

# The Corrector of Destinies

Being Tales of Randolph Mason as Related by His Private Secretary, Courland Parks  
**The LAND PIRATE**

By Melville Davisson Post

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Reforms, it would seem, only cause the devil to change his clothes. The advance of civilization is a progress in disguise; the agents by which the Emperor of the Hoop carries on his gentle arts are always costumed appropriately to the times, but the agents themselves remain the same. For example, would you find again the free-booters, hanged so long ago at the yard-arm, you have but to look closely at the financial literature that floods the mails.

Usually, the man of average sense can instantly put his finger on the fraud hidden under the glittering promise; but now and then one comes across a so-called financial proposition so fair, so set about with unquestionable safeguards, that the keenest scrutiny cannot discover in it a possibility of loss. These are the schemes of the great masters—disguised sloops of Kidd, Morgan and Bonnet.

I found such a scheme one day in a letter among my mail, and laid it on my table under the ink-pot. It ran in this fashion:

The Bank holds the money. The safest proposition ever offered to investors. We are placing on the market blocks of stock of the Union Consolidated Oil Company under these unparalleled conditions: You deposit the amount of your subscription to your own credit in the Driller's Bank of Pittsburgh, a certificate of deposit is issued to you in your name and held by you. You also get the stock certificate. You keep both exclusively in your own possession. We ask only that you turn over to this company the certificate of deposit issued you by the Bank when the Oil Company has paid to you, in dividends on your stock, a sum equal to the amount of your investment. This is the only stock ever offered in any market which is not subject to loss. You keep your money safely on deposit with one of the greatest banks in America and, at the same time, make the sort of investment out of which John D. Rockefeller became the richest man in the world. Write today for our detailed plan. The Union Consolidated Oil Company, 15-21-33 Iron Bldg., Pittsburgh, Pa.

I was held and puzzled by this striking proposition. It seemed to be drafted with an eye only to the protection of the investor. If it had failed to name the bank in which the funds were to be deposited, or had named one of a lower standard, I should instantly have doubted its good faith; but the Driller's bank of Pittsburgh was well rated; it had a capital of five millions; its stockholders were, for the most part, men who had made fortunes in the oil fields of western Pennsylvania. It was naturally the bank which such a company would select. Where then was the flaw? What advantage did such a plan offer to this company? The money was not paid to it, but to a responsible bank on deposit to the investor's credit; the company could not get it. The money would be returned by the bank, unless an equal sum were paid by the company to the stockholders. It would, indeed, be difficult to devise a safer scheme. Almost any one would speculate under such conditions; it was removing the element of chance from the game, and yet here evidently were large sums expended in exploitation. Surely a deception was hidden somewhere there, so the circular fascinated me like a page of puzzles. It lay under my eye for a week; then I dropped it into a pigeonhole of the desk.

Two years later Captain Roger Shelton called to see Randolph Mason. I have rarely met a man so aptly cast for his part as this Captain Shelton. He was tall, somewhat unevenly fattened, clothed in light worsted, with a style of coat provincially called "cut-away," always kept buttoned, a top hat and very shiny patent leathers. His eyes were alert and his speech rapid and persuasive. His mouth, however, was loose in the under lip—the real Captain Shelton lying there his signal. His manner tended quickly to establish relations of amiable fellowship; he strove for that with a certain breezy frankness.

Some one on lower Broadway had sent him to Randolph Mason. He required a little assistance, he explained, of a business rather than of a legal nature. He had struck a hard place in a trade. If he could get over it, his fortune was established.

The captain seemed an ideal promoter. He strove, with no slight cunning, to inform himself through me about Randolph Mason. He led to his queries always by two roads, like a commander of infantry; when one was found guarded, he crossed quickly to the other. I think, too, that his knowledge of men was fairly accurate, for, when he came, presently, before Randolph Mason himself, his manner perceptibly changed, the "hall fellow" vanished, he stated his business with a certain approach to dignity, and it was only when the "murder," so to speak, was out, that the real man came visibly to the surface.

Randolph Mason gave the Pennsylvanian close attention. He led him almost persuasively into detail. He unearthed here and there a covered portion of his story until the nature of the affair came wholly into daylight. The art of subtle inquiry, in the use of which Shelton had a certain skill, was turned masterfully against him, and so unobtrusively that each elicited feature seemed to follow some voluntary statement like an inevitable sequel.

Captain Shelton had intended to

give such elements of his story as he deemed necessary to his end; but under his handling by Randolph Mason he was unable to stop at his own marked points. When he laid his hands on a protruding limb of his story he somehow astonishingly drew up with it the whole hidden body. The point upon which he wished aid, badly put (as he had intended), was commonplace enough. He held ten thousand acres of land under oil leases, lying solidly in a parallelogram with the exception of two tracts of nine hundred and one hundred acres respectively. These two tracts were owned by two directors of a certain savings bank in New England. The larger tract he did not want, but the nine-hundred-acre tract he greatly wished; it was the only territory of the whole block lying, in his opinion, above oil-bearing strata. He exhibited a map showing in red this strip of land running across the parallelogram, and explained that the oil-bearing rocks in this region sloped on either side, forming a synclinal, and that this synclinal lay almost wholly within the tract colored red on the map. It was, therefore, the storehouse of the whole region. Now the difficulty was that these two men had an agreement that one would not sell without the other. Each demanded the same price for his property, one hundred thousand dollars in cash. The tract lying over the synclinal was worth half a million dollars, the other was worthless, Captain Shelton could, of course, purchase both, but he did not have the amount. He had in available cash on deposit about eighty thousand dollars. He could not get another dollar. He had labored for years, he said, to locate this el dorado. He had found it at last, like a pot of gold at the end of the rainbow. By right of discovery it belonged to him; he had earned it with his wits; he wished now to possess it.

Such were the well-pruned facts that Captain Shelton had selected for presentation to Randolph Mason; but the narrative, under Mason's touches, would not stop with two directors of a conservative savings bank in New England holding tracts of oil land in a distant state remaining unexplained; it would not stop with a mysterious pact binding them to a common price; it would not stop at eighty thousand dollars clean cash in Shelton's hand unaccompanied by any avenues of credit. The parts of the story could not be separated without disclosing glaring discrepancies. Wherever the narrative was cut, it bled. In his effort to avoid this obvious result, the man said more than he intended and in the end told everything that he had meant to conceal.

Captain Shelton was a financial buccaner. Some two years earlier, in a gust of fortune, his brig had sunk and he had come, with five hundred dollars, perilously ashore. Faced with a desperate need for a new sloop, he hit finally upon this delectable plan. The country at large was in a hysteria of industrial consolidation, the markets gorged with securities, and the banks necessarily short of ready money. He went to the president of the Driller's Bank of Pittsburgh and offered to secure for it a million of dollars in non-interest-bearing deposits, guaranteed to remain undisturbed in the possession of the bank for at least one year, provided the bank would pay him three per cent. per annum for the deposit.

The president at once agreed, and, presuming that it was Shelton's intention to canvass for deposits, loaded him with literature of the bank. The excellent captain dropped these pamphlets into the waste basket and walked over to a cheap lodging on Fourth Avenue. There, from a drunken roustabout, for a hundred dollars, he bought a bagful of oil leases on worthless territory lying along the east side of the Ohio River above St. Mary's. Then he got a charter from the secretary of state of West Virginia, and organized the Union Consolidated Oil Company with a capital of five millions. For two dollars and fifty cents he bought a seal, and for five more a book of stock certificates excellently printed on bank-note paper.

Then the captain sat down at a hotel desk in the city of Pittsburgh and wrote the literature which had come to me in the mail two years before.

This he put in the hands of a mailing list agency of New England with a deposit on account of two hundred dollars. With the remaining money he rented three furnished rooms on the nineteenth floor of the Iron Building, and sat down to await the arrival of his fortune.

The president of the Driller's Bank sent for Captain Shelton and demanded an explanation of his remarkable plan. The captain instantly invited an inspection of the company. He exhibited recorded leases, legally valid, covering some ten thousand acres of land, and a corporation properly organized, the lease holds transferred in payment of the stock—every detail entirely within the law. He pointed out that under his plan no man could lose a dollar of his money. It would remain on deposit with the bank to the depositor's credit while he, Shel-

ton, tested the territory. If these lands proved oil-producing, as he thought they would, then his stockholders would make enormous profits. If they proved worthless, no man would lose a cent, the company would be dissolved, the certificates cancelled and every stockholder permitted to withdraw his deposit. Then he spoke thus pointedly:

"Your bank's good, isn't it? You will pay the people's money back to them, won't you? I can't rob them, and I suppose you won't."

The president of the Driller's Bank determined to lay the matter before his directors. In the meantime, a tide of small deposits began to arrive. When the directors met on the second Tuesday of the month, there were a hundred thousand dollars in these deposits, increasing with every mail. The bank needed the money, it was loaded with industrial securities. The directors hesitated, and finally continued the matter until the next meeting. The tide swelled into a flood, the matter never came up again before the board, and Captain Shelton secured not one million, as he had promised, but in all nearly two million dollars in deposits.

The entrance of the two bank directors from Massachusetts followed a little later on. Shelton had sent his literature broadly scattered into New England, reaching for persons there with small annuities and little savings in banks. His plan touched the very king-bolt in the nature of these people, a possibility of wealth without risk. The income from their deposits in savings banks was slight. This speculation involved only the transfer of deposits to a different bank with a try at an el dorado for a rider. Having determined that the Driller's Bank of Pittsburgh was solvent, deposits went flooding westward. So great were the withdrawals that two directors of one of these banks in Massachusetts, at the suggestion of the depositors, went to Pittsburgh to look into the matter.

Captain Shelton was advised. He met these gentlemen at the Pennsylvania station, entertained them at the

best hostelry, directed their attention to the stability of the Driller's Bank, and then carried them down into the oil field. There they found blindfolded Fortune scattering her favors like a tipsy Vestal.

Captain Shelton counted well upon his heady air. He brought forth his maps, but he spoke little and sanely. The topsy-turvy condition spoke for him. He posed as one sober, careful, far-sighted, in a community of drunkards. Here were opportunities to be seized, wisely held in hand and made to produce, not a casual pot of gold, but a great fortune lasting for a century. He brought shrewdly to the strangers' notice the two tracts lying within his parallelogram of leased territory. They instantly inquired why these tracts were not included, and he replied that at the time the company leases were taken they could not be had, and now he could not secure them without the consent of the stockholders, a thing impracticable. He would take these two tracts in his own name, but such an act might subject him to criticism. This was, of course, a lie. The roustabout from whom Shelton had secured his leases omitted these tracts because the owners demanded twenty-five cents an acre bonus. Around these two tracts Shelton masked his arts of suggestion. He wished these men's fingers dipped with his in the dish, a little of their gold on the table, a wager left here behind them on the spin of the wheel.

When the two bank directors returned to New England, they took with them the fee simple titles of these two tracts. They took with them also the impression, but not the certainty, that Captain Shelton was merely an adventurer. Able to judge accurately any situation in New England, they were at sea here. The bank in Pittsburgh was certainly solvent. The territory advertised by Shelton was certainly covered by his leases.

Eighteen months later, the Union Consolidated Oil Company was dissolved and its stock cancelled. The bank returned the deposits and paid

Roger Shelton eighty thousand dollars in interest. He feared to place this money in bank lest some one seeing him might attach it, and kept it in a safety deposit box of a New York trust company. He had learned that the two bank directors were now in New York, and had hurried here hoping to purchase the tract of land he wished; but, on reflection, he hesitated to approach them. They would be greatly suspicious of him, and he would not risk having the deed taken in the name of any other person. He desired to get hold of the tract lying over the synclinal, and he would, if necessary, give all the money he had for it. This was the story skillfully unmasked by Randolph Mason.

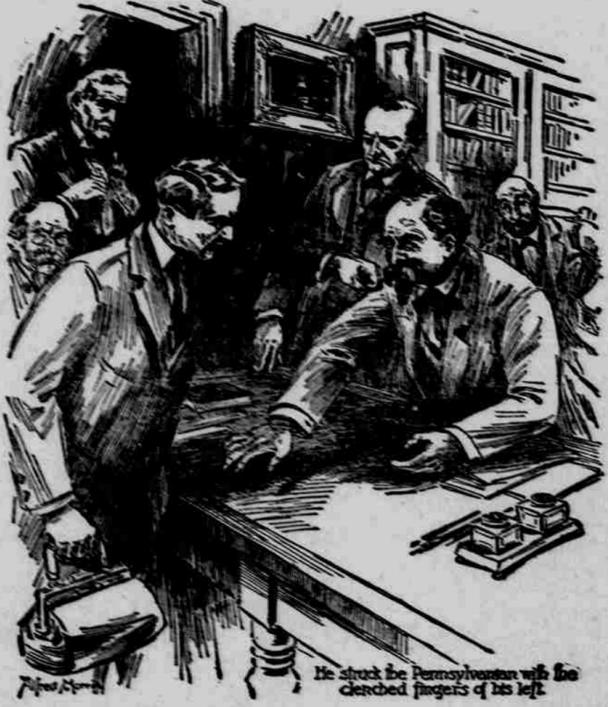
The captain, when the cat was out, began to regret his rashness. His secret had escaped him; it was an indiscretion to be amended by greater caution. He was taken swiftly with a trembling seizure of suspicions.

"You have overlooked the names of these gentlemen from Massachusetts," said Randolph Mason.

A certain cunning dodged along Captain Shelton's features. "I have not overlooked it," he replied. "I don't intend to tell them. I expect my regular lawyer to be present when these men are seen. I came to you for a plan. When I get that, my lawyer will do the rest. I don't mean these Yankees to sleep on the trade. The deeds and the cash will go on the table together. When they are exchanged, the matter will be ended. That's my way of doing business. Now, what's your plan?"

"My plan," said Mason, "will conform to your way of doing business. Have these men here at two o'clock. Let them know nothing of the object of this conference. But you, on your part, take every precaution. Come a half-hour earlier with your attorney. Bring the deeds and the cash with you. Bring also a notary. I would have you take no chance. I would have you omit no safeguard which your instincts suggest."

Captain Shelton was greatly reassured; but a doubt remained. "If I come, they won't sell," he said.



He struck the Pennsylvanian with the clenched fingers of his left.

"That's the very trouble I'm trying to get around."

"I will get around that," replied Randolph Mason.

"Then," said Captain Shelton, "you will have to pretend to represent some one else, and leave me to my lawyer."

"Your foresight is amazing," replied Mason. "I shall leave you entirely to your lawyer. I shall pretend to represent, let us say, the stockholders of the Union Consolidated Oil Company."

"Good!" cried the captain, "that lie will do the work!"

Randolph Mason arose, and waited for his visitor to depart.

"I think," he remarked, "that it will do the work excellently."

The men who met in Randolph Mason's private office were of most incongruous types. My visual memory of this conference remains clear-cut, like the climax of some drama; there was the notary, a tired old man, looking on unconcerned from a chair by the door; Captain Shelton, his under lip painfully tightened, seated on one side of the library table with his attorney at his elbow. This attorney merits a word of comment; he was the ablest practitioner of his class in New York, a class abandoned wholly to intrigue, schooled smatteringly in the law through attendance and experience at trials, but past masters of trickery; he was a little, rotund man, bald, with a fringe of hair running from the top of one ear around to the other; a face as expressionless as wood; eyes steady as though set in by an optician. The man's hands alone betrayed his thoughts—they were as nimble as the fore paws of a mink. Opposite were the two New Englanders, an uncle and his nephew—the elder, tall, grave, somber; the younger, a youth, powerfully built, his face fresh with health, his hands suggesting the strength of ivory—and Randolph Mason, walking up and down by the bookcases.

Mason introduced the matter with this remarkable statement to the men from Massachusetts: He represented

certain of the stockholders of the Union Consolidated Oil Company, acting for the benefit of all. The stockholders of that company had lost in interest on their deposits, through Captain Roger Shelton, some eighty thousand dollars. This money Captain Shelton was now ready to return. He wished to do so through these directors, leaving them to distribute it in detail to the stockholders. However, in the manner of this restitution, Captain Shelton wished to avoid the appearance of compounding a fraud. Mason had, therefore, called this meeting to propose that these two directors sell their tracts of worthless oil territory to Captain Shelton in consideration of this money and, after deducting their individual expenditures, refund the balance of it to the various stockholders of the Union Consolidated Oil Company.

The two bank directors, who had been until now greatly mystified, agreed instantly to this proposition, the elder speaking for the other. They considered their investment in this oil territory somewhat in the nature of a trust, and had determined to hold the tracts indefinitely, in the hope that at some future time they would yield enough money to repay what the stockholders of the company had lost. They had gone to Pittsburgh as envoys, in a way, for the stockholders, and any gain arising from that journey was equitably the property of all. They had consequently asked one hundred thousand dollars in cash for each of these tracts, and had agreed to pool the two properties, so that if all were ever discovered on either tract, it would pay in full the losses of the stockholders. This price they knew to be prohibitive, but the tracts were either to adjust the matter or remain unsold until the end of time.

The Pennsylvanian, sitting with a calf-skin satchel on his knees, observed the difficulty in the way of his fortune thus easily overcome with a sudden mounting joy he could not wholly conceal. His face fell into the sanctimonious expression of one who, at the cost of abnegations, would be perfect. Even the hands of the inscrutable attorney opened wide their fingers as in admiration of a master.

The next statement of Mason was still further their amazed approval.

He said that the two sales must be understood to be complete and separate transactions, concluded absolutely in every detail upon the signing of the deed, and, in order that no claim could be afterward set up that in this sale Captain Shelton took advantage of any secret knowledge of the value of either of the two tracts, he suggested that Shelton be permitted to select the tract which at this time he considered the more valuable, in order that his opinion might be known before the deeds were signed, pay for it seventy-nine thousand dollars, and take the other tract at a nominal sum, say one thousand dollars. Then if either tract should prove in the future to be oil-producing, Captain Shelton could enjoy that good fortune free from any imputation of deception in its purchase.

The attorney's nimble fingers danced on the rungs of his chair—this piece of strategy was excellent. Shelton, too, instantly saw its wisdom. If he took, now, the worthless tract at the large price, the very fact of this selection would conclusively prove that when this worthless tract was purchased he knew nothing of the fabulous value of the other. His good faith, his innocence of secret knowledge, would be here and now irrevocably established for all time to come. Those who sold estates for postage usually came crying to the courts, and if the deeds showed on their faces that the purchaser was himself mistaken in the value of these estates, that cry would fall. Separate, the two sales ought also to be, that no one other than the signer of the deed could afterward claim an attaching equity.

The two New Englanders assented to this, and Captain Shelton instantly selected the worthless tract. The attorney took two deeds from his pocket and laid them before him on the table. He then stated in detail the terms of the purchase; seventy-nine thousand dollars in cash for the tract of twelve hundred acres, one thousand dollars in cash for the tract of nine hundred acres; the two sales distinct, separate transactions directly between the parties named in the deed. He wished this agreement clearly understood. The sentimental reason moving Roger Shelton to this purchase, as given by Randolph Mason, was an observation beside the point. He alone represented Roger Shelton. The purchase of these tracts was now a clean-cut matter of business, showing wholly on the face of the deed. Then he took up one of the deeds, wrote into it the consideration, seventy-nine thousand dollars, and handed it to the younger man, who, it happened, was the owner of this tract. The latter looked swiftly over the deed and signed it, the notary took his acknowledgment, affixed the seal and returned the deed to the attorney, who looked over it and nodded to his client.

Captain Shelton set his calf-skin satchel on the table, unlocked it with a brass key, took out a thousand dollars in one-hundred-dollar bills and pushed the satchel across the table.

"There's your money," he said, "and I throw in the satchel."

The New Englander took the money out in packs, counted it and put it back; then he reached over on the table, took the brass key, locked the satchel, set it down on the floor between his feet and tucked the key into the pocket of his waistcoat. The attorney put the executed deed into his pocket, wrote the consideration of one thousand dollars into the other deed and pushed it, likewise, across

the table. The elder New Englander spread out the deed before him and carefully read it, his forefinger moving slowly along each line. When he came to the end, he fixed his eyes on a little more securely to his nose, took up a pen and dipped it into the ink-pot. At this moment, Randolph Mason, standing behind him, leaned over swiftly, picked up the deed and tore it in two.

Instantly Roger Shelton threw himself across the table, grabbing for the leather satchel. The younger New Englander, amazed at this violent incident, but instinctively determined to protect the money now in his possession at any cost, gripped the handle of the satchel with his right and, rising a little, struck the Pennsylvanian with the clenched fingers of his left. The long body of Captain Shelton slid back, across the table, crashing his chair. The little bald attorney was immediately on his feet, his fingers twitching like live electric wires, but his face still as expressionless as wood. He saw instantly that his client had been outwitted, trapped and, perhaps, ruined; that the attempt to recover the money by force had failed; that further deception and intrigue would likewise equally fail. This athletic young man, muscled like a blacksmith, his hands clenched, his shoulders thrown loosely forward, it was folly to assault with blows. It was equally folly to assault with wiles that other there, calmly tearing the deed to ribbons, running the strips of paper backward and forward through his fingers.

The plan had crashed without a warning, and yet the attorney's presence of mind was not a whit shaken. His face held its set like plaster, not a nerve quivered, not a muscle sprung—he had been schooled to meet the unforeseen. He had gone through a thousand staggering crises where the life, the reputation, the fortune of his client were in a flash periled. He understood instantly, judged the situation, and acted at once. He thrust the pack of one thousand dollars, left lying on the table, into his pocket and helped his dazed client to his feet and to the door. Then he turned back to Randolph Mason.

"Your destruction of this deed will not do any good," he said. "The contract for the sale of this tract of land was definitely made and concluded here, in the presence of this notary as a witness; the signing of the deed is a mere physical act in no way affecting this sale. I shall at once institute a suit for the specific performance of this contract of sale and have a court commissioner make the deed, if this man refuses. The testimony of the notary, as the only disinterested person present, will insure the success of that suit."

"You will hardly institute such a suit, I think."

"Why will I not institute it?" replied the attorney, his voice rising to a stronger volume.

Mason advanced slowly with his verbal prodding.

"Well," he said, "let us say that such a suit would be founded on a moral wrong. This tract of land is thought by your client to be fabulously rich. It lies, I believe, above a synclinal in the oil-bearing strata. That is, it contains the oil reservoir of the whole region around it. It is worth, your client tells me, a half million dollars. To take it from the owner for a mere thousand would be a striking injustice. If the law permitted this wrong, would your conscience permit it?"

The attorney standing at the door laughed without disturbing the muscles of his face.

"We will take exactly what the law gives us," he said.

"I thought that," replied Randolph Mason, his prodding ended, his voice now lashing like a whip, "and, therefore, I have taken care to see that the law does not permit this wrong to become effective. If you look at chapter ninety-eight of the Code of the state in which this oil territory lies, you will discover that no contract for the sale of real estate can be enforced in its courts unless that contract, or some agreement or memorandum of it, be in writing and signed by the party to be charged thereby or his agents. A contract for the sale of land in that state may be made in the presence of a hundred witnesses, every detail agreed to, the bargain struck, or assented to, ended, and yet it cannot be enforced in its courts without some signed writing. This act is called the Statute of Frauds. I commend it, likewise, to you for the value of its name."

The hope rising in Roger Shelton's eyes, called up by the words of his counsel, died there. His mouth, bleeding from the impact of his enemy's knuckles on the bone, fell into a baggy gaping. He turned painfully through the door. The attorney remained a moment, looking at Randolph Mason. He had been outwitted, balked, juggled with, then grilled on the fire, and yet he came forth unmoved, a Narraganset from the stake. He followed his client slowly out, his face placid as though every nerve in it were cut.

The two bank directors, realizing now the full import of Mason's remarkable strategy, came forward with profound expressions of thankfulness. The unfair gains of a rascal had been skillfully choked out of him. Restitution had been made to tricked persons, and yet nothing of value had been lost. The el dorado sighted was there, remaining in its owner's hands.

For the legal principle involved in this story see Sec. 1 of chapter 98 of the Code of West Virginia, called the Statute of Frauds.