

knowledge of his brother's affairs; and it was in this connection that the District Attorney's office did its chief functioning at the beginning of the case. Markham had lunched with Major Benson the day the crime was discovered, and though the latter had shown a willingness to co-operate—even to the detriment of his brother's character—his suggestions were of little value. He explained to Markham that, though he knew most of his brother's associates, he could not name anyone who would have any reason for committing such a crime, or anyone who, in his opinion, would be able to help in leading the police to the guilty person. He admitted frankly, however, that there was a side to his brother's life with which he was unacquainted, and regretted that he was unable to suggest any specific way of ascertaining the hidden facts. But he intimated that his brother's relations with women were of a somewhat unconventional nature; and he ventured the opinion that there was a bare possibility of a motive being found in that direction.

Pursuant of the few indefinite and unsatisfactory suggestions of Major Benson, Markham had immediately put to work two good men from the Detective Division assigned to the District Attorney's office, with instructions to confine their investigations to Benson's women acquaintances so as not to appear in any way to be encroaching upon the activities of the Central Office men. Also, as a result of Vance's apparent interest in the housekeeper at the time of the interrogation, he had sent a man to look into the woman's antecedents and relationships.

Mrs. Platz, it was learned, had been born in a small Pennsylvania town, of German parents, both of whom were dead; and had been a widow for over sixteen years. Before coming to Benson, she had been with one family for twelve years, and had left the position only because her mistress had given up housekeeping and moved into a hotel. Her former employer, when questioned, said she thought there had been a daughter, but had never seen the child, and knew nothing of it. In these facts there

was nothing to take hold of, and Markham had merely filed the report as a matter of form.

Heath had instigated a city-wide search for the grey Cadillac, although he had little faith in its direct connection with the crime ; and in this the newspapers helped considerably by the extensive advertising given the car. One curious fact developed that fired the police with the hope that the Cadillac might indeed hold some clue to the mystery. A street-cleaner, having read or heard about the fishing-tackle in the machine, reported the finding of two jointed fishing-rods, in good condition, at the side of one of the drives in Central Park near Columbus Circle. The question was : were these rods part of the equipment Patrolman McLaughlin had seen in the Cadillac? The owner of the car might conceivably have thrown them away in his flight ; but, on the other hand, they might have been lost by someone else while driving through the park. No further information was forthcoming, and on the morning of the day following the discovery of the crime the case, so far as any definite progress toward a solution was concerned, had taken no perceptible forward step.

That morning Vance had sent Currie out to buy him every available newspaper ; and he had spent over an hour perusing the various accounts of the crime. It was unusual for him to glance at a newspaper, even casually, and I could not refrain from expressing my amazement at his sudden interest in a subject so entirely outside his normal routine.

“ No, Van, old dear,” he explained languidly, “ I am not becoming sentimental or even human, as that word is erroneously used to-day. I cannot say with Terence, ‘ *Homo sum, humani nihil a me alienum puto,* ’ because I regard most things that are called human as decidedly alien to myself. But, y’know, this little flurry in crime has proved rather int’restin’, or, as the magazine writers say, intriguing—beastly word ! . . . Van, you really should read this precious interview with Sergeant Heath.

He takes an entire column to say, 'I know nothin'. A priceless lad! I'm becoming pos'tively fond of him.'

"It may be," I suggested, "that Heath is keeping his true knowledge from the papers, as a bit of tactical diplomacy."

"No," Vance returned, with a sad wag of the head; "no man has so little vanity that he would delib'rately reveal himself to the world as a creature with no perceptible powers of human reasoning—as he does in all these morning journals—for the mere sake of bringing one murderer to justice. That would be martyrdom gone mad."

"Markham, at any rate, may know or suspect something that hasn't been revealed," I said.

Vance pondered a moment.

"That's not impossible," he admitted. "He has kept himself modestly in the background in all this journalistic palaver. Suppose we look into the matter more thoroughly—eh, what?"

Going to the telephone he called the District Attorney's office, and I heard him make an appointment with Markham for lunch at the Stuyvesant Club.

"What about that Nadelmann statuette at Stieglitz's," I asked, remembering the reason for my presence at Vance's that morning.

"I ain't* in the mood for Greek simplifications to-day," he answered, turning again to his newspapers.

To say that I was surprised at his attitude is to express it mildly. In all my association with him I had never known him to forgo his enthusiasm for art in favour of any other divertimento; and heretofore anything pertaining to the law and its operations had failed to interest him. I realised, therefore, that something of an unusual nature was at work in his brain, and I refrained from further comment.

* Vance, who had lived many years in England, frequently said "ain't"—a contraction which is regarded there more leniently than in this country. He also pronounced *ate* as if it were spelled *et*; and I cannot remember his ever using the word "stomach" or "bug," both of which are under the social ban in England.

Markham was a little late for the appointment at the Club, and Vance and I were already at our favourite corner-table when he arrived.

“ Well, my good Lycurgus,” Vance greeted him, “ aside from the fact that several new and significant clues have been unearthed and that the public may expect important developments in the very near future, and all that sort of tosh, how are things really going ? ”

Markham smiled.

“ I see you have been reading the newspapers. What do you think of the accounts ? ”

“ Typical, no doubt,” replied Vance. “ They carefully and painstakingly omit nothing but the essentials.”

“ Indeed ? ” Markham’s tone was jocular. “ And what may I ask, do you regard as the essentials of the case ? ”

“ In my foolish amateur way,” said Vance, “ I looked upon dear Alvin’s toupee as a rather conspicuous essential, don’t y’know.”

“ Benson, at any rate, regarded it in that light, I imagine. . . . Anything else ? ”

“ Well, there was the collar and the tie on the chiffonier.”

“ And,” added Markham chaffingly, “ don’t overlook the false teeth in the tumbler.”

“ You’re pos’ively coruscatin’ ! ” Vance exclaimed. “ Yes, they, too, were an essential of the situation. And I’ll warrant the incomp’rable Heath didn’t even notice them. But the other Aristotles present were equally sketchy in their observations.”

“ You weren’t particularly impressed by the investigation yesterday, I take it,” said Markham.

“ On the contrary,” Vance assured him. “ I was impressed to the point of stupefaction. The whole proceedings constituted a masterpiece of absurdity. Everything relevant was sublimely ignored. There were at least a dozen *points de départ*, all leading in the same direction, but not one of them apparently was even noticed by any of the officiating *pourparleurs*. Everybody was too busy at such silly occupations as looking

for cigarette-ends and inspecting the ironwork at the windows—those *grilles*, by the way, were rather attractive—Florentine design.”

Markham was both amused and ruffled.

“One’s pretty safe with the police, Vance,” he said. “They get there eventually.”

“I simply adore your trusting nature,” murmured Vance. “But confide in me: what do you know regarding Benson’s murder?”

Markham hesitated.

“This is, of course, in confidence,” he said at length; “but this morning, right after you ’phoned, one of the men I had put to work on the amatory end of Benson’s life, reported that he had found the woman who left her handbag and gloves at the house that night—the initials on the handkerchief gave him the clue. And he dug up some interesting facts about her. As I suspected, she was Benson’s dinner companion that evening. She’s an actress—musical comedy, I believe. Muriel St. Clair by name.”

“Most unfortunate,” breathed Vance. “I was hoping, y’know, your myrmidons wouldn’t discover the lady. I haven’t the pleasure of her acquaintance, or I’d send her a note of commiseration. . . . Now, I presume, you’ll play the *juge d’instruction* and chivvy her most horribly, what?”

“I shall certainly question her, if that’s what you mean.”

Markham’s manner was preoccupied, and during the rest of the lunch we spoke but little.

As we sat in the Club’s lounge-room later, having our smoke, Major Benson, who had been standing dejectedly at a window close by, caught sight of Markham and came over to us. He was a full-faced man of about fifty, with grave kindly features and a sturdy, erect body.

He greeted Vance and me with a casual bow, and turned at once to the District Attorney.

“Markham, I’ve been thinking things over constantly

since our lunch yesterday," he said, "and there's one other suggestion I think I might make. There's a man named Leander Pfyfe who was very close to Alvin; and it's possible he could give you some helpful information. His name didn't occur to me yesterday, for he doesn't live in the city; he's on Long Island somewhere—Port Washington, I think. It's just an idea. The truth is, I can't seem to figure out anything that makes sense in this terrible affair."

He drew a quick, resolute breath, as if to check some involuntary sign of emotion. It was evident that the man, for all his habitual passivity of nature, was deeply moved.

"That's a good suggestion, Major," Markham said, making a notation on the back of a letter. "I'll get after it immediately."

Vance, who, during this brief interchange, had been gazing unconcernedly out of the window, turned and addressed himself to the Major.

"How about Colonel Ostrander? I've seen him several times in the company of your brother."

Major Benson made a slight gesture of deprecation.

"Only an acquaintance. He'd be of no value."

Then he turned to Markham.

"I don't imagine it's time even to hope that you've run across anything?"

Markham took his cigar from his mouth, and turning it about in his fingers, contemplated it thoughtfully.

"I wouldn't say that," he remarked, after a moment. "I've managed to find out whom your brother dined with Thursday night; and I know that this person returned home with him shortly after midnight." He paused as if deliberating the wisdom of saying more. Then: "The fact is, I don't need a great deal more evidence than I've got already to go before the Grand Jury and ask for an indictment."

A look of surprised admiration flashed in the Major's sombre face.

“ Thank God for that, Markham ! ” he said. Then, setting his heavy jaw, he placed his hand on the District Attorney’s shoulder. “ Go the limit—for my sake ! ” he urged. “ If you want me for anything, I’ll be here at the Club till late.”

With this he turned and walked from the room.

“ It seems a bit cold-blooded to bother the Major with questions so soon after his brother’s death,” commented Markham. “ Still, the world has got to go on.”

Vance stifled a yawn.

“ Why—in Heaven’s name ? ” he murmured listlessly.

Chapter VI

VANCE OFFERS AN OPINION

(Saturday, June 15 ; 2 p.m.)

WE sat for a while smoking in silence, Vance gazing lazily out into Madison Square, Markham frowning deeply at the faded oil portrait of old Peter Stuyvesant that hung over the fireplace.

Presently Vance turned and contemplated the District Attorney with a faintly sardonic smile.

"I say, Markham," he drawled ; "it has always been a source of amazement to me how easily you investigators of crime are misled by what you call clues. You find a footprint, or a parked motor-car, or a monogrammed handkerchief, and then dash off on a wild chase with your eternal *Ecce signum!* 'Pon my word, it's as if you chaps were all under the spell of shillin' shockers. Won't you ever learn that crimes can't be solved by deductions based merely on material clues and circumst'ntial evidence ? "

I think Markham was as much surprised as I at this sudden criticism ; yet we both knew Vance well enough to realise that, despite his placid and almost flippant tone, there was a serious purpose behind his words.

"Would you advocate ignoring all the tangible evidence of a crime ? " asked Markham, a bit patronisingly.

"Most emphatically," Vance declared calmly. "It's not only worthless, but dangerous. . . . The great trouble with you chaps, d'ye see, is that you approach every crime with a fixed and unshakable assumption that the criminal is either half-witted or a colossal bungler. I say, has it never by any chance occurred to you that if a detective could see a clue, the criminal would also have

seen it, and would either have concealed it or disguised it, if he had not wanted it found? And have you never paused to consider that anyone clever enough to plan and execute a successful crime these days, is, *ipso facto*, clever enough to manufacture whatever clues suit his purpose? Your detective seems wholly unwilling to admit that the surface appearance of a crime may be delib'ratedly deceptive, or that the clues may have been planted for the def'nite purpose of misleading him."

"I'm afraid," Markham pointed out, with an air of indulgent irony, "that we'd convict very few criminals if we were to ignore all indicatory evidence, cogent circumstances and irresistible inferences. . . . As a rule, you know, crimes are not witnessed by outsiders."

"That's your fundamental error, don't y'know," Vance observed impassively. "Every crime is witnessed by outsiders, just as is every work of art. The fact that no one sees the criminal, or the artist, actu'ly at work, is wholly incons'quential. The modern investigator of crime would doubtless refuse to believe that Rubens painted the *Descent from the Cross* in the Cathedral at Antwerp if there was sufficient circumst'ntial evidence to indicate that he had been away on diplomatic business, for instance, at the time it was painted. And yet, my dear fellow, such a conclusion would be prepost'rous. Even if the inf'rences to the contr'ry were so irresistible as to be legally overpowering, the picture itself would prove conclusively that Rubens did paint it. Why? For the simple reason, d'ye see, that no one but Rubens could have painted it. It bears the indelible imprint of his personality and genius—and his alone."

"I'm not an æsthetician," Markham reminded him, a trifle testily. "I'm merely a practical lawyer, and when it comes to determining the authorship of a crime, I prefer tangible evidence to metaphysical hypotheses."

"Your pref'rence, my dear fellow," Vance returned blandly, "will inev'tably involve you in all manner of embarrassing errors."

He slowly lit another cigarette, and blew a wreath of smoke toward the ceiling.

“Consider, for example, your conclusions in the present murder case,” he went on, in his emotionless drawl. “You are labouring under the grave misconception that you know the person who prob’bly killed the unspeakable Benson. You admitted as much to the Major; and you told him you had nearly enough evidence to ask for an indictment. No doubt, you do possess a number of what the learned Solons of to-day regard as convincing clues. But the truth is, don’t y’know, you haven’t your eye on the guilty person at all. You’re about to bedevil some poor girl who had nothing whatever to do with the crime.”

Markham swung about sharply.

“So!” he retorted. “I’m about to bedevil an innocent person, eh? Since my assistants and I are the only ones who happen to know what evidence we hold against her, perhaps you will explain by what occult process you acquired your knowledge of this person’s innocence.”

“It’s quite simple, y’know,” Vance replied, with a quizzical twitch of the lips. “You haven’t your eye on the murderer for the reason that the person who committed this particular crime was sufficiently shrewd and perspicacious to see to it that no evidence which you or the police were likely to find, would even remotely indicate his guilt.”

He had spoken with easy assurance of one who enunciates an obvious fact—a fact which permits of no argument.

Markham gave a disdainful laugh.

“No law-breaker,” he asserted oracularly, “is shrewd enough to see all contingencies. Even the most trivial event has so many intimately related and serrated points of contact with other events which precede and follow, that it is a known fact that every criminal—however long and carefully he may plan—leaves some loose end to his preparations, which in the end betrays him.”

“A known fact?” Vance repeated. “No, my dear

fellow—merely a conventional superstition, based on the childish idea of an implacable, avenging Nemesis. I can see how this esoteric notion of the inev'tability of divine punishment would appeal to the popular imagination, like fortune-telling and Ouija boards, don't y'know ; but—my word—it desolates me to think that you, old chap, would give credence to such mystical moonshine ! ”

“ Don't let it spoil your entire day,” said Markham acridly.

“ Regard the unsolved, or successful, crimes that are taking place every day,” Vance continued, disregarding the other's irony, “ —crimes which completely baffle the best detectives in the business, what? The fact is, the only crimes that are ever solved are those planned by stupid people. That's why, whenever a man of even mod'rate sagacity decides to commit a crime, he accomplishes it with but little diff'culty, and fortified with the positive assurance of his immunity to discovery.”

“ Undetected crimes,” scornfully submitted Markham, “ result, in the main, from official bad luck—not from superior criminal cleverness.”

“ Bad luck ”—Vance's voice was almost dulcet—“ is merely a defensive and self-consoling synonym for inefficiency. A man with ingenuity and brains is not harassed by bad luck. . . . No, Markham, old dear ; unsolved crimes are simply crimes which have been intelligently planned and executed. And, d'ye see, it happens that the Benson murder falls into that categ'ry. Therefore, when, after a few hours' investigation, you say you're pretty sure who committed it, you must pardon me if I take issue with you.”

He paused and took a few meditative puffs on his cigarette.

“ The factitious and casuistic methods of deduction you chaps pursue are apt to lead almost anywhere. In proof of which assertion I point triumphantly to the unfortunate young lady whose liberty you are now plotting to take away.”

Markham, who had been hiding his resentment behind a smile of tolerant contempt, now turned on Vance and fairly glowered.

“It so happens—and I’m speaking *ex cathedra*—” he proclaimed defiantly, “that I come pretty near having the goods on your ‘unfortunate young lady’.”

Vance was unmoved.

“And yet, y’know,” he observed drily, “no woman could possibly have done it.”

I could see that Markham was furious. When he spoke he almost spluttered.

“A woman couldn’t have done it, eh—no matter what the evidence?”

“Quite so,” Vance rejoined placidly: “not if she herself swore to it and produced a tome of what you scions of the law term, rather pompously, incontrovertible evidence.”

“Ah!” There was no mistaking the sarcasm of Markham’s tone. “I am to understand then that you even regard confessions as valueless?”

“Yes, my dear Justinian,” the other responded, with an air of complacency; “I would have you understand precisely that. Indeed, they are worse than valueless—they’re downright misleading. The fact that occasionally they may prove to be correct—like woman’s prepost’rously overrated intuition—renders them just so much more unreliable.”

Markham grunted disdainfully.

“Why should any person confess something to his detriment unless he felt that the truth had been found out, or was likely to be found out?”

“’Pon my word, Markham, you astound me! Permit me to murmur, *privatissime et gratis*, into your innocent ear that there are many other presumable motives for confessing. A confession may be the result of fear, or duress, or expediency, or mother-love, or chivalry, or what the psycho-analysts call the inferiority complex, or delusions, or a mistaken sense of duty, or a perverted

egotism, or sheer vanity, or any other of a hundred causes. Confessions are the most treach'rous and unreliable of all forms of evidence; and even the silly and unscientific law repudiates them in murder cases unless substantiated by other evidence."

"You are eloquent; you wring me," said Markham. "But if the law threw out all confessions and ignored all material clues, as you appear to advise, then society might as well close down all its courts and scrap all its jails."

"A typical *non sequitur* of legal logic," Vance replied.

"But how would you convict the guilty, may I ask?"

"There is one infallible method of determining human guilt and responsibility," Vance explained; "but as yet the police are as blissfully unaware of its possibilities as they are ignorant of its operations. The truth can be learned only by an analysis of the psychological factors of a crime, and an application of them to the individual. The only real clues are psychological—not material. Your truly profound art expert, for instance, does not judge and authenticate pictures by an inspection of the underpainting and a chemical analysis of the pigments, but by studying the creative personality revealed in the picture's conception and execution. He asks himself: Does this work of art embody the qualities of form and technique and mental attitude that made up the genius—namely, the personality—of Rubens, or Michelangelo, or Veronese, or Titian, or Tintoretto, or whoever may be the artist to whom the work was tentatively credited."

"My mind is, I fear," Markham confessed, "still sufficiently primitive to be impressed by vulgar facts; and in the present instance—unfortunately for your most original and artistic analogy—I possess quite an array of such facts, all of which indicate that a certain young woman is the—shall we say—creator of the criminal *opus* entitled *The Murder of Alvin Benson*."

Vance shrugged his shoulders almost imperceptibly.

“ Would you mind telling me—in confidence, of course—what these facts are? ”

“ Certainly not,” Markham acceded. “ *Imprimis*: the lady was in the house at the time the shot was fired.”

Vance affected incredibility.

“ Eh—my word! She was actu'lly there? Most extr'ordin'ry! ”

“ The evidence of her presence is unassailable,” pursued Markham. “ As you know, the gloves she wore at dinner, and the handbag she carried with her, were both found on the mantel in Benson's living-room.”

“ Oh! ” murmured Vance, with a faintly deprecating smile. “ It was not the lady, then, but her gloves and bag which were present—a minute and unimportant distinction, no doubt, from the legal point of view. . . . Still,” he added, “ I deplore the inability of my layman's untutored mind to accept the two conditions as identical. My trousers are at the dry-cleaners; therefore, I am at the dry-cleaners, what? ”

Markham turned on him with considerable warmth.

“ Does it mean nothing in the way of evidence, even to your layman's mind, that a woman's intimate and necessary articles, which she has carried throughout the evening, are found in her escort's quarters the following morning? ”

“ In admitting that it does not,” Vance acknowledged quietly, “ I no doubt expose a legal perception lamentably inefficient.”

“ But since the lady certainly wouldn't have carried these particular objects during the afternoon, and since she couldn't have called at the house that evening during Benson's absence without the housekeeper knowing it, how, may one ask, did these articles happen to be there the next morning if she herself did not take them there late that night? ”

“ 'Pon my word, I haven't the slightest notion,” Vance rejoined. “ The lady herself could doubtless appease your curiosity. But there are any number of possible ex-

planations, y'know. Our departed Chesterfield might have brought them home in his coat pocket—women are eternally handing men all manner of gewgaws and bundles to carry for 'em, with the cooing request: 'Can you put this in your pocket for me?' . . . Then again, there is the possibility that the real murderer secured them in some way, and placed them on the mantel delib'rately to mislead the *polizei*. Women, don't y'know, never put their belongings in such neat, out-of-the-way places as mantels and hat racks. They invariably throw them down on your fav'rite chair or your centre-table."

"And, I suppose," Markham interjected, "Benson also brought the lady's cigarette butts home in his pocket?"

"Stranger things have happened," returned Vance equably; "though I shan't accuse him of it in this instance. . . . The cigarette butts may, y'know, be evidence of a previous *conversazione*."

"Even your despised Heath," Markham informed him, "had sufficient intelligence to ascertain from the house-keeper that she sweeps out the grate every morning."

Vance smiled admiringly.

"You're so thorough, aren't you? . . . But, I say, that can't be, by any chance, your only evidence against the lady?"

"By no means," Markham assured him. "But, despite your superior distrust, it's good corroboratory evidence, nevertheless."

"I dare say," Vance agreed, "—seeing with what frequency innocent persons are condemned in our courts. . . . But tell me more."

Markham proceeded with an air of quiet self-assurance.

"My man learned, first, that Benson dined alone with this woman at the 'Marseilles,' a little bohemian restaurant in West Fortieth Street; secondly, that they quarrelled; and thirdly, that they departed at midnight, entering a taxicab together. . . . Now, the murder was committed at twelve-thirty; but since the lady lives on Riverside

Drive, in the Eighties, Benson couldn't possibly have accompanied her home—which obviously he would have done had he not taken her to his own house—and returned by the time the shot was fired. But we have further proof pointing to her being at Benson's. My man learned, at the woman's apartment-house, that actually she did not get home until shortly after one. Moreover, she was without her gloves and handbag, and had to be let in to her rooms with a pass-key, because, as she explained, she had lost hers. As you remember, we found the key in her bag. And—to clinch the whole matter—the smoked cigarettes in the grate corresponded to the one you found in her case."

Markham paused to relight his cigar.

"So much for that particular evening," he resumed. "As soon as I learned the woman's identity this morning, I put two more men to work on her private life. Just as I was leaving the office this noon the men 'phoned in their reports. They had learned that the woman has a fiancé, a chap named Leacock, who was a captain in the army, and who would be likely to own just such a gun as Benson was killed with. Furthermore, this Captain Leacock lunched with the woman the day of the murder and also called on her at her apartment the morning after."

Markham leaned slightly forward, and his next words were emphasised by the tapping of his fingers on the arm of the chair.

"As you see, we have the motive, the opportunity and the means. . . . Perhaps you will tell me now that I possess no incriminating evidence."

"My dear Markham," Vance affirmed calmly, "you haven't brought out a single point which could not easily be explained away by any bright schoolboy." He shook his head lugubriously. "And on such evidence people are deprived of their life and liberty! 'Pon my word, you alarm me. I tremble for my personal safety."

Markham was nettled.

“Would you be so good as to point out, from your dizzy pinnacle of sapience, the errors in my reasoning?”

“As far as I can see,” returned Vance evenly, “your particularisation concerning the lady is innocent of reasoning. You’ve simply taken several unaffined facts, and jumped to a false conclusion. I happen to know the conclusion is false because all the psychological indications of the crime contradict it—that is to say, the only real evidence in the case points unmistakably in another direction.”

He made a gesture of emphasis, and his tone assumed an unwonted gravity.

“And if you arrest any woman for killing Alvin Benson, you will simply be adding another crime—a crime of delib’rate and unpardonable stupidity—to the one already committed. And between shooting a bounder like Benson and ruining an innocent woman’s reputation, I’m inclined to regard the latter as the more reprehensible.”

I could see a flash of resentment leap into Markham’s eyes; but he did not take offence. Remember: these two men were close friends; and, for all their divergency of nature, they understood and respected each other. Their frankness—severe and even mordant at times—was, indeed, a result of that respect.

There was a moment’s silence; then Markham forced a smile.

“You fill me with misgivings,” he averred mockingly; but, despite the lightness of his tone, I felt that he was half in earnest. “However, I hadn’t exactly planned to arrest the lady just yet.”

“You reveal commendable restraint,” Vance complimented him. “But I’m sure you’ve already arranged to ballyrag the lady and perhaps trick her into one or two of those contradictions so dear to every lawyer’s heart—just as if any nervous or high-strung person could help indulging in apparent contradictions while being cross-questioned as a suspect in a crime they had nothing

to do with. . . . To 'put 'em on the grill'—a most accurate designation. So reminiscent of burning people at the stake, what? "

"Well, I'm most certainly going to question her," replied Markham firmly, glancing at his watch. "And one of my men is escorting her to the office in half an hour; so I must break up this most delightful and edifying chat."

"You really expect to learn something incriminating by interrogating her?" asked Vance. "Y'know, I'd jolly well like to witness your humiliation. But I presume your heckling of suspects is a part of the legal arcana."

Markham had risen and turned toward the door, but at Vance's words he paused and appeared to deliberate.

"I can't see any particular objection to your being present," he said, "if you really care to come."

I think he had an idea that the humiliation of which the other had spoken would prove to be Vance's own; and soon we were in a taxicab headed for the Criminal Courts Building.

Chapter VII

REPORTS AND AN INTERVIEW

(Saturday, June 15 ; 3 p.m.)

We entered the ancient building, with its discoloured marble pillars and balustrades and its old-fashioned iron scroll-work, by the Franklin Street door, and went directly to the District Attorney's office on the fourth floor. The office, like the building, breathed an air of former days. Its high ceilings, its massive golden-oak woodwork, its elaborate low-hung chandelier of bronze and china, its dingy bay walls of painted plaster, and its four high narrow windows to the south—all bespoke a departed era in architecture and decoration.

On the floor was a large velvet carpet-rug of dingy brown ; and the windows were hung with velour draperies of the same colour. Several large comfortable chairs stood about the walls and before the long oak table in front of the District Attorney's desk. This desk, directly under the windows and facing the room, was broad and flat, with carved uprights and two rows of drawers extending to the floor. To the right of the high-backed swivel desk-chair, was another table of carved oak. There were also several filing cabinets in the room, and a large safe. In the centre of the east wall a leather-covered door, decorated with large brass nail-heads, led into a long narrow room, between the office and the waiting-room, where the District Attorney's secretary and several clerks had their desks. Opposite to this door was another one opening into the District Attorney's inner sanctum ; and still another door, facing the windows, gave on the main corridor.

Vance glanced over the room casually.

“ So this is the matrix of municipal justice—eh, what? ” He walked to one of the windows and looked out upon the grey circular tower of the Tombs opposite. “ And there, I take it, are the oubliettes where the victims of our law are incarcerated so as to reduce the competition of criminal activity among the remaining citizenry. A most distressin’ sight, Markham.”

The District Attorney had sat down at his desk and was glancing at several notations on his blotter.

“ There are a couple of my men waiting to see me,” he remarked, without looking up; “ so, if you’ll be good enough to take a chair over here, I’ll proceed with my humble efforts to undermine society still further.”

He pressed a button under the edge of his desk, and an alert young man with thick-lensed glasses appeared at the door.

“ Swacker, tell Phelps to come in,” Markham ordered. “ And also tell Springer, if he’s back from lunch, that I want to see him in a few minutes.”

The secretary disappeared, and a moment later a tall, hawk-faced man, with stoop-shoulders and an awkward angular gait, entered.

“ What news? ” asked Markham.

“ Well, Chief,” the detective replied in a low grating voice, “ I just found out something I thought you could use right away. After I reported this noon, I ambled round to this Captain Leacock’s house, thinking I might learn something from the house-boys, and ran into the Captain coming out. I tailed along; and he went straight up to the lady’s house on the Drive, and stayed there over an hour. Then he went back home, looking worried.”

Markham considered a moment.

“ It may mean nothing at all, but I’m glad to know it anyway. St. Clair’ll be here in a few minutes, and I’ll find out what she has to say. There’s nothing else for to-day. . . . Tell Swacker to send Tracy in.”

Tracy was the antithesis of Phelps. He was short, a

trifle stout, and exuded an atmosphere of studied suavity. His face was rotund and genial ; he wore a *pince-nez* ; and his clothes were modish and fitted him well.

“ Good morning, Chief,” he greeted Markham in a quiet, ingratiating tone. “ I understand the St. Clair woman is to call here this afternoon, and there are a few things I’ve found out that may assist in your questioning.”

He opened a small note-book and adjusted his *pince-nez*.

“ I thought I might learn something from her singing teacher, an Italian formerly connected with the Metropolitan, but now running a sort of choral society of his own. He trains aspiring *prima donnas* in their rôles with a chorus and settings, and Miss St. Clair is one of his pet students. He talked to me, without any trouble ; and it seems he knew Benson well. Benson attended several of St. Clair’s rehearsals, and sometimes called for her in a taxicab. Rinaldo—that’s the man’s name—thinks he had a bad crush on the girl. Last winter, when she sang at the Criterion in a small part, Rinaldo was back stage coaching, and Benson sent her enough hot-house flowers to fill the star’s dressing-room and have some left over. I tried to find out if Benson was playing the ‘ angel ’ for her, but Rinaldo either didn’t know or pretended he didn’t.” Tracy closed his note-book and looked up. “ That any good to you, Chief ? ”

“ First-rate,” Markham told him. “ Keep at work along that line, and let me hear from you again about this time Monday.”

Tracy bowed, and as he went out the secretary again appeared at the door.

“ Springer’s here now, sir,” he said. “ Shall I send him in ? ”

Springer proved to be a type of detective quite different from either Phelps or Tracy. He was older, and had the gloomy capable air of a hard-working book-keeper in a bank. There was no initiative in his bearing, but one felt that he could discharge a delicate task with extreme competency.

Markham took from his pocket the envelope on which he had noted the name given him by Major Benson.

"Springer, there's a man down on Long Island that I want to interview as soon as possible. It's in connection with the Benson case, and I wish you'd locate him and get him up here as soon as possible. If you can find him in the telephone-book you needn't go down personally. His name is Leander Pfyfe, and he lives, I think, at Port Washington."

Markham jotted down the name on a card and handed it to the detective.

"This is Saturday, so if he comes to town to-morrow, have him ask for me at the Stuyvesant Club. I'll be there in the afternoon."

When Springer had gone, Markham again rang for his secretary and gave instructions that the moment Miss St. Clair arrived she was to be shown in.

"Sergeant Heath is here," Swacker informed him, "and wants to see you if you're not too busy."

Markham glanced at the clock over the door.

"I guess I'll have time. Send him in."

Heath was surprised to see Vance and me in the District Attorney's office, but after greeting Markham with the customary handshake, he turned to Vance with a good-natured smile.

"Still acquiring knowledge, Mr. Vance?"

"Can't say that I am, Sergeant," returned Vance lightly. "But I'm learning a number of most intr'estin' errors. . . . How goes the sleuthin'?"

Heath's face became suddenly serious.

"That's what I'm here to tell the Chief about." He addressed himself to Markham. "This case is a jaw-breaker, sir. My men and myself have talked to a dozen of Benson's cronies, and we can't worm a single fact of any value out of 'em. They either don't know anything, or they're giving a swell imitation of a lot of clams. They all appear to be greatly shocked—bowled over, floored, flabbergasted—by the news of the shooting. And have

they got any idea as to why or how it happened? They'll tell the world they haven't. You know the line of talk: Who'd want to shoot good old Al? Nobody could've done it but a burglar who didn't know good old Al. If he'd known good old Al, even the burglar wouldn't have done it. . . . Hell! I felt like killing off a few of those birds myself so they could go and join their good old Al."

"Any news of the car?" asked Markham.

Heath grunted his disgust.

"Not a word. And that's funny, too, seeing all the advertising it got. Those fishing-rods are the only thing we've got. . . . The Inspector, by the way, sent me the post-mortem report this morning; but it didn't tell us anything we didn't know. Translated into human language, it said Benson died from a shot in the head, with all his organs sound. It's a wonder, though, they didn't discover that he'd been poisoned with a Mexican bean or bit by an African snake, or something, so's to make the case a little more intricate than it already is."

"Cheer up, Sergeant," Markham exhorted him. "I've had a little better luck. Tracy ran down the owner of the handbag and found out she'd been to dinner with Benson that night. He and Phelps also learned a few other supplementary facts that fit in well; and I'm expecting the lady here at any minute. I'm going to find out what she has to say for herself."

An expression of resentment came into Heath's eyes as the District Attorney was speaking, but he erased it at once and began asking questions. Markham gave him every detail, and also informed him of Leander Pfyfe.

"I'll let you know immediately how the interview comes out," he concluded.

As the door closed on Heath, Vance looked up at Markham with a sly smile.

"Not exactly one of Nietzsche's *Uebermenschen*—eh, what? I fear the subtleties of this complex world bemuse him a bit, y'know. . . . And he's so disappointin'. I felt positively elated when the bustling lad with the thick

glasses announced his presence. I thought surely he wanted to tell you he had jailed at least six of Benson's murderers."

"Your hopes run too high, I fear," commented Markham.

"And yet, that's the usual procedure—if the headlines in our great moral dailies are to be credited. I always thought that the moment a crime was committed the police began arresting people promiscuously—to maintain the excitement, don't y'know. Another illusion gone! . . . Sad, sad," he murmured. "I shan't forgive our Heath: he has betrayed my faith in him."

At this point, Markham's secretary came to the door and announced the arrival of Miss St. Clair.

I think we were all taken a little aback at the spectacle presented by this young woman as she came slowly into the room with a firm graceful step, and with her head held slightly to one side in an attitude of supercilious inquiry. She was small and strikingly pretty, although "pretty" is not exactly the word with which to describe her. She possessed that faintly exotic beauty that we find in the portraits of the Carracci, who sweetened the severity of Leonardo and made it at once intimate and decadent. Her eyes were dark and widely spaced; her nose was delicate and straight, and her forehead broad. Her full sensuous lips were almost sculpturesque in their linear precision, and her mouth wore an enigmatic smile, or hint of a smile. Her rounded firm chin was a bit heavy when examined apart from the other features, but not in the *ensemble*. There was poise and a certain strength of character in her bearing; but one sensed the potentialities of powerful emotions beneath her exterior calm. Her clothes harmonised with her personality: they were quiet and apparently in the conventional style, but a touch of colour and originality here and there conferred on them a fascinating distinction.

Markham rose and, bowing with formal courtesy, indicated a comfortable upholstered chair directly in front

of his desk. With a barely perceptible nod, she glanced at the chair, and then seated herself in a straight armless chair standing next to it.

"You won't mind, I'm sure," she said, "if I choose my own chair for the inquisition."

Her voice was low and resonant—the speaking voice of the highly-trained singer. She smiled as she spoke, but it was not a cordial smile: it was cold and distant, yet somehow indicative of levity.

"Miss St. Clair," began Markham, in a tone of polite severity, "the murder of Mr. Alvin Benson has intimately involved yourself. Before taking any definite steps, I have invited you here to ask you a few questions. I can, therefore, advise you quite honestly that frankness will best serve your interests."

He paused, and the woman looked at him with an ironically questioning gaze.

"Am I supposed to thank you for your generous advice?"

Markham's scowl deepened as he glanced down at a type-written page on his desk.

"You are probably aware that your gloves and handbag were found in Mr. Benson's house the morning after he was shot?"

"I can understand how you might have traced the handbag to me," she said: "but how did you arrive at the conclusion that the gloves were mine?"

Markham looked up sharply.

"Do you mean to say the gloves are not yours?"

"Oh, no." She gave him another wintry smile. "I merely wondered how you knew they belonged to me, since you couldn't have known either my taste in gloves or the size I wore."

"They're your gloves, then?"

"If they are Tréfousse, size five-and-three-quarters, of white kid and elbow length, they are certainly mine. And I'd so like to have them back, if you don't mind."

"I'm sorry," said Markham: "but it is necessary that I keep them for the present."

She dismissed the matter with a slight shrug of the shoulders.

"Do you mind if I smoke?" she asked.

Markham instantly opened a drawer of his desk, and took out a box of Benson and Hedges cigarettes.

"I have my own, thank you," she informed him. "But I would so appreciate my holder. I've missed it horribly."

Markham hesitated. He was manifestly annoyed by the woman's attitude.

"I'll be glad to lend it to you," he compromised; and reaching into another drawer of his desk, he laid the holder on the table before her.

"Now, Miss St. Clair," he said, resuming his gravity of manner, "will you tell me how these personal articles of yours happened to be in Mr. Benson's living-room?"

"No, Mr. Markham, I will not," she answered.

"Do you realise the serious construction your refusal places upon the circumstances?"

"I really hadn't given it much thought." Her tone was indifferent.

"It would be well if you did," Markham advised her. "Your position is not an enviable one; and the presence of your belongings in Mr. Benson's room is, by no means, the only thing that connects you directly with the crime."

The woman raised her eyes inquiringly, and again the enigmatic smile appeared at the corners of her mouth.

"Perhaps you have sufficient evidence to accuse me of the murder?"

Markham ignored this question.

"You were well acquainted with Mr. Benson, I believe?"

"The finding of my handbag and gloves in his apartment might lead one to assume as much, mightn't it?" she parried.

"He was, in fact, much interested in you?" persisted Markham.

She made a *moue*, and sighed.

"Alas, yes! Too much for my peace of mind. . . . Have I been brought here to discuss the attentions this gentleman paid me?"

Again Markham ignored her query.

"Where were you, Miss St. Clair, between the time you left the 'Marseilles' at midnight and the time you arrived home—which, I understand, was after one o'clock?"

"You are simply wonderful!" she exclaimed. "You seem to know everything. . . . Well, I can only say that during that time I was on my way home."

"Did it take you an hour to go from Fortieth Street to Eighty-first and Riverside Drive?"

"Just about that, I should say—a few minutes more or less, perhaps."

"How do you account for that?" Markham was becoming impatient.

"I can't account for it," she said, "except by the passage of time. Time does fly, doesn't it, Mr. Markham?"

"By your attitude you are only working detriment to yourself," Markham warned her, with a show of irritation. "Can you not see the seriousness of your position? You are known to have dined with Mr. Benson, to have left the restaurant at midnight, and to have arrived at your own apartment after one o'clock. At twelve-thirty, Mr. Benson was shot; and your personal articles were found in the same room the morning after."

"It looks terribly suspicious, I know," she admitted, with whimsical seriousness. "And I'll tell you this, Mr. Markham, if my thoughts could have killed Mr. Benson, he would have died long ago. I know I shouldn't speak ill of the dead—there's a saying about it beginning '*de mortuis*,' isn't there?—but the truth is, I had reason to dislike Mr. Benson exceedingly."

"Then why did you go to dinner with him?"

"I've asked myself the same question a dozen times since," she confessed dolefully. "We women are such

impulsive creatures—always doing things we shouldn't. . . . But I know what you're thinking : if I had intended to shoot him, that would have been a natural preliminary. Isn't that what's in your mind ? I suppose all murderesses do go to dinner with their victims first."

While she spoke she opened her vanity-case and looked at her reflection in its mirror. She daintily adjusted several imaginary stray ends of her abundant dark-brown hair, and touched her arched eye-brows gently with her little finger as if to rectify some infinitesimal disturbance in their pencilled contour. Then she tilted her head, regarded herself appraisingly, and returned her gaze to the District Attorney only as she came to the end of her speech. Her actions had perfectly conveyed to her listeners the impression that the subject of the conversation was, in her scheme of things, of secondary importance to her personal appearance. No words could have expressed her indifference so convincingly as had her little pantomime.

Markham was becoming exasperated. A different type of district attorney would no doubt have attempted to use the pressure of his office to force her into a more amenable frame of mind. But Markham shrank instinctively from the bludgeoning, threatening methods of the ordinary Public Prosecutor, especially in his dealings with women. In the present case, however, had it not been for Vance's strictures at the Club, he would no doubt have taken a more aggressive stand. But it was evident he was labouring under a burden of uncertainty superinduced by Vance's words and augmented by the evasive deportment of the woman herself.

After a moment's silence he asked grimly :

" You did considerable speculating through the firm of Benson and Benson, did you not ? "

A faint ring of musical laughter greeted this question.

" I see that the dear Major has been telling tales. . . . Yes, I've been gambling most extravagantly. And I had no business to do it. I'm afraid I'm avaricious."

“And is it not true that you’ve lost heavily of late—that, in fact, Mr. Alvin Benson called upon you for additional margin and finally sold out your securities?”

“I wish to Heaven it were not true,” she lamented, with a look of simulated tragedy. Then: “Am I supposed to have done away with Mr. Benson out of sordid revenge, or as an act of just retribution?” She smiled archly and waited expectantly, as if her question had been part of a guessing game.

Markham’s eyes hardened as he coldly enunciated his next words.

“Is it not a fact that Captain Philip Leacock owned just such a pistol as Mr. Benson was killed with—a forty-five army Colt automatic?”

At the mention of her fiancé’s name she stiffened perceptibly and caught her breath. The part she had been playing fell from her, and a faint flush suffused her cheeks and extended to her forehead. But almost immediately she had reassumed her rôle of playful indifference.

“I never inquired into the make or calibre of Captain Leacock’s firearms,” she returned carelessly.

“And is it not a fact,” pursued Markham’s imperturbable voice, “that Captain Leacock lent you his pistol when he called at your apartment on the morning before the murder?”

“It’s most ungallant of you, Mr. Markham,” she reprimanded him coyly, “to inquire into the personal relations of an engaged couple; for I am betrothed to Captain Leacock—though you probably know it already.”

Markham stood up, controlling himself with effort.

“Am I to understand that you refuse to answer any of my questions, or to endeavour to extricate yourself from the very serious position you are in?”

She appeared to consider.

“Yes,” she said slowly, “I haven’t anything I care especially to say just now.”

Markham leaned over and rested both hands on the desk.

“Do you realise the possible consequences of your attitude?” he asked ominously. “The facts I know regarding your connection with the case, coupled with your refusal to offer a single extenuating explanation, give me more grounds than I actually need to order your being held.”

I was watching her closely as he spoke, and it seemed to me that her eyelids drooped involuntarily the merest fraction of an inch. But she gave no other indication of being affected by the pronouncement, and merely looked at the District Attorney with an air of defiant amusement.

Markham, with a sudden contraction of the jaw, turned and reached toward a bell-button beneath the edge of his desk. But, in doing so, his glance fell upon Vance; and he paused indecisively. The look he had encountered on the other's face was one of reproachful amazement: not only did it express complete surprise at his apparent decision, but it stated, more eloquently than words could have done, that he was about to commit an act of irreparable folly.

There were several moments of tense silence in the room. Then calmly and unhurriedly Miss St. Clair opened her vanity-case and powdered her nose. When she had finished, she turned a serene gaze upon the District Attorney.

“Well, do you want to arrest me now?” she asked.

Markham regarded her for a moment, deliberating. Instead of answering at once, he went to the window and stood for a full minute looking down upon the Bridge of Sighs which connects the Criminal Courts Building with the Tombs.

“No, I think not to-day,” he said slowly.

He stood a while longer in absorbed contemplation; then, as if shaking off his mood of irresolution, he swung about and confronted the woman.

“I'm not going to arrest you—yet,” he reiterated, a bit harshly. “But I'm going to order you to remain in

New York for the present. And if you attempt to leave, you *will* be arrested. I hope that is clear."

He pressed a button, and his secretary entered.

"Swacker, please escort Miss St. Clair downstairs and call a taxicab for her. . . . Then you can go home yourself."

She rose and gave Markham a little nod.

"You were very kind to lend me my cigarette holder," she said pleasantly, laying it on his desk.

Without another word, she walked calmly from the room.

The door had no more than closed behind her when Markham pressed another button. In a few moments the door leading into the outer corridor opened, and a white-haired, middle-aged man appeared.

"Ben," ordered Markham hurriedly, "have that woman that Swacker's taking downstairs followed. Keep her under surveillance, and don't let her get lost. She's not to leave the city—understand? It's the St. Clair woman Tracy dug up."

When the man had gone, Markham turned and stood glowering at Vance.

"What do you think of your innocent young lady now?" he asked, with an air of belligerent triumph.

"Nice gel—eh, what?" replied Vance blandly. "Extr'ordin'ry control. And she's about to marry a professional milit'ry man! Ah, well. *De gustibus*. . . . Y'know, I was afraid for a moment you were actu'lly going to send for the manacles. And if you had, Markham, old dear, you'd have regretted it to your dying day."

Markham studied him for a few seconds. He knew there was something more than a mere whim beneath Vance's certitude of manner; and it was this knowledge that had stayed his hand when he was about to have the woman placed in custody.

"Her attitude was certainly not conducive to one's belief in her innocence," Markham objected. "She played her part damned cleverly, though. But it was

just the part a shrewd woman, knowing herself guilty, would have played."

"I say, didn't it occur to you," asked Vance, "that perhaps she didn't care a farthing whether you thought her guilty or not?—that, in fact, she was a bit disappointed when you let her go."

"That's hardly the way I read the situation," returned Markham. "Whether guilty or innocent, a person doesn't ordinarily invite arrest."

"By the bye," asked Vance, "where was the fortunate swain during the hour of Alvin's passing?"

"Do you think we didn't check up on that point?" Markham spoke with disdain. "Captain Leacock was at his own apartment that night from eight o'clock on."

"Was he, really?" airily retorted Vance. "A most model young fella!"

Again Markham looked at him sharply.

"I'd like to know what weird theory has been struggling in your brain to-day," he mused. "Now that I've let the lady go temporarily—which is what you obviously wanted me to do—and have stultified my own better judgment in so doing, why not tell me frankly what you've got up your sleeve?"

"'Up my sleeve?' Such an inelegant metaphor! One would think I was a prestidig'tator, what?"

Whenever Vance answered in this fashion it was a sign that he wished to avoid making a direct reply; and Markham dropped the matter.

"Anyway," he submitted, "you didn't have the pleasure of witnessing my humiliation as you prophesied."

Vance looked up in simulated surprise.

"Didn't I, now?" Then he added sorrowfully: "Life is so full of disappointments, y'know."

Chapter VIII

VANCE ACCEPTS A CHALLENGE

(Saturday, June 15 ; 4 p.m.).

AFTER Markham had telephoned Heath the details of the interview, we returned to the Stuyvesant Club. Ordinarily the District Attorney's office shuts down at one o'clock on Saturdays ; but to-day the hour had been extended because of the importance attaching to Miss St. Clair's visit. Markham had lapsed into an introspective silence which lasted until we were again seated in the alcove of the Club's lounge-room. Then he spoke irritably.

"Damn it ! I shouldn't have let her go. . . . I still have a feeling she's guilty."

Vance assumed an air of gushing credulousness.

"Oh, really ? I dare say you're so psychic. Been that way all your life, no doubt. And haven't you had lots and lots of dreams that came true ? I'm sure you've often had a 'phone call from someone you were thinking about at the moment. A delectable gift. Do you read palms, also ? . . . Why not have the lady's horoscope cast ? "

"I have no evidence as yet," Markham retorted, "that your belief in her innocence is founded on anything more substantial than your impressions."

"Ah, but it is," averred Vance. "I *know* she's innocent. Furthermore, I know that no woman could possibly have fired the shot."

"Don't get the erroneous idea in your head that a woman couldn't have manipulated a forty-five army Colt."

“ Oh, that? ” Vance dismissed the notion with a shrug. “ The material indications of the crime don't enter into my calculations, y'know—I leave 'em entirely to you lawyers and the lads with the bulging deltoids. I have other, and surer, ways of reaching conclusions. That's why I told you that if you arrested any woman for shooting Benson you'd be blundering most shamefully.”

Markham grunted indignantly.

“ And yet you seem to have repudiated all processes of deduction whereby the truth may be arrived at. Have you, by any chance, entirely renounced your faith in the operations of the human mind? ”

“ Ah, there speaks the voice of God's great common people! ” exclaimed Vance. “ Your mind is so typical, Markham. It works on the principle that what you don't know isn't knowledge, and that, since you don't understand a thing, there is no explanation. A comfortable point of view. It relieves one from all care and uncertainty. Don't you find the world a very sweet and wonderful place? ”

Markham adopted an attitude of affable forbearance.

“ You spoke at lunch-time, I believe, of one infallible method of detecting crime. Would you care to divulge this profound and priceless secret to a mere district attorney? ”

Vance bowed with exaggerated courtesy.*

“ Delighted, I'm sure, ” he returned. “ I referred to the science of individual character and the psychology of human nature. We all do things, d'ye see, in a certain individual way, according to our temp'raments. Every human act—no matter how large or how small—is a direct expression of a man's personality, and bears the inev'table impress of his nature. Thus, a musician, by looking at

* The following conversation in which Vance explains his psychological methods of criminal analysis is, of course, set down from memory. However, a proof of this passage was sent to him with a request that he revise and alter it in whatever manner he chose; so that, as it now stands, it describes Vance's theory in practically his own words.

a sheet of music, is able to tell at once whether it was composed, for example, by Beethoven, or Schubert, or Debussy, or Chopin. And an artist, by looking at a canvas, knows immediately whether it is a Corot, a Harpignies, a Rembrandt, or a Franz Hals. And just as no two faces are exactly alike, so no two natures are exactly alike; the combination of ingredients which go to make up our personalities, varies in each individual. That is why, when twenty artists, let us say, sit down to paint the same subject, each one conceives and executes in a different manner. The result in each case is a distinct and unmistakable expression of the personality of the painter who did it. . . . It's really rather simple, don't y'know."

"Your theory, doubtless, would be comprehensible to an artist," said Markham, in a tone of indulgent irony. "But its metaphysical refinements are, I admit, considerably beyond the grasp of a vulgar worldling like myself."

"'The mind inclined to what is false rejects the nobler course,'" murmured Vance with a sigh.

"There is," argued Markham, "a slight difference between art and crime."

"Psychologically, old chap, there's none," Vance amended evenly. "Crimes possess all the basic factors of a work of art—approach, conception, technique, imagination, attack, method and organisation. Moreover, crimes vary fully as much in their manner, their aspects, and their general nature, as do works of art. Indeed, a carefully planned crime is just as direct an expression of the individual as is a painting, for instance. And therein lies the one great possibility of detection. Just as an expert æsthetician can analyse a picture and tell you who painted it, or the personality and temp'rament of the person who painted it, so can the expert psychologist analyse a crime and tell you who committed it—that is, if he happens to be acquainted with the person, or else can describe to you, with almost mathematical surety, the criminal's nature and character. . . . And that, my dear Markham, is the

only sure and inev'table means of determining human guilt. All others are mere guess-work, unscientific, uncertain, and—perilous.”

Throughout this explanation Vance's manner had been almost casual ; yet the very serenity and assurance of his attitude conferred upon his words a curious sense of authority. Markham had listened with interest, though it could be seen that he did not regard Vance's theorising seriously.

“ Your system ignores motive altogether,” he objected.

“ Naturally,” Vance replied, “ since it's an irrelevant factor in most crimes. Every one of us, my dear chap, has just as good a motive for killing at least a score of men, as the motives which actuate ninety-nine crimes out of a hundred. And, when anyone is murdered, there are dozens of innocent people who had just as strong a motive for doing it as had the actual murderer. Really, y'know, the fact that a man has a motive is no evidence whatever that he's guilty—such motives are too universal a possession of the human race. Suspecting a man of murder because he has a motive is like suspecting a man of running away with another man's wife because he has two legs. The reason that some people kill and others don't is a matter of temp'rament—of individual psychology. It all comes back to that. . . . And another thing : when a person does possess a real motive—something tremendous and overpowering—he's pretty apt to keep it to himself, to hide it and guard it carefully—eh, what ? He may even have disguised the motive through years of preparation ; or the motive may have been born within five minutes of the crime through the unexpected discovery of facts a decade old. . . . So, d'ye see, the absence of any apparent motive in a crime might be regarded as more incriminating than the presence of one.”

“ You are going to have some difficulty in eliminating the idea of *cui bono* from the consideration of crime.”

“ I dare say,” agreed Vance. “ The idea of *cui bono*

is just silly enough to be impregnable. And yet, many persons would be benefited by almost anyone's death. Kill Sumner, and, on that theory, you could arrest the entire membership of the Authors' League."

"Opportunity, at any rate," persisted Markham, "is an insuperable factor in crime—and by opportunity I mean that affinity of circumstances and conditions which make a particular crime possible, feasible and convenient for a particular person."

"Another irrelevant factor," asserted Vance. "Think of the opportunities we have every day to murder people we dislike! Only the other night I had ten insuff'erable bores to dinner in my apartment—a social devoir. But I refrained—with consid'erable effort, I admit—from putting arsenic in the Pontet Canet. The Borgias and I, y'see, merely belong to different psychological categ'ries. On the other hand, had I been resolved to do murder, I would—like those resourceful *cinquecento* patricians—have created my own opportunity. . . . And there's the rub—one can either make an opportunity or disguise the fact that he had it, with false alibis and various other tricks. You remember the case of the murderer who called the police to break into his victim's house before the latter had been killed, saying he suspected foul play, and who then preceded the policemen indoors and stabbed the man as they were trailing up the stairs."*

"Well, what of actual proximity or presence—the proof of a person being on the scene of the crime at the time it was committed?"

"Again misleading," Vance declared. "An innocent person's presence is too often used as a shield by the real murderer who is actu'lly absent. A clever criminal can commit a crime from a distance through an agency that is present. Also, a clever criminal can arrange an alibi

* I don't know what case Vance was referring to; but there are several instances of this device on record, and writers of detective fiction have often used it. The latest instance is to be found in G. K. Chesterton's *The Innocence of Father Brown*, in the story entitled "The Wrong Shape."

and then go to the scene of the crime disguised and unrecognised. There are far too many convincing ways of being present when one is believed to be absent—and *vice versa*. . . . But we can never part from our individualities and our natures. And that is why all crime inev'tably comes back to human psychology—the one fixed, undisguisable basis of deduction.”

“It's a wonder to me,” said Markham, “in view of your theories, that you don't advocate dismissing nine-tenths of the police force and installing a gross or two of those psychological machines so popular with the Sunday Supplement editor.”

Vance smoked a minute meditatively.

“I've read about 'em. In'trestin' toys. They can no doubt indicate a certain augmented emotional stress when the patient transfers his attention from the pious platitudes of Dr. Frank Crane to a problem in spherical trigonometry. But if an innocent person were harnessed up to the various tubes, galvanometers, electro-magnets, glass plates, and brass knobs of one of these apparatuses, and then quizzed about some recent crime, your indicat'ry needle would cavort about like a Russian dancer as a result of sheer nervous panic on the patient's part.”

Markham smiled patronisingly.

“And I suppose the needle would remain static with a guilty person in contact?”

“Oh, on the contr'ry,” Vance's tone was unruffled. “The needle would bob up and down just the same—but not *because* he was guilty. If he was stupid, for instance, the needle would jump as a result of his resentment at a seemingly newfangled third-degree torture. And if he was intelligent, the needle would jump because of his suppressed mirth at the puerility of the legal mind for indulging in such nonsense.”

“You move me deeply,” said Markham. “My head is spinning like a turbine. But there are those of us poor worldlings who believe that criminality is a defect of the brain.”

"So it is," Vance readily agreed. "But unfortunately the entire human race possesses the defect. The virtuous ones haven't, so to speak, the courage of their defects. . . . However, if you were referring to a criminal type, then, alas! we must part company. It was Lombroso, that darling of the yellow journals, who invented the idea of the congenital criminal. Real scientists like DuBois, Karl Pearson and Goring have shot his idiotic theories full of holes."*

"I am floored by your erudition," declared Markham, as he signalled to a passing attendant and ordered another cigar. "I console myself, however, with the fact that, as a rule, murder will leak out."

Vance smoked his cigarette in silence, looking thoughtfully out through the window up at the hazy June sky.

"Markham," he said at length, "the number of fantastic ideas extant about criminals is positively amazing. How a sane person can subscribe to that ancient hallucination that 'murder will out' is beyond me. It rarely 'outs,' old dear. And, if it did 'out,' why a Homicide Bureau? Why all this whirlin'-dervish activity by the police whenever a body is found? . . . The poets are to blame for this bit of lunacy. Chaucer probably started it with his 'Mordre wol out' and Shakespeare helped it along by attributing to murder a miraculous organ that speaks in lieu of a tongue. It was some poet, too, no doubt, who conceived the fancy that carcasses bleed at the sight of the murderer. . . . Would you, as the great Protector of the Faithful, dare tell the police to wait calmly in their offices, or clubs, or favourite beauty-parlours—or wherever policemen do their waiting—until a murder 'outs'? Poor dear!—if you did, they'd ask the Governor for your

* It was Pearson and Goring who, about twenty years ago, made an extensive investigation and tabulation of professional criminals in England, the results of which showed (1) that criminal careers began mostly between the ages of 16 and 21; (2) that over ninety per cent. of criminals were mentally normal; (3) and that more criminals had criminal older brothers than criminal fathers.

detention as *particeps criminis*, or apply for a *de lunatico inquirendo*."*

Markham grunted good-naturedly. He was busy cutting and lighting his cigar.

"I believe you chaps have another hallucination about crime," continued Vance, "namely, that the criminal always returns to the scene of the crime. This weird notion is even explained on some recondite and misty psychological ground. But, I assure you, psychology teaches no such prepost'rous doctrine. If ever a murderer returned to the body of his victim for any reason other than to rectify some blunder he had made, then he is a subject for Broadmoor—or Bloomingdale. . . . How easy it would be for the police if this fanciful notion were true! They'd merely have to sit down at the scene of the crime, play bezique or Mah Jongg until the murderer returned, and then escort him to the *bastille*, what? The true psychological instinct in anyone having committed a punishable act is to get as far away from the scene of it as the limits of this world will permit."†

"In the present case, at any rate," Markham reminded him, "we are neither waiting inactively for the murder to out, nor sitting in Benson's living-room trusting to the voluntary return of the criminal."

"Either course would achieve success as quickly as the one you are now pursuing," Vance said.

"Not being gifted with your singular insight," retorted

* Sir Basil Thomson, K.C.B., former Assistant Commissioner of Metropolitan Police, London, writing in *The Saturday Evening Post* several years after this conversation, said: "Take, for example, the proverb that murder will out, which is employed whenever one out of many thousands of undiscovered murderers is caught through a chance coincidence that captures the popular imagination. It is because murder will not out that the pleasant shock of surprise when it does out, calls for a proverb to enshrine the phenomenon. The poisoner who is brought to justice has almost invariably proved to have killed other victims without exciting suspicion until he has grown careless."

† In "Popular Fallacies About Crime" (*Saturday Evening Post*, April 21, 1923, p. 8) Sir Basil Thomson also upheld this point of view.

Markham, "I can only follow the inadequate process of human reasoning."

"No doubt," Vance agreed commiseratingly. "And the results of your activities thus far force me to the conclusion that a man with a handful of legalistic logic can successfully withstand the most obstinate and heroic assaults of ordinary common sense."

Markham was piqued.

"Still harping on the St. Clair woman's innocence, eh? However, in view of the complete absence of any tangible evidence pointing elsewhere, you must admit I have no choice of courses."

"I admit nothing of the kind," Vance told him; "for, I assure you, there is an abundance of evidence pointing elsewhere. You simply failed to see it."

"You think so!" Vance's nonchalant cocksureness had at last overthrown Markham's equanimity. "Very well, old man; I hereby enter an emphatic denial to all your fine theories; and I challenge you to produce a single piece of this evidence which you say exists."

He threw his words out with asperity, and gave a curt, aggressive gesture with his extended fingers, to indicate that, as far as he was concerned, the subject was closed.

Vance, too, I think, was pricked a little.

"Y'know, Markham, old dear, I'm no avenger of blood, or vindicator of the honour of society. The rôle would bore me."

Markham smiled loftily, but made no reply.

Vance smoked meditatively for a while. Then, to my amazement, he turned calmly and deliberately to Markham, and said in a quiet, matter-of-fact voice:

"I'm going to accept your challenge. It's a bit alien to my tastes; but the problem, y'know, rather appeals to me: it presents the same difficulties as the *Concert Champêtre* affair—a question of disputed authorship, as it were."*

* For years the famous *Concert Champêtre* in the Louvre was officially attributed to Titian. Vance, however, took it upon himself to convince the Curator, M. Lepelletier, that it was a Giorgione, with the result that the painting is now credited to that artist.

Markham abruptly suspended the motion of lifting his cigar to his lips. He had scarcely intended his challenge literally: it had been uttered more in the nature of a verbal defiance; and he scrutinised Vance a bit uncertainly. Little did he realise that the other's casual acceptance of his unthinking and but half-serious challenge was to alter the entire criminal history of New York.

"Just how do you intend to proceed?" he asked.

Vance waved his hand carelessly.

"Like Napoleon, *je m'en gage, et puis je vois*. However, I must have your word that you'll give me every possible assistance, and will refrain from all profound legal objections."

Markham pursed his lips. He was frankly perplexed by the unexpected manner in which Vance had met his defiance. But immediately he gave a good-natured laugh, as if, after all, the matter was of no serious consequence.

"Very well," he assented. "You have my word. . . . And now what?"

After a moment Vance lit a fresh cigarette, and rose languidly.

"First," he announced, "I shall determine the exact height of the guilty person. Such a fact will, no doubt, come under the head of indicat'ry evidence—eh, what?"

Markham stared at him incredulously.

"How, in Heaven's name, are you going to do that?"

"By those primitive deductive methods to which you so touchingly pin your faith," he answered easily. "But come; let us repair to the scene of the crime."

He moved toward the door, Markham reluctantly following in a state of perplexed irritation.

"But you know the body was removed," the latter protested; "and the place by now has no doubt been straightened up."

"Thank Heaven for that!" murmured Vance. "I'm not particularly fond of corpses; and untidiness, y'know, annoys me frightfully."

As we emerged into Madison Avenue he signalled to the

commissionnaire for a taxicab, and without a word urged us into it.

"This is all nonsense," Markham declared ill-naturedly, as we started on our journey up town. "How do you expect to find any clues now? By this time everything has been obliterated."

"Alas, my dear Markham," lamented Vance, in a tone of mock solicitude, "how woefully deficient you are in philosophic theory! If anything, no matter how inf'nitesimal, could really be obliterated, the universe, y'know, would cease to exist—the cosmic problem would be solved, and the Creator would write Q.E.D. across an empty firmament. Our only chance of going on with this illusion we call Life, d'ye see, lies in the fact that consciousness is like an inf'nite decimal point. Did you, as a child, ever try to complete the decimal, one-third, by filling a whole sheet of paper with the numeral three? You always had the fraction, one-third, left, don't y'know. If you could have eliminated the smallest one-third, after having set down ten thousand threes, the problem would have ended. So with life, my dear fellow. It's only because we can't erase or obliterate anything that we go on existing."

He made a movement with his fingers, putting a sort of tangible period to his remarks, and looked dreamily out of the window up at the fiery film of sky.

Markham had settled back into his corner, and was chewing morosely at his cigar. I could see he was fairly simmering with impotent anger at having let himself be goaded into issuing his challenge. But there was no retreating now. As he told me afterward, he was fully convinced he had been dragged forth out of a comfortable chair, on a patent and ridiculous fool's errand.

Chapter IX

THE HEIGHT OF THE MURDERER

(Saturday, June 15; 5 p.m.).

WHEN we arrived at Benson's house a patrolman leaning somnolently against the iron paling of the areaway came suddenly to attention and saluted. He eyed Vance and me hopefully, regarding us no doubt as suspects being taken to the scene of the crime for questioning by the District Attorney. We were admitted by one of the men from the Homicide Bureau who had been in the house on the morning of the investigation.

Markham greeted him with a nod.

"Everything going all right?"

"Sure," the man replied good-naturedly. "The old lady's as meek as a cat—and a swell cook."

"We want to be alone for a while, Sniffin," said Markham, as we passed into the living-room.

"The gastronome's name is Snitkin—not Sniffin," Vance corrected him, when the door had closed on us.

"Wonderful memory," muttered Markham churlishly.

"A failing of mine," said Vance. "I suppose you are one of those rare persons who never forget a face, but just can't recall names, what?"

But Markham was in no mood to be twitted.

"Now that you've dragged me here, what are you going to do?" He waved his hand deprecatingly, and sank into a chair with an air of contemptuous abdication.

The living-room looked much the same as when we saw it last, except that it had been put neatly in order. The shades were up, and the late afternoon light was flooding in profusely. The ornateness of the room's furnishings seemed intensified by the glare.

Vance glanced about him and gave a shudder.

"I'm half inclined to turn back," he drawled. "It's a clear case of justifiable homicide by an outraged interior decorator."

"My dear æsthete," Markham urged impatiently, "be good enough to bury your artistic prejudices, and to proceed with your problem. . . . Of course," he added, with a malicious smile, "if you fear the result, you may still withdraw, and thereby preserve your charming theories in their present virgin state."

"And permit you to send an innocent maiden to the chair!" exclaimed Vance, in mock indignation. "Fie, fie! *La politesse* alone forbids my withdrawal. May I never have to lament, with Prince Henry, that 'to my shame I have a truant been to chivalry.'"

Markham set his jaw, and gave Vance a ferocious look.

"I'm beginning to think that, after all, there is something in your theory that every man has some motive for murdering another."

"Well," replied Vance cheerfully, "now that you have begun to come round to my way of thinking, do you mind if I send Mr. Snitkin on an errand?"

Markham sighed audibly and shrugged his shoulders.

"I'll smoke during the *opéra bouffe*, if it won't interfere with your performance."

Vance went to the door and called Snitkin.

"I say, would you mind going to Mrs. Platz and borrowing a long tape-measure and a ball of string. . . . The District Attorney wants them," he added, giving Markham a sycophantic bow.

"I can't hope that you're going to hang yourself, can I?" asked Markham.

Vance gazed at him reprovingly.

"Permit me," he said sweetly, "to commend *Othello* to your attention:

'How poor are they that have not patience!
What wound did ever heal but by degrees?'

Or—to descend from a poet to a platitudinarian—let me present for your consid'ration a pentameter from Longfellow: 'All things come round to him who will but wait.' Untrue, of course, but consolin'. Milton said it much better in his 'They also serve—.' But Cervantes said it best: 'Patience and shuffle the cards.' Sound advice, Markham—and advice expressed rakishly, as all good advice should be. . . . To be sure, patience is a sort of last resort—a practice to adopt when there's nothing else to do. Still, like virtue, it occasionally rewards the practitioner; although I'll admit that, as a rule, it is—again like virtue—bootless. That is to say, it is its own reward. It has, however, been swathed in many verbal robes. It is 'sorrow's slave,' and the 'sov'reign o'er transmuted ills,' as well as 'all the passion of great hearts.' Rousseau wrote *La patience est amère, mais son fruit est doux*. But perhaps your legal taste runs to Latin. *Superanda omnis fortuna ferendo est*, quoth Vergil. And Horace also spoke on the subject. *Durum!* said he, *sed levius fit patientia*——”

“Why the hell doesn't Snitkin come?” growled Markham.

Almost as he spoke the door opened, and the detective handed Vance the tape-measure and string.

“And now, Markham, for your reward!”

Bending over the rug Vance moved the large wicker chair into the exact position it had occupied when Benson had been shot. The position was easily determined, for the impressions of the chair's castors on the deep nap of the rug were plainly visible. He then ran the string through the bullet-hole in the back of the chair, and directed me to hold one end of it against the place where the bullet had struck the wainscot. Next he took up the tape-measure and, extending the string through the hole, measured a distance of five feet and six inches along it, staring at the point which corresponded to the location of Benson's forehead as he sat in the chair. Tying a knot in the string to indicate the measurement, he drew the string taut, so that it extended in a straight line from the mark

on the wainscot, through the hole in the back of the chair, to a point five feet and six inches in front of where Benson's head had rested.

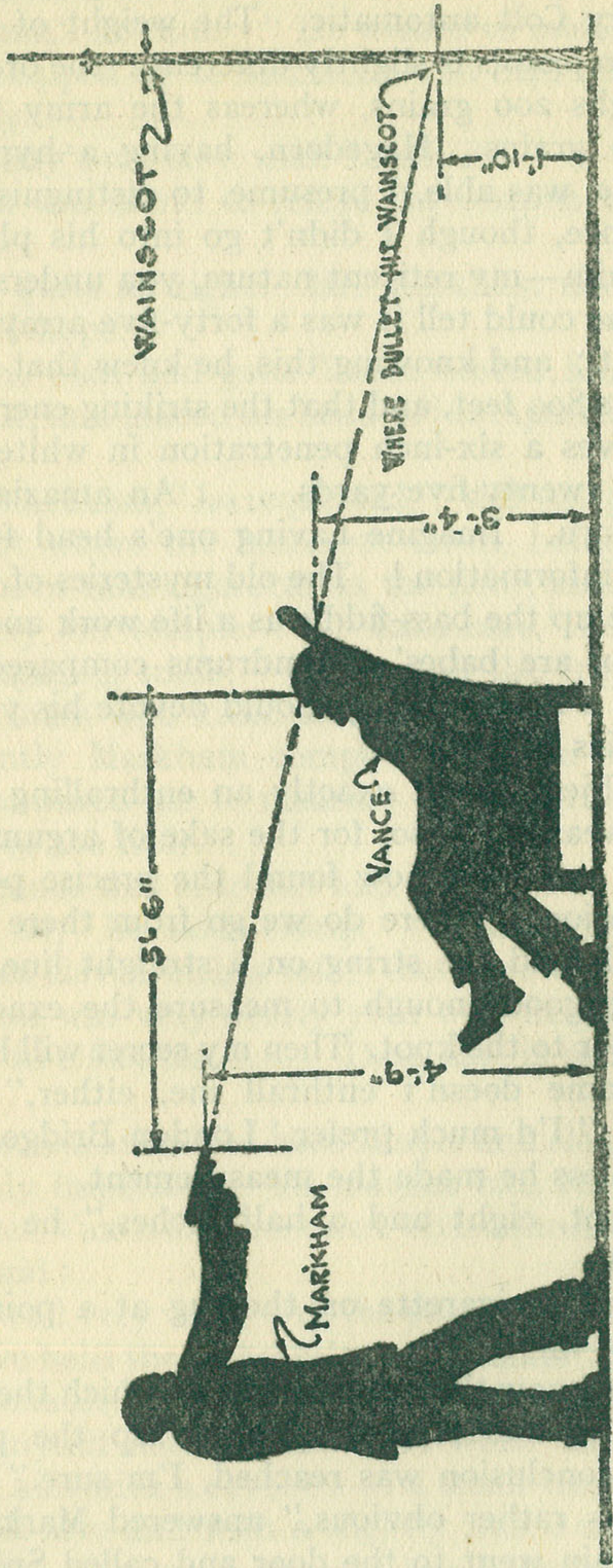
"This knot in the string," he explained, "now represents the exact location of the muzzle of the gun that ended Benson's career. You see the reasoning—eh, what? Having two points in the bullet's course—namely, the hole in the chair and the mark on the wainscot—and also knowing the approximate vertical line of explosion, which was between five and six feet from the gentleman's skull, it was merely necess'ry to extend the straight line of the bullet's course to the vertical line of explosion in order to ascertain the exact point at which the shot was fired."

"Theoretically very pretty," commented Markham; "though why you should go to so much trouble to ascertain this point in space I can't imagine. . . . Not that it matters, for you have overlooked the possibility of the bullet's deflection."

"Forgive me for contradicting you," smiled Vance; "but yesterday morning I questioned Captain Hagedorn at some length, and learned that there had been no deflection of the bullet. Hagedorn had inspected the wound before we arrived; and he was really positive on that point. In the first place, the bullet struck the frontal bone at such an angle as to make deflection practically impossible even had the pistol been of smaller calibre. And in the second place, the pistol with which Benson was shot was of so large a bore—a point-forty-five—and the muzzle velocity was so great, that the bullet would have taken a straight course even had it been held at a greater distance from the gentleman's brow."

"And how," asked Markham, "did Hagedorn know what the muzzle velocity was?"

"I was inquis'tive on that point myself," answered Vance; "and he explained that the size and character of the bullet and the expelled shell told him the whole tale. That's how he knew the gun was an army Colt automatic—



I believe he called it a U.S. Government Colt—and not the ordinary Colt automatic. The weight of the bullets of these two pistols is slightly different: the ordinary Colt bullet weighs 200 grains, whereas the army Colt bullet weighs 230 grains. Hagedorn, having a hypersensitive tactile sense, was able, I presume, to distinguish the difference at once, though I didn't go into his physiological gifts with him—my reticent nature, you understand. . . . However, he could tell it was a forty-five army Colt automatic bullet; and knowing this, he knew that the muzzle velocity was 809 feet, and that the striking energy was 329—which gives a six-inch penetration in white pine at a distance of twenty-five yards. . . . An amazin' creature, this Hagedorn. Imagine having one's head full of such entrancing information! The old mysteries of why a man should take up the bass-fiddle as a life work and where all the pins go, are babes' conundrums compared with the one of why a human being should devote his years to the idiosyncrasies of bullets."

"The subject is not exactly an enthralling one," said Markham wearily; "so, for the sake of argument, let us admit that you have now found the precise point of the gun's explosion. Where do we go from there?"

"While I hold the string on a straight line," directed Vance, "be good enough to measure the exact distance from the floor to the knot. Then my secret will be known."

"This game doesn't enthrall me, either," Markham protested. "I'd much prefer 'London Bridge.'"

Nevertheless he made the measurement.

"Four feet, eight and a half inches," he announced indifferently.

Vance laid a cigarette on the rug at a point directly beneath the knot.

"We now know the exact height at which the pistol was held when it was fired. . . . You grasp the process by which this conclusion was reached, I'm sure."

"It seems rather obvious," answered Markham.

Vance again went to the door and called Snitkin.

“The District Attorney desires the loan of your gun for a moment,” he said. “He wishes to make a test.”

Snitkin stepped up to Markham and held out his pistol wonderingly.

“The safety’s on, sir: shall I shift it?”

Markham was about to refuse the weapon when Vance interposed.

“That’s quite all right. Mr. Markham doesn’t intend to fire it—I hope.”

When the man had gone Vance seated himself in the wicker chair, and placed his head in juxtaposition with the bullet-hole.

“Now, Markham,” he requested, “will you please stand on the spot where the murderer stood, holding the gun directly above that cigarette on the floor, and aim deliberately at my left temple. . . . Take care,” he cautioned, with an engaging smile, “not to pull the trigger, or you will never learn who killed Benson.”

Reluctantly Markham complied. As he stood taking aim, Vance asked me to measure the height of the gun’s muzzle from the floor.

The distance was four feet and nine inches.

“Quite so,” he said, rising. “Y’see, Markham, you are five feet eleven inches tall; therefore the person who shot Benson was very nearly your own height—certainly not under five feet ten. . . . That, too, is rather obvious, what?”

His demonstration had been simple and clear. Markham was frankly impressed; his manner had become serious. He regarded Vance for a moment with a meditative frown; then he said:

“That’s all very well; but the person who fired the shot might have held the pistol relatively higher than I did.”

“Not tenable,” returned Vance. “I’ve done too much shooting myself not to know that when an expert takes deliberate aim with a revolver at a small target, he does it with a stiff arm and with a slightly raised shoulder, so as to bring the sight on a straight line between his eye and

the object at which he aims. The height at which one holds a revolver, under such conditions, pretty accurately determines his own height."

"Your argument is based on the assumption that the person who killed Benson was an expert taking deliberate aim at a small target?"

"Not an assumption, but a fact," declared Vance. "Consider: had the person not been an expert shot, he would not—at a distance of five or six feet—have selected the forehead, but a larger target—namely, the breast. And having selected the forehead, he most certainly took delib'rate aim, what? Furthermore, had he not been an expert shot, and had he pointed the gun at the breast without taking delib'rate aim he would, in all prob'bility, have fired more than one shot."

Markham pondered.

"I'll grant that, on the face of it, your theory sounds plausible," he conceded at length. "On the other hand, the guilty man could have been almost any height over five feet, ten; for certainly a man may crouch as much as he likes and still take deliberate aim."

"True," agreed Vance. "But don't overlook the fact that the murderer's position, in this instance, was a perfectly natural one. Otherwise, Benson's attention would have been attracted, and he would not have been taken unawares. That he was shot unawares was indicated by his attitude. Of course, the assassin might have stooped a little without causing Benson to look up. . . . Let us say, therefore, that the guilty person's height was somewhere between five feet ten and six feet two. Does that appeal to you?"

Markham was silent.

"The delightful Miss St. Clair, y'know," remarked Vance, with a japish smile, "can't possibly be over five feet five or six."

Markham grunted, and continued to smoke abstractedly.

"This Captain Leacock, I take it," said Vance, "is over six feet—eh, what?"

Markham's eyes narrowed.

"What makes you think so?"

"You just told me, don't y'know."

"I told you!"

"Not in so many words," Vance pointed out. "But after I had shown you the approximate height of the murderer, and it didn't correspond at all to that of the young lady you suspected, I knew your active mind was busy looking around for another possibility. And, as the lady's *inamorato* was the only other possibility on the horizon, I concluded that you were permitting your thoughts to play about the Captain. Had he, therefore, been the stipulated height, you would have said nothing; but when you argued that the murderer might have stooped to fire the shot, I decided that the Captain was inordinately tall. . . . Thus, in the pregnant silence that emanated from you, old dear, your spirit held sweet communion with mine, and told me that the gentleman was a six-footer, no less."

"I see that you include mind-reading among your gifts," said Markham. "I now await an exhibition of slate-writing."

His tone was irritable, but his irritation was that of a man reluctant to admit the alteration of his beliefs. He felt himself yielding to Vance's guiding rein, but he still held stubbornly to the course of his own previous convictions.

"Surely you don't question my demonstration of the guilty person's height?" asked Vance mellifluously.

"Not altogether," Markham replied. "It seems colourable enough. . . . But why, I wonder, didn't Hagedorn work the thing out, if it was so simple?"

"Anaxagoras said that those who have occasion for a lamp, supply it with oil. A profound remark, Markham—one of those seemingly simple quips that contain a great truth. A lamp without oil, y'know, is useless. The police always have plenty of lamps—every variety in fact—but no oil, as it were. That's why they never find anyone unless it's broad daylight."

Markham's mind was now busy in another direction, and he rose and began to pace the floor.

"Until now I hadn't thought of Captain Leacock as the actual agent of the crime."

"Why hadn't you thought of him? Was it because one of your sleuths told you he was at home like a good boy that night?"

"I suppose so." Markham continued pacing thoughtfully. Then suddenly he swung about. "That wasn't it, either. It was the amount of damning circumstantial evidence against the St. Clair woman. . . . And, Vance, despite your demonstration here to-day, you haven't explained away any of the evidence against her. Where was she between twelve and one? Why did she go with Benson to dinner? How did her handbag get here? And what about those burned cigarettes of hers in the grate?—they're the obstacle, those cigarette butts; and I can't admit that your demonstration wholly convinces me—despite the fact that it *is* convincing—as long as I've got the evidence of those cigarettes to contend with, for that evidence is also convincing."

"My word!" sighed Vance. "You're in a positively ghastly predicament. However, maybe I can cast illumination on those disquietin' cigarette butts."

Once more he went to the door, and summoning Snitkin, returned the pistol.

"The District Attorney thanks you," he said. "And will you be good enough to fetch Mrs. Platz. We wish to chat with her."

Turning back to the room, he smiled amiably at Markham.

"I desire to do all the conversing with the lady this time, if you don't mind. There are potentialities in Mrs. Platz which you entirely overlooked when you questioned her yesterday."

Markham was interested, though sceptical.

"You have the floor," he said.

Chapter X

ELIMINATING A SUSPECT

(Saturday, June 15; 5.30 p.m.)

WHEN the housekeeper entered she appeared even more composed than when Markham had first questioned her. There was something at once sullen and indomitable in her manner, and she looked at me with a slightly challenging expression. Markham merely nodded to her, but Vance stood up and indicated a low, tufted Morris chair near the fireplace, facing the front windows. She sat down on the edge of it, resting her elbows on its broad arms.

"I have some questions to ask you, Mrs. Platz," Vance began, fixing her sharply with his gaze; "and it will be best for everyone if you tell the whole truth. You understand me—eh, what?"

The easy-going, half-whimsical manner he had taken with Markham had disappeared. He stood before the woman, stern and implacable.

At his words she lifted her head. Her face was blank, but her mouth was set stubbornly, and a smouldering look in her eyes told of a suppressed anxiety.

Vance waited a moment and then went on, enunciating each word with distinctness.

"At what time, on the day Mr. Benson was killed, did the lady call here?"

The woman's gaze did not falter, but the pupils of her eyes dilated.

"There was nobody here."

"Oh, yes, there was, Mrs. Platz." Vance's tone was assured. "What time did she call?"

"Nobody was here, I tell you," she persisted.

Vance lit a cigarette with interminable deliberation, his eyes resting steadily on hers. He smoked placidly until her gaze dropped. Then he stepped nearer to her, and said firmly :

"If you tell the truth no harm will come to you. But if you refuse any information you will find yourself in trouble. The withholding of evidence is a crime, y'know, and the law will show you no mercy."

He made a sly grimace at Markham, who was watching the proceedings with interest.

The woman now began to show signs of agitation. She drew in her elbows and her breathing quickened.

"In God's name, I swear it!—there wasn't anybody here." A slight hoarseness gave evidence of her emotion.

"Let us not invoke the deity," suggested Vance carelessly. "What time was the lady here?"

She set her lips stubbornly, and for a whole minute there was silence in the room. Vance smoked quietly, but Markham held his cigar motionless between his thumb and forefinger in an attitude of expectancy.

Again Vance's impassive voice demanded : "What time was she here?"

The woman clinched her hands with a spasmodic gesture, and thrust her head forward.

"I tell you—I swear it——"

Vance made a peremptory movement of his hand, and smiled coldly.

"It's no go," he told her. "You're acting stupidly. We're here to get the truth—and you're going to tell us."

"I've told you the truth."

"Is it going to be necess'ry for the District Attorney here to order you placed in custody?"

"I've told you the truth," she repeated.

Vance crushed out his cigarette decisively in an ash-receiver on the table.

"Righto, Mrs. Platz. Since you refuse to tell me about

the young woman who was here that afternoon, I'm going to tell you about her."

His manner was easy and cynical, and the woman watched him suspiciously.

"Late in the afternoon of the day your employer was shot the door bell rang. Perhaps you had been informed by Mr. Benson that he was expecting a caller, what? Anyhow, you answered the door and admitted a charming young lady. You showed her into this room . . . and—what do you think, my dear madam!—she took that very chair on which you are resting so uncomfortably."

He paused and smiled tantalisingly.

"Then," he continued, "you served tea to the young lady and Mr. Benson. After a bit she departed, and Mr. Benson went upstairs to dress for dinner. . . . Y'see, Mrs. Platz, I happen to know."

He lit another cigarette.

"Did you notice the young lady particularly? If not, I'll describe her to you. She was rather short—*petite* is the word. She had dark hair and dark eyes, and she was dressed quietly."

A change had come over the woman. Her eyes stared; her cheeks were now grey; and her breathing had become audible.

"Now, Mrs. Platz," demanded Vance sharply, "what have you to say?"

She drew a deep breath.

"There wasn't anybody here," she said doggedly. There was something almost admirable in her obstinacy.

Vance considered a moment. Markham was about to speak, but evidently thought better of it, and sat watching the woman fixedly.

"Your attitude is understandable," Vance observed finally. "The young lady, of course, was well known to you, and you had a personal reason for not wanting it known she was here."

At these words she sat up straight, a look of terror to her face.

"I never saw her before," she cried; then stopped abruptly.

"Ah!" Vance gave her an amused leer. "You had never seen the young lady before—eh, what? . . . That's quite possible. But it's immaterial. She's a nice girl, though, I'm sure—even if she did have a dish of tea with your employer alone in his home."

"Did she tell you she was here?" The woman's voice was listless. The reaction to her tense obduracy had left her apathetic.

"Not exactly," Vance replied. "But it wasn't necess'ry: I knew without her informing me. . . . Just when did she arrive, Mrs. Platz?"

"About a half-hour after Mr. Benson got here from the office." She had at last given over all denials and evasions. "But he didn't expect her—that is, he didn't say anything to me about her coming; and he didn't order tea until after she came."

Markham thrust himself forward.

"Why didn't you tell me she'd been here, when I asked you yesterday morning?"

The woman cast an uneasy glance about the room.

"I rather fancy," Vance intervened pleasantly, "that Mrs. Platz was afraid you might unjustly suspect the young lady."

She grasped eagerly at his words.

"Yes, sir—that was all. I was afraid you might think she—did it. And she was such a quiet, sweet-looking girl. . . . That was the only reason, sir."

"Quite so," agreed Vance consolingly. "But tell me: did it not shock you to see such a quiet, sweet-looking young lady smoking cigarettes?"

Her apprehension gave way to astonishment.

"Why—yes, sir, it did. . . . But she wasn't a bad girl—I could tell that. And most girls smoke nowadays. They don't think anything of it, like they used to."

"You're quite right," Vance assured her. "Still,