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# **LEG, CULP, AND THE EVIL JUDGE**

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***Green Bag Almanac and Reader*  
2012, pp. 321-380**

**George Mason University Law and  
Economics Research Paper Series**

**12-04**

# LEG, CULP, AND THE EVIL JUDGE

THE FICTIONAL PRECURSORS OF  
HONORED SLEUTHS NERO WOLFE AND ARCHIE GOODWIN  
AND DISGRACED FEDERAL JUDGE MARTIN T. MANTON

Ross E. Davies<sup>†</sup>

## SPOILER ALERT

If you have not yet read *Justice Ends at Home* — it appears in its entirety on pages 328-380 below — and you enjoy trying to solve a murder mystery along with the sleuths in the story, you might be annoyed by some of the disclosures made here. If you are of that type, you should postpone reading this little essay until you've identified the killer of Mrs. Elaine Mount. You have until page 378, at the latest . . .

Nobody could have known it at the time, but when Rex Stout's novella *Justice Ends at Home* was published in 1915, it foreshadowed not only the rise of two enduringly popular fictional heroes (Nero Wolfe and Archie Goodwin), but also the fall of one enduringly objectionable actual villain (Judge Martin T. Manton of the United States Court of Appeals for the Second Circuit).<sup>1</sup>

## LEG-CULP AND WOLFE-GOODWIN

Leading scholars of the work of Rex Stout agree that the two main heroic characters in *Justice Ends at Home* — the flabby, phlegmatic, middle-aged Simon Leg and his sharp, energetic, youthful assistant Dan Culp — prefigured the fat Nero Wolfe and svelte Archie Goodwin who made their first appearance in Stout's 1934 novel, *Fer-de-Lance*.<sup>2</sup> As Stout biographer John McAleer puts it, "eighteen years before *Fer-de-Lance* was written, Wolfe and Archie already lived nebulously in the mind of Rex Stout."<sup>3</sup>

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<sup>1</sup> *Justice Ends at Home* originally appeared in the December 4, 1915 issue of the *All-Story Weekly* magazine.

<sup>2</sup> See, e.g., REX STOUT: AN ANNOTATED PRIMARY AND SECONDARY BIBLIOGRAPHY 54 (Guy M. Townsend, et al., eds. 1980); John McAleer, *Introduction*, in REX STOUT, JUSTICE ENDS AT HOME AND OTHER STORIES xxiv-xxvii (1977) (hereafter "McAleer, *Introduction*").

<sup>3</sup> McAleer, *Introduction* at xxiv.

And yet there were also big differences between Leg-Culp and Wolfe-Goodwin. Their professions were not the same: In 1915 Leg was a lawyer and Culp his office boy (a role that could still plausibly have been a law-apprenticeship), while in 1934 Stout would make Wolfe and Goodwin private investigators. Nor were their roles the same: Leg was slow-witted as well as sedentary, while Culp provided the intellectual spark as well as the legwork. The division of labor between Wolfe (most but not all of the thinking) and Goodwin (most but not all of the physical action) would be more balanced, and more complicated. Nor were their personalities alike. Although he shared Wolfe's love of reading alone in his office, Leg was an intellectual lightweight and a sociable fellow:

As for Mr. Leg's wide popularity among the members of his profession, that was accounted for by the fact that he was a member of all the best clubs, a good fellow, and a liberal friend.<sup>4</sup>

In contrast, Wolfe was almost invariably, well, Wolfe — private and prickly.<sup>5</sup> And although Culp shared Goodwin's vigor and resourcefulness, he was not very worldly-wise and not at all comfortable talking to a young woman — definitely not like Goodwin.

Still, the shape of things to come is obviously there in *Justice Ends at Home*. Stout's "true material," McAleer rightfully observes, "was tantalizingly close."<sup>6</sup>

<sup>4</sup> Rex Stout, *Justice Ends at Home*, in 2012 GREEN BAG ALM. 328, 334-35 (hereafter "Stout, *Justice Ends at Home*").

<sup>5</sup> *But see, e.g.,* REX STOUT, FER-DE-LANCE 157 (1934; Bantam ed. 2008) ("Wolfe got him completely, as he always got everyone when he cared to take the trouble").

<sup>6</sup> McAleer, *Introduction* at xxiv. Compare also Stout, *Justice Ends at Home* at 334 ("[A]ll [Leg] ever did was to sit in the swivel chair and consume novels and tales of adventure at the rate of five or six a week, with now and then a game of chess with Dan, who gave him odds of a rook and beat him."), with REX STOUT, GAMBIT 5 (1962; Bantam ed. Feb. 1964) (the daughter of an alleged murderer says the victim "gave my father odds of a rook and beat him"); *id.* at 17. And then recall Wolfe's own performance in *Gambit*, when he is challenged by an obnoxious chess aficionado:

"Hunh," [Ernst] Hausman said. "I'd like to play you a game of chess."

"Very well. I have no board or men. Pawn to Queen Four."

"Pawn to Queen Four."

"Pawn to Queen Bishop Four."

"Pawn to King Three."

"Knight to King Bishop Three."

"You mean Queen Bishop Three."

"No. King Bishop Three."

"But the Queen's Knight is a better move! All the books say so."

"That's why I didn't make it. I knew you would expect it and know the best answer to it."

Hausman's lips worked a little. "Then I can't go on. Not without a board." He picked up his cup, emptied it, and put it down. "You're sharp, aren't you?"

"I prefer 'adroit,' but yes."



Left to right: Lawyer H.T. Marshall, law partners Martin T. Manton and W. Bourke Cockran, and an unidentified man (circa 1915).

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## MANTON AND MANTON

Unlike Simon Leg and Dan Culp, Judge Fraser Manton — the main villainous character in *Justice Ends at Home* — has passed largely unnoticed by scholars of Stout and of the law. But the fictional Judge Manton is in fact a prefiguration of the infamous real-life Judge Martin T. Manton of the U.S. Court of Appeals for the Second Circuit. The similarities go beyond the names. Indeed, the two Mantons have enough in common to support an inference that Stout based his fictional Judge Fraser Manton on the real Martin Manton, although the real Manton would not become a judge until 1916 — the year after *Justice Ends at Home* was published. In other words, Stout's selection of a corrupt Judge Manton for the lead bad-guy role in *Justice Ends at Home* was intriguingly prescient.

The place to start is with a sketch of the genuine article — Martin Thomas Manton. He was born on August 2, 1880 in Brooklyn, New York. He died in seclusion on November 17, 1946 in Fayetteville, a village near Syracuse, having spent most of his life in the law, and in New York City. Manton graduated from Columbia Law School in 1901 and went into private practice. He was quite a success. By 1903 he was appearing as counsel in reported cases in the state appellate courts. By 1910 he had arrived: He was working with W. Bourke Cockran, a powerful Democratic lawyer-politician

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*Id.* at 30. Appropriately, Wolfe and Hausman are opening with a gambit — the Queen's Gambit Declined, 1.d4 d5 2.c4 e6 3.Nc3.

with whom he would be a partner in law practice until his elevation to the bench in 1916.<sup>7</sup> “Such a Tammany leader was an influential connection for a lawyer on the way up.”<sup>8</sup>

Meanwhile, in 1907 a young Rex Stout had managed an early (and honorable) discharge from the U.S. Navy, partly on the basis of a not-entirely-truthful claim that he wanted to capitalize on an opportunity to attend law school.<sup>9</sup> He did read law briefly in Cleveland, Ohio, but he moved to New York City in 1908 with dreams of becoming a full-time writer, dreams that he would pursue (mostly while living in the city) until 1917.<sup>10</sup> This would have put Stout in New York in plenty of time to read reports in the *New York Times* of Manton’s first headline-grabbing case: *People v. Furlong*, the 1910 bribery prosecution of New York Magistrate Henry J. Furlong, in which Furlong was represented (unsuccessfully) by Manton and Cockran.<sup>11</sup> And in 1914 and 1915, Stout would have been following — along with the rest of New York and much of the nation — Manton’s role as defense counsel in the sensational Becker-Rosenthal case. Despite Manton’s widely publicized efforts, corrupt New York City Police Lieutenant Charles Becker was convicted of (and executed for) the murder of gambler Herman Rosenthal.<sup>12</sup> After Becker’s execution, rumors circulated that Manton knew more about public corruption than he was telling,<sup>13</sup> but nothing came of them.

In sum, in the years, months, and days leading up to the publication of *Justice Ends at Home* in late 1915, Stout would have had a full dose of Martin Manton, a rising and politically well-connected lawyer with a public identity that included apparently intimate association with some of the more corrupt and violent segments of

<sup>7</sup> See, e.g., *Komitsch v. De Groot*, 80 N.Y.S. 970 (App. Div. 1903); *Kane v. Rose*, 69 N.E. 1125 (N.Y. 1904); *People v. Furlong*, 127 N.Y.S. 422 (Sup. Ct. 1910).

<sup>8</sup> JOSEPH BORKIN, *THE CORRUPT JUDGE* 29 (1962) (hereafter “Borkin, *Corrupt Judge*”); see John F. Reynolds, *Cockran, William Bourke*, AMERICAN NATIONAL BIOGRAPHY ONLINE, [www.anb.org/articles/05/05-00146.html](http://www.anb.org/articles/05/05-00146.html) (Feb. 2000); see also Stout, *Justice Ends at Home* at 329 (describing a “large, jovial individual who was known to be high in the councils of Tammany” who could have been modeled on Cockran).

<sup>9</sup> JOHN MCALEER, *REX STOUT: A MAJESTY’S LIFE* 94-95 (1977; Millennial ed. 2002) (hereafter “McAleer, *A Majesty’s Life*”).

<sup>10</sup> See McAleer, *A Majesty’s Life* at 96-142. Stout returned to writing pretty much full-time in the late 1920s, and stuck to it until his death in 1975. *Id.* at 194 *et seq.*

<sup>11</sup> See, e.g., *Furlong Convicted; Three More Accused*, N.Y. TIMES, Mar. 3, 1910; *Court Shows Mercy in Furlong Sentence*, N.Y. TIMES, Mar. 5, 1910; *Who Struck House? A Hastings Mystery*, N.Y. TIMES, Apr. 13, 1910.

<sup>12</sup> See, e.g., *To Try Becker on May 6*, N.Y. TIMES, Apr. 16, 1914; *Becker Again on Trial Today*, N.Y. TIMES, May 6, 1914; *Begins Argument on Becker Appeal*, N.Y. TIMES, Mar. 25, 1915; *Becker’s Lawyers Plan Final Move*, N.Y. TIMES, July 13, 1915; see also *Jury Finds Lieut. Becker Guilty of the Murder of Herman Rosenthal; Blow Crushes Him and His Wife*, N.Y. TIMES, Oct. 25, 1912. Manton’s civil practice was also notable. See, e.g., *Sues for \$750,000 from Eastman Co.*, N.Y. TIMES, July 15, 1914.

<sup>13</sup> See, e.g., *‘Has Grafters’ Names’*, N.Y. TIMES, July 31, 1915.



Martin T. Manton, defense counsel to police officer, extortionist, and convicted murderer Charles Becker (1915).

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New York society. Thus, in 1915, “Manton” might have seemed like an appropriate name for a shady character in the law, especially to a New Yorker like Stout. And thus, perhaps, was the socially and politically adept, and smoothly criminal, Judge Fraser Manton born in the mind of the author Rex Stout, and placed by him at the center of *Justice Ends at Home*.

### AFTERMATH

The parallels between the careers of the two Mantons (and the symmetries between the beginning and the ending of the real Manton’s legal career) are too numerous, varied, and ironic for full treatment in this space. Here is a taste:

In August 1916, just a few months after the fictional Judge Fraser Manton was tagged for the murder of Elaine Mount in *Justice*

*Ends at Home*, President Woodrow Wilson nominated the real Martin T. Manton to fill a vacant seat on the U.S. District Court for the Southern District of New York.<sup>14</sup> Manton was promptly confirmed by the Senate and commissioned on August 23.<sup>15</sup> He joined a distinguished court that included fellow district judge (and later fellow appellate judge) Learned Hand. As Hand biographer Gerald Gunther puts it, Manton, “a Democratic clubhouse politician,”

through his partnership with the Tammany politician W. Bourke Cockran . . . had become a favorite of New York Democratic party officials. These political connections, together with support from the Roman Catholic hierarchy in New York, gained him the federal judicial appointment.<sup>16</sup>

Fraser Manton, too, seems to have reached the bench at least in part based on his social and political connections.<sup>17</sup>

Manton’s career trajectory continued steeply, and in 1918 he was elevated to the U.S. Court of Appeals for the Second Circuit, beating out competition that included Hand.<sup>18</sup> The final step — onto the Supreme Court of the United States — may well have seemed to Manton to be only a matter of time, but it may well also have been with his rise to prominence that his defects became a matter of concern to more people with an interest in the operation of the federal judiciary and some ability to influence appointments. In any event, in 1922-23, when there were three openings on the Court (due to the departures of justices William R. Day, Mahlon Pitney, and John Clarke) and Manton’s name came up, there was opposition. For example, the extraordinarily active and influential Chief Justice William Howard Taft campaigned against him, describing Manton as “a politician down to the ground, and a most undesirable and undignified appointment.”<sup>19</sup> Hand, too, openly opposed Manton’s candidacy,<sup>20</sup> and it went nowhere.

More important, however, was another kind of setback a few years later. Like Rex Stout, Martin Manton was rich before the stock market crash of 1929, and then strapped during the Great Depression. Stout’s solution was to get more money by earning it

<sup>14</sup> 53 Cong. Rec. 12638 (Aug. 15, 1916).

<sup>15</sup> 53 Cong. Rec. 13074 (Aug. 23, 1916); Federal Judicial Center, *Manton, Martin Thomas*, BIOGRAPHICAL DIRECTORY OF FEDERAL JUDGES, www.fjc.gov (2011).

<sup>16</sup> See GERALD GUNTHER, LEARNED HAND: THE MAN AND THE JUDGE 121, 431 (2011) (hereafter “Gunther, *Learned Hand*”). Gunther’s characterization of Manton’s support may not be entirely fair. See *Wilson Names Hough to Succeed Lacombe*, N.Y. TIMES, Aug. 16, 1916 (reporting that Manton’s “professional qualifications were indorsed to the President by many members of the bar”).

<sup>17</sup> See, e.g., Stout, *Justice Ends at Home* at 328, 332, 360.

<sup>18</sup> See Gunther, *Learned Hand* at 231-37.

<sup>19</sup> William Howard Taft to Elihu Root, Nov. 19, 1922 (quoted in ALPHEUS THOMAS MASON, WILLIAM HOWARD TAFT: CHIEF JUSTICE 170 (1965)).

<sup>20</sup> See Gunther, *Learned Hand* at 231-37.

(by writing).<sup>21</sup> Manton's solution was to get more money without earning it (by accepting bribes in return for judicial favors).

The story is told fully elsewhere of (a) Manton's corrupt practices; (b) then-District Attorney Thomas E. Dewey's investigation of Manton and subsequent prompting (or shaming) of federal authorities into action;<sup>22</sup> (c) Manton's jury trial and conviction before Judge W. Calvin Chesnut; (d) his appeal to a special panel assembled by Chief Justice Charles Evans Hughes; and (e) his incarceration.<sup>23</sup> The short of it, though, is that Martin Manton — like his fictional forebear Fraser Manton — attempted to solve his problems by turning criminal. In each case, success was short-lived.

Bennett Boskey was a law clerk to Learned Hand in 1939-40, when the last stages of Manton's case were playing out in the federal appellate courts. Boskey gives a nice capsule of Manton's fate, with an anecdote about the shamelessness required to pose as an impartial judge while taking money under the table:

Manton resigned because he was about to be indicted on a variety of bribery charges. He was subsequently convicted and took an appeal to the Second Circuit, where the conviction was affirmed by a specially-designated panel consisting of retired Justice Sutherland, Justice Stone and Judge Clark. *United States v. Manton*, 107 F.2d 834 (2d Cir. 1939), cert. denied, 309 U.S. 664 (1940). . . . Manton's appeal to the Second Circuit was argued during October Term 1939, and I well remember the indignation of the two Hands [Learned and his cousin and fellow judge Augustus] when they learned that Manton, in going to the courtroom to listen to the oral argument, had seen fit to make use of the judges' "private" elevator. Ultimately, Manton spent seventeen months in the federal penitentiary at Lewisburg, Pennsylvania.<sup>24</sup>

I know of no evidence that Stout was aware of the prescience of his portrayal of Judge Fraser Manton. But ignorance is not proof. It is, however, an invitation to speculation. I would like to think that in early 1939 — when his sixth Wolfe-Goodwin novel, *Some Buried Caesar*, was going into print — Stout was secretly both pleased and disappointed that his authorial instincts about the integrity of Martin Manton had been so thoroughly, and distressingly, correct.

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<sup>21</sup> McAleer, *A Majesty's Life* at 205, 229.

<sup>22</sup> In 1942, not long after the Manton case, Stout would participate in an unsuccessful attempt to prevent Dewey from winning re-election as governor of New York. McAleer, *A Majesty's Life* at 297.


<sup>23</sup> See Borkin, *Corrupt Judge* at 25-82; Gunther, *Learned Hand* at 431-39; Marvin V. Ausubel, *The Rise and Fall of Martin Thomas Manton*, N.Y. STATE BAR J., Mar./Apr. 2010, at 28; see also EUGENE C. GERHART, ROBERT H. JACKSON 170-72 (1958; 2003 ed.).

<sup>24</sup> Bennett Boskey, *Seymour J. Rubin: Some of the Origins*, 10 AM. U. J. INT'L L. & POL. 1245 (1995), in *SOME JOYS OF LAWYERING* 124-25 n.2 (2007); see also *United States v. Brennan*, 629 F.Supp. 283, 299 (E.D.N.Y. 1986) (Weinstein, J.).

# Justice Ends at Home by Rex T. Stout

Author of "Under the Andes," "Their Lady," "A Prize for Princes," "Warner & Wife," etc.<sup>1</sup>

## CHAPTER I. THE PLEA

 The court-room of New York County General Sessions, Part VI, was unusually busy that April morning. The calling of the calendar occupied all of an hour, delayed as it was by arguments on postponements and various motions, with now and then a sound of raised voices as opposing attorneys entered into a wrangle that colored their logic with emotion.

Judge Fraser Manton cut off most of these disputes in the middle with a terse, final ruling on the point at issue. He seemed to have been made for the bench of justice. Rather youngish-looking for a judge of New York General Sessions, with bright, dark eyes and clear skin, he possessed nevertheless that air of natural authority and wisdom that sits so gracefully on some fortunate men.

Perched high above the others in the great leather chair on the dais, black-gowned and black-collared, his was easily the most handsome face in the room. He was liked and admired by lawyers for his cool, swift decisions and imperturbable impartiality; and he was even more popular off the bench than on, for he was a wealthy bachelor and somewhat of a good fellow. He was a prominent clubman, and came from a family of high social position.

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<sup>1</sup> This detective story appeared originally on pages 260-293 of the December 4, 1915 issue of *All-Story Weekly*, and later (with slight modifications that are not included in this edition) in *Justice Ends at Home and Other Stories* (1977). It is reprinted here with the blessing of Stout's family. The footnotes, illustrations (other than the title and the initial dropcap, which are from the *All-Story Weekly* edition), and captions are new for this edition, and were prepared by Ross Davies.

STOUT, JUSTICE ENDS AT HOME



Looking north up Centre Street, across Leonard Street at the Manhattan House of Detention — “The Tombs” — in New York (circa 1905).

The first business after the calling of the calendar was a batch of indictments sent over from the grand jury.

Three gunmen, accused of holding up a jewelry-store on Sixth Avenue, entered a plea of not guilty; they were represented by a large, jovial individual who was known to be high in the councils of Tammany.<sup>2</sup> Then the attorney of a little black-haired Italian who

<sup>2</sup> Tammany Hall, the long-lived and famously corrupt Democratic New York political and criminal organization. See OLIVER E. ALLEN, *THE TIGER: THE RISE AND FALL OF TAMMANY HALL* (1993); Melvin G. Holli, *Book Review*, 81 *J. AM. HIST.* 1698 (1995).



Looking across Centre Street and down Franklin Street, under the “Bridge of Sighs” between The Tombs (left) and the Criminal Courts Building (right), in which genuine General Sessions (including Part 6) of the New York Supreme Court were held during the time of Judge Fraser Manton’s fictional tenure (circa 1905).

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was alleged — as the newspapers say — to have planted a bomb in his neighbor’s hallway, asked permission to withhold his plea for twenty-four hours, which was granted. Two others followed — a druggist charged with illegal sales of heroin, and a weak-faced youth, whose employer had missed a thousand dollars from his

safe. The clerk called out the next case, and a seedy-looking man was led to the bar by a sheriff's deputy, while Arthur Thornton, assistant district attorney, arose from his seat at a nearby table.

The prisoner — the seedy-looking man — was about forty years of age, and his clothing seemed nearly as old, so worn and dirty was it. His face, shaven that morning in the Tombs, had the hollow and haggard appearance that is the result of continued misery and misfortune, and his gray eyes were filled with the heroic indifference of a man who knows he is doomed and cares very little about the matter.

He gave his pedigree to the clerk in a low, even voice: William Mount, no address, age 38, American born, occupation bookkeeper.

Judge Fraser Manton, who had been gazing with keen interest at the prisoner during the questioning, now cleared his throat.

"William Mount," he said, "you have been charged before the grand jury with the murder of your wife, Mrs. Elaine Mount, known as Alice Reeves. Do you wish the indictment read?"

The prisoner looked up at the judge and the eyes of the two men met.

"No, sir; I don't want to hear the indictment," Mount replied.

"Very well. You are brought before me to enter a plea. You understand, this is not a trial, and you are not expected to say anything except a plea to the indictment. Are you guilty of the crime charged?"

A little light appeared in the prisoner's eyes, but speedily died out as he replied simply:

"I didn't do it, sir."

"Then you plead not guilty?"

"Yes, sir."

The judge turned to the clerk to instruct him to enter the plea, then his eyes went back to the prisoner.

"Are you represented by counsel? Have you a lawyer?"

The shadow of a scornful and bitter smile swept across Mount's lips.

"No, sir," he replied.

"Do you want one?"

"What if I did? I couldn't pay a lawyer. I haven't any money."

"I suppose not. Just so." The judge appeared to be examining the prisoner with attentive curiosity. "It's my duty, Mount, in the case that a man charged with a capital crime is unable to retain counsel, to assign an attorney to his defense. The attorney will be paid by the State, also all legitimate and necessary expenses incurred by him up to a certain amount. The State takes this precaution to safeguard the lives and liberties of its children. I will assign counsel to your case this afternoon, and he will probably see you

to-morrow.”<sup>3</sup>

“Yes, sir,” replied the prisoner without a show of interest. It was evident that he expected little assistance from any lawyer.

Judge Manton beckoned to the clerk, who handed him a file to which two or three sheets of paper were attached. The judge looked over them thoughtfully, then turned to the assistant district attorney.

“I’ll set this case for May 18, Mr. Thornton. Will that be all right?”

“Perfectly, your honor,” replied the prosecutor.

“Well, Mount, you will be tried on Tuesday, the eighteenth day of May. Your counsel will be notified to that effect. That’s all.”

As the prisoner was led from the court-room his face wore exactly the same expression of resigned hopelessness that it had shown when he entered twenty minutes before.

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Late that afternoon, in his chambers adjoining the court-room, Judge Fraser Manton was enjoying a cigar and a chat with his friends, Hamilton Rogers, proprietor and editor of the *Bulletin*, and Richard Hammel, police commissioner, when his clerk approached with some letters and other documents to be signed.

“By the way,” observed the clerk as he blotted the signatures, “there will be another, sir. Who are you going to give the Mount case to? He must be notified.”

“Oh, yes,” replied the judge. “Why, I don’t know; let me see. I looked the list over this afternoon, and I thought of assigning it to Simon Leg.” He hesitated. “Yes, give it to Leg. L, E, G, Leg; you’ll find his address in the book.”

“What!” exclaimed Police Commissioner Hammel; “old Simmie Leg?”

The clerk had stopped short on his way out of the room, while an expression of surprise and amusement filled his eyes.

“Yes, sir,” he said finally as he turned to go. A minute later the click of his typewriter was heard through the open door.

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<sup>3</sup> See, e.g., *People v. Nelson*, 80 N.E. 1029, 1030 (N.Y. 1907):

This state has by statute given every person charged with crime a reasonable opportunity to establish his innocence. To that end, when a person charged with crime is unable to employ counsel, the court must assign counsel to aid him. The counsel so assigned acts as an officer of the court. In a case where a person is charged with murder in the first degree, or upon an appeal from a judgment of death, the court in which the defendant is tried or the indictment is otherwise disposed of, or by which the appeal is finally determined, may allow such counsel his personal and incidental expenses and a reasonable compensation for his services not exceeding the sum of \$500.

CHAPTER II.  
THE ATTORNEY FOR THE DEFENSE.

In a nicely furnished office, consisting of two rooms, on the eighteenth floor of one of New York's highest buildings, situated on Broadway not far south of City Hall, a stenographer was talking to an office-boy at nine o'clock in the morning. (Heavens! How many stenographers are there talking to office-boys at nine o'clock in the morning?) This particular stenographer was, perhaps, a little prettier than the average, but otherwise she held strictly to type; whereas the office-boy appeared to be really individual.

There was a light in his eyes and a form to his brow that spoke of intelligence, and he was genuinely, not superficially, neat in appearance. He was about twenty years of age, and his name was Dan Culp. As soon as the morning conversation with his co-worker was finished, he took a heavy law volume down from a shelf and began reading in it.

The door opened and a man entered the office.

The office-boy and the stenographer spoke together:

"Good morning, sir."

"Good morning, Mr. Leg."

The newcomer returned their greetings and hung his hat and spring overcoat in a closet. He was a middle-aged man of heavy build, with an elongated, sober-looking countenance, which formed an odd contrast with his pleasant, twinkling eyes.

"Any mail, Miss Venner?" he asked, turning.

"Yes, sir."

He took the two letters which the stenographer handed him and passed into the other room. The office-boy returned to his law volume. Miss Venner took a piece of embroidery from a drawer of her desk and started to work on it. From within came various small sounds as their employer opened his desk, pulled his chair back, and tore open his mail. Silence followed.

Presently his voice came:

"Dan!"

The office-boy stuck a blotter in his book and went to the door of the other room.

"Yes, sir."

"Come here." Mr. Leg had wheeled himself about in his swivel chair and was gazing with an expression of puzzled astonishment at a typewritten letter in his hand. "Just come here, Dan, and look at this! Of all the — but just look at it!"

The youth's face took on a sudden expression of eager interest as he read the letter through to the end.

"It's a murder case, sir," he said with animation.

"So I see. But why, in Heaven's name, has it been assigned to me? Why should any case be assigned to me?"

The youth smiled. "It is surprising, sir."

"Surprising! It's outrageous! There's no reason for it! A murderer! Why, I wouldn't know how to talk to the fellow. They know very well I haven't had a case for ten years. Dan, it's an outrage!"

"Yes, sir."

"I won't take it."

"No, sir."

Mr. Leg got up from his chair with a gesture of indignation and walked to the window. Dan stood regarding him hesitatingly, with eagerness in his eyes, and finally inquired diffidently:

"Would that be ethical, Mr. Leg?"

The lawyer wheeled with a sharp: "What?"

"To refuse the case, sir."

"I don't know. No, it wouldn't. Hang it all, I suppose I'm in for it. But where's the sense in it? I don't know the first thing about murder. What if he's innocent? How could I prove it? Whoever this Mount is, God help him. I suppose I'll have to go and see him."

"Yes, sir."

Though Mr. Leg talked for another half-hour, while Dan listened respectfully, he could arrive at no other conclusion. There was no way out of it — he must go and see the man, Mount. Heavens, what a frightful, unexpected thing, to have a murderer thrown on one's hands! Really, there ought to be a public defender.

At ten o'clock he put on his hat and coat and started for the Tombs.

Let us talk about him while he is on his way. Mr. Simon Leg was known among the members of his profession as well as any lawyer in the city, but not as a lawyer. In fact, he wasn't a lawyer at all, except in name. He hadn't had a case in ten years.

He had inherited a large fortune, and thus, seeing no necessity for work of any kind, he refused to do any.

It was apparently to maintain his self-respect that he kept an office and spent his days in it, for all he ever did was to sit in the swivel-chair and consume novels and tales of adventure at the rate of five or six a week, with now and then a game of chess with Dan, who gave him odds of a rook and beat him. At first sight it would appear that Dan and Miss Venner had absolutely nothing to do, but they were in fact kept pretty busy picking up the novels and tales from the floor as their employer finished them, and sending them to the Salvation Army.

As for Mr. Leg's wide popularity among the members of his profession, that was accounted for by the fact that he was a mem-

ber of all the best clubs, a good fellow, and a liberal friend.

He is now at the Tombs. Entering the grim portals with an inward shudder, he explained his mission to the doorkeeper, and was at once ushered into the office of the warden, to whom he exhibited the letter from Judge Manton by way of credentials. The warden summoned the attendant, who conducted the lawyer to a small, bare room at the end of a dark corridor, and left him there. Five minutes later the door opened again and a uniformed turnkey appeared; ahead of him was a man with white face and sunken eyes, wearing a seedy, black suit.

The turnkey pointed to a button on the wall.

"Ring when you're through," he directed, and went out, closing the door behind him.

The lawyer rose and approached the other man, who stood near the door regarding him stolidly.

"Mr. Mount," said the attorney in an embarrassed tone of voice, holding out his hand. "I'm Mr. Leg, Simon Leg, your — that is, your counsel."

The other hesitated a moment, then took the proffered hand.

"Glad to meet you, Mr. Leg," he said. He appeared to be also ill at ease. It is a curious thing how the lighter emotions, such as ordinary social embarrassment, continue to operate even when a man is in the shadow of death.

"Well — " began the lawyer, and stopped.

The other came to his rescue.

"I suppose," said Mount, "you've come to hear my side of it?"

"Exactly," Mr. Leg agreed. "But here, we may as well sit down."

They seated themselves, one on either side of the wooden table in the center of the room.

"You see, Mr. Mount," began the lawyer, "I don't know the first thing about this case. I was assigned to it by Judge Manton. And before you give me any confidences, I want to tell you that I have had no criminal practise whatever. To tell the truth, I'm not much of a lawyer. I say this so that you can ask the court to give you other counsel, and I think you'd better do it."

"It doesn't matter," returned Mount quietly. "There's no use putting in a defense, anyway."

Mr. Leg glanced at him quickly. "Oh," he observed. "What — do you mean you're guilty?"

The lawyer shrank back from the quick, burning light that leaped from the other's eyes.

"No!" Mount shouted fiercely. Then suddenly he was quiet again. "No," he continued calmly, "I'm not guilty, Mr. Leg. My God, do you think I could have killed her? But there's no use. I was caught — they found me there — "



Pillars of the New York bar. When Simon Leg took on the William Mount case, George Wickersham (left) was president of the Association of the Bar of the City of New York and William Sheehan was a prominent Democratic lawyer-politician and former lieutenant governor of New York (circa 1915).

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“Wait,” the lawyer interrupted. “I really think, Mr. Mount, that you’d better ask for other counsel.”

“Well, I won’t.”

“But I’m incompetent.”

“It doesn’t matter. Nothing matters. She’s dead, and that’s all there is to it. What do I care? I tell you that I haven’t any defense except that I didn’t do it. No, I won’t ask the judge for anything. Let it go.”

Mr. Leg sighed.

“Then I’ll do the best I can,” he said hopelessly. “Now, Mr. Mount, tell me all you know about it. Tell me everything. And remember that my only chance to help you is if you tell me the whole truth.”

“There’s no use in it, sir,” said the other in a dull tone of misery.

“Go on,” returned the lawyer sternly.

And William Mount told his story.

CHAPTER III.  
THE AMATEUR DETECTIVE.

It was well past two o'clock when Mr. Leg returned to his office, having stopped at a restaurant for lunch on the way. As he entered, Miss Venner and Dan looked up with faces of expectant eagerness, and a faint smile of amusement curled the stenographer's pretty lips. Dan sprang to his feet to hang up his employer's coat, and a shadow of disappointment fell across his face as the lawyer nodded his greetings and thanks and passed without a word into the other room. But it was not long before his voice came:

"Dan!"

The youth hastened to the door.

"Yes, sir."

"Come here." Mr. Leg was seated at his desk with his feet upon its edge and his chin buried in his collar — his favorite reading attitude. "Dan," he said as the other stood before him, "this Mount case is a very sad affair. I'm sorrier than ever that I'm mixed up in it. As sure as Heaven, they're going to convict an innocent man."

"Yes, sir."

"He's innocent, beyond any doubt; but I don't know what to do. Sit down there and let me tell you about it. You're a bright boy; you play a good game of chess; maybe you'll think of something."

"Yes, sir," returned the youth eagerly, bringing forward a chair.

"You know," the lawyer began, "Mount is accused of murdering his wife. Well, she was his wife only in name. He hadn't been living with her for four years. He hadn't even seen her in that time. He married her seven years ago when he was thirty-two and she was twenty-one. He was head clerk in an insurance office, getting a good salary, and she had been a stenographer in a law office. For two years they lived together happily. Mount worshipped her. Then she seemed to become discontented, and one day, a year later, she suddenly disappeared, leaving a letter for him which indicated that she had found another man, but not saying so in so many words. He searched —"

"Has he got that letter?" interrupted Dan, who was listening intently.

"What letter?"

"The one his wife left."

"Oh, I don't know. I didn't ask him."

"All right, sir. Excuse me."

"He searched for her everywhere," the lawyer continued, "but found no trace whatever. He went to the police, but they had no better luck. By that time he had lost his position, having continually absented himself from the office for two months. His heart was

broken, and with his wife gone, he didn't care whether he lived or not. He went from bad to worse, and became practically a vagabond. Half mad from misery and grief, he tramped around looking vaguely for his lost wife. More than three years passed, and the edge of his sorrow dulled a little. He obtained a position as bookkeeper in a coal office, and held it faithfully for four months.

"One evening — this was April 2, a week ago last Friday — he was walking across One Hundred and Fourth Street on his way home from work, when a woman, coming in the opposite direction, stopped suddenly in front of him with a cry of surprise. It was his wife.

"Mount, of course, was staggered.

"He remembered afterward that she was very well dressed, even expensively, it seemed to him. She told him she had been searching for him for the past six months; she had discovered that she really loved him and no one else, and she wanted to come back to him. Mount called attention to his pitiable condition, physical and sartorial, but she said that she had a great deal of money, enough to last them a very long time, many years. Poor Mount didn't even dare ask her where the money came from. He said he would take her back.

"She arranged to meet him the following night at nine o'clock at a drug-store on the corner of One Hundred and Sixteenth Street and Eighth Avenue. He begged her to go with him then, at once; but that she said she couldn't do. Finally they separated. But Mount couldn't bear to let her get out of his sight, and he followed her.

"She took the subway at One Hundred and Third Street, and he managed to get on the same train without being discovered. At One Hundred and Fifty-Seventh Street she got off, and he followed her to an apartment house near Broadway. Soon after she entered he saw a light appear in the east flat on the third floor, so he supposed she lived there. He stayed around till after eleven, but she didn't come out again.

"The next night Mount was at the drug-store ahead of time. She wasn't there, nor did she arrive at nine o'clock. He waited nearly two hours. At twenty minutes to eleven he went up-town to One Hundred and Fifty-Seventh Street. From the pavement he saw a light in her windows.

"He entered the building; the outer door was open.

"A man was standing in the lower hall. Mount barely glanced at him as he passed to the stairs; he doesn't remember what the man looked like, only he has an indistinct recollection that he had a suit-case in his hand. Mount went up-stairs to the third floor and rang the bell at the flat to the east. There was no answer, though he rang several times, and finally, finding the door unlocked, he

pushed it open and entered.

"On the floor, with the electric lights glaring above her, was the dead body of his wife with the hilt of a knife protruding from her breast and blood everywhere. Mount screamed, leaped forward, and pulled out the knife; blood spurted on his hands and sleeves. His scream brought adjoining tenants to the scene. In ten minutes the police were there, and when they left, they took Mount with them."

Mr. Leg took one foot down from the desk, reached in his pocket for a packet of cigarettes, and lit one.

"That's Mount's story," said he, blowing a column of smoke into the air, "and I'm certain it's a true one. The man has an appearance of honesty."

A slight smile appeared on Dan's lips.

"You know, sir, you believe everything people tell you," he suggested diffidently.

"True." Mr. Leg frowned. "Yes, I suppose it's a fault not to be suspicious sometimes. But that's what the man told me, and I'm his counsel. I don't mind confessing to you, Dan, that I'm absolutely helpless. I haven't the slightest idea what to do. I thought of several things, but they all seemed absurd on analysis. I had it in mind during luncheon. I've put a lot of thought on it."

"Yes, sir."

"But I arrived nowhere. As I said before, Dan, you're a bright boy. Maybe you might suggest something — "

The youth's eyes were alive with eager intelligence. "I could think it over, sir. It's a mighty interesting case. There's one curious thing about it — very curious — "

"What is it?"

"I wouldn't like to mention it, sir, till I've examined it more. Maybe I can suggest something then."

"All right, Dan. If you're as good at detective work as you are at playing chess, Mount might do worse after all. Exercise your ingenuity, my boy. We'll talk it over again to-morrow."

"Yes, sir."

After Dan had returned to the other room Mr. Leg sat for some time thoughtfully regarding his inkwell. Presently he shook himself, heaved a sigh, and reached across the desk for a book bound in red cloth with a gilt title, "The Fight on the Amazon."

He opened it at the first page and began to read. An expression of pure content appeared on his face. The minutes passed unheeded. His chin sank deeper in his collar and his hands gripped the book tightly as he came to the fourth chapter, "The Night Attack." At the end of an hour he had reached the most thrilling point of the fight and his eyes were glowing with unrestrained joy.

"Mr. Leg."



The New York City skyline in 1913, with the brand-new Woolworth Building (then the tallest building in the world) on the left and the Singer Building (once the tallest) in the center.

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The lawyer looked up to find Dan standing before him.

"Well?"

"Why, this Mount case, sir."

"What about it?"

"I've been thinking it over, sir, but before we can get anywhere we must obtain more information. Somebody ought to go up and examine the scene of the murder. I'd be only too glad to do it."

"All right, that's a good idea," agreed Mr. Leg, whose fingers were twitching impatiently as they held the place in his book.

"And there are other things we must do, too, sir. Things absolutely essential. I've made a little list of questions, if you'd like to look it over."

With a gesture of impatience the lawyer took the sheet of paper which Dan handed him. Evidently he had been making use of the stenographer's machine, for it was covered with typewriting:

First, to verify Mount's story.

1. Has he kept the letter his wife left when she ran away? If so, get it from him.

2. Where was he employed as bookkeeper during the four months previous to the crime? Verify.

3. Did he wait inside the drug-store at the corner of One Hundred and Sixteenth Street and Eighth Avenue on the night of April 3, or merely in its neighborhood? Find out if there is any one in the store or near it who remembers seeing him.

4. Does he drink to excess?

5. Does he appear nervous and excitable, or stolid and calm?

Second, from the police.

1. With what kind of a knife was the crime committed? Were there fingerprints on it other than Mount's?

2. Exactly at what hour were the police summoned to the

scene, and how long had the victim been dead, according to doctor's report, when they arrived?

3. Did they take any papers or articles of any kind from the flat? If so, examine them, if possible.

4. Has either Mount or his wife any criminal record?

5. Get a photograph of Mount.

6. Did the body show any marks of violence besides the wound in the breast?

Having reached this point, half-way down the sheet, the lawyer stopped to look up at his office-boy with an expression of admiration.

"All this is very sensible, Dan," he observed. "Remarkably sensible. These are serviceable ideas."

"Yes, sir." The youth smiled a little. "Of course, Mr. Leg, you won't be able to see Mount again till to-morrow morning, but you can get the information from the police this afternoon. I suppose headquarters —"

"You mean for *me* to go to the police?" interrupted Mr. Leg in dismay.

"Certainly, sir. They wouldn't pay much attention to me, and besides, I'm going up-town to the flat."

"Well, but —" Mr. Leg appeared to be dumfounded to discover that there would actually be work for him to do. "All right," he said finally, "I suppose I'll have to. I'll go first thing in the morning."

"To see Mount, yes, sir. But you must go to the police this afternoon, at once."

"This afternoon!" The lawyer glanced in helpless consternation at the book in his hand. "Now, Dan, there's no use rushing things. I'll go to-morrow. Anyway, what right has this Mount to upset my whole office like this?"

"He's your client, sir. This is April 16, and the trial is set for the 18th of May. There's no time to be lost."

"Yes, hang it all, he's my client," the lawyer agreed. "So much the worse for him, but I suppose I ought to do the best I can. All right, I'll go this afternoon."

"Right away, sir."

"Yes. You want answers to all these questions, do you?"

"Yes, sir. And to-morrow, besides seeing Mount, you must go to the office where he says he worked, and other places. I'll see about the drug-store myself. There'll be a lot to do."

"There sure will, if we follow your orders." Mr. Leg was beginning to recover his good humor.

"Yes, sir. I'm going up to the flat now, and I —" the youth hesitated — "I may need some money for janitors and people like that. They talk better when you give them something."

"Dan, you're a cynic." Mr. Leg pulled out his wallet. "How much?"

"I think fifty dollars, sir."

"Here's a hundred."

"Thank you, sir."

Fifteen minutes later, having waited to see his employer safely started for police headquarters, Dan took his hat from the closet. On his way to the door he stopped beside the stenographer's desk, where that proud damsel was seated at work on her dainty embroidery.

"Maybe pretty soon you'll think I'm not just a boy any more, Miss Venner."

The lady looked up.

"Oh! I suppose you think you're going to do something great."

"You bet I am." Enthusiasm and confidence shone from Dan's eyes. "You'll see. And then, when I want to tell you — er — tell you —"

"Well, tell me what?" Miss Venner smiled with sweet maliciousness.

But Dan appeared to have no finish for his sentence. Suddenly he bent over and imprinted a loud kiss on the dainty piece of embroidery, and then, his face burning red, he made for the door.

## CHAPTER IV. A SLIP OF PAPER.

It was nearly four o'clock when Dan arrived at the apartment-house on One Hundred and Fifty-Seventh Street, the address of which he had obtained from Mr. Leg. He first stood across the street and ran his eye over the exterior. It was a five-story stone building, the oldest and smallest in the block, with fire-escapes in front. Dan picked out the three east windows on the third floor as those of the flat in which Elaine Mount had met her death.

He crossed the street and rang the janitor's bell. After a minute's delay there appeared in the areaway below a hard-looking customer with a black mustache.

"What do you want?" he demanded gruffly, looking up at the boy on the stoop.

Dan smiled down at him.

"Are you the janitor?"

"Yes."

Dan descended to the areaway.

"I'm from Mr. Leg's office, the lawyer for the man held for the murder committed here. I want to look through the flat. Is there a policeman in charge?"

"In charge of what?"

"The flat."

"No."

"Is it sealed up?"

"No. They took the seal off day before yesterday. But I don't know who *you* are, young fellow."

"That's all right. I have a letter here from Mr. Leg. See." As Dan pulled the letter from his pocket a five-dollar bill came with it. The letter was soon returned, but the bill found its way to the janitor's grimy palm.

"I'd like to go through the flat, if you don't mind," Dan repeated.

"All right," the other agreed more amiably. "There's no reason why you shouldn't, seeing as it's for rent."

He turned and led the way through the dark hall and up the stairs. Dan observed as they passed that the corridor on the ground floor was quite narrow and deserted, there being neither telephone switchboard nor elevator. This was evidently one of the old houses erected on the Heights between 1890 and 1900, with its entire lack of twentieth-century middle-class show.

"Here you are," said the janitor, stopping at the door on the right two flights up. He selected a key from a bunch, unlocked the door and passed within, with Dan at his heels.

With one foot across the threshold, Dan stopped short in amazed consternation. What he saw was a flat bare of furniture, with discolored wall-paper and dirty floors; in short, that dreariest and dismalest of all sights on earth, a vacant and empty apartment.

"But — but — " the youth stammered in dismay. "But there's nothing here."

"Nope. All empty," returned the janitor placidly.

"But how — do the police know of this?"

"Sure. I told you they was here day before yesterday and took the seal off. They said we could take the stuff out. One of the cops told me they had the man that did it, so there wasn't any use keeping it locked up any longer."

"Where's the furniture and things?"

"In storage. Hauled away yesterday."

For a minute Dan gazed at the dismantled flat in dismayed silence. If there had been anything here which would have been of value to his untrained eye it was now too late.

"Spilt milk," he finally observed aloud. "No use crying." He turned again to the janitor.

"Who got the stuff ready?"

"I did."

"Did you take away anything, did you leave papers and everything in the desks and drawers, if there were any?"

"Sure I did." The janitor appeared to be a little nettled at this slight aspersion on his integrity. "I didn't take nothing. Of course there was a lot of papers and trash and stuff I cleaned out."

"Did you throw it away?"

"Yes. It ain't gone yet, though; it's still down in the basement."

"Do you mind if I take a look at it?"

So they returned down-stairs, and there, in a dark corner of the basement the janitor pointed out a dirty old bag filled with papers and all sorts of trash. With a feeling that he was making a silly fool of himself, Dan dragged the bag out into the light and dumped its contents on the cement floor. Then he began to pick the articles up one by one, examine them, and replace them in the bag.

There was a little bit of everything: magazines and newspapers, a broken inkwell, stubs of lead pencils, writing-paper, banana skins, combings of hair, bills from butchers and delicatessen shops.

There was a lot of it, and he pawed through the stuff for an hour before he came across anything that appeared to him worthy of attention. This was a small piece of white paper, rectangular in shape. In one corner was an imprint of the seal of the County of New York, and across the middle of the sheet was written in ink:

Bonneau et Mouet — Sec.

Dan carried the paper to the window and examined it attentively, and ended by sticking it in his pocket.

"I'm crazy, I suppose," he murmured to himself. "It's all right to have an idea, but there's no sense in expecting — However, we'll see."

In another thirty minutes he had finished with the heap of trash, having found nothing else of interest. He found the janitor in the front room of the basement, smoking a pipe and reading a newspaper. On a table before him was a bucket of beer. Already Mr. Leg's five-dollar bill was cheering humanity.

"Through?" asked the janitor, glancing up with a grin that was supposed to be amiable. "Find anything?"

Dan shook his head. "No. And now, mister — I didn't get your name —"

"Yoakum, Bill Yoakum."

"I'd like to ask you a question or two, Mr. Yoakum, if you don't mind. Were you at home on the night of Saturday, April 3, the night of the murder?"

"Yep. All evening."

"Did you hear or see anything unusual?"

Mr. Yoakum grinned, as though at some secret joke. "I sure didn't," he replied.

"Nothing whatever?"

"Absolutely nothin'."

"When did you first know of the murder? What time, I mean."

"Let's see, Monday morning," replied the janitor, still grinning.

"Monday morning!" exclaimed Dan in amazement. "Do you mean you didn't hear of it till thirty-six hours afterward?"

"I sure didn't."

"How was that?"

"Well, you see," replied Mr. Yoakum slowly, as though regretful that his joke must end, "I didn't get here till Monday morning."

"But you said you were at home —"

"Sure, I was home, so I wasn't here. I was janitor down on Ninety-Eighth Street then. You see, I've only been here about ten days. I came after the murder was all over, though I had to clean up after it."

Mr. Yoakum cackled. Dan interrupted him:

"So you weren't here a week ago Saturday?"

"I sure wasn't."

"Do you know who was janitor here before you?"

"Nope. Don't know a thing about him, only he sure put the hot-water boiler on the bum. He was ignorant, that's all I know."

So there was nothing to be learned from Mr. Yoakum, except the name and address of the agent of the apartment-house. Dan wrote this down in a memorandum-book, refused Mr. Yoakum's offer of a glass of beer, and left to go above to the ground floor, where he rang the bell of the tenant on the right. By then it was nearly seven o'clock, and quite dark outdoors, but the amateur detective had no thought of halting his investigations for anything so trivial as dinner.

His ring was answered by a woman in a dirty blue kimono, who informed him that she had lived in the house only two months; that she had never seen the murdered woman, and that she didn't want to talk about so disgusting a subject as murder anyhow. The other flat on the ground floor was vacant.

Dan mounted a flight of stairs and tried again.

Here he had better luck. He was told by a pale young woman in a kitchen apron that she had spoken many times to the murdered woman, who had lived there under the name of Miss Alice Reeves. Miss Reeves had been an old tenant; she had been there when the pale young woman came, and that was over two years ago.

She had been very pretty, with dark eyes and hair, and a beautiful complexion; she was always quiet and reserved, not mixing with any one; she had sometimes had callers, especially one gentleman, who came quite often. The pale young woman had never got a good look at him, having seen him only on the dark stairs; besides, he had always worn a sort of a muffler over the lower part

of his face, so she couldn't describe him except to say that he was rather tall and very well dressed and distinguished looking. She wouldn't recognize him if she saw him.

Yes, said the pale young woman, they had a new janitor. She didn't know what had become of the old one, who had been a little gray-haired Irishman named Cummings. He had been there Saturday evening to take off the garbage, but at midnight, the time of the murder, he could not be found, nor did he return on Sunday; they had been compelled to go without hot water all day. Monday morning the new man was sent up by the agent. He wasn't as good as Cummings, who had been very capable and obliging.

It took an hour for the pale young woman to tell Dan all she knew.

At the other flat on that floor he found a new tenant, who could tell him nothing. Another flight up and he was on the floor on which Mrs. Mount, or Alice Reeves, had lived. Here, in the flat across the hall from hers, he met a Tartar in the person of an old music-teacher who said that he lived there alone with his wife; that he never poked his nose into other people's business, and that he expected them to do the same.

Dan retreated in good order.

On the two top floors he had no better luck; he found no one who had known Miss Reeves, though some had seen her often; nor could he get any description of the mysterious caller who, according to the pale young woman, had always worn a muffler across the lower part of his face. He did find the persons who had arrived first at the scene of the murder, a young husband and wife on the floor above.

Their story tallied with Mount's; they had been attracted by his scream, which they described as piercing and terrible, and, running down to Miss Reeves's flat, they had found her lying on the floor in a pool of blood, with Mount, the dripping knife in his hand, standing above her. It was the young husband who had summoned the police. According to him, Mount had appeared absolutely dazed — half mad, in fact. He had made no attempt whatever to get away, but had remained kneeling over the dead body of his wife until the arrival of the police.

But Dan's greatest disappointment was that he was unable to find among the tenants any trace of the man who, according to Mount's story, was standing in the lower hall with a suit-case in his hand when Mount entered. No one had seen him or knew anything about him.

It was a quarter to nine when Dan found himself again on the street.

A block or two down Broadway he entered a dairy lunch-room for a sandwich and a glass of milk, after which he sought the sub-

way on the down-town side. The train was well filled, though it was too late for the theater crowd, for everybody is always going somewhere in New York. At the Ninety-Sixth Street station Dan got out, walked two blocks north on Broadway, and over to West End Avenue, and entered the marble reception-hall of an ornate apartment-house.

"I want to see Mr. Leg," he said to the West Indian at the switchboard. "Tell him it's Dan Culp."

The Negro threw in a plug and presently spoke into the transmitter:

"Thirty-four? Don Koolp to see Mr. Leg. All right, sir."

He disposed of Dan with a lordly gesture toward the elevator.

Mr. Leg appeared to be surprised, even alarmed, at the unexpected visit from his office-boy. Dan, ushered in by the manservant, found his employer entertaining four or five friends in a session of the national game — not baseball.

"What is it, Dan? Something happened?" queried the lawyer, advancing to meet the youth at the door with a pair of kings in his hand.

"No, sir. That is, nothing important. I just wanted to find out if you got a photograph of Mount."

"Yes, the police let me have a copy of the one taken for the gallery."

"May I have it, sir? I'm going up to the drug-store to see if they remember seeing him there."

"By Jove, you are certainly on the job," smiled the lawyer. "Yes, of course you can have it." He went to a desk at the other end of the room and returned with a small unmounted photograph. "Here you are. But what's the hurry? Couldn't you have gone to-morrow just as well?"

"No, sir. You see, he was there at night, just about this time, so I'm more apt to find somebody who saw him. I didn't want to wait till to-morrow night." The youth appeared to hesitate, then continued, "There was something else, sir. May I have your night pass to the office-building? I want to go down and look at something."

The lawyer's smile became a little impatient. "Well, really now, Dan, isn't that a little bit unnecessary? It isn't long till to-morrow morning."

"All right, sir, if you don't want —"

"Oh, I don't care. Wait a minute. I don't know where the blamed thing is."

This time Mr. Leg had to search for what he wanted, and it was finally found hidden under some papers in the bottom drawer of his desk.

Back up-town went Dan, to One Hundred and Sixteenth Street and Eighth Avenue, one of the busiest spots in Harlem, where he

found a drug-store on the southwest corner. He failed to get any satisfactory information. The two clerks and the boy at the soda fountain declared that they had been on duty all evening on Saturday, April 3, but they had no recollection of seeing any one who resembled the photograph of William Mount. The man at the news-stand outside said that he had an indistinct memory of such a man, but that he couldn't tell just when he had seen him.

"It's been two weeks, so I suppose I shouldn't expect anything," thought Dan as he turned away.

As he boarded a down-town train he was telling himself that Mr. Leg had stated the case mildly when he said that it was a little bit unnecessary to make a trip down to the office so late at night. It was worse than that, it was absurd.

Not for worlds would Dan have disclosed to any one the extent of its absurdity by confessing the nature of his errand; he was himself trying to scoff at the wild idea that had entered his head that morning, and he felt that he was doubly a fool to entertain it as a possibility. Nevertheless, he was so completely possessed by it that he felt he couldn't sleep till he had sought the slight corroboration chance had offered him.

"But even if it's the same it won't really prove anything," he muttered, gazing out of the window down at the never-ending row of lighted shops as the elevated train rumbled along through the night.

At the office-building he was admitted and passed into the night elevator by the watchman on showing Mr. Leg's card. He carried a key to the office, since he was always the first to arrive in the morning. A queer sense of strangeness and loneliness came over him as he switched on the electricity and saw his desk and Miss Venner's, all the familiar objects, revealed by its cold rays.

What a difference artificial light, with the night outside, makes in a room which we have previously seen illumined only by the soft, natural light of day!

Dan passed into the inner room, went straight to Mr. Leg's desk, turned on the electric reading-globe, and cast his eye over the accumulation of books and papers. There were publishers' announcements, social invitations, personal letters, and other things. Almost at once, with an exclamation of satisfaction, he pounced on a typewritten sheet of paper with a name written at the bottom.

He spread this out on the desk, pulled from his pocket the slip he had found in Mr. Yoakum's bag of trash bearing the words "Bonneau et Mouet — Sec," and, sitting down in Mr. Leg's chair, began to examine with minute attention first the name on the letter, then the words on the slip. He did this for a full half hour, with his brows wrinkled in concentration and the glow of discovery in his eyes.

"Of course," he muttered finally aloud, as he put the typewritten sheet back where he had found it, "I may not be a handwriting expert, but those were written by the same man as sure as my name's Dan Culp. He's mixed up in it somehow."

He placed the slip back in his pocket, and going to a case devoted to law volumes and similar works at one side of the room, took out a large blue book and carried it to the desk. He opened it at the front, ran his finger down the list of illustrations, stopped about the middle, and turned over the pages till he came to the one he wanted. It showed a full page reproduction of a photograph of a man. He looked at it a moment, then carefully tore it out of the book, folded it, and placed it in his pocket.

There was a scared look on the youth's face as he turned out the lights and turned to leave the office. As the lock of the door clicked behind him there came faintly the sound of Trinity's midnight chimes.

## CHAPTER V.

### THE POLICE COMMISSIONER.

DESPITE the fact that he didn't get to bed till nearly two o'clock, having consumed half an hour explaining his late arrival to his mother and accepting her good-natured banter on his coming career as a great detective, Dan arrived at the office at half past eight the following morning. He sat at his desk reading till nine, when Miss Venner appeared.

"Well, did you find the murderer?" she inquired sweetly, as he drew out her chair for her.

"Maybe," Dan replied in a tone so professionally cryptic that she burst into a peal of laughter.

"All right," continued Dan calmly, "wait and see."

"I'll tell you what I'll do," remarked Miss Venner as she sat down and took her embroidery from the drawer. "If you win Mr. Leg's case for him — for, of course, he can't do it — I'll give you this scarf I'm working on."

The splendid vanity of this proposal appeared not to occur to Dan. "No; do you mean it?" he exclaimed.

Miss Venner's reply was lost in the sound of the door opening to admit Mr. Leg. Greetings were exchanged. Dan sought his own desk.

A few minutes later, called into the other room by his employer, he proceeded to give him an account of his activities of the day before. He told him all that he had learned at the apartment-house, from the janitor and tenants, and of his failure to find any one at the drug-store who remembered seeing Mount. But there was one thing he did not mention: the slip of paper he had in his pocket; nor did he inform the lawyer that one of his books had been dis-

figured by having a photograph torn from it.

"And now I suppose you're ready for my report," observed Mr. Leg with an amused smile when Dan had finished.

"If you please, sir."

"Well, to begin with, I had a hard time to find out anything." The lawyer took a sheet of paper covered with writing from his pocket. "First I went to the office of Police Commissioner Hammel, who is a personal friend of mine, to get his authority, but he was out of town and wasn't expected back until this afternoon.

"I was afraid you'd call me down if I put it off, so I went to Inspector Brown, and he referred me to another inspector, Lobert, who is in charge of the case. Naturally, I suppose, they regard it as their business to convict Mount, but Lobert certainly didn't want to tell me anything. I got most of my information from a record of the testimony at the coroner's inquest and before the Grand Jury, of which I secured a copy.

"The police arrived at the scene of the murder at twenty-five minutes to twelve. Their story of what happened after they got there is the same as Mount's. They say that the body of the victim was still quite warm; it wasn't examined by a doctor until the next morning at nine o'clock, and then all he could say was that she had died between eight o'clock and midnight.

"They took nothing from the flat except the knife, and nothing from Mount's person of any significance. The knife was an ordinary steel paper knife with an ivory hilt, presumably the property of Mrs. Mount, or Alice Reeves, under which name the murdered woman was living there. The police didn't examine the hilt for finger-prints, as it was found in Mount's hand. Besides the wound in the breast, the body showed no marks of violence. Neither Mount nor his wife has any criminal record."

The lawyer handed the sheet of paper to Dan as he finished.

"So," observed the youth, "the knife doesn't tell us anything. I was hoping —"

"Well?" the other prodded him as he stopped.

"Nothing, sir. That is, nothing that is worth telling. But that doesn't matter; we've only begun. Of course, we can't expect any real help from the police; all they want is to convict somebody. Are you going to see Mount this morning, sir?"

"I suppose so." Mr. Leg frowned. "The Tombs is an extremely unpleasant place to visit, Dan. Extremely. But, of course, if it's necessary —"

Mr. Leg suddenly smiled, arose to his feet, drew himself up, and performed a clumsy imitation of a military salute.

"At your orders, Captain Culp."

When, a little later, the lawyer departed on his way to the Tombs, Dan remained behind to go over the testimony at the in-

quest. But he found nothing in it of importance except what Mr. Leg had already told him, and, having finished it, he left the office in care of Miss Venner and descended to the street.

A Broadway surface-car took him to a certain address near Union Square which he had got the day before from Mr. Yoakum. He entered a door marked in gilt lettering, "Levis & Levis, Real Estate," and, after explaining his errand to a clerk, was admitted to the private room of a junior member of the firm.

"Yes," replied the agent, in answer to his question; "we had a man named Cummings working for us. Patrick Cummings. Yes, he was janitor of the house where the murder took place. But we don't know where he is now."

"Isn't he with you any longer?"

"No. It was mighty curious. He disappeared suddenly, and the funny part of it is we still owe him fifteen dollars wages, which makes it really mysterious. All we know is that when one of our men went up there Sunday, on account of the murder, Cummings was nowhere to be found, although the tenants said he had been there Saturday evening. We haven't heard anything of him."

"I should think," observed Dan, "that you might have suspected his disappearance was connected with the murder."

The real-estate agent smiled condescendingly. "You're a great little thinker, my lad. We did suspect it, and we communicated the fact to the police. I myself told Inspector Lobert about it. He said he'd let me know if they found him, but I haven't heard."

"Would you mind describing him to me, sir?"

"He was a little gray-haired man, about fifty, I should say, with light-colored eyes — I don't know if they were blue or gray — and a scraggly mustache. He was about five feet seven and weighed about one hundred and thirty-five pounds."

"Had he been working for you long?"

"About three years."

"Thank you, sir. One other thing; I'd like to get permission to go through Mrs. Mount's furniture and things — Miss Reeves, you know. The janitor says it is in storage. A letter from you, sir —"

"Nothing doing," returned the agent. "It's under the jurisdiction of the probate court, and I couldn't give you permission if I wanted to. You'll have to get a court order."

So Dan went back down to Chambers Street, where, after interminable delays and examinations of his credentials from Mr. Leg, he obtained the sought-for permission. Then he had to wait another hour until a court officer was ready to accompany him to the storage warehouse; and in the end he had all his trouble for nothing. Among the hundreds of papers and books and other articles which he examined till late in the afternoon, he found absolutely nothing of significance.



The view down Broadway from Chambers Street, with the Post Office on the left beyond City Hall Park and the Singer Building towering in the distance (circa 1910).

“It’s mighty curious,” he muttered disgustedly, “that I shouldn’t find one letter, or one book with his writing in it, or anything.”

It was after four o’clock when he handed the court officer a two-dollar bill out of Mr. Leg’s diminishing hundred and left him to go farther up-town. His destination was the house on One Hundred and Fifty-Seventh Street, and when he arrived there he once more made a round of the tenants, from the top floor to the bottom.

To each of them he showed the photograph which he had torn out of the book in his employer’s office, but no one remembered ever having seen the man; and when he asked the pale young

woman on the second floor if the photograph resembled the man of whom she had spoken as a frequent caller at Miss Reeves's apartment, she replied that she really couldn't say, as she had never had a good look at him.

But most of Dan's questions on this occasion concerned Patrick Cummings, the missing janitor. He learned little from the tenants; and then, realizing his mistake, he left the house and sought the basement next door.

The janitor here was a broken-down Scotchman with watery eyes. Yes, he replied, he had known Paddy Cummings well; and, urged on by another appropriation from Mr. Leg's hundred, he furnished a great deal of miscellaneous information concerning the character and habits of his missing confrère.

He said he had been a happy-go-lucky individual, much given, however, to unexpected fits of sullenness.

He had been unmarried, with no apparent relatives or friends whatever. Despite the fact that there was always money in his pocket, he had invariably cheated at pinochle. He had possessed the tastes of a gentleman, preferring whisky to beer. During the past year, however, he had contracted a disgusting fondness for motion pictures, having attended at least three times a week at the nickel-odeon around the corner.

The Scotchman knew nothing of where he had gone; he missed him unspeakably, all the more on account of the insufferable Yoakum, who had taken his place.

Dan went back next door to see the insufferable Yoakum, from whom he learned that the former janitor had evidently departed unexpectedly and in a great hurry, as he had left his household goods behind him. Yoakum had found cooking utensils, a bed, two tables, some chairs, *et cetera*, in their places in the basement when he arrived; presumably they were the property of Cummings. Dan went through the place half a dozen times, but found nothing that gave any trace of the missing man's reasons for departure.

By the time he emerged again into the street the day was gone; a clock in a window at the Broadway corner said ten minutes past six. He entered and sought a telephone-booth to call up the office, thinking it barely possible that Mr. Leg would be awaiting his return, but he got no answer.

He went home to sleep over the developments of the day.

At the office the next morning Mr. Leg submitted his report of the previous day's activities immediately upon his arrival. He had written down the answers to Dan's questions in their order:

1. Mount hasn't got the letter his wife left when she ran away. It was destroyed two years ago.

2. He was employed as bookkeeper at the office of Rafter & Co., coal dealers, foot of One Hundred and Twelfth Street, for the four months previous to the murder.

3. He was inside the drug-store only a few minutes. The rest of the time he waited outside on the corner. He bought a paper from the man at the newsstand and talked with him a little. He says this man might remember him.

4. He drank a great deal for the two years following his wife's disappearance, but not since then. He swears he didn't touch a drop that night.

5. He appears stolid and calm, with a lifeless indifference that is extraordinary, except when speaking of his wife, when he nearly breaks down with grief.

"There," said Mr. Leg, "that's what you wanted to know. I went to Rafter & Co., and they corroborated Mount, saying that he had worked for them a little over four months, and that he had been very satisfactory. He never drank any as far as they knew."

"I'm glad to hear that, sir," replied Dan. "That settles it as far as Mount's concerned. He's out of it, anyway; only I thought he might have done it in a fit of drunkenness. You see, sir, he couldn't have had any possible reason to kill his wife. The police supposition is that he found that she had been receiving another man in that flat, and killed her for revenge and jealousy.

"But, according to his story, he had agreed to take her back only the night before, knowing that in all probability she had done wrong. The reason I believe him is because of what he said about the money. He was even willing to make use of the money she was going to bring with her. No man would make up a thing like that about himself, even to save his own neck."

"Humph!" the lawyer grunted. "So you're a student of human nature, are you, Dan?"

"Yes, sir. I'm just beginning. I've had very little experience, but there's something else just as good. The people who say experience is the best school don't know what they're talking about. Most people could learn more about human nature in one week by studying Montaigne's Essays than in a lifetime of observation, because hardly any one knows how to observe. Not that I don't need experience; I'm just beginning to get it. I always keep my eyes and ears open. You remember, sir, it was you who told me to read Montaigne."

"Yes, I believe I did," agreed the lawyer. "I never got much out of him myself."

"No, sir; I suppose not. But to go back to Mount. I am certain now that he's innocent."

Mr. Leg frowned. "But that doesn't get us anywhere."

"No, sir. But I am also pretty certain that I know who is responsible for the murder."

"What?" shouted Mr. Leg, nearly falling out of his chair in his surprise.

"Yes, sir."

"You know who the murderer is!"

"No, sir; I didn't say that. I only know who is responsible for it, though it may be that he actually did it himself. I wouldn't think it possible, only I remember that Montaigne says, 'The passions smothered by modern civilization are doubly ferocious when awakened,' and that was nearly four hundred years ago."

"But, good Heavens, Dan, how did you — who is it?"

But that the boy wouldn't tell, saying that he might be wrong, and that he had no real evidence to support his suspicion. Mr. Leg insisted, but finally gave it up, and listened attentively while Dan recounted the story of the missing janitor, with all the details.

"There's just one thing we've got to do," finished the boy, "and that is find Patrick Cummings. It won't be easy, because it's certain that he's in hiding, if something worse hasn't happened to him. I looked around for a photograph of him, but couldn't find any."

"The thing to do is get the police after him," suggested Mr. Leg.

"Yes, sir," agreed Dan, but there was a curious expression in his eyes. "That's what I wanted to ask, will you go to Commissioner Hammel himself, since you know him?"

"Yes, I will," said the lawyer, "and I'll go right now."

And ten minutes later he was off, with a detailed description of Patrick Cummings, typewritten by Dan, in his pocket. A taxicab got him to headquarters for eighty cents.

This time he found the police commissioner in, and, being Simmie Leg, Dick Hammel's friend from college days, he was passed in ahead of a score of others who had been waiting anywhere from ten minutes to three hours.

Police Commissioner Richard Hammel was a tall, well-built man of middle age, with a fine-looking head, well carried, and piercing, cynical eyes. He was well connected socially, being a member of an old New York family that had been prominent in the life of the city for over a century.

"How are you, Simmie?" said he, rising from his chair with outstretched hand as Mr. Leg was ushered in. "Something new to see you around here."

"Hello, Dick!" The visitor took the proffered hand. "Yes, but you know what Devery said."

They chatted for ten minutes before the lawyer came to the purpose of his call. Then, pulling Dan's description of the missing janitor from his pocket, he explained the circumstances to the commissioner saying that he wished a general alarm sent out for him all over the country.

Commissioner Hammel did not reply at once. He was appar-

ently making a careful study of the length of a pencil he held in his hand, as he continued to gaze at it thoughtfully for some moments after Mr. Leg had stopped speaking. Finally he turned to his visitor.

"Simmie," he said slowly, "I'm sorry, but I can't do it."

"Why not?" demanded the lawyer in surprise. "Of course, I know you might be working against yourself in case Cummings's testimony should free Mount, but justice —"

"It isn't that." The commissioner frowned. "Our *esprit de corps* doesn't go so far as to want to convict an innocent man of murder. But Mount isn't innocent." He eyed his visitor speculatively. "If it were any one else, Simmie, I'd turn him off with evasion, but with you I can be frank.

"Of course Mount is guilty; the evidence is conclusive. I don't mean it's merely sufficient to convict; it's absolutely conclusive of his guilt. You know that as well as I do. But you think this man Cummings could throw new light on the affair. Well, you're right. He could."

The commissioner stopped to clear his throat.

"The fact is," he continued, "if Cummings were found and allowed to tell his story, he would bring notoriety on somebody. I don't know who. I really don't know, Simmie. But it's somebody that has a voice in high places, for word has come that Cummings must not be found. You appreciate the circumstances. There's no use kicking up a scandal when it will do good to nobody."

There was a silence.

"Humph," grunted Mr. Leg finally, casting a thoughtful eye on the floor. "Of course, Dick, I don't like scandal any more than you do, especially when it hits one of my friends. But, in the first place, I don't know that this unknown person is my friend, and I don't admire this mystery stuff except in stories. And secondly, how do you know it wouldn't do any good?"

"Oh, come now, Simmie," replied the commissioner with a smile, "you know very well Mount's guilty. Don't be foolish."

"On the contrary," retorted the lawyer, "I believe he's innocent. And Dan — that is, a detective I've employed — believes it, too. I tell you, Dick, scandal or no scandal, Cummings must be found."

"If he is," said the commissioner decisively, "it will be without the help of the police."

"But, Dick —"

"No. A good friend of mine, and a valuable member of this community, has asked me to stay off, and that's all there is to it. I don't know who he spoke for, and he wouldn't tell me; but since we unquestionably have the guilty man —"

"I tell you he's innocent!" repeated Mr. Leg warmly. He got up from his chair and put on his hat; he was dangerously near losing

his temper for the first time in five years.

"Don't be an ass!" was the commissioner's reply.

"Is that so?" retorted Mr. Leg inelegantly. "I'll show you who's an ass, Dick Hammel! And let me tell you something: Patrick Cummings is going to be found if I have to hunt for him myself!"

And, leaving this awful threat to shake the walls behind him, he departed.

## CHAPTER VI.

### THE NAME ON THE SCREEN.

**I**n the weeks that followed Mr. Simon Leg experienced for the first time in his life the sensation of mingled rage, helplessness, and doubt that attacks a man when he grimly swears to do a thing and then fails in the execution. He had said: "Patrick Cummings is going to be found if I have to hunt for him myself."

He hunted. Dan hunted. They hired detectives, and the detectives hunted. But three weeks after Mr. Leg had hurled his ultimatum at the commissioner of police the missing janitor was still missing.

The detectives were also set to work on other aspects of the case. They investigated the past lives of both Mount and his wife, but found out nothing of real value. They discovered that for at least a year previous to her disappearance Mrs. Mount had been a more or less frequent visitor to cabarets, and once they thought they had found the man with whom she had run away, but he proved an alibi.

In all, Mr. Leg hired more than a dozen detectives, including the great Jim Dickinson himself, at a cost of several thousand dollars, but all he really got out of it was a huge stack of elaborate daily reports which, in fact, were absolutely useless.

They advised Mr. Leg to advertise a reward of five thousand dollars for Patrick Cummings, since he had expressed his willingness to spend ten times that sum if necessary, and Mr. Leg himself favored the idea. But Dan, who had surprised the lawyer on his return from the commissioner's office by not being surprised at what the commissioner had said, vetoed it, saying that it might be all right to offer a reward if the police were on their side, but utterly futile under the circumstances.

"Besides," argued the youth, "the first time Cummings saw the reward posted he would fly to cover, if he isn't there already. Public rewards are never any good, except to stimulate the police. And, besides that, I have a reason of my own."

Dan was the busiest of all. He spent a whole day going inch by inch through the basement where Cummings had lived, though he had previously searched it; he interviewed the Scotchman next

door several times; he found and talked with every one in the neighborhood who had ever seen the missing man; he pursued vainly a thousand avenues of information. It seemed that Patrick Cummings had come from nowhere and gone back to the same place.

His first appearance in the discoverable world had been the day when, nearly three years back, he had called at the office of Levis & Levis to ask for a job as janitor; his last, the evening of the murder. It got so that one thing, one name, one person, occupied Dan's mind like a mania; he thought, ate, slept, and breathed Patrick Cummings.

He forgot to open Miss Venner's desk for her of mornings; he forgot to comb his hair; he forgot to look when he crossed the street.

He came near having cause to regret this latter neglect when one afternoon, hearing a warning honk, he jumped in the wrong direction and was knocked flat on his back by a touring-car as it whizzed by. He scrambled to his feet in time to see the well-dressed figure of Judge Fraser Manton in the tonneau.

Finally, when there appeared to be nothing else to do, Dan would walk the streets for hours at a time, cudgeling his brain for a scheme to find a man that evidently didn't want to be found, and meanwhile watching the passers-by. He had followed many a gray-haired man with a scraggly mustache in the past three weeks; once he had found one named Cummings, but not Patrick.

The number of suspects rounded up by the detectives mounted into the hundreds, so eager were they, for Mr. Leg had let it be known that the successful man would get a good-sized check.

Late one afternoon, a week before the date set for Mount's trial, Dan was walking down Eighth Avenue, tired, dejected, and ready to give up, but, nevertheless, with his eyes open. As he passed the tawdry front of a motion-picture theater he stopped to glance over a group of men standing near, and then half unconsciously began to glance over the flaring posters displayed at the entrance to the theater. "The Scotchman said Cummings was a movie fan," he was thinking. Suddenly he gave a start, stopped still, as if transfixed by a sudden thought, and uttered an ejaculation of discovery.

"I never thought of that!" he exclaimed aloud, so that the girl in the ticket-booth looked over at him with an amused grin. He stood for several minutes, lost in consideration of the scheme that had entered his mind. Suddenly he pulled himself together, dashed into the avenue, and hopped on a down-town trolley-car.

Fifteen minutes later he was in the office, explaining his plan to Mr. Leg with eager tongue. His enthusiasm was somewhat dampened by his employer's lack of it.

"All right," said the lawyer indifferently; "try it if you want to,

though I don't think much of it. I'll foot the bill and stand for the reward if you find him. Write the letter yourself."

Dan went into the other room to ask Miss Venner for permission to use her machine. She granted it politely; she had had very little to say to Dan lately, since he had begun to neglect the thousand little attentions he had always paid her. He sat down with a frown and began to click.

Half an hour later he submitted the following letter to his employer:

MANAGER OF THE EMPIRE MOTION-PICTURE THEATER,  
2168 Eighth Avenue, New York.

DEAR SIR:

I am trying to find a man whom I need as witness in an important case. I make you the following proposition:

You are to flash on your screen at every performance the words: "Patrick Cummings, formerly of 714 West 157th Street, is wanted on the telephone." If Cummings appears in response, tell him that the party rang off after asking that he wait till they call again. Then telephone at once to my office, 11902 Rector, and report that Cummings is there; and you are to hold Cummings, if possible, until some one from my office arrives. If it is impossible to hold him, have him followed by one of your employees when he leaves.

In case I find Cummings with this assistance from you, I will pay you five thousand dollars cash. As to my reliability and integrity, as well as ability to pay that amount, I refer you to the Murray National Bank of New York.

I am enclosing a detailed description of Cummings. *This offer is good for only ten days from the date of this letter.*

Yours truly,

"It's a pretty good idea," admitted Mr. Leg when he had finished reading it; "but what makes you think that Cummings will be fool enough to walk into the trap, provided he sees the bait?"

"That's just it," explained Dan. "I'm counting on his being somewhat of a fool. Put yourself in his place, sir. Here he is, sitting in the movies, when suddenly he sees his own name thrown on the screen, and, so that there may be no mistake about it, even the address where he lived. It won't occur to him that it is merely an attempt to find him; he will immediately conclude that whoever is asking for him must already know where he is, and the chances are that he'll be mighty anxious to find out who the call is from. At any rate, it's worth trying. It won't cost much unless we find him, and you won't care then."

"I certainly won't," agreed the lawyer grimly. "I didn't tell you, Dan, that I went to see Hammel again yesterday. Nothing doing."

"Of course not, sir." Dan took back the letter. "I'm going to take this right down-stairs and have them run off ten thousand copies on the multigraph. Then I'll telephone to the Trow people for a list of motion-picture theaters, and to an agency for ten or twelve girls to come and help us send them out. I think it would be best, sir, if you would sign the letters. If the signature were multigraphed perhaps they wouldn't feel so sure of the reward."

"By Jove, you've got it all down," observed Mr. Leg. "Yes, the letters ought to be signed, but you can do it as well as I. They won't know the difference." He glanced at his watch. "I have to be up-town for dinner."

Thus was Dan's scheme set to work. Somewhat to his surprise, Miss Venner volunteered to stay and help; and, with the assistance of some dozen girls sent in by an agency, they had the ten thousand letters signed, addressed, sealed, and stamped by midnight. Dan carried them to the main post-office, after which he escorted Miss Venner home.

Meanwhile, Mr. Leg was acquiring a fresh stock of indignation. His dinner engagement up-town was only half social; it was an informal meeting of a special committee of one of the most exclusive clubs of the city to arrange for a dinner to be given in honor of one of their members on the occasion of his return from a high diplomatic position abroad. The membership of the committee included James Reynolds, the banker; Alfred Sinnott and Corkran Updegraff, capitalists; Judge Fraser Manton, and two or three others.

Although Mr. Leg had met Judge Manton several years before, and had of course seen him many times since, they had never got beyond a bowing acquaintance. So when, after dinner was over and they retired to the club library Mr. Leg approached the judge with a view to conversation, there was a slight tinge of formality in his manner. They talked a little on a topic that had been discussed earlier in the evening, on which they had disagreed.

"By the way, judge," observed Mr. Leg when a chance offered itself, "I want to thank you for assigning me to that Mount case — the murder case, you know — though I certainly can't guess why I was selected."

"Ah!" Judge Manton's brows lifted. "Is it a matter for thanks?"

"It certainly is. Most interesting three weeks I've ever had. I've worked day and night. Spent ten thousand dollars, and there's a chance I'll win it."

"M-m-m! Of course you know I can't discuss the case out of court."

"Oh, no! I understand that," agreed Mr. Leg hastily. "Only I just thought I'd let you know that I'll probably be in court tomorrow with a request for postponement."



The law library of the Lawyers' Club in the Equitable Building, New York City (circa 1900).

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"Ah!" Again Judge Manton's brows were lifted. "I suppose you have a good reason."

"No, I haven't. That is, no particular reason. But I haven't been able to get hold of my most important witness, and I believe there is usually no difficulty in getting a postponement when a man's life depends on it. I believe the district attorney will make no objection."

For a moment there was no reply. Judge Manton took from his pocket a silk case embroidered with gold, extracted a cigarette, and lit it. He blew a long column of smoke slowly into the air, and another. Then he turned with startling suddenness and spoke rapidly in a low voice, looking straight into Mr. Leg's eyes:

"I don't know if the district attorney will object, Mr. Leg. But I do know that I will. The calendar is too far behind already to permit of further postponements, except for the most cogent reasons. You've had a month to prepare your case and find your witnesses. Of course you may come to court and enter your petition for a postponement if you wish. But, my dear Leg, speaking merely as a private citizen, I wouldn't advise you to bank much on it."

Judge Manton stopped abruptly, blew a third column of smoke into the air, turned on his heel, and walked away. "Well!" ejaculated Mr. Leg to himself in astonishment. "I'll be damned if they haven't got to Manton the same as they did Dick Hammel! Lord, how I'd love to show 'em all up!"

And he walked all the way home from down-town, a distance of over two miles, in order to inspect the faces of the passers-by in search of Patrick Cummings. He was deadly in earnest, was Mr. Simon Leg. Think of walking over two miles when a mere uplifting of a finger would have brought a spirited taxi dashing to the curb!

The following morning at the office Mr. Leg lost no time in telling Dan of his conversation with Judge Manton. His indignation had increased during the night; he denounced the entire police force and judiciary of the city.

"Think of it!" he exclaimed. "They are willing to throw away an innocent man's life merely to save the good name of a friend! Or there may be politics in it. Whatever it is, it's rotten! I didn't think it of Dick Hammel, and now the judge himself —"

"I'm not surprised, sir," observed Dan. "I've half a mind to tell you — but it would do no good. Our only hope now is the movies. We've got ten thousand of them working for us. We've covered everything within five hundred miles of New York; the only trouble is, he's nearly as apt to be in San Francisco."

"Or dead."

"Yes, sir. For Mount's sake I hope not."

"Well, we've got just six days left. I'm going to call up Dickin-son and tell him to send out more men. I don't know, Dan; I'm about ready to give up."

A little later telephone calls began to come in from the motion-picture theaters. They asked every conceivable question under the sun, from the number of hairs on Patrick Cummings's head to the color of his shoe-strings. Dan finally gave up all thought of leaving the office, and all day long he sat at his desk with the telephone receiver at his ear. Toward the middle of the afternoon he made two calls on his own account: One to his mother to tell her that he would not be home that night, and the other to a furniture dealer on Fourteenth Street. An hour later Mr. Leg, hearing a most unusual noise in the outer office, stepped to his door to see a man setting up a bed-cot with mattress, covers, and pillows.

"I sent for it," explained Dan to his astonished employer. "I'm going to sleep here, sir, to answer the telephone."

After that he refused to leave the office; he had his meals sent in from a near-by restaurant. The truth was, Dan's conscience was troubling him; he had begun to fear that he had done wrong not to tell his suspicions and his reasons for them to his employer, though he tried to console himself by reflecting that he would only have been laughed at.

But the poor boy felt that his desire for glory had jeopardized the life of an innocent man, and he was miserable. His whole hope now lay in the telephone. Would the word come? Every time the

bell rang his nerves quivered.

The next day Mr. Leg went to court and requested a postponement of two weeks, having first gained the acquiescence of the district attorney's office. Judge Manton denied the petition, and the lawyer left in a rage.

Only five days were left before the trial.

Several false alarms came in from the motion-picture theaters. Most of them were obviously mistakes, but one sent Dan flying for a train to Stamford. When he got there he found the manager of the theater seated in his office, chatting with a little, red-haired Irishman, whose name indeed proved to be Patrick Cummings, but who was certainly not the one wanted.

"Didn't you read the description of him?" Dan demanded.

"Sure," replied the manager, "but I wasn't taking any chances."

"You're a fool!" retorted the boy shortly as he started at a run to catch the next train back to New York.

That was Monday afternoon, and the trial was set for Wednesday.

Later that same afternoon Mr. Leg, wandering into the outer office, approached Dan's desk. The boy was seated there with the telephone at his elbow, apparently buried deep in contemplation of some object spread out before him on the desk. Mr. Leg, going closer and looking over his shoulder, saw a white slip of paper with the words, "Bonneau et Mouet — Sec," written on it in ink, and beside it a large reproduction of a man's photograph.

"What in the name of goodness are you doing with that?" demanded Mr. Leg, pointing to the photograph.

Dan jumped with surprise.

"Oh, I — I didn't know you were there, sir!" He flushed. "Why, I — er — I was just looking at it." He managed a smile. "Studying human nature, sir."

The lawyer grunted. "If you ask me, Dan, I think you're getting kind of queer."

"Yes, sir." The boy folded the photograph with the slip of paper inside and placed it in his pocket. The lawyer regarded him sharply for a moment, then returned to the other room.

Tuesday morning came, the day before the trial. Dan did not move from his desk all day and evening. The telephone rang over and over, and each time he took up the receiver it was with a hand that trembled so it could scarcely hold the receiver to his ear. The fact was, he had persuaded himself, or, rather, he felt that the little wire was certain to bring him the word he wanted. But it did not come.

The following morning at ten o'clock William Mount was called before the bar to stand trial for the murder of his wife.

The court-room was not crowded, for the case was not a cele-

brated one; but there was a good-sized gathering of those people who may always be counted on to turn up at a murder trial, and there was much twisting of curious necks when the prisoner was led in. There was little change in Mount's appearance since the day a month previous, when he had been called before Judge Manton to plead.

His face was slightly paler and his cheeks more sunken; but he wore the same air of heavy, stolid indifference, and his eyes were sullen and devoid of hope.

Mr. Leg started proceedings by asking again for a postponement, declaring that he had been unable to locate his most important witness. Assistant District Attorney Thornton,<sup>4</sup> for the prosecution, refrained from argument. Judge Manton denied the request, saying that counsel for the defense had had ample time to prepare his case.

There was little difficulty in selecting the jury, as neither side appeared to be particular, and the box was filled by noon. The addresses to the jury were short, and by the time court reconvened after lunch they were ready for the witnesses.

The prosecution opened with the young man who had been called to the scene of the murder by Mount's scream, and had found him standing over the body with the knife in his hand. His testimony, with that of three other tenants and as many policemen, consumed the afternoon.

When court adjourned a little before six Mr. Leg returned to his office to find Dan seated at his desk, staring moodily at the telephone.

"Nothing doing, Dan?" said Mr. Leg grimly.

"No, sir."

"Been here all day?"

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<sup>4</sup> There seems to have been no Assistant District Attorney named Thornton actually serving in Manhattan in 1915, when this story takes place. But there was a connection between a genuine ADA of that time and the world of law-and-literature. One of the genuine General Sessions judges serving in 1915 was Charles Cooper Nott, Jr. Before his election to the bench in 1913 Nott had been an ADA. His replacement in that job was Arthur Train, and Train was still on the job in 1915. Back then, Train was well-known in legal circles for his book on criminal justice, *The Prisoner at the Bar* (1906). But after 1919 he became much more famous for his popular and long-running series of stories about Ephraim Tutt, a fictional problem-solving New York lawyer. In the 1920s, Train would give up his day job as a lawyer — just as Rex Stout would give up his day job as a banker — to devote himself full-time to writing. See *Train Succeeds Nott*, N.Y. TIMES, Nov. 7, 1913; *Too Many Lawyers Halt Bomb Hearing*, N.Y. TIMES, Mar. 7, 1915; *Arthur Train Dead; Created 'Mr. Tutt'*, N.Y. TIMES, Dec. 23, 1945; McAleer, *A Majesty's Life* at 187-89; see also ARTHUR TRAIN, TUTT AND MR. TUTT (1921); ARTHUR TRAIN, *YANKEE LAWYER: THE AUTOBIOGRAPHY OF EPHRAIM TUTT* (1943); Arthur Train, *Book Review*, 52 YALE L.J. 945 (1943); Michael Train, *Tutt*, 4 GRAND STREET 176 (1984); David Ray Papke, *Lawyer Fiction in the Saturday Evening Post*, 13 CARDOZO STUD. L. & LITERATURE 207, 210-12 (2001).

"Yes, sir."

"It's funny you can't see," put in Miss Venner with sudden sharpness, "that he's getting sick over it. He sits and stares at that telephone like a crazy man. He hasn't eaten a bite all day. Of course, not that I care, only I — I —"

She flushed and stopped.

"Can't help it," remarked Mr. Leg gloomily. "Come on in the other room, Dan, and I'll tell you how it went in court. Or wait, I'll sit here."

The following day at noon the prosecution finished. They had presented evidence that the murdered woman was the wife of the prisoner, and had left him, furnishing — as the assistant district attorney had said in his opening address — the strongest possible combination of motives — jealousy and revenge. When the prosecution's last witness left the stand it was easy to see from the expression of the jurors' faces as they stole glances at the prisoner that they regarded the case as already proven. Mr. Leg, following Dan's instructions, had attempted to gain time by prolonging the cross-examinations; but he was anything but an adept at the game, and several times he had been prodded by Judge Manton.

The first witness called by the defense was the prisoner himself. Aided — and sometimes retarded — by questions from Mr. Leg, he merely repeated the story he had previously told to the police, the coroner, and his lawyer. Again Mr. Leg attempted to drag out the proceedings by prolonging the examination; but at length his invention ran out and he was forced to let the witness go, reflecting, however, that the cross-examination would occupy another hour or two.

Therefore, was he struck with consternation when he heard the prosecuting attorney say calmly:

"I will not cross-examine, your honor."

"Call your next witness, Mr. Leg," said Judge Manton sharply.

Luckily Mr. Leg had one — a Mr. Rafter, of the firm by whom Mount had been employed as bookkeeper. He was followed by two men who had known the prisoner in his earlier and happier days, and who testified to his good character and mild temper. At that point court was adjourned till to-morrow.

Mr. Leg missed his dinner that evening. Long after darkness had fallen and windows had begun to make their tens of thousands of little squares of light against the huge black forms of the sky-scrapers, the lawyer sat in his office talking with Dan between patches of silence, trying to invent something that could be applied as a desperate last resort.

Jim Dickinson, chief of the best detective bureau in the city, whose men had been employed on the case for the past month, was called in by telephone, but he had nothing to suggest, and

soon left them. The lawyer had told Dan of the failure of the prosecution to cross-examine Mount, observing bitterly that their case was so strong they could afford to appear compassionate.

Trinity's chimes rang out for ten o'clock. Mr. Leg arose and put on his hat.

"Well, I guess we're done for," he observed. "We've only got two more witnesses, and they don't amount to anything. Three hours for the summing-up; it will probably go to the jury by three o'clock to-morrow afternoon. It's no use, Dan. You're taking it too hard; it's not your fault, my boy. See you in the morning. Good night."

After his employer had gone, Dan sat motionless at his desk with his eyes on the telephone. He felt that it had betrayed him. Curious, how confident he had felt that the wire would bring him the word he awaited!

"Bum hunch," he muttered.

The little black instrument was distasteful to his sight. He hated it. An impulse entered his mind to seize the thing, jerk it from its cord, and hurl it out of the window; an impulse so strong that he actually got up from his chair and walked over and sat down on the cot for fear he would give way to it. He sat there for some time. Finally he bent over and began unlacing his shoes preparatory to lying down. The knot was tight and he jerked angrily at the string.

As he did so the telephone-bell rang.

He hastened to the desk, took up the telephone, placed the receiver to his ear, and said "Hello!"

"Hello!" came a female voice. "Is this Rector 11902?"

"Yes."

"Wait a minute, please. This is long distance. Albany wants you."

There was a moment's wait, while Dan trembled with impatience. Then a man's voice came:

"Hello! Is this Simon Leg's office?"

"Yes," Dan replied.

"The lawyer, Broadway, New York?"

"Yes."

"This is the Royal Theater, No. 472 Jefferson Avenue, Albany. Four, seven, two Jefferson Avenue. I've got your man, Patrick Cummings." — "Yes, I tell you, I've got him. He's here — wait — wait a minute — I'm afraid he'll beat it —"

The last words came faintly. There was a buzzing on the line, a series of clicks, and the wire sounded dead. Dan moved the receiver-hook frantically up and down; finally he got a reply from the local operator, who informed him that Albany had rung off. Yes, she could get them again, probably in a quarter of an hour; would he please hang up his receiver?

He did so, but took it off again immediately and asked for Grand Central Station. From the information bureau he learned that there would be no train to Albany for two hours, and then a slow one. Dan grabbed up his hat and, without stopping even to turn out the light, dashed from the office. He ran all the way to the subway station, where he boarded an up-town express-train. At Fourteenth Street he got off and rushed up the steps to the sidewalk three at a time, and started east at breakneck speed, knocking over pedestrians and leaping across the path of street-cars and automobiles. Two minutes later he appeared, breathless and trembling, before two men who were seated in the entrance of a garage near Third Avenue.

"The fastest car in the place!" he hurled at them. "Quick!"

He thrust a bunch of twenty-dollar bills under the nose of one of the men.

"Don't look, get busy!" he commanded. "The fastest car you've got, and a chauffeur that can drive!"

Finally they were moved to action. Lights were turned on in the rear of the garage, a limousine was wheeled to one side, disclosing to view a big touring-car, and a sleepy-looking young man, wearing a cap and drab uniform, appeared from somewhere.

"Here's a hundred dollars!" cried Dan to one of the men, thrusting a roll of bills into his hand. "If that isn't enough, I'll pay the rest when I get back."

He scrambled into the tonneau and the chauffeur mounted his seat in front. The powerful engine began to throb.

"Where to?" asked the chauffeur.

"Albany," replied Dan as the car started forward. "And there's a fifty-dollar bill in it if we get there by four o'clock!"

## CHAPTER VII.

### THE END.

Mr. Simon Leg arrived at his office early the following morning. After reaching home the night before he had stayed up for four hours working on his address to the jury, though he felt it to be a hopeless task, and when he did go to bed, he slept fitfully. That was the explanation of his red eyes and general appearance of discomfort as he opened his office door.

He found Miss Venner with her hat and coat still on, gazing at the cot in the corner.

"Where's Dan?" demanded Mr. Leg, stopping short after a glance around.

"I don't know." The stenographer turned a troubled countenance on him. "He wasn't here when I came in." She pointed to the cot. "The covers haven't been disturbed. I guess he didn't sleep

here. And the electric lights were all turned on."

The lawyer grunted. "Strange. I left him here late last night, and he intended to stay then. There's no message anywhere?"

"No, sir; I looked." Miss Venner appeared to hesitate, then continued: "You don't think — he's done anything, do you, Mr. Leg? He acted queer yesterday. I know he felt responsible, somehow, about Mr. Mount. I — I'm afraid, sir."

Even Mr. Leg, who didn't pretend to be a student of human nature, realized suddenly that the quiver in the stenographer's voice and the expression in her eyes betokened more than ordinary concern. He crossed over and laid a fatherly hand on her shoulder.

"Don't you worry, Miss Venner," said he. "Nothing has happened to Dan and nothing is likely to happen. He's fully able to take care of himself, and some one else into the bargain."

And then, as Miss Venner caught the significance of his last words and began to flush indignantly, he speedily retreated into the other room.

He looked through the drawers of his desk, thinking Dan might have left a message there, but there was nothing. He glanced at his watch; it was 8:20, and court was to convene at nine.

"I suppose I ought to go over and have a talk with Mount first," he thought as he sat down at his desk and began to stuff some papers into a portfolio. "Poor devil! Well, we've tried, anyway. I wonder where the deuce Dan can be? At that, I've got a pretty fair speech here, though I don't suppose it will do any good. It isn't possible Dan has gone somewhere after — but there's no use trying to guess."

A little later he departed for the court-house, leaving Miss Venner alone in the office.

The door had no sooner closed behind him than the stenographer rushed to the telephone and asked for a number.

"Hello, Mrs. Culp?" she said presently. "This is Miss Venner, at the office." — "Yes. I — that is, Mr. Leg wants to speak to Dan." — "He isn't there?" — "I didn't know, only he went up-town some time ago, and I thought he might have gone home." — "You haven't seen him for four days?" — "Yes, I know he has been sleeping in the office." — "Yes, it's dreadful; I'm so glad it will be over to-day." — "Yes. Thank you, Mrs. Culp."

Slowly she got up and returned to her own desk, where she sat gazing at the cot in the corner. "I wish Mr. Leg never *had* got a case," she said aloud vehemently. She took out her embroidery and started to work on it. The minutes passed draggingly. She felt that an hour must have gone by when the sound of chimes entered at the open window. "Good Heavens, it's only nine o'clock!" she thought.

She went to the window and stood for some time looking down

into the street far below, then returned to her sewing. Suddenly she stopped and gazed in astonishment at what she had done, then threw the thing down on her desk with a gasp of irritation. She had embroidered two whole figures on the wrong side of the cloth.

"I don't care!" she snapped. "I don't see how I can expect myself —"

She was interrupted by the ringing of the telephone-bell.

She sprang to the instrument. "Hello."

"Hello," came the response. "Is this you, Miss Venner?"

"Oh!" The light of joy that leaped into her eyes! "Oh, Dan, it's you!"

"Yes." It was indeed Dan's voice, eager and rapid. "Has Mr. Leg gone to court yet?"

"Yes, half an hour ago. Where are you?"

"Yonkers. In an automobile. I've got Patrick Cummings."

"No!"

"Yes, I have. Found him at Albany. I got a call at the office last night, and I certainly didn't lose any time getting there. Made it in a little over four hours. A fellow named Saunders, manager of a moving-picture theater, had him locked up in his office. Saunders was certainly out for that five thousand, and he deserves it. I would have been down there when court opened only we were held up near Peekskill for speeding. Fool policeman wouldn't listen to reason."

"But, Dan, have you really got that Cummings? The right one?"

"I sure have. Listen, Miss Venner. Here's what I want you to do. Go over to the court-house as fast as you can — take a taxi — and tell Mr. Leg I'm coming. Tell him to hold things off — put some more witnesses on, do anything — till I get there. I'll come as fast as the police let me."

"All right, I'll hurry. Oh, Dan, I'm so glad!"

"So am I. Good-by."

Miss Venner hung up the receiver and sprang to her feet. Her eyes, dancing with excitement, and her flushed and joyous face were good to look at as she ran to the closet and took down her coat and hat. Of course, she had to examine herself in the mirror above the wash-basin, but nevertheless she was out of the office and on the street in less than five minutes after Dan's last words had come over the wire.

She found a taxi in front of Raoul's and gave the driver the address of the court-house. North, they crawled on Broadway; the crowds of hurrying people on the sidewalk, the noise of the traffic, and the May sunshine, all answered to Miss Venner's mood and made her feel that she was a part, and not the least important, of this busy world. She leaned forward and spoke over the chauffeur's shoulder:

"I'm in a hurry, you know."

He nodded and made a quick turn to the left to get around a slow-moving truck. Skillfully and swiftly he made his way through Broadway's crowded traffic as far as Grand Street, where he turned east, and after that it was easier. Soon he drew up at the entrance of a large, gloomy building whose granite pillars had been blackened by time.

"Thank you, miss," said he, touching his cap as his fare alighted and handed him a dollar bill.

Inside the court-house, Miss Venner was forced to ask the way of a uniformed attendant, who obligingly accompanied her up two flights of stairs and down a long, dark corridor, finally halting before a pair of double swinging doors bearing the inscription in plain black letters: "General Sessions, Part VI."

"There you are," said the attendant.

She pushed the door open and entered. At first she was bewildered by the unexpected spaciousness of the room as well as the throng of people — men and women — seated on the benches and chairs; but finally she saw Mr. Leg. He was standing at one end of the attorneys' table, listening to a reply to one of his questions from the witness in the chair, who was a young woman in a blue dress.

Miss Venner timidly made her way up the aisle, feeling two hundred eyes staring at her, and through the little swinging gate in front of the public benches. There she halted, hesitating, wondering what would happen to her if she dared interrupt Mr. Leg while he was examining a witness. Finally she sat down at the table, on which were lying some scattered sheets of paper, pulled a pencil from her hair, and scribbled a few lines.

She walked over and handed the paper to Mr. Leg. He took it with a glance of surprise at finding her there. He motioned her to a chair and she sat down, not ten feet from the prisoner. But she didn't notice that, for she was busy watching Mr. Leg's face as he read the slip of paper. It expressed doubt, stupefaction, incredulous joy; his face grew pale at the unexpectedness of it, and he stood looking at the paper, hardly believing his eyes.

"Go on with the witness, Mr. Leg," came the voice of Judge Manton from the bench.

"Yes, your honor — I — what — " the lawyer stammered. "That is, I'm through with the witness, your honor."

The prosecuting attorney bobbed up from his chair to say that he would not cross-examine, and sat down again. Mr. Leg hastened over to whisper to Miss Venner, pointing to the slip of paper:

"Is this true, is it possible?"

"Yes, sir," she whispered back. "He just telephoned from Yon-

kers. I came right over — ”

She was interrupted by the voice of Judge Manton:

“Call your next witness, Mr. Leg.”

He had just one left — a young woman who, like the preceding witness, had known Mrs. Mount during the time she had lived with her husband, and whose function it was to testify to the prisoner’s excellent character during that period and the unflinching tenderness and affection he had shown his wife, even when she had begun to neglect her home. Mr. Leg asked many questions; he made them as long as possible, and he drawled his words.

In the past two days he had learned something about the art of killing time, and though the testimony of this particular witness would ordinarily have occupied barely fifteen minutes, he succeeded in keeping her on the stand almost an hour. Finally he was forced to stop, and the witness was dismissed.

“Have you any more witnesses?” asked Judge Manton.

Mr. Leg hadn’t, but he did have an idea.

“I would like to recall Mount for a few questions, your honor.”

The judge nodded impatiently, and the prisoner was summoned to the witness-chair. Mr. Leg began questioning him concerning the disappearance of his wife four years before. Then he switched to the night of the murder, and once more Mount told of his entry into the apartment-house, of the man he saw in the hall, and of the finding of his wife’s body. This consumed some time, until finally an interruption came from Judge Manton:

“This has all been gone over before, Mr. Leg.”

“Yes, your honor, I — ”

The lawyer stopped and turned. His ear caught the sound of the almost noiseless opening of the swinging door of the courtroom. Every eye in the room followed the direction of his gaze, and what they saw was the entrance of a little, gray-haired man with a scraggly mustache, followed by a twenty-year-old youth, who had a firm grip on the other’s arm.

Mr. Leg turned to address the court:

“I am through with the witness — ”

Again he was interrupted, this time by a cry of amazement from the lips of the gray-haired man who had just entered. There was an instant commotion; the spectators rose to their feet and craned their necks to see the man who had uttered the cry, and who was now saying to the youth:

“You didn’t tell me — you didn’t tell me — ”

The face of Judge Manton had turned pale with irritation at this disorder in his court. He rapped on the desk with his gavel and called out sharply:

“Order! Silence! Sit down!”

But by this time Mr. Leg had met Dan’s eyes and read their

message of assurance and triumph. He turned to the judge:

"Your honor, that man is my next witness. I apologize for the disturbance." Again he turned to look at Dan.

"Patrick Cummings to the stand!"

The spectators sat down again, though whispers were still going back and forth over the room. The prosecuting attorney was leaning back in his chair with the amused and bored smile he had worn throughout the presentation of the defense. (It must be admitted that Mr. Leg had shown himself a fearful tyro.) William Mount was looking indifferently across the table at Miss Venner; as for her, she was gazing with bright eyes at Dan as he led Patrick Cummings up to the rail and turned him over to the court attendant, who conducted him to the witness-chair.

Dan crossed over to Mr. Leg and murmured in his ear:

"Just get him started on his story. He'll do the rest. I'll prompt you if you need it."

Then he took a chair at the lawyer's elbow.

The witness gave his name to the clerk and was sworn in. His voice trembled, his hands were nervously gripping the arms of the chair, and his eyes were shifting constantly from side to side with an expression of fear. In answer to Mr. Leg's first question, he said his name was Patrick Cummings, his address No. 311 Murray Street, Albany, and his occupation janitor, though he was not working at present.

"Did you ever work in New York City?" asked Mr. Leg.

"Yes, sir."

"As janitor?"

"Yes, sir."

"At what address?"

"No. 714 West One Hundred and Fifty-Seventh Street."

"When did you start work there?"

The witness thought a moment.

"I don't know exactly; but it was some time in July, 1912."

One of the jurors in the last row interrupted to say that the witness was not speaking loud enough for him to hear. Judge Manton, who had been gazing directly at Cummings ever since he took the chair, admonished him to speak louder.

"Where did you work before that?" continued Mr. Leg.

"In Philadelphia, sir. That was my first job in New York."

"How long were you janitor at No. 714 West One Hundred and Fifty-Seventh Street?"

"Nearly three years."

"Were you there on April 3, 1915?"

"Yes, sir."

Dan got up from his chair to whisper something in Mr. Leg's ear. The lawyer nodded and returned to the witness.

"Cummings, did you ever see Mrs. Elaine Mount, known as Alice Reeves, a tenant in the house where you were janitor?"

"I knew Miss Reeves, yes, sir."

"She lived there quite a while, didn't she?"

"Yes, sir. I don't know how long; she was there when I came."

"Did you see Miss Reeves often?"

"Oh, yes, I saw her every day; sometimes two or three times."

Again Dan got up to whisper a suggestion in the lawyer's ear; from this time on, indeed, half the questions were suggested by him. As for the witness, he was losing, little by little, the nervous fright that had possessed him when he took the chair. His voice was becoming stronger and louder, and his eyes had gained an expression of determination and defiance.

"Now, Cummings, do you know if Miss Reeves ever had any callers?"

"Yes, sir."

"Well, did she?"

"She had one."

"Only one?"

"There were others, sir, but not very often; but this man came every two or three days, sometimes oftener than that."

"So it was a man?"

"Yes, sir."

"Can you describe him?"

The witness hesitated, then spoke in a louder voice than before:

"He was a man about thirty-eight or forty, with dark hair and dark eyes. He was a good-looking man."

"And you say he would call often on Miss Reeves. How do you know he was calling on her?"

"Why, he would go in her flat."

"Did you see him go in?"

"Of course I did. And besides, he would often send me out for something at the restaurant or delicatessen; and I'd take it up, and he'd be there in the flat, and he'd give me a dollar, or sometimes even five."

"So he was liberal, was he?"

"Sir?"

"He was good to you, was he?"

"Oh, yes; he always gave me something. He always had lots of money."

"Do you know who this man was?"

"No, sir. That is, I don't know his name."

"Do you know where he lived?"

"No, sir."

"I see. And did he continue to call on Miss Reeves all the time you were there?"

"Yes, sir. Two or three times a week, except toward the last, when he didn't come quite so often."

The lawyer stopped to confer with Dan a moment. Then, with a nod of satisfaction, he turned again to the witness.

"Now, Cummings, do you remember whether this man whom you have described called at No. 714 West One Hundred and Fifty-Seventh Street on the evening of Saturday, April 3, 1915?"

The witness's answer was lost in a sudden stir which passed over the court-room as the spectators leaned forward. Judge Manton took advantage of the interruption to beckon to an attendant for a glass of water. When it came he drank a little and placed the glass, still half full, before him on his desk. The last question was reread by the clerk, and the witness repeated his answer:

"Yes, sir; he was there."

"What time did he arrive?"

"I don't know; I didn't see him come in."

"Did you see him at all that evening?"

"Yes, sir."

"What time?"

"About half past eight, I think it was, the bell rang for the dumbwaiter. That was the way he always sent for me to come up when he wanted something. I went up and rang the bell at Miss Reeves's door, and he opened it."

"How was he dressed?"

"Why, he had on a black suit, except he had taken off his coat and put on a smoking jacket. He always did that."

"Did you see Miss Reeves?"

"Yes, sir; I went inside the hall to wait, while he went to the desk to write something, and I saw Miss Reeves in the front room. She was sitting by the table, crying. She had her handkerchief up to her eyes."

"Did she say anything to you?"

"No, sir; she didn't even look at me."

"I see. What did the man go to the desk for?"

"He went for some paper to write down something. I remember he didn't find any there, and he took a piece out of his pocket. He wanted to write down the name of some wine he wanted me to get. He wrote it down and gave it to me, and gave me a ten-dollar bill to get it with."

Mr. Leg turned to find Dan at his elbow with a slip of paper in his hand. The lawyer took it, and examined it while the boy whispered in his ear. By this time every spectator in the room was listening intently to the witness's every word. The prosecuting attorney had leaned forward in his chair with a new expression of interest for this unexpected Irishman. Judge Manton sat up straight, gazing at the prisoner Mount with an expressionless countenance.

"I have here," Mr. Leg resumed, "a slip of paper bearing in ink the words, '*Bonneau et Mouet — Sec.*' Now, Cummings, is this the paper which this man in Miss Reeves's apartment handed to you on the night of April 3?"

The witness took the slip and examined it. "Yes, sir; that's it," he said finally. "That's the name of the wine he wanted me to get."

"And that's the paper he wrote on and handed to you?"

"Yes, sir; it's the same one," answered Cummings. "It's got that funny thing in the corner."

Mr. Leg turned to the judge:

"Your honor, I wish to introduce this paper in evidence."

Judge Manton merely inclined his head. The clerk took the slip and marked it.

"Now, Cummings," went on the lawyer, "after this man gave you the slip of paper, what did you do?"

"I went out after the wine."

"Did you get it?"

"Yes, sir, but I had a hard time. I always went to a wine-store at the corner of One Hundred and Fifty-Eighth Street and Broadway, but they didn't have this kind, so I went down to One Hundred and Twenty-Fifth Street, and I had to go to four or five stores before I could find it. I was gone about an hour, or maybe more, because when I got back it was nearly ten o'clock."

"All right, go on. You took the wine up-stairs?"

"Yes, sir. I went up to Miss Reeves's apartment, and I was about to ring the bell when I heard her crying inside. She was crying and talking very loud."

"Could you hear what she was saying?"

"Some of it, yes, sir. I heard her say, 'Let me go! I love him! Let me go!' Then I heard the man's voice, only he didn't talk as loud as she did; but I could hear him even plainer than her. He was saying, 'You'll stay right here; do you hear? I won't let you go back to him; do you hear? Let him wait all night if he wants to.' I didn't want to ring the bell while they were going on like that, so I stood and listened for a long while. Miss Reeves kept crying, and the man kept swearing at her. He kept saying, 'I won't let you go back to him!'

"Finally I got tired waiting and rang the bell. I guess I stood there half an hour. The man opened the door, and he told me to come in, and go and put the wine in the refrigerator. I went back to the kitchen and unwrapped it, and put the bottle on the ice. Then I went out again. As soon as I closed the door behind me I heard them begin fighting again inside."

"Do you remember what became of the slip of paper on which this man had written the name of the wine?"

"Yes, sir; I remember they had wrapped it up with the wine. I

threw it on the floor with the wrapping paper."

"I see. What did you do after you left the apartment?"

"I turned down the lights in the halls, and then went down to the basement and got ready to go to bed."

"Do you know what time that was?"

"Yes, sir; when I wound my clock it was twenty minutes past ten. I put some coal on the hot-water furnace and locked the basement doors and went to bed."

"Well?"

"Well, I'd been in bed, I guess, about half an hour and was nearly asleep when there was a knock on the door. I went — "

"You mean the door of your room?"

"Yes, sir; the room in the basement where I was sleeping. I got up and lit the gas and opened the door, and there stood the colonel."

"The colonel?"

"That's what I called the man who called on Miss Reeves. He stepped inside the room, and I saw that he had a big bundle of papers and things in his hand. He had on his hat and light overcoat, and the muffler he always wore around the lower part of his face. He told me to close the door because he had the bundle in his hands, and then he said, 'Hurry up, Cummings; dress yourself. Don't ask me any questions.'"

"I knew at once from his funny voice and the way he looked at me that something had happened. I didn't say a word, but dressed myself as quick as I could. When I was done he said, 'Where's the furnace? I want to burn this stuff.' I went back and opened the furnace door, and he threw the papers and things on the fire. He wouldn't let me help him."

"Did you see any of the articles? Do you know what they were?"

"No, sir; only there was a lot of letters and other papers. I supposed they came from Miss Reeves's — "

"Never mind what you supposed. Go on."

"Well, after the stuff was burned up we went back in front. He had me sit down in a chair, and then he said, 'Cummings, I've got a proposition to make to you. I'll give you a thousand dollars cash to leave New York immediately and put yourself where nobody can find you.'

"I didn't know what to answer, I was so surprised, and he went on to say that that was all he happened to have with him, and that it was lucky he had that much. He said he wouldn't tell me who he was, but he told me how to have something printed in the *Herald* if I ever needed money, and he would send me some. He said I'd have to take his word for that. I decided to do it when I saw him count out the thousand dollars on the table. I promised to leave

right away, in ten minutes, without stopping to take anything but my clothes."

Mr. Leg interrupted:

"Didn't you suspect that a crime had been committed?"

"Yes, sir; of course I knew something had happened, but all that money was too much for me. After he had gone — "

"Didn't he wait to see you go?"

"No, sir; he went right away. I guess he knew that I'd certainly beat it with the money. I let him out at the basement door, and in less than no time I had my clothes packed and was all ready. I went out by the basement door, too, but I couldn't make myself go. I stood there on the sidewalk maybe two minutes calling myself a fool, but I couldn't help it. I wanted to see what had happened in that flat up-stairs.

"I went up to the ground floor by the front steps, leaving the outer door open as I entered, dropped my suit-case in the front hall, and went up two more flights to the door of Miss Reeves's flat. It was locked. I ran down to the basement for my duplicate key, came back up and unlocked the door. The flat was dark. I switched on the lights, and there on the floor I saw Miss Reeves. The hilt of a knife was sticking from her breast, and there was blood on her dress, and her face looked awful. It scared me so I didn't know what I was doing. I ran out without turning off the lights, and I think I forgot to lock the door.

"I ran back to the ground floor as fast as I could and picked up my suit-case. I started for the outside door, and then I suddenly saw a man coming up the stoop. I was so scared I didn't know what to do. I stepped back into the corner of the hall as the man entered the door, and, scared as I was, I was surprised to see that it wasn't one of the tenants, or any one I had ever seen before. He came in and started up-stairs without saying anything, just glancing at me. I picked up — "

"Just a minute, Cummings," Mr. Leg interrupted. He turned and pointed at William Mount. "Is that the man you saw enter and go up-stairs, *after* you had seen Miss Reeves's dead body on the floor?"

The witness examined the prisoner a moment.

"Yes, sir, I think so. The light in the hall was dim, so I couldn't be sure, but it looks like him."

"All right. Go on."

"That's all, sir. I picked up the suit-case and ran. I took the subway to the end of the line, and there I got on a trolley for Yonkers. The next day I went on to Albany, and I've been hiding there ever since."

"And don't you know that you have made yourself an accessory to this murder and are liable to punishment?" asked the lawyer.

"Yes, sir, I know that. I didn't care at first, until I saw in the papers that some man that I knew was innocent had been arrested for it. Then I wanted to come and tell all I knew — I really did, sir — but I was afraid, and I couldn't ever make myself start. When that young man came after me this morning" — he pointed to Dan — "I was only too glad to come, sir. Ask him. I hope I won't be punished, sir."

At this point Judge Manton interrupted the examination. He leaned forward in his chair as he spoke, while the fingers of his right hand were toying with the edge of the glass which had remained on his desk, half full of water.

"I think we had better adjourn for luncheon, Mr. Leg," he observed. "It's one o'clock. You may continue with the witness after the recess."

Dan sprang up to murmur something in Mr. Leg's ear. The lawyer looked astonished and bewildered, but finally nodded in acquiescence.

"Very well, your honor," he said to the court. "But I would like to ask the witness just two more questions before adjournment, if your honor please."

"Let them be short," the judge said curtly.

Mr. Leg turned to the witness.

"Cummings, I want to ask you if this man whom you called the colonel, whom you saw and heard quarreling with Alice Reeves, and who gave you a thousand dollars to flee from the scene of the murder — I want to ask you if that man is now in this courtroom?"

Cummings hesitated a moment and glanced from side to side, then suddenly straightened up and said in a loud and distinct tone:

"Yes, sir, he is here."

A gasp of amazement came from every side.

"Will you point him out to the judge and jury?"

For reply, Cummings turned and leveled his finger straight at the face of Judge Manton.

But the wave of astonishment and incredulity that swept over the court-room was swiftly drowned in a great cry of alarm. Judge Manton, looking over the accusing finger straight into Cummings's face, had lifted the glass of water to his lips; and Dan, springing up and knocking Mr. Leg out of his way, had leaped like a panther over the rail to the dais and with one sweep of his arm dashed the glass from the judge's hand to the floor.

Court attendants ran forward, shouting; the jury stood up in their box; several of them leaped over the partition and rushed onto the platform of justice; the spectators tumbled over the rail by scores, trampling one another; screams were heard from a hundred throats. Dan was hanging desperately on to Judge Manton's

gown, calling at the top of his voice:

"The water was poisoned! Quick! Hold him! You fools! He'll kill himself! Help!"

But the officers and attendants shrank back before the look of mad rage and passion on Judge Manton's face. With a violent movement he threw Dan off; the boy fell on his knees on the platform, still calling out for help. Judge Manton seized the heavy wooden gavel from his desk and raised it high.

"Damn you!" he snarled in a voice of savage fury, and brought the gavel down on Dan's head. The boy toppled over with a moan.

The next moment a dozen men had sprung forward and borne Judge Manton to the floor.



The following morning Mr. Leg and Dan sat talking in the lawyer's office. Near by was Miss Venner, listening to them; her eyes never left Dan's face. The blow from Judge Manton's gavel had, luckily, not seriously injured him; he had been unconscious for more than an hour, but when he finally came to, was none the worse for it.

"Yes, I let Mount have two thousand dollars," Mr. Leg was saying. "He's going to buy a little cigar-store or something somewhere and try to forget things. Poor devil! I hope he succeeds."

"Yes, sir," Dan agreed. "But he really hasn't anything left to live for." And quite unconsciously the boy's eyes turned to meet those of Miss Venner, who flushed and looked the other way.

"And so you saw Manton take something from his pocket and put it in that glass of water," Mr. Leg observed in a voice filled with undisguised admiration.

"Yes, sir. Of course, I was watching him all the time."

"And you think it was with him that Mount's wife left home. But why wouldn't some of his friends have known about her?"

"Perhaps they did," was the reply. "But it's evident that the judge was pretty cagey; he doesn't seem ever to have taken anybody up there. He probably met her in a cabaret, or somewhere, and simply fell in love with her. As for his willingness to sacrifice Mount, well, some men are made that way. He probably said to himself, 'What does this broken-down creature amount to compared with a man like me — wealthy, intellectual, cultured, of high position?' You must remember that he murdered her in a fit of passion, just as when he hit me with that gavel."

"There's one thing I don't understand yet," observed Mr. Leg. "I've got to believe you when you say you thought it was Judge Manton all the time, because I saw you carrying his photograph around. And you say you found that slip of paper was in his

handwriting by comparing it with his signature and the postscript on the letter he sent me assigning me to the case. But what the dickens made you compare it with *his* handwriting? What made you suspect him in the first place?"

"You remember what I quoted from Montaigne," replied Dan, with a smile. "'The passions smothered by modern civilization are doubly ferocious when awakened.'"

"Yes; but what made you suspect *him*?"

"What's the difference, sir, so long as we got him? It certainly made a fuss, didn't it?" Dan grinned with delight as he glanced at a pile of morning papers on his desk, the front page of each of which carried under scare head-lines pictures of Manton, the murderer, and Dan, his boy Nemesis, side by side.

"There's no doubt about his being convicted," Dan went on, "unless he manages to find some way of committing suicide before his trial, which is likely. We have a dozen corroborative items for Cummings's story. By the way, I'm glad the district attorney has offered him immunity."

"So am I," Mr. Leg agreed; "but don't try to change the subject, young man. Clever as you are, you can't evade me. What made you first suspect Judge Manton?"

"I see I'll have to tell you, sir," grinned Dan. "Well, it was on account of you."

"On account of *me*?"

"Yes, sir. I wondered about it from the very first, when you called me in that morning and told me the judge had assigned you to the case. I couldn't understand it, because I know the practise in such cases is to give it to a man fairly well up in the profession. And men, especially judges, don't play jokes in murder cases. So I knew there must be some good reason why he assigned you to Mount's defense, and the most probable one was that he wanted him convicted."

"But I don't see — "

Again Dan grinned. "You know I think you're a mighty fine man, Mr. Leg. You've been awfully good to me, sir. But you hadn't had a case in ten years, and you certainly are a bum lawyer."

Mr. Leg frowned. A peal of mischievous laughter came from behind him in Miss Venner's silvery voice. And Dan, because he was looking at her dancing eyes and parted lips and wavy hair, and found it such an agreeable and delightful sight, began to laugh with her. Mr. Leg looked from one to the other, trying hard to maintain his frown; but who can frown at a boy and a fun-loving girl when they are looking at and laughing with each other?

And so Mr. Leg joined in and began to laugh, too.

(The end.)