

CHAPTER XXIII

IT did not take very long to convince the Treasury or that strange concatenation of authorities, responsible for Crown Prosecutions which act under its name and ægis, that Sir Atherton Drake was dead, and that all the King's Counsel and all the King's men could not arrest him and put him on trial for his grievous offences. The same august, and, to most Englishmen, obscure Power—for how can the ordinary man, hardened and obfuscated by his own affairs, correlate the interdependencies of the Department of the Chancellor of the Exchequer, the Home Office, the realm of the great Law Offices of the Crown, that of the Director of Public Prosecutions, and the awful potency of Great Scotland Yard?—had got the conviction nailed into its head by incontrovertible proof that the man generally known as Buddy Drake was Brotherton Drake, twin brother of the late Sir Atherton and incontestably his successor to the baronetcy. In the establishment of his identity Buddy was triumphant. Through all his foolish years he had kept his papers—certificates of birth and marriage, his war papers, his precious Military Cross. His process of identification had its grotesque side in the horrified confusion of the eminent heart specialist, Selous, and the unsuspecting solicitor, Edgar Fry. The former, both privately, and, afterwards publicly at the trial, had to confess to being utterly deceived. Called in suddenly he was confronted by a man whom

he had no reason to doubt to be Sir Atherton, and the dead body of a man shabbily dressed declared to be that of Sir Atherton's twin brother. His examination had shown him beyond question that the man had died of the identical disease from which Sir Atherton might have died at any moment.

The possibility of such a trick as sudden impersonation had never crossed his mind. It had entered nobody's mind—Edgar Fry's, the bank cashier's, Bronson's. The only worry that had agitated Dr. Selous was his patient's successful efforts to keep out of his way. At their first and only interview he had been put off the track by impersonator's clever trick of the phial of drops and the wineglass with its pink residue. No wonder his patient had avoided him; for here was a man with a constitution as sound as the engine of a Rolls-Royce, with battle-scars (confirmed by document) which Atherton Drake could not possibly have incurred. There, then, was Bronson, Horatio Flower, Professor Gaffarelli, to testify. Buddy's identification was a simple affair.

Sir Atherton Drake and his alleged misdeeds vanished from human ken after a sudden dazzling flare of publicity like that of a magnesium flash. But the case of Sir Brotherton Drake, who gave himself up to justice on all the counts that could be involved in impersonation, was reported, with or without journalistic embellishment, all over the English-speaking earth.

Then Buddy awoke, not one morning but after many miserable mornings, to find himself famous.

Perhaps, if he had not confessed to the destruction of a will, the world's sympathy would have been with him. The actuality of Romance so seldom sweeps across a myriad heart-strings in a queer chord of music. If this had been, in brief, his confession:

"I came destitute, not through evil-doing but by force of adverse circumstances, to my rich brother for temporary aid. He had certain private reasons for hating me. In the course of argument and quarrel, he informed me that he was a man doomed to death at any moment, and taunted me with the specific declaration that he had made a will under which I should not benefit. He fell down dead of his heart malady. I was destitute. Being practically in person and speech indistinguishable from my twin brother, I conceived the sudden mad idea of changing our identities. I began to try to live his life. The will to which he referred I never saw. His solicitors testify that they had sent him the will for purposes of alteration a week before his death. I found no will—or nobody can prove I saw one. He must have destroyed his will. Therefore all my crazy impersonation went for nothing. If I had acted in the normal, sensible way and remained myself, Brotherton Drake, I should have inherited automatically. But his taunt about the will was the mainspring of my act. As soon as I entered on his life, so different from my own, I found myself faced by unexpected complications. I was, as I say, penniless. There was my brother's fortune automatically, through the absence of will, my own. But by my folly in impersonating my dead brother, in making a false registry of death, in forging his name, I had put myself into an inextricably false position. I had to go on. But when I realized that I had assumed my brother's moral responsibilities, responsibilities that I could not possibly face, I fled the country. And then, learning that as Sir Atherton Drake I should not be permitted to land ever again on British soil, and considering the fortune inherited from my brother as tainted at the source, I came back with my beautiful wife, a woman well known in the

social and intellectual world³ of London, to give myself up to justice."

If this had been the summary of his plea—it must be said again—he would have commanded the romantic sympathy of the English-speaking world.

But he had made full confession. The will returned a few days before from the solicitors was among his brother's papers. Finding that he was not a beneficiary under it, he had destroyed it, after noting specific bequests to individuals. These he had found means of paying.

Now, according to Anglo-Saxon tradition, a will is sacred, no matter how incredibly silly may be its provisions. To throw it into the fire is an act of sacrilege. More—it was common robbery.

The question of this supreme avowal had been the subject of soul-searching discussion between Buddy and Diana, during the dreadful period between his commitment by the magistrate to the Central Criminal Court, when he was out on bail. They lived together in Diana's flat off Sloane Street. It was a life of passionate love and agony of purpose. Tonio, often admitted to their consultations, implored Buddy's ignorance of the will. On that very postulate he had originally counselled confession. Even Edgar Fry could see no argument against the hypothesis that Atherton himself had destroyed the will. He had enclosed it, sealed in its envelope, in another envelope and had sent it on demand to Atherton by registered post. He had not even a draft copy. That Atherton had taken away with him from the office on the signing and witnessing of the will. Atherton was a strange man, jealously reticent as to his private affairs. He had watched the sealing of the executed instrument and had claimed every scrap of paper that had dealt with

it hitherto. The posting of the will to Atherton marked the end of his responsibility. As for his own legacy of two thousand pounds, he was perfectly willing to believe privately that it took the shape of the two one-thousand-pound Bank of England notes which he received anonymously. It might have come from any grateful client to whom he had, even unconsciously, done a great service. The will being lost, that he should be questioned on the point by Treasury counsel was unthinkable.

But there was the fortune, urged Buddy and Diana, the tainted fortune which, in the case of the will being presumed to have been destroyed by Atherton, would come to Buddy under the Intestates' Estates Acts. That, said Fry, was a matter of private conscience: one between a man and his Maker. He could only put forward the legal situation.

"And what," asked Buddy, "is the legal situation, when I have confessed to destroying the will?"

Edgar Fry didn't know. In the witness-box he could only swear to the vaguest impressions left on the mind of a solicitor in busy practice. He could swear to a legacy bequeathed to a woman whose death was the occasion of his return of the will; to an annuity to the servant, Bronson, and to the definite bequest of two thousand pounds to himself as executor. But as to the residue of the estate he could only state guardedly his impression that it was to be divided in some manner between the Conservative Party and the University of Cambridge for an endowment as to which he had no accurate recollection.

"And suppose you elect to give evidence on the contents of the will, Sir Brotherton, what can you say on oath?"

"Scarcely anything," said Buddy. "I took count of the two specific legacies to Bronson and yourself and

paid them. As to the residue, beyond the fact of the Conservative Party and the tomfool idea of a Platonic Academy, I'm far more vague than you are. So again I ask you what's going to happen to the money?"

"I give it up," said Edgar Fry.

So did the firm of solicitors into whose hands Buddy put his affairs after his private talk with Fry, who, from a professional point of view, could not deal with them. And so did the Counsel whom this firm retained after the Great Decision had been made.

"You can't administer a will that doesn't exist," said Counsel. "Off-hand, I should say that eventually the Treasury will collar the lot."

After this first consultation Buddy and Diana walked through the Temple Gardens towards the Embankment.

"That's the best solution yet," said Diana. "The country has lost something through Atherton's intrigues—what we don't know. Anyhow, we'll come out of it with clean hands."

That was the basis of their faith in each other and in the future. Buddy would make full atonement for himself and his brother. Nothing should be concealed. When his offence was purged he could stand up proudly before his fellow-men, as a Man who had Done Something; who, for an ideal of righteousness, had thrown away great riches.

"It would have smelt, it would have stunk, my dear," she said, with all her body and love clinging to him. "Every bit of bread would have been mouldy. Every bubble of champagne would have been full of poison. We should have come to hate each other and despise each other like the beastly people who spend their lives between night-clubs and the divorce courts. Oh, Buddy darling, we'll come out so clean, you and I."

In this, to Buddy, lay the ever-living wonder of her—her identification of herself in its vast and pure honesty with the dismal ineffectuality that he knew was Buddy Drake. In this, during the years to come, he was to find an ever-flowing fount both of solace and of inspiration.

Buddy was sentenced to five years' penal servitude.

Considering the manifold offences against the law, it was the least punishment, said the judge, that he could inflict. With the romantic aspects of the case he could have nothing to do. They could not blind justice to the fact that people who falsified death certificates, impersonated others, forged cheques, tore up wills, and, in such ways, deliberately broke the laws, must, if their misdoings came to light, take the inevitable consequences. He accepted to some slight extent the plea in mitigation that the prisoner had given himself up. He would therefore inflict the minimum sentence in his power. He said, in the dreadful calm, almost conversational way of judges:

“You will go to penal servitude for five years.”

Buddy had expected it, perhaps more. It meant, with good conduct, three and a half years' imprisonment.

He bowed blindly to the wigged and red-robed judge, and, with a wan smile at Diana, turned and with the warders went down the steps from the dock.

On Counsel's application the Court allowed Lady Drake to see her husband before he was carried off to prison. She met Buddy in the cold, stark, barely furnished room below the upper stateliness of the Central Criminal Court. A warder stood by the door.

They held each other close. She whispered sobbing words of comfort. Then the great whisper of all:

"I've never told you. I've saved it up for this day. It may help both of us. There'll be a child for us . . . in April."

Buddy is still in prison. He has found an old acquaintance in the prison chaplain who had been attached to his battalion for some months during the War. A queer, fatalistic, unfeeling chap who went about his work under an intensive bombardment, as though it were a silly Suffolk hailstorm; one of the stray parsonical birds who seem unable to make comfortable nests in the tree of the Church, but hop about on outer and precarious twigs. His official visits to Buddy are bright spots in his dreary and hopeless routine. He has not to minister ghostly consolation to Buddy. It is Buddy who sends him out of the cell with renewed hope.

"I can't quite get your point of view, Drake," he says. "You're going through hell."

Buddy acquiesces. But he tries to explain, in his tongue-tied English way, that nothing could be more magnificent than going through hell with a proud and defiant soul. It was the only path to a victorious exit.

A letter arrived from Diana announcing the birth of a son. They had agreed, if it were a son, to call him Michael, after Buddy's father. The padre came upon him reading the letter for the twentieth time. There were many things of new loveliness and fresh marvel in the letter. Buddy, in his hideous prison clothes, sprang to attention.

"Good morning, Drake."

"Good morning, sir."

The door of the cell clanged. The padre said:
"Well, how are things?" He smiled at the sight of Buddy's face. "They seem to be all right."

"All right?" cried Buddy exultantly, waving the

letter. "They're more than all right. I'll tell you what, my dear fellow, I wouldn't change places with any angel in heaven. I've got a son. Michael. Michael and All Angels. Think of it!"

There was a span of silence. The careworn, middle-aged padre, whose life had been one long unrewarded self-sacrifice, who had scoured the depths of human misery, stood away, with his head bowed. Then he lifted it, and Buddy saw his face irradiated by a smile of unforgettable wistfulness.

"At long last," he said, "it has pleased God to bless me with the sight of a happy man."

