

The THIRD DEGREE

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The banker turned on his wife. Sternly he said:

"Alicia, I cannot permit you to interfere. That young man is a self-confessed murderer and therefore no son of mine. I've done with him long ago. I cannot be moved by maudlin sentimentality. Please let that be final." Turning to the lawyer, he said, coldly:

"So, in the matter of this stage business, you can take no steps to restrain her?"

The lawyer shook his head.

"No, there is nothing I can do." Quickly he added: "Of course, you don't doubt my loyalty to you?"

Mr. Jeffries shook his head.

"No, no, Brewster."

The lawyer laughed as he said:

"Right or wrong, you know—my country—that is, my client—'tis of thee." Turning to Alicia, he added, laughingly: "That's the painful part of a lawyer's profession, Mrs. Jeffries. The client's weakness is the lawyer's strength. When men hate each other and rob each other we lawyers don't pacify them. We dare not, because that is our profession. We encourage them. We pit them against each other for profit. If we didn't they'd go to some lawyer who would."

Alicia gave a feeble smile.

"Yes," she replied; "I'm afraid we all love to be advised to do what we want to do."

Mr. Jeffries made an impatient gesture of dissent. Scoldingly he remarked:

"That may apply to the great generality of people, but not to me."

Judge Brewster looked skeptical, but made no further comment. The banker rose and Alicia followed suit. As he moved toward the door, he turned and said:

"Drop in and see me this evening, Brewster. Mrs. Jeffries will be delighted if you will dine with us."

Alicia smiled graciously. "Do come, Judge; we shall be all alone."

The lawyer bent low over her hand as he said good-by. Mr. Jeffries had already reached the door, when he turned again and said:

"Are you sure a very liberal offer wouldn't induce her to drop the name?"

The lawyer shook his head doubtfully.

"Well, see what you can do," cried the banker. To his wife he said: "Are you coming, Alicia?"

"Just a moment, dear," she replied. "I want to say a word to the Judge."

"All right," replied the banker. "I'll be outside." He opened the door, and as he did so he turned to the lawyer:

"If there are any new developments let me know at once."

He left the office and Alicia breathed a sigh of relief. She did not love her husband, but she feared him. He was not only 20 years her senior, but his cold, aristocratic manner intimidated her. Her first impulse had been to tell him everything, but she dare not. His manner discouraged her. He would begin to ask questions, questions which she could not answer without seriously incriminating herself. But her conscience would not allow her to stand entirely aloof from the tragedy in which her husband's scapegrace son was involved. She felt a strange, unaccountable desire to meet this girl Howard had married. In a quick undertone to the lawyer, she said:

"I must see that woman, Judge. I think I can persuade her to change her course of action. In any case I must see her, I must—"

Looking at him questioningly, she said: "You don't think it inadvisable, do you?"

The judge smiled grimly.

"I think I'd better see her first," he said. "Suppose you come back a little later. It's more than probable that she'll be here this afternoon. I'll see her and arrange for an interview."

There was a knock at the door, and Alicia started guiltily, thinking her husband might have overheard their conversation. The head clerk entered and whispered something to the judge, after which he retired. The lawyer turned to Alicia with a smile.

"It's just as I thought," he said, pleasantly, "she's out there now. You'd better go and leave her to me."

The door opened again unceremoniously, and Mr. Jeffries put in his head:

"Aren't you coming, Alicia?" he demanded, impatiently. In a lower voice to the lawyer, he added: "Say, Brewster, that woman is outside in your office. Now is your opportunity to come to some arrangement with her."

Again Mrs. Jeffries held out her hand.

"Good-by, Judge; you're so kind! It needs a lot of patience to be a lawyer, doesn't it?"

Judge Brewster laughed, and added in an undertone:

"Come back by and by."

The door closed, and the lawyer went back to his desk. For a few moments he sat still plunged in deep thought. Suddenly, he touched a bell. The head clerk entered.

"Show Mrs. Howard Jeffries, Jr., in." The clerk looked surprised. Strict orders hitherto had been to show the unwelcome visitor out. He believed that he had not heard aright

A NARRATIVE OF
METROPOLITAN LIFE

CHAPTER XV.

"Did you say Mrs. Jeffries, Jr., Judge?"

"I said Mrs. Jeffries, Jr.," replied the lawyer, grimly.

"Very well, Judge," said the clerk, as he left the room.

Presently there was a timid knock at the door.

"Come in!" called out the lawyer.

Annie entered the presence of the famous lawyer pale and ill at ease. This sudden summons to Judge Brewster's private office was so unexpected that it came like a shock. For days she had haunted the premises, sitting in the outer office for hours at a time exposed to the stare and covert smiles of thoughtless clerks and office boys. Her requests for an interview had been met with curt refusals. They either said the judge was out of town or else that he was too busy to be seen. At last, evidently acting upon orders, they flatly refused to even send in her name, and she had about abandoned hope when, all at once, a clerk approached her, and addressing her more politely than usual, said that the judge would see her in a few minutes.

Her heart gave a great throb. Almost speechless from surprise, she stammered a faint thanks and braced herself for the interview on which so much depended. For the first time since the terrible affair had happened, there was a faint glimmer of hope ahead. If only she could rush over to the Tombs and tell Howard the joyful news so he might keep up courage! It was eight days now since Howard's arrest, and the trial would take place in six weeks. There was still time to prepare a strong defense if the judge would only consent to take the case. She was more sure than ever that a clever lawyer would have no difficulty in convincing a jury that Howard's alleged "confession" was untrue and improperly obtained.

In the intervals of waiting to see the lawyer, she had consulted every one she knew, and among others she had talked with Dr. Bernstein, the noted psychologist, whom she had seen once at Yale. He received her kindly and listened attentively to her story. When she had finished he had evinced the greatest interest. He told her that he happened to be the physician called in on the night of the tragedy, and at that time he had grave doubts as to it being a case of murder. He believed it was suicide, and he had told Capt. Clinton so, but the police captain had made up his mind, and that was the end of it. Howard's "confession," he went on, really meant nothing. If called to the stand he could show the jury that a hypnotic subject can be made to "confess" to anything. In the interest of truth, justice, and science, he said, he would gladly come to her aid.

All this she would tell Judge Brewster. It would be of great help to him, no doubt. Suddenly, a cold shiver ran through her. How did she know he would take the case? Perhaps this summons to his office was only to tell her once more that he would have nothing to do with her and her husband. She wondered why he had decided so suddenly to see her and, like a flash, an idea came to her. She had seen Mr. Jeffries, Sr., enter the inner sanctum and, instinctively, she felt that she had something to do with his visit. The banker had come out accompanied by a richly-dressed woman whom she guessed to be his wife.

She looked with much interest at Howard's stepmother. She had heard so much about her that it seemed to her that she knew her personally. As Alicia swept proudly by, the eyes of the two women met, and Annie was surprised to see in the banker's wife's face, instead of the cold, haughty stare she expected, a wistful, longing look, as if she would like to stop and talk with her, but dare not. In another instant she was gone, and, obeying a clerk, who beckoned her to follow him, she entered Judge Brewster's office.

The lawyer looked up as she came in, but did not move from his seat. Gruffly he said:

"How long do you intend to keep up this system of—warfare? How

long are you going to continue forcing your way into this office?"

"I didn't force my way in," she said, quietly. "I didn't expect to come in. The clerk said you wanted to see me."

The lawyer frowned and scrutinized her closely. After a pause, he said:

"I want to tell you for the fiftieth time I can do nothing for you."

"Fifty," she echoed. "Fifty did you say? Really, it doesn't seem that much."

Judge Brewster looked at her quickly to see if she was laughing at him. Almost peevishly, he said:

"For the last time, I repeat I can do nothing for you."

"Not the last time, Judge," she replied, shaking her head. "I shall come again to-morrow."

The lawyer swung around in his chair with indignation.

"You will—"

Annie nodded.

"Yes, sir," she said, quietly.

"You're determined to force your way in here?" exclaimed the lawyer.

"Yes, sir."

The judge banged the desk with his fist.

"But I won't allow it! I have something to say, you know! I can't permit this to go on. I represent my client, Mr. Howard Jeffries, Sr., and he won't consent to my taking up your husband's case."

There was a shade of sarcasm in Annie's voice as she asked calmly:

"Can't you do it without his consent?"

The lawyer looked at her grimly.

"I can," he blurted out, "but—I won't."

Her eyes flashed as she replied quickly.

"Well, you ought to—"

The lawyer looked up in amazement.

"What do you mean?" he demanded.

"It's your duty to do it," she said, quietly. "Your duty to his son, to me, and to Mr. Jeffries himself. Why, he's so eaten up with his family pride and false principles that he can't see the difference between right and wrong. You're his lawyer. It's your duty to put him right. It's downright wicked of you to refuse—hunting around for a lawyer one of them actually refused to take up the case because he said old Brewster must think Howard was guilty or he'd have taken it up himself. You and his father are putting the whole world against him, and you know it."

The judge was staggered. No one in his recollection had ever dared to speak to him like that. He was so astonished that he forgot to resent it, and he hid his confusion by taking out his handkerchief and mopping his forehead.

"I do know it," he admitted.

"Then why do you do it?" she snapped.

The lawyer hesitated, and then he said:

"—that's not the question."

Annie leaped quickly forward, and she replied:

"It's my question—and as you say, I've asked it 50 times."

The lawyer sat back in his chair and looked at her for a moment without speaking. He surveyed her critically from head to foot, and then, as if satisfied with his examination, said:

"You're going on the stage?"

She nodded.

"I've had a very big offer."

The judge leaned forward, and in a low voice, so that no one in the outer office might hear, he said:

"Well, I'll give you twice as much if you refuse the engagement."

She laughed ironically.

"You mean that my father-in-law will give it," she said, lightly. Then she went on:

"You know it's no use your asking me to concede anything unless you agree to defend Howard."

The lawyer shook his head.

"I can't—it's impossible."

"Then neither can I," she exclaimed, defiantly.

Judge Brewster could not refrain from smiling. This young woman had actually inveigled him into an argument. Almost mockingly, he said:

"So you're determined to have me."

"Yes," she said, simply.

"But I don't argue criminal cases."

"That's just it," she exclaimed, eagerly; "my husband is not a criminal. He is innocent. I don't want a lawyer who is always defending criminals. I want one who defends a man because he isn't a criminal."

Judge Brewster waved his hand contemptuously.

"Go and see some other lawyer—there are plenty of 'em."

She leaned eagerly forward. Her face was flushed from excitement, her eyes flashed.

"There's only one Judge Brewster," she exclaimed. "He's the greatest lawyer in the world, and he's going to help us. He is going to save Howard's life."

The judge shifted uneasily on his chair. He didn't like this forceful, persistent young woman. Almost fretfully, he said:

"You always say that. Upon my word, I shall begin to believe it soon."

"I shall say it again," she exclaimed, "and again every time I see you."

The lawyer turned round. There was a comic look of despair in his face which would have amused his visitor had her errand not been so serious.

"How often do you intend that shall be?"

"Every day," she replied, calmly. "I shall say it and think it until—until it comes true."

Judge Brewster tried to feel angry, although inwardly he had hard work to keep from smiling. With pretended indignation, he said:

"You mean that you intend to keep at me until I give way—through

door—exhaustion."

She nodded.

"That's it exactly," she said.

The lawyer gasped.

"Well, I must say you—you—you're very brave."

Annie shook her head.

"No, I'm not," she said, earnestly. "I'm an awful coward, but I'm fighting for him. Howard Jeffries lifted me up when I was way down in the world. He gave me his name. He gave me all he had, to make me a better woman, and I'm grateful. Why, even a dog has gratitude, even a dog will lick the hand that feeds him. Why should I hesitate to express my gratitude? That's all I'm doing—just paying him back a bit of the debt I owe him, and I'm going to move Heaven and earth to bring his father around to my way of thinking. I've got you already—"

The judge bounded to his feet. Could his ears have heard aright?

"Got me already?" he exclaimed.

"What do you mean by that?"

Annie returned his angry look with the utmost calm. She was playing her cards well, and she knew it. She had hit the old man in a sensitive place. Quietly, she went on:

"You'd say 'yes' in a minute if it wasn't for Mr. Jeffries."

"Oh, you think so, do you?" he gasped.

"I'm sure of it," she replied, confidently. Boldly she went on: "You're afraid of him."

Judge Brewster laughed heartily.

"Afraid of him?" he echoed.

"It isn't so funny," she went on. "You're afraid of opposing him. I'm not surprised. I'm afraid of him myself."

The lawyer looked at her in an amused kind of way.

"Then why do you oppose him in everything?" he demanded.

Annie laughed as she replied:

"That's the only way I can get his attention. Why, when he met me out there to-day he actually looked at me. For the first time in his life he recognized that he has a daughter-in-law. He looked at me—and I'm not sure, but I think he wanted to bow to me. He's kind of beginning to sit up and take notice."

Judge Brewster frowned. He did not like the insinuation that he was afraid to do the right thing because it might interfere with his emoluments. Yet, secretly, he had to admit to himself that she had almost guessed right. Now he came to think of it, he had taken this stand in the matter, because he knew that any other course would displease his wealthy client. After all, was he doing right? Was he acting in conformance with his professional oath? Was he not letting his material interests interfere with his duty? He was silent for several minutes, and then, in an absent-minded kind of way, he turned to his visitor.

"So you think I'm afraid of him, do you?"

"I'm sure of it," she said, quickly. "You liked my husband, and you'd just love to rush in and fight for him. His father thinks he is guilty and, well—you don't like to disobey him. It's very natural. He's an influential man, a personal friend of the president and all that. You know on which side your bread is buttered, and—oh, it's very natural—you're looking out for your own interests—"

Judge Brewster interrupted her impatiently.

"Circumstances are against Howard. His father judges him guilty from his own confession. It's the conclusion I'm compelled to come to myself. Now, how do you propose to change that conclusion?"

"You don't have to change it," she said, quietly. "You don't believe Howard guilty."

"I don't," exclaimed the lawyer.

"No, at the bottom of your heart. You knew Howard when he was a boy, and you know he is as incapable of that crime as you are."

Judge Brewster lapsed into silence, and there followed a perfect quiet, broken only by the suppressed chatter of the clerks and clicking of the typewriters in the outer office. Annie watched him closely, wondering what was passing in his mind, fearing in her heart that she might have prejudiced him against her husband only the more. Suddenly he turned on her.

"Mrs. Jeffries, how do you know that your husband did not kill Robert Underwood?"

"I know it," she said, confidently.

"Yes," persisted the judge, "but how do you know it?"

Annie looked steadily at him, and then she said solemnly:

"I know there's a God, but I can't tell you how I know it, that's all! Howard didn't do it. I know he didn't."

The lawyer smiled.

"That's a very fair sample of feminine logic."

"Well, it's all I have," she retorted, with a toss of her head. "And it's a mighty comfort, too, because when you know a thing you know it and it makes you happy."

Judge Brewster laughed outright.

"Feminine deduction!" he cried.

"Think a thing, believe it, and then you know it!" Looking up at her, he asked:

"Haven't you any relatives to whom you can go?"

She shook her head.

"No," she said, sadly. "My father died in—Sling Sing—and the rest are not worth—"

"Yes, yes, I know," replied the judge, hastily. "I got your family history from Mr. Jeffries after your marriage. It is filed away among the family archives."

She smiled sadly.

"It's a wonder you don't burn 'em up—my folks were not a very brilliant lot." Earnestly she went on:

"But my father was an right, Judge. Blood was thicker than water with him. He'd never have gone back on me in the way Howard's father has on him."

The lawyer looked at her fixedly without speaking. Their eyes met, and the silence continued until it became embarrassing. Judge Brewster shook his head.

"It's too bad. I'm sorry for you, really, I—"

Annie laughed, and he asked:

"Why do you laugh?"

"What's the use of crying?" she said. "Hal! Hal! It's almost a joke. You're sorry, my father-in-law is sorry, and I suppose my mother-in-law is shedding tears for me, too. You're all sorry and you're all wearing crape for us, but why can't some of you do something?"

The lawyer said nothing. He still stared at her in a strange, absent-minded kind of way, until Annie—lost patience. Boldly she said:

"Well, you seat for me. What do you want to see me about, Judge?"

"I want to tell you that you mustn't come here again," he answered.

"Anything else?" she exclaimed.

The judge began to fuss with the papers on his desk, as he usually did when embarrassed for words.

"Of course," he stammered, "you will be amply compensated."

"Of course," she cried. Rising from her chair, she shrugged her shoulders, and said:

"Oh, well, this is not my lucky day. They wouldn't let me into the prison to see Howard to-day. Capt. Clinton doesn't like me. He has always tried to prevent my seeing Howard, but I'll see him to-morrow, captain or no captain. He can make up his mind to that!"

The lawyer looked up at her.

"Poor girl—you are having a hard time, aren't you?"

"Things have been better," she replied, with a tremor in her voice. "Howard and I were very happy when we first—"

A sob choked her utterance, and she forced a laugh, saying: "Here, I must keep off that subject—"

"Why do you laugh?" demanded the lawyer.

Already hysterical, Annie had great difficulty in keeping back her tears.

"Well, if I don't laugh," she sobbed, "I'll cry; and as I don't want to cry—why—I just laugh. It's got to be one or the other—see—"

He said nothing, and she continued:

"Well, I guess I'll go home—home—that's the worst part of it—home—"

She stopped short, she could go no further. Her bosom was heaving, the hot tears were rolling down her

cheeks. The old lawyer turned away his head so that she might not see the suspicious redness in his eyes. Moving toward the door, she turned around.

"Well, you have your own troubles, Judge. I'll go now, but I'll come again to-morrow. Perhaps you'll have better news for me."

The lawyer waved her back to her seat with a commanding gesture she could not resist. There was determination around his mouth; in his face was an expression she had not seen there before.

"Sit down again for a moment," he said, sharply. "I want to ask you a question. How do you account for Howard's confessing to the shooting?"

"I don't account for it," she replied, as she resumed her seat. "He says he didn't confess. I don't believe he did."

"But three witnesses—"

"Who are the witnesses?" she interrupted, contemptuously. "Police-men!"

"That makes no difference," he said. "He made a confession and signed—"

Annie leaned forward. What did this question mean? Was the judge becoming interested after all? Her heart gave a leap as she answered eagerly:

"He confessed against his will. I mean—he didn't know what he was doing at the time. I've had a talk with the physician who was called in—Dr. Bernstein. He says that Capt. Clinton is a hypnotist, that he can compel people to say what he wants them to say. Well, Howard is—what they call a subject—they told him he did it till he believed he did."

She looked narrowly at the lawyer to see what effect her words were having, but to her great disappointment the judge was apparently paying not the slightest attention. He was gazing out of the window and drumming his fingers absent-mindedly on the desk. Utterly discouraged, she again rose.

"Oh, well, what's the use—?"

The judge quickly put out his hand and partly pushed her back in the chair.

"Don't go," he said. Then he added:

"Who told you he was a hypnotic subject?"

Her hopes revived once more.

QUICKLY she said:

"Dr. Bernstein. Besides, Howard told me so himself. A friend of his at college used to make him out all sorts of capers."

"A friend at college, eh? Do you remember his name?"

"Howard knows it."

"Um!" ejaculated the lawyer. He took up a pad and wrote a memorandum on it. Then aloud he said: "I'd like to have a little talk with Dr. Bernstein. I think I'll ask him to come and see me. Let me see. His address is—"

"342 Madison avenue," she exclaimed, eagerly.

The lawyer jotted the address down, and then he looked up.

"So you think I'm afraid of Mr. Jeffries, do you?"

She smiled.

"Oh, no, not really afraid," she answered, "but just—scared. I didn't mean—"

Judge Brewster was enjoying the situation hugely. He had quite made up his mind what to do, but he liked to quiz this bold young woman who had not been afraid to show him where his duty lay. Striving to keep a serious face, he said:

"Oh, yes, you did, and I want you to understand I'm not afraid of any man. As to allowing my personal interests to interfere with my duty—"

Annie took alarm. She was really afraid she had offended him.

"Oh, I didn't say that, did I?" she exclaimed timidly.