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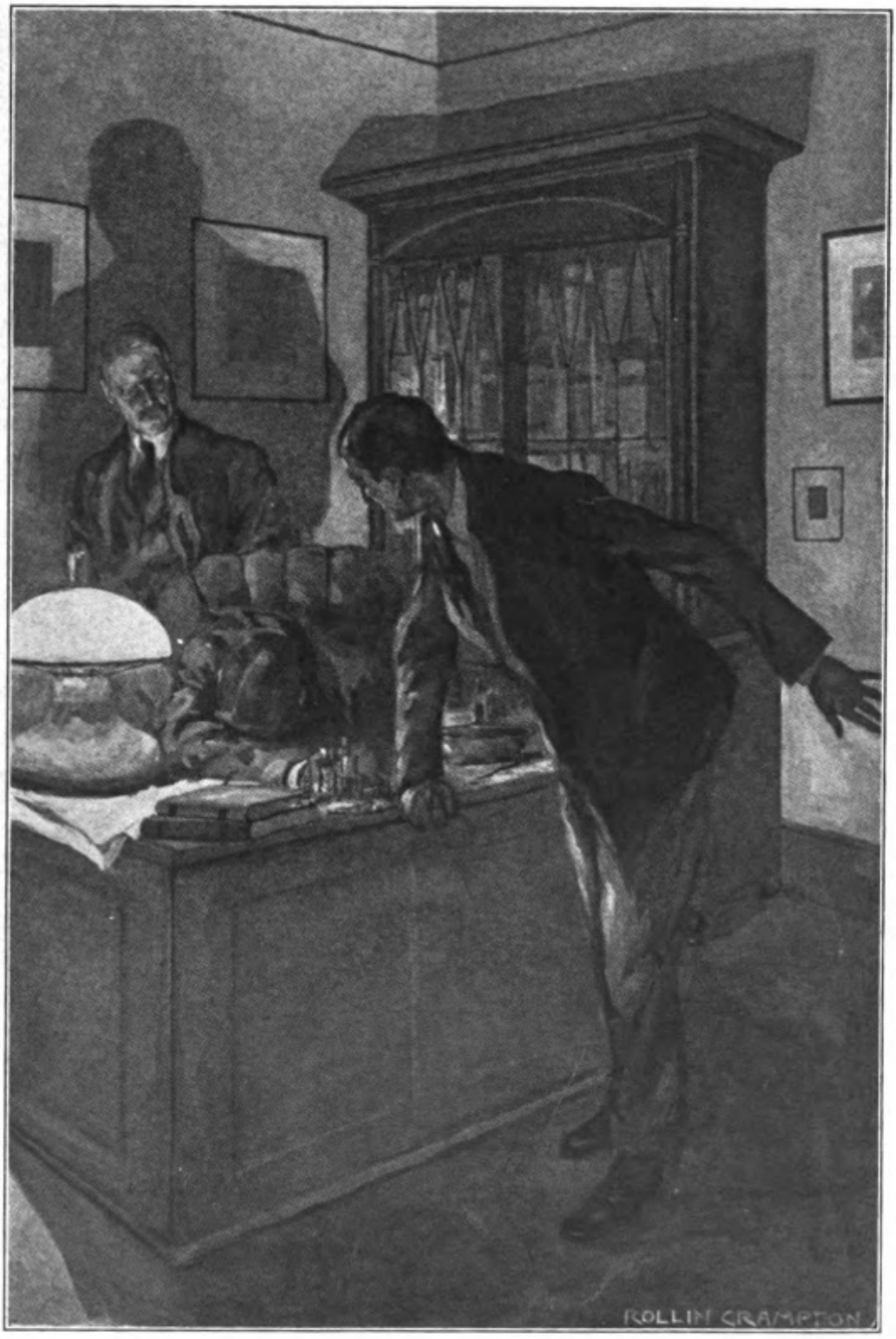

The body fell, — half on, half off the desk. (*See page* 23.)

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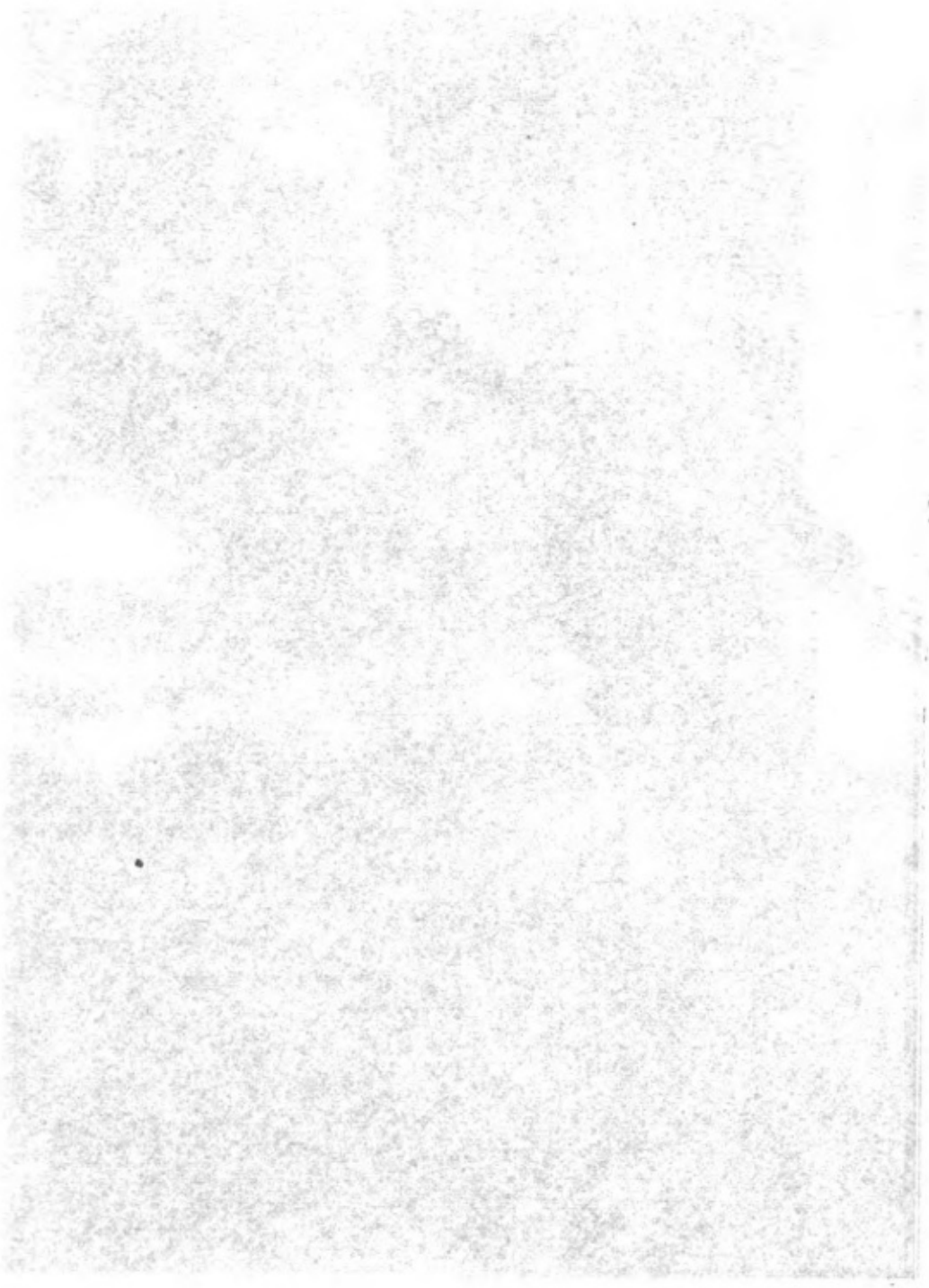

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THE CASE OF DOCTOR HORACE

A STUDY OF THE IMPORTANCE OF CONSCIENCE IN THE DETECTION OF CRIME

BY

JOHN H. PRENTIS

NEW YORK

THE BAKER AND TAYLOR COMPANY

1907

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FROM THE ARGUMENT ON THE TRIAL OF JOHN F. KNAPP FOR THE MURDER OF JOSEPH WHITE.

IT is accomplished. He has done the murder. No eye has seen him, no ear has heard him. The secret is his own and it is safe.

Ah, gentlemen! that is a dreadful mistake. Such a secret can be safe nowhere. The whole creation of God has neither nook nor corner where the guilty one can bestow it, and say that it is safe. True it is, "murder will out." The human heart was not made for the residence of such an inhabitant. The guilty soul cannot keep its own secret. It is false to itself. or rather, it feels an irresistible impulse to be true to itself. The secret which the murderer possesses soon comes to possess him, and, like the evil spirits of which we read, it overcomes him and leads him whithersoever it will. He thinks the whole world sees his guilt upon his face, reads it in his eyes, and almost hears its workings in the very silence of his thoughts. It has become his master. It betrays his discretion, it breaks down his courage, it conquers his prudence. The fatal secret must be confessed, it will be confessed. There is no refuge from confession but suicide, and suicide is confession.

DANIEL WEBSTER.

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THE CASE OF DOCTOR HORACE

CHAPTER I

A SECRET DEED

Whoso sheddeth man's blood, by man shall his blood be shed. — THE BIBLE, *The Book of Genesis*.

A LITTLE after nine o'clock on the night of Monday, May 14, 1906, a tall man wearing a broad felt hat drawn low on his forehead, and having a black bandage over one eye, rang the door-bell of a house on High Street, and inquired for Dr. Horace.

"Yis, he's in, sir," said the servant girl. "'Tis past office hours, but wait an' I'll ax if he'll be seeing ye."

After a moment's absence, the girl returned, and showing the caller to the door of the Doctor's office went away. As the man came in the Doctor was balancing himself in the office chair, but at

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the sight of his visitor he rose slowly to his feet, and the two stood for a moment face to face, gazing at each other in silence. Then the man with the black bandage spoke.

"Have you got the body all right?" he said.

"Is that surely you, Ed Wallace?" asked the Doctor.

The man laughed. "It surely is," he said. "What do you think of me? Don't I look all right? Your girl didn't know me either in this get-up. I shaved off my mustache to-night and had my hair and eyebrows clipped. These clothes are the real thing too, and this bandage is my wife's idea. Great, isn't it? I told her all about it. Thought that was the best way."

The Doctor was a bachelor. "I suppose so," he said doubtfully. "Anyway, part of the agreement covers that. Here's

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the money I drew from the bank to-day as your motive for the murder. It's been on my desk all evening."

"Never mind. Call in the girl so she can testify that I saw it."

"All right," said the Doctor, pushing the button by his desk.

"And pay her for something with some of it so that she will be sure to notice it."

The Doctor took a dollar bill from his pocket and put it with the pile on his desk. When the girl came in he was saying in his most professional tone: "All right, my man, we'll fix you up in just a minute. Hot water, please," he said to the girl. "In just a minute, sir, we'll have that eye all right."

When the hot water was brought to his desk, the Doctor took the dollar bill from the pile at his side and some change from his pocket.

"I don't think I paid you for my last

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washing," he said. "Is that right, Nora?"

"Yes, sir," said the girl, counting it.

Wallace had seated himself and placed on the floor beside him a bundle which he had carried under his coat. From the smile that was visible under his black bandage as he watchd the girl out of the room, it was evident that this little by-play amused him.

"Here," said the Doctor, "this is my copy of the agreement. Sign it for me." And he threw over the following legally drawn up contract:

"I, Edwin Wallace, of the city of Detroit, county of Wayne, and State of Michigan, hereby agree to pay on the twenty-eighth day of May, 1906, the sum of one thousand dollars ($1000) to Dr. James A. Horace of the said city of Detroit, if by that day I am or have been arrested or in the hands of the law for

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the murder of the aforesaid James A. Horace."

Wallace read this slowly and carefully with his one eye, and then took off the bandage and read it through again, weighing every phrase. Finally he signed it and passed it over to the Doctor.

"This is my contract with you. I've signed it already," said the Doctor, tossing him another which ran:

"I, Dr. James Andrew Horace, of the city of Detroit, county of Wayne and State of Michigan, hereby agree to pay on the twenty-eighth day of May, 1906, the sum of one thousand dollars ($1000) to Edwin Wallace, of the said city of Detroit, if on that day he is not and has not been arrested or in the hands of the law for the murder of me, the aforesaid James A. Horace; and on the further condition, moreover, that in evading the

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search of the law he shall receive no aid from his original standing and position as the aforesaid Edwin Wallace. .

(Signed) JAMES ANDREW HORACE."

Wallace also considered this very carefully, then folded it up and put it away in a pocketbook.

"I guess that's all straight," he said. "These papers won't need to be witnessed. You'll have to pay when you lose."

"You agree to the last condition in the contract?" asked the Doctor.

"Sure," replied Wallace, meditatively caressing his lip from which the mustache had departed, "we settled that. I must be fixed just like any other criminal. It wouldn't be any test if I went into it as myself. By George, the start is mighty risky, Jim."

"Luck's with us," said the Doctor. "Lord, but it's a lark. I wish I had

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your part, though, instead of my own. What did your wife say?"

"She said I was a fool."

The Doctor nodded sagely. "That's a wife's privilege," he said. "How did you bring her around?"

"Oh, when I explained it to her she said I ought to win, and I promised her half of the thousand. Then she helped me plan it out."

The Doctor threw over his cigar case and the two sat for awhile smoking in uneasy silence, like men who were putting off some disagreeable task. The Doctor fidgeted nervously from time to time, but Wallace remained meditatively impassive. Finally the Doctor stretched himself and yawned.

"Well, Ed," he said, "shall we go on now, or shall we let it drop? What do you say?"

"Are you going to back down now,

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Jim?" Wallace replied. "You know I'm right. A man's guilt always betrays him. It's the confession his conscience makes that discloses his crime to the law. And now everything has worked round so that we have the chance of a lifetime to prove it. Are you afraid to put it to the test? Jim, let's go on. In the interest of psychology."

"All right," replied the Doctor, "I'm with you; in the interest of psychology. But we'll prove that I'm the one that's right. A man's conscience has very little to do with whether he is punished or not. There are plenty of criminals in the jails to-day who haven't conscience enough to trouble them any, and yet they have been caught. The law is simply wiser and better organized and more powerful than the criminal and so it catches the majority of them. We can't settle this thing by arguing. We always get to a dead-

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lock. Never mind, though, we can have it out for once more to-night after we finish. And then this thing will prove it. Let's get to work now. Here goes to fool the human race."

He began to take off his coat, talking in jerky phrases and in a subdued tone as he undressed, emptied the pockets of his clothes, and laid them carefully on the lounge.

"I have him — here in the closet," he said. "I got permission to take the body — for scientific purposes. He died only yesterday; my own patient; no one claimed him; luck's with us. I had him packed in ice at the hospital — and brought him here — last night — after dark. No one in the house knows about it — and the expressman hasn't an idea what he brought. He's as well preserved as if he had died an hour ago; but they won't examine that much; the

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case will be too clear. No one but the nurse noticed how much he looked like me, and I have helped this by parting his hair in the middle like mine. Made me feel kind of creepy, though, watching him dying; it seemed as if I was doing it myself."

The Doctor had finished disrobing by this time and stood for a moment with gleaming skin and sinewy muscles, a figure of stalwart manhood. Then he waved his hand and disappeared into the next room. In a little while he returned, dressed again, but in entirely different clothes.

Wallace, who had been sitting alone in silent abstraction, glanced up but did not speak. The spell of the secret deed and the stillness of the night was upon both, and unconsciously they moved softly and went about with bated breath and stealthy caution. The Doctor quietly un-

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locked the closet door, beckoning Wallace to follow him inside, and in the semi-darkness of the narrow place set noiselessly to work unpacking and unwrapping the body from its long box.

Wallace tiptoed to the closet and soon the Doctor had the body all uncovered and was chafing its arms and shoulders.

"It's kept well," he muttered softly. There was no sign of disease or decay anywhere upon the body; the chest was not sunken, the skin, though pale, had still the white hue of life and the flesh was firm and hard. When the scars of the fatal operation were hidden by proper clothes there would be nothing to tell that the man had died in a hospital.

"You take his feet," whispered the Doctor, himself grasping the shoulders, but at the touch Wallace recoiled, unnerved and shuddering, and dropped the ghastly burden from his arms.

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"Careful, man, some one might hear," growled the Doctor. "What's the matter? It won't hurt you. Take hold."

"That's all right," gasped Wallace, repressing himself with an effort. "I'm only a respectable citizen and not used to this."

Together they carried their burden to the lounge and the Doctor slipped back for a moment to the closet, leaving Wallace alone with the body. As if ashamed of his former weakness he leaned over the sprawling figure, touched the set features hesitatingly with his fingers, looked thoughtfully into the staring, sightless eyes, and then laid his hand on the jet-black hair with almost a caressing touch.

In grim silence the two proceeded to dress the body in the clothes the Doctor had just taken off. It was a long job because it seemed impossible to make them fit naturally, and because the Doctor

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would leave nothing carelessly done, but examined every button as it was put into place and the position of every fold of cloth on the dangling limbs. When, at last, the coat had been pulled and smoothed over those inert, helpless shoulders, he stood back and surveyed the limp figure with critical approbation.

"It's as much like me as a looking-glass," he whispered. "But I don't want to look as handsome as that when all's over with me. Hope to look considerably older." He picked up his watch and the things he had emptied from his other pockets, murmuring, "These must be missing since robbery was the motive."

They paused and hesitated together in nameless embarrassment. The Doctor walked around the room, from the lounge to the desk, then to the bookcase and back again. Wallace opened the door

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