

## CHAPTER IV

A FEW years ago Anthony Sommers was one of the greatest criminal lawyers in the United States. His name was known wherever men and women were in trouble with the law, and he picked the cases he wanted to fight. He picked them, not for the fees he could win, but for the obstacles he must fight. Give him a case that seemed hopeless, and he was happy. He would go without sleep or food or rest for days. He would live on whisky and quinine and excitement, and when he walked into court—even if he could but stagger—he was confident of victory.

Now he was in trouble with the law, shut up in a cell in New York City's Tombs, awaiting trial for his life. And all the land was wondering what his defence would be, and how he would conduct it, and what result would come of it. Readers of newspapers believed he was fearful, and thin from worry, believed he was guilty and would be punished despite anything his wit could do to thwart the ends of justice.

No man, they said, could beat the case against him. It was so perfect, so evident. He had been alone in a room with a man he did not like. The man was killed. Sommers had tried to escape. He had left his

handkerchief behind him. It was stained with blood. When he was found his clothes were spattered with blood. His finger prints had been found on the spindle that went through the victim's neck. There was a fake diamond—nobody seemed to know what that had to do with the case. But there it was. A fake diamond. The State promised other evidence, too, "evidence of a sensational nature, to be revealed only during the course of the trial."

Yet Sommers wasn't worried. He paced up and down his cage for hours at a time. But he slept well. He ate well. He was given plenty of exercise, plenty of rest. He seemed in perfect health.

He had no words for anybody, unless it might be a "thank you" to the keeper who brought him food and newspapers and took them away again. He wrote but two letters during his two months in the Tombs.

On the eve of his trial he was handed a telegram from an old friend in Wisconsin. "Anthony Sommers. Tombs," he read. He tore it into little bits.

"The Tombs!" he said. "A fitting name! A great gray block of stone and steel. A graveyard of living men. But after the tomb?"

He paced the narrow floor and wished he could have one little drink of Scotch.

His mind leaped ahead to the morrow. Early in the morning he would cross the bridge that connects the prison with the courthouse, the Bridge of Sighs

men had to cross on their way to judgment and to doom. Inside the court room the clerk would spin a little hollow wheel—a wheel of fortune containing the names of the talesmen from which would be chosen the twelve men who would try him. The wheel would turn and stop. The clerk would take from it a slip of paper, and read a name. A man would walk to the jury box, no doubt a solemn, timid man already weighed down with his own sudden importance and responsibilities.

After a time the jury box would be filled, the jurors sworn in. After a time the witnesses would be called. After a time Sommers would begin to fight for his life. Ah, there was the thrill! Always before it had been somebody else's life he fought for. If he lost now—he laughed aloud at the idea, a scornful laugh that brought a catcall from the end of the row of cells.

He had no plan of defense, but the State would give him one. He need not bother thinking up a story now for the simple minds of the jurors. He would wait until the State's last witness had spoken, until the State's version of the crime had been completely told. Then he would rise and shake his white mane, and tell his own tale of what had happened. And the jurors would believe him, because the tale would be logical and ring true. He would be a poor old gentleman accused of a dastardly crime, a nice old man unjustly accused and trapped by circumstances,

telling the simple truth. They would acquit him on the first ballot. After that——

He looked up through the bars of the window, to the faint first star.

“After the tomb,” he said, “resurrection!”

## CHAPTER V

ON THE eve of the trial, Anthony Sommers's daughter Molly walked down a country lane with the man she loved, and reached the decision that was to alter her life.

It was a powdered road beneath a powdered sky—the dust thick beneath their feet, the stars thick in the heavens. The night was still. They heard no sounds save their own voices, the call of the cricket and the katydid, the croaking of frogs, the sleep talk of a rill.

“He will free himself and come home to us,” she said, “or I will go to New York and prove his innocence myself.”

Ted sighed.

They walked in silence for a little way, Ted Morehouse swinging his giant fists. He wanted to make love to her. And he couldn't. There was something about her that prevented him. He actually felt timid in her presence now—and she was the only girl in the world who had ever made him feel that way. Perhaps, he thought, it was because he was so much in love with her, so eager to help her. But she didn't want help. She wouldn't even let him pity or console her.

He knew that, and had been too wise to try. It was seldom she would let him talk of love.

Ah, if he could only put his arms about her and say: "Look here, Molly, your father's no good, and your worrying about him is beautiful and all that, but useless, because he'll bribe the jury and get acquitted anyway. So let's forget him and get married and be happy!" If he could only say that he would feel better. But he knew he wouldn't say it if he could.

They paused to listen to the music of a bell cow leading the herd to a belated milking, and trudged on.

"It's funny, in a way." Molly broke the silence. "Women drive in from all over, women who always went to Bell Centre for their hats, women who haven't bought even a sunbonnet in five years. They want to look at Mama, and see how she's 'bearing up.' They want to ask how it feels to be the wife of a murderer—but they don't quite dare."

"Busybodies!" he said.

"But they buy hats, and Mama doesn't mind so much. She cries, of course, when she's home. It is bitter for her—but she never did understand my father. But Catherine—Catherine has become an important person in her school. The girls give her little presents, and the boys flip notes on her desk. I read one. 'I love you, but don't tell anyone,' it said. And my pupils, Ted, have written me the kindest letters I ever read."

They turned back.

"I wanted to go to him two months ago," Molly said. "I wanted to take the first train to New York. But he doesn't want me to come, for fear they'll say he's trying to influence the jury. But—if anything goes wrong—you know he always used to say: 'Nobody can tell what a jury will do'—if anything does go wrong I'll go to him as soon as I can go."

Words came from him now, quick, hot words.

"You'd go to him, and leave your mother and your sisters? You'd leave me here, too? I won't let you do it. You don't know what you're saying. What could you do in New York? How could you clear his name? You'd do nothing but break your heart. You'd go hungry. You'd be filled with remorse for your mother here, crying for you day and night. It's bad enough as it is, Molly. Don't make it worse."

She stopped. She took his face in her hands, and looked up at him, little wet stars in her eyes.

"Oh, Ted," she cried, "I love you more than anybody in the world. I love you more than my father or mother, more than myself. You will never know how much I do love you, Ted. But—I'd give up even my love for you to make my father's name shine as it used to shine."

She stood on tiptoe and kissed him.

"That's for thinking of my mother's grief, and not of your own," she said. "Ted, dear, I'd marry you to-morrow, if I could. But—until my father comes

back to Sommerville, the great man he was, I cannot think of marriage, nor of love. And I shall go to New York, if I have to go—no matter what it costs me, or Mama, or you.

“Now hold me tightly in your arms. It may be for the last time, my dear. And kiss me—perhaps—good-bye.”



## CHAPTER VI

ANSON KEEN, deputy district attorney of New York, borough of Manhattan, looked upon the jury, and was pleased.

Here were twelve men picked by himself, sworn to sentence a man to death if they found him guilty. Here were a dozen men who had promised to weigh the evidence carefully, and to render judgment without sentiment.

"Twelve good doggies," he said to himself, smiling behind his thick lenses. Even while fighting his biggest case, he could not help but label people according to the animals they resembled. And there wasn't a man in the box who did not have some canine peculiarity. There was an Airedale, there a terrier. The man who would be foreman was a "dewlapped bloodhound." The man next to him had something of the Saint Bernard in him.

Keen had won his first case with a jury of "dog faces," and ever since then he had had a softness for them. He felt he could handle them better than, say, horse-faced men.

"Twelve good doggies," he thought, "who will take a scent and hold it to the death."

To the death—and the man who was to die, if Keen had his way, was Anthony Sommers, one of Keen's old idols; charged with the murder of Pietro Bonofiglio, alias Spots Larkin. Sommers—the only man Keen had ever labelled “the lion” in the private menagerie of his mind.

He looked around the little court room—a dark, ill-ventilated, and uncomfortable room in which it was hard to hear—the usual American court of justice.

He looked at the crowd that packed the place, at the door behind which thousands of others stood, shuffling their feet, whispering, talking, fighting the police, at the defendant and his guards, at the witnesses who sat behind the rows of newspaper men.

“This will be like a circus,” he thought, catching sight of Big Joe Carozzo and the group that surrounded him. “A lion at bay, the pack waiting in the jury box to rend him, and all these other animals to take the witness stand and send him to the dogs—the fox, the tiger, the weasel, the queen cobra.”

Sommers, he saw, sat at his counsel's table, apparently unconcerned, a mild-looking old man making idle marks with a bright yellow pencil on a pad of paper. Queer he had accepted the jury without asking one of them a question. What was in his mind?

“You see before you, gentlemen,” Keen began his

opening address, "one of the shrewdest criminal lawyers of the age, one of the most brilliant attorneys who ever made a jury weep, one who has saved more murderers than any of us know, one who knows more about murder than the Borgias ever did—and they were experts.

"I refer to the defendant in this case, Anthony Sommers. He is here to defend himself on the charge that, on the morning of May 14th last, he ran a spindle through the neck of a man known as Spots Larkin, wilfully, feloniously, and with malice aforethought, causing him to die.

"The murder occurred in the den of Joseph Carozzo ("The den—what a descriptive word!" he thought), "a room that opens off the roof-garden cabaret known as the Corsairs' Club. This cabaret is sheltered in the penthouse on the roof of the Allegheny Building in Times Square. The murder occurred about one o'clock in the morning.

"We shall prove to you that Sommers killed this man to obtain a huge diamond, a jewel of inestimable value. We shall show that Larkin had not brought the jewel with him, but merely a duplicate, and we shall show you how, after the murder had been committed, Sommers took this jewel, discovered its worthlessness, and threw it away, first cleverly hiding it in a wad of gum.

"We shall prove that Sommers and Larkin had been drinking, that when the murder was discovered the

dead man's hands were frozen to the edge of the table—indicating that he certainly had no chance to save himself from that frightful weapon, that deadly, quick, sure thrust—and that Sommers was gone. True, he was found outside the room, lying in the gravel on the roof. But his clothes were saturated with blood.

“We shall prove that—after he had filed this man on the spindle—like a bill marked ‘Paid in full,’ he left behind him a blood-stained handkerchief. We shall identify it as his. We shall show you his finger prints on it. We shall show you his finger prints on the base of the spindle.

“We shall prove the murder was planned even to the escape, for when Sommers was found he had in his possession a railroad ticket to Detroit—a city that is just across the line from Canada.

“It was cunningly, carefully, cold-bloodedly planned, gentlemen. But because that shrewd brain was dulled a trifle by alcohol, it made two fatal mistakes. It forgot—and the handkerchief was left behind. It lost control of the body—and the murderer could not get himself to a place where he might dispose of his blood-stained clothes.

“We shall show you also that Sommers had another motive than theft for this brutal murder—the theft of a diamond. We shall prove he wanted revenge—because of jealousy over a beautiful

young woman—and because of an insult Larkin had offered her a half hour before his death.

“Ah, gentlemen—here you have whisky, a diamond, cunning, hatred, cupidity, jealousy—and a man with a spindle rising out of his neck in a horrible red miniature of a tombstone.”

He bowed, turned on his heel, and the trial was over for the day. Sommers stifled a yawn, and then beamed on the prosecutor, as a teacher might beam on a bright pupil.