

A Flight into Texas

Arthur Train

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The flight and extradition of Charles F. Dodge unquestionably involved one of the most extraordinary battles with justice in the history of the criminal law. The funds at the disposal of those who were interested in procuring the prisoner's escape were unlimited in extent, and the arch conspirator for whose safety Dodge was spirited away was so influential in political and criminal circles that he was all but successful in defying the prosecutor of New York County, even supported as the latter was by the military and judicial arm of the United States Government. For, at the time that Dodge made his escape, a whisper from Hummel was enough to make the dry bones of many a powerful and ostensibly respectable official rattle and the tongue cleave to the roof of his mouth in terror.

(The District Attorney's office in New York City is undoubtedly one of the best watch-towers known from which to observe "Real Life Detective Stories."

Arthur Train, sometime member of this prosecuting staff, has opportunity to record several of these curious and exciting "True Stories of Crime" (copyright, 1908, by Charles Scribners Sons). None yields less to fiction save in the fact that it is true, and not at all in quality of dramatic interest, than "A Flight into Texas," here given.

Readers of the newspapers a few years ago will remember the names of Abraham Hummel and Charles F. Dodge. The latter, a railroad conductor, was alleged to have committed perjury at the dictate of the former, known as one of the brightest, least scrupulous lawyers in this city. It was one of District Attorney Jerome's great ambitions to bring Hummel to justice. Here was an opportunity. If Dodge could only be forced to testify to this perjury before a court, Hummel could undoubtedly be convicted of a crime that would not only disbar him from the legal profession, but would put him in jail.

Dodge had run away and disappeared as the storm seemed about to burst. Where was he? Who could find and bring him back—against Abe Hummel's wish?—EDITOR.)

Who could accomplish that in which the law was powerless?—Hummel. Who could drive to the uttermost ends of the earth persons against whom not a shadow of suspicion had previously rested?—Hummel. Who dictated to the chiefs of police of foreign cities what they should or should not do in certain cases; and who could, at the beckoning of his little finger, summon to his dungeon-like offices in the New York Life Building, whither his firm had removed from Centre Street, the most prominent of lawyers, the most eminent of citizens?—Surely none but Hummel. And now Hummel was fighting for his own life. The only man that stood between him and the iron bars of Blackwell's Island was Charles F. Dodge—the man whom he had patted on the knee in his office and called a "Mascot," when quite in the nature of business he needed a little perjury to assist a wealthy client.

Hummel in terror called into play every resource upon which, during forty years of practice, his tiny tentacles had fastened. Who shall say that while he made a show of enjoying himself nightly with his accustomed lightheartedness in the Tenderloin, he did not feel confident that in the end this peril would disappear like the others which had from time to time threatened him during his criminal career? But Hummel was fully aware of the tenacity of the man who had resolved to rid New York of his malign influence. His Nemesis was following him. In his dreams, if he ever dreamed, it probably took the shape of the square-shouldered District Attorney in the shadow of whose office building the little shyster practiced his profession. Had he been told that this Nemesis was in reality a jovial little man with a round, ruddy face and twinkling blue eyes he would have laughed as heartily as it was in his power to laugh. Yet such was the fact. A little man who looked less like a detective than a commercial traveler selling St. Peter's Oil or some other cheerful concoction, with manners as gentle and a voice as soft as a spring zephyr, who always took off his hat when he came into a business office, seemingly bashful to the point of self-effacement, was the one who snatched Charles F. Dodge from the borders of Mexico and held him in an iron grip when every influence upon which Hummel could call for aid, from crooked police officials,

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corrupt judges, and a gang of cutthroats under the guise of a sheriff's posse, were fighting for his release.

Jesse Blocher is not employed in New York County, and for business reasons he does not wish his present address known. When he comes to New York he occasionally drops into the writer's office for a cigar and a friendly chat about old times. And as he sits there and talks so modestly and with such quiet humor about his adventures with the Texas Rangers among the cactus-studded plains of the Lone Star State, it is hard, even for one who knows the truth, to realize that this man is one of the greatest of detectives, or rather one of the most capable, resourceful, adroit, and quick-witted knights of adventure who ever set forth upon a seemingly impossible errand.

It is unnecessary to state just how the District Attorney discovered the existence of "Jesse," as we knew him. It is enough to say that on Saturday morning, July 23, 1904, he was furnished with the proper credentials and given instructions to proceed at once to New Orleans, Louisiana, and "locate," if it were humanly possible to do so, Charles F. Dodge, under indictment for perjury, and potentially the chief witness against Abraham H. Hummel, on a charge of conspiracy. He was told briefly and to the point that, in spite of the official reports from the police headquarters of both New York City and New Orleans to the contrary, there was reason to believe that Dodge was living, although not registered, as a guest at the St. Charles Hotel in the latter city. A partial and inaccurate description of Dodge was given him and he was warned to use extreme caution to prevent any knowledge of his mission from being made known. Once Dodge had been discovered, he was to keep him under surveillance and wire New York immediately.

Accordingly, Jesse left the city upon the same day at 4.45 P. M. and arrived two days later, at 9.15 on Monday morning, at New Orleans, where he went directly to the St. Charles Hotel, registered, and was assigned to room Number 547 on the fifth floor. Somewhere in the hotel Dodge was secreted. The question was how to find him. For an hour Jesse sat in the hotel foyer and meditatively watched the visitors come and go, but saw no sign of his quarry. Then he arose, put on his hat, and hunted out a stationery store where for two cents he bought a bright-red envelope. He then visited a ticket-scalper's office, secured the owner's business card, and wrote a note on its back to Dodge, offering him cheap transportation to any point that he might desire. Armed with this he returned to the hotel, walked to the desk, glanced casually over a number of telegrams exposed in a rack and, when the clerk turned his back, placed the note, addressed to Charles F. Dodge, unobserved, upon the counter. The office was a busy one, guests were constantly depositing their keys and receiving their mail, and, even as Jesse stood there watching developments, the clerk turned round, found the note, and promptly placed it in box Number 420. The very simple scheme had worked, and quite unconsciously the clerk had indicated the number of the room occupied by Dodge.

Jesse lost no time in ascending to the fourth floor, viewed room Number 420, returned to the desk, told the clerk that he was dissatisfied with the room assigned him, and requested that he be given either room Number 421, 423, or 425, one of which he stated that he had occupied on a previous visit. After some discussion the clerk allotted him room Number 423, which was almost directly opposite that occupied by Dodge, and the detective at once took up his task of watching for the fugitive to appear.

Within the hour the door opened and Dodge and a companion, who subsequently proved to be E. M. Bracken, alias "Bradley," an agent employed by Howe and Hummel, left the room, went to the elevator, and descended to the dining-room upon the second floor. Jesse watched until they were safely ensconced at breakfast and then returned to the fourth floor where he tipped the chambermaid, told her that he had left his key at the office, and induced her to unlock the door of room Number 420, which she did under the supposition that Jesse was the person who had left the chamber in Dodge's company. The contents of the room convinced Jesse that he had found Dodge, for he discovered there two grips bearing Dodge's name as well as several letters on the table addressed to him. The detective returned to the hall and had a little talk with the maid.

"The old gentleman with you has been quite sick," she said. "How is he to-day?"

"He is some better," answered Jesse.

"Yes, he does look better to-day," she added, "but he sho'ly was powerful sick yesterday. Why, he hasn't been out of his room befo' fo' five or six days."

This statement was corroborated by Dodge's physical appearance, for he looked haggard and worn.

Jesse was now confident that he had found Dodge, in spite of the reports of the New Orleans police to the contrary, and he was also reasonably sure that the fugitive was too sick to leave the hotel immediately. He

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therefore telegraphed his superiors that he had discovered Dodge and that the latter was ill at the St. Charles Hotel.

At three o'clock in the afternoon Jesse received a wire from New York as follows:

"New Orleans police department claims party not there. Left for Mexico three weeks ago. Ascertain correct destination and wire at once."

Jesse at once replied:

"No question as to identity and presence here at this time."

He now took up the task of keeping his quarry under absolute surveillance day and night, which duty from that moment he continued for a period of nearly ten months.

During the remainder of the afternoon and throughout the night Dodge and Bracken remained in room Number 420, and during the evening were visited by several strangers, including a plain-clothes officer from the New Orleans Police Headquarters. Little Hummel, dining in Long Acre Square in the glare of Broadway, was pressing some invisible button that transmitted the power of his influence even to the police government of a city two thousand miles away.

The following day, January 26th, at about 8.40 in the morning, Dodge and Bracken descended to the lobby. Bracken departed from the hotel, leaving Dodge to pay the bill at the cashier's window and Jesse heard him order a cab for the 11.30 A. M. Sunset Limited on the Southern Pacific Railroad and direct that his baggage be removed from his room. Jesse did the same.

In the meantime Bracken returned and promptly at 11 A. M. left for the railroad station in a cab with Dodge. Jesse followed in another. As the two passed through the gates the detective caught a glimpse of Dodge's ticket and saw that it had been issued by the Mexican National Railway. Retiring to the telegraph office in the station he wired New York as follows:

"Bird flying.—Sunset Limited. Destination not known. I am with him."

He then hastily purchased a ticket to Houston, Texas, and boarded the train. Dodge's companion had bidden him good-by as the engine started, and Jesse's task now became that of ferreting out Dodge's destination. After some difficulty he managed to get a glimpse of the whole of the fugitive's ticket and thus discovered that he was on his way to the City of Mexico, via Eagle Pass, Texas, while from the Pullman conductor he learned that Dodge had secured sleeping-car accommodation as far as San Antonio, Texas, only.

So far all was well. He knew Dodge but Dodge did not know him, and later on in the afternoon he had the satisfaction of a long talk with his quarry in the observation car where they amiably discussed together current events and argued politics with the same vehemence as if they had been commercial travellers thrown fortuitously into each other's company. Dodge, however, cleverly evaded any reference to his destination.

When the train reached Morgan City, Louisiana, at 3 P. M., which was the first stop, Jesse wired New York as follows:

"On Sunset Limited with friend. He has transportation to the City of Mexico, via Eagle Pass, where I am now journeying with him. Answer to Beaumont, Texas."

Later in the afternoon he sent an additional message from Lafayette, Louisiana:

"Have seen transportation of friend and am positive of destination."

Dodge was occupying Section 3 of the sleeping car "Capitola," and, as became an invalid, retired early.

At Beaumont Jesse failed to receive any reply to his various messages, and when the train arrived at Houston no word came from New York until it was almost the time of departure. Waiting until practically the last moment Jesse hurried through the gates of the Union Station at Houston and bought a ticket to San Antonio. As he was leaving the ticket window Night Chief of Police John Howard and two officers came hurrying up inquiring anxiously for "Mr. Jesse." The reinforcements had arrived.

Outside on the track "The Sunset Limited" was just getting under way. The first frantic puffs were being vomited from the funnel. Inside Dodge was sleeping peacefully in his berth. Jesse, accompanied by Chief Howard, hurried up to the conductor who was about to swing on to the steps of the sleeper, and ordered him to hold the train till the fugitive could be removed. After some argument the conductor grumblingly complied and Dodge was aroused from pleasant dreams of the "Creole Quarter" to the cold reality of being dragged out of bed by a policeman. He was unceremoniously hustled out of the sleeping car into a carriage and taken to Headquarters where he admitted his identity and remarked:

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"I know what I am wanted for, but I will never return to New York."

In his grip was found the sum of \$1,563.15, as well as numerous letters from the law firm of Howe and Hummel, and a quantity of newspaper clippings relative to his case.

Dodge pleaded with Chief Howard not to lock him up, urging that he was a sick man and offering a goodly sum if he might be taken to a hotel and guarded for the remainder of the night. But what "went" in New Orleans did not "go" in Houston, and the best that Dodge could get for himself was a cot in the "Ladies' Detention Room" on the second floor of the jail.

Early the following morning Jesse visited Police Headquarters and for the first time met George Ellis, Chief of Police of Houston, for whom he will always have a feeling of deep gratitude for his enthusiastic cooperation and loyalty in the many stirring events that followed. Dodge now received a telegram from New York, which was submitted to Jesse before reaching the prisoner, to the effect that Howe and Hummel were sending on an attorney to aid the fugitive in resisting extradition, and informing him that they had employed Messrs. Hunt and Meyers as attorneys to look out for his welfare. These last immediately jumped in medias res and on the afternoon of the same day secured a writ of habeas corpus from Norman J. Kitrell, District Judge of Harris County, Texas, returnable the following morning.

The next day, January 28th, Kitrell released Dodge from custody.

Jesse had anticipated this and immediately swore out another warrant with the result that the prisoner was rearrested before he left the courtroom.

Meantime the Dodge interests retained another firm of lawyers, Messrs. Andrews and Ball, who, on the following day, secured a second writ of habeas corpus from Judge Ashe.

The result of the first engagement thus being a draw, counsel on both sides agreed that this writ should not be returnable for six days. During this period District Attorney Jerome employed Messrs. Baker, Botts, Parker and Garwood to represent him and secured from Governor Odell at Albany a requisition on Governor Lanham of Texas for the extradition of the prisoner, which he entrusted to Detective Sergeant Herlihy of the New York Police. Herlihy reached Houston with the papers on the evening of January 30th, and on the same train with him came Abraham Kaffenburgh, a member of the law firm of Howe and Hummel and a nephew of the latter. Likewise also came Bracken, still styling himself "E. M. Bradley," and from now on Bracken was the inseparable companion, guide, philosopher, and friend (?) of the unfortunate Dodge, whose continued existence upon this earth had become such a menace to the little lawyer in New York.

Herlihy, accompanied by Judge Garwood, proceeded direct to Austin where they found Dodge already represented by Messrs. Andrews and Ball who, at the hearing before Governor Lanham, made a strong effort to induce that executive to refuse to honor the requisition of the Governor of New York. This effort failed and Governor Lanham issued his warrant, but Herlihy had no sooner returned to Houston for the purpose of taking possession of the prisoner than he was served with an injunction enjoining him, together with Chief of Police Ellis, from taking Dodge into custody, pending a hearing upon a new habeas corpus which had been issued by Judge Waller T. Burns of the United States District Court for the Southern District of Texas. This new writ was returnable February 9th.

After exhaustive but futile argument by the counsel for Dodge, Judge Burns remanded the prisoner to Herlihy's custody to be returned to the State of New York, but this decision had no sooner been rendered than an appeal was taken therefrom by Dodge's lawyers, and the prisoner released upon bail fixed at twenty thousand dollars.

During this period Dodge was quartered under guard at the Rice Hotel in Houston, and the day following the argument the twenty-thousand-dollars bail was put up in cash and Dodge released from custody.

In the meantime, however, Jesse, knowing that no sum, however large, would deter Hummel from spiriting Dodge out of the country, had made his arrangements to secure a new extradition warrant from the Governor of Texas, so that if the prisoner did succeed in getting beyond the Southern District of the Federal Court of Texas, he could be seized and conveyed to New York.

Of course someone had to keep watch over Dodge while Jesse hurried to Austin to see the Governor, and it was decided to leave Sergeant Herlihy, re-enforced by a number of local detectives for that purpose. But while the watchful Jesse was away, Bracken proceeded to get busy in the good old Howe and Hummel fashion. Lots of people that Herlihy had never seen before turned up and protested that he was the finest fellow they had ever met.

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And as Herlihy was, in fact, a good fellow, he made them welcome and dined and wined at their expense until he woke up in the Menger Hotel in San Antonio and inquired where he was.

Jesse meantime had returned from Austin to discover that Dodge with his companions, Kaffenburgh and Bracken, had slipped out of Houston early in the morning of February 11th, after disposing of Herlihy and eluding the watchfulness of Herlihy's assistants. Hummel was leading and by ten o'clock the next morning Dodge and his comrades were on board an English merchantman lying in the harbor of Galveston. Later in the same day the Hummel interests chartered from the Southern Pacific Railroad for the sum of three thousand dollars the sea-going tug Hughes, to which Dodge was now transferred for the purpose of being conveyed to the port of Tampico in the Republic of Mexico.

But here Hummel's wires became crossed with Jerome's, and unfortunately for the little lawyer, the persons from whom the tug had been leased turned out to be closely allied with the prosecution's interests, with the result that the captain of the tug was instructed by his superiors under no consideration to put into any Mexican port, but on the contrary, to delay his departure from the harbor of Galveston for a period of two days and then to proceed only as far as Brownsville, Texas, where he should compel the debarkation of the fugitive. The captain, who was a good sport as well as a good officer, promptly threw himself into the part and told Bracken and Kaffenburgh that it was evident from the barometer that a severe storm was approaching (which must have had a sinister implication to these two unfortunate gentlemen), and that he could not think of putting to sea. Once the "storm" had blown over, the tug started out across the blue waters of the Gulf of Mexico. But now Bracken and Kaffenburgh were informed for the first time it was impossible to consider putting into any port of the Republic of Mexico, since to do so would cause international complications and compel the revocation of the captain's license. In desperation the Hummel interests offered the captain five thousand dollars in cash to disregard his instructions and put into Tampico, but the worthy sea-dog was adamant. It was probably worth five thousand dollars to him to see three gentry of this pattern so much put about.

While Dodge and his accomplices were dallying in the harbor of Galveston, Jesse was taking advantage of his opportunity to proceed at once by railroad to Alice, Texas, which at that time was the furthestmost southern point reached by any railway in the direction of Brownsville. On his arrival, he at once applied to Captain John R. Hughes, commanding Company D of the Texas Rangers, who received him with great joy and ordered a detachment of the Rangers to meet the tug at Point Isabelle at the mouth of the Rio Grande River on the border of Mexico. In the meantime, Jesse started on a toilsome stage journey to Brownsville, across one hundred and seventy miles of desert, which occupied two days and nights, and necessitated his going without sleep for that period. During the trip Jesse heard no word of English and had as his associates only Mexican cattlemen. Every fifteen miles a fresh relay of broncos was hitched to the stage and after a few moments' rest the misery began again.

Jesse had been hurrying toward Brownsville by stage while Dodge, Kaffenburgh, and Bracken were landing at Point Isabelle, where they were kept under close surveillance by Sergeant Tom Ross of the Rangers. Thence they took the train to Brownsville, registering at the Miller House under the assumed names of C. F. Dougherty, A. Koontzman, and E. M. Barker, all of Oklahoma. But, although they knew it not, Sergeant Tom was at their elbow, and had Dodge attempted to cross the border into Mexico he would instantly have been placed under arrest.

As Brownsville was within the Southern District of the Federal Court of Texas, Jesse decided not to arrest Dodge until he should actually attempt flight, and when Dodge and his companions, on the following morning, February 15th, entered the stage (the same upon which Jesse had arrived) and started for Alice, Jesse and Tom Ross procured the best horses they could find and started after them, keeping just in sight of the stage. Dodge's intention in making this move was to take the Mexican International Railway at Alice and cross over to Mexico via Laredo.

Jesse and Ross covered the seventy-four miles from Brownsville to Santa La Cruz Ranch by four in the afternoon, which was fairly strenuous work for a New York detective, and here found themselves so sore and exhausted from their ride that they were glad to hire a pair of horses and buggy with which to complete the journey to Alice. Luckily they were able to get into telephonic communication with various ranch owners along the road and arrange to have fresh relays of horses supplied to them every twenty miles, and here also Jesse called up Captain Hughes at Alice, and suggested that he substitute for the regular night clerk at the City Hotel one of the privates of the Rangers by the name of Harrod.

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Dodge and his companions arrived in Alice on February 17th, and, as Jesse had anticipated, repaired at once to the City Hotel, where, inasmuch as they were dry from the dust of their trip and depressed by lack of society, they entered at once into an enthusiastic and confidential friendship with the man behind the counter in the hotel office, sublimely ignorant that they were unfolding to a member of the Texas Rangers all their most secret intentions. Harrod was just as glad to see Dodge as Dodge apparently was to see Harrod, and kindly offered to assist the fugitive to get into Mexico in any way that the latter desired. Dodge, for his part, took advantage of his usefulness to the extent of requesting him to purchase them railroad tickets, the plan being to leave Alice the following morning for Monterey, Mexico. Three hours after the stage bearing Dodge and his party pulled up at the City Hotel, Tom Ross and Jesse drove in behind a pair of fagged-out broncos at two in the morning. Jesse had had no sleep of any sort and no proper nourishment for five days, and had just strength enough left to drag himself up one flight of stairs and tumble into bed, from which he did not emerge for many hours.

In the meantime day broke and Dodge, Kaffenburgh, and Bracken, having breakfasted, drove comfortably down to the International Railway Station and settled themselves in the smoker, but they had no sooner given this direct evidence of their intention before Captain Hughes entered and placed Dodge under arrest. The latter's surprise may be appreciated when it is stated that from the time the three had left Houston, they had no idea that they were being followed and believed that they had completely foiled Jesse and his assistants.

While Jesse had been chasing Dodge across the desert, his lawyers had not been idle and had secured at Austin another extradition warrant from Governor Lanham, who, on receiving news of the arrest, promptly instructed Captain Hughes by wire to assume charge of the prisoner and to deliver him into the hands of the New York officer to be conveyed to New York.

There now began such a legal battle as the State of Texas had never known. Hummel had been forced into his last ditch and was fighting desperately for life. Through Kaffenburgh he at once applied for a new writ of habeas corpus in Nueces County and engaged counsel at Corpus Christi to assist in fighting for the release of the prisoner. Precisely as Hummel had intended, Chief Wright of Nueces rode into Alice and demanded the prisoner from Captain Hughes. As Hummel had NOT intended, Captain Hughes refused to surrender the prisoner and told Chief Wright to go to—well, he told him that he intended to obey his commander-in-chief, the Governor of Texas.

On February 20th, Hummel, through Kaffenburgh, attempted to get another writ of habeas corpus in Bee County, and promptly the Bee chief came buzzing over and demanded Dodge, but to him Hughes replied even as he had spoken to Wright.

Excitement in Alice had now reached such a pitch that Judge Burns, of the Federal Court, in Houston, ordered United States Marshal John W. Vann, of Alice, to assume charge of the prisoner. The indomitable Hughes, however, paid no more attention to the United States Marshal than he had to the local chiefs. But the situation was so delicate and the clash of authority might so easily have resulted in bloodshed that it was finally agreed by all parties that the best thing to do was to have the prisoner returned to Houston in the JOINT custody of Captain Hughes of the Rangers and the United States Marshal.

Jesse, through his counsel, in proper course, made application to forfeit Dodge's bond and remand him to jail, but the Hummel attorneys finally induced the Court, on the plea that to confine Dodge in jail would be detrimental to his already badly impaired health, to permit the prisoner to go free on a greatly increased bond, nevertheless restricting his movements to Harris County, Texas.

While Jesse had fought a winning battle up to this point he was at the end of his resources so far as the extradition of the prisoner was concerned, for Dodge was now at liberty, pending the decisions upon the habeas corpus proceedings of the United States Circuit Court of Appeals at Fort Worth, and the United States Supreme Court at Washington. But his orders were to BRING DODGE BACK TO New York. Hence, with the aid of some new men sent him from the North, he commenced an even closer surveillance of the prisoner than ever before by both day and night.

Meantime Kaffenburgh departed for New York, fleeing from the wrath of Judge Burns, who had issued a summons for him for contempt of the Federal Court on the ground that he had induced Dodge to attempt to jump his bond. In place of the blustering Kaffenburgh was sent another member of the famous law firm of Howe and Hummel, David May, an entirely different type of man. May was as mild as a day in June—as urbane as Kaffenburgh had been insolent. He fluttered into Houston like a white dove of peace with the proverbial olive

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branch in his mouth. From now on the tactics employed by the representatives of Hummel were conciliatory in the extreme. Mr. May, however, did not long remain in Houston, as it was apparent that there was nothing to be done by either side pending the action of the courts, and in any event Dodge was abundantly supplied with local counsel. The time had now come when Hummel must have begun to feel that the fates were against him and that a twenty-year term in state prison was a concrete possibility even for him.

In the meantime, Dodge and Bracken had taken up their headquarters at the Rice Hotel in the most expensive suite of rooms in the house, a new scheme for getting the prisoner beyond the reach of the New York courts apparently having been concocted. Dodge was now indulged in every conceivable luxury and vice. He was plunged into every sort of excess, there was no debauchery which Bracken could supply that was not his and their rapid method of existence was soon the talk of the county and continued to be so for ten long months. There is more than one way to kill a cat and more than one method of wiping out the only existing witness against a desperate man striving to escape the consequences of crime.

Dodge's daily routine was somewhat as follows: He never slept at his own hotel, but arose in the morning between ten and eleven o'clock, when he was at once visited by Bracken and supplied with numerous drinks in lieu of the breakfast for which he never had any desire. At noon the two would have luncheon with more drinks. In the afternoon they would retire to the poolrooms and play the races, and, when the races were over, they would then visit the faro banks and gamble until midnight or later. Later on they would proceed to another resort on Louisiana Street where Dodge really lived. Here his day may be said to have begun and here he spent most of his money, frequently paying out as much as fifty dollars a night for wine and invariably ending in a beastly state of intoxication. It is quite probable that never in the history of debauchery has any one man ever been so indulged in excesses of every sort for the same period of time as Dodge was during the summer and fall of 1904. The fugitive never placed his foot on mother earth. If they were going only a block, Bracken called for a cab, and the two seemed to take a special delight in making Jesse, as Jerome's representative, spend as much money in cab hire as possible. The Houston jehus never again experienced so profitable a time as they did during Dodge's wet season; and the life of dissipation was continued until, from time to time, the prisoner became so weak from its effects that he was forced to go under the care of a physician. A few days of abstinence always restored his vitality and he would then start out upon another round of pleasure.

During this period Jesse maintained a close and vigilant personal espionage over the prisoner. For over ten months he slept less than four hours each day, his fatigue being increased by the constant apprehension of treachery among his own men, and the necessity of being ever on the alert to prevent some move on the part of the defense to spirit the prisoner away. During the summer attempts were repeatedly made to evade the vigilance of Jesse and his men and several desperate dashes were frustrated by them, including one occasion when Bracken succeeded in rushing Dodge as far as Galveston, where they were forced to abandon their design.

From time to time Bracken would disappear from Houston for a week or ten days, stating on his return that he had been to New York, after which there was invariably some new move to get the prisoner away. Time and space prevent giving a detailed account of all the marches and counter-marches that took place in this battle of wit against wit.

In August, 1904, Bracken made one of his periodical visits to New York, and when he returned sought out Jesse and said: "Blocher, you might as well be a good fellow and get yours while you can. I mean that Dodge is not going back to New York, even if it cost a million dollars to prevent it." A few days later Bracken sent a gambler named Warner to Jesse, who offered the latter thirty-five hundred dollars to get "lost" long enough for the prisoner to slip over to Mexico. Acting upon the advice of his attorney, Jesse encouraged this attempt, under the belief that if he could get the Hummel forces in the position of having attempted to bribe him the prisoner's bail could then be forfeited and Dodge himself taken into custody. Hummel became wary, however, and apparently abandoned for the time the idea of bribery. Later on Bracken again disappeared. On his return a marked change was noticeable in his demeanor and Jesse observed that he was in constant consultation with Dodge, from which the detective drew the inference that some last desperate move was to be made towards the escape of the prisoner.

On one occasion Jesse saw Bracken showing Dodge a map and some drawings on paper, which so excited his suspicions that he followed the two with unremitting assiduity, and within a day or two was rewarded through Bracken's carelessness with an opportunity for going through the latter's coat pockets in the billiard room. Here he

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found a complete set of plans worked out in every detail for spiriting the prisoner from San Antonio into Mexico during the State Fair. These plans were very elaborate, every item having been planned out from the purchase of tickets, and passing of baggage through the customs, to hotel accommodation in the City of Mexico and Tampico, and steamship tickets from Tampico to Europe.

The plan had been to secure permission from the Court for Dodge to leave Houston long enough ostensibly to attend the fair at San Antonio and to "lose" him during the excitement and crowded condition of the city at that time.

It is, of course, needless to say that these plans were abandoned when Bracken discovered that Jesse had been forewarned.

Almost immediately thereafter the Circuit Court of Appeals at Fort Worth, Texas, decided one of the habeas corpus cases adversely to Dodge, but it still permitted him to retain his liberty pending the final determination of the questions involved by the Supreme Court at Washington.

The Hummel forces were apparently losing hope, however, for early in October another attempt was made to bribe Jesse. Bracken entered his room one evening and informed him that he could get his own price if he would only be a good fellow, and even went so far as to exhibit a quantity of money which he stated was twenty-five thousand dollars. The only result of this offer was to lead Jesse to redouble his precautions, for he argued that the situation must indeed be acute when such an offer could be deemed worth while. Thereafter it was obvious that the revelry of Dodge and his companions was on the increase. Accordingly Jesse added to his force of assistants.

On December 2, 1904, Nathaniel Cohen, another member of the firm of Howe and Hummel, arrived at Houston, and the next day the Supreme Court at Washington decided the appeal in the habeas corpus against the prisoner, who was at once ordered by Judge Burns into the custody of United States Marshal William M. Hansen.

Things looked black indeed for Dodge and blacker still for Hummel. How the little attorney, eating his midday lunch four thousand miles away, at Pontin's restaurant on Franklin Street, must have trembled in his patent leather boots! His last emissary, Cohen, at once procured an assistant by the name of Brookman and with him proceeded to Wharton County, Texas, where they secured a new writ of habeas corpus and induced the local sheriff, one Rich, to swear in a posse comitatus of one hundred men for the purpose of coming to Houston to take the prisoner by force of arms out of the hands of the United States Marshal.

This was one of the most daring and desperate attempts made in recent years to frustrate the law. Jesse believes that the real object of this posse was to precipitate a fight between themselves and the Federal authorities. It is not inconceivable that in such an event Dodge might either have escaped or been killed. The men composing the posse were of the most desperate character, and consisted largely of the so-called "feud factions" of Wharton County, known as "The Wood Peckers" and "The Jay Birds." Jesse has been informed, on what he regards as reliable authority, that this move cost the Hummel forces fifteen thousand dollars and that each member of the posse received one hundred dollars for his contemplated services in the "rescue" of the prisoner. But civil war, even on a small scale, cannot be indulged in without some inkling of the facts becoming known to the authorities, and prior to the receipt of the mandate of the Supreme Court, Judge Burns ordered the prisoner removed to Galveston for safe keeping.

Thus the long, expensive, and arduous struggle came finally to an end, for Judge Burns in due course ordered that Charles F. Dodge should be conveyed to New York in the personal custody of the United States Marshal and delivered by him to the New York authorities "within the borders of that State." Such an order was, of course, exceedingly unusual, if not almost unheard of, but it was rendered absolutely necessary by the powerful influence and resources, as well as the unscrupulous character, of those interested in securing Dodge's disappearance.

In order to thwart any plans for releasing the prisoner by violence or otherwise, and to prevent delay through the invoking of legal technicalities, Hansen and Jesse decided to convey Dodge to New York by water, and on the 16th of December the marshal and his five deputies boarded a Mallory Line steamer at Galveston and arrived in New York with their prisoner on the evening of December 23d.

Dodge reached New York a physical wreck. How he was induced to tell the whole truth after he had pleaded guilty to the charge against him is a story in itself. A complete reaction from his dissipation now occurred and for days his life was despaired of. Jesse, too, was, as the expression is, "all in," and the only persons who were still able to appreciate the delights of New York were the stalwart marshal and his boys, who for some time were objects of interest as they strolled along Broadway and drank "deep and hearty" in the cafes. To the assistants in

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the District Attorney's office they were heroes and were treated as such.

How Dodge finally testified against Hummel on the witness stand has already been told. As they say downtown, if Jerome had never done anything else, he would have "made good" by locking up Abe Hummel. No one ever believed he would do it. But Jerome never would have locked up Hummel without Jesse. And, as Jesse says with a laugh, leaning back in his chair and taking a long pull on his cigar, "I guess I would not do it again—no, I WOULD not do it again for all the money you could give me. The wonder is that I came out of it alive." When the reader comes to think about it he will probably agree with him.