The Frame Up

Richard Harding Davis

Table of Contents

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When the voice over the telephone promised to name the man who killed Hermann Banf, District Attorney Wharton was up− town lunching at Delmonico's. This was contrary to his custom and a concession to Hamilton Cutler, his distinguished brother−in−law. That gentleman was interested in a State constabulary bill and had asked State Senator Bissell to father it. He had suggested to the senator that, in the legal points involved in the bill, his brother−in−law would undoubtedly be charmed to advise him. So that morning, to talk it over, Bissell had come from Albany and, as he was forced to return the same afternoon, had asked Wharton to lunch with him up−town near the station.

That in public life there breathed a man with soul so dead who, were he offered a chance to serve Hamilton Cutler, would not jump at the chance was outside the experience of the county chairman. And in so judging his fellow men, with the exception of one man, the senator was right. The one man was Hamilton Cutler's brother−in−law.

In the national affairs of his party Hamilton Cutler was one of the four leaders. In two cabinets he had held office. At a foreign court as an ambassador his dinners, of which the diplomatic corps still spoke with emotion, had upheld the dignity of ninety million Americans. He was rich. The history of his family was the history of the State. When the Albany boats drew abreast of the old Cutler mansion on the cast bank of the Hudson the passengers pointed at it with deference. Even when the search lights pointed at it, it was with deference. And on Fifth Avenue, as the "Seeing New York" car passed his town house it slowed respectfully to half speed. When, apparently for no other reason than that she was good and beautiful, he had married the sister of a then unknown up State lawyer, every one felt Hamilton Cutler had made his first mistake. But, like every thing else into which he entered, for him matrimony also was a success. The prettiest girl in Utica showed herself worthy of her distinguished husband. She had given him children as beautiful as herself; as what Washington calls " a cabinet lady " she had kept her name out of the newspapers; as Madame L'Ambassatrice she had put archduchesses at their ease; and after ten years she was an adoring wife, a devoted mother, and a proud woman. Her pride was in believing that for every joy she knew she was indebted entirely to her husband. To owe everything to him, to feel that through him the blessings flowed, was her ideal of happiness.

In this ideal her brother did not share. Her delight in a sense of obligation left him quite cold. No one better than himself knew that his rapid−fire rise in public favor was due to his own exertions, to the fact that he had worked very hard, had been independent, had kept his hands clean, and had worn no man's collar. Other people believed he owed his advancement to his brother−in−law. He knew they believed that, and it hurt him. When, at the annual dinner of the Amen Corner, they burlesqued him as singing to "Ham" Cutler, "You made me what I am to−day, I hope you're satisfied," he found that to laugh with the others was something of an effort. His was a difficult position. He was a party man; he had always worked inside the organization. The fact that whenever he ran for an elective office the reformers indorsed him and the best elements in the opposition parties voted for him did not shake his loyalty to his own people. And to Hamilton Cutler, as one of his party leaders, as one of the bosses of the "invisible government," he was willing to defer. But while he could give allegiance to his party leaders, and from them was willing to receive the rewards of office, from a rich brother−in−law he was not at all willing to accept anything. Still less was he willing that of the credit he deserved for years of hard work for the party, of self−denial, and of efficient public service the rich brother−in−law, should rob him.

His pride was to be known as a self−made man, as the servant only of the voters. And now that ambition, now that he was district attorney of New York City, to have it said that the office was the gift of his brother−in−law was bitter. But he believed the injustice would soon end. In a month he was coming up for re−election, and night and day was conducting a campaign that he hoped would result in a personal victory so complete as to banish the shadow of his brother−in−law. Were he re−elected by the majority on which he counted, he would have the party

leaders on their knees. Hamilton Cutler would be forced to come to him. He would be in line for promotion. He knew the leaders did not want to promote him, that they considered him too inclined to kick over the traces; but were he now re−elected, at the next election, either for mayor or governor, he would be his party's obvious and legitimate candidate.

The re−election was not to be an easy victory. Outside his own party, to prevent his succeeding himself as district attorney, Tammany Hall was using every weapon in her armory. The commissioner of police was a Tammany man, and in the public prints Wharton had repeatedly declared that Banf, his star witness against the police, had been killed by the police, and that they had prevented the discovery of his murderer. For this the wigwam wanted his scalp, and to get it had raked his public and private life, had used threats and bribes, and with women had tried to trap him into a scandal. But "Big Tim" Meehan, the lieutenant the Hall had detailed to destroy Wharton, had reported back that for their purpose his record was useless, that bribes and threats only flattered him, and that the traps set for him he had smilingly side− stepped. This was the situation a month before election day when, to oblige his brother−in−law, Wharton was up−town at Delmonico's lunching with Senator Bissell.

Down−town at the office, Rumson, the assistant district attorney, was on his way to lunch when the telephone−girl halted him. Her voice was lowered and betrayed almost human interest.

From the corner of her mouth she whispered: "This man has a note for Mr. Wharton−−says if he don't get it quick it'll be too late−−says it will tell him who killed 'Heimie' Banf!"

The young man and the girl looked at each other and smiled. Their experience had not tended to make them credulous. Had he lived, Hermann Banf would have been, for Wharton, the star witness against a ring of corrupt police officials. In consequence his murder was more than the taking off of a shady and disreputable citizen. It was a blow struck at the high office of the district attorney, at the grand jury, and the law. But, so far, whoever struck the blow had escaped punishment, and though for a month, ceaselessly, by night and day "the office" and the police had sought him, he was still at large, still "unknown." There had been hundreds of clews. They had been furnished by the detectives of the city and county and of the private agencies, by amateurs, by news− papers, by members of the underworld with a score to pay off or to gain favor. But no clew had led anywhere. When, in hoarse whispers, the last one had been confided to him by his detectives, Wharton had protested indignantly.

"Stop bringing me clews!" he exclaimed. "I want the man. I can't electrocute a clew!"

So when, after all other efforts, over the telephone a strange voice offered to deliver the murderer, Rumson was skeptical. He motioned the girl to switch to the desk telephone.

"Assistant District Attorney Rumson speaking," he said. "What can I do for you?"'

Before the answer came, as though the speaker were choosing his words, there was a pause. It lasted so long that Rumson exclaimed sharply:

"Hello," he called. "Do you want to speak to me, or do you want to speak to me?"

"I've gotta letter for the district attorney," said the voice. "I'm to give it to nobody but him. It's about Banf. He must get it quick, or it'll be too late."

"Who are you?" demanded Rumson. "Where are you speaking from?"

The man at the other end of the wire ignored the questions.

"Where'll Wharton be for the next twenty minutes? "

"If I tell you, "parried Rumson, "will you bring the letter at once?" The voice exclaimed indignantly:

"Bring nothing! I'll send it by district messenger. You're wasting time trying to reach me. It's the LETTER you want. It tells−−−−" the voice broke with an oath and instantly began again: "I can't talk over a phone. I tell you, it's life or death. If you lose out, it's your own fault. Where can I find Wharton?"

"At Delmonico's," answered Rumson. "He'll be there until two o'clock." "Delmonico's! That's Forty−fort Street?" "Right," said Rumson. "Tell the messenger−−−−" He heard the receiver slam upon the hook. With the light of the hunter in his eyes, he turned to the girl.

"They can laugh," he cried, "but I believe we've hooked something. I'm going after it." In the waiting−room he found the detectives. "Hewitt, " he ordered, "take the subway and whip up to Delmonico's. Talk to the taxi−starter till a messenger−boy brings a letter for the D. A. Let the boy deliver the note, and then trail him till he reports to the man he got it from. Bring the man here. If it's a district messenger and he doesn't report, but goes straight back to the office, find out who gave him the note; get his description. Then meet me at Delmonico's."

Rumson called up that restaurant and had Wharton come to the phone. He asked his chief to wait until a letter

he believed to be of great importance was delivered to him. He explained, but, of necessity, somewhat sketchily. "It sounds to me," commented his chief, "like a plot of yours to get a lunch up− town."

"Invitation!" cried Rumson. "I'll be with you in ten minutes."

After Rumson had joined Wharton and Bissell the note arrived. It was brought to the restaurant by a messenger−boy, who said that in answer to a call from a saloon on Sixth Avenue he had received it from a young man in ready−to−wear clothes and a green hat. When Hewitt, the detective, asked what the young man looked like, the boy said he looked like a young man in ready−to−wear clothes and a green hat. But when the note was read the identity of the man who delivered it ceased to be of importance. The paper on which it was written was without stamped address or monogram, and carried with it the mixed odors of the drug−store at which it had been purchased. The handwriting was that of a woman, and what she had written was: "If the district attorney will come at once, and alone, to Kessler's Cafe, on the Boston Post Road, near the city line, he will be told who killed Hermann Banf. If he don't come in an hour, it will be too late. If he brings anybody with him, he won't be told anything. Leave your car in the road and walk up the drive. Ida Earle."

Hewitt, who had sent away the messenger−boy and had been called in to give expert advice, was enthusiastic.

"Mr. District Attorney," he cried, "that's no crank letter. This Earle woman is wise. You got to take her as a serious proposition. She wouldn't make that play if she couldn't get away with it."

"Who is she?" asked Wharton.

To the police, the detective assured them, Ida Earle had been known for years. When she was young she had been under the protection of a man high in the ranks of Tammany, and, in consequence, with her different ventures the Police had never interfered. She now was proprietress of the road−house in the note described as Kessler's Cafe. It was a place for joy− riders. There was a cabaret, a hall for public dancing, and rooms for very private suppers.

In so far as it welcomed only those who could spend money it was exclusive, but in all other respects its reputation was of the worst. In situation it was lonely, and from other houses separated by a quarter of a mile of dying trees and vacant lots.

The Boston Post Road upon which it faced was the old post road, but lately, through this back yard and dumping−ground of the city, had been relaid. It was patrolled only and infrequently by bicycle policemen. "But this," continued the detective eagerly, "is where we win out. The road−house is an old farmhouse built over, with the barns changed into garages. They stand on the edge of a wood. It's about as big as a city block. If we come in through the woods from the rear, the garages will hide us. Nobody in the house can see us, but we won't be a hundred yards away. You've only to blow a police whistle and we'll be with you."

"You mean I ought to go?" said Wharton.

Rumson exclaimed incredulously: "You got to go!"

"It looks to me," objected Bissell, "like a plot to get you there alone and rap you on the head." "Not with that note inviting him there," protested Hewitt, "and signed by Earle herself."

"You don't know she signed it?" objected the senator.

"I know her," returned the detective. "I know she's no fool. It's her place, and she wouldn't let them pull off any rough stuff there−−not against the D. A. anyway"

The D. A. was rereading the note. "Might this be it?" he asked. "Suppose it's a trick to mix me up in a scandal? You say the place is disreputable. Suppose they're planning to compromise me just before election. They've tried it already several times."

"You've still got the note, If persisted Hewitt. "It proves why you went there. And the senator, too. He can testify. And we won't be hundred yards away. And," he added grudgingly, "you have Nolan."

Nolan was the spoiled child of 'the office.' He was the district attorney's pet. Although still young, he had scored as a detective and as a driver of racing−cars. As Wharton's chauffeur he now doubled the parts.

"What Nolan testified wouldn't be any help," said Wharton. "They would say it was just a story he invented to save me."

"Then square yourself this way," urged Rumson. "Send a note now by hand to Ham Cutler and one to your sister. Tell them you're going to Ida Earle's−−and why−−tell them you're afraid it's a frame−up, and for them to keep your notes as evidence. And enclose the one from her."

Wharton nodded in approval, and, while he wrote, Rumson and the detective planned how, without those

inside the road− house being aware of their presence, they might be near it.

Kessler's Cafe lay in the Seventy−ninth Police Precinct. In taxi−cabs they arranged to start at once and proceed down White Plains Avenue, which parallels the Boston Road, until they were on a line with Kessler's, but from it hidden by the woods and the garages. A walk of a quarter of a mile across lots and under cover of the trees would bring them to within a hundred yards of the house.

Wharton was to give them a start of half an hour. That he might know they were on watch, they agreed, after they dismissed the taxi−cabs, to send one of them into the Boston Post Road past the road−house. When it was directly in front of the cafe, the chauffeur would throw away into the road an empty cigarette−case.

From the cigar−stand they selected a cigarette box of a startling yellow. At half a mile it was conspicuous.

"When you see this in the road," explained Rumson, "you'll know we're on the job. And after you're inside, if you need us, you've only to go to a rear window and wave."

"If they mean to do him up," growled Bissell, "he won't get to a rear window."

"He can always tell them we're outside," said Rumson−−−−"and they are extremely likely to believe him. Do you want a gun?"

"No," said the D. A.

"Better have mine,'" urged Hewitt.

"I have my own," explained the D. A.

Rumson and Hewitt set off in taxi−cabs and, a half−hour later, Wharton followed. As he sank back against the cushions of the big touring−car he felt a pleasing thrill of excitement, and as he passed the traffic police, and they saluted mechanically, he smiled. Had they guessed his errand their interest in his progress would have been less perfunctory. In half an hour he might know that the police killed Banf; in half an hour he himself might walk into a trap they had, in turn, staged for him. As the car ran swiftly through the clean October air, and the wind and sun alternately chilled and warmed his blood, Wharton considered these possibilities.

He could not believe the woman Earle would lend herself to any plot to do him bodily harm. She was a responsible person. In her own world she was as important a figure as was the district attorney in his. Her allies were the man "higher up " in Tammany and the police of the upper ranks of the uniformed force. And of the higher office of the district attorney she possessed an intimate and respectful knowledge. It was not to be considered that against the prosecuting attorney such a woman would wage war. So the thought that upon his person any assault was meditated Wharton dismissed as unintelligent. That it was upon his reputation the attack was planned seemed much more probable. But that contingency he had foreseen and so, he believed, forestalled. There then remained only the possibility that the offer in the letter was genuine. It seemed quite too good to be true. For, as he asked himself, on the very eve of an election, why should Tammany, or a friend of Tammany, place in his possession the information that to the Tammany candidate would bring inevitable defeat. He felt that the way they were playing into his hands was too open, too generous. If their object was to lead him into a trap, of all baits they might use the promise to tell him who killed Banf was the one certain to attract him. It made their invitation to walk into the parlor almost too obvious. But were the offer not genuine, there was a condition attached to it that puzzled him. It was not the condition that stipulated he should come alone. His experience had taught him many will confess, or betray, to the district attorney who, to a deputy, will tell nothing. The condition that puzzled him was the one that insisted he should come at once or it would be "too late."

Why was haste so imperative? Why, if he delayed, would he be "too late"? Was the man he sought about to escape from his jurisdiction, was he dying, and was it his wish to make a death−bed confession; or was he so reluctant to speak that delay might cause him to reconsider and remain silent?

With these questions in his mind, the minutes quickly passed, and it was with a thrill of excitement Wharton saw that Nolan had left the Zoological Gardens on the right and turned into the Boston Road. It had but lately been completed and to Wharton was unfamiliar. On either side of the unscarred roadway still lay scattered the uprooted trees and boulders that had blocked its progress, and abandoned by the contractors were empty tar−barrels, cement−sacks, tool−sheds, and forges. Nor was the surrounding landscape less raw and unlovely. Toward the Sound stretched vacant lots covered with ash heaps; to the left a few old and broken houses set among the glass−covered cold frames of truck−farms.

The district attorney felt a sudden twinge of loneliness. And when an automobile sign told him he was "10 miles from Columbus Circle," he felt that from the New York he knew he was much farther. Two miles up the

road his car overhauled a bicycle policeman, and Wharton halted him.

"Is there a road−house called Kessler's beyond here?" he asked.

"On the left, farther up, "the officer told him, and added: "You can't miss it ' Mr. Wharton; there's no other house near it."

"You know me," said the D.A. "Then you'll understand what I want you to do. I've agreed to go to that house alone. If they see you pass they may think I'm not playing fair. So stop here.

The man nodded and dismounted.

"But," added the district attorney, as the car started forward again, "If you hear shots, I don't care how fast you come."

The officer grinned.

"Better let me trail along now," he called; "that's a tough joint."

But Wharton motioned him back; and when again he turned to look the man still stood where they had parted.

Two minutes later an empty taxi−cab came swiftly toward him and, as it passed, the driver lifted his hand from the wheel, and with his thumb motioned behind him.

"That's one of the men," said Nolan,"that started with Mr. Rumson and Hewitt from Delmonico's."

Wharton nodded; and, now assured that in their plan there had been no hitch, smiled with satisfaction. A moment later, when ahead of them on the asphalt road Nolan pointed out a spot of yellow, he recognized the signal and knew that within call were friends.

The yellow cigarette−box lay directly in front of a long wooden building of two stories. It was linked to the road by a curving driveway marked on either side by whitewashed stones.

On verandas enclosed In glass Wharton saw white−covered tables under red candle−shade and, protruding from one end of the house and hung with electric lights in paper lanterns, a pavilion for dancing. In the rear of the house stood sheds and a thick tangle of trees on which the autumn leaves showed yellow painted fingers and arrows pointing, and an electric sign, proclaimed to all who passed that this was Kessler's. In spite of its reputation, the house wore the aspect of the commonplace. In evidence nothing flaunted, nothing threatened From a dozen other inns along the Pelham Parkway and the Boston Post Road it was no way to be distinguished.

As directed In the note, Wharton left the car in the road." For five minutes stay where yo are," he ordered Nolan; "then go to the bar and get a drink. Don't talk to any one or they'll think you're trying to get information. Work around to the back of the house. Stand where I can see you from the window. I may want you to carry a message to Mr. Rumson.

On foot Wharton walked up the curved drive−way, and if from the house his approach was spied upon, there was no evidence. In the second story the blinds were drawn and on the first floor the verandas were empty. Nor, not even after he had mounted to the veranda and stepped inside the house, was there any sign that his visit was expected. He stood in a hall, and in front of him rose a broad flight of stairs that he guessed led to the private supper−rooms. On his left was the restaurant.

Swept and garnished after the revels of the night previous, and as though resting in preparation for those to come, it an air of peaceful inactivity. At a table a maitre d'ho'tel was composing the menu for the evening, against the walls three colored waiters lounged sleepily, and on a platform at a piano a pale youth with drugged eyes was with one hand picking an accompaniment. As Wharton paused uncertainly the young man, disdaining his audience, in a shrill, nasal tenor raised his voice and sang:

"And from the time the rooster calls I'll wear my overalls, And you, a simple gingham gown. So, if you're strong for a shower of rice, We two could make a paradise Of any One−Horse

Town."

At sight of Wharton the head waiter reluctantly detached himself from his menu and rose. But before he could greet the visitor, Wharton heard his name spoken and, looking up, saw a woman descending the stairs. It was apparent that when young she had been beautiful, and, in spite of an expression in her eyes of hardness and distrust, which seemed habitual, she was still handsome. She was without a hat and wearing a house dress of decorous shades and in the extreme of fashion. Her black hair, built up in artificial waves, was heavy with brilliantine; her hands, covered deep with rings, and of an unnatural white, showed the most fastidious care. But

her complexion was her own; and her skin, free from paint and powder, glowed with that healthy pink that is supposed to be the perquisite only of the simple life and a conscience undisturbed.

"I am Mrs. Earle," said the woman. "I wrote you that note. Will you please come this way?"

That she did not suppose he might not come that way was obvious, for, as she spoke, she turned her back on him and mounted the stairs. After an instant of hesitation, Wharton followed.

As well as his mind, his body was now acutely alive and vigilant. Both physically and mentally he moved on tiptoe. For whatever surprise, for whatever ambush might lie in wait, he was prepared. At the top of the stairs he found a wide hall along which on both sides were many doors. The one directly facing the stairs stood open. At one side of this the woman halted and with a gesture of the jewelled fingers invited him to enter.

"My sitting−room," she said. As Wharton remained motionless she substituted: " My office."

Peering into the room, Wharton found it suited to both titles. He saw comfortable chairs, vases filled with autumn leaves, in silver frames photographs, and between two open windows a business−like roller−top desk on which was a hand telephone. In plain sight through the windows he beheld the garage and behind it the tops of trees. To summon Rumson, to keep in touch with Nolan, he need only step to one of these windows and beckon. The strategic position of the room appealed, and with a bow of the head he passed in front of his hostess and entered it. He continued to take note of his surroundings.

He now saw that from the office in which he stood doors led to rooms adjoining. These doors were shut, and he determined swiftly that before the interview began he first must know what lay behind them. Mrs. Earle had followed and, as she entered, closed the door.

"No!" said Wharton.

It was the first time he had spoken. For an instant the woman hesitated, regarding him thoughtfully, and then without resentment pulled the door open. She came toward him swiftly, and he was conscious of the rustle of silk and the stirring of perfumes. At the open door she cast a frown of disapproval and then, with her face close to his, spoke hurriedly in a whisper.

"A man brought a girl here to lunch," she said; "they've been here before. The girl claims the man told her he was going to marry her. Last night she found out he has a wife already, and she came here to−day meaning to make trouble. She brought a gun. They were in the room at the far end of the hall. George, the water, heard the two shots and ran down here to get me. No one else heard. These rooms are fixed to keep out noise, and the piano was going. We broke in and found them on the floor. The man was shot through the shoulder, the girl through the body. His story is that after she fired, in trying to get the gun from her, she shot herself−by accident. That's right, I guess. But the girl says they came here to die together−−what the newspaper call a 'suicide pact'−− because they couldn't marry, and that he first shot her, intending to kill her and then himself. That's silly. She framed it to get him. She missed him with the gun, so now she's trying to get him with this murder charge. I know her. If she'd been sober she wouldn't have shot him; she'd have blackmailed him. She's that sort. I know her, and−−−−"

With an exclamation the district attorney broke in upon her. "And the man," he demanded eagerly; "was it HE killed Banf?"

In amazement the woman stared. "Certainly NOT!" she said.

"Then what HAS this to do with Banf?"

"Nothing!" Her tone was annoyed, reproachful. "That was only to bring you here"

His disappointment was so keen that it threatened to exhibit itself in anger. Recognizing this, before he spoke Wharton forced himself to pause. Then he repeated her words quietly.

"Bring me here?" he asked. "Why?"

The woman exclaimed impatiently: "So you could beat the police to it," she whispered. "So you could HUSH IT UP!"

The surprised laugh of the man was quite real. It bore no resentment or pose. He was genuinely amused. Then the dignity of his office, tricked and insulted, demanded to be heard. He stared at her coldly; his indignation was apparent.

"You have done extremely ill," he told her. "You know perfectly well you had no right to bring me up here; to drag me into a row in your road−house. 'Hush it up!'" he exclaimed hotly. This time his laugh was contemptuous and threatening. "I'll show you how I'll hush it up!" He moved quickly to the open window.

"Stop!" commanded the woman. "You can't do that!" She ran to the door.

Again he was conscious of the rustle of silk, of the stirring of perfumes.

He heard the key turn in the lock. It had Come. It was a frame−up. There would be a scandal. And to save himself from it they would force him to "hush up" this other one. But, as to the outcome, in no way was he concerned. Through the window, standing directly below it, he had seen Nolan. In the sunlit yard the chauffeur, his cap on the back of his head, his cigarette drooping from his lips, was tossing the remnants of a sandwich to a circle of excited hens. He presented a picture of bored indolence, of innocent preoccupation. It was almost too well done.

Assured of a witness for the defense, he greeted the woman with a smile. "Why can't I do it?" he taunted.

She ran close to him and laid her hands on his arm. Her eyes were fixed steadily on his. "Because," she whispered, "the man who shot that girl−is your brother−in−law, Ham Cutler!"

For what seemed a long time Wharton stood looking down into the eyes of the woman, and the eyes never faltered. Later he recalled that in the sudden silence many noises disturbed the lazy hush of the Indian−summer afternoon: the rush of a motor−car on the Boston Road, the tinkle of the piano and the voice of the youth with the drugged eyes singing, "And you'll wear a simple gingham gown," from the yard below the cluck− cluck of the chickens and the cooing of pigeons.

His first thought was of his sister and of her children, and of what this bomb, hurled from the clouds, would mean to her. He thought of Cutler, at the height of his power and usefulness, by this one disreputable act dragged into the mire, of what disaster it might bring to the party, to himself.

If, as the woman invited, he helped to "hush it up," and Tammany learned the truth, it would make short work of him. It would say, for the murderer of Banf he had one law and for the rich brother−in−law, who had tried to kill the girl he deceived, another. But before he gave voice to his thoughts he recognized them as springing only from panic. They were of a part with the acts of men driven by sudden fear, and of which acts in their sane moments they would be incapable.

The shock of the woman's words had unsettled his traditions. Not only was he condemning a man unheard, but a man who, though he might dislike him, he had for years, for his private virtues, trusted and admired. The panic passed and with a confident smile he shook his head.

"I don't believe you," he said quietly.

The manner of the woman was equally calm, equally assured.

"Will you see her?" she asked.

"I'd rather see my brother−in−law," he answered

The woman handed him a card.

"Doctor Muir took him to his private hospital," she said. "I loaned them my car because it's a limousine. The address is on that card. But," she added, "both your brother and Sammy−− that's Sam Muir, the doctor−−asked you wouldn't use the telephone; they're afraid of a leak."

Apparently Wharton did not hear her. As though it were "Exhibit A," presented in evidence by the defense, he was studying the card she had given him. He stuck it in his pocket.

" I'll go to him at once," he said.

To restrain or dissuade him, the woman made no sudden move. In level tones she said:

"Your brother−in−law asked especially that you wouldn't do that until you'd fixed it with the girl. Your face is too well known. He's afraid some one might find out where he is−− and for a day or two no one must know that."

"This doctor knows it," retorted Wharton.

The suggestion seemed to strike Mrs. Earle as humorous. For the first time she laughed. "Sammy!" she exclaimed. "He's a lobbygow of mine. He's worked for me for years. I could send him up the river if I liked. He knows it." Her tone was convincing. "They both asked," she continued evenly, "you should keep off until the girl is out of the country, and fixed." Wharton frowned thoughtfully.

And, observing this, the eyes of the woman showed that, so far, toward the unfortunate incident the attitude of the district attorney was to her most gratifying. Wharton ceased frowning. "How fixed?" he asked. Mrs. Earle shrugged her shoulders.

"Cutler's idea is money," she said; "but, believe me, he's wrong. This girl is a vampire. She'll only come back to you for more. She'll keep on threatening to tell the wife, to tell the papers. The way to fix her is to throw a scare into her. And there's only one man can do that; there's only one man that can hush this thing up−−that's you."

"When can I see her?" asked Wharton.

"Now," said the woman. "I'll bring her." Wharton could not suppress an involuntary "Here?" he exclaimed.

For the shade of a second Mrs. Earle exhibited the slightest evidence of embarrassment.

"My room's in a mess," she explained; "and she's not hurt so much as Sammy said. He told her she was in bad just to keep her quiet until you got here."

Mrs. Earle opened one of the doors leading from the room. "I won't be a minute," she said. Quietly she closed the door behind her.

Upon her disappearance the manner of the district attorney underwent an abrupt change. He ran softly to the door opposite the one through which Mrs. Earle had passed, and pulled it open. But, if beyond it he expected to find an audience of eavesdroppers, he was disappointed. The room was empty, and bore no evidence of recent occupation. . He closed the door, and, from the roller−top desk, snatching a piece of paper, scribbled upon it hastily. Wrapping the paper around a coin, and holding it exposed to view, he showed himself at the window. Below him, to an increasing circle of hens and pigeons, Nolan was still scattering crumbs. Without withdrawing his gaze from them, the chauffeur nodded. Wharton opened his hand and the note fell into the yard. Behind him he heard the murmur of voices, the sobs of a woman in pain, and the rattle of a door−knob. As from the window he turned quickly, he saw that toward the spot where his note had fallen Nolan was tossing the last remnants of his sandwich.

The girl who entered with Mrs. Earle, leaning on her and supported by her, was tall and fair. Around her shoulders her blond hair hung in disorder, and around her waist, under the kimono Mrs. Earle had thrown about her, were wrapped many layers of bandages. The girl moved unsteadily and sank into a chair.

In a hostile tone Mrs. Earle addressed her.

"Rose," she said, "this is the district attorney." To him she added: "She calls herself Rose Gerard."

One hand the girl held close against her side, with the other she brushed back the hair from her forehead. From half−closed eyes she stared at Wharton defiantly.

"Well," she challenged, what about it?"

Wharton seated himself in front of the roller−top desk.

"Are you strong enough to tell me?" he asked.

His tone was kind, and this the girl seemed to resent.

"Don't you worry," she sneered, " I'm strong enough. Strong enough to tell all I know−−to you, and to the papers, and to a jury−−until I get justice." She clinched her free hand and feebly shook it at him. " THAT'S what I'm going to get," she cried, her voice breaking hysterically, "justice."

From behind the arm−chair in which the girl half−reclined Mrs. Earle caught the eye of the district attorney and shrugged her shoulders.

"Just what DID happen?" asked Wharton.

Apparently with an effort the girl pulled herself together.

"I first met your brother−in−law−−−−" she began.

Wharton interrupted quietly.

"Wait!" he said. "You are not talking to me as anybody's brother−in−law, but as the district attorney."

The girl laughed vindictively.

"I don't wonder you're ashamed of him!" she jeered.

Again she began: "I first met Ham Cutler last May. He wanted to marry me then. He told me he was not a married man."

As her story unfolded, Wharton did not again interrupt; and speaking quickly, in abrupt, broken phrases, the girl brought her narrative to the moment when, as she claimed, Cutler had attempted to kill her. At this point a knock at the locked door caused both the girl and her audience to start. Wharton looked at Mrs. Earle inquiringly, but she shook her head, and with a look at him also of inquiry, and of suspicion as well, opened the door.

With apologies her head waiter presented a letter.

"For Mr. Wharton," he explained, "from his chauffeur."

Wharton's annoyance at the interruption was most apparent. "What the devil−−−−" he began.

He read the note rapidly, and with a frown of irritation raised his eyes to Mrs. Earle.

"He wants to go to New Rochelle for an inner tube," he said. "How long would it take him to get there and

back?"

The hard and distrustful expression upon the face of Mrs. Earle, which was habitual, was now most strongly in evidence. Her eyes searched those of Wharton.

"Twenty minutes, she said.

"He can't go," snapped Wharton.

"Tell him," he directed the waiter, to stay where he is. Tell him I may want to go back to the office any minute." He turned eagerly to the girl. "I'm sorry," he said. With impatience he crumpled the note into a ball and glanced about him. At his feet was a waste−paper basket. Fixed upon him he saw, while pretending not to see, the eyes of Mrs. Earle burning with suspicion. If he destroyed the note, he knew suspicion would become certainty. Without an instant of hesitation, carelessly he tossed it intact into the waste− paper basket. Toward Rose Gerard he swung the revolving chair.

"Go on, Please," he commanded.

The girl had now reached the climax of her story, but the eyes of Mrs. Earle betrayed the fact that her thoughts were elsewhere. With an intense and hungry longing, they were concentrated upon her own waste−paper basket.

The voice of the girl in anger and defiance recalled Mrs. Earle to the business of the moment.

"He tried to kill me," shouted Miss Rose. "And his shooting himself in the shoulder was a bluff. THAT'S my story; that's the story I'm going to tell the judge "−−her voice soared shrilly −− "that's the story that's going to send your brother−in−law to Sing Sing!"

For the first time Mrs. Earle contributed to the general conversation.

"You talk like a fish," she said.

The girl turned upon her savagely.

"If he don't like the way I talk," she cried, "he can come across!"

Mrs. Earle exclaimed in horror. Virtuously her hands were raised in protest.

"Like hell he will!" she said. "You can't pull that under my roof!" Wharton looked disturbed.

"Come across?" he asked.

"Come across?" mimicked the girl. "Send me abroad and keep me there. And I'll swear it was an accident. Twenty−five thousand, that's all I want. Cutler told me he was going to make you governor. He can't make you governor if he's in Sing Sing, can he? Ain't it worth twenty−five thousand to you to be governor? Come on," she jeered, "kick in!"

With a grave but untroubled voice Wharton addressed Mrs. Earle.

"May I use your telephone?" he asked. He did not wait for her consent, but from the desk lifted the hand telephone.

"Spring, three one hundred!" he said. He sat with his legs comfortably crossed, the stand of the instrument balanced on his knee, his eyes gazing meditatively at the yellow tree− tops.

If with apprehension both women started, if the girl thrust herself forward, and by the hand of Mrs. Earle was dragged back, he did not appear to know it.

"Police headquarters?" they heard him ask. "I want to speak to the commissioner. This is the district attorney"

In the pause that followed, as though to torment her, the pain, in her side apparently turned, for the girl screamed sharply.

"Be still!" commanded the older woman. Breathless, across the top of the arm−chair, she was leaning forward. Upon the man at the telephone her eyes were fixed in fascination.

"Commissioner," said the district attorney, "this is Wharton speaking. A woman has made a charge of attempted murder to me against my brother−in−law, Hamilton Cutler. On account of our relationship, I want you to make the arrest. If there were any slip, and he got away, it might be said I arranged it. You will find him at the Winona apartments on the Southern Boulevard, in the private hospital of a Doctor Samuel Muir. Arrest them both. The girl who makes the charge is at Kessler's Cafe, on the Boston Post Road, just inside the city line. Arrest her too. She tried to blackmail me. I'll appear against her."

Wharton rose and addressed himself to Mrs. Earle.

"I'm, sorry," he said, "but I had to do it. You might have known I could not hush it up. I am the only man who can't hush it up. The people of New York elected me to enforce the laws." Wharton's voice was raised to a loud pitch. It seemed unnecessarily loud. It was almost as though he were addressing another and more distant

audience. "And," he continued, his voice still soaring, "even if my own family suffer, even if I suffer, even if I lose political promotion, those laws I will enforce!" In the more conventional tone of every−day politeness, he added: "May I speak to you outside, Mrs. Earle?"

But, as in silence that lady descended the stairs, the district attorney seemed to have forgotten what it was he wished to say.

It was not until he had seen his chauffeur arouse himself from apparently deep slumber and crank the car that he addressed her.

"That girl," he said, "had better go back to bed. My men are all around this house and, until the police come, will detain her."

He shook the jewelled fingers of Mrs. Earle warmly. "I thank you," he said; "I know you meant well. I know you wanted to help me, but"−−he shrugged his shoulders−−"my duty!"

As he walked down the driveway to his car his shoulders continued to move.

But Mrs. Earle did not wait to observe this phenomenon. Rid of his presence, she leaped, rather than ran, up the stairs and threw open the door of her office.

As she entered, two men followed her. One was a young man who held in his hand an open note−book, the other was Tim Meehan, of Tammany. The latter greeted her with a shout.

"We heard everything he said " he cried. His voice rose in torment. "An' we can't use a word of it! He acted just like we'd oughta knowed he'd act. He's HONEST! He's so damned honest he ain't human; he's a −− gilded saint!"

Mrs. Earle did not heed him. On her knees she was tossing to the floor the contents of the waste−paper basket. From them she snatched a piece of crumpled paper.

"Shut up!" she shouted. "Listen! His chauffeur brought him this." In a voice that quivered with indignation, that sobbed with anger, she read aloud:

" 'As directed by your note from the window, I went to the booth and called up Mrs. Cutler's house and got herself on the phone. Your brother−in−law lunched at home to−day with her and the children and they are now going to the Hippodrome.

"Stop, look, and listen! Back of the bar I see two men in a room, but they did not see me. One is Tim Meehan, the other is a stenographer. He is taking notes. Each of them has on the ear−muffs of a dictagraph. Looks like you'd better watch your step and not say nothing you don't want Tammany to print.'" The voice of Mrs. Earle rose in a shrill shriek.

"Him−−a gilded saint?" she screamed; "you big stiff! He knew he was talking into a dictagraph all the time, and he double− crossed us!"