVANTES

I

TO go back a few hours, it must now be recorded that to another than Richard Jowett also this Monday had been full of stress and anxious thought. And out of fairness to Father Brophy, I must state frankly that here I had to do a good deal of inductive reconstruction; for, of course, he never intentionally violated his priestly duty by telling me what I am about to write.

It was sunrise. The town of van Beck still lay in shadow cast by the eastern ridge on the nightly mist from the cold river shrouding it. The sun had only just begun to shine through the haze.

The Roman Catholic parish priest, Father Brophy, dismounted from his decrepit bicycle, on which he was wont to take his usual "constitutional" and sat down to rest on Lookout Rock. The hum of the great turbines that supplied power to the van Beck mills, factories and plants, clustered at the head of the valley, came to his ears through the noise of the plunging waterfalls.

Although it was November, he was hot; for he

had risen before dawn and ridden fifteen miles, and he had work to do before he could keep his Monday appointment with his clerical colleagues at the van Beck Country Club, two miles down the river, beyond the town.

The Clergy Club of the town of van Beck was unique in its membership. The rector of the Episcopal church, the Roman Catholic parish priest, the Congregational minister, and the pastor of the Reformed church, having a bond of union in their common passion for golf, met every Monday at 9 for a foursome. At noon they lunched; at 1 they discussed the social and religious welfare of the valley and their theological differences. It was a unique association in its inclusion of the little priest. Few communities could parallel it.

Father Brophy looked worried as well as weary as he rested on the Rock.

In discharging the duty of the confessional to a fair and frail penitent in his flock, he had learned of the commission of what he concluded might have been a crime witnessed by the erring woman.

As a citizen of the town, he knew that the crime, if it was a crime, had been concealed and the victim officially certified as having died under an operation.

He was a man of limited education. He had no hopes of preferment. He loved his parish, and was beloved even outside its fold. His flock was small. He knew as well as the average parish priest the rule of his church and realized his impotence in face of the

seal of the confessional. So, hearing that his bishop was to visit a neighboring town for confirmation purposes, he had ridden over late the night before and asked counsel of his superior.

He had heard from the learned bishop a good deal about the decree of the Lateran Council, the law of the Church, the sanctity of his vows, the inviolability of confessions, the sin involved in any disclosure by himself, the penalties of such sin, among which unfrocking seemed to him to be the least.

His bishop had given him no comfort. His own argument, that the one confessing was not the criminal, but merely a witness, had been brushed aside as of no weight. When he suggested that, as he himself would have to bear the punishment to be inflicted by the church, it was not unreasonable that he should be free to decide the question for himself, he was harshly admonished that he would be guilty of heinous sin, sin wilful and deliberate, and punishable by excommunication.

To his inquiry whether there were not recorded cases where priests had willingly incurred the penalty in order to avert a crime or bring a criminal to justice, he received a vague and unsatisfactory reply. The bishop had become cold and suspicious, and had finally terminated the interview by a rather searching inquiry into the continued meagerness of Father Brophy's congregation and the paucity of the contributions of its members.

He had returned, loaded down still with what, to him, was the guilty knowledge of a secret crime. Not "guilty" under the law of his Church. Not even "guilty" by the law of the land. But it was his first experience of the kind. He felt guilty. He had the uneasy sense of being *particeps criminis*; or, at least, of being an accessory after the fact, though of Latin and of legal terms he was equally and cheerfully ignorant. Shortly before, at the club, where Mar had taken him as a guest, he had had a disagreeable experience. However, he had also heard Dick Jowett talk about "privileged" communications. It appeared that doctors and lawyers also had the same quandaries to confront.

A faithful, rubicund, short, corpulent, but very active little parish priest was Father Brophy. Everybody loved him. People of other church folds used him as their almoner to some of his destitute parishioners. He had the rare gift that theologians call "metreopathic" sympathy,—a word, by the way, which he could never have spelled, let alone understand. But now, he carried this burden of apparent murder, unknown and not to be avenged or punished by any coöperation of his. So the bishop had said. He remounted his wheel, coasted down to the valley, and pedalled hard to his little house close by the Catholic chapel, not yet fully paid for, and so not yet consecrated as a church. There his faithful cook and only attendant awaited him with his breakfast.

He carried the burden still as he rode down through

the town across the Tenth Street bridge and up the long driveway to the Country Club.

II

As he stopped at the entrance to the locker-rooms and leaned his wheel against the wall, old Gabriel, the colored man of all work, pulled up his team of mules with a loud shout:

"Whoa, Bethsaida! Whoa, Chorazin!"

"Where did you get such names for your mules, Gabriel?" inquired the priest, amused.

"I jest done rename 'em," said old Gabriel, with a cackling laugh. "Our preacher, he's a most pow'ful 'spounder ob de Scriptures, Father Brophy. Yo' all white ministers ain't got nuttin' on him. No, sah! An' he done preach to us yisterday on how Marse Jesus went for dese yer Bethsaida and Chorazin for dey sin and wickedness, and he told 'em to whoa befo' it was too late; an' Ah reckoned dese yere two mules is about ez ornery and wicked and full of cussedness ez dey was—so I done recall 'em. Chorazin, he's de off mule, and Bethsaida, she's de nigh one. Whoa, dah! you deb-bils!"

Father Brophy laughed and went in. But as he put on his golf shoes and laid off his coat, which was his only concession to golf costume, he fell back into worry over his problem, and only thrust it aside when his

friends arrived and he was confronted with the weekly task of carrying his partner, the ponderous pastor of the Reformed church, to victory on a Nassau count basis,—which usually meant his playing the best ball of the opponents. They began with the usual clamor by Towler for a readjustment of handicap. Mar observed savagely: "Towler, you are the man Solomon had in mind when he wrote Proverbs."

"What do you mean?" asked the dense Towler.

"Why, where Solomon referred to the man 'whose mouth calleth continually for strokes.' Not a stroke more do you get!"

The little priest played a silent, straight, unper-turbed game. His jaws worked steadily over his allowance of three chiclets. His attention was never diverted. His putts were deadly. But after the game and the shower, and when they sat down to the lunch table, his burden resumed its place and he became pre-occupied and troubled again. This incident proves the inherent value of the Great Game. A tyro at it, with something on his mind, will flub his drive and fozzle his approach and go wild on his putting. A real devotee can throw off his cares, concentrate on his shots, and thereby be the better fitted to cope with his troubles when he returns with his lungs rinsed of all toxic elements by the ozone with which he has filled them.

III

An idea occurred to Father Brophy during the meal. For his golf partner, the Rev. Tobias Towler, D.D., the minister of the Reformed church, subsidized by the great local magnate Stuyvesant van Beck, recently deceased, who had built the stone memorial church in which the pompous, florid and smug clergyman delivered his meaningless and platitudinous discourses,—for Doctor Towler he had no respect and, with rare intervals, very little envy. For Stuyvesant van Beck was Towler's God, and Towler was van Beck's prophet, and he was not chary of letting his devotion be known.

The rector, Philip Dean, was a charming, scholarly, broad churchman, homiletically below the average, but a hard worker and an excellent organizer and administrator of his parish work. He believed in ultimate church unity and viewed the pretensions of the High Church party in his own denomination and of the Vatican, to exclusive genealogical Apostolic succession, with a sense of humor.

He described the kind of Union his Holiness had expressed a willingness to consider as a desire

“To return from the ride
With the lady inside
And a smile on the face of the tiger.”

Dean viewed his clerical association with Towler in the Clergy Club as a disagreeable but proper step in the progress towards Church Unity, as an allowable low-church form of penance, and Emerson's law of "compensation" supplied a recompense in the pleasure it gave Dean to beat the egotistical pastor at golf.

John Mar was a Ph. D. (Edinburgh and Leyden). He had studied, on fellowships, in Scotch and in Continental universities. His learning was encyclopædic. He had an LL.B., Yale; and a D.D. from a Western university. He had lectured on church history in an Eastern seminary. His turning up in this valley town, where he preached wonderful sermons to the two hundred Congregationalists, Presbyterians and "mixed," who formed his congregation, was because of his indolence. He hated parish work. He would visit a dying parishioner, and his ministrations were, in such case, gentle and sympathetic. "But as for drinking tea with old ladies or listening to the alleged woes of hysterical young ones," he said, "I hold that they that are whole have no need of a physician."

His books and his golf clubs were his chief occupation. His sermons satisfied his congregation. His learning awed them. His men parishioners respected him, and those few who got under his reserve loved him.

Father Brophy also loved Doctor Mar with a love that was born of admiration for the qualities he himself lacked and that was developed by the intellectual

generosity with which Mar put at the little priest's disposal his own riches of knowledge,—and even his beloved books.

It occurred to Father Brophy that Mar would know something about confessions and crime. He recalled that Mar had been a witness in a case involving a title to a farm down the valley and had testified to declarations made to him by the deceased owner, which had an important effect on the decision of the suit. With what he thought was infinite craftiness, he brought the talk around to this matter.

“I suppose, doctor,” he remarked, “in the Murphy ejectment suit, in which, I’m told, you testified, that the old man’s words to you, on his death-bed, were not by way of a confession, for you told all he said, didn’t you?”

Mar looked both shocked and hurt. “Of course not! While our Protestant churches have no such body of law as to the seal of the confessional as has the Roman church, yet, under the law of the land, a confession made to a minister of the gospel is as sacredly protected as is a confession to a Catholic priest. What Murphy said to me was said in the presence of others. It was not intended to be confidential.”

Once launched on a topic related to his elaborate researches in every department of ecclesiastical lore and law, Mar went on, to his three auditors:

“In the Roman church, the priesthood,—which our friend Brophy here so signally honors,—is under the

strictest rules of ecclesiastical law in respect to the confessional. Not only is it *malum prohibitum* under decrees of the Lateran Council, notably that held in 1215, to disclose anything confessed; but the priests are taught that it is a sin, *malum in se*.

“The reason given is that the confessional is established as inviolable in order to assure the one confessing that the burden of sin thus cast off and, after due penance, pardoned, is gone forever, not to be revived by any indiscretion of the priestly repository of the secret. Maltbie Babcock once said, ‘Honesty in confession calls for definiteness in confession?’ Vagueness of a patient in describing symptoms handicaps his physician; and so the church, even of the Reformation, justified the priestly right to say to the penitent, in the words of old Crabbe:

“‘We cannot heal the throbbing heart,
“‘Till we discern the wounds within.’

“A literary friend of mind once criticized as bad literary art a rather clever novel that contained an incident about a great cardinal who was celebrating the fiftieth anniversary of his holy orders.

“Reminiscing with friends in his library, the old man suddenly observed, ‘I recall, for some singular reason, my first penitent. He came to me, and laid a heavy burden on my heart; for he confessed to having committed a murder.’

“He had hardly stopped speaking when, in tele-

pathic explanation of the cardinal's thought, a nobleman was announced, a man known to all the group, who was feared and hated by the whole city. He advanced with outstretched hand, saying: 'Cardinal, I claim peculiar right to felicitate you on this auspicious occasion, *for I was your first penitent.*'

"The incident proves the truth of the adage: 'A secret is like silence; you cannot talk about it and keep it.'

"My friend, a Catholic, and very learned for a layman of that church, insisted that such an incident could never have occurred. That it was a sin, even by such indirection, to violate the secrecy of the confessional."

"I don't know about that," observed Dr. Towler. "You all remember Flanagan's case. Mr. van Beck, whose sudden demise we all sincerely lament (and, in fact, I shall move a minute be inserted in our record!), was interested in him. He was in the State prison on a felony sentence, and at my esteemed parishioner's request" (his companions smiled at the customary unctuous phrase!), "I went down to the capitol to see the governor about a pardon; and, do you know, he was paying little attention or respect to what I was saying about Mr. van Beck's desire in the premises, when a little obscure Polish priest, whose name began with a Zsc or Sxc,—no, it began with a plain Z,—I feel sure, well, anyway,—this priest rose and told the governor he knew who had really committed the crime for which Flanagan was shut up, that Flanagan was not guilty.

“The governor’s secretary told me, when I received the pardon document, that Flanagan could thank this Z person for it. Just fancy, after Mr. van Beck’s letter, too!—and when I asked how the governor could attach such weight to this insignificant person’s assertion, he said, ‘Why, of course; the real criminal must have confessed to the priest.’ The Polish priest, I have no doubt, realized his assertion would be thus interpreted.”

“Very likely,” said Mar, drily.

“Well, then,” remarked Dean, “while in my church some clergymen practice auricular confession, yet it seems to me that the Z person, as our ‘esteemed friend’ Towler calls him” (here Mar and Father Brophy grinned!), “ought to go further, and give up the real criminal to justice.”

“He can’t do it,” rejoined Mar, “he’d be unfrocked.”

“Even if loyalty to his country required it?” asked Dean.

“In any and every case,” asserted Mar.

“I think an offending priest can not only be unfrocked, but also imprisoned in a monastery for life. The Prussian law provided that a priest receiving a confession of a crime *to be committed* should report to the secular authorities; but the Vatican forbade its clergy to comply with the law; and it became, even in autocratic Italy, a dead letter. Even the early English decisions compelling priests to disclose confession of

crime were superseded by others sustaining the privilege,—if asserted by the priests.

“This seal on confidential or privileged communications exists in varying degree in several relationships, so far as the law of most of our States is concerned. There is usually a distinction between voluntary disclosure and compellable disclosures.

“Take the case of husband and wife. Suppose a man in the presence of his wife commits a murder; or, having committed the crime, tells his wife about it. I am under the impression that the rule of law making such disclosure inviolable is said to be based on public policy. But, in some Western states, that very reason is made to require an exception, as where a husband threatened his wife that he would kill somebody.

“The rule called ‘public policy’ is founded on the confidence existing between the parties that must be essential to the continuance of their relations. The relationship, in turn, must be one that it is to the public interest to promote and to safeguard; and, finally, as I recall my brief studies before I abandoned the law for the theological seminary, there is a fourth element of ‘relative injury or benefit’; that is, Would disclosure, if compellable, do more injury to the relationship involved than it would benefit the community?

“This explains the application of the rule to attorney, or physician, or priest, or other minister of the gospel.

“In the instance last mentioned, I believe the rule de-

pends upon the essential fact that the confession was made to the clergyman acting officially in the course of his *disciplinary* ecclesiastical powers. So I doubt whether Towler, or myself, who have no express powers personally to impose penance, or to excommunicate, under our respective church laws, could hear the confession in the same sense as Father Brophy does, or as Dean could, if he had a High Church attack. Nevertheless, if I could conceive of one of my autonomous New England-conscience congregation trusting me as his spiritual adviser with a simon pure confession for the good of his soul, I think I would go as far as Father Brophy here in defending his secret. But, I would act on the principle *noblesse oblige*, and not be ashamed to assert the legal privilege."

Mar went on meditatively:

"Dr. Johnson once observed, 'To tell your own secrets is generally folly, but that folly is without guilt; but to communicate those with which we are intrusted is always treachery.' And Jeremy Taylor had an even nobler conception when he said, 'Secrecy is the chastity of friendship.'

"As to doctors, I have a recollection that communications made to them in the furtherance of a criminal purpose are not privileged, whereas a client who has committed a crime can safely tell his attorney about it in order to secure his advice and services in a trial; but lawyers have been compelled to disclose statements made merely threatening or contemplating a crime."

Mar paused a moment, and then continued :

“This fidelity to a confidence imposed was carried to a remarkable extreme in one of the English State Trials. As I recall it, the facts were these :

“Just about the time the American colonists first met the British regulars at Lexington and Concord during the War for American Independence, Elizabeth, calling herself Duchess-Dowager of Kingston, was on trial in the House of Peers, in Westminster Hall, for bigamy.

“The trial was one of the great state trials of England. Among the counsel for the prisoner at the bar was Mansfield, later Lord Chief Justice, and upon the trial certain nice questions of privilege were raised, argued, and determined.

“In the quaint language of the law in that century, she was indicted upon a true bill setting forth that Elizabeth, then the wife of Augustus John Harvey, ‘with force and arms at the said Parish of St. George, Hanover Square, in the said County of Middlesex, feloniously did marry and take to husband, Evelyn Pierrepont, Duke of Kingston, against the form of the statute in such cases made and provided, and against the peace of our Sovereign Lord, the new King, his crown and dignity.’

“The Duchess, having unsuccessfully interposed in bar a decree of the Consistory Court of the Right Reverend Bishop of London, annulling the alleged marriage with Mr. Harvey, and adjudging that she was

free from all matrimonial contracts or espousals with him when she married the Duke, various witnesses were called to prove that in fact such previous marriage had taken place.

“Mr. Cæsar Hawkins having been sworn, it developed that he was a surgeon, and that he had knowledge, by reason of his employment, of certain facts relating to the marriage: but he demurred to answering the questions on the ground that anything that had come before him in a confidential trust, in his profession, ought not to be disclosed, consistently with his professional honor. Lord Mansfield conceded that a surgeon had no privilege under the English law when required by a court of justice to reveal such secrets, although his voluntary disclosure of them, without judicial coercion, would be a breach of honor and a great indiscretion.

“At the same time, the rule was, of course, in full vigor, that an attorney in like case, except with the consent of his client releasing him of his confidence, could not disclose any conversations made to him by his client in the course of his professional relationship; but later on in the trial,—and this is the interesting feature,—a Lord Barrington, sworn, was asked to testify as to whether any communications had been made to him by the Duchess of Kingston on the question whether the marriage had taken place, and he took high ground as an English gentleman, that he ought not to answer such questions, as a man of honor and

'regardful of the laws of society' relating to anything 'confided to his honor or confidentially told him.' He said, 'Every man must act from his own feelings; and I feel that any private conversation entrusted to me is not to be reported again.'

"The Duke of Richmond, one of the Peers, observed, 'I think that it would be improper in the Noble Lord to betray any private conversations.' The Duchess of Kingston herself interrupted, 'I do release my Lord Barrington from every obligation of honor. I wish and earnestly desire that every witness who shall be examined may deliver their opinions in every point justly, whether for me or against me.'

"Nevertheless, Lord Barrington struck a responsive chord in the hearts of the Lord High Steward, the Attorney General, and the Solicitor General, who were prosecuting for the Crown, for it is recorded that despite a judicial ruling against Barrington's plea, they declined to ask the noble lord any further questions.

"Long before that day, by decrees of Councils of the Church, the rule as to the inviolability of confessions made to a priest, acting in the exercise of his power of discipline, had been rigidly made and enforced.

"And so a penitent, in the throes of repentance for sin; a patient confiding his secret disease or weaknesses to his medical adviser; and a client, entrusting to the ear of his lawyer his wrongs or his wrong-doings, had a comfortable feeling that they were safe, as against

their neighbors, from any disclosure of these secrets of their lives.

"And yet, from time to time, in the administration of justice, cases have arisen where these rules of privilege have protected criminals and have stirred public opinion to the point of inquiry as to what extent they should be preserved without exception either to prevent the commission of a crime or to secure punishment of a criminal."

"Well," said Towler, pompously, when Mar had finished, "I don't think I would consider myself prevented by a legal quibble from doing my duty to society if I learned in any way of a crime committed or contemplated."

The little priest looked at him curiously.

Mar's concise summary of the reason for the rule, the knowledge that it was a rule of law and of ethics, as well as of the church, comforted him. He felt the "guilty" feeling slipping away. He squared his shoulders and with an almost audible sigh of relief, rose, saying:

"Well, it's my duty today to preside at the "clergy club" discussion, Doctor Towler. Is your paper on Local Option and the Church ready to present?"

The "clergy club" then convened and Towler took the floor.

CHAPTER VII

"And Sheridan only *five* miles away"

—THE BATTLE OF WINCHESTER

I

TO return to our mutttons,—or, shall I say, our "lambs,"—in Dick's office, as Dr. Lax left and as Dick greeted his fiancée.

"Of course it's me," said Mary, forgetting hereditary grammar in her embarrassment as Dick literally gathered her in. "Goodness, Dick! Someone will see us—stop at once—Dick—*please!*"

"They see! What do they see? Let them see!" paraphrased Dick joyously, pulling her into the office. He installed her in his own chair and walked excitedly up and down with rapid-fire questions, while Mary, patting her hair and resetting her hat, explained her coming, ostensibly to visit her aunt, Miss Fowler, her father's old-maid stepsister, after whom she had been named. But really, of course, Mary had come to talk over Dick's difficulty, which could not be dealt with in mere letters. She was interested in Tommy, whose "deteckative" ambitions Dick had mentioned in an earlier letter and whose story he had sketched in his outpouring to Mary the day after the death.

She asked where he was. Dick had forgotten. He

did not want to think of Tommy when Mary sat there, in his office, in his chair. How dear she was! How womanly she looked! None of the modern idiosyncracies,—or, rather, idiocies,—of dress, as Dick viewed them. Her shoes, neat, round-toed, low-heeled, like a boy's shoe for comfort; none of your long-pointed effects with two-inch heels under the instep,—and her hair, those light-brown, wavy tendrils just escaping around her hat! He knew she always parted her hair in the middle. Her ears required no concealment by carefully constructed puffs or coils of hair. She was old-fashioned; he loved her for it; but she always looked perfect,—*bien coiffée, bien chaussée, bien gantée*. A fellow need never feel ashamed of her appearance, anywhere, and as he looked into her eyes, Irish-blue eyes they were, he saw her love and sympathy and,—yes, he saw confidence in him. He felt a glow of relief. He felt that, reinforced by her affectionate sympathy, her clear intuitions of right and her shrewd common sense, a way out of the critical situation confronting him would be found.

At this moment Tommy returned. He seemed offended. His face was flushed. He made his report.

It appeared that, in his ambassadorial person, the dignity of his employer had been slighted. He had been made to wait. The butler wouldn't let him see Mr. van Beck personally, although he had told him it was "Mr. Jowett's orders." And there was "no answer 'exceptin' 'all right.'"

"That's all right, Tommy, everything's all right. Here's Miss March. She's been asking about you." Then, turning to Mary, "Let me present my office assistant, Mulvaney."

Mary forthwith won the boy's heart by holding out her hand. As he shyly grasped it, she said:

"Mr. Jowett has told me, Thomas, how faithful you are and what a good mother you have. I hope when we are married she'll help me as she has him. How are you getting along?"

Tommy commenced to tell her how he had secured an additional job "blowin' de organ" at the Episcopal church, proudly adding he could "now blow for most anny piece Miss Alice [the organist] could play," but, before Tommy could utter another word, Dick grabbed Mary by the arm, saying:

"We must have some lunch. Tommy will look after things. Come along." They hurried out, the boy looking after them with a proud feeling of possession, and anticipating his mother's delight at this new development in his evening's report of the day's doings.

Dick took Mary to Antonio's, the best downtown restaurant. She protested when he handed her the menu, said something about economy and the future.

"Economy!" laughed Dick, "on your first visit to my office, and with oodles of money in my jeans!" Then, recollecting: "but of course you must have left home before receiving my second letter telling of my big fee. I forgot to mention it when I wrote about the

will." He told her, as they waited for their order to be served, about the two thousand dollars and about the other later developments. When he came to the interview with Lax, he hesitated. Was it right for him to tell Mary what had been told him by Lax, his client, whose retainer, moreover, he had right in his waistcoat pocket? (Hence, his utter disregard of the figures printed opposite the selections he had made from the menu.) He had a qualm, for the moment, at spending his money on so elaborate a luncheon,—still, he concluded, if he should decide to return the fee, he had plenty now in his account. But, the point for immediate decision was this:

Could a lawyer honorably take his wife into his professional confidence and consult with her as with counsel, relying on her discretion as his *alter ego*? To be sure, Mary was not yet his wife; but she soon would be. Two thousand-one hundred in the treasury! *And* the unsold bond. Riches, that was, to Richard. Anyway, Mary could be trusted before and after, now and always. Ethics or no ethics, he'd risk it. You see, all these exciting occurrences combined in their influence, and Dick's record of ethical consistency was for once of minor importance. At any rate, as they leisurely ate their way through the luncheon, under the fatherly eye of the fat and fussy waiter, quite forgetting that poor Tommy could not go out for his meal until relieved at his post, Dick told his attentive listener all the story, omitting any reference, however, to the re-

volver. But he included his suspicions as to the will while Bowdlerizing some of the account relating to the locality of Mr. van Beck's death, which he described as an all-night restaurant.

She listened intently, and put an occasional question. Finally, she rose and accompanied him back to the office. There a hungry but uncomplaining Tommy left them.

Then she suddenly asked: "Dick, have you consulted Michael Moran, your classmate, whom we always called Micky? Isn't he district attorney here now?"

"Yes," replied Dick, looking at her uneasily. "Why do you ask?" Had Mary also suspected a crime? Her reply reassured him:

"Nothing, dear; I just remembered reading an article about him in the *World's Work*. It's fine he's doing so well."

"Isn't it!" exclaimed Dick heartily.

He told Mary that Micky had taken his tide of fortune at its flood, and as "the youngest district attorney ever," was, to the dismay of the "organization," cleaning out the pigeon holes of his office, where indictments by the score had slumbered for years of oversight, intentional or otherwise, under easy-going predecessors. Of course, Dick did not know what Moran was really up against. Verily, the heart knoweth its own bitterness and the other fellow's lot always seems free of trouble.

But why, Dick was wondering, was Mary thinking

of a district attorney? He did not want to have the van Beck will case develop into a criminal case. Even with that revolver in his desk, was he not bound by professional chains to secrecy, except with the full consent of his client? Fancy the smug Lax giving such consent! As already noted, he had not told Mary that he had recognized the pistol as belonging to Keane. However, time enough to worry when he got back from Michigan. That reminded him.

"By jingo! Mary, I forgot! It's a confounded nuisance. I've got to get the tickets and pack and go out with Stuy van Beck to Michigan tonight. Funeral out there, you know. Hold on! Maybe he'll let me off." He reached for the telephone.

"No, no," said Mary, intercepting his hand. "You must go. It's friendship, Dick, and perhaps business too. You must go just the same. I've got to give Aunt Mary part of my time, you know." She blushed prettily. "I'm supposed to be shopping now. Of course she knows about you, and she said to me she would write, asking 'my Mr. Jowett' to dine some evening. I'll be all right, and when you get back we'll find the way out of this horrid tangle. Maybe," she added wickedly, "Micky Moran will take me out to lunch while you're away."

Dick did not look as appreciative of the humor as Micky's best friend should have done; but Mary left, smiling mischievously up at him as the elevator took her down, and Dick began to make careful notes of the

disclosures contained in Tommy's and Dr. Lax's stories.

That evening Stuyvesant van Beck and Richard Jowett boarded the Limited for the West. All van Beck wondered at the decision not to inter the founder of the town in the place where he had lived so long. But Reuben, as well as Stuy, knew of the old man's desire.

Reuben Keane was also a passenger; but had the unusual grace not to intrude his unwelcome society on them in the train. Dr. Tobias Towler, the pastor of the Reformed church, who assumed he was to be of the party, and sent in a voucher for his expenses later, favored them with a eulogy on the Christian character of his "esteemed friend" and deceased parishioner. Dick, an Episcopalian, disliked the man, whom he thought unclerical and sanctimonious. Even Stuy was restive. The flattery became too obvious and cloying. Dick wondered what the old Chadband would be saying if he knew how and where the subject of his praise had spent his last hour of life. Stuy was so patently bored that the Reverend Toady got huffed and went off to the smoking compartment to inflict himself upon the sardonic and equally unsympathetic Reuben.

II

Late that evening, while the Hon. Michael Moran was up to his ears in his office, trying to catch up on the

interrupted day's work as district attorney, he had a call from old Dolan. The chief of police came in with an air of mystery, took elaborate precautions to ascertain that no one was about, and snapped the lock on the outer door, then closed the inner office door as well.

Moran, preoccupied, at first hardly took in the meaning of these details, but sat staring at the old man, who finally seated himself in a chair drawn up opposite Michael and assumed his habitual posture in which we saw him when he was reporting to the senior van Beck.

He was chewing on the butt of a black cigar, rolling it from one side of his mouth to the other.

"Come, come, Dolan!" finally exclaimed Moran, concentrating on this unusual visitor, for Dolan had theretofore uniformly refused to alter his custom of reporting only to van Beck. "What's up? You look worried. What brings you here?"

"Worried, that's what I am, sor, worried," replied the old man, "and I've been thinking and thinking *and* thinking, till I'm nigh out of me head, and I've decided to tell you about this affair and see what you can make out of it. I can't make head or tail of it, at all, at all."

"All right, Dolan. I'm busy, but I'll do my best. What is it all about? What affair do you mean?"

"About Mr. van Beck's death, sor," said Dolan; "it's that mysterious."

"Mysterious, Dolan! Hardly that. It was sudden,

I'll allow. But many a man has died suddenly on the operating table."

"Sure, I know that," said the chief impatiently, "but tell me, sor, what takes him to that same operatin' table?"

"Why, illness, Dolan; sickness,—acute attack. Let me see: Lax said it was appendicitis in Mr. van Beck's case, didn't he?"

"Sure, he said that; but this appendasootus wouldn't come on in a minute, would it now, sor?" He leaned forward anxiously.

"What do you mean by that, Dolan?" said Moran, sternly. "Do you mean you saw Mr. van Beck that night?—and where?"

The old man hesitated, and peered long at Moran from under his shaggy eyebrows. He had come at my suggestion to say something to this young man, as district attorney, that might bear upon and perhaps injuriously affect the reputation of his dead friend and master, his "Boss" as he had always and affectionately thought of him.

But to the old chief, Moran looked so young! Yet, he recalled that it was van Beck who had "passed the word" to elect the lad, and every one knew of the friendship of the "three musketeers," as Dolan, with ponderous humor, had styled Stuy, Dick, and Michael. His idea germinated from the fact that his sole library was the D'Artagnan romances, in one volume, with villainous illustrations, and such small print as to require,

with the time at his disposal, about a year for each reading. He loved Stuy because of his father. He had never liked Reuben, but had taken orders from him, merely on the basis of his being van Beck's vice-regent. But when a trusting Irishman discovers or thinks he has discovered that the man he trusted is false and treacherous, whether to himself or to one he loves, his disillusionment is often not unaccompanied with vindictiveness and the spirit of vengeance.

What bothered Dolan at this stage was whether loyalty to the "Old Man" called for silence or disclosure. He had little to connect his problem with Reuben Keane beyond the facts narrated in a previous chapter. Suddenly the cigar between his lips stopped its polar-bear migrations. I may note that we had cautioned him not to refer to me in any way.

"See here, Michael Moran," he said; "seeing we're both, as it were, from the same green sod, and knowing you to be Stuy van Beck's friend, I'll tell you (but for the prisint, as man to man) that I was with Mr. van Beck, God rest his sowl! on Thursday evening about eight-thirty o'clock, and left him at Reuben Keane's dive on Fourth Street." At Moran's ejaculation, he raised his hand: "Hear me out first," he begged. "And I waited for him, with a car, around the corndher for three mortal hours, be me watch, according to ordhers, and he never came; and when I went back, contrary to those same ordhers, I found no trace of him; and whin I finally went back to his house, I'm being told he's had

an operation and was dead. And I've been wondering, me lad, about that operation, and whin he was took sick, being as well as I am whin he went in that soide dure on Fourth Street and mesilf just around the corndher in the alley and hearing never a sound, and how he got out without me seeing him, or from there to his risidence, two miles down the valley."

"Maybe you went to sleep," suggested Michael.

Dolan looked so hurt that Moran apologized.

"Then," said Michael, "I agree with you that it is very queer. What have you done? Have you done any questioning or investigating? Have you talked with Dr. Lax?"

The old man scratched his ear in confusion. "Well, Mr. Moran, I haven't, not to say exactly questioned anyone."

"Why not?" snapped Moran.

"Well, you see, sor, it was me ordhers that this visit to this dame——" he stopped at his slip, but decided to make his disclosure complete,—“to this Bianchi woman——”

"Great Scott! Dolan," said the horrified Moran; "you don't mean that Stuy's father——"

"Now, now, sor,—kape yer shirt on——I mean, asking yer pardon——hould on, sor! it wasn't that way at all, sor! I'll better go back to the beginning."

Whereupon he told Michael of the talk with Mr. van Beck the previous Monday; of the discovery as to the real ownership of the "hell"; of Mr. van Beck's

anger, and of his stern determination to rescue his treacherous stepson from this young woman; of his instruction, faithfully carried out, to secure his "Boss" an unwitnessed opportunity to see the girl alone. He told, with at times irritating detail, how he had made his arrangements and had called for the old man in a borrowed car, for further concealment of identity, and had conveyed him to Fourth Street, where they had found all dark and empty, pursuant to his own warning of a contemplated raid. He said he had "fixed it" with Blanche Bianchi no matter how, that it would be money in her pocket to be "at home" from eight to eleven; and told how Mr. van Beck, with the aid of Dolan's flashlight, had gone in at the side door and up to the second-story rear rooms; whereupon he, Dolan, had gone back to wait until the magnate had made his deal to secure the immediate disappearance of the girl.

"Did he have the money with him, Dolan?"

The old man hesitated.

"Sure, now, he must have; yet, you see, I wouldn't have presumed to ask him, sor," he replied.

"I see," said Michael; "Stuy could find out if he had drawn any large sum that day—"

"Not Stuy," interrupted Dolan. "He mustn't be worried with this visit till we get the right of it. Mr. Noone can tell you that; but t'would be better, be far, to kape the whole affair on the q.t. till we know the rights and maybe the wrongs av it, I'm thinking."

"Well, have you seen the girl?"

The old man reddened. Everyone seemed to think that he, the chief of police, would have neglected the obvious duties. "No, sor; I thought of it, but she's disappeared."

"Then you think——" interrupted Moran.

"That she got the cash and went off, sor. Yes, sor. It may well be so. Ye see, I had a ticket on the midnight express, and a berth, and handed them to the ould man in the car. That must be the way av it, sor."

Dolan looked relieved. He had forgotten to tell Mr. Noone and me that detail. Perhaps all his precautions had been of service, after all, and van Beck's last thought of him would have been of appreciation of his fidelity. But Moran's next question disturbed his dawning complacency.

"Was the ticket used?"

"Sure, I never thought to ask. Well! Well!"

"Here," pushing the desk 'phone over; "ring up the station and ask Graves if any one boarded the midnight. He is on duty alternate nights. Thursday, Saturday,—this is Monday. Yes, he's the man."

Dolan got through to the station. "No," Graves said, no one during the preceding week had taken the midnight from van Beck station except Mr. Jowett.

"No one?" shouted Dolan. But Moran quieted him.

"Ring off," he instructed. "Don't get Graves' mind working on this. He'll think it's important."

They looked at each other silently. "One hundred thousand dollars,'—I think you said, Dolan?"

"That's the figure I was afraid it would cost the old man," was the reply.

"Mr. van Beck dead after mysterious silent transportation from Fourth Street to the Place, two miles away! One hundred thousand dollars, or so much thereof as might be necessary, as the appropriation bills put it, and one young woman of predatory habits vanished! That's the problem,—eh,—Dolan?"

"That's it exactly."

Dolan leaned back, relieved. He was a doer, not a planner. The only responsibility he was accustomed to was that of implicitly carrying out instructions. To shift onto somebody else the burden of decision as to what to do had brought him first to the interview with me, which had evidently not satisfied him; and now indecision had guided him to the district attorney's office, and he was glad he had come.

The lad, as Dolan considered him, looked older now that the chief had confided his worries to him, and seemed adequate to the occasion.

"I'll sleep over this, Dolan," said Moran, rising and shaking the powerful "paw" of the old chief.

He reached for his hat, put on his coat, and the two left the building.

III

While the funeral party was speeding westward, Monday evening, and while her aunt was nodding after dinner, Mary March, through the instrumentality of "Information," had located Moran at his office, recalled herself to his delighted mind "and heart," as he called back to her. "You were always dear to my heart, Miss Mary."

At which she sternly, but smiling to herself, cautioned him:

"Remember Dick, Micky."

"Sure, I do,—darn the lad's luck," he impudently replied.

Mary told him that because of Dick's absence and her being thus unchampioned, she wanted to see him. The delighted Irishman, throwing his office engagements to the winds, made an appointment for luncheon the following noon.

Accordingly, the next day they went to a little foreign restaurant with queer gastronomic descriptions on its typewritten menus, but which Michael enthusiastically recommended. After the order was given, Mary scrutinized her host for some time. What struck her first was that he was no longer the smiling, carefree, carelessly attired college boy she had known so well. His black hair was longer. It gave him a resemblance to the late Senator Spooner of Wisconsin. She told

him so. This flattered him, for, though he was a Democrat, all Irishmen in politics believe they resemble some great man. He laughingly replied that he had supposed he was modelling himself on Henry Clay. Mary saw that he was white, almost pallid, and that his face was lined as if he were twenty years older than she knew him to be. The fact was, he was just getting to the bottom of the facts as to the local "system," and had his own acute trouble in deciding what his course must be. Gratitude *vs* Principle. His was not the bed of roses Dick supposed.

What we have said of Mary March hardly accounts for her conduct at this interview with her former suitor. She was changed, Michael thought uneasily. Was she tiring of waiting for Dick? He wondered.

She'd remind him of their old friendship, and then interrupt his protestations of undying affection. But the girl, while inexperienced in intrigue and, by nature, incapable of deceit, or such a thing as flirting, was determined to bank on Michael's friendship, on Dick's account. She had had a wakeful night, but had thought of a way out. Her plan had definitely shaped itself; but her methods of drawing Moran in as a coadjutor, for a time, bewildered him.

First she led him on to tell her of himself. This was masterly tactics, it being a topic on which the young man naturally waxed eloquent. Perhaps, too, he may not have been unmindful of the contrast he was,

in so doing, sketching between his own professional success and that of Jowett's.

While he had learned (but not from Dick) of Mr. van Beck's at last giving his friend employment, even yet he had no inkling of the degree of Dick's recent access of good fortune, and he was still hurt that Dick had kept the good news of the van Beck will to himself. Little he then knew of his reasons for secrecy. But, to do Moran justice, he loyally and sincerely expressed affection, good wishes, and confidence in Dick's ultimately making good. At this Mary, smiling and looking sort of superior, said:

"Of course he'll succeed, Mr. Moran——"

"Since when are you calling me 'Mr. Moran,' Miss Mary?" he demanded.

"Well, Micky then——"

"Sure, that's more like it."

"Well, Micky, you know how interested Dick is in Legal Ethics."

"Do I know?" laughed Moran, "I do that." When he was excited, Moran's Irish origin was not carefully concealed. "Every time we foregather at the club, he'll manoeuvre the talk around, till, first we know, we're wrangling over some puzzle he's hit upon about the propriety of professional conduct and such matters."

He could not resist a reminiscent grin, and thought it would do her no harm to poke a bit of fun at her idol.

"I mind well, Miss Mary, one night we shocked him along that line."

"Shocked him!" said Mary. "Don't you believe in ethics for lawyers, Mr. — I mean Micky?"

The success of her plan depended, it will be seen, in one way, on her victim's absolute integrity. Yes, Mary intended to "use" Micky in her plan. Yet, in another way, she reflected, her plan would be facilitated if his ideals were, say, a trifle, elastic. She later confessed to him that, as she had not seen him for so long, she had had to feel her way. So there he was, so to speak, on the dissecting table, while she made her mental explorations and pitted her loving cleverness against the unconscious lawyer's acuteness, lulled into inactivity by her friendly, smiling, confidential manner.

He answered: "Sure, I do; but I believe that ethics is made for lawyers, not lawyers for ethics. That's where Dicky and I have a basis for friendly argument, since he has a way of standing up for what I consider 'counsels of perfection.' Well, he asks an old classmate of ours who blew in one night, 'How's everything?' and he replies, 'I'm not complainin', Dicky; I'm catching suckers.' That tickled me, and I winks at the crowd, for I knew that would start Dicky off, ye know."

"'What do you mean?' sez the lad, getting on his high horse, as it might be.

"'Well, I mean I made fifteen hundred dollars yes-

terday.' I was sorry a bit to to hear him say it, Miss Mary, for the wee bit of envy like that flickered in those honest eyes of Dick's. Well, Dick, of course, asks how it happens, and he says:

"'Be incorporatin' a corporation under the laws of the State of New York.' And Dick exclaims: 'How could he charge so much for a merely perfunctory job?' And Billy told him the moneys had passed through his hands and he had exercised what the law-school professor used to call the 'sacred right of retainer.'

"Ha, ha! Dick's face was a caution. He answered, coldlike, 'Billy,' he says, 'you can hardly expect to retain the confidence and employment of your client if you milk the cow dry the first time.'

"'Oh!' Billy says, 'I don't care. The fact is, I does mostly a transient business.'"

Mary's laugh sounded perfunctory. Moran looked hurt, for he thought the story a particularly funny one. She rejoined:

"That's all right, Micky. I believe you agreed with Dick just the same. You never would do yourself justice. But I want to know more about professional ethics, so I can talk more intelligently to Dick. He's so interested in it. He writes to me about it."

Moran made a wry face at the fleeting thought of the inappropriateness of the topic in a love letter. What letters he himself, for instance, could have written to "Miss Mary."

"I want you to tell me a few things about confidential communications," she repeated.

His thoughts came back.

"Go ahead then," he said. "It's little I don't know about that, anyhow. I'm over me head in them all the time."

"As district attorney, I suppose, you do have to preserve many confidences."

"I have to try—but what with the reporters and the friends of those who are in trouble (always, mark you, 'without any fault of their own,' so their friends say!) I'm under pressure all day and half the night to tell things,—just a hint, you know, that it's me duty to keep to myself or to my office. But it's not——" He stopped. Mary's interest in the matter seemed sudden. He looked earnestly at the young girl; then he sharply questioned her:

"Is Dick in any trouble, that you're cross-questioning me now?"

"What an ideal!" parried Mary, flushing a little, equipped only with her love to carry on the battle of wits she now saw opening before her. "Why should Dick be in any trouble?"

"Well, he shouldn't be, unless, maybe, by way of helpin' someone else. Dick would take the shirt off his back to help a friend."

"Thank you," said Mary, glowing with pleasure; "but what made you think he might be in trouble?"

"Nothing, except—— Well, why shouldn't I tell you.

I was thinking of one of me office detectives asking me if I knew Richard Jowett, and was he all right, and so on. He said he had a little job on the side for Mr. Keane——”

“Keane!” cried Mary in instant alarm. “Not Reuben Keane!”

“Yes, that same—— I recall wonderin’ what that fox would be after, so I told O’Brien, Jowett was all right,—the best there was.”

He at once realized, with his mind directly on it, that if Keane had put a detective on Dick it might mean trouble; for he had already gotten deep into the history of how dirty, under the surface, was this Spotless Town of van Beck’s, and how secret and sure were the methods of the system. A man might be in trouble; or, if required, *he might be put in trouble*. He looked worried, and the girl perceived it.

“Oh, well,” said Mary bravely; “don’t let’s worry about that *fox*,—did you call him? I must go soon.” And she began pulling on her gloves. Then she said, perhaps too carelessly:

“Do you have personal clients nowadays?”

“Well,” Michael replied; “it’s little spare time I have outside of me public duties; but, in spite of Dick, I see no reason why I shouldn’t turn an honest penny now and then,—consistent with me official position, of course.”

“Of course,” agreed Mary. “And when you do, what they tell you as your clients is privileged also,

isn't it? That is, you could know a thing as my lawyer and not know it as district attorney?"

Moran began vaguely to "smell a mouse," and to have a little suspicion of Mary. Was she trying, dear, honest Mary March, to get some advantage of him? No, he thought, it was a late day to begin distrusting Mary March. His hesitation did not escape her; despite her studied carelessness, she was alert to every detail. Michael slowly replied:

"I think I may answer 'yes' to your question. I suppose it's what they call a moot question,—not a real case, you know. Is it, Miss Mary? I could not take a criminal matter, but it would be all right, to my thinking, to simply advise a friend on personal business. Is it a crime you're thinking of?"

Mary, you see, knew nothing at that time of the pistol or of its ownership. The mistake in the will was her problem, not the manner of the testator's death, and she was determined to secure Moran as a character in the little drama she hoped to see enacted, to get the district attorney, on her side, just because he was the district attorney, but not as district attorney. So she answered:

"Crime, not at all. I'll tell you, Micky," leaning forward with her sweetest smile. That smile made Moran as the clay in her hands.

"I have asked you these questions on purpose, because I want to retain you myself,—to consult you."

"You!" he exclaimed solicitously. "But why not go

to Dick if ye're bothered about anything?" He began to remember that her father, the old professor, was notably improvident. He was ridiculously absent-minded. His salary was small, and all "the crowd" in the fraternity had known how hard it often was for Mary to make both ends meet in that little college home. Probably some pressing creditor. The old dean must have been buying some more expensive books. It made Moran wince the more because he kept thinking he could have kept her out of all such worries if only he and not Dick had been the man of her heart. They could have been married long since. She must have seen a danger signal in his eyes, for:

"Dick! she went on hurriedly. "He's away, as you must know, for a day or two; and anyhow, Micky, I don't want to tell Dick about it,—not yet, anyhow. Say you will advise me, and let me——" she fumbled with her pocket-book.

"Put that back," he said, rather sharply. The idea of Mary's paying him for a service! "Good Lord!" he said aloud. Then:

"No money shall pass between you and me, Miss Mary, but I am retained, and at your service, now, or at any time. What is the trouble; for trouble it must be, for you to lead me along, the wily way ye have. Ye're cleverer than I realized," he added. "But remember, I'm the district attorney, and Dick wouldn't approve of *me* getting into what these ethical scholiasts call two inconsistent relations."

"I know," said Mary. "I am sure you can safely advise me. You might first tell me if it is a crime to change a will?"

"To change a will! I should say it *was*. It would probably be forgery."

"Would it?" queried Mary, cautiously. "Would it if the change was made before the will was signed?"

Moran leaned forward. The matter was getting interesting. He was relieved that it did not appear to involve her father's careless finances. Mary evidently had a real cause to submit.

"Do ye mean a change made unbeknownst to the testator and he signs the will without noticing it?"

"Something like that," said Mary. He whistled.

"It's not likely to happen. The draftsman would notice the mistake, or the change, in the final comparison, before execution. It would be a sharp trick to put across. It could be done, however, by squaring the draftsman——"

Mary's shocked exclamation interrupted him.

"Squaring! Do you mean—bribing?"

"Sure, how else?" And for the moment intrigued by the possibilities of the supposed case, he elaborated his view. But Mary indignantly stopped him.

"Nonsense!" The thing is inconceivable! Do you suppose for one moment that Dick——" She gave a gasp of dismay.

"Ho! ho!" he said anxiously; "is it our mutual friend who's in this trouble I'm retained in?"

Mary grasped the nettle Danger firmly.

"Listen! I'll give you the facts, seeing you are now my legal adviser, and you will then, I'm sure, help me against the 'fox' you mentioned a little while ago."

"If I can help Dick and hurt that devil Keane,— begging your pardon, Miss Mary,—I'm on! Ethics or no ethics."

And he held out his hand, and Mary grasped it firmly, thus sealing their treaty of offensive and defensive alliance in which Moran, at least, was willing to go to any length at this double call of friendship. If both came perilously near conspiring against the law to promote justice, the end, for once, in my opinion, justified the means. But Mary was tiring under the strain—all night nearly she had been planning, and her plan now took concrete form as she laid it before the alert lawyer. When she was through, he rose. He ran his white, long fingers through his shock of hair, stretched his arms out wide, and gave a "whoop," startling their neighbors at the other tables. It was a joyful whoop.

"I'll be there, Miss Mary, with bells on," he said. "Count on me. I'll be there as your counsel. But the others will know nothing of our 'privileged communications.' They know I'm district attorney, and if they think I'm there officially, well, let them! We'll explain it to them, after the play; and, sure, you'll be the leading lady, and I'll simply 'walk on,' eh? Yes, I'll be there."

They parted, after his putting Mary in a taxi. She

went home, still anxious, but with much of her load off her mind. She had a shrewd and trusty ally. All would go well, she felt, if Dick's ideas of ethics did not interfere. She would have to manage that when it came up. Meanwhile, she must not show him too much of the plot of the little melodrama she had arranged to stage in *his* office.

On the other hand, Moran, with the information just secured, began to piece it together with what Dolan had confided to him the night before, and he came to clear and very confident conclusions as to Keane's instrumentality in altering the will. He thought over his talk with Dolan, but he had no official suspicions of the Bianchi woman. He concluded, as I did, that she had received the money and had cleared out. But, returning to his office, he put one of his assistants, O'Sullivan, on the job of making certain inquiries, of a fine-tooth-comb nature, with a view to tracing her, sent Dolan a message to report progress, and settled down to the details of his office work.

CHAPTER VIII

All those instances . . . at which morality is perplexed

—BURKE

I

THE term quandary is authoritatively said to be derived from the French *qu' en dirais-je?* which, being interpreted means, "What shall I say, then?"

But St. Paul was in no quandary when he used this expression as a preface to his catalogue of Barak and Gideon and the other heroes of faith. He used it in terms of certitude.

Etymology has queer genealogical rules. If simplified spelling continues its destructive career, the lineage of many a royal word will disappear into the category of myth.

James Martineau was not only a master of the English language, but also a lover of words.

In his *Types of Ethical Theory*, he had a great and significant sentence:

"Words are the great confessional of the human heart and betray, by their abiding record, many a fact which would otherwise escape our fugitive notice."

A quandary is much like a fork in the road with no guide-post to aid your choice of direction. The ass be-

tween two bundles of hay was not in a real quandary, for, in whichever direction his asinine impulse might finally thrust him, he could fill his belly and, perhaps, then turn, by way of dessert, to the second bundle.

To be confronted by a real quandary involves the conscious risk of a wrong choice or decision. The one finding himself in such predicament must finally act in contemplation of the penalty attendant upon an error of judgment or of discretion. Many an alleged quandary is merely set up by its supposed victim as an apology for his determination to do what he desires, or to follow the line of least resistance under the guise of a compulsory and overwhelming situation.

At this stage of our narrative, the only real quandary was the one confronting Richard Jowett.

Father Brophy had been troubled with a problem of ethics; but the solution for him lay in priestly obedience to the law of his church. His problem had really been solved for him when, twenty years earlier, he had assumed the vows of his holy orders.

His qualms and doubts, natural to a simple-minded, straightforward man, had been resolved and set at rest by Mar's resumé of the reasons for safeguarding certain kinds of privileged communications.

The fact that, unconsciously, he might reveal anything of his knowledge or put some one on the scent of the secret that had burdened him, did not trouble the little priest, for the simple reason that he was so unself-conscious, and once satisfied that he was right and

justified in his silence, he would be conscientiously faithful to his duty.

It is true that to some honest natures it is more of a deterrent to be convinced that to do a certain thing would be a breach of faith than it would be to know that it was categorized as a sin or a crime.

For love of country, or for love of a friend, or because of loyalty to some ideal, even a mistaken one, men have been known to suffer unjust penalties of imprisonment, even of death, rather than reveal the identity of the one really guilty of the offense for which they cheerfully suffer. And human experience is enriched by the knowledge that such love exists and can go to such heroic lengths. And who can measure the redemptive effect on the one for whom such supreme sacrifice is offered?

Nevertheless, if the particular confession to this particular priest had involved by its inviolable preservation the honor or life of one dear to himself, well, Father Brophy, like every sincere minister of religion, was very human and would probably, in his unconscious heroism of service, have been willing to be damned, as St. Paul said he was willing, for the salvation of another.

II

Nor was Mary March in any quandary. Her quick wits and womanly intuitions were merely stimulated into "finding a wye," like Sentimental Tommy, where-

by Dick Jowett could be extricated from his difficulties. She would not have loved Dick Jowett so much, had he loved honor less; but in her determination to help him, she refused to admit any inhibition as operative against her doing for him what she had planned with Moran.

Love is a fine whetstone on which to sharpen womanly wits, and Mary's, as will be seen, were soon brought to a keen edge.

III

Nor, again, was Stephen Lax in a quandary. For, since a quandary involves consciousness of a dilemma and knowledge of the danger of selecting the wrong horn, a man with no sense of ethical proprieties and no acknowledged ethical standards cannot justly be said to be in an ethical quandary. He sees no horns.

Lax had accepted Keane's offer after brief hesitation. But his qualms were not due to the revulsion produced in an honest man's mind by propositions of dishonest conduct. They were due solely to his fears of the consequences of discovery, and were quickly counterbalanced by the expected one hundred thousand dollars. His decalogue was a mere monologue: "Thou shalt not be found out."

Society can at least be grateful for the deterring operation of the Eleventh Commandment. For, to many minds, its injunction really means, "Don't do it,

or you'll surely be found out." So far as it keeps some cowards from doing evil, so far is it of social value.

When Keane so brutally repudiated the supposed agreement, and the unscrupulous votary of Galen saw he had imperilled his reputation and betrayed his professional honor, while he was not even to have his "thirty pieces of silver," his anger led him into the indiscretion of deciding to sue.

At that stage he was reckless of the effect of publicity. Luckily, he went to consult Richard. Many a pettifogging lawyer profits by the first anger of his client. Far be it from him to try to assuage it. Rather will he foment and augment it, until all hope of adjustment or reconciliation is gone. Curses on the law's delays might diminish if honorable practitioners after the first flush of anger has subsided would then use means and methods of securing a settlement as between man and man, rather than to press on in the courts in the endless and kaleidoscopic steps of an active litigation.

Doubtless, in the proposed *Lax vs. Keane* suit, the intending plaintiff would have cooled off when his caution had counteracted his rage. Dick, naturally, would never have lent himself to such a litigation. His ultimate professional duty was clear; and he saw it clearly. He must not let Lax sue. If he persisted in his determination, he must refuse to act as his attorney. The only questionable feature of his relation to Lax was his temporizing, as he had, by reason of his own quandary.

IV

Because, judged by an interpretation of the term, Dick was the one involved in a real ethical quandary.

Having devoted himself whole-heartedly to the study of legal ethics; he knew what was required of him professionally, and also what he ought not to do.

But self-preservation is a strong influence. It is a phase of selfishness; and the average man, however pure his motives and excellent his character, has the taint of selfishness in his make-up.

Thomas Wentworth Higginson has called a "too exclusive solicitude to maintain a wife in luxury or make one's children rich," not so much selfishness as "generosity with narrow walls."

It is a sad corollary of most wrong-doing that one alone rarely pays the price in suffering. A drunkard has an anodyne to quiet his remorse, if he happens to have any. His wife and children endure unrelieved the agonies of their joint disgrace.

The absconding defaulter, hidden from justice, salves his accusing conscience with his spoils; while his son slinks humiliated amongst his companions.

It is, after all, the innocent who pay most of the real penalties of transgression. This is the great secret of the Christian doctrine of the Atonement for imperfect men by the Perfect One.

So, in most instances, even great acts of self-denial,

heroic in expression, except, perhaps, where rooted in religious belief, are forms of self-love or self-esteem.

Good men may do questionable things in defense of character or reputation. Innocent men, as every lawyer can tell you, are often victims of blackmail. Accusation of wickedness by an unscrupulous scoundrel has a terrifying effect on men jealous of their reputation. For that kind of mud sticks; some one remembers the charge; no one ever forgets it. To hide or to suppress knowledge, even of a mere charge, is an almost irresistible impulse. Criminals bank on this well-known fact.

So Dick's quandary lay partly in what Bulwer Lytton styled a prudent consideration for Number One; only Number One, with Dick, always meant Mary March.

How, therefore, he could discharge his full duty as an honorable lawyer, yet not hurt Mary by bringing discredit upon himself, or impairing his own value as her breadwinner, was the troubling problem.

He could violate a client's confidence and extricate himself out of the slough. But that would be professionally dishonorable unless done with his client's consent. And Dick grinned ruefully as he thought of the doctor's probable reaction to a request for such consent.

But in so doing, without such consent, he would be increasing his breach of duty in geometrical ratio, for

that confidence involved, in turn, breach by the client himself of the standards of his own profession.

Obviously, therefore, Richard Jowett was in a real quandary; and, owing to the very simplicity of his character, he had the limitations of simplicity. Moran, without loss of self-respect, could have solved the problem for himself.

He would have suffered no deterioration in doing so.

Jowett, on the other hand, was in danger of wrecking his life and another's happiness from the super-sensitiveness of conscience that often produces a spiritual near-sightedness.

Fortunately, for him, however, Mary had taken charge.

CHAPTER IX

*Shall Christian men and brethren
Break one another's inward bones?*

—BUTLER

PHILIP DEAN and Mary later became very friendly, since she threw herself heart and soul into the work of his parish. That focussed my attention on the young clergyman, and, through him, on the (to me) ridiculous "clergy club," now reduced to three members. But my disposition to jeer at the club was checked by what I saw of the earnest purpose and splendid influence these men had on the "three musketeers," which, without detailing the facts, I can say determined the subsequent acts of these gallant young fellows when they entered the shadows of the Great War. I confess to a general, vague distrust of the average minister; but this ministerial trio were so simple, earnest, frank, and straightforward that they were a power in the community. Mary insists that I should illustrate this by telling how Michael, who was theoretically at least a parishioner of Father Brophy, was stirred by the topic so generally brought to the front in 1915, as one of the primary duties of all the churches in the face of the calamitous conflict that was convulsing the world; namely, Church Unity. My

publisher "killed" this chapter in the first proofs, but Mary insisted that the character of Michael had more than one facet, and that one can judge of character, not alone by reaction to one phase of experience or thinking, but by all the reactions on which we can obtain reliable data.

It seems that Mar, Philip Dean, and Father Brophy were lunching at the Country Club while Dr. Towler was on the funeral trip West. They were, somewhat guiltily perhaps, enjoying his absence. They had finished their morning's golf, and over their coffee were discussing, lazily, recent events. Moran came in and was cordially welcomed.

"You look tired, Moran," observed Dean, who knew nothing of the problems that were confronting the young Irishman. And they were too relieved at Towler's absence to care to talk of the death of his "esteemed parishioner."

"I am," replied Michael, stretching out in the deep armchair he had pulled up. "I've been busy day and night lately, and I hoped I could get some one to play a round this afternoon and rinse my mind of worry.

The group brightened at once. Mar looked around the circle. Dean half nodded. Father Brophy saw him and changed the shake of his head he had begun (remembering his schedule of work) into a similar acquiescence, and a match was arranged. Mar and Moran were to play Dean and the little priest. Preliminaries having been thus settled, the trio resumed

their desultory talk, when Moran suddenly straightened up and asked Dean a question.

"Mr. Dean, I heard you preach last Sunday. Did you mean what you said about the unity of the churches?"

"Certainly, I did," responded the clergyman a little stiffly. "What makes you think I did not?" This somewhat aggressively.

Mar looked at Moran, with his curiosity stirred, for he had never suspected Michael of being interested in anything savoring of religion, let alone theology. He had heard Moran tell of his humble upbringing, of his struggles, of his life at college, and he had known of him since his coming to van Beck. But he had not so far been conspicuous as a church-goer, except at the R.C. chapel.

"Well," said Moran, leaning forward and looking from face to face, "it's this way with me. I've never been over-religious; but this war that is going on across the sea has set me thinking. To some of us youngsters, it is looming up as a test of this Christianity you all preach. There are so-called Christian nations on both sides; and yet, if we are to believe the reports, there is savagery and brutality being practiced that is unparalleled in history. Where are the restraints of Christianity or even of so-called Christian civilization?"

Father Brophy started to interrupt him, but Michael held up his hand:

“Let me get this off my chest, Father. I’m a bit diffident in talking before three clergymen; but Mr. Dean’s sermon stirred me up. You preach what you call a Gospel of Peace and of Unity of Believers, I think you said?” Dean assented. “Well, I want to fight in this war, and Stuy and Dick Jowett agree with me. Dick’s a professing Christian, and a damned consistent one,—if you’ll excuse me. We’ve work to do here first; and, besides, we’re waiting because we both believe our country will get into the game. How can we stay out?” he cried passionately. “We must go in. But, I’m thinking of you Christians. Why don’t you get together? You seem to be having a world war of your own. This World Conference on the Unity of Faith and Order Mr. Dean was telling us about listens good to me; but why emphasize the Order. Hammer on that word Faith. Take a real man and fill him full of a real faith, and his power and effectiveness must be increased tenfold. Well, multiply him by five million, which you estimated was the number of real communicants in this country, and think of the power you would have available.”

“True, my boy,” said Dr. Mar; “you are on the right track. Go on.”

“Well, Mr. Dean told us there were over two hundred and fifty denominations, or sects, or forms of separately organized churches, in the United States. Why that seems ridiculous to me, as a bystander, or a ‘man in the street.’” He got red in the face. “Sects,

you call them! Insects!" he cried. "How can they continue differing and quarrelling, not only with one another, but even amongst themselves. Aren't there certain things they all believe? Why not get together on those?"

Father Brophy burst out:

"A truer word you never spoke, Michael, me lad. There's but one way of unity, and that leads into the Mother Church."

Dr. Mar looked quizzically at the priest, who leaned back, satisfied with his bearing of loyal testimony, and turning to Moran, said:

"There *is* one thing, Moran, on which all are theoretically agreed, and that is that it is the Church's principal duty to further the redemptive work of Christ in the world. But the 'how' of it is what divides them. Think of the waste of sending missionaries to the pagan world with a glorious gospel so hidden in a hundred different wrappings that its identity is concealed or forgotten. Millions spent, not to make Christians, but to make Baptists or Presbyterians or Catholics! So that, my dear Dean, for example, an Episcopal bishop in Africa puts the Anglican Church in a turmoil when he tries to carry out this idea of the essential unity of all believers and all churches."

"Yes, I admit it," rejoined Dean, sorrowfully. "Moran is right. We are one essentially in faith, but not yet in doctrine."

"There you have it," said Mar; "each sect (some of

them, as Moran said, are hardly worth calling insects) claims to have a sacred trust of the truth and, seeing only one facet of that rose diamond, denies validity to the teachings of its rival sect. It's dogma, however, not doctrines, that divides."

"What do you mean by dogma?" asked Moran.

"Well," said Mar, smiling, "take what Dean said about the number of denominations. A boy in high-school, in his examination in English, was required to write a sentence containing the word *dogma* in its proper use. The principal told me he wrote 'our dogma has three pups.'"

His hearers broke into laughter. Dean went on:

"Well, our American ecclesiastical dogma has over two hundred and fifty pups!"

"I see," said Moran, slowly. Then, hopefully: "But, maybe, if we got into this war it would bring them together."

"Please God, it will!" exclaimed Father Brophy.

"It's all a matter of emphasis," said Mar. "Take Christian Science, for an example. It emphasizes and seems to claim exclusive rights in a quality that is a part of the heritage of every Christian church. But in order so to emphasize faith, that church puts in the background other teachings in such a way that the General Assembly of the Presbyterian church, North, was led to hold that Christian Science was not evangelical, and so to deny the right of communion in the Presbyterian church to one bringing a letter of dismis-

sal from a church of Christ Scientist, or *vice versa*, I can't recall which. Anyhow, the Scientists were thus declared to be beyond the Evangelical pale.

"Why, if we emphasized faith as they do, we could move mountains. It's our truth, not theirs exclusively, nor even peculiarly.

"And one thing more: look at our method of religious instruction. How futile, partial, unconvincing it is. I studied Mohammedanism once in a Turkish city where Justinian established the first law school in history.

"The Moslem boy goes to school. It will interest you, Father Brophy, to know that the schools are parochial. All he learns is simple arithmetic, grammar, and the Koran by heart. When he is allowed to leave school, *he knows his religion by heart*. It may have been thrashed into him; but it's there. And Islam emphasizes *Kismet* as if to say: "It's God's will; that ends it." If we had faith as a grain of mustard seed and submission to God's will *à la* Koran, nothing could stay Christianity. It would spread as it did in the first four centuries."

He stopped. There was a long silence. Michael nodded. "Well, I say again, this war will shake everything up. Maybe it will shake everybody together."

Dean stood up.

"Maybe it will, Michael," he said slowly; "but, even if it does, once the war is over they'll begin again. They'll start their differentiations; they'll begin new

heresy hunts. The reaction will give dogmatism a new impulse. You mark my words, Mar," he continued sorrowfully; "it will be that way. Why, I remember going to Garden City to a conference of representatives of over twenty denominations in a preliminary conference of American churches in this Unity program. Well, there was a great Presbyterian leader there, William Henry Roberts, a Welshman by birth, a leader in international Presbyterian and Evangelical Alliance work. The idea struck him that, to reduce all these denominations into three or four groups of approximate similarity of church government, would also reduce the number of differentiations and *make* it easier to get together. But, would you believe it? one of the Reformed church brethren protested: "I won't be grouped as a Presbyterian!" It was disheartening. And there was hardly a point that I could discover where his church differed from the other; and their supreme governing bodies are negotiating for reunion, too.

"I'll tell ye your weak point," interrupted Brophy. "Ye're giving ground every day before the assaults on your Bible. What would be the use of teaching those Moslem Turks their Koran by heart and then telling them Mohammed was not God's prophet! And yet you Protestants are surrendering your real Christ when you assent to any assaults on the integrity of Holy Scripture. It's inspired, or it isn't. I know Mar says the early councils picked and chose till they had selected the Canon of Scriptures. Suppose they did! At least,

what they selected is Holy Writ, even if there's more that might be the same."

"Brophy, you're a loyal servant of your church!" said Mar. The priest winced as he remembered his experience of a few days before.

"But," Mar continued, "it's a great war like this that is going to put the conviction into men's hearts that there is a God. The religion of the battlefield is very vital. It is a saving religion. It is procreative. There may be reaction afterwards in general. But will there be in the hearts of the men who go through this fighting experience? I doubt it."

Dean spoke up:

"Well, Michael, I preached that sermon because I feel that we are so heterogeneous a people, divided by hereditary experience, and for a generation united on nothing. I thought that Christian people at least ought to be showing loyalty to their Captain by cultivating the oneness He prayed for,—so that there might be a nucleus, if their country needed them, for that loyalty that the author of the hymn we sang terms 'one holy passion filling all my frame.'

"We can unite if there is a Will to Unite. There are signs of it; but though this war may mean a temporary cessation of theological strife, mark my words: once peace comes, they will resume hostilities."

"I guess you're right," said Mar. "How about resuming our own hostilities—eh? Cleeks and niblicks for four! Come on, Moran. Let's give these dogmatic theologians a drubbing."

CHAPTER X

*... deep on his front engraven
Deliberation sat, and public care*

—MILTON

I WAS sitting on the club veranda, idly watching the golfers putting out on the eighteenth green, when Moran and his clerical friends came in. Noone was with me, and we were partaking of a "Club tea," Ceylon tea, crisp toast, and home-made jam.

Each of us had offered the other a cigar; each had refused on the ground he always smoked just the one brand and both were thus happily smoking, as the foursome strolled up. I had already been introduced to the three clergymen and to Moran.

Noone, who had been rehearsing again the events of the past week and reiterating his surprise at Mr. van Beck's sudden illness and death, which he felt more keenly than I would have considered likely,—Noone, I say, turned to me and asked if I would care to stay out at the Country Club for dinner.

"I'll ask Moran," he said, and added haltingly: "I am so greatly troubled. I'd like to have his opinion. Dolan's report gave us no information."

I agreed lazily. I was still satisfied that Mr. Noone's sense of loss and loneliness was warping his judgment.

Noone hurried after Michael, and having secured him, busied himself anxiously with the steward about the details of what proved a very well-proportioned and amazingly well-cooked dinner.

I do not describe the *pièce de résistance*, as its reputation is so notably local in itself as to betray, if mentioned, at least the State in which van Beck is situated. But I do record, gratefully, the bottle of Beaujolais, that had been presented to Noone by Mr. van Beck, which the old secretary decanted in person, with almost ludicrous ceremony. Moran and I loyally assisted Noone in emptying the bottle.

Over our coffee, and (after a repetition of what we both knew to be a vain offer of cigars) each over his favorite tobacco, we were all in a comfortably contented frame of mind and of body. That is, Moran and I were; but Noone was fidgetting. He sat back, put his left leg over his right knee, drummed on the arms of his easy chair with his fingers, then crossed his right leg over his left knee, and went on drumming. This being kept up repeatedly, it bothered me, and I said, a bit brusquely, I fear:

“What’s the matter, Mr. Noone? Your acrobatic performance is getting me infected with your nervousness.”

The old man started. His punctilious sense of courtesy was hurt. He looked reproachfully at me, so I hastily begged his pardon, adding: “My grievance, dear fellow, was in the fact that my feeling of perfect

content after your delightful dinner was being disturbed."

He waved my explanation aside, and burst out:

"Michael, I wanted you, as district attorney, to be with Mr. Ethicus here, for I have a disagreeable suspicion to lay before you."

Moran started at the reference to his official status, which start I noted, but indolently as befits one who has two glasses of a good Burgundy under his belt, as the early novelists phrase it, and is slowly incinerating a carefully rolled and seasoned Corona, with the butt delicately dipped in black coffee, so that no particle of dust can get into the smoker's throat. Moran leaned forward to knock the ash off his cigar. But Noone's next words brought him to his feet.

"I doubt whether Mr. van Beck died a natural death!"

To my astonishment, Moran's manner was casual. I knew Dolan had been to see him. He told us what he had said to Moran, but recalled little of what the latter had said, or how he had been informed.

Moran asked: "What earthly reason have you, Mr. Noone, for such an extraordinary assertion?"

Noone's story poured out with a rush characteristic of one long constrained to taciturnity who now has an opportunity of blowing off the safety valve.

Neither of us interrupted him.

"I was, I confess, somewhat hurt that I was not asked to go out to the interment of my old friend and

employer. But I love young Stuy too much to reproach him for mere thoughtlessness. Anyhow, it probably is for the best that I stayed, for it gave me a couple of days to bring the boy's father's private ledger up-to-date, so I could account to him to the last penny. I was the only one trusted with his private ledger for many years."

He said this with a strange dignity and pride. We waited.

"Mr. van Beck had a little wall-safe made in my room, and there is a lock on the book to which he and I alone have keys, and in that ledger I entered, under his dictation, the details of his expenditure of special sums drawn out of his general account in cash. The separate items rarely ran over five, or perhaps ten, thousand dollars. The first item related to an incident just preceding my arrival here. I told you about it, Mr. Ethicus."

I nodded.

To the unspoken question in my eye, he said: "That was seven thousand five hundred dollars. I'll never forget the amount."

He glanced nervously at Moran, to whom this was all Greek, and hurried on, to prevent any further questioning:

"Every entry related to some kindly or charitable act of Mr. van Beck. He would make a gift to the church here, or to the club, or to the hospital, openly, through the office, by check. But he kept all these

other matters secret by means of this ledger, and the strange reason he gave me was that, on the one hand, he avoided the nuisance of being constantly appealed to as a liberal giver, and on the other, he wanted the heirs to his fortune to appreciate,—first, the importance of the business interests he must leave to them; and, second, when they were fully in the harness, the importance of their father's side philanthropies, of which I was to tell them. Every case, my friends, was one of *individual* trouble. Every one helped out, with no publicity,—which, he would say, did more harm to the one sought to be helped than the relief did good.

“I can testify to the efficiency of this method. But that ledger contains a concise detail of the circumstances of the defalcation, or trouble, or even crime, in which the one helped was involved. It's a dangerous book to mislay. I want Stuy to destroy it, once he has read it through.”

Mr. Noone's look was wistful, though determined. I understood, and admired, for it was obvious to me that he dreaded the certainty that one more person, and he one whom he loved and whose affectionate respect he enjoyed, would be apprised of the circumstances of his early life as shown in the first entry in that ledger. On the side, I coveted that ledger. What a gold mine in my work!

Noone went on: “That ledger has on the outside, in now faded gilt letters, ‘In memory of Alice.’ That was

the name of Stuy's mother. Yes, of Reuben's too. Why, that explains it!"

"Explains what?" said Michael, to my surprise, somewhat excitedly.

"Explains the last entry I was preparing the day before his death."

"Tell us, man! Don't wander so!" snapped Moran.

The old man flushed indignantly; but, gulping down his resentment, resumed,—turning, however, toward me:

"The day before his sudden death, Mr. van Beck had me procure one hundred and two thousand dollars in cash, in thousand dollar bills, at the trust company. The cashier has standing orders to cash any check to 'Self & Co.' as presented by me, and to ask no questions. But this amount was so staggeringly larger than any I had ever before presented, that he left the cage a moment, under the excuse of getting the bills from the vault; and, when I later handed the money over to him at the office, Mr. van Beck told me, with his twisted smile, that the cashier had 'phoned him first to know if it was 'all right.' I confess I felt hurt,—yes, and a little indignant,—at this suspicion on the part of Jones. Jones is the cashier," he explained to me.

"As I have already told Mr. Ethicus, I sat up till midnight that night; for, as I said before, I was to be told the details of the disposition of the money on Mr. van Beck's return. I knew about the disposition of two thousand of the amount, for it was handed to young

Stuy by his father at dinner, in an envelope addressed by me to 'Dick Jowett.' "

At this Moran grunted in surprise.

"But I hardly like to discuss with you the other matter, relating to the hundred thousand, until I see my way clearer."

"That's all right, Noone," said Michael sharply, "I know all about it."

"Know all about it!" exclaimed Noone. "How can that be possible?"

"Dolan!" curtly rejoined Moran.

"I see," said the old man slowly. "Ah! Dolan! I see. I forgot he knew about the money."

"Well, go on," I urged, for I was getting greatly interested in the new light on the character of a man I had viewed as intensely selfish—to which view I adhere in spite of this ledger.

"Just a moment," said Moran, laying his hand on Mr. Noone's sleeve and turning to me: "You will pardon me, Mr. Ethicus; but this matter is bordering on subjects peculiarly within my domain, and—er—you are somewhat a stranger here—er——"

He was embarrassed. I smiled, and was about to reply, when Noone interposed:

"Michael, of course you could not know, but Mr. Ethicus is not only a famous authority on criminology, —penology, I think he calls it,—but is also Dick's uncle."

"Uncle!" exclaimed Michael. "I thought he had no living relative!" He looked keenly at me.

It was a bit humiliating to me to have to tell this fiercely loyal friend of Richard's how derelict I had been in my duties and privileges. But when he understood, he came over and gripped my hand, then, turning to the old secretary, said:

"Go on. What have you found out?"

"Well, I have been over this with Mr. Ethicus; but neither Dolan nor I can trace that money, and I am greatly concerned over what happened that night. If Mr. Ethicus will pardon me, I'll repeat the facts for your information."

I nodded. He went on:

"You see, I was to sit up till midnight. I did; but I fell asleep in the library. I was wakened by a noise in the hall. Rising hastily, I found Reuben just letting Dr. Lax out of the door. Young Stuy rushed up the steps. I heard Dr. Lax say, 'Thank you. But it's too late. Your father did not survive the operation.' I rushed out. Reuben turned on me savagely, demanding: 'You up? How long have you been up? Eavesdropping?' And he added: 'You damned old sneak.' He called me a sneak! But this Dr. Lax pulled his arm and hushed him up and gave me a hurried and rather confused story of his sudden call to minister to Mr. van Beck and exhibited a bottle, which he said contained the appendix. Oh, it was dreadful! I could not look at it. And,—remember this Michael!—

Mr. van Beck had his appendix removed years ago." Michael stiffened at that. "I turned back into the library, for I could not bear Stuy's sudden grief. Reuben went upstairs—I thought.

"Later I smelled something burning. The servants were all abed. I traced the smell to the cellar, then to the furnace.

"I opened the door; but the thing that was burning was just a formless ash on the surface of the coals, which were glowing. The drafts were open. I shut them, determined to speak to the furnace-man next day.

"When I got upstairs, Reuben had disappeared. When I looked in Mr. van Beck's room for the clothes he had on at dinner, for any memoranda of what he had set out to do, I found merely his watch and key-ring and pocket-book. But no trace of those clothes, nor of the currency, and I've been wondering why? Were they burned? If so, why?—and by whom? I'm sick with worry. What am I to do, my friends?—Tell me?" he concluded helplessly.

Michael Moran thereupon sat up and crisply told us of his interview, not only with Dolan, but also with Mary March; and, after imposing secrecy, he outlined the plot or drama Mary intended to stage the next evening in Dick's office. This was a matter after my own heart, and made me, as you can imagine, eager to meet that most capable young woman; which, indeed, later on I was fortunate enough to accomplish, as you know. It was agreed that Dick should not yet be told

who I really was. I confess I yearned to make my disclosure and to assure him I would stand by. Yet, I dreaded the confession of my long heartless attitude of aloofness. Moran's exclamation had proved that Dick did not know he had any kin living.

Mr. Noone was not as quick, naturally, as I was to see the implications of this plot of Mary March. But, his suspicion, of something wrong about the manner of Mr. van Beck's death, was side-tracked by his horror at the attempt to divert his old employer's millions by a change in his will, from the beloved Stuy to the hated Reuben, the son of the man who had so bitterly wronged his, Noone's, own mother, as well as Alice Grey, Stuy's mother. In fact, the way his hands nervously washed each other made me fear that he was thinking that the son might easily be put out of the way, as his father had been.

I was right, for the old man rose to his full height; and, looking me straight in the eyes, he raised his hand and said:

"Mr. Ethicus, you alone know what this hand has done. By God, in this crisis so similar, who shall say if it may not again do similar justice!"

I drew him one side, waving the startled district attorney away, and assured him that justice would surely be done. Finally I persuaded him to leave matters in Michael's hands. I agreed to give my counsel and help, if emergency required.

But, as you will see, the young people put it across, unaided.

CHAPTER XI

*All the world's a stage, and all the
men and women merely players*

—SHAKESPEARE

I

WHEN Dick returned on the night train from the West, he reached Mary's house directly after breakfast. His two days with Stuy van Beck, and Keane's frequent disagreeable references, had revived all his worry.

His suspicions, he said when we rehearsed the experiences of this hectic week, were becoming more and more definite. But how could he use against a scoundrel such as Keane, even if a criminal,—as the pistol with the chipped butt might prove him to be one,—knowledge that had come to him under the seal of his professional relation? Could he do it to save himself from the consequences of his own negligence? Never. But the suggestion recurred again and again. It was the more plausible each time—Why not? If that were the only way to save his friend Stuy from what was, in any aspect, a gigantic fraud? Was not his primary duty to effectuate what he knew to be the testamentary purpose of his deceased client? Must not every other consideration yield until that had been accomplished.

He said, afterwards, that, feeling so depressed himself, he was surprised and, in a way, hurt, to find Mary so cheerful. She had a jubilant air; but, of course, he could not expect her to talk of his personal affairs before her aunt. He grew more and more nervous. The fussy old lady seemed to have little intention of leaving them together.

She was a little, fluttery, bob-curled, thin-chignoned, old-fashioned, lace-mitted, and lace-capped old lady. She had two sets of spectacles, in constant process of interchange upon her little nose, and whether through or over one or the other of these aids to vision, her little black eyes peered with apparently intense but quickly transient interest at whatever engaged her passing notice.

Her desire to "do something," to make some one, anyone, more comfortable or happy, resulted in a fussiness that greatly disconcerted Dick.

Mary's aunt's memory was undependable. She had conscientiously endeavored to rally its failing energies by one of these mnemonic courses, the simplicity of which consists in your learning something very complex in order *ex proprio vigore simplicitatis* to recall some contrastingly simple fact or date. This had about completed the destruction of her seventy-four-years'-old memory. But she had a recurrent idea, while Dick was there, that, as he was a lawyer, she ought in courtesy to meet him on his own conversational plane; and as her insurance happened to be the only respect in

which she had ever, even approximately, been related to a question of law, she would again and again, on the point of leaving the room, have a fresh access of the compuncions of hospitality and return to press a new remark upon Dick's professional mind, thus repeatedly disappointing the two lovers of their tête-a-tête.

As, wrenlike, she fluttered back and forth, she poured out her experience in quick little chirping sentences. Having some years before inadvertently admitted a fire insurance agent one morning, she had been enmeshed in his fluent arguments in favor of fire insurance.

"It seemed a very suspicious feature of his remarks, Mr. Richard, that all I had to do was to pay him \$12.50, and then, when my house burned down, he would pay me \$5,000.

"So one day I went to Dr. Mar, a very learned and well-informed man, and I asked him about it. I said to him, 'Suppose I set fire to the house myself?' and he said the company, not the young man I talked to at all, would be sure to investigate, and if they found I had started the fire, they wouldn't pay. I knew there was a catch in it somewhere, but he advised me, just the same, to insure. So I did.

"This young man, a very polite young man, quite a gentleman, I must say, wrote me later that to avoid difficulty and delay after my fire—he quite seemed to be sure I would have one—it makes me nervous—I never smelt smoke so often in this house at night be-

fore. Where was I? Oh, yes! His letter said he was sending an expert appraiser to make a list of my things and their value, so I could be promptly paid. I paid no attention to this. The idea of letting a strange man go peering and pawing over my——well, Mary, you understand!——my personal belongings, and laces——how could he know, anyhow, what my laces are worth? But he came to see me and explained——until I was quite confused, my dears, and in a weak moment, I yielded.

“So the next day a very strange person called. I was sitting knitting, at the front window, and looking idly at the passers-by; it always rests me to knit, when I have nothing to do, Mary,——you have no idea——and this person came up the brick walk from my gate. He seemed ill. He walked from one side of the walk to the other, and soon he shambled up the steps. Dr. Mar afterwards told me he was probably overcome with liquor. It has given me such a turn to think of it—to think of my actually letting him come in. He talked very queerly.”

In her excitement, the little lady unconsciously mimicked the appraiser's voice and manner. The experience had clearly been one of her most vivid life moments.

“‘My card, lady,—I'm Missher Solomon Meyer. I'm skshpert 'praiser—come by 'pointment value pershnal 'fects.’

“I was sure he was ill, and asked him if I could not

send for Dr. Lax; but he told me he was very well,—‘never better,’ I think he said. He demanded a ‘pad and penshil’ repeatedly, and said he always began on ‘shecond shtory,’ and when, after considerable hesitation, Mr. Richard, I gave him these articles, he went up stairs, saying over and over ‘I’m all ri—I’m all ri.’

“It suddenly flashed on me that I had read in the paper, sometime before, a headline, ‘Great Increase in Second-Story Operations—Police Helpless.’ And here was I, quite alone with this second-story man. I made up my mind at once, and went out, without even my shawl, and, providentially, as I shall always believe, met that dear old Catholic priest, Father Brophy, who has helped me, so often, to help a poor family on the hills, without hurting their pride, by letting them know any one has heard of their troubles. He came right in, and we went upstairs, he holding my hand in such a fatherly grasp and——will you believe it——there sat that second-story person in my best spare room rocker, fast asleep, and my pad on his lap.

“Father Brophy got him out of the house, and when I put the pad away, I put the sheet of paper away on which he had been writing—as a sort of memento of the exciting occasion, you see—— Would you care to see it, Mr. Richard?”

Dick expressed his earnest desire to inspect it. The old lady fluttered to her writing-desk, pulled out this drawer and that, and finally produced a paper carefully folded lengthwise and endorsed “Insurance,” with

a date below. Dick opened it idly and read in straggling pencil characters:

“Second story front.
“Item—One revolving rug.”

His hearty, unrestrained laugh, startled the old lady. The matter had never before presented itself to her in humorous guise. But, while she was offended, her memory became active enough to recall how Dr. Mar had similarly exploded over the paper, and how perplexed she had been then.

At length, she fluttered away, puzzling over the matter, leaving the couple, at last alone, in high good humor.

So all evils run their course. True, the old lady once more,—but this time finally,—returned; but after what, for her, was a very cordial invitation to “Mary’s Richard” to dine with them that evening, she went out, pleading household duties.

There was a long silence. On Dick’s part, he had no plans yet. His worry possessed him to the exclusion of any consecutive thought as to what he was to do; because every line of planning he had indulged in on the long railroad trip apparently led him up to the effects upon his professional career when he should disclose his colossal blunder. However sure may be the progress of a man of integrity to his final decision to do the right thing, at whatever cost to personal

interest, he may, to use the golfer's parlance, fall into divers bunkers by way of doubt, uncertainty, and even the elephant trap of temptation, before the ultimate act of putting down.

For her part, Mary was of two minds. On the one hand, she was wondering whether it would be a better plan to carry out her program for exposing the villainy of Keane, which she had discussed with Moran, without a preliminary disclosure of the details to Dick. She knew her Richard; and who could say what Quixotic scruple, what considerations of ethical propriety, might not emerge on his part, to spoil everything, if he got to analyzing the situation, in advance, and subjecting it to meticulous ethical tests? Her scenario was perfected. Her actors were picked out. Michael was fully coached. But Michael knew the plot, and the dénouement that she contemplated. She took it for granted that if she pleaded, or resorted to a little legitimate wheedling, she could persuade Dick to go it blind; but, after all, was that fair to him? Was it fair to his sense of personal honor? It was his reputation that was at stake; and would it not be, however delicately covered, a doubt cast upon his ability, his personal dignity, if she were to give him a part without revealing her full purpose?

On the other hand, if she took him fully into her confidence, it was bound to appear that her determination was due to the arousing of her protective instinct, as the woman who loved him, aroused by a wrong

threatening the one she loved, to go ahead, just as Michael had heartily put it, "ethics, or no ethics." But, with that flash of insight or of intuition that comes to every woman, she saw that the situation had to be dealt with so that it would look well and "remember well" in retrospect. She felt, rather than actually thought, that it is the very essence of a helpful favor that one can render to another,—that the assistance be not stressed or emphasized by the one who gives the help. A man loves to be helped by the woman he loves; nay, more: he turns instinctively to her for it. But the wise woman never dwells upon the fact, nor upon the extent of the help that she gives, in response to this appeal. She has as much pride in the self-respect of her consort as he could possibly have, and it is in the womanly nature to spare him that humiliation later on in the feeling that might emerge that he was helped, that he needed help, and that it was a woman who extricated him from his difficulties.

So, we are told in the fable, the lion was duly grateful to the mouse who gnawed his net,—but I imagine he never again was the same self-confident king of the forest who had blundered into the net, and it may well be that in due time he became weary of the mouse's friendly calls. The fable does not go into detail regarding this feature. It wasn't essential to the moral of that particular narrative. I imagine that unless the mouse tapered off his reminders of his service and brought his visits to the lion to a timely end, that he

himself may have come to an untimely end! So, suddenly, Mary came to her decision; told Dick a good deal of what had been her conversation with Michael.

Dick's face, at first expressing mere bewilderment, as he came out of his own brown study, was first shaded with a trace of disapproval, which finally broke into delightful surprise, and he broke out: "You dear thing!" He expressed his grateful delight at close quarters, and then they went hurriedly over the arrangements for which so very little time remained. Mary told him that she had found out that the office next to his was still vacant; that she had telephoned the agent of the building to ask if it could be secured temporarily, and Dick agreed to secure the use of it.

It was the room that Moran had occupied before he became district attorney. Dick was to send the key to Mary; because it was a part of the whole plan that Dick should be out of his office, and not easily located; for it was extremely desirable that no reporters should get after him or that any publicity be given to what he might say, or might refuse to say. He also agreed to write at once to Stuyvesant van Beck and to Reuben Keane and inform them that the will would be read at his office, that evening, at eight-thirty sharp. The letters should be actually delivered that day.

Mary emphasized the importance of having Micky Moran also invited by a letter that he could show in case his presence was questioned; and, if Dick did not think it too far-fetched to put in the letter something

to the effect that his professional services might be required in connection with the administration of the estate. As a matter of fact, Dick had balked a little at asking Michael. He had, for the first time in the period of their friendship, kept a confidence from his old friend and former partner, and had felt that Michael was offended; but it was obvious that Mary had won him over to participation in their little plot. She had told him how enthusiastically Micky had agreed to be on hand.

He balked a good deal more at her insistence that "the horrid doctor" must also be available. She said that was what she wanted the extra room for, so that the doctor could appear when his cue was given. Dick really feared that perhaps Mary was going to appeal to Lax to release him, Dick, as the doctor's professional adviser, from the seal of confidence; but he was restrained from mentioning that idea or objection for fear of putting it for the first time into her mind. Moreover, he was exceedingly reluctant for her to meet Lax or come into any contact with him, in view of what he knew of his morals.

However, she said it was essential; so he finally yielded, and went into the hall to get his hat and coat. But, as Dick was leaving the house, Mary had said, as if by afterthought:

"By the way, Dick, telephone your office. Don't go there. Tell Tommy to come up here. I want him today, to run some errands. Let him lock the office.

The reporters are thick around that building. I went down yesterday and actually heard Tommy keeping them at bay—bless the boy! Go to your club, dear, and 'phone from there, and as you are to come here to dinner at six, we can start about seven-thirty this evening. We will tell Aunt Mary we are going to a play. It is perfectly true, too."

Dick twisted his hat in his hand.

"I wish," he said, "that you didn't have to be in this. Why can't you leave it to us men?"

It was a weak objection, and he knew it, and so did she.

"Of course I must be there," Mary declared. "I'm to play the leading part," she added mischievously. As this part had not been fully developed in their conversation, Dick asked her one question after another; but she evaded, or frankly refused to answer them, leaving him more or less mystified,—which was a part of her plan, for Dick was so matter-of-fact and so outspoken that she knew he could not feign surprise. In the plan she had concocted with Michael, it was imperative that Dick should be genuinely surprised.

He went to the club, where he managed the whole day to evade a reporter, who had tried to locate him there, and who had incidentally discovered that the van Beck will had been drafted, not by the great firm which had handled his law business, but by this hitherto unknown member of the bar, who had an obscure office in an obscure building. The "fourth estate" was, as

usual, "on the job," and Dick had the humiliating admission to make to himself that it was his insignificant past rather than his superior skill that had enabled him to arrive, still unobserved, at the hour Mary had appointed.

II

When, after dinner, the excellent appointments of which he had utterly failed to notice or appreciate, and at which, by his absent-minded replies to the twitterings of Mary's aunt, he had miserably felt he must have convinced her that he lacked even the first elements of intelligence, he and Mary escaped the old lady's friendly hospitalities, and reached the building where he had his office,—his first night visit to his own office. He was scrutinized by the night-watchman, who noted his name on a book, with the number of his office, making quite a show of importance, and passed Mary in with a knowing grin as he looked at a paper he had in his hand.

The office was already lighted. Tommy, looking solemn and important, sat at his table, clutching what Dick recognized as his mirror and his "deteckative" note-book. Mary smiled brightly at the lad.

Lounging in Dick's chair sat Moran. He rose, explaining his early arrival by reference to being kept late at his own office, and put in a light, effective touch by some grumbling about losing dinner and having had only a sandwich. He teased Dick by questions as to

what this was all about, and in that young lawyer's confusion as to how to reply, he turned to draw Mary into the conversation. But she had disappeared into the adjoining room, the door to which was ajar. Coming in almost immediately, and before Dick could speak, she nodded to Michael, simply saying, "Good evening!" (which Dick vaguely noticed as "queer") and sat down at the rented typewriter, which Dick had forgotten to have returned. Both men, whose eyes affectionately followed her, noticed that she had removed her hat and long coat and now wore a simple white collar, paper-cuff shields, and a plain stenographer's skirt and shirt-waist, and looked a very capable office girl,—as if she "belonged," you know. Moran chuckled and looked at her in great admiration; but Dick simply stared in amazement.

They both started to express their respective feelings; but the door clicked, and Thomas, with great formality, announced:

"Mr. Keane to see you, Mr. Jowett."

The newcomer glanced at the stenographer, offered his hand carelessly to Dick, who ignored it under guise of pushing a chair forward, and then, recognizing Michael, gave a visible start.

"How's this, Mr. District Attorney; are you interested in the reading of this will? I don't understand." His discomposure was apparent; but Moran did not seem to notice it.

"Sure, I'm interested, Keane," he said. "Forget I'm

district attorney for once and know me as a trustee of several of the charities my friend Richard notified me would be named in the will." He lied easily, and smiled genially at Keane.

Keane turned to Dick. "This is unusual, if you'll allow me to say so. The first reading of the will is a family affair. Where's Stuyvesant?"

"Here I am!" and young van Beck entered.

He also was evidently surprised to see the district attorney; but he greeted him cordially, shook hands with Dick, turned his back on Keane, and then, seeing the "stenographer" busy polishing part of the machine, with her back to the men in the room, he removed his hat, tossed away his cigarette, and asked Dick, in a low tone: "Why do you need a stenographer?"

Keane, who was now alert, observing everything and listening to every sound, added: "Exactly. Just what I was wondering. Why such a fuss and crowd and dragging of us down to your office, just to read the will?" He sneered, "Makes it look more important, I suppose, to read your—er—first will, isn't it? Feeling your oats a bit, eh?"

Dick scowled. It made him furious to have Keane speak this way before Mary. But, before he could say a word, a rather shrill, school-girlish voice interrupted:

"The will is in the tin box, by you, Mr. Jowett. You asked me to remind you. It is eight-thirty, sir."

Dick and Michael gasped with surprise. Stuy, who was looking sulky and trying not to include Keane

within his vision, noticed nothing. The voice was also unrecognizable by Keane. He merely sat a little more erect and attentive.

Dick, glancing at his pseudo-stenographer's back, with a puzzled air, pulled himself together, reached for the will, and began to read.

His instructions, received in the taxi from Mary, were to read straight along until interrupted by her and then to keep still; and, "If you love me, Dick, just listen!—we'll do the rest."

So, Dick, somewhat sullenly, read on, warming to his task as he thought how Moran at least could appreciate his careful phraseology, and how Keane could sense the businesslike conciseness and clearness of the testamentary scheme. It must be admitted, he forgot how much of the clearness was due to the very explicit directions of the keen, shrewd testator, whose knowledge of what he desired to do and of the way it should be done, had so impressed him, so recently,—yes, barely a week ago. But, as he proceeded, his satisfaction vanished. He began to visualize the word that would shortly confront him on that sixth page. What would happen when he should come to it? Would Mary's plan work? He had agreed to it, had applauded it with delight when it was disclosed to him; but, as possible failure confronted him, he was weak enough to think of it as "Mary's play." It seemed to be on every line as he went along: "Stepson! Stepson." John Bunyan, a rare psychoanalyst, gives Christian his

weak moments. He fell asleep on the Hill Difficulty; he heard whisperings and worse in the Valley of Humiliation.

Richard read bravely on. Moran, sitting easily back in his chair, kept an eye, cold, appraising, vigilant, on Keane. Stuyvesant hardly listened. He had heard the will before, anyhow. He seemed to be getting interested in the "stenographer." Her profile seemed familiar. Who could she be? He shifted his position to see better. But the nasal voice! No, she was no one he knew, good looking, and all that,—but a vulgar voice. He wondered Dick would employ such a girl. He heard not a word of the will; but his change of position brought Reuben in his direct line of vision. What he saw arrested his attention. Keane was leaning slightly forward, gazing with a thin-lipped, malicious smile at Dick, who, do what he could, was faltering a little as he turned over a page and began on the fatal sheet.

"By Jove," said Stuy to himself, "the beggar looks as if he were enjoying himself,—as if he knew what was coming."

The young lawyer read on. Stuy continued his musing:

"Probably that part about my looking after him would sound funny. But how could he know—?"

Dick's voice went on:

"—and all the rest, residue and remainder of my

estate, of whatsoever nature and wheresoever situate, I give, devise and bequeath to my s——”

The shrill voice of the pseudo-stenographer broke in, startling all four of her adult auditors.

“Can you beat it?” she said.

All turned to look at her, except Moran, who was, as you can imagine, watching Keane like a hawk. As Mary interrupted, Michael had noticed Keane’s increasing pallor and had seen the skin whitening on his knuckles as he gripped his cane.

Mary was holding what seemed to be a carbon copy of the will and some pencil and ink memoranda.

“Can you beat it?” she repeated. “Here’s a mistake in the will! I had copied this paper marked ‘D2’ as far as ‘my s——’ when I remembered I had a date for lunch with my—well, with a friend, and I just stopped at the ‘s’ in son.”

“You mean stepson,” snapped Keane, leaning forward.

“What made you think that, Keane, me boy?” Moran drawled. “Where did you get that idea?” He spoke in a low tone, just loud enough for Keane to hear.

Keane recovered instantly; he ignored Moran; but his glance wandered unsteadily over the others. Dick had not heard the inquiry. He opened his lips. But a new voice interrupted. It was Tommy’s boyish, husky treble. His part had been well rehearsed in the two

visits Mary had found time to make at Mrs. Mulvaney's flat.

"I remember your stoppin' short, Miss, and rushin' out, and then that gentleman, who said his name was Keane, he comes in and gives me his card and I kep' it — 'Mr. Reuben Keane,' it says here!"

He produced it, importantly.

"He came in and asked would I denounce him to Mr. Jowett. And I said he was out on an important consultation. I didn't mean to lie to him, Mr. Jowett; but he sort of got me goat, he did, and he was overbearin'-like and I the dust under his feet,—and then he walks in, saying as he'll wait, and I seen—I mean I saw—him peerin' around and bendin' over your desk. So I sez to meself, I'll watch him." (Keane could not repress a start.) "And I set here wid me deteckative glass like this." Here Tommy turned his back. "And I watched him; and he looked toward me, and walked softly across to the machine, and I could see him lean over. Then he seemed to be readin' the papers on the side, and then the paper in the typewriter, and then he looks toward me again and sorta leaned his cane onto the front of the machine and stood, careless-like; and then I must 'ave moved, for he walks over to the window. So I sat as still as still, and he looks around watchful-like and walks back to the same place and sits on the chair and whirls it about, and then gets up and leans on his stick again, and I could see it press down

on the little rows. I counted the times it pressed—it was, countin' the first time, fourteen times."

Mary had been clicking along on the typewriter. She interrupted here.

"Fourteen? That's *t-e-p-s-o-n*, (comma) *t-o* (space) *w-h-o-m*. Isn't that queer? I must have gone on copying from the word 'whom.'"

"Stepson?" shouted Stuy, who had idly spelled the words as Mary had pronounced the letters. Turning to Keane: "To you, all father's estate!"

He glared at Reuben, who seemed to gather himself together, in order to face this crisis. Then Stuy turned to his unhappy friend:

"Why, Dick, you told me at the house that father had left all to me."

Michael reached out his hand and checked the miserable young lawyer as he started to mumble a reply, while Mary rattled sharply on the machine to remind Dick of his instructions.

Keane rose and walked with studied carelessness toward the opening in the partition. He chose his line, and he took it boldly. Pointing his stick at Tommy, who scowled at him with concentrated ill-will, he snarled:

"So you are a spy, my boy? Oh, very well!—I'll dispose of you later. I believe your mother lives at our tenement No. 14 Elm Road and pays a very low rent. I'll attend to you."

Tommy looked appealingly at Jowett; but Mary lifted a warning hand, and Keane went on:

"And as to the will; assuming, *but not conceding*, as you lawyers like to put it, that this interesting inference cooked-up by a couple of insignificant employees of a hitherto insignificant lawyer, probably for a 'good and substantial consideration,' " he sneered, "were true—whatever the words are in the real will in Jowett's hands there—" pointing with his cane, "*they were there when the testator signed, weren't they? They're there now!*" he shouted, "and I presume, with all your carelessness as draftsman," Dick wilted miserably, "at least the will was duly executed by the testator." And he sneered again maliciously, observing the effects on his various listeners of the line he had taken.

He bowed ironically to Moran. "I submit that even you, Mr. District Attorney, could hardly call it a crime to,—er—present to a testator a form of words appropriate to effectuate an often-reiterated promise to one of his household, which words he adopts and ratifies by executing the will containing them?"

Moran looked admiringly at him. He was a clever scoundrel. "One must hand it to him, sure." How he had thought it out to the finish!

But, Dick, reaching into his desk at the second reference to "executing," drew out the revolver he had left there after the interview with Dr. Lax and, disregarding Mary's covert signals, barked out:

"Yes, the will was executed all right; *but how about the testator.*"

"The t-t-testator," stammered Keane, his eyes fascinated by the pistol Dick was waving up and down, unconscious that he had Keane covered. "W-w-what do you mean—look out, man!" angrily, "don't point that thing at me; it's—that is—it may be loaded."

"It is!" burst in a new voice, as Dr. Lax entered from the side room, where he had been impatiently awaiting his cue from Mary.

She, poor girl, had forgotten him. Her first sight of the pistol had shattered her little program. She was puzzled.

So was her co-plotter, Michael,—though for a moment he had looked suspiciously at his partner in the dramatization, who had expressly repudiated the idea that any crime was involved in the matter. But he saw at once that her astonishment was as genuine as his own. Now he was getting uneasy. His instincts as district attorney, despite his agreed temporary abdication, were aroused by the sight of the pistol and by Keane's agitation. Dolan's story revived in his memory. Had old Mr. van Beck been suddenly stricken with what Dolan called "appendasootus," after all? The situation was developing on unforeseen lines. He found himself conjecturing how far he was bound by the agreement of a so-called retainer by Mary. This was a big thing. The sudden death of a millionaire, the fraudulent change of his will, by which, gambling on

the carelessness of others, this "dirty fox" had adroitly switched millions to his own pocket. Why was Dick flourishing that pistol? How did Keane know it was loaded?—or Dr. Lax, for that matter? So Moran was more than ever alert and, while listening to Lax, never took his eyes off Keane. The dramatic entrance of the surgeon, whom Reuben had believed muzzled and eliminated by concern over his own reputation, indicated to the stepson of the testator that something was wrong,—very wrong. He half-unconsciously reassured himself, by touching his pocket, that the passport and the ticket were there that he had procured as a precaution almost immediately after the death of his stepfather. Taking advantage of Lax's entrance at the side door in the wall across from the partition entrance where he was standing, he slipped back of the shelves, reached the door with a stride, and, slipping out, was confronted by two burly individuals, who easily barred his way, calling out:

"Shall we let this one pass, Mr. Moran?"

The district attorney had not lost a move; but, having taken some precautions of his own, had not stirred. He replied, carelessly:

"Better let him come back, O'Sullivan. I think he forgot to say good-bye."

Keane, shaking with fury and fear, was pushed back into the office by the two plain-clothes men, who, at a sign from Moran, returned to their station behind the scenes.

"This beats Douglas Fairbanks," murmured Tommy, whose excitement brought every freckle on his face into brown relief. Lax, shaking his finger at Keane, now burst in:

"Loaded?—you know it's loaded; all but one chamber that held the bullet that came out of that chamber! And you know where I picked it up. In that room in your place, curse you, where you inveigled me last week Thursday——"

"Softly," said Moran, looking at Mary, shocked, and pale with excitement. "Softly, softly, doctor."

"Hully gee!" exclaimed Tommy.

Mary looked imploringly at Moran. Dick and Stuy, after the stunning discovery of police so evidently "on the spot," ensuing upon Keane's attempt at what Tommy called "a get-a-way," were whispering excitedly together.

"Softly," said Moran, responding to Mary's unspoken cry for help. He really feared the situation would get away even from his control as a mere lawyer. He raised his voice: "Miss Mary, have you not something to say?"

At the words "Miss Mary," both Keane and van Beck looked sharply at the "stenographer" and, recognizing her, were very differently affected. Van Beck rushed forward and seized her hands and seemed on the point of embracing her. She pulled away, blushing brightly, and looked at Reuben. As Tommy, who was not losing a single detail, afterwards put it: "His eyes

grew small and glittered like an adder's after ye've shtruck at it with a shtick." Keane's encounter with two real detectives, on top of the recital of the amateur Tommy; his discovery of Mary's identity; his revolver in Dick's hands; Dr. Lax's identification of it,—and perhaps Moran's never-fading smile and the, now to him, evident lie about his being there in a "private capacity,"—to his mind a lie on its face, as the two officers' presence convinced him,—not a feature of the case could present to Keane a ray of hope. He was in a trap. Before Mary could speak, he snarled at Dick:

"You d——d hypocritical apostle of professional ethics!—is this a hold-up or mere blackmail?" He was losing his nerve. He realized it. His defiant manner changed. He looked toward the side door behind Lax. But Moran at once rose and placed his chair there, seating himself with the remark:

"It's a bit warm in here—I'll get what air there is here, maybe." It was futile for Keane to try to rush Dick and get his pistol back; for, undoubtedly, the two men outside were 'heeled.' Keane could shoot. The men present knew that. But so could the plain-clothes men. Keane knew that. Moran could see his mind working. Keane decided to leave such a desperate chance as gunplay to the very last. And, meanwhile, Mary was talking. The affected shrillness of her voice was gone with the uncovering of her disguise. Her low, even tones were unfolding a startling proposition.

"I have here," Mary was saying, "a duplicate copy

of page six of Mr. van Beck's will,—his real will, I mean. Dr. Lax, you must respect our confidence from now on as we shall—all of us," her eyes took in every man in turn—"respect yours. This copy is punched with holes corresponding to those of the sheets of the will. My suggestion is that, as this is exactly a copy from the draft made under Mr. van Beck's own dictation and eye, and as page six in the copy Dick was reading from seems to contain a mistake, which has been accounted for," she smiled at Reuben, who scowled with rage, "and as the ribbon fastening the will together is only knotted and not carried under the seal, and as I have a hairpin, why, perhaps the person who is, shall I say responsible?—responsible for the wrong page being in the will,—well, perhaps he might like to put the right one in its place." She held the sheet out to Reuben with the hairpin.

Stuy and Richard jumped to their feet. The latter was beginning a half-hearted protest, but was sternly silenced by Moran. Keane had not taken his eye off the girl. It was a determined face he looked into. He recalled the scorn that had flashed in those eyes when—yes, he could see she had not forgotten either—the same scorn was there again. Well, she was having her full revenge, yet a dignified one.

Not a word of anger; but she clearly meant business. Keane was a gambler, in spirit; but he knew when bluffing was folly; and he was no fool,—save, as every knave is, in the last analysis, always a fool. But bar-

gaining is a defensive operation, as bluffing is a pseudo-offensive one. So he looked around at the different faces, and when Moran softly remarked: "It seems to be up to you Keane, eh?"

Keane inquired: "And if I do?"

Mary's suggestion had been wholly unexpected. She had kept this final detail even from Michael. All he had expected was the unmasking of the villain. How to remedy the wrong, he had not so far considered. But, of course, he had expected it would have had to be accomplished in court, after a humiliating experience on the witness stand, in which poor Richard Jowett, counsellor-at-law, should have satisfied the court of his own incapacity, negligence, and breach of duty. Yet it was "a sort of justice of the Cadi." Mary was proposing to bring about, *in camera*, what he had expected to embody in a decree of the probate court, which, while restoring Stuy's rights, would serve as Dick's professional epitaph. But here Lax, who thus showed that he had been eavesdropping long enough, from the next room, while the will was being read, to comprehend the situation, broke in, shaking his fist under Keane's nose:

"But how about my one hundred thousand dollars?"

Stuyvesant, a babe in business, who had dozed at directors' meetings when dragged to them by his father, and whose experiences had been as varied and exciting during the last hour as Tommy's own, was thinking not of the will, nor of the money, so much as of Dick's

luck in winning so fine a prize as Mary. Not that he envied him, for he thought complacently of his own fiancée. Nothing, however, was too good for Dick,—good old Dick! Narrow escape, too, he'd had. They'd both had for that matter; but a miss is as good as a mile. Stuy, in his happy-go-lucky way, considered the affair as good as over. What a wonderful girl she was! Of course, he was musing, it would be hateful to have to keep an eye out for Reuben's best interests; but even yet he had not realized the implications of the production of the pistol. He had not noticed the chipped butt, and didn't know the weapon was Reuben's; neither did Mary,—at least, definitely. Moran had not yet given it a thought. Lax supposed it was Mr. van Beck's.

At the worst, unscrupulous as the doctor's conduct had been, he had thought all along he was hushing up a suicide scandal.

Of course, Moran could have guessed; but, even so, he was not thinking of Keane as the "executioner." Still, the emphasis Dick had laid on his remark about the *execution* of the will *and* of the testator had not escaped Moran's keen observation, keyed up to concert pitch as it was. But he was engrossed in playing his part as Mary had outlined it. He had started on his unique employment as her private counsel, with the assumption that Mr. van Beck had intentionally killed himself and that Dr. Lax had, to avoid scandal, performed an operation to conceal that fact and had filed

a false certificate. So he had been at first willing, as he supposed other similar officials had been, not to know officially what he had been told as a mere lawyer. The reader, at least the professional one, will exclaim, "That cannot be true!" But it is. Even Dolan's facts were not inconsistent with this theory. But the Bianchi woman might have fired the fatal shot. In fact, he was beginning to believe she had, and that Keane, as her lover, was shielding her. He decided to risk "official ignorance,"—anyhow, for the time being, "ethics, or no ethics."

As to the fraudulent manipulation of the will by Keane, Moran had become, while district attorney, a bit callous, after two years' experience, to the whole gamut of crime and misdemeanor. Small communities are not infrequently as good clinics for the practitioner of criminal law as are great cities. Moreover, he had rather admired the ingenuity, thus cleverly exposed by Mary, of the rogue who had sailed so skilfully between the rocks and shoals of the criminal law. And extemporaneously it had been too. Keane had seized on an entirely unexpected opportunity when he had called at Jowett's office, and, but for Tommy's "de-teckatin' mirror, might have succeeded.

Moran had smiled; for, as usual, every exciting episode in his life always reminded him of some humorous story. This time there came into his mind a remark he had heard attributed to a brilliant president of Princeton who, in response to an inquiry as to what

was the basis of his success as a post-prandial speaker, responded in his incisive, jerky British way:

"I consider—that three weeks'—preliminary notice—is the minimum prerequisite to—the excogitation of—profitable extemporaneity."

But Keane needed no preliminary notice. He could rise to his occasion "just like that!" Pretty profitable extemporaneity it was, for success would have meant millions. So Michael paid mental tribute to his cleverness as Keane questioned:

"And if I do?"

His mind worked rapidly. Mary's solution was stunning in its cleverness and simplicity. The will, if her suggestion were acted upon, would then become exactly what Mr. van Beck had intended to sign, and had supposed he was signing. And, if probated, would safeguard Richard. But whatever the fraud or crime involved in changing a will before execution, it would certainly have been a serious and an illegal thing to do, to alter the will signed by the testator *after* its execution and after his death.

Of course, Mary was elementally ignorant of the legal effect of her delightfully innocent suggestion of a short-cut to justice. It would have been a highly dramatic climax to the play as she had staged it.

How could he, the district attorney, knowing what Dolan had told him and knowing by what Lax had let drop and by Keane's excitement at seeing the pistol that van Beck had died of a gunshot wound,—how

could he swing the situation so as to redeem his pledge to Mary and at the same time secure the desired result of saving the fortune to Stuy van Beck and still not violate his duty to the public?

He took his line and broke the tense silence by drawing out the question:

“Where did you learn stenography, Miss Mary?”

Mary blushed and looked at Dick and stammered: “I thought it would be a way of helping Dick, while business was slow in coming, and I’ve been doing all father’s lectures for nearly a year!”

No one but Stuy heard Dick’s whispered, “God bless the dear girl!” nor saw the gulp in his throat, nor the tear in his eye.

“I must confess,” said Michael, “that while I suspected, from what Miss Mary told me before I came, that there had been a change made in this will before Mr. van Beck executed it, of which he was ignorant at the time he signed his name, and while I even suspected that Reuben Keane had been the one who had made that change, I thought that Miss Mary’s plan for surprising the truth out of him was an excellent one, and I looked forward to it with a great deal of interest and amusement. But I had no idea of this drastic method of correcting the mistake in the will. I suppose Richard will agree that there is no similar case to serve as a precedent; at least, so far as reported in testamentary law. I am afraid, Miss Mary,” he added, turning to her, “that we can’t carry out your suggestion. How-

ever, as one of my fellow-countrymen once said, I have another solution 'aqually conclusive.' But first——"

He interrupted himself.

"——First we must dispose of Dr. Lax."

He went on: "You see, doctor, you haven't a leg to stand on. You knew, as a surgeon, that your patient had come to his death by a gunshot wound. I assume you thought it a case of suicide."

The doctor nodded his head violently. He was flushed and agitated. Never in all his professional career had he been so excited, and his excitement was beginning to turn to alarm under Michael's cool, incisive tones.

"But even if you did think it was suicide, you are old enough and have had enough experience to know that it is against the law to hush up even a suicide."

Lax interrupted: "It's done, you know,—it's done. The feelings of the family——"

But Michael stopped him with a gesture:

"It ought not to be done. And, therefore, among the best practitioners, it is most decidedly *not* done. You know it ought not to have been done. Our friend Reuben here, by his suggestion of a hundred thousand dollars, tempted you into doing it. That is a matter between him and you."

Lax interrupted again:

"I have retained Dick here to sue him for it."

Dick started to speak, but Michael again interrupted:

“Undoubtedly, Dick will advise you in due time that you can’t collect on such a promise as that.”

Lax wilted visibly; his heavily-jowled face seemed to shrink; his distress was pitiable to witness. But Moran went on:

“As for Keane, he’s got to set this thing right, himself. I am going to dictate an assignment and release of all his right, title, and interest in his father’s estate to Stuy, and he is going to sign it right here.”

Keane’s face was a study. It was not at all certain to Richard and to Stuyvesant, who were watching him, that he was disposed to do anything of the sort; but his eye was shifting. He was evidently calculating his chances and meditating on what would be the best attitude for him to take. He must gain time! His hand again unconsciously went to the breast of his coat and his face relaxed, as if in relief, while Michael dictated to Mary the instruments he had described. Her efficient fingers clicked them off. When the paper was ready, Michael laid it on Dick’s desk and, offering Keane a pen, said:

“Sign here.”

“You know the legal effect of a paper signed under duress,” snarled Keane.

“Duress! Are you thinking of *duress*, you dirty fox? Maybe it’s *durance* ye’d prefer. Ye’ll all bear witness—” Moran waved to the others—“that, acting as friend of the family and not *yet* as the district attorney, I am suggesting a friendly way to enable our

friend, Mr. Keane, to rectify the fraud he committed on his deceased stepfather's will and on his life-long benefactor, and on his stepbrother as well. And I'm thinking he is going to sign."

Keane hesitated, took the pen, signed the paper, and Michael insisted that all but Stuy and Tommy should sign as witnesses. He then dictated an acknowledgment to subscribing witnesses, to be later executed before a notary, and handed the paper to Dick. He excused himself for a moment and went out into the hall, where he apparently told the men whose appearance there had prevented Keane from making a bolt that they could go. He came back into the room and, addressing Keane curtly, said:

"I don't wonder at your appearing so reluctant to remain in our midst. But I want to clean this thing up so we won't have to come into any further relation with you. Is there anything that occurs to you, Dick, that requires Reuben's signature before he leaves the office?"

Dick stammered something about waivers of citation for the probate, which, it appeared, he had got ready to be signed by Stuyvesant and Reuben.

"Right you are," said Michael. "Sign here," he again ordered.

Sullenly Keane obeyed.

"Now!" snapped Moran. "What have you got in your pocket that you have been feeling at so constantly for the last half-hour? Tickets?"

Keane stammered some reply. His assurance, his sneer, were gone. He was beaten down. He had but one desire,—to slink away.

“I thought so,” continued Michael. “Now, hearken to me! Don’t miss a word! My employment by Miss March—God bless her for a wily little client!—expires by limitation in half-an-hour, when I resume my *very* important function as a public prosecutor. I am giving you that much notice at the risk of my professional reputation, in consideration of the fact that we got you here, you might claim, under false pretenses. I am giving you a start of half an hour, but I will get you. It’s hare and hounds, and you’re the hare. I’ll get you. See if I don’t.”

Keane darted to the door.

III

After a few terse, explicit, and somewhat contemptuous additional remarks, by Moran to Dr. Lax, as to his being in readiness to testify before the Grand Jury, that deflated practitioner slunk out of the door discomfited and actually shamefaced. Thereupon Michael turned to Tommy, and said:

“Run home now, son. When you are graduated from here, you come to me and, if I am still the district attorney, there will be a job for your father’s son. Sure, it’s your father would be proud of you.”

Tommy's cup was full of pride and joy. As he grasped his cap to go out, Michael added:

"Remember, Tommy, mum's the word. As a lawyer's clerk you must repeat nothing you hear in his office."

"Yis, sir," said Tommy as he left, swelling with importance.

When he had gone, the four friends held a council of war. Dick's problem did not seem to have been completely solved.

"I will have to probate the will," he said miserably to Michael.

"Why do you have to probate the will?" asked Michael. "You've got the assignment from Reuben. Except for the charitable bequests, everything goes to Stuy. He is the only one interested in probating the will. Can't you settle with the charities and proceed as if in intestacy? If you have the releases in your hands, who could raise any question?"

"There are legacy taxes to pay," observed Dick, "to the State and to the Government."

"That's so," said Michael. "Well, go ahead and probate the will. What if it does read as if it left everything to Reuben? You have his assignment and releases and after all," added Michael kindly, "it was your blunder, Dick. You've got to pay some price for it, and when I have disposed of Reuben and have cleared up the manner of his father's death, I think you will feel that it is a small price to pay."

"Why, Michael," said Mary; "you cannot think he shot his own father?"

"Frankly, Miss Mary," he replied, "I cannot think so; but from what Dolan told me, and from what Lax said, and from what Reuben himself did with regard to the will so shortly before, I am afraid it looks very much as if he, or one he is trying to shield, did so. Mr. van Beck never killed himself."

"Do you mean the girl?" asked Dick; and then stopped, glancing at Mary.

"Maybe," said Michael shortly.

"Well, then, in either case," said Stuy, jumping to his feet, "you have got to get after him. He will get away."

"Don't worry, Stuy," said Michael, "those two officers I had here are on the job. I sent them away so as to let him get out of the building; but I expect there's something doing about now. You go ahead and probate the will on those waivers, and before the press or the public has had any time to get excited over it, or to wonder, if they do wonder——" he looked whimsically at Stuyvesant, who flushed up "——at the preference of the stepson to the son, this other excitement will dwarf it into insignificance."

As they parted, he added:

"I'm going to indict someone. That's my job."

CHAPTER XII

*Even as a surgeon, minding off to cut
Some cureless limb . . .*

—DU BARTAS

AFTER taking Mary home, Stuy rushed Dick off to the Place, leaving Michael to organize his official campaign of investigation.

The two excited young men burst in upon Mr. Noone and myself in the library and rehearsed the dramatic occurrences of the evening. I confess that my conception of a mare's nest was knocked into a cocked hat by the disclosure of a pistol and by reason of the fact that the late Mr. van Beck had died of a bullet wound.

I asked Richard, "How did that pistol come to be in your possession?"

The young man turned to Mr. Noone before replying, first begging my pardon:

"Mr. Noone, I say, is it all right to talk fully, er—I mean before a—er—stranger?"

"Absolutely, Dick," rejoined Noone. "Why he is your——" He checked at my shake of the head.

"——I should say he is an expert in criminal problems, and came here at my express invitation. Surely you have heard of Mr. Ethicus?"

"No," said Richard, flushing with embarrassment; "I can't say I have."

I turned red, myself. The moment was not the auspicious one I had been waiting for; but it seemed necessary to bring my incognito to an end. So I asked him:

"Did your father never speak to you of your Uncle John?"

"Certainly," replied Dick. "His name was W——."

"I know," I said; "but names are changed sometimes."

"You mean——"

He sprang forward.

"I mean I am your Uncle John; but," and I withheld my hand from his outthrust hand, "you may not want to own me when I say, to my great mortification and regret, that I quarreled with your father,—for a reason too petty to narrate."

He stiffened. His face was always so frank that I could almost read his thoughts. Now I clearly read that his dear father must have been in the right, whatever the grounds of the quarrel, and that it was his son's place to stand up for his father's side of it. Then another idea displaced that thought, and he thrust his hand out again, saying:

"But after all, you were my mother's only brother, and that quarrel with dad," he gulped at the word, "was over long ago. I'm sure he was right; anyhow, I mean, that it was—must have been—I feel sure—"

some misunderstanding—yet you are my uncle and, I've been sort of on my lonesome for years. I want my Uncle John——”

“God bless you, my boy,” I exclaimed, wiping the tears from my eyes, and our hands met in a firm clasp.

To recover my composure, I forced my mind back to the subject that engrossed the young men, and asked:

“Do you know whose pistol that was?”

“Sure we do,” said Stuy. “Dick recognized it at once by the chipped butt.”

Then they told me, with mutual interruptions, the story of Keane's display of fancy shooting and of how Richard, trying to emulate it, had dropped the weapon in the Adirondack camp.

Mr. Noone was so shocked that he was speechless. I think he made a record of revolutions per minute in his hand-washing performance.

“Well,” I said, “we must marshal our facts and try, by elimination, to focus on who it was that discharged that pistol in that room belonging to that Bianchi woman.”

“What facts do you know, Mr.—I mean, Uncle John?” asked Dick.

Mr. Noone answered by telling of his suspicions, his wire bringing me to van Beck, and of our consultation with Dolan, ending:

“You see, with what you tell us about the change in the will and a pistol identified as Reuben's, it narrows things down to——”

Stuy interrupted in a hurt tone :

"I must say you have all kept me in the dark; and, after all, I'm——"

"I know, Stuy; I know," burst out Dick. "I've been aching to tell you and Michael everything; but you see where my blunder had placed me." He went on to tell of his days and nights of fear and worry.

"If it hadn't been that I could talk it over with Mary—— Oh, Uncle John; she'll be so glad to know about you—I could not have pulled through. Wasn't she wonderful tonight, Stuy!"

Stuy enthusiastically endorsed this tribute, but rather abruptly turned to me :

"I would be glad to hear what your impressions are, sir, at this stage."

I pointed to the group above the mantel. "Do you see anything significant, Mr. van Beck, in that group?"

"No," he said, with evident surprise.

"Probably," I continued, "because you've always seen it there. But concentrate on it; the characters, their relationship——"

An idea dawned on the young man's face :

"You mean," he asked excitedly, "that Cain might be——"

"By Jove!" burst out Dick; "it's Reuben!"

"Reuben!" echoed Stuy; "Cain!"

Then, turning on me, he said :

"You think Reuben shot father! Why, Michael spoke of suicide or of this girl . . . Here! I must

'phone him at once. Reuben may get away. Didn't Michael refer to tickets or something?"

"He certainly did," replied Dick, showing signs of excitement. "Let me 'phone."

"Hold your horses!" I interposed. "By your account, Mr. Moran is on the job, and murder is so terrible a thing——" I faltered as I saw the expression on Noone's lined face, "——it's so serious a charge to bring against any man—or woman—that we must analyse our suspicions and be sure of our facts first. Sit down quietly, all of you, and let me think aloud and without interruption."

We settled down in our chairs. I confess I was in my element. My thoughts were clarified and crystallized. I had a sympathetic audience. My nephew was no longer a stranger, and his frank attitude in ignoring and forgiving the long past of my forgetfulness restored my self-respect, which my thoughts on the matter the past few days had been flagellating. So I went on:

"When, my friends, I use the word 'facts,' I mean facts that can be proved by credible testimony. 'Suspicions' are supposititious facts as to which, for the moment, we lack credible testimony. First, then, Mr. Noone and Mr. Dolan can prove that at eight in the evening of Thursday of last week, Mr. van Beck went to this resort owned by Reuben Keane;

"Second, the lawyers can tell us whether they would

be allowed to testify that Mr. van Beck told them his purpose in so doing;

"Third, Mr. Noone can testify to drawing out the one hundred and two thousand dollars and that, except as to the two thousand handed to Richard here since that night, the money is not to be found;

"Fourth, despite Dick's qualms about the seal of confidence on him not to disclose what Dr. Lax had confided, the doctor's stupid blurting out of the facts at your meeting, in my opinion,—and since a crime seems to have been committed,—makes it possible to call the doctor as a witness, and he can be made to testify as to where and how Mr. van Beck died."

"Unless, if you'll pardon me," observed Dick, "he refuses to answer on the ground that it would incriminate him."

"H—m," I mused. "No! he couldn't afford to take such a position. Professionally, his life here is at an end, I should say. The less he focuses public interest on himself by balking at clearing things up, the easier it will be for him to leave quietly and begin somewhere else. No; he would testify."

"I wonder what he had in that bottle," said Mr. Noone.

"He showed me a bottle," said Dick. "I'd forgotten that. But he told me. He said it was the appendix."

"Yes," I replied; "but Mr. Noone says he had none."

"That's true," Stuy affirmed. "He had it removed

in Washington ten years ago. I remember his telling me and he said not to tell Dr. Lax—he didn't want to hurt his feelings at not having been asked to operate."

"Did Keane know?" I asked.

"I don't know," replied Stuy. "Why?"

"Why," said Dick, "because the doctor told me Reuben suggested the operation."

Here I interposed:

"That brings me to my fifth point. Reuben Keane knew where and how his father——"

"Stepfather, please," interrupted Stuy peremptorily.

"Just so," I conceded.

"——how his stepfather died.

"Our sixth fact is that he must have been on the spot. Yet, Mr. van Beck did not expect him to be there, but, on the contrary, had planned to have him away. If he had not been on the spot, he would not have gone for the doctor and planned the fake operation to conceal the fact of a wound. But, from this point, we have conjectures only. However, I eliminate from our three possibilities, with which my mind started to reason this problem out, the idea of suicide."

"Suicide, of course, is inconceivable," said Mr. Noone.

"Absolutely!" chorussed the young men.

"Exactly!" I affirmed. "And that leaves two suspects,—Reuben and the girl."

"But what motive could that miserable girl have?"

asked Mr. Noone, thus unconsciously risking the arousing of my pride of authorship as to the impulse-theory of crime.

I glared at him, but hesitated:

"Why, a motive might exist. She may—er—have been infatuated with Reuben."

"She was," said Stuy. "Tom Rhodes tried to tell me all about it once, but I ignored it."

"Well, you must remember Mr. van Beck went there with the idea that he could drive her away from Reuben, and he took one hundred thousand dollars with him as a maximum bribe. She may have been infuriated, and her act may have been impulsive."

"No," said Richard, and I listened eagerly to see how his mind would work; "that leaves out of consideration the fact that Reuben was there. A woman with her man handy wouldn't dream of acting for herself; she would just naturally expect him to defend her."

"Yes," I consented; "that's reasonable. But maybe he came in after the shooting."

Mr. Noone seemed relieved at this suggestion. He told me so later. His attitude was that he hated to be taking part in fastening a crime on Reuben Keane, the son of the man he himself had shot down, despite,—nay, even because of,—his feeling that the young man had inherited his evil traits and tendencies.

"But," said Stuy, "Reuben was not home to dinner. Father and I dined alone. Hold on! I have it. The

Western express stops here to let off passengers only, and if on time, it stops at eight-forty."

"I see," said I; "he might have dined on the train and gone straight from the station to this resort of his——"

"Certainly," agreed Stuy.

As I was about to resume, Dick again interrupted.

"In that case, wouldn't Dolan have seen him? and if so, he would have stopped him or followed him; for he knew, you tell me, the reason for Mr. van Beck's visit and the importance of having Reuben out of the way."

"You're right, it seems to me," I admitted. I turned to Noone: "Looks to me as if Dolan had fallen asleep in the car, after all."

"I don't like to think that," said Noone, eagerly. "He worshipped Mr. van Beck. For God's sake, don't voice that suspicion to the old chief! It would break his heart."

"Well——" I said, puzzled, for I had already taken a liking to the faithful old chief of police myself. "——Well, was there any other way of Keane's getting in so Dolan wouldn't see him?"

"Yes," Noone replied, starting up. "Coming from the station, the shortest way would be through that building on Third Street that backs on his house on Fourth——but unless he had a key,—at night,—it would probably be closed."

"Well," I resumed, "let us give Dolan the benefit

of the doubt and assume Keane had the benefit of a key. The question then would be whether Keane arrived after or before the shooting. Mr. van Beck left the house when?"

"Shortly after eight, sir," Stuy replied.

"How long would it take to drive up there from this house?"

"Well," said Stuy, "in my car——"

"No," interrupted Mr. Noone; "Mike Dolan brought some old car or other, not to attract attention."

"Then, twenty minutes would be nearer right,—eh, Dick?"

Dick nodded, and I went on:

"That's better, for I've been puzzled over the long time that seems to have elapsed. But, assuming there was going on an argument with this girl—her refusal even to consider giving up her lover, your father's exasperation at finding his way made harder than he had expected and then Keane's coming up—— I have it! Dolan said the place was dark; Keane would naturally have expected it to be going full blast. If he had gone up a back way, he'd have noticed the silence and darkness below, and then he may have heard voices raised in dispute and may have burst in and seen a man in the room with his inamorata and fired—I mean without thinking."

"But, Mr.—er—Uncle John, the doctor said it was the position of the wound that made the bogus opera-

tion reasonable. Mr. van Beck was shot from the front."

We all looked at one another in new doubt, or in growing certainty,—put it whichever way you like.

But, as I saw a stern angry look on young van Beck's face as he stared anew at the figure of the infant Cain, I said:

"We must not jump to conclusions. For, if the pistol was fired by the woman, it would have accounted for that."

"Maybe," said Stuy doggedly. "But remember the chipped butt. It was Reuben's pistol."

"Yes," interposed Mr. Noone; "but he might have left it with her,—a sort of protection. Lots of rough characters frequented the place, Dolan said, in telling your father about it. And she used to dance for them. She may have asked for a weapon."

I was almost amused at the conscientious effort the old man was making as *avocatus diaboli*. He was, in a way, defending the young man he hated, first, because he was his father's son, and second, because of Keane's long known hostility to his half-brother.

Here Dick broke in: "But we have digressed from Uncle John's discussion of motives."

"Yes," I encouraged him; "what's your theory, Richard?"

"Well," said Richard slowly, "so far as motive is concerned, remember the will."

"Ah," I said; "you think——" He went on:

“Reuben had everything at stake. He had falsified that page of the will; but he could not be sure the change had not been detected. If it had been, Mr. van Beck might have been made aware of the attempt and his scheme be at an end. If it had not, the sooner Mr. van Beck died, the sooner he would profit under the changed will. So, assuming he did go up the back way and found his stepfather there, he may have seen his opportunity to end all uncertainty and have pulled out the gun and fired.”

“Impulsively, Mr. Noone!” I could not resist this triumphant ejaculation. But the old man looked almost resentfully at me, and I felt ashamed of myself. Surely, vanity is a habit of mind and hard to break. But, as I have hinted, Mary March, as editor, or reader, or critic, as you will, of this narrative, will cure me of it.

“By Jovel!” said Stuy, “it’s after one. Dick, you’ll have to stay here tonight. Hullo, what’s that!”

We listened. We all heard a car back-firing. Rushing to the windows, we saw in the moonlight a car gathering speed headed down the drive.

“That’s Reuben’s car!” exclaimed Stuy. “That proves it!”

“Now, now,”—I sought to calm him,—“it proves only that we’ve narrowed it down to two. Three minus one is two. We’ve got no further than that.”

I dissuaded him from ringing up Moran, and we all went up to our rooms.

CHAPTER XIII

Reconciliation is the antidote of misunderstanding

WHEN I went down to luncheon the next day, Mr. Noone came out of the library—washing his hands with delight (that was the impression conveyed thereby)—and asked me to turn in, which, of course, I did. He thereupon presented me to Mary March. I stepped eagerly forward, and as we clasped hands, we looked straight and steadily into each other's eyes.

We went into the dining-room. Mr. Noone, with an amusingly crafty air, excused himself after the meal and Mary and I went back into the library. What I saw pleased me in every way, and I was the more anxious for her approval, since I was convinced there was still a barrier between me and Dick. She was apparently slow to reach her conclusion. In fact, I learned that afternoon, during our long talk together, that my callous forgetfulness that I had a nephew, with no other kin, when so noted a man as Dr. Jowett had died, nearly turned the scale in favor of definite dislike.

But my earnest desire to make amends to Dick and my willingness to eat humble pie or to take a course of it, won her over.

But that part of our conversation is a bit trying to recall. I do not care to perpetuate it. Her nature was of too fine a mould to let her be influenced alone by my desire to help Dick by way of amends. But my penitent earnestness helped.

Slowly, I drew from her a whimsical sort of review of her life since her mother had died and had left Professor March helpless, by reason of his increasing absent-mindedness, on the hands of her daughter, a girl of twenty. Mary kept house, looked after his clothes, his income, his accounts, his lecture appointments. Without her as his memory, he would simply have been unable to keep his curricular appointments. He was learned, not only in his own department of English literature, but in history as well. And once started,—a fascinating narrator. He could tell you, instantly, the pedigree of any historical character, even the names on the distaff side of the nobility of the smaller German states or of the eastern European principalities.

When it came to the college social functions, she had to drag him to them. It was at the president's annual reception to the freshmen that she met the three friends, Stuyvesant van Beck, Michael Moran, and Richard Jowett.

She fell in love, she said whimsically, with all three on the spot, and asked them to come to one of her Sunday evening suppers, when her father, surrounded by a group of admiring young men, would ramble over

wide fields of recondite history, more fascinating to hear, she said proudly, than mere novels are to read.

She became the confidant of the three, as of the other students who were lucky enough to win her approval and be included in these gatherings. Stuy and Michael both had proposed to her long before the slow-moving Richard could pluck up his courage. The mere fact that he was the last, focussed her attention the more on him. She admired Moran for his wit and brilliancy, but she belonged by her maternal training to that school of Protestant Christianity that still suspects the mental integrity of any Catholic. She was very fond of Stuy; but his frequent scrapes, of which she was made aware because of being called in to plan how to extricate him from the consequences, showed him up at that period as careless, without the higher ambitions, and too eager to pursue the pleasant things. He never did a mean thing; but, again, he gave no promise of ever doing a great thing.

Moreover, when she was eighteen, and before these lads had come to college, she had had an experience with Reuben Keane that had frightened her,—and when she learned that Stuy was his half-brother, it helped turn the scale against him.

But Richard, she learned, by some process of inference known to womankind, had the feeling that one ought not to make love until he was ready to support a wife; and as that time seemed very far off, he kept

grim silence. "And how could I be the first to speak?" she asked.

But at one of their Sunday evening discussions, it seems, she had brought up casually the topic of plans for the approaching post-graduate days. The old professor had reacted unexpectedly to the words "post-graduate."

"I recall so clearly, my daughter, my post-graduate days at the University of Virginia, when I met and married your dear mother." He had stopped and had gazed into the fire. There was a silence, respected by all the young men. Mary confessed to me that, as she had glanced over, she had seen Richard's eyes fixed on her with a great longing. It made her nervous. Without thinking, she had said to her father, sub-consciously expressing the objection she knew Dick was entertaining:

"But, father, what did you have to live on?"

The old man had started, had looked confused, but had brightened up:

"Well, my dear, I had some tutoring, and she taught school, and we lived on love, until I got my degree and my faculty appointment."

"But, when you proposed,—father,—you had nothing. Was it fair to mother?"

"Was what fair, my dear?" her father had asked, bewildered.

"Why, to bind her by a promise, when you could not know when it would be possible to marry."

"But how else could I be sure of having her for my wife?" he had asked, still puzzled.

"But think of her long waiting and the uncertainty."

"Not so long—only four years, my dear, and Jacob served seven for Rachel. And the sacred writer says: 'they seemed unto him but a few days, for the love he had to her.'"

There had followed a silence, broken finally by Richard, who leaned forward and said:

"Then, professor, you don't think it dishonorable for a young man who has no definite prospects to tell a girl that he loves her and to—er—ask her to—er—wait for him?"

And his face had been as red as a radish in the light of the fire as Mary had looked across at him.

"Dishonorable! By no means, young man—er— Mary, dear, what is this young gentleman's name? Jowett? Yes, certainly. By no means, Mr. Jowett; if you're sure she is the right one; but only in such a case,—to make sure of her. Because, as I read the record of the lives of men and women, there are right women and there are wrong women; and the right women have many suitors; and if the right man lack the courage to speak, or act, in time, the wrong man may succeed in winning her. It is the wrong women as much as the right women who have changed the course of history."

And he went on to elaborate his theory by numerous examples.

Dick was the last to pass out of the room, and he had mustered up courage to ask Mary, as he said good-night, if he could come the next evening.

"And so, that's when it happened," summed up Mary, with a happy smile.

I did some mental arithmetic.

"Then this is the seventh year?" I hinted.

She looked puzzled, but quickly saw my point.

"Yes," she sighed. "It's been a long wait though."

"For Rachel?" I asked.

"For us both, Mr. Ethicus. Why, it is the disappointments that have made it harder."

"Tell me about it," I urged.

"Well," she said, "when Dick came here to the Place, where Stuy's father had control of everything, it looked so hopeful. Michael told me what Mr. van Beck had said about owing his life to Dick's father; but nothing came of that; and time and again Dick would write that he was looking into some offered work or case, and then, in a few days, would come a letter telling of some ethical complication that had prevented his accepting it. Sometimes I could have shaken him—yes, and shaken him off. I got so infuriated at professional ethics! But when I got over the sting of the disappointment, I loved the dear boy the more for his high sense of honor.

"On one of my visits to my aunt, who came here many years ago, I had a heart to heart talk with Michael. There's a friend for you, Mr. Ethicus. He

had been in love with me. Really and truly in love! And I was very close to accepting him. But after I had become engaged to Dick, Michael was loyal to us both, and never gave a sign of his hurt, if he was hurt. And Michael quoted *Lovelace* to me, as an explanation of Dick's quixotic conduct."

"You mean," I said:

"I would not love thee, dear, so much,
"Loved I not honour more?"

"Yes," she replied, "those are beautiful words."

"Very," I agreed. "It's a great thing when a young man can preserve for the woman he loves what Burke called 'that chastity of honor.'"

We fell into a short reverie, which I brought to an end by telling her my plans for Dick.

"You see, my dear,"—and I had to smile as I disclosed the fact that, as Michael would say, was "one on me,"—"in spite of my vanity and its detestation of the term detective, I have undertaken some—I may say, many very interesting—and in the end—to me, very profitable investigations. True I never accepted one in which I could not see an opportunity of building up my theory; but the fact remains, I am rich, and now, for the first time, I have a use for my money. I'll soon be out of the way."

"Don't talk that way, please, Mr. Ethicus," she interrupted.

"I won't," I replied, "if you'll call me Uncle John and help in persuading Dick to hasten the day when that will be the only name to call me. Will you? Remember, it's the seventh year! Come now, swallow your pride and help me get reconciled to Dick. He's fine in his attitude of forgiveness; but I can feel he's still antagonistic and, with his bent of mind, he'll never take a dollar from me."

"Well," she replied, "this fee of two thousand dollars for drawing that will, he thinks, is enough to begin on."

"Well, it certainly is," I said. "Young van Beck is altered by his father's death and the emergency that confronts him. Mr. Noone tells me he is going to put Richard and Michael in as his attorneys. There's a sure income in sight. You must name the day so that I can get my wedding present ready."

She rose and came over, bent quickly, and kissed me on the forehead.

"Thank you, for us both, dear Mr. Ethicus—I mean Uncle John."

I feel reverent as I write down that she kissed me, for I swear it was the first kiss I could remember since the shadowy days of my childhood.

When she had gone, I sat there seeing the fire dimly through the tears that streamed down my wrinkled leathery old cheeks.

As John Dryden phrases it, that kiss

"Went tingling to my very heart;

"When it was gone, the sense of it did stay."

What a gem to put away in the treasure rooms of
memory!

CHAPTER XIV

A mighty hunter, and his prey was Man

—POPE

I MUST go back to Moran, the district attorney. When his friends went off to take Mary home, Michael had gone off straight to the railroad station. The young district attorney reasoned, from the way Reuben had acted, that he had tickets and was prepared for a get-away, which, as he told me afterwards, simply confirmed his idea that he either was the criminal or had guilty knowledge of the criminal, in case the offender were proved to be the Bianchi woman, who had already disappeared.

He knew there was the usual midnight train for the East and that at night it was always dark at the baggage-room end of the building, so he took his stand there against the wall. Presently O'Sullivan and his fellow officer appeared. Then a car drew up at the other end of the platform and, not Reuben, but a woman, closely veiled, got out. As her eye fell upon the group of men, she turned around, spoke to the taxi driver, who was in the act of handing her bags out of the car, jumped back into the taxi, and drove off as hurriedly as it had come. The train appeared and pulled out; but no sign of Keane.

Michael was disconcerted by Keane's non-appearance and by this last incident. He had determined not to show himself, when satisfied that the expected arrest had been effected; but he wondered who the woman could be who had come to this same train, evidently with the intention of boarding it and evidently on the mere off-chance of securing any accommodation. The station agent was never at the station unless he had sold a ticket for the particular train, in which case, he stayed till midnight. He wondered if either of the officers had seen her, and made a mental note to ask them on the morrow. Then it flashed on him that it might be the missing Bianchi girl.

It is putting it mildly to say that Moran was disconcerted by the non-appearance of Reuben Keane at the train he had expected him to take; but, closely as he had been watching, he had failed to notice any particular vigilance or anxiety on the part of O'Sullivan and his companion. As the train pulled out, apart from a curious glance toward the taxi, they were moving off, chatting and laughing. His suspicions were aroused. Emerging from the dark corner in which he had been standing, he hurried after them and called to O'Sullivan, who appeared startled as he confronted his superior.

"Where is Keane?" snapped Moran.

"Sure I don't know, sorr," replied O'Sullivan stolidly.

"Didn't I tell you to stick to him?" demanded Moran.

"No, sorr," replied O'Sullivan, "not after I heard you tell him what you would be doin' to him after midnight and about his feelin' for tickets in his pockets. So we let him pass; and knowin' there was this train at midnight, we came here to be ready in case of ordhers, naturally thinkin' he'd be takin' this train."

In the dimness of the illumination afforded by the one light of the station, Moran was not quite sure, but he thought he detected a malicious gleam in O'Sullivan's eyes. Gruffly dismissing the men, he started home, wondering if Reuben had met them and squared them.

Finally, he plodded his way home, mulling the matter over in his mind. Either O'Sullivan, who had doubtless been behind the partition in Richard's office, or had listened through the door, had really believed that the injunction to stick to Keane was suspended by the apparent permission to "get out" that Michael had given at the end of the little drama in the office; or, more likely, O'Sullivan had been "squared" by Reuben, and Reuben had left in some other way than by train. The quickest way to ascertain that would be to see whether his car were missing. But he was tired, and as it was past twelve, he decided he'd wait till morning.

Before breakfast he rang up the Place, and in a few words told how he had gone down to accomplish

the arrest of Reuben and how he had been disappointed.

As he feared, Stuy told him that Keane's car was not in the garage, and reported having seen him leave about one o'clock. Jowett, who, despite lingering anxiety with respect to the probate of the will, had been relieved of most of his troubles by the exposure of Reuben's fraud, was at Stuy's elbow. He seized the phone. He couldn't resist a sly dig at Michael and spoke: "It's Dick speaking," and added the cryptic word, "Catiline."

"What do you mean,—Catiline?" said Moran.

"*Abiit, excessit, evahit, erupit!*" quoted Richard softly.

Moran's only answer was to ring off.

That day there was nothing in the morning papers of particular local interest. Dick settled down stolidly to take his medicine. "Stuy" had frankly forgiven, or rather, ignored the whole question of Dick's blunder. Michael's solution about going through with the probate seemed to be the best one and, because it was bitter medicine, Dick was predisposed to assume it was the right one. But the afternoon paper was full of the exciting news that had leaked out of the district attorney's intention to indict Reuben Keane, "so long a distinguished citizen of our town, stepson of the late Stuyvesant van Beck," on the extraordinary charge of murder. The district attorney had refused to be interviewed.

All that could be elicited was that the Grand Jury, which was in session, would be asked to bring in an indictment against Reuben Keane and someone whose identity was not yet disclosed, for the murder of Stuyvesant van Beck the elder. Naturally, the reporters had gone hot-foot after Dr. Lax, in view of the filing of his certificate of "death after an operation." But he had left town. The colored girl who answered the door at his office, beyond informing the eager reporters that she was the "lady-in-waiting" for the doctor, could give them no information, except that he had been called away on an "important matter."

Michael was closeted with Dolan, to whom he disclosed the unexpected appearance of this unknown woman at the railroad station, and Dolan had promptly observed, "Sure, that must be the Bianchi person." Dolan was staggered at what Michael had to tell him that he had learned, but his astonishment was mingled with some pride and satisfaction at his own part in the discovery that his benefactor's death had not been due to the "appendasootus." And as he foresaw, with eager satisfaction, that he would be somewhat in the limelight in his official capacity, he readily complied with Michael's suggestion that he should "get busy" and locate that Bianchi woman.

When Michael was left alone, he began to go over the material he had for purposes of submission to the Grand Jury, with a view to securing an indictment. He couldn't see his way, after all, to asking for an

indictment against the Bianchi woman, for there was, so far as he could figure it, no conceivable motive for her shooting van Beck, unless (Michael was startled by the thought)—unless it was to get the hundred thousand dollars. But in any aspect of the case, he must secure her and detain her as a witness, because it was obvious from all he had discovered that she was certainly present at the time the crime was committed.

The identity of the pistol with the chipped butt (for Dick had pointed this out to him the day after the play), and so of its owner, was clear beyond any peradventure of doubt. He himself had been present in the Adirondack camp when Dick had dropped it, after the uncanny exhibition of Reuben's skill and marksmanship. Keane's eagerness to conceal the result of the shot and his cleverness in working upon Dr. Lax's cupidity and his all-but-success in accomplishing his purpose of concealment, pointed to him, the owner of the pistol, as the one by whom the pistol had been fired. What his relations were to the Bianchi woman, other than his ownership of the hell in which she had her headquarters, Michael himself did not then definitely know, beyond Dolan's sketchy reference to her as "Keane's girl." That would have to be ascertained.

Assuming, for the purpose of directing his line of inquiry, that Keane had been interested in this frail creature, and knowing from what Dolan had said, that Mr. van Beck's visit to her had been a perfectly proper one, so far as the moralities were concerned, Michael

made mental allowance, as I myself had done, for the circumstance that Keane may have discovered his stepfather there, and, in total misunderstanding of the reason for his presence, or, perhaps, not recognizing him, may have fired impulsively and without any intent to kill his own stepfather; but even so, he should be indicted, and would have to stand trial.

It became more and more obvious to Michael that he must first locate the Bianchi woman; because, in her knowledge of what took place, lay the key to the whole puzzle. So far as the incident of the will was concerned, Moran had assigned it to its place as an element in the case. By untiring reconstruction of the whole affair, in which, in later consultation, with me, I may say I was of some assistance, he came to the conclusions, ultimately more or less justified, that Keane had in some way discovered that Dick was working on Mr. Beck's will. He could only conjecture what Keane had expected to do when he called at Dick's office. Of course, Keane knew that Dick was poor. He had often been heard to assert cynically that every man had his price. He had so obviously ignored Dick's always treating him as a negligible quantity, that he probably had never really studied his character; so Moran thought that Keane may have intended to try to bribe Dick into supplying information. Or, he may have intended to bribe one of Dick's employees, ignorant of how small that force was.

Michael, who already had been told of the Mulvaney

clan loyalty to Richard, smiled as he thought of what Tommy's reaction would have been to a bribe to betray "our Mr. Jowett."

Keane had evidently found everything going his own way. Only a young boy in charge of the office. The will, in the course of being copied, right there in the machine. The draft lying by it. The language was clear. There was but one word to alter and the whole gift would be reversed. If he was Stuy's half-brother, Stuy equally was his, and once the will was probated, where was the danger?

Michael went on speculating. Everybody in van Beck knew Stuy was "no good" in business, while Reuben had been Mr. van Beck's right-hand man for years. Everybody knew also that van Beck's whole estate, practically, was involved in his corporate investments, which had been under Reuben's personal management. Those who were close to the family as well as many men in the company knew also of the step-father's pledge to provide for Reuben.

So, the express direction to the executors to avail themselves of Reuben's intimate knowledge of the testator's affairs in winding up the estate, coupled with the very terms of the direct bequest of the residuary. "commending to him the interest of his half-brother," would make it seem most natural that Reuben Keane was to be given this residuary and that Mr. van Beck trusted him to look after his careless half-brother, so ignorant of business affairs.

And so, Moran reasoned, Reuben may have assumed that even Stuy, however grieved and mortified at first by the form of the bequest, would never think of putting up a fight. And if Reuben Keane had thought it out further, Michael figured, judging by his own standards, he would probably assume that Richard Jowett would be foreclosed by self-interest and the fear of having his own negligence exposed from taking any step himself to uncover the fraud. It was a pretty plot, and well-nigh successful. Dick's blunder at the time he compared the will and the draft and Mr. van Beck's unaccountable preoccupation at the time of the execution had worked together to let the substitution of "stepson" for "son" pass unnoticed when the will was signed. It was a long chance that Reuben had taken. If either the testator or Richard had been even ordinarily careful, the substitution would have been discovered and rectified. Jowett might have been very sharply called down. Reuben Keane's standing with his stepfather would have been revised. Surely a long chance!

However, as Moran reviewed it, Tommy's mirror and note-book had checkmated the daring stepson; or, —and his thoughts turned admiringly to Mary,—the intuitions of the woman who loved Richard Jowett had taken Tommy's report and notes and then visualized and reproduced what took place with absolute fidelity. Moran laughed to himself as he recalled Keane's expression as the disguised stenographer had rehearsed

how the "mistake" had occurred. His guilty conscience had betrayed him. Moran was inclined to doubt, if the matter should have to be litigated and the case of the altered will were to be brought on for trial at or after the time of probate, with time given to Keane to prepare, aided by clever counsel, whether a case could have been easily proved against him in court. But, thanks to Mary's scenario and, he thought somewhat complacently, to his own grasp of the situation, they had had Reuben on the run in Dick's office, and Mary's triumph had been complete.

Coming back reluctantly to the question of a crime, and putting these various questions together, his mind veered more strongly to the idea of premeditation. With a will that he believed to be in his favor and actually executed, Keane may have reasoned that the sooner his stepfather died, the less danger of discovery of the fraud and the quicker would his inheritance come to him. Still, he couldn't imagine, having only Lax's report of Keane's account, *i.e.*, that there had been a quarrel between the Bianchi girl and his stepfather,—he couldn't imagine how such a quarrel could have arisen. The old gentleman was, after all, a very dignified man, and he certainly wouldn't have stooped to quarrel with this woman merely over the question of terms. Of course, he had not yet found out, to his satisfaction, whether the entire sum that van Beck had taken with him had actually been used, or whether any of it was in the possession of the girl.

But suddenly he remembered one sentence in Dolan's account, when he was elaborating his descriptions of the precautions taken to insure privacy for the interview on that Thursday night, when Mr. van Beck was going to remove the barnacle on his stepson's reputation. This sentence came back to his mind. Dolan had said that after inquiring how he had arranged for the place of meeting, "Mr. van Beck told me he would send Keane off on the Tuesday midnight on an errand that would take him the rest of the week to attend to."

Supposing, mused Moran, paralleling the operation of Stuy's mind the night before, Keane, with his damnable efficiency, had returned on the Thursday evening express that stops at van Beck only to let off passengers from New York, he would easily have had time to go right over to Fourth Street, not a long walk from the station; and suppose he had found the place dark, which, at the time mentioned by Dr. Lax, was not very late and was very unusual, and had proceeded to investigate the situation; and suppose he went up and looked into her room?

He might have seen a man there, and he might, putting it charitably, not have recognized who the man was—a man offering money to his girl—or heard some words of bargain. It was not a theory, thought Moran, so unnatural as to warrant immediate rejection that he might have stepped in suddenly in his anger at her supposed infidelity and shot an intruder, poaching, as he may have supposed, on his private preserves.

On the other hand, if he had intended to shoot to kill, and Blanche Bianchi had been present, and it was the result of a quarrel of which she was the subject, then, the criminal and his accomplice, or, at least, the most material witness, were obviously identified. So Moran continued uncertain for the time being.

What of Richard's mental operations? Here is what he later confided to me:

Stuy had insisted on Dick's staying all night. When, at last, we decided to go to bed, Stuy had become fixed in the conclusion that Reuben had killed his father, and he was all for pursuit, arrest, and trial. Dick was again plunged into gloom; but he could say nothing in opposition to a son's desire to have his father's slayer apprehended. He saw very clearly where it would end if the matter became thus public so far as his own acts and omissions, *in re* the will, were concerned. "*Fiat justitia*," of course; but "*ruat Jowett*" would be the price.

So he kept a stiff upper lip, resisting the ignoble temptation to suggest to Stuy that all the scandalous fat would be in the fire and his father's reputation perhaps smirched. For who, after all, would believe he had gone to such a woman's rooms with a noble purpose. How quickly upon a prominent man's death are the tongues of gossip unleashed, given the slightest pretext or excuse! When good-night was said, he had agreed to get in touch with Moran the next morning and co-operate with him.

Naturally, Dick could not get to sleep. If there was to be an arrest and a trial, the crime could only be fastened on Keane by calling Dr. Lax. My suggestion, that the doctor had released Dick from the bar of "privilege" Dick viewed as an ignorant layman's idea. Dr. Lax's knowledge of the crime was obtained in his professional capacity in response to a summons for his services. He had picked up the pistol. But he, the doctor, Dick mused, could hardly be sustained in a plea of professional privilege, excusing him from testifying, when the patient he had been summoned to serve was dead when he arrived. Keane had employed him, but could not, by any legal presumption or fiction, be deemed the patient.

And if Jowett were to be made to testify, it was likely the avaricious surgeon, by a damnable coincidence now his own client, would be deemed an accessory after the act; for he had known that death was the result of a bullet wound; he had found the weapon, and had made no report to the authorities, but, on the contrary, had filed a false certificate of death.

It looked bad for the doctor. But it looked worse for Dick. He, poor devil, realized that Lax could not be involved as a witness, nor as an accomplice except because he, Jowett, after receiving a retainer and receiving the information under a specially emphasized seal of professional confidence, had violated that confidence by telling much of the story to Mary. And at this point he realized that the drama in his office must

have shown Lax, if he came to think it over, that Dick had not preserved his confidence inviolate.

To Jowett it seemed that night just as bad to anticipate being called unprofessional, and, of all men, by Lax, as it had been, for the last week, to look forward to having the public know he, Dick, had not exercised ordinary professional care in his duty as draftsman of the will.

As he had not slept, he rose early, long before Stuy was up, and while his resolution was still firm, he 'phoned to his rooms to tell Moran what they had decided upon doing. Moran saw at once what Dick's trouble was. The dear boy thought the decision he and Stuy had reached was right because it would hurt him, just as some of his Puritan forefathers are said to have estimated that an act was good in direct proportion to its being disagreeable.

He knew that the quicker he was compelled to act and get the worry of anticipation off his mind, the better off his friend would be. So he replied, requesting Dick to appear before Grand Jury the next day, at 10:30 and to bring the Keane pistol with him. He then rang off, with kindly curtness. Later, as I said, he rang up Stuy.

To explain how the news of a murder charge leaked out, it is sufficient to blame it on old Dolan; for when Michael reached his own office, there were Dolan and the two officers who had been at the door of Dick's office, and,—best of all,—a tearful young woman

whom the old chief complacently identified as the "Bianchi person."

"I got her," he boasted. "She's the female I tould ye about."

"Good for you," said Michael as he ran his eyes over the sobbing prisoner. "How did you do it?"

"Ye'll remimber you tould me lasht thing yisterday of the woman and taxi at the deppo the night before? Well, sor, there being only four taxis in the place, I soon found the wan that had been there, and it took mighty little pershuasion to get the man to drive me to the place the woman had been driven to—and there I found her—and from there I brought her."

Dolan's chest was out; his old eyes sparkled. He was having the time of his life.

Moran noticed the girl was manacled. The handcuffs were a startling reminder of Dolan's theory of the young woman's guilt.

"Did you find the money in her rooms?" he asked sharply.

Dolan started. "No, sor," he replied, "we didn't look. I mane, sor, we found the bag Yer Honor mentioned, and we brought that and two with 'R. K.' on thim with us. We found them in her room. There they are."

At Michael's order, O'Sullivan opened the bags. Blanche Bianchi's bag contained nothing incriminating, nothing that any young woman might not properly have had for the purposes of a journey.

But in one of Reuben's grips,—for such they proved to be,—which was found locked, but was forced open by one of the detectives, was a packet of bills, of large denomination, which Moran reached for and counted.

“One hundred thousand, Dolan,” he said softly.

“Yis, sor,” said the amazed old chief; “but what’s it doing in that bag, sor?” His mind was slow in readjusting his suspicions.

“We’ll come to that,” said Michael. “Meanwhile, you’ll take the bracelets off Miss—er—Bianchi.”

The old chief hesitated. His patron had met death in the miserable creature’s room. She presented to his mind not a shred of innocence.

“Look sharp!” snapped Michael. Dolan jumped. After all, the habit of obedience operated. Any habit will, if evoked sharply and suddenly.

When he had been obeyed, Michael said to the girl, who was eyeing him half gratefully, half in terror:

“Do you understand why Mr. Dolan arrested you?”

The girl, clasping her hands, raised them before her in an attitude of entreaty.

“He say he’s got me for killing and robbing Mr. van Beck. I didn’t, I didn’t! Oh, *I didn’t!*” Her voice rose to a shriek.

Michael silenced her with a gesture. He glanced at the old chief of police. He saw clearly how his mind was working. Dolan recognized in his prisoner that hysterical state in which the most elementary methods of the “third degree” would probably make her “come

across" with a full confession. One would not have to go through the preliminary stages of breaking down her morale.

Dolan clearly expected Moran to begin. To the amazement of the three police officers, however, Moran said to the girl:

"You are still under arrest. If you did not rob or kill Mr. van Beck, I think you know very well who did. I'll give you your chance. You saw Mr. Reuben Keane last night?"

The girl shivered; her eyes looked to the right and to the left, as if trapped. But she said nothing.

"You are under detention as a material witness. You are under arrest because you ran away and tried to hide. You can tell your story to the Grand Jury tomorrow, and I will see then whether you can be released. Take her away! But mind, chief, she is not to be questioned further by any one; not by any one."

Dolan looked outraged, but Michael's air was very masterful. His personality, whether of a Clay or a Spooner, was asserting itself, and Dolan was a little awed by it.

So the old chief obeyed, grumbling under his voice to his aides, as they grasped the girl's arms and led her out to the jail.

Moran got in touch with the foreman of the Grand Jury, who, like Dolan, found himself of unprecedented importance, made his appointment, and devoted the rest of the day to preparing his case for an indictment.

It is inconceivable, knowing the old chief as I now do, that he could resist talking about the arrest and at least hint that there had been a murder.

To Moran, the finding of Reuben's bags showed that that unhappy young man, knowing the officers were after him, had made his get-away in his car, and, even if he had bribed O'Sullivan for that purpose, had not dared to risk going for his bags that night.

Let me put a peg in here. Mr. Noone and I went down to Moran's office. There we swapped facts and compared conjectures and suspicions and entered into an offensive and defensive alliance.

CHAPTER XV

Forget, forgive; conclude and be agreed

—SHAKESPEARE

I must dwell a moment on my reconciliation with my dear nephew. I was determined to make a clean breast of my pettiness to him. So after breakfast, we had a long conference.

I took my medicine, and it was a bitter pill; but the dear fellow was at first cold and unresponsive as I uttered my halting explanations of our quarrel, which I could see hardly seemed satisfactory to the lad. For to call a criminologist a detective, which had loomed large as insulting a score of years ago, when I was puffed up with the pride of success, seems a very little thing. But again, as the night before, he harked back to his discovery that, after all, he was not kinless. That moved Dick mightily, and then I found, as I have written, a great ally in Mary March. For Stuy took me to call at her aunt's. The old lady was bewildered by what the paper had told her, and I was rather irritated by her prosiness and eccentricity; but Mary was so tactful and gentle and patient with her as to persuade me that she was worth her weight in gold as a wife for Dick. And so I ventured to tell her, once more, that I was an old man and a fairly wealthy one,

and that while I knew Dick would hotly refuse any "help" I might offer, it would do no harm if she knew I had made a new will, cutting off the Society of Medical Jurisprudence, and making Dick my sole heir.

I urged her to press,—as a good woman on occasion can properly do,—for an early marriage.

Stuy told her, with great embarrassment, how mortified he was at his thoughtlessness in not having steered any business to his friend, and assured her that his first act of authority as the head of the van Beck interests would be to divert, as speedily as possible, the legal business from Jacobs and Krone's syndicate firm to Michael and Dick, who were to resume their partnership as soon as Moran had completed his official duties in clearing up the mystery of Mr. van Beck's death.

The details of my further talks with Mary and Dick are too intimate to interject and, after all, do not concern this narrative further.

But you can see how happy I was in my anticipation of the future.

CHAPTER XVI

*A woman is the most inconsistent compound of obstinacy
and self-sacrifice that I am acquainted with*

—RICHTER

I

THIS narrative has nothing to do with the unraveling of problems of sexual morality. We have the fact of Keane's infatuation for the frail dancer that he had installed in the rooms back of the resort he maintained in the premises deeded to him by Mr. van Beck. It is only necessary to record, in addition that Blanche Bianchi returned, ardently, passionately, his love,—if such a scoundrel can merit having attributed to him so lofty a feeling.

With her mental processes during the long hours of waiting for the Grand Jury ordeal, we have little to do except to note that, think and plan as she could, no way then presented itself to her of shielding her lover from the danger that seemed to threaten him or of avoiding for him the consequence of his own acts.

When she was taken into the presence of that inquisitorial tribunal that marks a survival of our early Saxon institutions, and serves as a useful clearing house to sift out by its willingness or refusal to indict the probable criminals from those whom mere suspicion or

spite may have implicated in a crime committed in the jurisdiction, she was "all in," as Dolan said.

"She was after crying out most of the night," he told me. Her eyes were bloodshot, her hands clasping and unclasping constantly, as if she were washing them in invisible water.

The only persons present beside the jury itself were Moran, the district attorney; Richard Jowett, Dolan, and herself. It was locally the custom, not elsewhere recognized, to confront the accused, whether principal or an accessory, before the Grand Jury. It was one of Mr. van Beck's notions of justice, and though I was surprised to learn of it, I could see its great possibilities. Mary listened intently while Michael told the jurors what he assumed had taken place. He reminded them of the secrecy attendant upon their deliberations. He told tersely and yet dramatically of the scene in Dick's office, of Keane's admission of the alteration of the will of his stepfather, of the production and recognition of the pistol; of Dr. Lax's confessing to having concealed the gunshot wound and picking up the weapon in Blanche Bianchi's room, where van Beck had been found already dead. He referred to Dr. Lax's absence; for he was not yet ready to believe it was a disappearance. He called Dolan to explain, but skillfully suppressing the detail the self-important chief was constantly volunteering, the presence of van Beck in so questionable a place. Then he called Richard to iden-

tify the pistol as the one he had himself broken and so to fasten the ownership on Keane.

He then called the girl, warning her of her right not to incriminate herself, and informing her that she was not directly accused of murder. Here he struck a snag. She had evidently independently made up her mind to silence. For, after one question that surprised Dick and Michael exceedingly and which Michael answered without thinking, she maintained an obdurate silence.

The question was due to a fugitive impression made on her memory by a chance remark years before. James McCosh always told his classes that no mental impression once registered on the brain was ever completely lost; but that, given the proper association of ideas, it could and would be re-evoked and might dominate conduct. She had heard that a wife could not be made to testify against a husband. Why not, she reasoned, in her passionate desire to shield her lover, murderer though it was claimed he was, why not assert she was his wife? If only she could get word to him. Hence it was, as I have reasoned it out, that she asked Michael:

“Can you make me, his wife, swear against him?”

“His wife!” exclaimed Moran, off his guard in surprise. “Why,—why, no!—I suppose not.”

“You see!” she answered, with a pleased look. And for an hour she sat, apparently contented, but without one word of reply to the questioning of the district

attorney and the Grand Jury,—not even to say when she and Reuben had been married.

So Moran nodded and let Dolan lead her out. The district attorney had little difficulty in securing a true bill from the Grand Jury, indicting Reuben Keane for wilful murder.

The waiting reporters and others outside were given the bare news that, in a few hours, brought forth its columns of conjecture, inference, deductions, suspicions, and so forth, which constitute the newspaper pabulum an American community so eagerly craves and devours, and which, far more than "law's delays," or mawkish legislation, or professional hair-splitting, tends to impair the efficient administration of justice in criminal cases.

Let me note here that the young woman was discharged from custody; but Dolan was to have her watched.

CHAPTER XVII

Nothing's so hard but search will find it out

—HERRICK

I

THE action of this little drama had been very rapid. From the employment of little Tommy by Richard, to the incoming of his first client, followed by the client's execution of the altered will and by his sudden death, and, including the exposure staged by Mary March in Dick's office, barely ten days had elapsed. Following that, the Bianchi woman had been apprehended, the Grand Jury had met and brought in an indictment against Reuben Keane. But Reuben had disappeared. Despite the publicity given by the press generally over the country to a "murder case" so dramatic as the one indicated by the indictment, namely, of a stepfather by his stepson, and despite the full description of the fugitive and of his car, no information as to his whereabouts had been received in van Beck.

I was at this time, by the courtesy of young Stuyvesant, staying on and using the library at the Place for the purpose of my writing, and I was constantly officially consulted and asked to take an advisory or

directory part in the young district attorney's campaign. My knowledge that there was suspicion of a crime has been alluded to and explained. All that has been previously narrated came to me, of course, from various sources, as I have told you, or else later on when the young people, whose lives had been affected by this tragedy, called upon me to put it all into this narrative form. I say this so that the reader may give credence to the narrative and to explain how I came to know the way in which the different threads had been woven into the fabric of events.

Old Dolan annoyed me intensely by his respectful allusion, talking to some damned reporter, to "a celebrated detective from New York"; but I'd had my lesson and was too happy to take offense at his after-all natural error.

If I hadn't been a guest at the van Beck house and as constantly meeting the "three musketeers", I believe I should have declined, perhaps rudely, the request to write out this narrative; for at first, to put it very frankly, I had not been at all sure that a murder had been committed. This narrative is perforce a record of several errors and mistakes on my part. But it's part of my cure for Vanity. I knew, when talking the case over with the young men, how dangerous it was to decide *ex post facto* that one had been guilty of murder from merely discovering a possible motive for the crime or from the mere fact that he would benefit by the death. Taking all the facts together, it seemed to

me, as a student of the mental operations of persons who had committed crime, inconsistent with the character of Reuben Keane, that, cold, cautious, calculating as he was and perfectly safe in his administration of his father's affairs, he should precipitate his enjoyment of the advantage he expected to secure under the will, as he had changed it, by so foolish a crime as:

(a) The murder of the testator in a place so readily identifiable as his own;

(b) In the presence of a witness whose vacillating affections, as I assumed them to be, might lead her to turn on him at any moment; and

(c) Then calling in the doctor, another witness after the event, whose sense of professional duty might lead him to disclose the facts.

As I studied the facts, all Reuben wanted was to make sure that *at his stepfather's death* he would be chief beneficiary. The longer time elapsing before the will was probated, the less likely that any one would either suspect or be able to prove his alteration of the will.

Meanwhile, he had all the power he wanted; and the longer Mr. van Beck lived, and the feebler his grasp on affairs, the more freely could he feather his nest.

No, I could see no real motive for Reuben to desire his father's death so soon after his fraudulent act in changing "son" to "stepson."

Again, conceding Mr. van Beck had been murdered, the girl might well have been the one who killed him.

For I had a theory I did not discuss with Moran nor with Dick. It was this. She might have known about the altered will, I reasoned, and have seen her chance to enrich her lover. The calculations that would restrain Keane would not weigh with her. She might well have desired to accelerate things. And yet, she must have known that Dolan was about the neighborhood, for he at least had told her of the millionaire's expected visit. No! Too foolish! She could not have done it! So my mind traveled.

Moreover, the more clever and intelligent the accounts of Keane pictured him, the more I was disinclined to take at its face value the story of this doctor that he had been offered a bribe of \$100,000 by an actual criminal who had then antagonized him by the brutal request to "go to hell" when he demanded the payment of the promised consideration for silence. It seemed too great a risk for a shrewd rascal conscious of guilt to take. True, the Bianchi girl had been, and the occurrences before the Grand Jury showed she still was, devoted to Reuben. Equally true, the doctor could not turn on Keane without forever destroying his own professional reputation; for he had filed a false certificate of death. Moreover, at this juncture the doctor had simply, so far as we knew, gone away on a sudden call that was conceivably a professional one. As will develop later, both Dr. Lax and the Rev. Dr. Towler lived and moved and had their being in the town of van Beck solely through their relation to the

deceased autocrat of that town, and, in passing, it was a queer thing to me, in view of what I had seen of this rather austere, shrewd, cold plutocrat, that he had patronized and given so much in the way of standing and importance to two such extraordinary and hateful persons as the smug Chadband of the Reformed church pulpit and this Lax person, as Mary Jowett called him.

You see that I am anticipating the marriage that so soon took place between Mary March and Richard Jowett.

On the other hand, when Michael told me about what he had observed at the station on the midnight after the little play in Richard's office, I asked him whether he had kept his eye on O'Sullivan. His answer confirmed my growing opinion of this young man's ability. "You bet I have," he had replied.

"Dolan and I agreed," he had gone on to say, "that if O'Sullivan was telling the truth, I was the only one to blame for not making more explicit my instructions after I had told Keane to 'get out' and had made that reference to reassuming my status as district attorney at twelve o'clock. For Dolan said to me, 'you might have known that O'Sullivan stayed on. He sure would have been listening in. He has a very inquisitive mind.' Whereas, if O'Sullivan had been bribed, we knew that he would blow in the money. So we have been watching him in a quiet way to see when that process would begin."

Here Dolan interrupted to say, "And so far, it's only

two or three glasses of beer he'll be drinkin' of an evenin' when he is off duty, at O'Flanagan's place, and there is only one suspicious circumstance."

"What is that?" I inquired.

"Why," says Dolan, "he do be foregatherin' at that same place constantly with a stranger, a giant of a man, with a great head of red hair, who do be living or boarding at the same place where we found the Bianchi woman; and I'd be keepin' me eye on him. No wan seems to know annything about this fellow."

There seemed little else to do at the time except for me to do as I did,—get in touch with the various actors, get their various stories and reactions, and give that promised coöperation of which I have written elsewhere in this narrative.

So a few weeks went by, marked by the remarkable,—and to us all,—highly gratifying spectacle of Stuy's coming into his own. The shock of his father's death had changed,—or, shall I say, crystallized,—the young man's character. The great burdens of administration and control, that suddenly descended upon him sobered and developed him, it seemed, overnight. And the harvest day arrived for Richard Jowett, so long a patient waiter on opportunity, and for Michael Moran as well. The "syndicate firm," as it had been styled in my preceding narrative, so long monopolizing the van Beck business, was compelled, under the keen scrutiny of these two young lawyer friends of Stuyvesant, to liquidate their relationship to the van Beck

corporations. Stuyvesant, who was himself possessed of great mechanical and engineering skill, was one of the first to see the opportunity of making the local plant available for the production of munitions. The fact of this program was widely heralded by the press, for the knowledge that, with the van Beck millions behind it, this plant would be a material asset in the rising tide of opposition to the Teutonic tidal wave, was "news," making for immediate and widespread publicity. If you will recall the reported events of that season of "watchful waiting," while Wilson kept this country out of war, you can understand how one of the first results began to be felt in the town of van Beck in the way of unexplained and apparently inexplicable accidents. These "accidents" resulted in damage to machinery and delays in getting the plants into working order, and other assaults,—several, fortunately, thwarted,—such as acts of incendiarism, dissatisfaction among the employees (some of those holding positions of responsibility having been shot at), so that the hitherto adequate, though small, police force headed by the faithful Dolan were put to their trumps and sorely tested as to their capacity of investigation and detection.

Thus Dolan, a faithful but, beyond the possession of a shrewd common sense, rather an incompetent soul, came constantly to me for counsel. To make a long story short, our suspicions began to center on the red-headed man. There was a good deal in the papers

about German propaganda. Had it not been for the crisis in van Beck affairs and in the joint feeling on the part of the three young men that the greatest service that they could render at the moment was to continue the work Stuyvesant had laid down, the "three musketeers" would have been off, if necessary, *via* Canada.

CHAPTER XVIII

Blood will tell

I

MEANWHILE Tommy's life was full of the spice of excitement. Death, murder, German plots, incendiary fires, sabotage, war news, business for "our Mr. Jowett," moving into new, and to the boy palatial, quarters, the addition of a law clerk and a dark-haired, blue-eyed quiet stenographer, who quickly won his loyalty,—all these combined to stimulate the boy-detective to almost feverish energy.

Out of office hours, he prowled the town. He learned somehow that O'Sullivan was in Dolan's black books, and he took to watching the young policeman's movements.

He became, as a result, interested in the redheaded man and trailed him to his lodging. Tommy, it was, who reported to Richard the description of a new inmate of the two-story wooden house where the mysterious redhead and the Bianchi girl lodged. This house was on a narrow street, running parallel to the river, about equi-distant from the turbines to the north and the business center to the south. The street was the highest east of the river and about half way up the

side of the ridge. Above that lay the woods that ran steeply up and over the ridge; but back of the block of houses ran a wood road into these woods, long disused because of its steepness, but passable as it developed.

There was no fence back of these little houses, therefore. They were detached and a little alley ran between every two to the rear, where each building had an outhouse about forty feet back. Each house, being on a slope, had a front cellar or a basement, and the rear gave directly on the ground level.

The occupants, Tommy discovered, used the rear first-floor room as a kitchen and dining room; on the south side of which, and thus on the alley side, was a window, the shutters of which were tightly pulled in, but the window was kept up a few inches at the bottom.

It was late in December. It was cold, but there had been no snow, only cold rains. Tommy, as soon as it was dark, repaired to his listening-post.

He had worked loose and detached the lowest slat of the wooden shutter and had found the pane of the window on that side broken so that a small triangular piece of glass was leaning out of the corner. The putty was old and brittle, so he extracted the glass, then peered and listened, the excitement rising within him till he could stand no more. Running as he never had before, he searched for Jowett and Moran. About eleven that night he burst in on us at the Country Club, where Dolan and myself and the three young men had

been at dinner and were conferring on the state of the universe over our cigars. Dolan was embarrassed at the unusual surroundings. His manner was almost reverential as he received his Corona.

To us, then, entered Tommy, wet and shivering:

"Mr. Jowett," he cried, "I've found him; oh, I've found him!"

"Who?" we shouted, more or less in unison and regardless of grammar.

"The s-t-e-p man, Mr. Keane, who got away from Mr. Moran there."

Moran flushed, but inquired steadily:

"Where is he?"

"At the redheaded man's place on the hillside——"

"Are ye sure, Tommy?" burst out Dolan.

"I'm sure as sure," said Tommy; "only he's disguised."

"Disguised!" I cried.

"Yes," said Tommy proudly; "but I pinitrated the disguise!"

We shouted with laughter at the words and the manner of the Mulvaney heir.

Tears came to the lad's eyes. Stuy jumped to his feet and went over to him and put his arm over the boy's shoulder, saying:

"Forgive us, Tommy; we're startled, you see, and we've been very anxious, and your news is a great relief. Tell us about it."

"Hold on," I said; "look at the boy's clothes. Go

slow now, everybody, or he'll be sick." Hastily the locker man was sent for and the protesting boy dragged off, to reappear soon, after a rubdown, ludicrously swathed in someone's old golf trousers, a huge sweater, and a pair of dilapidated sneakers. A glass of hot milk was given him, and he made his report. To avoid the disconnectedness of his story, interrupted by constant queries, I give the summary, concisely:

To digress; Richard, rarely humorous, commented at this point, when I was reading my mss. to the young people, by saying: "That word *summary* reminds me of my father's story of the address to a Sunday-school in Harlem by Dr. Philip Schaff of Union Seminary.

"He arrived early and listened delightedly to a general recital in the Shorter Catechism.

"This was many years ago," he interjected with a smile, "when Union was orthodox."

"When the Doctor was introduced, he began with his slight lisp: 'Tschildren, I wath delighted to hear you rethite the Thorter Catechithm, for it ith the moht magnifithent thummary, I would thay compendium of Chrithtian doctrine, which the hand of man hath ever penned.'

"He must have noticed the look of puzzlement on the faces of the little tots on the front chairs, for he stopped, and then added, 'Letht you may not underthand what I mean by compendium, let me thay that ith thynonumuth with thynophthith——' "

To resume. Three nights earlier Tommy, sleuthing

around this house, had heard a noise in the woods. Working about cautiously, he came to the wood road and found that a car had been backed into the woods so that, while concealed from the west, it was headed back up the hill and yet off the road in the underbrush. Crouching in a thicket, he had seen a woman come from the car, steal to the edge of the woods, and give four sharp whistles, low but quite clear.

Twice this signal was given before he heard it answered behind him.

This woman then emerged, crossed the clearing, and bolted into the rear of the house he was watching. He then investigated the car, but he knew nothing of cars, and his description was not good enough to enable us to form any idea of it.

The next night his spying was unproductive. But this third night he had seen and heard that which had brought him to us wet and exhausted.

It seems that when he peeked through his broken slat and window he saw a table at which, at one side, sat the redheaded man opposite the Bianchi girl. With his back to Tommy sat O'Sullivan. This, you can imagine, caused an outburst from Dolan, who was quieted down by Michael.

For a while nothing happened but a murmur of conversation of which Tommy could understand nothing, except one explosive remark of the policeman, which roused us all to angry exclamations.

"Sure," said O'Sullivan, "you bungled that last fire,

sorrel-top, though I gave ye ivery opportunity to get through to the place.”

“Wait!” cried Tommy, as Stuy sprang to his feet: “They’ll be there all night. Let me finish.”

At this point a fourth person had come in, and Tommy recognized the woman from the auto. Tall, for a woman, slight, with large gold spectacles, and white hair tightly drawn back over her ears, in a black straight gown, she strode to the table from the door to the front room, and as she sat down, she shook her fist at O’Sullivan, saying: “Damn you; shut down on that bull of Bashan voice of yours! It would carry to hell from here!”

“And it was Mr. Keane’s voice!” shouted Tommy; “and I looked closter, and he had that ring on his hand I saw the day he came to Mr. Jowett’s office and pressed on the typewriter those letters in the will. I know it’s him. Will ye let me go with you to catch him? Please, Mr. Moran,—oh, please?”

Our preparations were hurried. Dolan had the warrant for Keane.

“I’ve kept it in me pocket constant like!” he assured me.

“We’ll need none,” he added, “for the dom firebug.”

The Place was on our way from the Country Club, and we stopped there first for Stuy’s automatic. Thence we rushed to town, where Richard got the pistol with the chipped butt and Moran and I were supplied with revolvers by Dolan, who, now that action

was called for, proved calm, alert and resolute, and quietly took command. Tommy was allowed to go along to stay in the car, which we left at some distance. His instructions were that if any one ran his way he was to "yell like hell." This gave the lad a definite part, but was intended to keep him out of danger, and he proudly got into the front seat.

We stole forward. It was after one, and while the rain had stopped, it was misty and very cold. The plan made in the car was that Richard and I were to guard the rear and Michael the front, while Dolan claimed the right to enter, if he could, by the cellar or basement window and nab his quarry asleep.

But when we got to the place itself, an idea occurred to Moran, and he called us back a short distance.

"Dolan," he said, "you remember what that girl said when she was examined?"

"She said dom little," grunted Dolan.

"Yes, but she said she was Keane's wife," rejoined Michael.

"Well, I never believed that," rejoined the old Irishman. "For why would a fox like Keane tie himself by marriage to the loikes of her."

"True," said Michael impatiently, "but they're in there together and probably in the same room. You can't go in alone with that tiger-cat to help this man, who will be desperate if discovered,—and then that German is big enough for any two of us—and it's a safe bet both men are armed. For all we know, O'Sul-

livan may be there, and he'd fight to a finish if he saw we were on to him. No, we must change our plan."

"Well, I'm listenin'!" growled Dolan.

Michael's plan was this, and was adopted:

He and I were to guard the rear, hiding behind the outhouse. Stuyvesant and Richard were to work into the woods and find the car, which Stuyvesant said he could easily put out of commission; and there they could wait and nab the fugitive or fugitives if they got through us. Dolan was to pound on the front door and raise Cain, and the neighborhood if necessary, and so flush the game. He announced himself as "aquil to anny three scoundrels" if they should by any chance combine to attack him.

I approved the plan, and we scattered accordingly. Dolan's last word to us was that we were to shoot if necessary,—but to shoot low and disable the men.

In a few minutes we heard Dolan hammering on the front door. Almost immediately two figures crept out of the back door, one in men's clothes and one in a woman's gown. The latter was sobbing and urging the other on. Moran and I accordingly concentrated on the woman, and as her figure passed the outhouse we jumped out. She ran back towards the house from which a fusillade of shots rang out. We were both at her heels, and bore her to the ground. After a violent struggling, the figure relaxed and lay limp. As she did so, Michael struck a match and found the lamp.

Moran motioned to me to watch the figure on the

floor; then, rushing through to the front, collided with the huge German, who, dazzled with the unexpected light, blinked and halted. Whereupon I fired. I am positive I hit him, for he clapped his hand to his side and charged into, over and through me, and got away into the night. We never saw him again; though how he got away we never knew.

Michael returned, leading a disheveled, staggering, pale, and woe-begone chief of police, twisting his neck wryly to and fro. It seems the redhead had injured him in the knee in the interchange of shots, then had jumped him and throttled him with "hands like hams," being interrupted just in time by Michael, whom he had thrown one side, with his gigantic strength, and then charged his way to safety.

At this point our first victim moaned. I turned her over, thinking, of course, we had Reuben in his disguise. Dolan leaned forward and blinked: "Hell and hounds," he said; "it's that dom Bianchi girl!"

The figure opened its eyes and smiled a sad yet triumphant smile. She sat up and looked about.

At that, Michael snapped out:

"Then the other—the one we thought was a man—that was Reuben after all. Speak, girl! Was it?"

She laughed at that; and, rising, snapped her fingers at each one of us, saying maliciously: "And if it was, you cannot make a me speak, if I'm his wife!"

Michael and I darted out the back and towards the woods—I am getting very old, and the pace was cer-

tainly telling on me. So Moran naturally outdistanced me. Lights were appearing in the other houses; cries and inquiries could be heard as neighbor called to neighbor.

But soon I heard a triumphant shout and sat down to await the group whose excited voices I could hear approaching.

It was the three friends dragging behind them the bedraggled Reuben. His white wig shredded away; his clothes torn off, leaving him in mere shirt and drawers; his head bleeding from the stunning blow that Richard, hiding in the rear of the car, had dealt him with the pistol with the chipped butt, as he had been fumbling with the mechanism while trying to start the car.

Amid a chattering, excited crowd, we bundled Keane into our car, which had been sent for, Tommy having run up at the sound of shots, after all! We left the poor Bianchi girl alone in the house. Dolan promised her she could see her "husband" if Mr. Moran would sign a permit. To me Dolan whispered: "That'll hold her here, and I've got one of them dictyphones in the cell, and we'll listen in, sor, on the both of them!—without letting Mr. Moran know. He's too darn chivalrous, as they call it."

Our wires got crossed, so far as our deductions of guilt were concerned, by a fact that was developed later on that night.

Dolan had expected to find O'Sullivan at the house

when we had made our raid. But we all agreed that the redheaded man was the only one to break through our cordon; so, before any news could leak out that we had discovered O'Sullivan's treachery, Dolan had placed the officer under arrest as soon as Reuben had been locked up.

I was about all in; but, at Dolan's request, he and I went to the young policeman's cell. Physically, he was a fine-looking, upstanding lad, somewhat disheveled by the fight he had put up when arrested in bed.

Dolan made him stand before us as he started his inquisition:

"Well, me lad, what've ye got to say fer yerself? Come clean, now."

"Clean on what?" snarled O'Sullivan. "I've yet to hear what charge ye have against me."

"Niver moind the chaarge," snapped Dolan. "Ye fell down on your duty as a mumber of the force."

"That's a harsh thing to say, captain," said the policeman. "But how come I'm arrested? Neglect of duty calls for charges and a hearing and a fair trial——"

I whispered to Dolan, "He's right; but don't let him suspect what we know—yet."

"Leave me be," rejoined Dolan; "I know what I'm about. I can handle him." Then to O'Sullivan, suddenly, "How much did Reuben Keane give you to let him slip through your hands?"

O'Sullivan looked obviously relieved. This was a

charge, he clearly thought, which mere denial would meet, unless Keane could be apprehended, and he knew nothing about the latter's arrest.

"So you're charging me with accepting a bribe, are ye, captain?"

"Sure," said Dolan laconically.

"Well, then, divvle a bribe have I ever had from anyone; and it beats me still how that fellow got away. Have ye word of him, captain?"

"Sure, I've word of him."

O'Sullivan turned pale. He gulped, and then, deciding to brazen it out, asked:

"Whatever had he done that Mr. Moran wanted us to shadow him that way for?"

"How would murder strike you?" said the old chief.

O'Sullivan wilted. He was certainly staggered by the word "murder." I saw that, whatever his complicity might prove to have been, he had not known of this feature of Keane's conduct—of course, assuming at this stage, that we had fastened the crime on Reuben.

"For God's sake, captain," he implored; "ye'll not be thinking I'd help a murdherer to escape! This is news to me. I've heard of no murdher. Who was killed?"

"What would ye say," asked Dolan, slowly, "if I tould ye Reuben Keane had killed his father in the room of that Bianchi woman on Fourth Street last Thursday night?"

"When?" asked O'Sullivan, excitedly.

"Say between nine and ten of the evening."

"My God! I was on that beat that ——" He stopped short and glared at us both.

"Sure ye was. I saw ye go by!"

"You saw—— Where were ye, captain?"

"Niver moind where I was. I saw ye."

The young fellow was thinking hard. I could almost see his process of reasoning:

- (a) Keane charged with a murder;
- (b) And he was on the beat when the murder took place;
- (c) Hence, Dolan suspected him of guilty knowledge;
- (d) Then, when told to keep an eye on Keane the next week, he was accused of letting him slip;
- (e) And he was charged with accepting a bribe to do so.

He moistened his lips with his tongue and looked helplessly around.

Suddenly an idea struck him. It was a good idea; for, when he gave utterance to it, our recently built up theory of the crime received a hard and destructive jolt. O'Sullivan's eyes took on a crafty look.

"Well, if ye saw me as I passed Keane's resort,—and I remember now I did so about ten o'clock and the place was dark,—that was queer now, captain, and I thought so at the time, and went up and tried the door, ——Mebbe you noticed that too,—if ye were there!" he interjected silyly.

"Go on; ye may take it I was there."

"Well, divvle of a sign of annyone did I see except a big redheaded man going down that alley that cuts through to Third Street. You'll have seen him too, then?"

"What's that!" demanded Dolan in excited surprise; "The redheaded man!"

I laid my hand quickly on his sleeve. I didn't want the impulsive old Irishman to spill the beans (an expression I recently learned from Moran), and it was imperative he should not let O'Sullivan know that we already knew of a redheaded man.

So when Dolan incautiously said "the redheaded man," I broke in: "A redheaded man, Captain Dolan, is what O'Sullivan said he saw going down that alley—and no one else!"

This last phrase diverted O'Sullivan's mind:

"That was the strange part—no one else—and usually there's many going in or coming out of the place. I wonder why it was locked up." He paused and then broke out:

"Say, captain, there's a side door down that alley that leads up to the rear rooms. Why couldn't this fellow I saw be going to that door, and——"

Dolan looked at me; but I turned and looked at the prisoner.

I asked quietly: "So you think that if Mr. van Beck was murdered that night at that place, this man may have been the murderer?"

"And why not?" he replied eagerly. "That would let Mr. Keane out——"

"And you also? eh?" I added.

"I had nothing to do with anny murdher. I'll swear it on the Book!" he cried.

"An' ye had nothing to do with——" began Dolan; but I stopped him in time and persuaded him to leave O'Sullivan to a night of self-administered third degree, for guilty as he clearly was of something wrong, and ignorant of what we could prove to connect him with this charge of murder, he was sure to pass a bad night.

I rang up the Place and learning the three musketeers were all there still, Dolan went down there with me and came in for a short council of war.

The reactions of the three friends to the O'Sullivan theory were characteristic.

"Thank God! it wasn't Reuben!" said Stuy. "I was a cad to suspect him of so terrible a thing! But what motive could this redheaded man have? So far as I have thought this out, he's just one of these German sabotage agents. Tommy said something about O'Sullivan letting him in to the power-plant yard where the explosion was."

Moran interrupted and asked a question first.

"Did O'Sullivan know the redhead had made his getaway, Dolan?"

"He couldn't have," replied Dolan. "I arrested him meself, directly I had Keane in a cell, and the lad was in bed, and he was fast asleep at the time."

"H—m!" Moran cleared his throat; "my opinion is unchanged. He was evidently in with both Keane and the redhead; for Tommy saw them both in the room, through the window. But it took the boy quite a while to find us, and that gave O'Sullivan plenty of time to go to bed. No, if he is loyal to Keane, it's because he was heavily bribed, and he'd throw over the redhead first to save himself against your charge of complicity with Keane. I'm still out for Reuben for that shooting. His dive—his girl—his pistol!"

"Yes; but Michael," said Stuy, "this redheaded man, assuming him to be a German, would have a motive. Dick is wrong. For, since we announced we were going to make munitions, we've had three attempts made on our plant. I meant to tell you, we've Federal secret service men now, sent here to help ferret this out."

"An ye never said a word to me," observed the old chief in a hurt tone.

"I only met them this afternoon, Dolan, and I would have told you in the morning. Don't lay it up against me, Mike." He went up and laid his hand affectionately on the old man's shoulder.

"Say no more, say no more," protested the loyal old man. "For the moment I thought ye was after disthrustin' me."

"Not for a moment," Stuy denied, then resumed:

"Don't you see?"—and he turned to me,—“that the papers say that this sabotage has been directed to places where there are big plants.

“Of course we ourselves didn’t even dream of going into munitions before dad died. That is, of course, I knew nothing of it; but these Germans, no doubt are informed as to all possible places. And what could more surely have broken up our plans, if they thought we had such plans, than to murder dear father, the head of our mills. Look for that redheaded man, Michael.”

I confess this reasoning struck me forcibly and persuasively:

But Michael was stubborn. He shook his head:

“No, Stuy; I’ve known Reuben a long time, and I’ve always distrusted Reuben, and lately I’ve studied Reuben, ever since overhearing a talk he had with Joseph Krone when I was nodding in the alcove at the club. I’m out for Reuben and,” rising, he added, “I’m off for bed—Come along, Dolan, and you, Richard. We must all sleep. We have our work cut out for us.”

I suddenly noticed Mr. Noone, who, it developed, had been sitting near us, an engrossed listener.

As we walked up the wide staircase, he said:

“I’d be glad, Mr. Ethicus, if Stuy proves right about this stranger, for I hate Reuben so, for his attempt to disinherit his brother, that I would feel as if I had killed him if my testimony contributed toward proving him guilty——”

And he broke off abruptly and hurried to his room.

II

So Keane was in jail. Daily he was visited by his reputed wife. Disappointedly, old Dolan listened at his amateur dictaphone. Beyond hearing the Bianchi girl tell Reuben that she told the Grand Jury she was his wife, and hearing Keane's reply choked off, as if a hand had been placed over his mouth, as in fact it had—for the girl was developing extraordinary cleverness in the crisis confronting her and Reuben,—he heard nothing but muttered conversation, of which he could make nothing. Michael, learning of the dictaphone—I believe I let the news slip reluctantly—himself sat in once for two hours, with no better luck.

The girl made no further attempt to leave town. To be sure, she was closely watched. But her magnet was the wretched prisoner who held her in van Beck. The more his self-control deserted him, the more she yearned over him—her Italian blood, one generation back, was not apt to cause her any revulsion of her feelings towards Reuben. Whatever she had seen, the effect of which had been at first to terrify her and lead her to hide, it became clear to Michael, who no longer believed that any marriage had in fact taken place, that her terror was due only to her belief that Reuben was in danger. So he allowed her to be undisturbed. She became almost happy in her daily visits to the jail.

Dr. Lax had vanished. But in December a class-mate had visited Richard. At the club, when the three friends were entertaining him, he suddenly remarked:

"Oh, by-the-by; I meant to speak of it! I went to Quebec some weeks ago to see dad and the mater off to Europe,—and whom should I see in the saloon as I left the steamer—but that old slimy partner of your father's, Dick,—Max?—Wax?—What was his name?"

His audience jumped.

"Lax!" they shouted in unison.

"That's it," said Cumberland. "And I must hand it to him. He's improved since you and I used to hate him so."

"Improved?" said Dick incredulously, staring at his friend.

"Sure!—improved; that's what I said. He was in uniform—and was part of a medical unit going over with a shipload of Canadians. He looked sad and sort of stern; but he had no longer that pompous look that used to get our mad up so—remember?"

"Yes," replied Dick slowly; "I remember——"

III

On Sunday night, Dick, Michael, and Stuy took me to the darky church. The incumbent of that sable pulpit was beginning to be heard of—Father Brophy had told, as too good to keep, of the Bethsaida and

Chorazin story that led to the rechristening of Gabriel's mules, and old Tobias Towler had tried to constrain his fellow-members of the "clergy club," to their great annoyance, to elect the negro to their fellowship. How else, he demanded, could they claim to be a representative body? He even brought up what Mar described as a *soixante quinze* of an argument, that he felt sure "his esteemed but lamentably deceased parishioner" would have highly approved of their so doing. "Whereupon," reported Mar in delight, "we voted it down unanimous."

However, some reporter had drifted into one of the services at the colored chapel, had made copious notes, and the Rev. Abijah Bildad Johnson had got on the front page locally.

The young men were a little late and, resisting the too obvious blandishments of an usher to inveigle us all up to the very front, slipped into the rear pew. The "Rev. Johnsin," as most of his parishioners called him, was singularly lacking in the characteristics that American humor usually attributes to negro preachers. He liked to see white folks come into his church,—because they occupied seats and the paucity of evening congregations is a church problem where there is no color line. There were "hat" (collection) considerations too. True, some of these strangers were ill-bred, and laughed. But no one ever laughed twice. The preacher had direct ways of addressing such delinquents personally, with descriptive phrases, completely identi-

fyng them, that were disconcerting and apt to turn the laugh on the disturbers.

The chapel was plain. The walls were whitewashed. The pews almost rocked as one leaned back in them. The old ingrain carpet was threadbare. The Mason and Hamlin melodeon was of the vintage of 1870. But the voices of the negroes, uplifted in the songs of Zion, with their instinctive harmonization; here a giant basso profundo, rolling his eyes as he dropped an octave below normal; there a sweet, resonant tenor; and everywhere a surrender to the swing of the melody,—singers swaying sidewise, almost in rhythm, with their eyes fixed on the preacher beating time with his book from beside the humble pulpit stand. The whole thing gripped our three friends,—particularly Stuyvesant.

This young man, so long leading a happy-go-lucky, care-free existence, had been brought up all-standing by his father's death, his stepbrother's villainy, and the publicity of guesses in the newspapers as to what was the real situation in the van Beck matter,—the necessity confronting him of assuming in dead earnest the reins of estate management.

Young van Beck had waked up. His experience had suddenly and completely matured him. He had been doing some intensive thinking; and his friends were not long in realizing his drift. He said never a word as to his former inutile life. Nor did he make any protestations as to his new purposes. But they all saw he

had changed. Shocked into manhood, Stuy had become alert, keen, businesslike in the finer sense: he asked his lawyer friends to make clear his position as his father's heir; his rights in the various corporations his father had controlled. He had insisted on Dick's superseding the "syndicate firm" as general counsel. He had eagerly fallen in with the suggestion of one of the superintendents of one of the mills as to adapting the plants to making munitions for the Allies,—and Stuy's knowledge of mechanics enabled him to appreciate the value of the suggestion. It gave him a feeling that he could really prove himself useful—and he was busy on plans and specifications.

His formerly contemptuous fellow-directors yielded to his unexpected firmness of decision, clothed in that personal charm so rarely used in the rough-and-ready contacts of business life.

His case was simply another proof of the proposition that, if you can only make a clean, wholesome American lad stop and think, he'll make good.

So the music of *Steal Away* crept into Stuy's very soul. He sat down breathless—though he had only listened.

The ebony-faced preacher stood a long minute searching the faces before him. He announced his text as, "*I will*," which he said his hearers could find scattered throughout the Scriptures and he hoped they would look it up for themselves.

He was not an educated man. His speech was that of the ordinary Southern Negro. His voice was full of resonant and tender modulations, swelling at times to a thunderous denunciation of the sins of his flock, which he all but particularized.

Suffice it to refer only to that which sank into young van Beck's heart; and, in a way, contributed to his complete achievement of manhood.

"Hallelujahs!" and "Bress de Lauds!" had been punctuating the speaker's address, as one or another of his hearers thought he had identified the nailing of someone else's turpitudes. Here and there a head was hanging down, as a guilty conscience fitted to a particular worshipper some particular coat of invective. But mostly there was a sea of upturned faces as he expounded his theory of the power of Man's Will.

"Whar did Man get his will? He got it, wid all de res' of himself, from the Good Lawd who made him in de Garden of Eden." He made impatient allusion to the excuses of the Sinner that it was that same Good Lawd who willed all that came to pass. He burst out,—*"Many a brack sinner, who t'inks he's got religion while he goes on a-playin' craps and a-drinkin' and a-stealin' and a-quoillin', blames it on de Good Lawd, an' den talks about de doctrine ob election,—as if dat doctrine meant dat de Good Lawd was boun' to sabe him if he did go on sinnin', or to damn him even if he did do right."* He summed it all up by saying, *"Dat ain' de true doctrine ob election.*

“De way ob dat doctrine ob election is dis-a-way— it’s as plain as de nose on yo’ face:

“De Good Lawd He vote dat a man go to Heaben and de Debbil he vote dat a man go to Hell, *an’ it’s de way dat man votes dat carries de election.*”

“De way de man votes!” The words stuck in Stuy’s mind. He heard little else.

Some days later he spoke of it,—almost shyly,—to his rector, Mr. Dean; for he had almost at once left the ministrations of Tobias Towler after his father’s funeral. Dean smiled: “That’s pretty good theology, isn’t it? To know God’s will is not so very hard. You know how He has voted. Now it’s up to you to carry the election.”

Stuy gripped his hand.

His later acts proved his “vote.” He summoned his friends.

IV

As district attorney, Moran had been able to give Stuy complete details of the intricate, sometimes oppressive, but mostly beneficial, operation of his father’s political machine. Dolan had been told as much and as little as Michael thought wise to tell him, and became his faithful ally. Dick’s job, as Stuy put it, was to ascertain how to readjust the franchises of the various van Beck public utilities so as to make them in fact subject to municipal control and so as to become a real public benefit and a source of income to the town and

country. Stuy called a mass-meeting of the people, and announced his purpose to a dazed audience, after a report showing his relinquishment for the public benefit of a huge annual profit, of which the community had hitherto been deprived.

He notified the political leaders of *both parties*, at a meeting in the library at the Place, at which Dick and Michael were both present, that the van Beck companies were *out of politics*. All who had known the careless lad were astounded at his quiet, firm, manly, and able speech.

They did not know what to make of it. The only comment overheard was "nutty!"

Stuy, with Dick and Michael as fellow-directors, plunged into his duties with a zeal and a thoroughness and a capacity that amazed those who had watched him during the two years in which his father had made patient, unavailing efforts to bring him forward. And, strange to say, the van Beck interests continued to show a steady gain, despite the elimination of graft profits and the divorce of political and police coöperation.

CHAPTER XIX

*When all the blandishments of life are gone,
The coward sneaks to death, the brave live on*

—SEWELL

I

THE day of the trial of Reuben Keane was at hand. The visits of Blanche Bianchi were so regular and so devoid of incident that the watchfulness of the jailers relaxed. Moran had kept the press pretty successfully at bay. The public was, accordingly, still divided in its opinions on Reuben's guilt. Moran kept his witnesses and his facts under cover. Krone, who had appeared for the accused, and had persistently asserted that it was a case of suicide, nevertheless wore a long face. Keane had sullenly refused to talk to his quondam intimate. He knew Lax had disappeared. That was all to the good. He had grasped, with acute intelligence, the full import of Blanche's assertion that she was his wife. She could not, therefore, be made to testify. Reuben himself had a right to decline to testify. Therefore, all Moran could put in would be circumstantial. So Keane kept a resolute silence. He clung desperately to the belief that the mere proof of his ownership of the pistol found by his stepfather's body was not sufficient to implicate him. Krone wanted

to demand an exhumation of the body and a coroner's inquest, but Keane angrily forbade it. Then Krone made an application to be allowed to inspect the minutes of the Grand Jury on the ground that the accused had had no hearing before a magistrate. This application, which appeals to the discretion of the Court, was granted. Krone was staggered by the facts discovered by that record. He repaired to the jail. Blanche and Reuben were together.

The attendant let Krone into the room and locked the door on leaving them.

"What luck, Sam?" said Keane eagerly.

Krone glanced at the girl warningly. Whereupon Reuben reassured him with:

"That's all right. She's my wife—it's safe."

Both men grinned at the reference to Blanche.

"Well, Reuben," said his attorney; "it's bad. You never told me about changing that will. That supplies a motive. What you admitted and what Lax admitted in that interview—and that damned chipped pistol would hang any one."

Keane whitened. His hands gripped each other. Blanche watched him—Krone sat waiting. Finally he broke the silence.

"Why don't you loosen up, Keane,—come across with ammunition for the fight. Damn it, man; the trial is on in two days—I can't get another hour's delay from Moran or from the Court—and you have not given me one bit of assistance. Loosen up, I say!"

“What’s the use?” demanded Keane savagely. “Suppose I told you, or the jury, that I got in on an earlier train than I expected; and, on my way home, ran over to see Blanche; and that I found some one sitting with his back to me offering a roll of money to my girl; and that on a sudden overmastering impulse of anger I fired—not knowing who it was——would you believe me?——Would they believe me?”

Krone shook his head dejectedly.

“How could I believe you, Reuben,——Your father was shot *in front*——you’ll remember.”

Keane shuddered. Blanche burst into hysterical sobbing.

Krone continued:

“But—it’s a chance the jury might do it——there’s sure to be some one on it that you or I have helped some way in the past. Even a disagreement would gain time. I’ll risk it. I’ll put you on the stand. Good-bye! I’ll be off.” He hammered on the door to recall the jailer.

Keane made no reply when Krone had left. The girl came over and sat on the edge of the cot by him.

“Is it bad, Reuben?” she whispered as she put her arms about his shoulders and kissed him.

“Couldn’t be worse,” muttered the wretched man, slumping down in his dejection. She whispered to him. He started up. She took a little box from her pocket. He nodded.

A half-hour later the jailer came to tell them her

time was up. On the cot, locked in each other's arms, lay the two bodies. The horrified jailer, after shaking them, without effect, rushed out to summon aid.

The doctor pronounced both dead. In the girl's hand was the pill-box. There were two pellets left in it. Upon analysis they proved to be cyanide of potassium.

CHAPTER XX

The end crowns all

—SHAKESPEARE

I

THE death of Reuben put an end, of course, to the criminal proceedings. The undertaker who buried Blanche Bianchi came to Moran with a crumpled envelope he had found in the bosom of her dress, with Michael's name on it. He never published it. He was reticent about it even to Dick and Stuy; but I was allowed to read it. It had moved him deeply. It told, in ill-spelled but simple phrase, of her love for Reuben. It urged him to believe that Reuben had fired without realizing that it was his father he had had before him. It referred pathetically to her ignorance of why he had taken the money. She admitted that they had intended to run away together when Reuben discovered the pistol was missing and then had turned up in Richard Jowett's possession.

"Perhaps," she wrote, "Reuben was bad. But to me he was always good—always my lover—so—the law is too strong for me—we die—together—so it is best." It closed: "Thank you for ordering that the officer remove the chains from me. You will get this only if I am dead."

II

Dick and Mary were married in March. Stuy wanted to give them a house. Dick refused. But he bought it on instalments, which his new employment enabled him easily to meet.

Dick reaped one great benefit from his experience. He somehow lost his interest in ethical discussions. Hard work and lots of it dulls the edge of the speculative life. Beaconsfield once observed, with acute insight, that "the conduct of men depends upon the temperament, not upon a bunch of dusty maxims." Dick was too busy to get out his collection of canons so frequently, and dust them, and polish them, and constantly exhibit them to his friends. He went, of course less frequently, to the club; only once a week, in fact,—Mary insisted on his going that often. He was, in consequence, far more companionable. The other men, except Stuy and Michael, knew nothing of the cause, but were appreciative of the result. Moran slyly tried once or twice to lure him into an ethical controversy; but he good-naturedly agreed with him in public; and, "how can two dispute except they disagree?"

"Don't press your advantage, Micky, I'll admit I've been a prig, preaching away at every one,—as if I had a monopoly of conscience. I'm cured. So be easy on a man, will you?"

Keane's death had made the matter of the probate

of the will simple and a matter of little comment. No one outside the little circle had their attention called to that feature of it that had so nearly wrecked Stuy's fortune and Richard's career. There was some little gossip, due to some of the grand jurors talking in violation of their oath about "a change in the will,"—but it came to nothing.

Moran resigned as district attorney; and the firm of Jowett and Moran was re-constituted.

But they lost Tommy. Stuyvesant van Beck thought that he was under no slight obligation to the lad. To Mrs. Mulvaney's intense pride, the boy was sent by him to a private school in the East—with the promise of college after that.

III

The Rev. Tobias Towler, scandalized by Stuyvesant's defection to his Episcopal colleague's flock, and conscious of the fact that it would react most disastrously on his further comfort in what had been a one-man church, decided to go while the going was good. Ecclesiastical wires, cleverly pulled, had secured him a call,—which he accepted with almost indecent haste.

The last meeting of the "clergy club" was held the Monday before he was to leave.

The clerical foursome met in a driving storm at the Country Club. Father Brophy, who had no extra golf apparel, was evidently reluctant to play; but he

was game enough to start with the rest when the down-pour let up a little. The course was cartographed with "casual water"—but with soaking feet they plodded along, three of them, feeling half-regretful at the coming to an end of their foursome, but also more than half-glad that their fat and florid associate was to be translated to a distant scene.

That obese ecclesiastic himself, sourly solemn, ran true to form; soled his club in every hazard, spoke when others putted—"woofed" on every tee—in short, got on everybody's nerves.

Consequently, the delight of the three dominies may be imagined when, on reaching the eighteenth green, a punchbowl hole, themselves drenched and sopping, they found the green flooded and the hole two inches under water. One after the other holed down; but Towler, who had bragged of his prudence in playing a "floater," and had rubbed it in when the little priest lost a ball in casual water, was condemned to seeing his ball float back and forth across the hole—or on the surface of the water above where the hole was—but, obviously, it would not and could not sink. The other players insisted that he must putt down and that the rules forbade his substituting another ball; that he could not delay the game for more than five minutes, and so on.

With shouts of laughter, they finally declared he had lost the hole and the incident syndicate stakes of five cents a corner.

The unhappy man, who had been constantly rubbed

the wrong way by his recent experience, lost his temper, refused to stay to luncheon, and rushed off, leaving the other three to begin their new fellowship alone. Mar whimsically remarked, "*sic transit gloria Monday!*"

So, my dear young friends, have I come to the end of this divagation from my "*magnum opus*" to which I must confess I am somewhat reluctant to return.

Yours aff'ly,

John Ethicus.

POSTSCRIPT TO THE GENERAL READER
BY ETHICUS

Bishop Potter, of New York, once complained "Nowadays, nobody except printers believes in the existence of a personal devil."

This being brought to the attention of Joseph H. Choate, he smiled at the reporter as he said: "Rob me of that faith, and I could not practice law any more."

This appears to have been the great jurist's form of subscribing to his belief in the tradition of the infelicitous choice made of a patron saint for the profession as represented by the blind-folded lawyer in the church of St. John Lateran.

For generations it has been an acceptable form of humor to traduce the integrity of attorneys.

The Restoration writers were profuse in libellous portraitures: Earle, Overbury, Webster, Beaumont and Fletcher, all have their jibes at the solicitor and his pettifoggery.

In the *Spanish Curate*, the last-named dramatists put these words into the mouth of the lawyer preparing for trial and directing his client as to the witnesses requisite to prove his case! "Get substantial, fearless

souls, that will swear suddenly, that will swear *anything*."

Webster embalms ambulance-chasing in one of his plays, where Pettifog, bragging of his success in soliciting business, congratulates Lionel, in that "now our young clerks share wi' 'em to help 'em to clients."

In another play, one Middleton, son-in-law to a Six Clerk in Chancery, boasts: "Tak't o' my word, I helped my attorney to more clients the last term than he will despatch all his life-time. . . ." To which his friend replies, with deep feeling:

"What a noble, memorable deed was there!"

The joke has worn well. It has lived down the patriarchal mother-in-law variety. It still persists and in vigor. The law's delays, the perjury of witnesses, the unconscionableness of the lawyer when it comes time to settle his bill; that, and a dozen other incidents of the litigious life, are laid at the lawyer's door.

So general and so emphatic was this systematic depreciation of the character of the bar in the public estimation, that the American Bar Association felt called upon to act. During years of patient, unremitting activity, it has erected and secured the adoption, in nearly every State, of Canons of Ethics.

The Association caused to be formulated certain standards of conduct to which the lawyer must be made to conform. Strangely, the opposition to the adoption of these canons came not so much from the pettifogger, or the shyster, or the dishonest lawyers. They were

not consulted, for one reason; and gave little thought to the matter, for another.

Strangely enough, at first, it was men of high integrity, to whom their profession was a noble calling, who objected. "A gentleman needs no canons of ethics," said a lawyer of the old school, scholarly, cultured, refined. "His rule of conduct is *Noblesse Oblige*."

Nevertheless, the Canons came. They are in force. Courts are enforcing them in discipline proceedings.

But, elaborate as they are, they are not all-inclusive. Certain restraints on professional conduct are of such antiquity, so fortified by repeated adjudication, as to "go without saying" anew.

They are known to the community as well as to the Bar.

Thus even the Man in the Street, while he may still entertain the cynical notion that a lawyer has an adjustable conscience, or can be secured to do anything for a fee, nevertheless is pretty sure to possess the conviction (and without realizing how inconsistent he is) that whatever he may disclose to an attorney, once he has been retained, is privileged, and that his business secrets so confided are safe,—just as if he had confessed to a priest or had unbosomed himself to a physician.

In Costigan's *Cases on Legal Ethics*, the principle is illustrated, and the ringing words of Mr. Justice Brewer are quoted,—words used in disbarring an at-

torney who had offered to disclose, for money, confidences of a former client. A criminal knows this rule well. The cases are not rare where a man has employed a lawyer to further an illegal purpose, believing in the lawyer's lack of moral scruple, yet relying on this rule of confidential communications for the inviolability of his scheme. It is a strange admixture of contempt and respect.

Fortunately, such dishonest persons reckon without their ultimate host. When at length they enjoy the hospitality of a court of justice, they find the rule subject to severe limitations, of which laymen, as well as the average lawyer, are ignorant. A lawyer, unlike a priest, to whom comes knowledge of a contemplated crime, is not prohibited from using his knowledge to prevent the crime.

The rule, however, is fairly strict. To illustrate: On the one hand the extreme is the case of one indicted, let us assume, for a capital crime. Jeremy Bentham laid down the rule in this regard, long ago:

“When, in consulting with a law adviser, attorney or advocate, a man has confessed his delinquency, or disclosed some fact which, if stated in court, might tend to operate in proof of it, such law adviser is not to be suffered to be examined as to any such point. . . . He is neither to be compelled nor so much as suffered, to betray the trust thus reposed in him.”

And so, nearly a century ago, in England, a lawyer was mulcted in heavy damages for disclosing confiden-

tial communications from his client, as a result of which the latter lost a substantial sum.

On the other hand, the extreme is illustrated by the case where the communication is made and received in furtherance of an illegal purpose.

Here the courts are equally explicit. Lawyers are not invested with their professional privileges as a class in order to exercise their abilities to effectuate frauds or to enable others to commit crimes. In case the attorney is misled and is made the unconscious instrument of the scheme of *fraud or of crime*, it is not only lawful, but it may become his duty, to divulge the communication. For his professional duty is three-fold and puts him under obligations not only to his client, but, as a public officer, to the community and to the courts.

Stephens put a concrete illustration when he assumed A to have consulted a solicitor, pretending he was B, a person of large estate. The solicitor drew the will of B, which A executed by successful forgery.

As Stephens said, "It would be monstrous to say that the solicitor was employed in the ordinary scope of professional employment."

In the story of Richard Jowett and Reuben Keane, several ethical quandaries emerge. Retained by a doctor who has aided another to conceal the real cause of a death under suspicious circumstances, a lawyer learns of facts that in the first place bear on his own interests, seriously affected by an ingeniously attempted

fraud; and, second, he is made aware that possibly a crime has been committed.

His quandary is obvious. On the other hand, that of his friend Michael Moran, the district attorney, whose duty it would be to prosecute the crime, if it should prove to be one, is harder of solution.

In his temporary capacity as legal adviser of a personal client, he learns facts that would ordinarily put his office in motion. Must he, with his actual knowledge so personally acquired, refrain from his public official function until and unless information is laid before him in the usual way?

Dean Costigan, in his fascinating work entitled *Cases on Legal Ethics* (p. 96), puts forward a similar quandary, which he, however, does not attempt directly to solve.

Again, it is equally a question of ethics, involving both the medical profession and our public officers of justice, how far they may go, without becoming accessories after the fact to a crime, in hushing up the details, say of a suicide, in order to avoid great scandal, when no useful purpose could be served by disclosing the facts merely to gratify the morbid appetite of the public.

To go a step further, assume, not a suicide, but a murder, and the death or disappearance of the murderer before he can be apprehended and tried:

Would the police, with the aid of the family lawyer and the physician certifying to the cause of death, be, in such case, warranted in hushing up the fact that a

crime has been committed? The average man will instinctively answer, "No."

These quandaries all arose in the Stuyvesant van Beck case. The circumstances were so unusual that they justify the painstaking record made of the case for the little group of friends who have been involved in these quandaries. I have endeavored,—I believe successfully,—to conceal identities of place and person, of no interest to the reading public. But it will be interesting to know whether the decisions made by Richard Jowett and Michael Moran under the pressure of very distressing circumstances command the approval of those censors of professional conduct who interpret or enforce the Canon of Ethics.

After reading Anatole France's inimitable narrative of the *Crime of Sylvestre Bonnard*, one has to cudgel his brain, as Noone said, to remember just what the crime was of which that lovable, gentle, generous soul was guilty. For myself, as I read eagerly through, I, like dear old Noone, praised Sylvestre Bonnard at the moment for the deed for which it develops he might, under the law, have been incarcerated. Nor will the average reader blame him for it, nor concede it to have been a crime.

Thus there are situations recognized, at least in literature, where the old copy-book adage—traced and retraced by many a Spencerian pen—remains true that
Circumstances alter Cases.

Very truly yours,
JOHN ETHICUS.

