

Hole-In-The-Wall Barrett

by Max Brand, 1892-1944

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Illustrations

- II He turned and extended an arm of command over the jury...
- II „Bring Elizabeth to my house, McCurtney,“ ran the note.
- III He drew out the poker from the coals.



If this story were not fact it would not be written. It is too incredible for fiction. The best proof of its reality is the very fact that it is incredible, but if further proof is wanted it may be obtained from the twelve good men and true who formed the jury at the trial of Harry McCurtney. If they will not do, certainly Judge Lorry is an unimpeachable witness.

The story has to do with probably the oldest combination known to stories—a hero, a villain, and a beautiful woman. The hero was young, handsome, talented; the villain was middle-aged and rather stout, and smoked big black cigars; the beautiful woman was very beautiful.

Whatever the reader may think, this is not a motion-picture scenario. However, it sounds so much like one that it might as well start in the movie way.

The camera, therefore, opens on a close-up of the middle-aged villain. As the round spot of light widens, everyone can see that the man is a villain. The way he chews that long black cigar, for instance, emitting slow; luxurious puffs, is sufficient proof.

No one but a villain really enjoys good tobacco; but to pile Pelion on Ossa, there are other proofs—lots of them. He has a square, bulging jaw, a straight-lipped, cruel mouth, a great hawk nose, and keen eyes buried under the overhanging shelter of shaggy brows. He is frowning in his villainous way and looking down.

The spot of light widens still further and includes the beautiful woman. She is very, very beautiful; a black-haired type with questioning, dark eyes. She is dressed in black, too, filmy over the arms, so that the rose tint of flesh shines through. She reclines in an easy chair with her head pillowed gracefully and canted somewhat to one side, while she studies the villain and defies him.

One notices her slender-fingered hand drooping from the arm of the chair, and compares it with the big fist of the villain, wondering how she can have the courage to defy him. She seems to know all about him. Well, she ought to. She is his wife.

The camera now opens out to the full and one sees the room. It is very big. There is a soft glimmer of diffused light, which is brightest on the corner of the grand piano and the slightly gray head of the villain. His big feet are planted in the thick texture of a rug. An arched doorway opens upon a vista of other rooms fully as sumptuous as this one. Proof positive that the man is a villain! He is too rich to be good.

The woman is talking. She leans forward with a smile that would win the heart of an armored angel—one of Milton's kind; but the man still frowns. It is easy to see that he is going to refuse her request—the beast! She concludes with a gesture of infinite grace, infinite appeal. This is what she said:

„So you see, John, it was really a good act on the part of Harry to rid the world of that unspeakable uncle of his. Why, there isn't a soul in the city with a single kind word for that old miser, William McCurtney! He never did a gentle act. He broke the heart of his wife and killed her. He has kept poor Harry in penury.“

The villain removed the black cigar from his teeth with a singularly unattractive hand. It looked as if it had been used all his life for grabbing things—and then holding them. His eyes burrowed into the face of the beautiful woman as if it made not the slightest difference to him whether he was speaking to his wife or not.

„This is the case,“ he said. „Harry McCartney killed his uncle, William McCartney. He did it by putting poison in the Scotch whisky which old William was drinking to the health of his nephew. A maid saw Harry put something into his uncle’s glass. She afterward got hold of the vial of poison, out of which only a few drops had been poured. There was enough left to kill ten men. When old McCartney died that night, the maid called in the police and had Harry arrested. She produced the vial of poison as evidence. The case was easily made out. A druggist has sworn that the poison was purchased from him by young Harry McCartney. Tomorrow the jury is certain to bring a verdict of guilty against this man. That, in brief, is the case of the man you want me to defend.“

„Your brevity,“ said his wife, „has destroyed everything worthwhile in the case. You have left out the fact that William McCartney was a heartless old ruffian—a miser, hated by everyone and hating everyone. You have left out the fact“—here her voice lowered and grew musically gentle as only the voice of a woman of culture can grow—„you have left out the fact, John, that Harry McCartney is a rare soul, an artist, a man unequipped for battling with the world. With the fortune he inherits from his uncle he would lead a beautiful, an ideal existence. He would do good to the world. He is—he is—a chosen spirit, John!“

„And he murdered his uncle,“ said John Barrett, „while old William was drinking his nephew’s health and long life.“

„That is an absurd and brutal way of stating it,“ said Mrs. John Barrett. „You cannot reduce the troubles of a delicate and esthetic soul to such a bald statement of fact.“

„I should have to be a poet to do him justice?“

„You would.“

„However it is a waste of time to attempt to defend this fellow. I’ve seen the evidence. He’ll hang!“

His wife rose from her chair and stood facing him. All the color went from her face; she seemed to have been painted white with a single stroke of an invisible brush.

„He must not hang! John, you can defend him. I’ve seen you win more impossible cases than this! I remember the Hanover trial. John Hanover was guilty. All the world knew it; but all the evidence of his guilt came from one witness. On the last day, before the case went to the jury, you put the witness for the prosecution on the stand. I’ll never forget it! You drew him out. You seemed hopeless of winning your case; you seemed to be questioning him simply as a matter of form to justify the collection of your fee. And the witness grew very confident. Finally you asked him the color of the necktie which Hanover was wearing when he committed the crime. The witness said without hesitation:

„A red tie with white stripes.‘

„With that you clapped your hand over your own necktie, sprang to your feet, pointed a melodramatic hand at the witness, and thundered in your courtroom voice:

„What color is the necktie that I’m wearing?“

„The witness was dumfounded. He couldn’t tell. Then you turned to the jury and discredited all that witness’s testimony. You said you had been wearing the same necktie day after day in court, and the witness didn’t know what its color was. Then how could he be sure of the color of the necktie which Hanover wore,

when he had only seen Hanover for a few seconds, committing the murder? It showed that the man was giving valueless testimony; that he was lying out of hand. And the jury acquitted your man. John, you can do some miraculous thing like that now for my friend, Harry McCurtney. You'll find some way. Why else are you called Hole-in-the-Wall Barrett?"

While she completed this impassioned appeal, John Barrett regarded her with utter unconcern. He might have been listening to the accomplishments of some fabulous character rather than to one of his own most spectacular exploits.

"To be brief, Elizabeth," he said, "I won't take the case. I've other work planned for tomorrow."

And he turned to leave the room.

Who but a villain could have turned his back on such a woman and at such a time? She stiffened; her head went back; there was a tremor of coming speech in her throat. "She is about to play her last card," a gambler would have said, and she played it.

"John!" she called.

The villain turned only half toward her at the door. "There is another reason why you must defend McCurtney," she said. "I love him!"

It sufficed to make the villain turn squarely toward her, but he showed not the least emotion. His head bowed a little, thoughtfully.

"Ah!" he repeated. "You love him?"

And with that he shifted his glance up suddenly and met her eyes. She shrank back, trembling. One could see that she was expectant of a blow, a torrent of abuse. Instead, he smiled slowly at her.

She made a little gesture. There seemed more appeal than anger in it. "You don't care, John? I knew you didn't care!"

"If you love him," said the villain slowly, "I suppose I don't care."

"You never have," she answered. "You merely bought me—with your courtroom eloquence, and your money—just as you would buy a fine piece of furniture. You wanted a decorative wife for your home—someone you could be proud to show."

It was not a quarrel, you see. For it happened in the twentieth century; happened yesterday, in fact. Neither of them raised their voices. There fell a little silence, and silences always make a woman explain.

"I've tried to love you," she said. "I've tried to break through that hard exterior you wear like armor. I've guessed at depths and tendernesses in you, but the only time I've heard poetry in your voice was when you said before the minister, 'I will!' Since then I've waited for a touch of that sound to come back into your voice, but it never has, and gradually I've learned the truth—you never really cared for me."

John Barrett was a villain; also a vulgar man.

"The proof of the pudding is in the eating," he said. "If I haven't seemed to love you, why—I haven't."

And he grinned; it was not by any means a smile. She shuddered as if those hands of his, made for gripping great burdens, had closed on a vital nerve that ran to her heart. She turned away, veiling her eyes with her hand. Surely it was strange that a man could give up such beauty!

"And will you defend him?" she asked in a whisper. "If you love him," said Barrett, "I shall set him free for you. Good night, Elizabeth!"

He strode out of the room. She ran after him a few steps and followed him with her eyes down the long vista of the rooms; but the massive shoulders went on their way with characteristic swagger; the bowed thoughtful head never once cast back a glance toward her.

„It is done!“ said the beautiful woman, and sank into a chair.

Her eyes were half closed, and she smiled—the smile of the twentieth-century woman, which is harder to read than the smile of the Sphinx.

II

THE next afternoon she sat in a front seat in the courtroom and bent eyes of sad sympathy upon Harry McCurtney. There were others who looked on him in the same way. They were not, to be sure, quite like the beautiful woman, but then they were fair enough to have filled up a motion-picture background.

What woman under thirty could look upon him without some such sad emotion? He was very young; he was very handsome. The brown eyes were as soft and liquid as the eyes of a thoughtful Byron—or a calf. That tall forehead and that long, pale face—they brought home all the romantic melancholy of life to a woman under thirty. Even the twelve good men and true felt some ruth as they glanced on him who was about to die; but being hardheaded fellows, those twelve, they looked away again and cleared their throats and frowned. Metaphorically speaking, they were rolling up their sleeves and preparing to grasp the knife from the hands of blind justice.

The hero knew it. He turned those large, soft eyes on the jurors, and then flicked them swiftly away and let them journey from one fair face to another along the benches of the courtroom. And at last, as one overcome by the woes of life, he bowed his head and veiled his eyes with his long, white, tremulous fingers. A beautiful hand! It should have rested upon velvet; should have toyed with locks of golden hair, or blue-black hair—Elizabeth's hair was blue-black.

The crowd had not come to hear the plea of Hole-in-the-Wall Barrett, simply because it was not known until the last moment that he was taking over the case for the defense; but the moment his burly figure appeared, swaggering toward a chair, a hum and then a whisper and then a voice passed through the crowd. His honor removed his glasses and frowned. The clerk rapped for order.

From that moment everyone waited; everyone was expectant. The prosecution was uneasy; the district attorney drank many glasses of water; the jurors set their teeth as if they were resolving their collective minds that they would not be budged from their duty even by a John Barrett. They scowled and nudged one another with assurances of immovability; they smiled upon the district attorney; they frowned upon Harry McCurtney and John Barrett.

The proceedings passed quickly. The district attorney made a very eloquent speech, painting in colors of crimson and black the damnable crime of this treacherous boy who could poison his uncle while the murdered man was drinking his nephew's long life and happiness. The jury shook its collective head and scowled again on John Barrett, as if they dared him to come on and fight now. But all the time Hole-in-the-Wall Barrett sat teetering slowly back and forth in his armchair, staring blankly from face to face and picking his teeth. As has been said before, he was not only a villain, but a very vulgar man.

The prosecutor's case was in. There was only the plea of John Barrett to be heard. The judge frowned his defiance on Barrett; the district attorney did likewise; the jury deepened its scowls; the fair mourners covered their faces and waited.

Barrett rose in the most matter-of-fact manner, with the most unmoved face, and crossed to the table on which stood the damning exhibit, the vial of poison. He finished picking his teeth, but continued to chew the toothpick. Indeed, he was a very vulgar man.

„Your honor and gentlemen of the jury,“ he said, „the prosecution has proved conclusively that certain drops from this bottle were poured by the defendant into a glass of whisky, which was drunk by William McCurtney, who thereafter died.“

It was like the fall of the first sods on the coffin. The defense was throwing down its cards. McCurtney raised his head; a greenish-yellow was invading the pallor of his poetic face. Something extremely un-poetic was in his eyes.

„The court has been informed by various experts that the contents of this bottle are deadly poison. If they are, unquestionably the defendant is guilty of murder, most damnable murder.“

It was a strange exordium. The crowd frowned with wonder and waited for the appeal which must follow—sounding periods, moving eloquence. But it must be always remembered that our villain was a most vulgar man. He raised the little vial.

„The proof of the pudding,“ he said, „is in the eating.“

And he drank the liquid in the vial—he drained it slowly to the last drop. Then he turned and extended an arm of command over the jury, which had arisen to the last man, staring upon him with pallid faces and open mouths.

Illustration:

He turned and extended an arm of command over the jury...

„Now set that man free!“ he thundered, and strode from the courtroom.

The man was set free. The jury was out one and one-half minutes before it reached its verdict. And the first one to get to the acquitted man, who sat as if stunned, with wandering eyes, was Elizabeth Barrett. Love will find a way, even through a courtroom jam.

A note was brought to McCurtney; they read it together.

„Bring Elizabeth to my house, McCurtney,“ ran the note. „I have something to say to you both.“

Illustration:

„Bring Elizabeth to my house, McCurtney,“ ran the note.

As they sat in her car, she said:

„He knows, Harry!“

„Knows what?“ asked Harry.

„About us,“ said Elizabeth tenderly.

„About which?“ said the hero vaguely.

„About our love, dear,“ explained the beautiful woman.

„My God!“ said the hero. „Stop the car! Turn it about!“

„Harry!“ cried the beautiful woman. „You aren't afraid?“

„Afraid?“ stammered the hero. „No, of course not!“

„Poor dear! Of course that hideous trial has destroyed your nerves; but think of the long years of beautiful peace which we will spend together!“

„John Barrett!“ muttered the hero. „He knows?“

„I told him.“

„Elizabeth, were you mad, to tell that brute of a man?“

„He didn't care. In fact, that's how I induced him to defend you.“

The hero wiped his brow.

„He won't oppose,“ said the beautiful woman, and she looked out the window with something of a sigh. „He won't hinder us in anything. I suppose—I suppose the divorce will be easily granted me. And then—“

„Yes, yes!“ murmured the hero. „But let's talk about that later. The important thing now is John Barrett.“

„We'll talk to him in a moment. It won't take long. I suppose he wants to make the necessary arrangements for the—the divorce.“

She leaned back against the cushion and smiled that twentieth-century smile.

„By Heaven!“ said the hero, „I don't really know whether you're glad or sorry, Elizabeth.“

„Neither do I,“ she answered, and then, opening her eyes suddenly to the matter of fact: „Neither do I know whether I'm gladder to have my freedom, or sorrier to wade through the disgrace of the divorce court.“

„Hm!“ said the hero.

The car stopped in front of the columned entrance to the Barrett home.

„Aren't you coming, Harry?“ she asked with some impatience.

„Give me time, dear,“ said the hero. „My wits are still back there in the courtroom waiting for John Barrett to begin his appeal.“

„And mine,“ said the beautiful woman, „are in the bright future!“

And again she smiled the twentieth-century smile.

III

THEY entered, and a servant told them that Mr. Barrett expected them in his private library. They climbed to the third story.

„This climb,“ smiled Elizabeth, when they arrived, a little breathless, at the door, „is the only thing, I'm sure, which keeps John from becoming stout.“

„Hm!“ said the hero.

They entered, and the door clicked behind them. It was a circular room, with a vaulted ceiling. The walls were lined with unbroken rows of books. There was not even a window; the air came through two ventilators. John Barrett stood in front of an open fireplace with his back to them, so that they could not tell, at first, exactly what he was doing there.

„We are here, John,“ said Elizabeth in a rather thin voice.

„Oh!“ boomed Hole-in-the-Wall Barrett. „Are you here?“

And as he turned half toward them they discerned his employment—he was heating the end of a stout poker in a bed of white-hot coals. „Good God!“ whispered the hero.

He seized the knob of the door; but it did not budge. He could not even elicit a rattle from it when he shook it frantically.

„The door locks with a spring,“ explained John Barrett, turning squarely toward them, and still twirling the poker in the coals.

„Help!“ yelled the hero.

„Harry!“ said the beautiful woman in some disdain.

„It is often necessary for me to hold the most secret conferences here,“ said the villain, „and therefore I have had these walls built so thick that no sounds can enter or leave. The room is impervious to noise. It is necessary, because some really strange things have happened here.“

„What do you mean?“ said the hero, his voice changed beyond recognition.

„It is a suggestion,“ said the impassive villain, „for those who desire privacy. A room like this, for instance, would be ideal for writing your poetry, McCartney.“

„John!“ said the beautiful woman sharply. „What are you driving at?“

In that vulgar atmosphere it was no wonder if she had learned to use slang. The hero, however, did not seem to notice it. His curiosity, for the moment, overwhelmed any other emotions.

„How in the name of Heaven,“ he said, „did you survive that poison?“

„Was it poison?“ queried the villain. „Well, albumen coagulates and collects around certain poisons. I had swallowed several raw eggs just before I entered the courtroom. It is not a new trick. The moment I left I was taken by two doctors to a private room, and my stomach was pumped out.“

„Oh!“ said the hero scornfully. „I thought it was some ingenious thing you did!“

„Oh!“ said the villain. „Did you?“

„John, why have you sent for us?“ said the beautiful woman.

Barrett buried the poker in the coals so deep that it would not topple out, produced one of his villainous long cigars and lighted it. He then picked up a riding whip which had fallen to the floor, and hung it again above the fireplace.

„It is about your leaving,“ said the villain, and took the handle of the poker.

„Have you made up your mind to oppose me?“ she asked.

„If you love this man,“ he said in his calm voice, „I sha’n’t raise a hand to stop you or to hinder your happiness. I would even drink poison again to help you along.“

„You?“ said the beautiful woman.

„Because I love you,“ said the villain.

„You?“ said the beautiful woman.

„Rot!“ said the hero.

„But,“ went on the villain, „if you really care for this fellow here—this sneaking cur who makes my hand itch—if you really care for him, I’m sure that I can get along without you.“

„Do you mean—?“ cried the hero.

„I mean, Elizabeth,“ said the villain, „that I’ve probably made many mistakes in my treatment of you. I’ve never been a man of many words—outside the courtroom. I’ve usually depended on actions instead. After I married you, I didn’t think you required more proofs of my love. If you do, I’ll try to give them to you—not in words, because this is not a courtroom; but I want you to know that I’ve crossed the line from my old life and stepped into a new. This is the proof.“

He drew out the poker from the coals. It sparkled and glittered and radiated snapping sparks in showers. The iron indeed, seemed instinct with a terrible life, a volition of its own.

Illustration:

He drew out the poker from the coals.

„God!“ whispered the hero, and cowered against the locked door. The beautiful woman said nothing at all.

Coming to a point halfway across the room, the villain took the glowing iron and with it seared a smoking furrow, crooked and deep, across the polished wood from one side of the room to the other. The mark still fumed when he stepped back and cast the poker clanging on the hearth. It was an ugly mark, and a melodramatic thing to do, but the villain was a vulgar man.

„If you doubt that I love you hereafter,“ said the villain, „don't wait for me to tell you, but come up here and look at this mark on the floor, Elizabeth. You've done to me what I've done here.“

„John!“ whispered his wife.

He turned his cigar and blew a cloud of smoke toward the ceiling. Truly, a very vulgar man!

„Elizabeth!“ groaned the hero. „Are you going to leave me?“

„John!“ whispered the beautiful woman, and she ran across the smoking furrow on the floor, stretching out her arms to her husband. He removed his cigar.

„You will be able to open that other door,“ he said. She opened the door and went out.

„And now?“ asked the hero hoarsely.

„And now,“ said the villain, „I have always been a man of few words.“

So saying, he took down the riding whip from above the fireplace. The room was impervious to noise. It was necessary, because some strange things happened there.

