

# The THIRD DEGREE

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AND  
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ILLUSTRATIONS BY RAY WALTERS

The banker made a gesture of impatience, as if such considerations were not important.

"I don't know yet," he said, haughtily. "I shall think the matter over carefully."

Annie was fast losing patience. She was willing to sacrifice herself and give up everything she held dear in life to save the man she loved, but the cold, deliberate, calculating attitude of this unnatural father exasperated her.

"But I want to know," she said, boldly. "I want to consider the matter carefully, too."

"You?" sneered Mr. Jeffries.

"Yes, sir," she retorted. "I'm paying dearly for it—with my—with all I have. I want to know just what you're going to give him for it."

He was lost in reflection for a moment, then he said, pompously:

"I shall furnish the money for the employment of such legal talent as may be necessary. That's as far as I wish to go in the case. It must not be known—I cannot allow it to be known that I am helping him."

"Must not be known?" cried Annie, to astonishment. "You mean you won't stand by him? You'll only just pay for the lawyer?"

The banker nodded.

"That is all I can promise," she laughed hysterically.

"Why," she exclaimed, "I—I could do that myself if I—I tried hard enough."

"I can promise nothing more," replied Mr. Jeffries, coldly.

"But that is not enough," she protested. "I want you to come forward and publicly declare your belief in your son's innocence. I want you to put your arms around him and say to the world: 'My boy is innocent! I know it and I'm going to stand by him! You won't do that?'"

Mr. Jeffries shook his head.

"It is impossible."

The wife's pent-up feelings now gave way. The utter indifference of this aristocratic father aroused her indignation to such a pitch that she became reckless of the consequences.

They wanted her to desert him, just as they deserted him, but she wouldn't. She would show them the kind of woman she was.

"So!" she cried in an outburst of mingled anger and grief. "So his family must desert him and his wife must leave him! The poor boy must stand absolutely alone in the world and face a trial for his life! Is that the idea?"

The banker made no reply. Snapping her fingers, she went on:

"Well, it isn't mine, Mr. Jeffries! I won't consent to a divorce! I won't leave America! And I'll see him just as often as I can, even if I have to sit in the Tombs prison all day. As for his defense, I'll find some one. I'll go to Judge Brewster again and if he still refuses, I'll go to some one else. There must be some good, big-hearted lawyer in this great city who'll take up his case."

Trembling with emotion, she readjusted her veil and with her handkerchief dried her tear-stained face. Going toward the door, she said:

"You needn't trouble yourself any more, Mr. Jeffries. We shan't need your help. Thank you very much for the interview. It was very kind of you to listen so patiently. Good afternoon, sir."

Before the astonished banker could stop her, she had thrown back the tapestry and disappeared through the door.

## CHAPTER XIII.

In the very heart of Manhattan, right in the center of the city's most congested district, an imposing edifice of gray stone, medieval in its style of architecture, towered high above all the surrounding dingy offices and squalid tenements. Its massive construction, steep walls, pointed turrets, raised parapets and long, narrow, slit-like windows, heavily barred, gave it the aspect of a feudal fortress incongruously set down plumb in the midst of twentieth century New York. The dull roar of Broadway hummed a couple of blocks away; in the distance loomed the lofty, graceful spans of Brooklyn bridge, jammed with its opposing streams of busy interurban traffic. The adjacent streets were filled with the din of hurrying crowds, the rattle of vehicles, the cries of vendors, the clang of street cars, the wailing of speeding automobiles. The active, pulsating life of the metropolis surged like a rising flood about the tall gray walls, yet there was no response within. Grim, silent, sinister, the city prison, popularly known as "the Tombs," seemed to have nothing in common with the daily activities of the big town in which, notwithstanding, it unhappily played an important part.

The present prison is a vastly different place to the old jail from which it got its melancholy cognomen. To-day there is not the slightest justification for the lugubrious epithet applied to it, but in the old days, when man's inhumanity to man was less a form of speech than a cold, merciless fact, the "Tombs" described an intolerable and disgraceful condition fairly

A NARRATIVE OF METROPOLITAN LIFE

and a hard to save him. Judge Brewster must come to his rescue. He could not refuse. She would return again to his office this afternoon and sit there all day long, if necessary, until he promised to take the case. He alone could save him. She would go to the lawyer and beg him on her knees if necessary, but first she must see Howard and bid him take courage. A low doorway from Center Street gave access to the gray fortress. At the heavy steel gate stood a portly policeman armed with a big key. Each time before letting people in or out he inserted this key in a ponderous lock. The gate would not open merely by turning the handle. This was to prevent the escape of prisoners, who might possibly succeed in reaching so far as the door, but could not open the steel gate without the big key. When once any one entered the prison he was not permitted to go out again except on a signal from a keeper.

When Annie entered she found the reception room filled with visitors, men and women of all ages and nationalities, who, like herself, had come to see some relative or friend in trouble. It was a motley and interesting crowd. There were fruit peddlers, sweat shop workers, sporty-looking men, negroes and flashy-looking women. All seemed callous and indifferent, as if quite at home amid the sinister surroundings of a prison. One or two others appeared to belong to a more respectable class, their sober manner and careworn faces reflecting silently the humiliation and shame they felt at their kinman's disgrace.

The small barred windows did not permit of much ventilation and, as the day was warm, the odor was sickening. Annie looked around fearfully and humbly took her place at the end of the long line which slowly worked its way to the narrow inner grating, where credentials were closely scrutinized. The horror of the place seized upon her. She wondered who all these poor people were and what the prisoners whom they came to see had done to offend the majesty of the law. The prison was filled with policemen and keepers and running in and out with messages and packages were a number of men in neat linen suits. She asked a woman who they were.

"Them's the trustees—prisoners that has special privileges in return for work they does about the prison."

The credentials were passed upon slowly and Annie, being the twentieth in line, found it a tedious wait. In front of her was a bestial-looking negro, behind her a woman whose cheap jewelry, rouged face and extravagant dress proclaimed her profession to be the most ancient in the world. But at last the gate was reached. As the doorkeeper examined her ticket he looked up at her with curiosity. A murderer is rare enough even in the Tombs, to excite interest, and as she passed on the attendants whispered among themselves. She knew they were talking about her, but she steeled herself not to care. It was only a foretaste of other humiliations which she must expect.

A keeper now took charge of her and led her to a room where she was searched by a matron for concealed weapons, a humiliating ordeal, to which even the richest and most influential visitors must submit with as good grace as possible. The matron was a hard-looking woman of about 50 years, in whom every spark of human pity and sympathy had been killed during her many years of constant association with criminals. The word "prison" had lost its meaning to her. She saw nothing undesirable in jail life, but looked upon the Tombs rather as a kind of boarding house in which people made short or long sojourns, according to their luck. She treated Annie unceremoniously, yet not unkindly.

"So you're the wife of Jeffries, whom they've got for murder, eh?" she said, as she rapidly ran her hands through the visitor's clothing.

"Yes," faltered Annie, "but it's all a mistake, I assure you. My husband's perfectly innocent. He wouldn't hurt a fly."

The woman grinned.

"They all say that, m'm." Logabritously she added: "I hope you'll be more lucky than some others were."

Annie felt herself grow cold. Was this a sinister prophecy? She shuddered and, hastily taking a dollar from her purse, slipped it into the matron's hand.

"May I go now?" she said.

"Yes, my dear; I guess you've got nothing dangerous on you. We have to be very careful. I remember once when we had that Hoboken murderer here. He's the fellow that cut his wife's head off and stuffed the body in a barrel. His mother came here to

see him one day and what did I find inside her stocking but an innocent

looking little rosy girl, and if I please, it was nothing less than prussic acid. He would have swallowed it and the electric chair would have been cheated. So you see how careful we has to be."

Annie could not listen to any more. The horror of having Howard clasped with fiends of that description sickened her. To the keeper she said quickly:

"Please take me to my husband."

Taking another dollar from her purse, she slipped the bill into the man's hand, feeling that, here as everywhere else, one must pay for privileges and courtesies. Her guide led the way and ushered her into an elevator, which, at a signal, started slowly upwards.

The cells in the Tombs are arranged in rows in the form of an ellipse in the center of each of the six floors. There is room to accommodate 900 prisoners of both sexes. The men are confined in the new prison; the women, fewer in number, in what remains of the old building. Only the center of each floor being taken up with the rows of narrow cells, there remains a broad corridor, running all the way round and flanked on the right by high walls with small barred windows. An observer from the street glancing up at the windows might conclude that they were those of the cells in which prisoners were confined. As a matter of fact, the cells have no windows, only a grating which looks directly out into the circular corridor.

At the fourth floor the elevator stopped and the heavy iron door swung back.

"This way," said the keeper, stepping out and quickly walking along the corridor. "He's in cell No. 456."

A lump rose in Annie's throat. The place was well ventilated, yet she thought she would faint from a choking feeling of restraint. All along the corridor to the left were iron doors painted yellow. In the upper part of the door were half a dozen broad slits through which one could see what was going on inside.

"Those are the cells," volunteered her guide.

Annie shuddered as, mentally, she pictured Howard locked up in such a dreadful place. She peered through one of the slits and saw a narrow cell about ten feet long by six wide. The only furnishings were a folding cot with blanket, a wash bowl and lavatory. Each cell had its occupant, men and youths of all ages. Some were reading, some playing cards. Some were lying asleep on their cots, perhaps dreaming of home, but most of them leaning dejectedly against the iron bars wondering when they would regain their liberty.

"Where are the women?" asked Annie, trying to keep down the lump that rose chokingly in her throat.

"They're in a separate part of the prison," replied the keeper.

"Isn't it dreadful?" she murmured.

"Not at all," he exclaimed cheerfully. "These prisoners fare better in prison than they do outside. I wear some of them are sorry to leave."

"But it's dreadful to be cooped up in those little cells, isn't it?" she said.

"Not so bad as it looks," he laughed. "They are allowed to come out in the corridor to exercise twice a day for an hour and there is a splendid shower bath they can take."

"Where is my husband's cell?" she whispered, almost dreading to hear the reply.

"There it is," he said, pointing to a door. "No. 456."

Walking rapidly ahead of her and stopping at one of the cell doors, he rapped loudly on the iron grating and cried:

"Jeffries, here's a lady come to see you. Wake up there!"

A white, drawn face approached the grating. Annie sprang forward.

"Howard!" she sobbed.

"Is it you, Annie?" came a weak voice through the bars.

"Can't I go in to him?" she asked pleadingly.

The keeper shook his head.

"No, m'm, you must talk through the bars, but I won't disturb you."

He walked away and the husband and wife were left facing each other. The tears were streaming down Annie's cheeks. It was dreadful to be standing there so close and yet not be able to throw her arms around him. Her heart ached as she saw the distress in his wan, pale face.

"Why didn't you come before?" he asked.

"I could not. They wouldn't let me. Oh, Howard," she gasped. "What a dreadful thing this is! Tell me how you got into such a scrape!"

He put his hand to his head as if it hurt him, and she noticed that his eyes looked queer. For a moment the agony of a terrible suspicion crossed her mind. Was it possible that in a moment of drunken recklessness he had shot Underwood? Quickly, almost breathlessly, she whispered to him:

"Tell me quickly, 'tis not true, is it? You did not kill Robert Underwood?"

He shook his head.

"No," he said.

"Thank God for that!" she exclaimed. "But your confession—what does that mean?"

"I do not know. They told me I did it. They insisted I did it. He was sure I did it. He told me he knew I did it. He showed me the pistol. He was so insistent that I thought he was right—that I had done it. In a deep whisper he added earnestly: 'But you know I didn't, don't you?'"

"Who is he?" demanded Annie.

"The police captain."

"Oh, Capt. Clinton told you you did it?"

Howard nodded.

"Yes, he told me he knew I did it. He kept me standing there six hours, questioning and questioning until I was ready to drop. I tried to sit down; he made me stand up. I did not know what I was saying or doing."

He told me I killed Robert Underwood. He showed me the pistol under the strong light. The reflection from the polished nickel flashed into my eyes, everything suddenly became a blank. A few moments later the coroner came in and Capt. Clinton told him I confessed. But it isn't true, Annie. You know I am as innocent of that murder as you are."

"Thank God, thank God!" exclaimed Annie. "I see it all now."

Her tears were dried. Her brain was beginning to work rapidly. She already saw a possible line of defense.

"I don't know how it all happened," went on Howard. "I don't know any more about it than you do. I left you to go to Underwood's apartment. On the way I foolishly took a drink. When I got there I took more whisky. Before I knew it I was drunk. While talking I fell asleep. Suddenly I heard a woman's voice."

"Ah!" interrupted Annie. "You, too, heard a woman's voice. Capt. Clinton said there was a woman in it." Thoughtfully, as if to herself, she added: "We must find that woman."

"When I woke up," continued Howard, "it was dark. Groping around for the electric light, I stumbled over something. It was Underwood's dead body. How he came by his death I have not the slightest idea. I at once realized the dangerous position I was in and I tried to leave the apartment unobserved. Just as I was going,

Underwood's man servant arrived and he handed me over to the police. That's the whole story. I've been here since yesterday and I'll be devilish glad to get out."

"You will get out," she cried. "I'm doing everything possible to get you free. I've been trying to get the best lawyer in the country—Richard Brewster."

"Richard Brewster!" exclaimed Howard. "He's my father's lawyer."

"I saw your father yesterday afternoon," she said quietly.

"You did!" he exclaimed, surprised.

"Was he willing to receive you?"

"He had to," she replied. "I gave him a piece of my mind."

Howard looked at her in mingled amazement and admiration. That she should have dared to confront a man as proud and obstinate as his father astounded him.

"What did he say?" he asked eagerly.

"I asked him to come publicly to your support and to give you legal assistance. He refused, saying he could not be placed in a position of condoning such a crime and that your behavior and your marriage had made him wash his hands of you forever."

Tears filled Howard's eyes and his mouth quivered.

"Then my father believes me guilty of this horrible crime?" he exclaimed.

"He insisted that you must be guilty, as you had confessed. He offered, though, to give you legal assistance, but only on one condition."

"What was that condition?" he demanded.

"That I consent to a divorce," replied Annie quietly.

"What did you say?"

"I said I'd consent to anything if it would help you, but when he told me that even then he would not come personally to your support I told him we would worry along without his assistance. On that I left him."

"You're a brave little woman!" cried Howard. Noticing her pale, anxious face, he said:

"You, too, must have suffered."

"Oh, never mind me," she rejoined quickly. "What we must do now is to get you out of this horrid place and clear your name before the world. We must show that your alleged confession is untrue; that it was dragged from you involuntarily. We must find that mysterious woman who came to Underwood's rooms while you lay on the couch asleep. Do you know what my theory is, Howard?"

"What?" demanded her husband.

"I believe you were hypnotized into making that confession. I've read of such things before. You know the boys in college often hypnotized you. You told me they made you do all kinds of things against your will. That big brute, Capt. Clinton, simply forced his will on yours."

"By Jove—I never thought of that!" he exclaimed. "I know my head ached terribly after he got through all that questioning. When he made me look at that pistol I couldn't resist any more. But how are we going to break through the net which the police have thrown around me?"

"By getting the best lawyer we can procure. I shall insist on Judge Brewster taking the case. He declines, but I shall go to his office again this afternoon. He must—"

Howard shook his head.

"You'll not be able to get Brewster. He would never dare offend my father by taking up my case without his permission. He won't even see you."

"We'll see," she said quietly. "He'll see me if I have to sit in his office all day for weeks. I have decided to have Judge Brewster defend you because I believe it would mean acquittal. He will build up a defense that will defeat all the lies that the police have concocted. The police have a strong case because of your alleged confession. It will take a strong lawyer to fight them." Earnestly she added: "Howard, if your life is to be saved we must get Judge Brewster."

"All right, dear," he replied. "I can only leave it in your hands. I know that whatever you do will be for the best. I'll try to be as patient as I can. My only comfort is thinking of you, dear."

A heavy step resounded in the corridor. The keeper came up.

"Time's up, m'm," he said civilly.

Annie thrust her hand through the bars; Howard carried it reverently to his lips.

"Goodby, dear," she said. "Keep

up your courage. You'll know that I am working for your release every moment. I won't leave a stone unturned."

"Good-by, darling," he murmured. He looked at her longingly and there were tears in her eyes as she turned away.

"I'll be back very soon," she said. A few minutes later they were in the elevator and she passed through the big steel gate once more into the sunlit street.

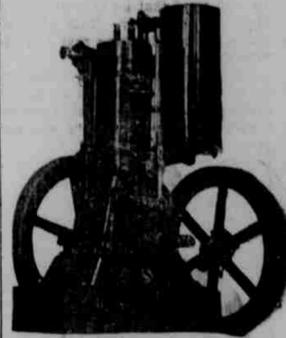
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