



The THIRD DEGREE

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SYNOPSIS.

Howard Jeffrey, banker's son, under the well-influenced of Robert Underwood, fellow-student at Yale, leads a life of dissipation, marries the daughter of a capitalist who died in prison, and is discovered by his father. He is out of work and in desperate straits. Underwood, who had been engaged to Howard's step-mother, Alida, in apparently in proper circumstances, takes advantage of his intimacy with Alida, becomes a sort of social highwayman. Discovering Howard's situation, Underwood advised her to go to her father's house. He would have a note threatening Alida to go to her father's house. He cannot make good, Howard calls at the apartment in an inebriated condition to request a loan of \$1000 to enable him to take up a business proposition. Howard drinks himself into a mad condition, and goes to sleep on a divan. A caterer is announced and Underwood draws a screen around the drunken sleeper. Alida enters. She demands a promise from Underwood that he will not take his life. He refuses unless she will remove her postcard. This she refuses, and takes her leave. Underwood kills himself. The report of the pistol is heard. Howard is turned over to the police. Capt. Clinton, notorious for his brutal treatment of prisoners, puts Howard through the third degree, and finally gets an alleged confession from the harassed man. Alida, Howard's wife, declares her belief in her husband's innocence, and tells on Jeffrey. Mr. Jeffrey refuses to help unless she will consent to a divorce. To save Howard from prison, but when she finds that the elder Jeffrey does not intend to stand by his son, except financially, she accuses his wife. Annie appears to Judge Brewster, attorney for Jeffrey. He takes Howard's case. He declines to be executed that Annie is going on the stage. The banker and his wife call on Judge Brewster to find some way to protect Annie from the scandal, which would ruin her. Alida is greatly agitated when she learns that Brewster has taken the case and detectives are looking for the woman who called on Underwood the night of his death.



CHAPTER XVII.—Continued.

"That's our object, isn't it, Mr. Jeffrey—to find out?" he said sarcastically.

"What's the name of this mysterious witness?" exclaimed the banker testily. "If the police haven't been able to find her why should Howard's wife be able to do so? There was a report that she herself was—" He paused and added, "Did she tell you who it was?"

"No," said the judge dryly, "she will tell us tonight."

The banker bounded in his seat.

"You'll see," he cried, "another flash in the pan. I don't like being mixed up in this matter—it's disagreeable—most disagreeable."

Dr. Bernstein puffed a thick cloud of smoke into the air and said quietly:

"Yes, sir; it is disagreeable—but unfortunately it is life."

Suddenly the door opened and Capt. Clinton appeared, followed by his fidus Achates, Detective Sergeant Maloney. Both men were in plain clothes. The captain's manner was confidently polite, the attitude of a man so sure of his own position that he had little respect for the opinion of any one else. With an effort at amiability he began:

"Get your message, Judge—came as soon as I could. Excuse my bringing the sergeant with me. Sit over there, Maloney." Half obediently, he added "He keeps his eyes open and his mouth shut, so he won't interfere. How do, doctor?"

Maloney took a position at the far end of the room, while Dr. Bernstein introduced the captain to Mr. Jeffrey.

"Yes, I know the gentleman. How do, sir?"

The banker nodded stiffly. He did not relish having to hobnob in this way with such a vulgar as a grafting police captain. Capt. Clinton turned to Judge Brewster.

"Now, judge, explode your bomb! But I warn you I've made up my mind."

"I've made up my mind, too," retorted the judge, "so at least we start even."

"Yes," growled the other.

"As I stated in my letter, captain," went on the judge coolly, "I don't want to use your own methods in this matter. I don't want to spread reports about you, or accuse you in the papers. That's why I asked you to come over and discuss the matter informally with me. I want to give you a chance to change your attitude."

"Don't want any chance," growled the policeman.

"You mean," said the judge, peering at his vis a vis over his spectacles, "that you don't want to change your attitude?"

Capt. Clinton settled himself more firmly in his chair, as if getting ready for hostilities. Definitely he replied:

"That's about what I mean, I suppose."

"In other words," went on Judge Brewster calmly, "you have found this boy guilty and you refuse to consider evidence which may tend to prove otherwise."

"Tain't my business to consider evidence," snapped the chief. "That's up to the prosecuting attorney."

"It will be," replied the lawyer sharply, "but at present it's up to you."

"Me?" exclaimed the other in genuine surprise.

"Yes," went on Judge Brewster calmly, "you were instrumental in obtaining a confession from him. I'm making a question as to the truth of that confession."

Capt. Clinton showed signs of impatience. Struggling his massive shoulders deprecatingly, he said:

"Are we going over all that? What's the use? A confession is a confession and that settles it. I suppose the doctor has been working his pet theory off on you and it's beginning to sprout."

"Yes," retorted the judge quickly, "it's beginning to sprout, captain! There was a sudden interruption

caused by the entrance of the butler, who approached his master and whispered something to him. Aloud the judge said:

"Ask her to wait till we are ready."

The servant retired and Capt. Clinton turned to the judge. With mock deference, he said:

"Say, Mr. Brewster, you're a great constitutional lawyer—the greatest in this country—and I take off my hat to you, but I don't think criminal law is in your line."

Judge Brewster pursed his lips and his eyes flashed as he retorted quickly:

"I don't think it's constitutional to take a man's mind away from him and substitute your own, Capt. Clinton."

"What do you mean?" demanded the chief.

"I mean that instead of bringing out in this man his own true thoughts of innocence, you have forced into his consciousness your own false thoughts of his guilt."

The judge spoke slowly and deliberately, making each word tell. The police bully squirmed uneasily on his chair.

"I don't follow you, Judge. Better stick to international law. This police court work is beneath you."

"Perhaps it is," replied the lawyer quickly without losing his temper. Then he asked: "Captain, will you answer a few questions?"

"It all depends," replied the other insolently.

"If you don't," cried the judge sharply, "I'll ask them through the medium of your own weapon—the press. Only my press will not consist of the one or two yellow journals you inspire, but the independent, dignified press of the United States."

The captain reddened.

"I don't like the insinuation, judge."

"I don't insinuate, Capt. Clinton," went on the lawyer severely, "I accuse you of giving an untruthful version of this matter to two sensational newspapers in this city. These scurrilous sheets have tried this young man in their columns and found him guilty, thus prejudicing the whole community against him before he comes to trial. In no other country in the civilized world would this be tolerated, except in a country overburdened with freedom."

Capt. Clinton laughed bitterly.

"The early bird catches the worm," he grimed. "They asked me for information and got it."

Judge Brewster went on:

"You have so prejudiced the community against him that there is scarcely a man who doesn't believe him guilty. If this matter ever comes to trial how can we pick an unprejudiced jury? Added to this foul injustice you have branded this young man's wife with every stigma that can be put on womanhood. You have hinted that she is the mysterious female who visited Underwood on the night of the shooting and openly suggested that she is the cause of the crime."

"Well, it's just possible," said the policeman with effrontery.

Judge Brewster was fast losing his temper. The man's insolent demeanor was intolerable. Half rising from his chair and pointing his finger at him, he continued:

"You have besmirched her character with stories of scandal. You have linked her name with that of Underwood. The whole country rings with falsehoods about her. In my opinion, Capt. Clinton, your direct object is to destroy the value of any evidence she may give in her husband's favor."

The chief looked aggrieved.

"Why, I haven't said a word."

Turning to his sergeant, he asked: "Have I, Maloney?"

"But these sensation-mongers have!" cried the judge angrily. "You are the only source from whom they could obtain the information."

"But what do I gain?" demanded the captain with affected innocence.

"Advertisement—promotion," replied the judge sternly. "These same



"What difference does that make?" demanded the policeman.

"Quite a little," replied the judge quietly. "The barrel of the revolver was bright—shining steel. From the moment that Howard Jeffrey's eyes rested on the shining steel barrel of that revolver he was no longer a conscious personality. As he himself said to his wife: 'They said I did it—and I knew I didn't, but after I looked at that shining pistol I don't know what I said or did—everything became a blur and a blank.' Now, I may tell you, captain, that this condition fits in every detail the clinical experiences of nerve specialists and the medical experiences of the psychologists. After five hours' constant cross-questioning while in a semi-dazed condition, you impressed on him your own ideas—you extracted from him not the thoughts that were in his own consciousness, but those that were in yours. Is that the scientific fact, doctor?"

"Yes," replied Dr. Bernstein, "the optical captivation of Howard Jeffrey's attention makes the whole case complete and clear to the physician."

Capt. Clinton laughed loudly.

"Optical captivation is good?" Turning to his sergeant he asked: "What do you think of that, Maloney?"

Sergeant Maloney chuckled.

"It's a new one, eh?"

"No, captain—it's a very old one," interrupted the lawyer sternly, "but it's new to us. We're barely on the threshold of the discovery. It certainly explains these other cases, doesn't it?"

"I don't know that it does," objected the captain, shaking his head. "I don't acknowledge—"

Judge Brewster sat down. Looking the policeman squarely in the face, he said slowly and deliberately:

"Capt. Clinton, whether you acknowledge it or not, I can prove that you obtained these confessions by means of hypnotic suggestion, and that is a greater crime against society than any the state punishes or pays you to prevent."

The captain laughed and shrugged his shoulders. Indifferently he said:

"I guess the boys up at Albany can deal with that question."

"The boys up at Albany," retorted the lawyer, "know as little about the laws of psychology as you do. This will be dealt with at Washington."

"I didn't come here to hear about that—you were going to produce the woman who called on Underwood the night of the murder—that was what I came here for—not to hear my methods criticised—where is she?"

"One thing at a time," replied the judge. "First, I wanted to show you that we know Howard Jeffrey's confession is untrue. Now we'll take up the other question." Striking a bell on his desk, he added: "This woman can prove that Robert Underwood committed suicide."

"She can, eh?" exclaimed the captain sarcastically. "Maybe she did it herself. Some one did it, that's sure!"

The library door opened and the butler entered.

"Yes, some one did it!" retorted the judge; "we agree there!" To the servant he said: "Ask Mrs. Jeffrey to come here."

The servant left the room and the captain turned to the judge with a laugh:

"Is she the one? Ha! ha!—that's easy—"

The judge nodded.

"She has promised to produce the missing witness to-night."

"She has, eh?" exclaimed the captain.

Rising quickly from his chair, he crossed the room and talked in an undertone with his sergeant. This new turn in the case seemed to interest him. Meantime Mr. Jeffrey, who had followed every phase of the questioning with close attention, left his seat and went over to Judge Brewster.

"Is it possible," he exclaimed, "is it possible that Underwood shot himself? I never dreamed of doubting Howard's confession!" More cordially he went on: "Brewster, if this is true, I owe you a debt of gratitude—you've done splendid work—I'm afraid I've been just a trifle obstinate."

"Just a trifle," said the judge dryly.

Sergeant Maloney took his hat.

"Hurry up!" said the captain, "you can telephone from the corner drug store."

"All right, cap."

Dr. Bernstein also rose to depart.

"I must go, Mr. Brewster; I have an appointment at the hospital."

The judge grasped his hand warmly.

"Thank you, doctor!" he exclaimed; "I don't know what I should have done without you."

"Thank you, sir!" chimed in the banker; "I am greatly indebted to you."

"Don't mention it," replied the psychologist almost ironically.

He went out and the banker impatiently took out his watch.

"It's getting late!" he exclaimed; "where is this girl. I have no faith in her promises!"

As he spoke the library door opened and Annie appeared.

(TO BE CONTINUED.)

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"I've got a real railroad train, with an engine that goes, an' a real live pony, an' a really, truly gun, an'—"

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