Ottolengui Rodrigues

A Modern Wizard

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Содержание

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BOOK SECOND

CHAPTER I.
LAWYER AND CLIENT

Early one morning, in the spring of eighteen hundred and seventy-three, two young lawyers were seated in their private office. The firm name, painted in gilt letters upon the glass of the door, was DUDLEY & BLISS. Mortimer Dudley was the senior member, though not over thirty years old. Robert Bliss was two years younger.

Mr. Dudley was sorting some papers and deftly tying them into bundles with red tape. Why lawyers will persist in using tape of a sanguine color is an unsolvable mystery to me, unless it may be that they are loath to disturb the many old adages in which the significant couplet of words appears. However that may be, Mr. Dudley paused in his occupation, attracted by an exclamation from his partner, who had been reading a morning paper.

"What is it, Robert?" asked Mr. Dudley.

"Oh! Only another sensational murder case, destined, I imagine, to add more lustre to the name of some lawyer who doesn't need it. Mortimer, I wonder when our turn will come. Here we have been in these rooms for three months, and not a criminal case has come to us yet."

"Don't be impatient, Robert. We must not give up hope. Look at Munson. He was in the same class with us at college, and we all considered him a dunce. By accident he was engaged to defend that fellow who was accused of poisoning his landlady. Munson actually studied chemistry in order to defend the case. His cross-examination of the prosecution's experts made him famous. Who knows! We may get an opportunity like that some day."

"Some day! Yes, some day! I believe there is a song that begins that way. I always detested it. I do not like that word 'some day.' It's so beastly indefinite. I prefer 'to-day' or even 'to-morrow.' But let me read to you the account of this case. It is about that young woman who died so mysteriously, up in the boarding-house on West Twenty-sixth Street."

"I don't know anything about it, Robert. I haven't read the papers for three days. Tell me the main facts."

"Well, it is really a very curious story. It seems there was a young girl, twenty or thereabouts, living in town temporarily, whilst she studied music. Her name was Mabel Sloane. She is described as pretty, though that is a detail that the reporters always add. But, pretty or ugly, she died last Sunday morning, under rather peculiar circumstances. The doctors differed as to

the cause of death."

"Why, there is nothing odd about that, is there?" Mr. Dudley smiled at his own wit. "Doctors disagree and the patient dies. That is the old adage. You have only reversed it. Your patient died, and the doctors then disagreed. Where's the odds?"

"The odds amount to this, Mortimer. One doctor signed a certificate of death, naming diphtheria as the cause. The other physician reported to the Board of Health that there were suspicious circumstances which led him to think that the woman might have died from poison."

"Poison? This is interesting."

"The more you hear, the more you will think so. In yesterday's papers it was announced that the Coroner had taken up the case, and that an autopsy would be held."

"Does this morning's paper give the result of the post-mortem?"

"Yes. Listen! 'The autopsy upon the body of Mabel Sloane, the beautiful young musician' – you see they still harp on the beautiful – 'young musician, whose mysterious death was reported yesterday, shows conclusively that the girl was poisoned. The doctors claim to have found morphine enough to kill three men. Thus the caution of Dr. Meredith, in notifying the Health Board of his suspicions, is to be commended. It is but just to say, however, that the doctors who made the post-mortem, entirely exonerate Dr. Fisher, the physician who certified that the death was caused by diphtheria, for they claim, curiously

enough, that the woman would undoubtedly have died of that disease even if the morphine had not been administered. This opens up a most interesting set of complications. Why should any one poison a person who is about to die a natural death? It might be claimed that the murderer did not know that a fatal termination of the disease would ensue. This brings us to the most interesting fact, that the one who is suspected by the police is no other than the girl's sweetheart, who is himself a physician. Thus it is plain that he should have known that the disease would probably prove fatal, and under these circumstances it is almost inconceivable that he should have resorted to poison. Nevertheless, the detectives claim that they have incontestible evidence of his guilt, although they refuse to reveal what their proofs are. However, some facts leaked out yesterday which certainly tend to incriminate Dr. Emanuel Medjora, the suspected man. In the first place, Dr. Medjora has suddenly and completely disappeared. Inquiry at his office elicited the statement that he has not been there since the day before yesterday, which it will be remembered was the time when the Coroner first came into the case. Dr. Medjora has not been at his residence, and none of his friends has seen him. In short, if he had been swallowed by an earthquake he could not have vanished more swiftly. He was supposed to have been engaged to marry Miss Sloane, and as she was a beautiful girl, accomplished, and altogether charming, it has puzzled all who knew her, to understand why he should wish to destroy her. Some light may

be thrown upon this, however, by the discovery at the autopsy, that she has been a mother. What has become of the child, or where it was born, is still a part of the mystery. Miss Sloane has lived at the Twenty-sixth Street house about three months, and as she has always been cheerful and happy, the boarders cannot reconcile this report of the doctors with what they knew of the woman. They claim, with much reason, that if her baby had died she should have had moments of despondency when her grief would have been noticeable. Or if the child were alive, then why did she never allude to it? Another significant fact is, that Dr. Medjora has been seen driving in the Park, recently, with a handsome woman, stylishly dressed, and evidently wealthy, as the coachman and footman wore expensive livery. Did the Doctor tire of his pretty little musician, and wish to marry his rich friend who owns the carriage and horses? His disappearance lends color to the theory.' There, what do you think of that?" said Mr. Bliss, throwing aside the newspaper.

"What do I think?" answered his partner. "I think that this will be a great case. A chance for young men like us to make fame and fortune. If we could only be retained by that man – "

The door from the outer office opened and young Jack Barnes, the assistant, entered and handed Mr. Dudley a visiting card. The lawyer looked at it, seemed astonished, said "Show the gentleman in," and when Barnes had left the office, turned to his partner, handing him the card, and, slightly excited, exclaimed:

"In heaven's name, Robert, look at that!"

Mr. Bliss took the card and read the name:

EMANUEL MEDJORA, M.D

The two young men looked at each other in silence, startled by the coincidence, and wondering whether at last Dame Fortune was about to smile upon them. A moment later Dr. Medjora entered.

Dr. Emanuel Medjora was no ordinary personage. His commanding stature would attract attention anywhere, and the more he was observed the more he incited curiosity. First as to his nationality. To what clime did he owe allegiance by birth? One could scarcely decide. His name might lead to the conclusion that he was Spanish, but save that his skin was swarthy there was little to identify him with that type. Perhaps, more than anything, he looked like the ideals which have been given to us of Othello, though again his color was at fault, not being so deep as the Moor's. He wore a black beard, close trimmed, and pointed beneath the chin. His hair, also jetty, was longer than is usually seen in New York, and quite straight, combed back from the forehead without a part. The skull was large, the brain cavity being remarkably well developed. Any phrenologist would have revelled in the task of fingering his bumps. The physiognomist, also, would have delighted to read the character of the man from the expressiveness of his features, every one of which evidenced refined and cultured intellectuality. The two, summing up their

findings, would probably have accredited the Doctor with all the virtues and half of the vices that go to make up the modern man, not to mention many of the talents commonly allotted to the rare geniuses of the world.

But according these scientists the freest scope in their examinations, and giving them besides the assistance of the palmist, clairvoyant, astrologist, chirographist, and all the other modern savants who advertise to read our inmost thoughts, for sums varying in proportion to the credulity of the applicant, and when all was told, it could not be truthfully said that either, or all, had discovered about Dr. Medjora aught save that which he may have permitted them to learn. Probably no one thoroughly understood Dr. Medjora, except Dr. Medjora himself. That he did comprehend himself, appreciating exactly his abilities and his limitations, there cannot be a shadow of a doubt. And it was this that made him such a master of men, being as he was so completely the master of himself. Those who felt bound to admit that in his presence they dwindled even in their own estimation, attributed it to various causes, all erroneous, the true secret being what I have stated. Some said that it was a certain magnetic power which he exerted through his eyes. The Doctor's eyes certainly were remarkable. Deep set in the head, and thus hidden by the beautifully arched brows, they seemed to lurk in the shadow, and from their point of vantage to look out at, and I may say into, the individual confronting him. I remember the almost weird attraction of those eyes when I first met him. Being at the time

interested in an investigation of the phenomena which have been attributed to mesmerism, hypnotism, and other "isms" which are but different terms for the same thing, I could not resist the impulse to ask him whether he had ever attempted any such experiments. Evading my question, without apparently meaning to shirk a reply, he merely smiled and said, "Do you believe in that sort of thing?" Then he passed on and spoke to some one else. I relate the incident merely to show the manner of the man. But on the point, raised by some, that he controlled men by supernatural means, I think that we must dismiss that hypothesis as untenable in the main. Of course those who believed that he possessed some uncanny or mysterious power of the eyes, might be influenced by his keen scrutiny, and would probably reveal whatever he were endeavoring to extort from them. But a true analysis would show that this was but an exhibition of their weakness, rather than of his strength. Yet, after all, the man was excessively intellectual, and as the eyes have been aptly called the "windows of the soul," what more natural than that so self-centred and wilful a man should find his lustrous orbs a great advantage to him through life?

At the moment of his entrance into the private office of Messrs. Dudley & Bliss, those two young men had partly decided that he was a murderer. At sight of him, they both abandoned the conclusion. Thus it will be seen that, if brought to the bar of justice, his presence might equally affect the jury in his behalf. He held his polished silk hat in his gloved hand, and looked

keenly at each of the lawyers in turn. Then turning towards Mr. Dudley he said:

"You are Mr. Dudley, I believe? The senior member of your firm?"

Mr. Bliss was insensibly annoyed, although very fond of his partner. Being only two years his junior, he did not relish being so easily relegated to the secondary status.

"My name is Dudley," replied the elder lawyer, "but unless you have met me before, I cannot understand how you guessed my identity, as my partner is scarcely at all younger than I am." Mr. Dudley understood his partner's character very well, and wished to soothe any irritation that may have been aroused. Dr. Medjora grasped the situation instantly. Turning to Mr. Bliss he said with his most fascinating manner:

"I am sure you are not offended at my ready discrimination as to your respective ages. It is a habit of mine to observe closely. But youth is nothing to be ashamed of surely, or if so, then I am the lesser light here, for I am perhaps even younger than yourself, Mr. Bliss, being but twenty-seven."

"Oh, not at all!" exclaimed Mr. Bliss, much mollified, and telling the conventional lie with the easy grace which we all have acquired in this nineteenth century. "You were quite right to choose between us. Mr. Dudley is my superior – "

"In the firm name only, I am sure," interjected the Doctor. "Will you shake hands, as a sign that you forgive my unintentional rudeness? But stop. I am forgetting. I see that you have just been

reading the announcement" – he pointed to the newspaper lying where Mr. Bliss had dropped it on a chair, folded so that the glaring head-lines were easily read – "that I am a murderer!" He paused a moment and both lawyers colored deeply. Before they could speak, the Doctor again addressed them. "You have read the particulars, and you have decided that I am guilty. Am I not right?"

"Really, Dr. Medjora, I should hardly say that. You see – " Mr.

Dudley hesitated, and Dr. Medjora interrupted him, speaking sharply:

"Come! Tell me the truth! I want no polite lying. Stop!" Mr. Dudley had started up, angry at the word "lying." "I do not intend any insult; but understand me thoroughly. I have come here to consult you in your professional capacity. I am prepared to pay you a handsome retainer. But before I do so, I must be satisfied that you are the sort of men in whose hands I may place my life. It is no light thing for a man in my position to intrust such an important case to young men who have their reputations to earn."

"If you do not think we are capable, why have you come to us?" asked

Mr. Bliss, hotly.

"You are mistaken. I do think you capable. But think is a very indefinite word. I must know before I go further. That is why I asked, and why I ask again, have you decided, from what you have read of my case, that I am guilty? Upon your answer I will begin to estimate your capability to manage my case."

The two young lawyers looked at each other a moment, embarrassed, and remained silent. Dr. Medjora scrutinized them keenly. Finally, Mr. Dudley decided upon his course, and spoke.

"Dr. Medjora, I will confess to you that before you came in, and, as you have guessed, from reading what the newspaper says, I had decided that you are guilty. But that was not a juridical deduction. That is, it was not an opinion adopted after careful weighing of the evidence, for, as it is here, it is all on one side. I regret now that I should have formed an opinion so rashly, even though you were one in whom, at the time, I supposed I would have no interest."

"Very good, Mr. Dudley," said the Doctor. "I like your candor. Of course, it was not the decision of the lawyer, but simply that of the citizen affected by his morning newspaper. As such, I do not object to your having entertained it. But now, speaking as a lawyer, and without hearing anything of my defence, tell me what value is to be put upon the evidence against me, always supposing that the prosecution can bring good evidence to sustain their position."

"Well," replied Mr. Dudley, "the evidence is purely circumstantial, though circumstantial evidence often convinces a jury, and convicts a man. It is claimed against you that you have disappeared. From this it is argued that you are hiding from the police. The next deduction is, that if you fear the police, you are guilty. Per contra, whilst these deductions may be true and logical, they are not necessarily so; consequently, they are

good only until refuted. For example, were you to go now to the District Attorney and surrender yourself, making the claim that you have been avoiding the police only to prevent arrest, preferring to present yourself to the law officers voluntarily, the whole theory of the police, from this one standpoint, falls to the ground utterly worthless."

"Very well argued. Do you then advise me to surrender myself? But wait! We will take that up later. Let me hear your views on the next fact against me. I refer to the statement that poison was found in the body."

"Several interesting points occur to me," replied Mr. Dudley, speaking slowly. "Let me read the newspaper account again." He took up the paper, and after a minute read aloud: "'The result of the autopsy, etc., etc., shows conclusively that the girl was poisoned. The doctors claim to have discovered morphine enough to kill three men.' That is upon the face of it a premature statement. The woman died on Sunday morning. The autopsy was held yesterday. I believe it will require a chemical analysis before it can be asserted that morphine is present. Am I not correct?" The Doctor made one of his non-committal replies.

"Let us suppose that at the trial, expert chemists swear that they found morphine in poisonous quantities."

"Even then, the burden of proof would be upon the prosecution. They must prove not merely that morphine was present in quantities sufficient to cause death, but that in this case it did actually kill. That is, they must show that Mabel Sloane

died from poison, and not from diphtheria. That will be their great difficulty. We can have celebrated experts, as many as you can afford, and even though poison did produce the death, we can create such a doubt from the contradictions of the experts, that the jury would give you the verdict."

"Very satisfactorily reasoned. I am encouraged. Now then, the next point. The drives with the rich unknown."

"Oh! That is a newspaper's argument, and would have no place in a court of law, unless – "

"Yes! Unless – ?"

"Unless the prosecution tried to prove that the motive for the crime was to rid yourself of your *fiancée* in order to marry a richer woman. Of course we should fight against the admission of any such evidence as tending to prejudice the jury against you, and untenable because the proof would only be presumptive."

"Presumptive. That is as to my desire to marry the woman with whom I am said to have been out driving. Now then, suppose that it could be shown that, since the death of Mabel Sloane, and prior to the trial, I had actually married this rich woman?"

"I should say that such an act would damage your case very materially."

"I only wished to have your opinion upon the point. Nothing of the sort has occurred. Well, gentlemen, I have decided to place my case in your hands. Will five hundred dollars satisfy you as a retaining fee?"

"Certainly." Mr. Dudley tried hard not to let it appear that

he had never received so large a fee before. Dr. Medjora took a wallet from his pocket and counted out the amount. Mr. Bliss arose from his chair and started to leave the room, but as he touched the door knob the Doctor turned sharply and said:

"Will you oblige me by not leaving the room?"

"Oh! Certainly!" replied Mr. Bliss, mystified, and returning to his seat.

"Here, gentlemen, is the sum. I will take your receipt, if you please.

Now then, as to your advice. Shall I surrender myself to the District

Attorney, and so destroy argument number one, as you suggested?"

"But, Doctor," said Mr. Dudley, "you have not told us your defence."

"I am satisfied with the one which you have outlined. Should future developments require it, I will tell you whatever you need to know, in order to perfect your case. For the present I prefer to keep silent."

"Well, but really, unless you confide in your lawyers you materially weaken your case."

"I have more at stake than you have, gentlemen! You will gain in reputation, whatever may be the result. I risk my life. You must permit me therefore to conduct myself as I think best."

"Oh! Certainly, if that is your wish. As to your surrendering yourself, I strongly advise it, as you probably could not escape

from the city, and even if you did, you would undoubtedly be recaptured."

"There you are entirely wrong. Not only can I escape, as you term it, but I would never be retaken."

"Then why take the risk of a trial? Innocent men have been convicted, even when ably defended!"

"Yes, and guilty ones have escaped. But you ask why I do not leave New York. I answer, because I wish to remain here. Were I to run away from these charges, of course I should never be able to return."

"Then, Doctor, I advise you to surrender."

"I will adopt your advice. But not until the day after to-morrow. I have some affairs to settle first."

"But you risk being captured by the detectives."

"I think not," said the Doctor, with a smile.

"Should we wish to communicate with you, where may we be able to find you, Doctor?"

Doctor Medjora appeared not to have heard the question. He said:

"Oh! By the way, gentlemen, you need not either of you study up chemistry, as did Mr. Munson. You remember the case? I know enough chemistry for any experts that they may introduce, and will formulate the main lines of their cross-examination myself. Let me refer to a point that you made. Did I understand you that if we can show that Mabel died of diphtheria, our case is won?"

"Why, certainly, Doctor. If we can prove that, we show that she died a natural death."

"Of course, I understood that. I merely wished to show you what a simple thing our defence is. We will convince the jury of that. I will meet you at the office of the District Attorney at eleven o'clock on the day after to-morrow. Good-morning, gentlemen." The Doctor bowed and left the room. The two lawyers looked at one another a moment, and then Mr. Dudley spoke:

"What a singular man!"

"The most extraordinary man I ever met!"

"Robert, why did you start to leave the room?"

"Mortimer, that is a very curious thing. I had a sort of premonition that he would go away without leaving his address. I meant to instruct Barnes to shadow him, when he should leave. I wonder if he read my thoughts?"

"Rubbish! But why not send Jack after him now? He will catch up with him easily enough."

Acting upon the suggestion, Mr. Bliss went into the outer office, and was annoyed to be told by the office boy that Jack Barnes had gone out half an hour before.

CHAPTER II.
JACK BARNES INVESTIGATES

Jack Barnes, at this time, had just attained his majority. He was studying law with Messrs. Dudley & Bliss, and acting as their office assistant. But it was by no means his intention ever to practise the profession, which he was acquiring with much assiduity. His one ambition was to be a detective. Gifted with a keen, logical mind, a strong disposition to study and solve problems, and possessing the rare faculty of never forgetting a face, or a voice, he thought himself endowed by nature with exactly the faculties necessary to make a successful detective. His study of law was but a preliminary, which, he rightly deemed, would be of value to him.

Anxious, as he was, to try his wits against some noted criminal, the chance had never been his to make the effort. He had indeed ferreted out one or two so-called "mysterious cases," but these had been in a small country village, where a victory over the dull-witted constabulary had counted for little in his own estimation.

Naturally he had read with avidity all the various newspaper accounts of the supposed murder of Mabel Sloane, and it was with considerable satisfaction that he had read the name upon the card intrusted to him to be taken to his employers. It seemed to him that at last fortune had placed an opportunity within his

grasp. Here was a man, suspected of a great crime, whom the great Metropolitan detective force had entirely failed to locate. From what he had read of Dr. Medjora, he quickly decided that, though he might consult Messrs. Dudley & Bliss, he would not intrust them with his address. Jack Barnes determined to follow the Doctor when he should leave the office. Thus it was, that he was absent when Mr. Bliss inquired for him.

Descending by the elevator – a contrivance oddly named, since it takes one down as well as up, – he stationed himself in a secluded corner, whence he could keep watch upon the several exits from the building. Presently, he saw Dr. Medjora step from the elevator, and leave the building, after casting his eyes keenly about him, from which circumstance Barnes thought it best not to follow his man too closely. When, therefore, he saw the Doctor jump upon a Third Avenue horse-car, he contented himself with taking the next one following, and riding upon the front platform.

He saw nothing of Dr. Medjora until the Harlem terminus was reached. Here his man alighted and walked rapidly across the bridge over the river, Barnes following by the footpath on the opposite side, keeping the heavy timbers of the span between them as a screen. But, however careful Dr. Medjora had been to look behind him when leaving the lawyers' offices, he evidently felt secure now, for he cast no anxious glances backward. Thus Barnes shadowed him with comparative ease, several blocks uptown, and then down a cross street, until at last he disappeared in a house surrounded by many large trees.

Barnes stopped at the tumbled-down gate, which, swinging on one hinge, offered little hindrance to one who wished to enter. He looked at the house with curiosity. Old Colonial in architecture, it had evidently once been the summer home of wealthy folks. Now the sashless windows and rotting eaves marked it scarcely more than a habitat for crows or night owls. Wondering why Dr. Medjora should visit such a place, he was suddenly astonished to hear the sound of wheels rapidly approaching. Peeping back, he saw a stylish turn-out coming towards him, and it flashed across his mind that this might be the equipage in which the Doctor had been said to drive in the Park. Not wishing to be seen, he entered the grounds, ran quickly to the house, and admitted himself through a broken-down doorway that led to what had been the kitchen. He had scarcely concealed himself when the carriage stopped, a woman alighted, and walking up to the house, entered by the same door through which the Doctor had passed. Barnes was satisfied now that this meeting was pre-arranged, and that it would interest him greatly to overhear the conversation which would occur.

Seeking a means of reaching the upper floor, he soon found a stairway from which several steps were absent, but he readily ascended. At the top, he stopped to listen, and soon heard low voices still farther up. The staircase in the main hall was in a fair state of preservation, and there was even the remains of an old carpet. Carefully stepping, so as to avoid creaking boards, he soon reached a level from which he could peep into the

room at the head of the stairs, and there he saw the two whom he was following. But though he could hear their voices, he could not distinguish their words. To do so he concluded that he must get into the adjoining room, but he could not go farther upstairs without being detected, as the door was open affording the Doctor a clear view of the top of the stairway.

Barnes formed his plan quickly. Reaching up with his hands, he took hold of the balustrade which ran along the hallway, and then, dangling in the air, he worked his way slowly from baluster to baluster, until he had passed the open doorway, and finally hung opposite the room which he wished to enter. Then he drew himself up, until he could rest a foot upon the floor of the hall, after which he quickly and noiselessly swung himself over and passed into the front room. That he succeeded, astonished him, after it had been done, for he could not but recognize that a single rotten baluster would either have precipitated him to the floor below, or at least by the noise of its breaking have attracted the attention of Dr. Medjora, who, be it remembered, was suspected of no less a crime than murder.

Looking about the room in which he then stood, he took little note of the decaying furniture, but went at once to a door which he thought must communicate with the adjoining room. Opening this very gently, he disclosed a narrow passageway, from which another door evidently opened into the room beyond. Stealthily he passed on, and pressing his ear against a wide crack, was pleased to find that he could easily hear what was said by the two

in the next room. The conversation seemed to have reached the very point of greatest interest to him. The woman said:

"I wish to know exactly your connection with this Mabel Sloane."

"So do the police," replied the Doctor, succinctly.

"But I am not the police," came next in petulant tones.

"Exactly! And not being the police you are out of your province, when investigating a matter supposed to be criminal." Barnes learned two things: first that the Doctor would not lose his temper, and therefore would not be likely to betray himself by revealing anything beyond what his companion might already know; and second, that she knew little as to his relation with Mabel Sloane. This was not very promising, yet he still hoped that something might transpire, which would repay all the trouble that he had taken. The woman spoke again quickly.

"Then you are not going to explain this thing to me?"

"Certainly not, since you have not the right to question me."

"I have not the right? I, whom you expect to marry? I have not the right to investigate your relations with other women?"

"Not with one who is dead!"

"Dead or alive, I must know what this Mabel Sloane was to you, or else – " She hesitated.

"Or else?" queried the Doctor, without altering his tone.

"Or else I will not marry you."

"Oh! Yes, you will!" replied the Doctor, with such a tone of certainty that his companion became exasperated and stamped

her feet as she replied in anger:

"I will not! I will not! I will not!" Then, as though her asseveration had slightly mollified her, she added: "Or if I do – " and, then paused.

"Continue!" exclaimed the Doctor, still calm. "You pause at a most interesting period. Or if you do – "

"Or if I do," wrathfully rejoined the woman – "I'll make your whole life a burden to you!"

"No, my wife that is to be, you will not even do that. Perhaps you might try, but I should not permit you to succeed in any such an undertaking. No, my dear friend, you and I are going to be a model couple, provided – "

"Provided what?"

"That you curb your curiosity as to things that do not concern you."

"But this does concern me."

"As I have intimated already, Mabel Sloane being dead, you can have no interest whatever in knowing what relations existed between us."

"Not even if, as the newspapers claim, she had a child?"

"Not even in that case."

"Well, is there a child?"

"I have told you that it does not concern you."

"Do you deny it?"

"I neither deny it, nor affirm it. You have read the evidence, and may believe it or not as you please."

"Oh! I hate you! I hate you!" She was again enraged. "I wonder why I am such a fool as to marry you?"

"Ah! This time you show curiosity upon a subject which does concern you. Therefore I will enlighten you. You intend to marry me, first, because, in spite of the assertion just made, you love me. That is to say, you love me as much as you can love any one other than yourself. Second, you are ambitious to be the wife of a celebrated man. You have been keen enough to recognize that I have genius, and that I will be a great man. Do you follow me?"

"You are the most supreme egotist that I have ever met." The words, meant as a sort of reproach, yet were spoken in tones which betokened admiration.

"Thank you. I see you appreciate me for what I am. All egotists are but men who have more than the average ego, more than ordinary individuality. The supreme egotist, therefore, has most of all. Now, to continue the reasons for our marriage, perhaps you would like to know why I intend to marry you?"

"If your august majesty would condescend so far." The Doctor took no notice of the sneer, but said simply:

"I too have my ambitions, but I need money with which to achieve success. You have money!"

"You dare to tell me that! You are going to marry me for my money!

Never, you demon! Never!"

"I thought you had concluded to be sensible and leave off theatricals. You look very charming when you are angry, but

it prolongs this conversation to dangerous lengths. We may be interrupted at any moment by the police."

"By the police! In heaven's name how?" In a moment she showed a transition from that emotion which spurned him, to that love for him which trembled for his safety. Thus wisely could this crafty physician play upon the feelings of those whom he wished to influence.

"It is very simple. As much as you love me, you love your own comfort more. I asked you to come up here quietly. You came in your carriage, with driver and footman in full livery. Is that your idea of a quiet trip?"

"But I thought – "

"No! You did not think." The Doctor spoke sternly, and the woman was silent, completely awed. "If you had thought for one moment, you would have readily seen that the police are probably watching you, hoping that, through you, they might find me. Fortunately, however, I have thought of the contingency, and am prepared for it. But let us waste no more time. No! Do not speak. Listen, and heed what I have to say. I have decided not to follow your suggestion. You wrote to me advising flight. That was another indiscretion, since your messenger might have been followed. However, I forgave you, for you not only offered to accompany me, but you expressed a willingness to furnish the funds, as an earnest of which I found a thousand dollars in your envelope. A token, you see, of a love more intense than that jealousy which a moment ago whispered to you to abandon me.

From this, and other similar circumstances, I readily deduce that after all you will marry me. But to come to the point. I have consulted a firm of lawyers, and by their advice I shall surrender myself on the day after to-morrow."

"You will surrender to the police?" The woman was thoroughly alarmed.

"They will convict you. They will – ugh!" She shuddered.

"No," said the Doctor more kindly than he had as yet spoken. "Do not be afraid. They will neither convict me, nor hang me. I will stand my trial, and come out of it a freed man."

"But if not? Even innocent men have been convicted."

"Even innocent men! Why do you say even? Do you doubt that I am innocent?"

"No! No! But this is what I mean. Although innocent you might be brought in guilty."

"Well, even so, I must take the chance. All my hopes, all my ambitions, all that I care for in life depend upon my being a free man. I cannot ostracize myself, and reach my goal. So the die is cast. But there is another thing that I must tell you. We cannot be married at present."

"Not married? Why not? Why delay? I wish to marry you now, when you are accused, to prove to you how much I love you!" Thus she showed the vacillation of her impulsive, passionate nature.

"I appreciate your love, and your generosity. But it cannot be. My lawyers advise against it, and I agree with them that it would

be hazardous. Next, I must have money with which to carry on my defence. When can you give it to me? You must procure cash. It would not be well for me to present your check at my bankers. The circumstances forbid it, lest the prosecution twist it into evidence against me."

"When I received your note bidding me to meet you here, I thought that you contemplated flight. I have brought some money with me. Here are five thousand dollars. If you need more I will get it."

"This will suffice for the present. I thank you. Will you kiss me?" A sound followed which showed that this woman, eager for affection, gladly embraced the opportunity accorded to her. At the same moment there was a loud noise heard in the hall below, from which it was plain that several persons had entered.

"The police!" exclaimed the Doctor. Then there was a pause as though he might be listening, and then he continued, speaking rapidly: "As I warned you, they have followed you. Hush! Have no fear. I shall not be taken. I am prepared. But you! You must wait up here undisturbed. When they find you, you must explain that you came here to look at the property, which you contemplate buying. And now, whatever may happen, have no fear for my safety. Keep cool and play your part like the brave little woman that I know you to be."

There was the sound of a hurried kiss, and then Barnes was horrified to see the door at which he was listening, open, and to find himself confronted by Dr. Medjora. But if Barnes was

taken by surprise, the Doctor was even more astonished. His perturbation however passed in a moment, for he recognized Barnes quickly, and thus knew that at least he was not one of the police. Stepping through the door, he pulled it shut after him, and turned a key which was in the lock, and, placing the key in his pocket, thus closed one exit. Barnes retreated into the next room and would have darted out into the hall, had not the strong arm of the Doctor clutched him, and detained him. The Doctor then locked that door also, after which he dragged Barnes back into the passage between the two rooms. Here he shook him until his teeth chattered, and though Barnes was not lacking in courage, he felt himself so completely mastered, that he was thoroughly frightened.

"You young viper," hissed the Doctor through his teeth. "You will play the spy upon me, will you? How long have you been listening here? But wait. There will be time enough later for your explanations. You remain in here, or I will take your life as mercilessly as I would grind a rat with my heel." As though to prove that he was not trifling, he pressed the cold barrel of a revolver against Barnes's temple, until the young man began to realize that tracking murderers was not the safest employment in the world.

Leaving Barnes in the passageway the Doctor went into the front room, and Barnes was horrified by what he saw next. Taking some matches from his pocket he deliberately set fire to the old hangings at the windows, and then lighted the half rotten

mattress which rested upon a bedstead, doubly inflammable from age. Despite his fear Barnes darted out, only to be stopped by Dr. Medjora, who forcibly dragged him back into the passageway, and then stood in the doorway watching the flames as they swiftly fed upon the dry material.

"Dr. Medjora," cried Barnes, "you are committing a crime in setting this house afire!"

"You are mistaken. This house is mine, and not insured."

"But there are people in it!"

"They will have ample time to escape!"

"But I? How shall I escape?"

"I do not intend that you shall escape."

"Do you mean to murder me?"

"Have patience and you will see. There, I guess that fire will not be easily extinguished." Then to the amazement of young Barnes the Doctor stepped back into the passageway, and closed and locked the door. Thus they were in total darkness, in a small passageway having no exit save the doors at each end, both of which were locked. Already the fire could be heard roaring, and bright gleams of light appeared through the chinks in the oak door. At this moment voices were heard in the next room. The Doctor brushed Barnes to one side and took the place near the crevice to hear what passed.

"Madam," said the voice of a man evidently a policeman, "where is Dr.

Medjora?"

"Dr. Medjora?" replied the woman. "Why, how should I know?"

"You came here to meet him. It is useless to try to deceive me. We tracked you to this house, and, what is more, the man himself was seen to enter just before you did. We only waited long enough to surround the grounds so that there would be no chance to escape. Now that you see how useless it is for him to hide, you may as well tell us where he is, and save time!"

"I know nothing of the man for whom you are seeking. I came here merely to look over the property, with a view to buying it."

"What, buy this old rookery! That's a likely yarn."

"I should not buy it for the house, but for the beautiful grounds."

"Well, I can't stop to argue with you. If you won't help us, we'll get along without you. He is in the house. I know that much."

"Sarjent! Sarjent! Git outer this! The house is on fire!" This announcement, made in breathless tones by another man who had run in, caused a commotion, and, coming so unexpectedly, entirely unnerved the woman, who hysterically cried out:

"He is in there! Open that door! Save him! Save him!"

Dr. Medjora smothered an ejaculation of anger, as in response to the information thus received, the police began hammering upon the door. Old as it was, it was of heavy oak and quite thick. The lock, too, was a good one and gave no signs of yielding.

"Where is the fire?" exclaimed the sergeant.

"In the front room," answered the other man.

"Get the men up here. Bring axes, or anything that can be found to break in with." The man hurried off, in obedience to this order, and the policeman said to the woman:

"Madam, you'd better get out of this. It is going to be hot work!"

"No! No! I'll stay here."

Barnes wondered what was to be the outcome of the situation, and was surprised to hear the sound of bolts being pushed through rusty bearings. Dr. Medjora was further fortifying the door against the coming attack. Barnes would have assailed the other door, but from the roar of the flames he knew that no safety lay in that direction. Presently heavy blows were rained upon the door, showing that an axe had been found. In a few moments the panel splintered, and through a gap thus made could be seen the figure of the man wielding the axe. It seemed as though he would soon batter down the barrier which separated Barnes from safety, when at the next blow the handle of the axe broke in twain. A moment more, and a deafening crash and a rush of smoke into the passageway indicated that a part of the roof had fallen in. The sergeant grasped the woman by the shoulders, and dragged her shrieking, from the doomed house, which was now a mass of flames. The little knot of policemen stood apart and watched the destruction, waiting to see some sign of Dr. Medjora. But they saw nothing of the Doctor, nor of Barnes, of whom, indeed, they did not know.

CHAPTER III.
A WIZARD'S TRICK

All New York, that afternoon, was treated to a sensational account in the afternoon "Extra" newspapers, of the supposed holocaust of the suspected murderer of Mabel Sloane. Yet in truth not only was Dr. Medjora safe and well, but he had never been in any serious danger.

As soon as the police had abandoned the effort to batter in the door,

Dr. Medjora turned and said to young Barnes:

"It would serve you right were I to leave you in here to be burned, in punishment for your audacity in spying upon me. Instead of that, I shall take you out with me, if only to convince you that I am not a murderer. Give me your hand!"

Barnes obeyed, satisfied that even though treachery were intended, his predicament could not be made worse than it already was. By the dim light which occasionally illuminated the passageway, as the flames flared up, momentarily freed from the smoke, and shone through the crack in the door, already burned considerably, Barnes now saw the Doctor stoop and feel along the wainscoting, finally lifting up a sliding panel, which disclosed a dark opening beyond.

"Fear nothing, but follow me," said the Doctor. "Step lightly though, as these stairs are old and rickety." Much astonished,

Barnes followed the Doctor into the opening, and cautiously descended the narrow winding stairs, still holding one hand of the man who preceded him. He counted the steps, and calculated that he must be nearing the basement, when a terrible crash overhead made him look up. For one moment he caught a glimpse of blue sky, which in a second was hidden by lurid flames, and then darkness ensued, whilst a shower of debris falling about him plainly indicated that the burning building was tumbling in. The hand which held his, gripped it more tightly and their descent became more rapid, but beyond that, there was no sign from the Doctor that he was disturbed by the destroying element above them. In a few more moments they stood upon a flat cemented floor.

"It seems odd," said the Doctor, with a laugh that sounded ghoulish, considering their position, "that I should need to ask you for a match when there is so much fire about us. But I used my last one upstairs." Barnes fumbled in his pocket, and finding one, drew it along his trouser leg until it ignited. As the flame flared up, a dull red glare illumined the face of Dr. Medjora, making him seem in his companion's fancy the prototype of Mephistopheles himself. Again the Doctor laughed.

"Afraid to trust me with fire, eh? Is that why you lighted it yourself? Never mind. I only wished to get my bearings. It is long since I have been in this place. See, here is a door to the right." He grasped the iron handle, and after some exertion the bolt shot back, but when he pushed against it the door did not yield. At the

same moment the match spluttered and the flame died.

"Help me push this door," said the Doctor. Barnes obeyed most willingly, but their combined efforts still failed to move it.

"Well," said the Doctor, "my young friend, it looks as though we were doomed, after all. In case we should fail to escape, when we are thus unexpectedly hurried into the presence of the secretary of the other world, in making your statement, I trust you will not forget that you cannot blame me for the accident which curtails your earthly existence. It was no fault of mine that you were in the passageway above, nor could I foresee that we could not open this door."

This sacrilegious speech, made in a tone of voice which showed in what contempt the speaker held the great mystery of life and death, chilled young Barnes so that he shivered. It made him more than convinced that this man was fully capable of committing the murder which had been attributed to him. At the same time, as the Doctor appeared to have abandoned the effort to escape, despair rendered Barnes more courageous and sharpened his senses so that he could think for himself. Freeing his hand from the other's grasp, he felt about until he found the edge of the door, and rapidly searched for the hinges. In a few moments a cry of gladness escaped from him.

"It is all right, Doctor. The hinges are on our side. We must pull the door to open it, and not push it as we have been doing."

"Good!" said the Doctor. "I knew that. I was only trying you. You are clever. And courageous. Too much so for me to run

any risks." The last words were spoken as though to himself. He continued: "Come. We must get out of this before it is too late!" He opened the door, which moved so easily that Barnes readily comprehended that the Doctor must have held it firmly shut whilst the two had been trying to open it, else his own shaking would have disclosed the fact that it opened inward. Thus he saw that Dr. Medjora spoke truly, and had only been submitting him to a test. He followed through the door, glad once more to have hope before him, for had the Doctor intended to destroy him, it would have been easy enough to shut the door, leaving him behind, fastening it, as he did now, with a heavy bolt.

"There is little chance of our being followed," said the Doctor, as he thus barred the way behind them, "but it is as well to be careful. And now that we are safe, for this vault is fire-proof, I will let you see where you are." In a moment the Doctor had found a match and lighted a lamp, and Barnes gazed about him bewildered.

At most he had expected to find himself in some forgotten vault or old wine-cellar. What he saw was quite different. The apartment, if such a term may be employed was spacious, and formed in a perfect circle, with a hemispherical roof. This dome was covered with what, in the dim light, appeared to be hieroglyphical sculpture. What puzzled Barnes most was that no seams appeared, from which he concluded that the entire cavern must have been hewn out of the solid rock. The floor also was of stone, elaborately carved, and, appearing continuous with the

ceiling, at once presented an impossible problem in engineering. For the door through which they had entered evidently had no connection with the original design of the structure, since it was of modern style, and, moreover, the doorway, cut for its insertion, had destroyed the continuity of the carvings on the wall, which, to the height of this doorway, represented a seemingly endless procession, interrupted only by the cutting of the opening, which thus showed curiously divided bodies of men and women along its two edges. In the centre of the place was a singular stone, elaborately carved, with a polished upper surface. Upon this Dr. Medjora seated himself, after having lighted the lamp which hung like a censer from the centre of the roof. Barnes looked at him, awed into silence. Allowing him a few minutes to contemplate his surroundings, the Doctor said:

"You are Jack Barnes, the assistant of Dudley & Bliss. You are ambitious to become a detective. Therefore, when you read my name on my card this morning, you thought it a good opportunity to track a murderer, did you not? Answer me, and tell me no lies!"

"Yes," said Barnes, surprised to find that a curious sensation in his throat, as though he were parching, precluded his saying more.

"Well, you have tracked the murderer to his den. What do you think of the place. Safe enough from the police, eh!" The Doctor laughed in a soft congratulatory way, which grated upon his hearer's ear. He continued, as though to himself: "And Dudley

& Bliss warned me that I could not escape from the police. I, Emanuel Medjora! I could not escape!" Then he burst out into a prolonged ringing peal of laughter which made Barnes tremble affrighted, as a hundred echoes for the moment made his imagination picture myriads of demons chiming in with the merriment of their master.

"Come here," cried the Doctor, checking his laugh. Barnes hesitated and then retreated. "Come here, you coward!" said the Doctor, in a sterner voice. The taunt made the blood course more swiftly through the young man's veins, and the laugh of the demon echo having died away, he threw his head up and approached the stone, stopping within a few feet of Dr. Medjora, and looking him in the eye.

"Ah! As I thought. A strong will, for a youngster. I must use strategy." This so softly that Barnes did not comprehend the sense of the words. Then the Doctor spoke in his most alluring manner:

"You are plucky, Mr. Barnes. This is a gruesome place, and I have brought you here under such peculiar circumstances that you might well be alarmed. But I see that you are not, and I admire you for your courage. It is his courage that has made man the master of all the animal world. By that he controls beasts, who could rend him to a thousand bits, with ease: only they dare not. So, for your courage, I forgive your impudence, and I might say imprudence, in following me this morning."

Barnes was mystified by this alteration of manner, and was

not such a fool that he did not suspect that it boded him no special favor. He did not reply, not knowing what to say. The Doctor jumped up from his seat, saying pleasantly:

"I am forgetting my politeness. You are my guest, and I am occupying the only available seat. Pardon me, and be seated." Barnes hesitated, and the Doctor said, "Oblige me!" in a tone which made Barnes think it wise to comply. He therefore seated himself on the stone, and the Doctor muttered low to himself:

"How innocently he goes to the sacrifice," words which Barnes did not hear and would not have understood had he done so. Then the Doctor laughed with a muffled, gurgling sound, which, answered by the echoes, again made Barnes feel uncomfortable.

"Now then, Mr. Barnes," began Dr. Medjora, "I have no doubt that your curiosity has been aroused, and that you would like to know what sort of place this is, and how it came here. It is a very curious story altogether, and as we shall find time hang heavily on our hands whilst the fire is burning upstairs, I cannot entertain you better, perhaps, than with the tale. You know, of course, or you have heard, that I am a physician. But no one knows how thoroughly entitled I am to the name. I am a lineal descendant of the great Æsculapius himself." Barnes stared, wondering whether the man were mad. Having begun his recital, Dr. Medjora apparently took no more notice of Barnes than though he had not been present. But whilst he spoke, with his hands clasped behind his back, he began to pace around the

room, thus walking in a circle about Barnes, as he sat upon the stone in the centre.

"The ancient Mexicans worshipped a god to whom they built pyramids. This was no other than my great ancestor Æsculapius. He was also known to many of the races that inhabited the great North country. Here in this place, a powerful tribe built a great pyramid, the top of which was this dome, hewn from a single rock, and carved, as you see, with characters which, translated would tell secrets which would astound the world. The man who acquires all the knowledge here inscribed, may well call himself the master of this century. I will be that man!"

He had increased his pace as he walked around, so that during this speech he had made three circles about Barnes, who, astonished as much by his actions as by his words, had followed him with his eyes, turning his head as far as possible in one direction to accomplish this, and then rapidly turning it to the opposite side so that he might not lose sight of the Doctor. As the last words were uttered, the Doctor stopped suddenly before him, and hurled the words at him as though they contained a menace. But Barnes flinched only slightly, and the Doctor continued his walk and his narrative.

"Yes, for here on these rocks are graven the sum of all the knowledge of the past, which the great cataclysm lost to us for so many centuries. This dome was the summit of the great temple. This floor was a hundred feet below it, and was the floor of the edifice. Then came the flood. The earth quaked, the waters rose,

the earth parted, the temple was riven, and the dome fell, here upon this floor, and the record of the greatest wisdom in the world was buried beneath the earth. Lost! Lost! Lost!!"

His gyrations had increased in rapidity, so that he had run around Barnes six times during the above speech, and, as before, he stopped to confront him, fairly screaming the last words. Barnes began to feel odd in his head from turning it to watch this man who, he had now decided, was surely a madman, and as the Doctor screamed out "Lost! Lost! Lost!" almost in his face, he started to his feet, standing upon the stone and prepared to defend himself if necessary. As though much amused at this action, Dr. Medjora threw back his head and laughed. Laughed long and loud! Laughed until the answering echoes reverberated through the place as though a million tongues had been hidden in the recesses. Stopping suddenly, he began racing around again, and resumed his story:

"And so came that great cataclysm which all corners of the world record as the flood. So the great Atlantis, the centre of the civilization of the world, was lost for centuries, until at last re-discovered and re-christened America. Æsculapius perished, and his wisdom died. His records were hidden. But he left a son, and that son another, and from him sprung another, and another, and another, and so on, and on, as time sped, until to-day I am the last of the great line. Ha! You doubt it. You think that I am lying. Then how comes it that I am here? Here in the treasure house of my great ancestor? Because among my people there are

traditions, and one told of this temple. I studied it, and worked it out, until I located it. Then I came here and found this old house built over it. And I knew that it covered the greatest secret in all the world. But it contained another secret too. A simple, easy secret for a man like me to solve. A secret staircase, built by some stupid old colonist, to lead him down to a secret wine-cellar, which is on the other side of that stairway. But Providence would not permit the old drunkard to turn to the right, in digging for his vault, or he would have entered this chamber, as I have done. I found this staircase, and cut my way into this place, which I closed with that iron door. And you, you fool, thought that I did not know how to open a door that I had built myself." His laugh rang out again, and the piercing shrieks, coming back from the echoes, darted through Barnes's brain, confused by his pivotal turning on the stone as he tried to follow the Doctor racing around the chamber, and as the man now rushed at him screaming:

"Now! Now! You fool, you are mine! Mine! All mine!" Barnes felt as though something in his brain had snapped, and, tottering, he threw up his arms, and then sank down, to be caught by Dr. Medjora, who lifted him as though he had been a child, and laid him upon the floor. Placing his ear to his heart a moment, the Doctor arose to his feet with a satisfied expression and speaking low, said:

"He is now thoroughly frightened, but the shock will not kill him. When he wakes he will be mine indeed! I will play the little

trick, and I can be safe without fear from this." He kicked the prostrate form lightly with his foot, and then lifted Barnes up and sat him upon the stone as he slowly revived, supporting him until he had sufficiently recovered not to need assistance. Then he placed himself in front of Barnes, and as soon as the young man seemed to have regained his senses he folded his arms and said sternly:

"Look at me!" Barnes obeyed for a moment and then turned away and would have risen, but the doctor called out authoritatively:

"You cannot get up! You have no legs!" Barnes reached down with his hands towards his legs, only to be stopped by the words:

"You cannot feel! You have no hands! Now look at me! Look! I command you!" Barnes gazed helplessly into the Doctor's eyes, and the latter continued, in a voice of peremptory sternness:

"Now answer me when I speak to you. Do you understand?"

"Yes, I understand. I will answer!" The voice did not seem to be the normal tones of the young man, and a smile passed over the Doctor's face as he went on.

"Do you know who you are? If so, tell me!"

"I am Jack Barnes!"

"And who am I?"

"Doctor Medjora!"

"Do you know where you are?"

"Yes! In the chamber of Æsculapius!"

"If I let you go from here, what will you do?"

"I would tell the police what I know!"

"Good! Now listen to me!"

"I am listening!"

"You wish to escape?"

"Yes!"

"I am your master?"

"You are my master!"

"You must obey my commands! You understand that?"

"I must obey your commands. I understand that!"

"You are asleep now?"

"Yes, I am asleep!"

"But if I give you a command now when you are asleep, you will obey it when I allow you to awaken?"

"What you command when I am asleep, I will do when you let me be awake!"

"You followed me to-day?"

"I followed you."

"You will forget that?"

No answer came from the sleeper. The crucial test had come. The contest of wills. The Doctor, however, was determined to succeed. Success meant a great deal to him, for he must either kill this man, or else control him. He did not consider the first expedient. Murder was not even in his thought. He stepped up to Barnes and took his two hands.

"You will forget that you followed me?"

Still no reply. The Doctor gently closed the open eyes of the

sleeper, and rubbed them with a rotary movement of the thumb. Again he ventured:

"You will forget that you followed me? You – will – forget – that – you – followed – Dr. Medjora?" A pause, a quiver of the released eyelids, which opened slowly, allowing the eyes to gaze at the Doctor; then the lids closed again, a shiver passed over the sleeper's body, and the voice spoke:

"I will obey! I will forget!"

"You will forget that you followed me?"

"I will forget!"

"Repeat what I say. You will forget that you followed me?"

"I will forget that I followed you!"

"You will forget that you saw me and heard me speaking to a woman?"

"I will forget that you were speaking to a woman!"

"You will forget that there was a fire?"

"I will forget the fire!"

"You will forget the secret staircase?"

"I will forget the staircase!"

"The secret staircase!" The Doctor was determined to take no risk.

"I will forget the secret staircase!" said the sleeper.

"You will forget this room?"

"I will forget this room!"

"Finally, you will forget that you have been asleep?"

"Finally, I will forget that I have been asleep!"

"Good! That ought to be safe enough!" This the Doctor said to himself, but the sleeper replied:

"Good! That ought to be safe enough!"

"Pah! He is a mere automaton," said the Doctor.

"A mere automaton!" repeated Barnes.

At this last sally the Doctor burst out into uncontrolled laughter, so much heartier than before that it was plain that his previous laughing had been but a part of his scheme to overawe the strong young will of his companion, by raising up the affrighting echoes. The sleeper joined in with this laughing, imitating it almost note for note, and the answering echoes adding to the bedlam, made the place indeed like some dwelling-place of evil spirits. The Doctor's hilarity passed, and placing one hand upon Barnes's shoulder, in a voice of command he cried!

"Silence!" At once the stillness of death ensued, as though each gibbering demon had scurried back into his hiding-place. The Doctor took the young man's head in both hands, the palms open against the temples, and a thumb over each eye. Rubbing the closed lids gently, at the same time pressing the temples, he spoke in deep resonant tones.

"Sleep! Sleep more deeply! Sleep unconscious! Sleep oblivious! Sleep as though dead, but awaken when I call upon you to awaken!"

He continued his manipulations a few moments, and then removed his hands. The eyelids released, slowly opened, and the sleeper gazed at him. Then as slowly they closed again, and being

shut, twitched and fluttered as the heart of a dying bird might do. More and more quiet the movements became, till at length all was still. Then the erect head sank gently down, until it rested upon the breast, and the body swayed, and slipped by easy stages from the stone to the floor, where, as it turned over and lay prone upon the face, a long-drawn sigh escaped, and Barnes lay as one dead. The Doctor gazed silent, satisfied, yet as though awed by his own work. Then he lost himself in reverie.

"And this thing is a man. A strong healthy body encasing a powerful will. Yet where now is that will? What has become of the soul that tenants this shell, which now seems empty, dead. Escaped, gone, and at my bidding! 'He sleeps, he is not dead,' says the scientist. What wily excuses men make for their ignorance. If he sleeps, he is dead, for sleep is death, different only because there is an awakening. Yet in the true death is there not an awakening? All analogy cries out 'Yes!' Now this man sleeps, and I have made him thus temporarily dead. Except at my bidding there can be no awakening on this earth. Then if I do not bid him rise, am I a murderer? The law would say so. The law! The law! Pah! The law that says that, is but a written token of man's ignorance. For if I leave him here, he still must awaken. And who can say that if I leave him to awaken in another world he might not thank me so much, that his spirit in gratitude would become my attendant guardian, until his foolish fellow-men, having hanged my body to a gibbet, by a rope, should send my soul into eternity beside him. My soul! Have I a soul? Yes!

and not yet is it prepared to pass beyond the limit of this life. No, despite the laws, and the minions of the laws, I will live to reap the harvest which my great ancestor has garnered here. So this fellow must be awakened and restored to his place amongst his kind! Will it be safe? I have made his mind a blank. But will it so remain? His will is strong. He offered more resistance than any upon whom I have tried my power. Had I not first numbed his brain by twisting it into knots, I doubt that I should have controlled him. So if I release him, to-morrow in his waking senses he will perceive that several hours of his life are as a blank. He will realize that during that time something must have occurred that he has forgotten, and all his energy will be aroused to force remembrance. There is a vivid danger should he recall his experience, before my trial occurs and ends. And with our stupid laws who may say when that may be? Ah! I have the trick. His mind is now a blank, and these few hours will be a void. I have charged him to forget. Now I must bid him to remember, and furnish him with the incidents with which to account for the lapse of time. I will take him near the truth. So near that fluctuating recollection will be unable to disentangle fact from fiction. Thus what he recalls will bear no menace to my safety, and yet will so satisfy his will to know what has passed, that no great effort will be made to delve deeper into the records of this day. But first I must take him from this sacred place. It will be safer."

He opened the iron door, lifted the body of the sleeper in his arms and bore it into the passage at the foot of the stairs.

Immediately opposite, there was another door, dimly shown by the light from the swinging lamp. This he kicked open with his foot, without dropping his burden. He walked straight across, through the darkness of this old wine cellar, towards a dim ray of light which penetrated at the opposite end, presently coming to a low arch through which he passed with lowered head, emerging into a greater light. They were now in an old cistern, and a circular opening above permitted the moonlight to enter. Here the Doctor laid the sleeper gently down, and retraced his steps. Re-entering the domed chamber, he extinguished the lamp, and then again emerged, closing the door behind him. From a corner under the stairway he procured a long-handled, heavy, iron hammer, such as men use who break large rocks. He next went into the wine cellar, closing the door behind him, and thence passed on through the archway into the cistern. Taking one glance at the still sleeping form of Jack Barnes, he threw off his coat, and attacked the brick-work of the arch, raining upon it heavy blows, each of which demolished a part of the thick wall. At the end of half an hour the opening was choked with fallen debris, and the entrance into the wine vault thus effectually concealed.

This task accomplished, the Doctor resumed his coat, and turned to examine the sleeper. He raised him up, and stood him against that side of the wall upon which the most light was shed. As the body was thus supported, the head hanging, and the weird half-light making the face more ghastly, one might readily have supposed that this was a corpse. But the Doctor presently cried

out:

"Awaken! Awaken! not entirely, but so that you may hear and speak!"

In an instant the head was lifted, the eyes opened, and the voice said:

"I am awake! I can hear and speak!"

"Good!" exclaimed the Doctor. "Tell me, what do you remember?"

"You commanded me to remember nothing!"

"True! I commanded! But do you remember?"

"You are the master! I have forgotten!"

"I am the master. Now I tell you to remember!"

"It is impossible! I cannot remember what I have forgotten, unless you tell it to me again!"

"Very true. I will tell you what you have forgotten, and you will then remember it. You will remember even after you are awakened!"

"I will obey. I will remember what you tell me!"

"You left your office this afternoon to follow Dr. Medjora?"

"Yes! I followed Dr. Medjora!"

"He took a car, and you took another?"

"He took a car, and I took another!"

"He left the car, and you followed him to a house and saw him enter?"

"I saw him enter a house!"

"Then there was a fire and you watched the house burning?"

"I saw the house burning!"

"Then you rushed forward and fell into this well?"

"I rushed forward and fell into the well!"

"You will remember all this?"

"Yes, I will remember!"

"Everything else you have forgotten? Nothing else occurred?"

"Nothing else occurred!"

"Now sleep!" The Doctor passed his hands over the eyes and the deep sleep was resumed. The Doctor pressed his lips near the sleeper's ears, and said:

"You will awaken completely in two hours, climb out of this place, and return to your home!"

To this there was no reply, but the Doctor had no doubt that the injunction would be followed. He laid Barnes down upon the bottom of the cistern so that his opening eyes would gaze directly at the orifice above, and then, climbing upon a lot of loose rubbish, he easily reached the edge of the hole, and clutching it with his strong hands drew himself out.

Exactly two hours later, Barnes opened his eyes and slowly awakened to a sense of stiffness and pain in his limbs. He staggered up, and soon was sufficiently aroused to see that he must climb out of the place where he was. This he did with some difficulty, and after wandering about for nearly an hour he found his way to the bridge and crossed the river. Thence he went home, threw himself on his bed, and was soon wrapped in deep, but natural slumber.

In the morning he wondered why he had slept in his clothing. His head ached, and his limbs felt bruised. Slowly he seemed to recall his following Dr. Medjora, his tracking him across the bridge, the house afire, and his tumble into a well, from which he had climbed out late at night. In fact nothing remained in his recollection except what had been suggested by Dr. Medjora whilst he had been hypnotized. Still in a vague way he half doubted, until at breakfast he found seeming corroboration in the newspaper account, which told that the suspected man had been burned to death. How could he reject so good an authority as his morning paper?

CHAPTER IV.
DR. MEDJORA SURRENDERS

Madam Cora Corona watched the destruction of the old mansion in which she had last seen her lover, with mingled feelings of horror and of hope. At one moment it seems impossible that the Doctor could find a means of escaping from the flames, whilst at the next she could but remember the manner of man that he was, and that having told her of his intention to surrender to the police, he would scarcely have chosen so horrible a death whilst immediate safety was attainable by simply opening the door of the passageway before the flames enveloped the whole building. Besides, how did the fire occur? He must have started it himself, and, if so, with what object, except to cover up his escape? But love, such as she bore this man, could never be entirely free from its anxiety, until the most probable reasoning should become assured facts. So, with a dull pain of dread gnawing at her heart, she drove her horses home, holding the reins herself, and lashing the animals into a swift gait, which made their chains clank as they strained every nerve to obey their mistress's behest.

Reaching her sumptuous home on Madison Avenue, she hurried to her own room, passing servants, who moved out of her way awed by her appearance, for those who dwelt with her had learned to recognize the signs which portended storm, and were

wise enough to avoid the violence of her anger.

Tossing aside her bonnet and mantle, regardless of where they fell, Madam Corona dropped into a large, well-cushioned arm-chair, and gazed into vacancy, with a hopeless despair depicted on her features. The death of Dr. Medjora would mean much to this woman, and as the minutes sped by, the conviction that he must have perished, slowly burned itself into her brain.

She was the widow of a wealthy Central American. Her husband had been shot as a traitor, having been captured in one of those ever-recurring revolutions, whose leaders are killed if defeated, but made governors if they succeed; rulers until such time when another revolutionary party may become strong enough to depose the last victors. Thus the chance of a battle makes men heroes, or criminals.

She had never loved her husband, and, with a sensual, passionate temperament, which had never been satisfied by her marriage, she welcomed her freedom and her husband's wealth as a possible step towards that love for which she longed. Exiled from her own country, because of the politics of her dead husband, she had come to the United States, the home of all aliens. Her estates had not been confiscated, for fear that the fires of the revolution, smothered but not quenched, might have been again stirred by a seeming warring against the woman. But the President had said to his council:

"Madam Corona is too rich, and she talks too much." So the hint had been given to her to depart, and she had acquiesced,

glad enough to retain her fortune.

In New York she had been welcomed amidst the Spanish-Americans, and with a different temperament might readily have endeared to herself a host of true friends. But her selfish desire for a despotic sway over all who came near, and her extreme jealousy of attentions to others, imbued those who made her acquaintance with an aversion which was scarcely concealed by the thin veneer of the polite formalities of social life. So she knew that in the new, as in the old home, she had no friends.

One day she was taken ill, and sent for Dr. Medjora, of whom she had heard, though she had not met him. His skill brought about her rapid recovery, and, being attracted by his fine appearance, she invited him to visit her as a friend. He availed himself of this opportunity to become intimate with a wealthy patron, and called often. Very soon she became aware of the fact that here was a man over whom she could never hope to dominate, and so, as she could not make him her slave, she became his. Her whole fiery nature went out to him, and she courted him with a wealth of passion which should have melted ice, but which from the Doctor earned but little more than a warm hand-clasp at parting. Finally, to her utter amazement, as she was about to despair of ever attracting him, he came to her and asked her to marry him. She consented joyously, and for twenty-four hours lived in rapture.

Then her morning paper told of the death of Mabel Sloane, and connected the Doctor with the tragedy. She hurried to his

office and heaped upon him vituperation and reproach, such as only could emanate from a heart capable of the deepest jealousy. He met the storm unflinchingly, and turned it away from himself by reminding her that he would probably be tried for murder, and that thus she would be rid of him. At once she changed her threats to entreaties. She begged him to fly with her. Her wealth would suffice, and in some other clime they could be safe, and she would forget, forgive, and love him.

He appeared to yield, and bade her be ready to come to him at his bidding. She returned home, only to write him a long urgent letter, containing money; the letter to which the Doctor had alluded during the conversation overheard by young Barnes. Then she had been summoned and had gone to him. And now? Now the longer she thought, the more certain did it appear to her, as the hours went by, that her lover was dead. And such a death! She shuddered and closed her eyes. But she could not shut out the vision of her beloved Doctor standing bravely, with folded arms, as the flames crept upon him, surrounded him, and destroyed him. She could not shut out the sound of a last despairing cry wrung from his unwilling lips, as with a final upflaring of the flame, the whole structure fell in.

Maddened by her thoughts, at length she started up and turned towards her basin, intending to lave her fevered brow, when with a cry she sprang back, for there, in her room, with arms folded as in her vision, stood what she could but suppose to be the wraith of the dead. She shrieked, and fell forward in a swoon, to be caught

in the arms of Dr. Medjora, who had admitted himself, unknown to the sleeping servants, by a latch key furnished to him by her, when she had begged him to join her in flight.

When she recovered consciousness and realized that this was no spectre which had intruded upon her, she lavished upon him a wealth of kisses and caresses, which should have assured him of the intensity of her love and joy. She laughed and cried alternately, petted him and patted his cheeks, kissed him upon the hands, upon his face, his hair, his lips. She threw her arms around him and pressed him to her palpitating heart, the while crying:

"Alive! Thank heaven! Alive! Alive!"

"And did you think me dead, Cara mia?" He folded his arms about her, touched by the evident genuineness of her feelings, and moved to some slight response.

"Yes! I thought so! No! I did not! I knew you were too clever to die so. But then the flames! They ate up the whole building, and I did not see how – I could not imagine – and I was afraid! But now you are safe again! You are with me, and I love you a million times more that I have mourned your death!"

"Come, come, dear heart! I am alive and unhurt. I never was in danger.

I would not kill myself, you know. I love my life too well! And it was

I who set the fire!"

"I thought that too at times! You did it to baffle the police! I

see it all! Oh, you are so clever! Now they will think you dead, and we can go away together and live without fear! Is it not so?"

"No, Cora! As I told you this afternoon, I shall give myself up to the police!"

"No, no, no! You must not! You shall not! What, risk your precious life again? You will not, say that you will not! If you love me, say it!"

She twined her arms about his neck, and held him tight as though he meditated going away at once. In the fear of this new danger, an agony welled up about her heart, and tears choked her utterance. But the Doctor remained impassive. He gently, but forcibly, disengaged himself from her embrace, and seating himself, drew her down to her knees beside him. Then he took her head in his hands, compelling her to look at him, and spoke to her in measured tones.

"Cora! Calm yourself! You are growing hysterical. You know me too well, to suppose that I would swerve from a fixed purpose. I will not leave this city. As I have told you, all my hopes for the future bind me here. Elsewhere I should be as nothing, here I will grow into greatness, – greatness which you shall share with me, if you be but brave!"

"But this trial! Suppose – suppose – oh! The horror of it!" She dropped her head upon his lap and wept. He stroked her beautiful black hair, which had become disengaged and now fell down her back, completely covering her shoulders. Presently when she was more quiet, only an occasional sob indicating that she was

yet disturbed, he spoke to her, soothingly, caressingly, so that under the magic of his tones she gradually recovered her self-possession.

"My little one, have no fear! This trial is but an incident which scarcely gives me a troublesome thought. The worst is that I shall probably be in prison for some time awaiting trial. A meddlesome interference with the liberty of a man, which the law takes, offering no recompense when the accused is proven to have been innocent. This is one of the anomalies of a system which claims to administer equal rights and justice to all. I am accused of a crime. I am arrested and incarcerated for weeks, or months. I am tried and acquitted. I spend thousands of dollars in my defence. When I am released, I am in no way repaid for my loss of liberty and money. Indeed, innocent though I be, I am congratulated by a host of sympathizers because I was not hanged. But I have had full justice. I have been accorded an expensive trial, with learned talent against me, etc., etc. The law is not to blame, nor those who enforce the laws. I am the victim of circumstances, that is all. Well, so be it. A stupid doctor has warned the authorities that a woman has died of morphine poisoning, despite the fact that a more competent man has signed a certificate that she died of a natural disease. So I have been accused, and will undoubtedly be indicted and tried. But do you not see, that I have but to show that diphtheria caused death, and my innocence will be admitted?"

"Yes, but – !"

"No! There is no but? Now show me to a room, where I may rest unobserved, until the day after to-morrow. We must not rob the public of its sensation too soon. Think of it, I read my own holocaust in an afternoon paper!"

Madam Corona shivered at this, not yet fully unmindful of her own recent forebodings. Obediently she took him to a room, and left him, the single comforting thought abiding with her, that she would have him all to herself during the whole of the following day.

When Messrs. Dudley and Bliss learned from Barnes that he had followed Dr. Medjora, and had seen him go into the building which had been destroyed by fire, their hope that possibly the newspaper accounts were erroneous, was dissipated.

"I knew it!" began the junior member. "I knew that it was too good to be true. Think of that man's permitting himself to be burned to death just as we were about to get our chance. It's too exasperating."

"It is annoying, Robert, of course," said Mr. Dudley. "Yet there is some comfort in the thought that he had the courtesy to pay us a retainer. That five hundred is most acceptable."

"Oh! certainly, the money will come handy, but what is five hundred dollars to an opportunity such as this would have been?" Mr. Bliss was in a very bad humor.

"Robert," began his partner, speaking seriously, "you must not be so impatient. We are no worse off, at any rate, than before the man called upon us, so far as our profession goes, and we

are better off than we would be if he had not called at all. You should be grateful for the good received, and not cry after lost possibilities."

"Oh! well! I suppose you are right!" and throwing up both arms in a gesture of disgust, he went to his desk and began writing furiously. A long silence was maintained. These two men contrasted greatly. They had met each other during their law-school days, and were mutually attracted. Mr. Dudley was a hard student who had realized early in life that the best fruit comes to him, who climbs, rather than to him who shakes the tree; whilst that man who lies at ease, basking in the sunshine and waiting for ripe plums to fall into his mouth, is likely to go hungry. He was methodical, persistent, patient, energetic. He wasted no time. Even during his office hours, if there were nothing else to occupy him, he would continue his studies, delving into the calf-bound tomes as though determined to be a thorough master of their contents.

Mr. Bliss was his antithesis, and yet he had just those qualifications which made him complement his partner, so that he strengthened the firm. He was a brilliant, rather than a deep student. He read rapidly, and had a remarkable memory, so that he had a superficial comprehension of many things, rather than a positive knowledge of a lesser number. He could be both rhetorical and oratorical, and, at a pinch, could blind a jury with a neat metaphor, where surer logic might have made a smaller impression, being less attractive. When addressing the jury, he

would become so earnest, that by suggesting to his hearers that he himself was convinced of the truth of his utterances, he often swayed them to his wishes. He was quick, too, and keen, so that he eventually became justly celebrated for his cross-examinations. But at this time his greatness had scarcely begun to bud, and so he sat like a schoolboy in the dumps, whilst his graver partner, though equally disappointed at the prospect of losing a good case, showed not so much of his annoyance.

Presently Barnes entered with a telegram, which Mr. Bliss took, glad of anything to divert his thoughts. A moment after reading it he was greatly excited, and handing the message to his partner, exclaimed:

"Mortimer, in heaven's name read that!"

Mr. Dudley took the despatch and read as follows:

"Be at office District Attorney to-morrow ten o'clock. I will take your advice and surrender. Medjora."

"Well, Robert, what of it?"

"What of it? Has the Western Union an office in the other world now, that dead men may send telegrams?"

"Certainly not. Therefore this was sent before he died."

"Before he died!" This unthought-of possibility shattered the rising hopes of Mr. Bliss. He made one more effort, however, saying:

"What is the date?"

"Why, the date is to-day!" said Mr. Dudley, slowly. "Singular! But it is an error, of course."

"Why do you say 'of course'?" asked his partner, testily. "You seem to be anxious to lose this case. Now, how do you know that Medjora is dead after all?"

"Why Barnes saw him go into the building, and he could not have escaped, for the place was surrounded by the police."

"There is no telling what that man can do. I verily believe that he is more than human, after the way in which he read my thoughts yesterday. I am going to probe this thing to the bottom." And before his partner could detain him, he had taken down his hat and rushed off.

Two hours later, he returned discouraged. At the main office he had been referred to a branch, far uptown. Arriving there he found that the operator who had sent the despatch had gone off duty. The original blank upon which the message had been written was undated. So he learned practically nothing.

"Never mind," said he, doggedly, after relating his ill-success, "I will go to the District-Attorney's office to-morrow, and wait for that man whether he come, or his ghost. I firmly believe that one or the other will do so."

"I will go with you," said Mr. Dudley. "Only promise me to say nothing, unless our man turns up."

At half-past nine on the next morning, both of the young lawyers were at the appointed place. Mr. Dudley sat down and read, or appeared to read, the paper. Mr. Bliss walked about impatiently, leaving the room occasionally to go out into the hall and stand at the main doorway, looking into the street.

A few moments before ten o'clock the District Attorney himself arrived and nodded pleasantly to the young men, with whom he was acquainted.

"Waiting for me?" he asked of Mr. Dudley.

"No! I am waiting for a client," was the quiet rejoinder. Mr. Bliss started to speak, but a signal from his partner reminded him of his injunction.

"Strange news in the morning paper," remarked the District Attorney, evidently full of his topic. "That man Medjora, the fellow who poisoned his sweetheart you know, was burned to death trying to escape the detectives. Served him right, only it is a great case missed by us lawyers, eh?"

"Why do you say it served him right?" asked Mr. Bliss, quickly. He still hoped that the Doctor would appear, and it occurred to him instantly, that he might learn something from the prosecution, thus taken unawares, supposing the case to be ended.

"Oh, well!" said the old lawyer, careful of speech by habit rather than because he saw any necessity for caution in the present instance; "had the case come to trial, we had abundant evidence upon which to convict, for Medjora certainly murdered the girl."

"Your are mistaken!" said a clear voice behind them, and as the three men turned and faced Dr. Medjora, the clock struck ten. Without waiting for them to recover from their surprise the Doctor continued: "Mr. District Attorney, I am

Emanuel Medjora, the man whom you have just accused of a hideous crime; the murder of a young girl, by making use of his knowledge of medicine. To my mind there can scarcely be a murder more fiendish, than where a physician, who has been taught the use of poisons for beneficent purposes, prostitutes his knowledge to compass the death of a human being; especially of one who loved him." He uttered the last words with a touch of pathos which moved his hearers. Quickly recovering he continued: "Therefore, both as a man, and as a physician, I must challenge you to prove your slanderous statement. I have come here to-day, sir, to surrender myself to you as the law's representative, that I may show my willingness to answer in person the charges which have been made against me. Messrs. Dudley & Bliss here, are my counsel."

The District Attorney was very much astonished. Not only was he amazed to see the man alive, when he had been reported dead, but he was entirely unprepared to find this suspected criminal to be a man of cultured refinement, both of speech and of manner. He was thus, for the moment, more leniently inclined than he would have been, were he alone considering the mass of evidence which his office had already collected against the Doctor. Turning to him therefore he said:

"So you are Dr. Medjora! Well, sir, I am delighted to see you. That you have voluntarily surrendered yourself will certainly tell in your favor. You must pardon my hasty remark. But I thought that you were dead, and – "

"And as you could not hurt the dead, you saw no harm in calling an unconvicted man a murderer. I see!" There was a vein of satirical reproach beneath the polished manner of saying these words, which stung the old lawyer, and restored him at once to his wonted craftiness.

"Perhaps you are right, Doctor, and I ought not to have used the words about you, dead or alive. Of course, in this office the prisoner is only the accused. Never more than that, even in our thoughts. That is an imperative injunction which I place upon all of my assistants. You see, gentlemen," he addressed them all collectively, with the purpose of bringing the Doctor to the conclusion that he was not specially thinking of him. Thus he prepared to spring a trap. "You see, the District Attorney is a prosecuting officer, but he should never persecute. It is his duty to represent and guard the liberties of the whole community. He should be as jealous of the rights of the accused, as of the accuser. More so, perhaps, for the prisoner stands to an extent alone, whilst the whole commonwealth is against him. And so, Dr. Medjora, if you are an innocent man, as you seem to be, it would be my most pleasing duty to free you from the stigma cast upon you. And should you come to trial, you must believe that the more forcible my arguments may be against you, the more do I espouse your cause, for the more thorough would be your acquittal if you obtained the verdict." Then having, as he thought, led his man away from his defence, he asked quickly, "But tell me, why have you not surrendered before?"

If he hoped to see the Doctor stammer and splutter, seeking for some plausible explanation, he was doomed to disappointment. Dr. Medjora replied at once, ignoring a signal from Mr. Bliss not to speak.

"Mr. District Attorney, I will reply most candidly. Whilst, as you have just said, it is your duty to guard the interests of the accused as well as of the commonwealth, I regret to be compelled to say that such is not your reputation. People say, and I see now that they must be wrong," – the Doctor bowed and smiled most politely, – "but they do say that with you it is conviction at any cost. Thus even an innocent man might well hesitate to withstand the attacks of so eminent and skilful a jurist as yourself. Circumstantial evidence, whilst most reliable when thoroughly comprehended, may sometimes entrap the guiltless. So whilst my blood boiled in anger at the disgraceful charges which were made against me, my innate love of liberty, and my caution, bade me think first. Not satisfied with my own counsel, I deemed it wise to consult legal authority, which I did two days ago. Messrs. Dudley & Bliss advised me to surrender, confident that my innocence will be made so apparent that I do not materially jeopardize my life. In compliance with the understanding entered into two days ago, as these gentlemen will testify, I am at your service."

"But why did you not come here two days ago?"

"Because I had some affairs of a private nature to arrange."

"What about the incident of the fire reported in the papers?"

"Why, I see nothing in that but poor reportorial work. I did not choose to be arrested when I had decided voluntarily to surrender, as such a mischance would have injured my case. I therefore escaped during the confusion. That I was unobserved, and was reported to have perished, is not my fault certainly."

"Very well, Doctor. You have not been indicted, and there is no warrant out for your arrest; still, as you have surrendered, are you willing to be taken to prison?"

"That is what I expect. I am entirely ready."

"May I ask," said Mr. Dudley, addressing the District Attorney, "in view of the fact that our client has voluntarily surrendered himself, that his confinement in prison may be as brief as possible? We claim that the Doctor is an innocent man, deprived of his liberty whilst awaiting trial, through the blundering accusations of a stupid physician. We venture to suggest that common justice demands that his trial should be as soon as possible."

"I shall arrange to have the trial at as early a date as is consistent with my duty to the commonwealth!"

"And to the accused?" interjected Dr. Medjora, with a twinkle in his eye.

"And to the accused, of course," said the old lawyer, with a smile, unwilling to be outdone.

And so Dr. Emanuel Medjora was taken to prison to await his trial, and the public was treated to another sensation through the newspapers.

CHAPTER V.
FOR THE PROSECUTION

In spite of the promises of the District Attorney, several months passed before the great murder trial was commenced. The public at last were delighted to hear that their love for the harrowing details of a celebrated crime was to be satisfied. A few of the newspapers of the sensational stamp announced that they, and they only, would have the fullest accounts, illustrated with life-like portraiture of the accused, the lawyers, the judge, the jury, and the chief witnesses. This promise was so well fulfilled that on the opening day there appeared several alleged portraits of Dr. Medjora, which resembled him about as little as they did one another.

Several days were consumed before the jury was impanelled, and then at length the prosecution opened its case, which was mainly in charge of Mr. George Munson, a newly appointed Assistant District Attorney, the very man of whom Mr. Dudley had spoken, when his partner had bewailed their unfortunate lot, because they had never been intrusted with a criminal case.

Mr. Munson was a rising man. He had attracted attention, and was receiving a reward of merit by his promotion to the office which he now filled. It was hinted somewhere, that his appointment had been largely dependent upon his conduct of that murder case, during which he had shown a wonderful knowledge

of chemistry, for one not actually a chemist. And his having charge of this most important case, in which chemical expert testimony seemed likely to play an important part, substantiated the statement.

He was well versed in law, was keen and quick at cross-examination, and merciless in probing the private lives of witnesses, when such action promised to aid his cause. He was not, however, a very brilliant speaker, but it was expected that the District Attorney would himself sum up. Thus the prosecution seemed to be in able hands. Opposed to them were Messrs. Dudley & Bliss, two young, unknown men, and people wondered why the Doctor, reputed to have wealth, had not engaged more prominent counsel.

Mr. Munson's opening speech was not lengthy. He confined himself to a brief statement of his case, summarizing in the most general fashion what he expected to prove; in brief, that Mabel Sloane had died of morphine poisoning, and not of diphtheria, that the poison had been administered by Dr. Medjora, and that his object had been to rid himself of a woman who stood in his path, an obstacle to the advancement of his ambition. Mr. Munson thus avoided the mistake so often made by lawyers, where, following the temptation to make a speech, they tell so much that they weaken their cause, by affording their opponents time to prepare a more thorough defence.

A few witnesses were called to establish in a general way the death of the girl, her place of residence, and such other facts

as are essential in the preparation of a case, in order that no legal technicality may be neglected. But as it is manifest that I cannot, in the scope of this narration, give you a full account of the trial, I shall confine myself to compiling from the records just so much of the evidence as shall seem to me likely to attract your interest, and to be necessary to a full comprehension of the Doctor's position, and relation to this supposed crime.

The first important witness, then, was Dr. Meredith, the physician who had aroused suspicion by reporting to the Board of Health that the girl had, in his opinion, died of opium narcosis. It was apparent, when he took the stand, that he was extremely nervous, and disliked exceedingly the position in which he found himself. Indeed it is a very trying predicament for a physician to be called upon to testify in a court of law, unless he is not only an expert in his profession, but also an expert witness. He finds himself confronted by an array of medical and legal experts, all conspiring to disprove his assertions, and to show how little his knowledge is worth. Generally, he has little to gain, whereas he may lose much in the estimation of his patrons by being made to appear ridiculous on the stand.

After taking the oath, Dr. Meredith sat with his eyes upon the floor until Mr. Munson began to question him. Then he looked straight at the lawyer, as though upon him he relied for protection.

"You attended Miss Mabel Sloane in her last illness, I believe?" began

Mr. Munson.

"I did."

"How were you called in to the case?"

"I was called in consultation by Dr. Fisher."

"You were sent for by Dr. Fisher! Then I am to understand that you and he were good friends?"

"The best of friends."

"And are so still?"

"I think so. Yes."

"And Dr. Medjora. Did you know him before your connection with this case?"

"Only slightly."

"Were you present when Miss Sloane died?"

"I was present for half an hour before she died."

"Exactly! And you remained with her until she was actually dead?"

"Yes, sir. I saw her die."

"Of what did she die?"

"I object!" cried Mr. Bliss, springing to his feet and interrupting the prosecution for the first time.

"State your objection," said the Recorder, tersely.

"Your Honor," began Mr. Bliss, "I object to the form of the question. The whole point at issue is contained in it, and I contend that this witness is not qualified to answer. If he were, the trial might end upon his doing so."

"The witness is only expected to testify to the best of his

belief," said the Recorder.

"Very true, your Honor. I only wish it to go to the jury in the proper form. If they understand that this witness does not know of what Miss Sloane died, but simply states what he thinks, I shall be perfectly satisfied."

"You may as well modify your question, Mr. Munson," said the Recorder. Thus Mr. Bliss scored a little victory, which at once convinced the older lawyers present that, though young, he would prove to be shrewd to grasp the smallest advantage. His object had evidently been to belittle the value of the answer, before it was made, by thus calling attention so prominently to the fact that Dr. Meredith could not know positively what he was about to charge.

"In your opinion, what caused the death of Miss Sloane?" This was the new question formulated to meet the objection raised.

"She died of morphine poisoning!" replied Dr. Meredith.

"You mean you think she died of morphine poisoning?" interjected Mr.

Bliss.

"Kindly wait until you get the witness before you begin your cross-examination!" said Mr. Munson, with a touch of asperity. Mr. Bliss merely smiled and kept silent, satisfied that he had produced his effect upon the jury.

"Will you state why you conclude that Miss Sloane died of morphine poisoning?" continued Mr. Munson.

"I observed all the characteristic symptoms of morphine

narcosis prior to her death, and the nature of the death itself was consistent with my theory."

"Please explain what the symptoms of morphine poisoning are?"

"Cold sweat, slow pulse, stertorous breathing, a gradually deepening coma, contracted pupils, which, however, slowly dilate at the approach of death, which is caused by a paralysis of the respiratory centres."

"Did you observe any of these symptoms in Miss Sloane?"

"Yes. Practically all of them."

"And would these same symptoms occur in any other form of death, except from morphine poisoning?"

"They would not. Of course they do not apply to morphine only. They are generally diagnostic of opium poisoning."

"But morphine is a form of opium, is it not?"

"Yes. It is one of the alkaloids."

"Now, Doctor, one more question. You have testified that you attended this girl in her last illness; as a physician you are familiar with death from diphtheria; you have stated what are the symptoms of morphine, or opium poisoning, and that you observed them in this case; further, that an identical set of symptoms would not occur in any other disease known to you; now, from these facts, what would you say caused the death of Miss Mabel Sloane?"

"I should say that she died of a poisonous dose of some form of opium, probably morphine."

"You may take the witness," said Mr. Munson, as he sat down. Mr. Bliss spoke a word to Doctor Medjora, and then holding a few slips of paper, upon which were notes, mainly suggestions which had been written by the prisoner himself, and passed to his counsel unperceived by the majority of those present, he faced the witness, whose eyes at once sought the floor.

"Doctor," began Mr. Bliss, "you have stated that you are only slightly acquainted with Dr. Medjora. Is that true?"

"I said that I was only slightly acquainted with him prior to my being called to attend Miss Sloane. Of course I know him better now."

"But before the time which you specify, you did not know him?"

"Not intimately."

"Oh! Not intimately? Then you did know him? Now is it not a fact that you and Dr. Medjora were enemies?"

"I object!" exclaimed Mr. Munson.

"I wish to show, your Honor," said Mr. Bliss, "that this witness has harbored a personal spite against our client, and that because of that, his mind was not in a condition to evolve an unprejudiced opinion about the illness of Miss Sloane."

"I do not think that is at all competent, your Honor," said Mr. Munson. "The witness has testified to facts, and even if there were personal feeling, that would not alter facts."

"No, your Honor," said Mr. Bliss, quickly, "facts are immutable. But a prejudiced mind is as an eye that looks through

a colored glass. All that is observed is distorted by the mental state."

"The witness may answer," said the Recorder.

At the request of Mr. Bliss the stenographer read the question aloud, and the witness replied.

"Dr. Medjora and myself were not enemies. Certainly not!"

"Had you not had a controversy with him upon a professional point?"

"I had an argument with him, in a debate, just as occurs in all debates."

"Precisely! But was not this argument, as you term it, a discussion which followed a paper which you had read, and in that argument did not Dr. Medjora prove that the whole treatment outlined by you was erroneous, unscientific, and unsound?"

"He did not prove it; he claimed something of the kind!"

"You say he did not prove it. As a result of his argument, was not your paper refused publication by a leading medical journal?"

"I did not offer it for publication."

"I think this is all incompetent, your Honor," said Mr. Munson.

"You may go on," said the Recorder, nodding to Mr. Bliss.

"Is it not customary for papers read before your societies to become the property of the society, and are they not sent by the society to the journal in question?"

"Yes, I believe so."

"Was not your paper sent to the journal as usual, and was it not rejected by the journal?"

"I do not know that it was."

"Well, has your paper been published anywhere?"

"No."

"You said that you were present when Miss Sloane died. Now how did that happen. Were you sent for?"

"No. I had seen the patient with Dr. Fisher during the day, and she seemed to be improving, so much so that Dr. Fisher decided that we need not see her until the next morning. Later I thought this a little unsafe, and so I called during the evening."

"Oh! Dr. Fisher thought she was well enough, but you did not. Was that why you called at night?"

The witness bit his lip with anger at having made this slip.

"I live near, and I thought it would do no harm to call."

"Now when you called, you have stated that you were with her for half an hour before she died. Did she die a half hour after you entered her room?"

"In about half an hour."

"How soon after you saw her, did you suspect that she had been poisoned?"

"Immediately."

"Oh! Immediately! Then of course you made some effort to save her life, did you not? You used some antidotes?"

"It was difficult. At first of course there was merely a suspicion in my mind. I tried to have her drink some strong

coffee, but deglutition was almost impossible. This is another evidence of the poison."

"Now, Doctor, be careful. You say that impaired deglutition was due to poisoning. But do you not know that deglutition is most difficult in cases of diphtheria?"

"The patient swallowed very well in the afternoon."

"But if she had grown worse, if the false membrane had increased, would she not have had greater difficulty in swallowing?"

"Yes, but – "

"Never mind the buts. Now, then, when you found that she was too ill to swallow, what else did you do?"

"I injected atropine, and sent for Dr. Fisher."

"Oh! Then you did send for Dr. Fisher?"

"Yes."

"Did he arrive before she died?"

"Yes. About five minutes."

"Did you suggest to him that the patient was dying of poison?"

"I did, but he would not agree with me. Therefore I could not do anything more, as he was the physician in charge."

"Is Dr. Fisher a skilful man?"

"Yes."

"As skilful as you are yourself?"

This was a hard question, but with Dr. Fisher present, only one answer was possible.

"Certainly, but we are all liable to make a mistake."

This was a bad effort to help his cause, for Mr. Bliss quickly interposed.

"Even you are liable to make a mistake, eh?"

"Of course, but in this instance I saw more of the case than Dr. Fisher did."

"Still, Dr. Fisher was present for several minutes before this girl died, and though you suggested that she had been poisoned, and proposed taking some action to save her from the poison, he disagreed with you so entirely that he made no such effort. Is that right?"

"Well, there was very little that he could have done anyway. It was too late. The drug had gone too far for the stomach-pump to be efficacious; the atropine had had no beneficial result, we had no means of applying a magnetic battery, and no time to get one. Artificial respiration was what I proposed, whilst waiting for a battery, but Dr. Fisher thought it a useless experiment, in presence of the diphtheria. He offered to perform tracheotomy, but as I considered that the respiratory centres had been paralyzed by morphine, I could see no advantage in that."

"So whilst you two doctors argued, the patient died?"

"It was too late for us to save her life. The coma was too deep. It was a hopeless case."

"Now, then, Doctor, let us come to those symptoms. You enumerated a list, and claimed that you observed them all. The first is cold sweat. Did you notice that specially?"

"The cold sweat was present, but not very marked. It would

be less so with morphine than with other forms of opium."

"Oh! So there was not much sweat after all? Now was there more than would be expected on a warm night such as that was?"

"I think so. It is only valuable as a diagnostic sign in conjunction with the other symptoms."

"Next we have slow pulse. This was a half hour before death. Does not the pulse become slow in many cases just before death?"

"Yes."

"Very good. Not much sweat, and slow pulse does not amount to anything. What next? Oh! 'stertorous breathing.' That is not uncommon in diphtheria, is it, Doctor?"

"No."

"Just so. Now then, 'gradually deepening coma.' That is to say, a slow sinking into unconsciousness. Or I might say, dying slowly. Is a slow death of this kind only possible where opium poisoning has occurred?"

"No."

"Lastly we have the contracted pupils. That is your best diagnostic symptom, is it not, Doctor?"

"Yes. It is a plain indication of opium."

"Now then, Doctor, admitting that the contracted pupils are a sign of morphine, how did you determine, in that darkened room, that there was a contraction of the pupils?"

"I passed a candle before her eyes, and they gave no response, whilst the pupils were contracted minutely."

"How small?"

"As small as a pin's point."

"Now then, Doctor, you answered a lengthy question for Mr. Munson and you told us that these symptoms, that is, all of them occurring together, would not be found in any other condition than that which in your opinion would be the result of opium poisoning. Please listen to this question and give me an answer. Suppose that a patient were suffering with diphtheria, and were about to die of that disease, and that some time before she died morphine were administered in a moderate, medicinal dose, would it not be possible to have the contracted pupils such as you have described as a result of the morphine, whilst death were really caused by diphtheria?"

"I object!" cried Mr. Munson, quick to see the ingenuity of this question, which if answered affirmatively by the witness would leave the inference that Miss Sloane might have taken a non-poisonous dose of morphine and still have died of diphtheria.

"The question seems to me to be a proper one," said the Recorder.

"Your Honor," said Mr. Munson, "this witness is here to testify to facts. He is not here as an expert. That is a hypothetical question and does not relate to the facts in this case."

"It is no more a hypothetical question than one which the prosecution asked, your Honor. He asked if the described symptoms could occur in any other disease. The witness was

allowed to answer that."

"Yes," said the Recorder, "but you made no objection. Had you done so, and claimed that this witness could not give expert testimony, I would perhaps have sustained you. I think you may leave your question until the experts are called, Mr. Bliss."

"Oh! Very well, your Honor. I should prefer to have an expert opinion upon it. If this witness is not an expert, of course his opinion would be of no value to us."

This was a rather neat manoeuvre, tending to further discredit the witness, without placing himself in opposition to the Judge, an important point always. Mr. Bliss then yielded the witness, and the Assistant District Attorney asked a few more questions in re-examination, but they were mainly intended to re-affirm the previous testimony, and so obtain a last impression upon the minds of the jury. Nothing was brought out which would add to what has already been narrated. Court then adjourned for the day.

CHAPTER VI.
DAMAGING TESTIMONY

On the following day the newspaper accounts of the trial, and especially of the sharp cross-examination of Dr. Meredith, attracted a tremendous crowd, which assailed the doors of the court-room long before the hour for opening. Every conceivable excuse to gain admission was offered. Men claimed to be personal friends of the prisoner, and women brought him flowers. Some essayed force, others resorted to entreaty, whilst not a few relied upon strategy, appearing with law books under their arms, and following in the wake of counsel. Thus when the Recorder finally entered, and proceedings were begun, every available seat, and all standing room was fully occupied by the throng, which, without any real personal interest in the case, yet was attracted through that curious love of the sensational, and of the criminal, which actuates the majority of mankind to-day.

The first witness was called promptly. This was Dr. McDougal, the Coroner's physician, to whom had been intrusted the autopsy. He gave a full account of the operations performed by himself and his assistants upon the body of the deceased. He described in detail each step of his work, and exhibited a thoroughness and caution which more than anything demonstrated that he was the expert pathologist which the prosecution claimed him to be. Indeed, it would be well in great

trials, if those having charge of autopsies would emulate the example of Dr. McDougal. He explained how, before opening the body, it had been thoroughly washed in sterilized water, and placed upon a marble slab, which had been scrubbed clean and then bathed in a germicidal solution. Next new glass cans, absolutely clean, had been at hand, in which the various organs were placed as they were removed from the body, after which they were hermetically sealed, and stamped with the date, so that when passed into the hands of the analytical chemist, that gentleman might feel assured that he received the identical parts, and that nothing of an extraneous nature, poisonous or otherwise, had been mixed with them. It was evident that this careful man made a deep impression upon the jury, and that his statements would have weight with them, not alone as to his own evidence, but by strengthening the chemical report, since he had made it apparently assured that if poison had been found, it had not reached the body after death. Finally, Mr. Munson brought his witness to the point of special interest.

"From what you observed, Doctor," said he, "are you prepared to assign a cause of death?"

"I should conclude that she died of coma!" was the reply.

"Can you state whether this coma had been produced by a poisonous dose of morphine?"

"I should say that it was very probable that opium in some form had been exhibited, in a poisonous dose."

"State specifically why you have adopted that opinion!"

"I found the brain wet, the convolutions flattened; the lungs, heart, liver, and spleen, distended and engorged with dark fluid blood. The vessels of the cerebro-spinal axis were also engorged with black blood, and the capillaries of the brain, upon incision, vented the same fluid."

"And these signs are indicative of opium poisoning?"

"They are the only evidences of opium poisoning that can be discovered by an autopsy. Of course a chemical analysis, if it should show the presence of the drug, would go very far to corroborate this presumption."

"Then if the chemical analysis shows the actual presence of opium, would you say that this patient died of opium poisoning?"

"I would!"

"Doctor, it has been suggested that she died of diphtheria. What is your opinion of that?"

"I found evidences in the throat and adjacent parts, that the woman had had diphtheria, but, from the total absence of false membrane, I should say that she was well on the way to a recovery from that disease, at the time of her death."

"Then from these facts do you think that she died of opium poisoning?"

"I think it most probable, judging by what I found after death."

"It has been testified by the physician in charge of the case, that the symptoms of morphine poisoning were sufficiently marked for him to deem antidotes necessary prior to death. Would not that corroborate your own conclusions?"

"If correct, it would substantiate my opinion."

Considering the very positive and damaging nature of this evidence, it was thought that the cross-examination would be very exhaustive. To the surprise of all, Mr. Bliss asked only a few questions.

"Dr. McDougal," said he, "did you examine the kidneys?"

"I did."

"In what condition did you find them to be?"

"They were much shrunken, and smooth. Non-elastic."

"Is that a normal condition?"

"No, sir. It is a morbid condition."

"Morbid? That is diseased. Then this woman had some kidney disease? Do

I so understand you?"

"Unquestionably!"

"Can you state what disease existed?"

"I should say Bright's disease."

"Might she not have died of this?"

"No. There was evidence of the existence of Bright's disease, but not sufficient to adjudge it a cause of death."

"But you are certain that she had Bright's disease?"

"Yes, sir."

"That is all."

Professor Orton then took the stand for the prosecution. Under the questioning of Mr. Munson, he described himself to be an expert analytical chemist and toxicologist. He said that he

was a lecturing professor connected with the University Medical College, and clinical chemist for two other schools, besides being president of several societies, and member or honorary member in a dozen others. Then, proceeding to a description of his work on this particular case, he explained in almost tedious detail his methods of searching for morphine in the organs taken from the body of the deceased. Some of these tests he repeated in the presence of the court, showing how, by the reaction of his testing agents upon the matter under examination, the presence or absence of morphine could be detected. Having thus paved the way towards the special evidence which he was expected to give, his examination was continued as follows:

"Now then, Professor," said Mr. Munson, "you have proven to us very clearly that you can detect the presence of morphine in the tissues. Please state whether you examined the organs of the deceased, and with what result?"

"I made a most thorough examination and I found morphine present, especially in the stomach and in the intestines."

"Did you find it in poisonous quantities?"

"The actual quantity which I found, would not have been a lethal dose, but such a dose must have been administered for me to have found as much as I did find."

"Well, from what you did find, can you state what quantity must have been administered?"

"I cannot state positively, but I should guess – "

"No! No! I object!" cried Mr. Bliss, jumping up. "You are

here to give expert testimony. We do not want any guess-work!"

"Professor," said the Recorder, "can you not state what was the minimum quantity which must have been administered, judged by what you found?"

"It is difficult, your Honor. The drug acts variably upon different individuals. Then again, much would depend upon the length of time which elapsed between the administration, and the death of the individual."

"Then in this case your opinion would be a mere speculation and not competent," said the Recorder, and Mr. Bliss seated himself, satisfied that he had scored another point. But he was soon on his feet again, for Mr. Munson would not yield so easily.

"Professor," said he, "you said in reply to his Honor, that you could not answer without knowing how long before death the drug had been administered. Now with that knowledge would you be able to give us a definite answer?"

"A definite answer? Yes! But not an exact one. The drug is absorbed more rapidly in some, than in others, so that one person might take two or three times as much as another, and I would find the same residuum. But I could tell you what was the minimum dose that must have been administered."

"Well, then, supposing that the drug had been administered about three hours before death, how large must the dose have been, or what was the minimum quantity that could have been given, judging by what you found?"

"I must object to that, your Honor!" said Mr. Bliss.

"Your Honor," said Mr. Munson, "this is a hypothetical question, and perfectly competent."

"It is a hypothetical question, your Honor," replied Mr. Bliss, "but it contains a hypothesis which is not based upon the evidence in this case. There has been absolutely no testimony to show that morphine was administered to this woman about three hours before death."

"We have a witness who will testify to that later," replied Mr. Munson, and this announcement created no little sensation, for here was promised some direct evidence.

"Upon the understanding," said the Recorder, "that you will produce a witness who will testify that morphine was administered three hours before death, I will admit your question."

"We take an exception!" said Mr. Bliss, and sat down.

"Now please answer the question," said Mr. Munson, addressing the witness.

"Under the hypothesis presented I should say that the minimum dose must have been three grains."

"That is to say, she must have had three grains, or more?"

"Yes, sir; three grains or more."

"What is a medicinal dose?"

"From a thirty-second of a grain to half a grain, though the latter would be unusual."

"Unusually large you mean?"

"Yes. It would be rarely given."

"Then would you say that three grains would be a lethal dose?"

"It would most probably prove fatal. One sixth of a grain has been known to produce death."

"One sixth of a grain has proven fatal, and, from what you found, you conclude that three grains had been given to this woman?"

"Yes, provided your hypothesis as to the time of administration is correct."

"Oh, we will prove the hypothesis."

"Then I should say that three grains had been administered."

"Three grains or more?"

"Yes, three grains or more."

"You may take the witness," said the Assistant District Attorney, and

Mr. Bliss at once began his cross-examination.

"Professor, as an expert toxicologist now, leaving analytical chemistry for awhile, you are familiar with the action of drugs in the human body during life, are you not?"

"Of poisonous drugs. Yes, sir."

"Of poisonous drugs of course. Of opium and its alkaloids especially, is what I mean?"

"Yes, sir. I have studied them minutely."

"Now then in regard to morphine. You said to his Honor, awhile ago, that this drug acts variably upon different individuals. Is it not true that it also acts differently upon the same individual at various times?"

"Yes, sir, that is true."

"And is its action affected by disease?"

"It might be!"

"Supposing that the drug were administered continuously, might it not occur, that instead of being absorbed, the morphine would be retained, stored up as it were, so that the quantity would accumulate?"

"Yes, the records contain reports of such cases."

"Well, now, suppose that a patient had some kidney trouble, such as

Bright's disease, would not morphine be retained in this way?"

"I have never seen such a case."

"Never seen it! But you have read, or heard of such cases?"

"Yes, sir. That is the claim made by some authorities."

"By good authorities?"

"Yes. Good authorities."

"And these good authorities claim that morphine, administered to one who has Bright's disease, might accumulate until a poisonous dose were present?"

"Yes, sir!"

Thus was made plain the object of the line of cross-examination that had been followed with Dr. McDougal. It became evident that the defence meant to claim that if Mabel Sloane died from morphine it was because it had been stored up in her system, in consequence of the diseased kidneys. Satisfied with this admission from the prosecution's expert, Mr. Bliss

yielded the witness, and he was re-examined by Mr. Munson.

"Professor," said he, "supposing that in the case of this girl, morphine had been retained in the system, suddenly destroying life because a poisonous quantity had been thus accumulated, would you expect to find it, after death, in the stomach?"

"No, sir, I would not."

"How long a time would be required to eliminate it from that organ?"

"Ordinarily it should be eliminated from the system entirely within forty-eight hours. Certainly after that length of time, it should not appear in the stomach."

"And yet in this case you found morphine in the stomach?"

"Yes, sir."

"So that to be there, it must have been administered within two days, and could not have been there as a result of accumulation beyond that time?"

"I should say that the presence in the stomach proves that the administration must have occurred within two days."

Upon re-cross Mr. Bliss asked a few questions.

"On your original examination, Professor, you said that you found morphine in the intestines and in the stomach. Where did you find the greater quantity?"

"In the intestines!"

"If, because of kidney disease, morphine were retained in the system, where would you look for it after death?"

"In the intestines."

"That is all."

The next witness was a young woman. Her examination proceeded as follows, after she had given her name and occupation.

"Now, Miss Conlin, you say you were engaged in your capacity of professional nurse, to care for Miss Sloane. Were you on duty on the day of her death?"

"Yes, sir. Day and night."

"You were present when the doctors called in the afternoon then. What did they say of her condition?"

"That she was very much better. The membrane had entirely disappeared.

Dr. Fisher thought she would be up in a few days."

"Did Dr. Medjora call during the afternoon, or evening?"

"Yes, sir. He called about five o'clock."

"Did you remain with your patient throughout his visit?"

"No, sir. Dr. Medjora said that he would stay until nine o'clock, and that I might go out for some fresh air."

"Did you do so?"

"Yes, sir. I was glad to go."

"Did you not consider it wrong to leave your patient?"

"Why, no, sir. She was getting better, and besides, Dr. Medjora being a physician could care for her as well as I could."

"When you went out did you state when you would return?"

"Yes. I said I would be back at nine o'clock."

"As a matter of fact, when did you return?"

"About half-past eight. It was eight o'clock when I left my home."

"Did you go at once to your patient's room?"

"Yes, sir."

"And enter it?"

"Yes, sir."

"What did you see when you entered?"

"I saw Dr. Medjora bending over Miss Sloane, giving her a hypodermic injection of morphine!"

"How could you tell it was morphine?"

"He washed out the syringe in a glass of water, before he put it back in his case. I tasted the water afterwards, and distinguished the morphine in that way. Besides, I found several morphine tablets in the bed."

"What did you do with these tablets?"

"At first I placed them on the mantel. Afterwards, when Dr. Meredith said that Miss Sloane was dying from morphine, I put them in a phial and slipped that into my pocket."

"Was that the same phial which you brought to me?"

"Yes, sir."

"Is this it?" He handed up a phial containing four pellets, which was admitted in evidence, and identified by Miss Conlin.

"Did you tell Dr. Medjora that you had seen him administer the morphine?"

"No, sir. At the time I thought it must be all right, as he was her friend, and a physician."

"Did he know that you had seen him?"

"No, sir. I think not."

The witness was then given to Mr. Bliss for cross-examination.

"Miss Conlin," he began, "who engaged you to attend Miss Sloane?"

"Dr. Medjora."

"What did he say to you at that time?"

"That a very dear friend of his was ill, and that he would pay me well for skilful services."

"Did he pay you?"

"Yes, sir."

"During her illness what was the general behavior of Dr. Medjora towards her. That is, was he kind, or was he indifferent?"

"Oh! very kind. It was plain that he was in love with her."

"I move, your Honor," said Mr. Munson, "that the latter part of that answer be stricken out, as incompetent."

"The motion is granted," said the Recorder.

"You said that the Doctor was always kind," said Mr. Bliss, resuming. "So much so that you would not have suspected that he wished her any harm, would you?"

"I object!" said Mr. Munson.

"Objection sustained!" said the Recorder.

"Now, then, we will come down to the administration of the hypodermic," said Mr. Bliss. "You testified that you saw Dr. Medjora administer the hypodermic. Are we to understand that

you saw Dr. Medjora dissolve the tablets, fill the syringe, push the needle under the skin, press the piston so that the contents were discharged, and then remove the instrument?"

"No, sir. I did not see all that."

"Well, what did you see?"

"I saw him taking the syringe out of Miss Sloane's arm. Then he cleaned it and put it in his pocket, after putting it in a case."

"Oh! You did not see him push the syringe in, you only saw him take it out. Then how do you know that he did make the injection, if one was made at all?"

"Why, he must have. I saw him take out the syringe, and there was no one else who could have done it."

"Then you saw him put the syringe in a case, and place the case in his pocket, I think you said?"

"Yes, sir."

"What sort of case was it?"

"A metal case!"

"Was it a case like this?" Mr. Bliss handed her an aluminum hypodermic case, which she examined, and then said:

"It looked like this." The case was then marked as an exhibit for the defence.

"In what position was Miss Sloane when you saw the Doctor leaning over her?"

"She was lying across the bed, with her head in a pillow. She was crying softly!"

"I think you said that this occurred at half-past eight o'clock?"

"Yes, sir. About that time."

"At what hour did Miss Sloane die?"

"At eleven thirty!"

"That is to say, three hours after you supposed that you saw Dr.

Medjora make the injection."

"Yes, sir!"

"Did you leave the room again during that time?"

"No, sir."

"Not even to get the coffee which Dr. Meredith had ordered?"

"No, sir. I made that on the gas-stove in the room."

"Well, then, during that last three hours did you, or any one else, in your presence, inject, or administer morphine in any form to Miss Sloane?"

"No, sir; positively not."

"Such a thing could not have occurred without your knowledge?"

"No, sir."

"Now, your Honor," said Mr. Bliss, "I would like to ask the prosecution whether this is the only witness upon whom they depend to prove the hypothesis that morphine was administered within three hours prior to the death of Miss Sloane?"

"That is our evidence on that point," replied Mr. Munson.

"Then, if it please the court, I move that all that testimony of Professor Orton's following and dependent upon the hypothetical question, shall be stricken from the records."

"State your grounds," said the Recorder.

"Your Honor admitted the question upon the express understanding, that the hypothesis that morphine had been administered within the specified time should be proven. The prosecution's own witness tells us that no such administration occurred during the last three hours of the life of the deceased. The proposition then hinges upon what this witness claims to have seen as she entered the room. She admits that she only saw Dr. Medjora remove a syringe. She did not see him insert it, and she could not possibly know what the contents of that syringe were."

"I think," said the Recorder, "that the question whether or not her testimony shows that Dr. Medjora administered a hypodermic of morphine is a question for the jury. The evidence may stand."

"We take exception," said Mr. Bliss. After a few moments consultation with Mr. Dudley he said to the witness: "That is all," and she was allowed to leave the stand. This ended the day's proceedings.

CHAPTER VII.
THE PROSECUTION RESTS

The first witness called, on the resumption of the trial, was a druggist, named Newton, who qualified as an expert pharmacist and chemist. He examined the pellets contained in the bottle identified by the professional nurse as the one which she had given to Mr. Munson. These he dissolved in water, and then submitted to chemical tests, from the results of which he pronounced them to be morphine. He testified that he recognized them as the usual pellets carried by physicians for hypodermic use. He was not cross-examined.

The next witness was Prof. Hawley, an expert pathologist. He swore that he had assisted at the autopsy, and in the main substantiated the evidence of Dr. McDougal, the Coroner's physician, agreeing with him, that from the physical appearances, the probable cause of death had been morphine poisoning. He was asked the hypothetical question and answered as did the other witness, that at least three grains must have been administered. Up to this point the evidence was merely cumulative, but Mr. Munson then essayed another line of inquiry.

"Professor," said he, "from your examination of this body can you tell us whether or not the deceased had been a mother?"

"I object!" cried Mr. Bliss springing to his feet, with more energy than he had yet exhibited. It was plain that though

heretofore his objections to the admission of evidence may have been suggested rather by his desire to fully protect his client, than because he feared the testimony, this time he fought to exclude this evidence because of some vital interest, as though, indeed, this point having been foreshadowed in the early newspaper accounts, he had been fully instructed by Dr. Medjora. This became the more apparent, when Mr. Dudley himself took part in the argument, for the first time bringing the weight of his legal knowledge to bear upon the case publicly. For when the court asked for a cause of objection, it was Mr. Dudley who replied.

"May it please your Honor," said he, "it seems to us, that the fact which counsel here endeavors to introduce, is entirely irrelevant. Whether or not Miss Sloane was a mother, can have no possible connection with our client's responsibility for the crime of which he is accused. It is no more against the law to kill a mother, than to slay any other woman. We hope that your Honor will see the advisability of shielding the name of the dead from any such imputation as the guesses of even this celebrated expert might cast upon her."

"I really cannot see the bearing of this evidence," said the Recorder, addressing Mr. Munson.

"If it please your Honor," said Mr. Munson, "we wish to show that this girl was an unmarried woman; who nevertheless bore a child to the prisoner. Further, we will show that Miss Sloane was a poor girl, seeking to earn her living as a music teacher. Now the accused suddenly finds the opportunity to marry a wealthy

woman, and the poor musician, with her claim upon him as the father of her child, becomes an obstacle in his path. Thus, your Honor, we supply a motive for this crime."

"But, your Honor," said Mr. Dudley, "there has not been a particle of evidence to prove any of these assertions, so glibly put for the benefit of the jury, and therefore we must contend that this evidence is entirely incompetent."

"As tending to explain the motive, I must rule that counsel may examine fully into the relations that existed between the prisoner and the deceased," said the Recorder.

"But," persisted Mr. Dudley, "even granting that this expert can say whether a woman has borne a child, which is a question of grave uncertainty, assuredly it cannot be claimed that he can testify as to the father of the child. Therefore he can throw no light whatever upon the relation which existed between the dead girl and our client."

"The question is admitted. The witness may answer!" replied the Recorder, upon which the defence entered an exception. The expert then answered:

"It was positively discernible that the deceased had been a mother."

"Can you state how long ago?"

"It is understood, your Honor," said Mr. Dudley, "that we take exception to this whole line of examination?" To this the Recorder nodded in assent, and the witness replied:

"Not within a year, I should say."

The witness was then yielded to the defence, but the cross-examination was confined entirely to the condition of the kidneys, thus making the prosecution's expert once more add to the evidence in favor of the defence, by admitting the diseased condition of organs, which it was claimed would materially affect the action of morphine in the system.

Next followed several witnesses, all of them boarders in the house where the deceased had dwelt. The object of their testimony was to show that the deceased passed in the house as a single woman, and that Dr. Medjora appeared in the light of an accepted suitor. They all denied that the girl had ever claimed that she was married, or that she had ever worn a wedding-ring. Under cross-examination they all admitted that they had never heard of, nor seen a child. It transpired that she had lived in the house a little more than a year, and that Dr. Medjora had been a visitor for less than half of that period.

Mrs. Sloane, the mother of the dead girl, then took the stand. She was dressed in deep mourning, and wept frequently. She testified that her daughter had always been of an unruly, headstrong disposition, and fond of enjoying herself. That she had been disinclined to work at home, and appeared to feel herself better than her own kith and kin. She had met Dr. Medjora at some musical party several years before, and the Doctor had become a constant visitor. "But I never liked the man. Somehow I knew that he was a cruel, dangerous man for a poor girl, with high ideas, like my Mabel." These remarks

offered voluntarily, and delivered so rapidly that she could not be prevented from having her say, were objected to, and promptly ruled out, the Recorder agreeing with Mr. Dudley, that personal impressions could not be received in evidence against a man's character. Coming down to a later period, she explained that she and her daughter had "had some words about her going with that man," and the girl had suddenly left home. "Of course I knew she had been lured away by that black-hearted villain," ejaculated the witness, half sobbing. This was also ruled out, and the witness was admonished to restrain herself, and to confine her remarks to answering questions of counsel. She went on to say that she had received letters from time to time from the girl, post-marked from New York, but she had never discovered her address, nor seen her alive after they separated. In these letters, Miss Sloane had told her mother "not to worry," that she was "doing very well and hoped soon to do better;" that "my friend, the Doctor, has been very kind to me," and other passages of this nature. But there was never any allusion to a marriage, nor to Dr. Medjora as intending to marry her.

Under cross-examination, which was rather brief, she admitted that since her daughter left home, she had had no knowledge of her except through those letters, and that therefore she did not know, positively, that the girl had not been married. It was also made to appear that the girl had never been very happy in her home, and had frequently, even before her acquaintance with Doctor Medjora, expressed her determination to "leave

home at the first chance." She also admitted, reluctantly, that she knew nothing, positively, against the character of the accused, "except that it was plain to be seen that he was a villain with no respect for a woman." This, of course, was stricken out.

The undertaker, who had originally taken charge of the body, was placed upon the stand, and testified that he had not removed the body from the house, when he was notified by the Coroner to retire from the case. Neither he, nor his assistants, had used any embalming fluid, nor had they injected any fluids whatever into the body before they gave it into the care of the Coroner's physician. He swore that it was the same body which had been shown to him as that of Mabel Sloane, that he had given to Dr. McDougal.

A few more witnesses were called in corroboration of minor details, and to protect the case of the prosecution from technical flaws of omission, and then Mr. Munson announced that their side would rest.

The crowd in the court-room leaned forward, as Mr. Dudley arose, eager to hear him open for the defence, as they supposed that he was about to do. Instead of this he addressed the court as follows:

"May it please your Honor, we must request you, before permitting the prosecution to rest, to instruct that Dr. Fisher be called as a witness."

"Dr. Fisher, your Honor," said Mr. Munson, "is not our witness. He is not named in the indictment. There is no reason,

however, why the defence should not call him if they wish him."

"Upon what ground, Mr. Dudley," asked the Recorder, "do you make this motion?"

"Upon the ground, sir, that Dr. Fisher is an important witness to material facts connected with the demise of Miss Sloane. He was the senior attending physician, whilst Dr. Meredith had only been called in consultation. The prosecution have called Dr. Meredith, recognizing that as an attending physician his knowledge of the facts is material to the cause at issue. We claim that the testimony of Dr. Fisher, the other physician in attendance, and present at the death-bed, is equally material, and that the prosecution have no right to choose between the two men, selecting one as their witness, and rejecting the other. The fact that they have done so, would warrant the imputation that the prosecution are seeking for a conviction of our client, rather than looking for justice, in a thorough sifting of all available facts. I am sure that the honorable council on the other side will be only too glad to avoid such an imputation in the public mind, now that their attention has been called to the omission."

"Counsel is very generous," said Mr. Munson, with much sarcasm. "His solicitude for the reputation of the district attorney's office is very touching, but at the same time entirely misplaced. In this matter, those who have charge of the case of the commonwealth, feel that they can safely permit the conduct of this case to meet the most searching criticism. We decline to call Dr. Fisher, unless ordered to do so by the court."

"Then we move that the court so order," snapped back Mr. Dudley.

"It certainly seems to me," said the Recorder, "that the testimony of this physician is very material, and that he should have been included among the witnesses for the people. Have you any arguments against this view, Mr. Munson?"

"Only this, your Honor, that it was considered that the testimony of one witness would suffice. The selection was made without regard to known opinion, for none had been expressed prior to the issuance of a subpoena calling Dr. Meredith into the case. We decided to have but one witness, merely to save unnecessary costs. Now so far as this motion is concerned, we maintain that it comes too late. Counsel was served with a copy of the indictment, which contained a list of our witnesses upon the back. Thus they had ample notice of our intention not to call Dr. Fisher, and if they desired that we should do so, the motion should have been made earlier, and not at the end of our case."

"What have you to say in reply, Mr. Dudley?" asked the Recorder.

"Your Honor," said Mr. Dudley, showing by his bearing an assurance of gaining the point for which he contended; "the excuse that the name of Dr. Fisher does not appear among the list of witnesses for the prosecution, is entirely aside from the issue. It is a claim that has been made and rejected more than once. I need only remind your Honor of the Holden case, to bring it to your Honor's immediate recollection. That case was

very similar to this one. Three surgeons had examined the body of the deceased, and but two of these had been called by the prosecuting attorney, counsel refusing upon the identical ground that his name had not appeared in the indictment. The presiding judge, Paterson, ruled that as a material witness, he must be called. That is precisely the condition here and I hope your Honor will see the justice of calling Dr. Fisher."

Конец ознакомительного фрагмента.