

The Third Degree

by **Joseph Alexander Altsheler, 1862-1919**

Published: 1903

in »Harper's Weekly« magazine

Re-published: 2016

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The Candidate and his company were due that night at Grayville, a brisk Colorado town, dwelling snugly in the shadow of high mountains, and hopeful of a great future, based upon the mines within its limits, and the great pastoral country beyond, as any of its inhabitants, asked or unasked, would readily have told you. Hence there was joy in the train, from Jimmy Grayson down, because the next day was to be Sunday, a period of rest, no speeches to be made, nothing to write, but just rest, sleeping, eating, idling, bathing, talking—whatever one chose to do. Only those who have been on arduous campaigns can appreciate the luxury of such a day now and then, cutting like a sweep of green grass, across the long and dusty road.

„They tell me that Grayville has one of the best hotels in the mountains,“ said Barton to Harley, his brother correspondent. „That you can get a dinner in a dozen courses, if you want it, and every course good; that it has real porcelain-lined bathtubs, and beds sure to cure the worst case of insomnia on earth. Do you think this improbable, this extravagant, but most fascinating tale can be true, Harley?“

„I live in hope,“ replied Harley.

„Jimmy Grayson has been here before,“ interrupted Hobart, of the New York Leader, „and he says it’s true, every word of it; if Jimmy Grayson vouches for a thing, that settles it; and here is a copy of the *Grayville Argus*; it has to be a pretty good town that can publish as smart a daily as this.“

He handed a neat sheet to Barton, who laughed.

„There speaks the great detective,“ he said. „You know, Harley, how Hobart is always arguing from the effect back to the cause.“

Hobart, in fact, was not a political writer, but a „murder mystery“ man, and the best of his kind in New York, but the regular staff correspondent of his paper, the Leader, being ill, he had been sent in his place. Hobart was a Harvard graduate and a gentleman, with a taste for poetry, but he had a peculiar mind, upon which a murder mystery acted as an irritant—he could not rest until he had solved it—and his paper always put him on the great cases, such as those in which a vast metropolis like New York abounds. Now, he was restless and discontented; the tour seemed to him the mere reporting of speeches and obvious incidents that everybody saw; there was nothing to unravel, nothing that called for the keen edge of a fine intellect.

„Grayville, with all its advantages as a place of rest, is sure to be like the other mountain towns,“ he said, somewhat sourly, „the same houses, the same streets, the same people. I might almost say, the same mountains. There will be nothing unusual, nothing out of the way.“

Harley had taken the paper from Barton’s hands and was reading it.

„At any rate, if Grayville is not unusual, it is to have an unusual time,“ he interrupted.

„How so?“

Illustration:
The gallows

„It is to hear Jimmy Grayson speak Monday, and it is going to hang a man Tuesday. See, the two events get equal advance space, two columns each, on the front page.“

He handed the paper to Hobart, who looked at it a little while, and then dropped it with an air of increasing discontent.

„That may mean something to the natives,“ he said; „it may be an indication to them that their place is becoming important—a metropolis in which things happen—but it is nothing to me. This hanging case is stale and commonplace; it is perfectly clear; a young fellow named Boyd is to be hanged for killing his partner, another miner; no doubt about his guilt, plenty of witnesses against him, his own

denial weak and halting—in fact, half a confession; jury out only five minutes; whole thing as bald and flat as this plain through which we are running.“

He tapped with his finger on the dusty car-window, and his whole expression was so gloomy that the others could not restrain a laugh.

„Cheer up, old man,“ said Barton. „Four more hours and we are in Grayville; just think of that wonderful hotel, with its more wonderful beds and its yet more wonderful kitchen.“

The hotel was all that they either expected or hoped, and the dawn brought a beautiful Sunday, disclosing a pretty little frontier city with its green, irrigated valley on one side and the brown mountains, like a protecting wall, on the other. Harley slept late, and after breakfast came out upon the veranda to enjoy the luxury of a rocking-chair, with the soft October air around him, and the majesty of the mountains before him. But there was a persistent inquiring spirit abroad which would not let him rest, and this spirit belonged to Hobart, the „mystery“ man.

Harley had not been enjoying the swinging ease of the rocking-chair five minutes before Hobart, the light of interest in his eyes, pounced upon him.

„Harley, old man,“ he exclaimed, „this is the first place we’ve struck in which Jimmy Grayson is not the overwhelming attraction.“

„The hanging. I suppose!“ said Harley, carelessly.

„Of course. What else could there be? It occurred to me last night, when I was reading the paper, that I might scare up a feature or two in the case, and I was out of my bed early this morning to try. It was a forlorn hope, I’ll admit, but anything was better than nothing, and I’ve had my reward. I’ve had my reward, old man!“

He chuckled outright in his glee. Harley smiled. Hobart always interested and amused him. The instinctive way in which he unfailingly rose to a „case“ showed his natural genius for that sort of thing.

„I haven’t seen Boyd yet,“ continued Hobart, excitedly, „but I’ve found out this much already: There are people in Grayville who believe Boyd innocent. It is true that he and Wofford—the murdered man—had been quarrelling in Grayville, and Boyd was taken at the shanty with the blood-stained knife in his hand, but that doesn’t settle it.“

Harley could not restrain an incredulous laugh. „It seems to me those two circumstances, without the other proof, are pretty convincing,“ he said.

Hobart flushed. „You just wait until I finish,“ he said, somewhat defiantly. „Now Boyd, as I have learned, was a good-hearted, generous young fellow. The quarrel amounted to very little, and probably had been patched up before they reached their shack.“

„That is a view which the jury evidently could not take.“

„Juries are often wooden-headed.“

„Of course; in the eyes of superior people.“

Illustration:

The shanty on the mountain road

„Now don't you try to be satirical—it's not your specialty. I mean to finish the tale. If you read the paper, you will recall that the shanty, where the murder occurred, was only a short distance from the mountain road, and there were three witnesses, Bill Metzger, a dissolute cowboy who was passing, and who, attracted by Wofford's death-cry, ran to the cabin and found Boyd, blood-stained knife in hand, bending over the murdered man; Ed Thorpe, a tramp miner, who heard the same cry and who came up two or three minutes later, and finally Tim Williams, a town idler, who was on the mountain-side, hunting. The other two heard him fire his gun a few hundred yards away, and called to him. When he arrived, Boyd was still dazed and muttering to himself, as if overpowered by the horror of his crime.“

„If that isn't conclusive then nothing is,“ said Harley, decisively.

„It is not conclusive; there was no real motive for Boyd to do such a thing.“

„To whom did the knife belong?“

„It was a long bread-knife that the two used at the cabin.“

„There you are! Proof on proof!“

„Now, you keep silent. Harley, and come with me, like a good fellow, and see Boyd in the jail. If you don't, I swear I'll pester the life out of you for a week.“

Harley rose reluctantly, as he knew that Hobart would keep his word. He believed it the idlest of errands, but the jail was only a short distance away, and the business would not take long. On the way Hobart talked to him about the three witnesses. Metzger, the cowboy, on the day of the murder, had been riding in from a ranch further down the valley; the other two had been about the town until a short time before the departure of Boyd and Wofford for their cabin.

They reached the jail, a conspicuous stone building in the centre of the town, and were shown into the condemned man's cell. The jailer announced them with the statement:

„Tim, here's two newspaper fellers from the East wants to see you.“

The prisoner was lying on a pallet in the corner of his cell, and he raised himself on his elbow when Harley and Hobart entered.

„You are writers for the papers?“ he said.

„Yes, clean from New York; they are with Jimmy Grayson,“ the jailer answered for them.

Illustration:
The jail cell

„I don't know as I've got anythin' to say to you,“ continued the prisoner. „I ain't got no picture to give you, an' if I had one I wouldn't give it. I don't want my hangin' to be all wrote up in the papers, with pictures an' things too, jest to please the people in the East. If I've got to die, I'd rather do it quiet and peaceful, among the boys I know. I ain't no free circus.“

„We did not come to write you up; it was for another purpose,“ Harley hastened to say.

He was surprised at the youth of the prisoner, who obviously was not over twenty-one, a mere boy, with good features, and a look half defiant, half appealing.

„Well, what did you come for, then?“ asked the boy.

Harley was unable to answer this question, and he looked at Hobart as if to indicate the one who would reply. The „mystery“ man did not seek to evade his responsibility in the least, and promptly said:

„Mr. Boyd, I think you will acquit us of any intention to intrude upon you. It was the best of motives that brought us to you. I have always had an interest in cases of this sort, and when I heard of yours in the train, coming here, I received an impression then which has been strengthened on my arrival in Grayville. I believe you are innocent.“

The boy looked up. A sudden flash of gratitude, almost of hope, appeared in his eyes.

„I am!“ he cried. „God knows I didn't kill Bill Wofford. He wuz my partner and we wuz like brothers. We did quarrel that mornin'—I don't deny it—and we both had been liquorin'; but I'd never hev struck him a blow of any kind, least of all a foul one.“

„Was it not true that you were found with the bloody knife in your hand, standing over his yet warm body?“ asked Hobart.

„It's so, but it was somebody else that used the knife. Bill went on ahead, and when I come into place I saw him on the floor an' the knife in 'im. I was struck all a-heap, but I did what anybody else would a-done—I pulled the knife out. And then the fellers come in on me. I was rushed into a trial right away. Of course I couldn't tell a straight tale; the horror of it was still in my brain, and the effect o' the liquor too. I got all mixed up—but before God, gen'lemen, I didn't do it.“

His tone was strong with sincerity, and his expression was rather that of grief than remorse. Harley, who had had a long experience with all kinds of men in all kinds of situations, did not believe that he was either bad or guilty. Hobart spoke his thoughts aloud.

„I don't think you are guilty,“ he said.

„Everybody believes I am,“ said Boyd, with pathetic resignation, „and I am to be hanged for it. So what does it matter now.“

„I am going to look for the guilty man,“ said Hobart, decidedly.

Boyd shook his head and lay back on his pallet. The others, with a few words of hope, withdrew, and when they were outside Harley said:

„Hobart, were you not wrong to sow the seed of hope in that man's mind when there is no hope?“

„There is hope,“ replied Hobart; „I have a plan. Don't ask me anything about it—it's vague yet—but I may work it.“

Harley glanced at him, and, seeing that he was intense and eager, with his mind concentrated upon this single problem, resolved to leave him to his own course; so he spent most of the day, a wonderful October Sunday, in luxurious idleness, in a rocking-chair on the piazza of the hotel, but Grayville being a small place, he knew everything that was going on within it, by means of a sort of mental telepathy that the born correspondent acquires. He knew, for instance, that Hobart was all the time with one or the other of the three witnesses. Metzger, Thorpe and Williams, for the moment the most important persons in Grayville by reason of their conspicuous connection with the great case.

When Hobart returned, the edge of the sun was behind the highest mountains, but he took no notice of Harley, walking past him without a word, and burying

himself somewhere in the interior of the hotel. Harley learned subsequently that he went directly to Jimmy Grayson's room, and remained there at least half an hour, in close conference with the Candidate himself.

The next day was a break in the great campaign. Owing to train connections, which are not trifles in the Far West, it was necessary, in order to complete the schedule, to spend an idle day at some place, and Grayville had been selected as the most comfortable and therefore the most suitable. And so the luxurious rest of the group was continued for twenty-four hours for all—save Hobart.

Harley had never before seen the „mystery“ man so eager and so full of suppressed excitement. He frequently passed his comrades, but he rarely spoke to them, or even noticed them; his mind was concentrated now upon a great affair in which they would be of no avail. Harley learned, however, that he was still much in the company of the three witnesses, although he asked him no questions. Late in the afternoon he saw him alone and walking rapidly towards the hotel. It seemed to Harley that Hobart's head was borne somewhat high and in a manner exultantly, as if he were overcoming obstacles, and he was about to ask him again in regard to his progress, but Hobart once more sped by without a word and went into the hotel. Harley learned later that he held a second secret conference with Jimmy Grayson.

In the evening everybody went to the Opera-House to hear the Candidate, but on the way Hobart said casually to Harley:

„Old man, I don't think I'll sit in front tonight. I wish you would let me have your notes afterwards.“

„Of course,“ replied Harley, as he passed down the aisle and found his chair at the correspondents' table on the stage.

There Harley watched the fine Western audience come into the theatre and find seats, with some noise, but no disorder, a noise merely of men calling each other by name, and commenting in advance on what Jimmy Grayson would say. The other correspondents entered one by one—all except Hobart, and took their seats on the stage. Harley looked for Hobart, and two or three times he saw him near the main entrance of the building. Once he was talking with a brown and longish-haired youth, and Harley, by casual inquiry, learned that it was Metzger the cowboy. A man not greatly different in appearance, to whom Hobart spoke occasionally, was Thorpe, the tramp miner, and yet another, a tall fellow with a bulging underlip, Harley learned, was Williams, the third witness.

Evidently the three witnesses would attend Jimmy Grayson's meeting, which was natural, however, as everybody in Grayville was sure to come, and Harley also surmised that Hobart had taken upon himself the task of instructing them as to the methods, the manner, and the greatness of the Candidate. He had done such a thing himself, upon occasion, the Western interest in Jimmy Grayson being so great that often appeals were made to the correspondents for information about him more detailed than the newspapers gave.

Harley studied the faces of the three witnesses as attentively as the distance and the light would admit, but they remained near the door, evidently intending to stand there, back to the wall, a plan sometimes adopted by those who may wish to slip out quietly before a speech is finished. Harley, the trained observer, saw that

Hobart, without their knowledge, was shepherding them as the shepherd gently makes his sheep converge upon a common spot.

The correspondent could draw no inference from the faces of the three men, which were all of usual Western types, without anything special to distinguish them, and his attention turned to the audience. He had received an intimation that Jimmy Grayson would deliver that evening a speech of unusual edge and weight. He would indict the other party in the most direct and forcible manner, pointing out that its sins were moral as well as political, but that a day of reckoning would come, when those who profited by such evil courses must pay the forfeit; it was a part of the law of nature which was also the law of retribution.

The Candidate was a little late, and the Opera-House was filled to the last seat, with many people standing in the aisles and about the doors. Harley, glancing again at the rows and rows of faces, saw the three witnesses almost together, and just to the right of the main entrance, where they leaned against the wall facing the stage. Hobart fluttered about them, holding them in occasional talk, and Harley was just about to look again, and with increasing attention, but at that instant the great audience, with a common impulse and a kind of rushing sound like the slide of an avalanche, rose to its feet. The Candidate, coming from the wings, had just appeared upon the stage, and the welcome was spontaneous and overwhelming. Jimmy Grayson was always a serious man, but Harley noticed that evening, when he first appeared before the footlights, that his face looked tense and eager, as if he felt that a great task which he must assume lay just before him.

He wasted no time, but went at once to the heart of his subject, the crime of a great party, the wicked ways by which it had attained its wicked ends, and from the opening sentence he had his great audience with him, heart and soul.

The indictment was terrible; in a masterly way he summed up the charges and the proof, as a general marshals his forces for battle, and the audience, so clear were his words and so strong his statements, could see them all marching in unison like the battalions and brigades, toward the common point, the exposed centre of the enemy.

Again and again, at the pauses between sentences, the cheers of the audience rose and echoed, and then Harley would glance once more toward the door; there, always, he saw Hobart with the three witnesses, gathered under his wing, as it were, all looking raptly and intently at Jimmy Grayson.

The Candidate by and by seemed to concentrate his attention upon the four men at the door, and spoke directly to them. Harley saw one of the group move as if about to leave, but the hand of Hobart fell upon his arm and he stayed. Harley, too, was conscious presently of an unusual effect having the quality of weirdness. The lights seemed to go down in the whole Opera-House, except near the door. Jimmy Grayson and the correspondents were in a semidarkness; but Hobart and his three new friends beside the door stood in a light that was almost dazzling through contrast. The three witnesses now seemed to be fixed in that spot, and their eyes never wandered from Jimmy Grayson's face.

Familiar as he was with the Candidate's oratorical powers Harley was surprised at his strength of invective that evening. He had proved the guilt, the overwhelming guilt of the opposition party, and he was describing the

punishment, a punishment sure to come, although many might deem it impossible.

But there would be a day of judgment; justice might sleep for a while, but she must awake at last, and the longer vengeance was delayed, the more terrible it became. Then woe to the guilty.

The audience was deeply impressed by the eloquence of Jimmy Grayson, coinciding so well with their own views. Harley saw a look of awe appear upon the faces of many, and the house, save for the voice of Jimmy Grayson, was as still as death. Harley felt the effect himself, and the weird, unreal quality that he observed before increased. Once when he went over to make some notes he noticed that the words written a half hour before were scarcely visible, but when he glanced at the opposite end of the theatre there stood Hobart and the three witnesses, gathered about him in the very heart of a dazzling light that showed every changing look on the faces of the four. Harley's gaze lingered upon them, and again he tried to find something peculiar, something distinctive in at least one of the three witnesses, but as before he failed; they were to him just ordinary Westerners following with rapt attention every word and gesture of Jimmy Grayson.

The Candidate went on with his story of the consequences; the crime had been committed; the profits had been reaped and enjoyed, but slumbering justice, awake at last, was at hand; it was time for the wicked to tremble, the price must be repaid, doubly, trebly, fivefold. Now he personified the guilty party, the opposition, which he treated as an individual; he compared it to a man who had committed a deed of horror, but who long had hidden his crime from the world; others might be suspected of it, others might be punished for it, but he could never forget that he himself was guilty; though he walked before the world innocent, the sense of it would always be there, it would not leave him night or day; every moment even before the full exposure it would be inflicting its punishment upon him; it would be useless to seek escape or to think of it, because the longer the guilty victim struggled the more crushing his punishment would be. The correspondents forgot to write, and, like the audience, hung upon every word and gesture of Jimmy Grayson, as he made his great denunciatory speech; they felt that he was stirred by something unusual, that some great and extraordinary motive was impelling him, and they followed eagerly where he led them.

Harley saw the look of awe on the faces of the audience grow and deepen. With their overwhelming admiration of Jimmy Grayson they seemed to have conceived too a sudden fear of him. His long, accusing finger was shaken in their faces, he was not alone denouncing a guilty man, but he was seeking out their own hidden sins, and presently he would point at them his revealing finger.

Hobart stood with the three witnesses beside the door, still in the dazzling light. Harley was sure that not one of the four had moved in the last half hour, and Jimmy Grayson still held them all with his gaze. Harley suddenly saw something like a flash of light, a signal glance, as it were, pass between him and Hobart, and the next instant the voice of the Candidate swelled into greater and more accusing volume.

„Now you behold the guilty man,“ said Jimmy Grayson. „I have shown him to you. He seems to the world full of pride and power, but he knows that justice is

pursuing him, and that it will overtake him; he trembles, he cowers, he flees, but the avenging footsteps are behind him, and the sound of them rings in his frightened ears like a death-knell to his soul. A wall rises across his way. He can flee no farther, he turns, back to the wall, raises his terror-stricken eyes, and there before him the hand of fate is raised; its finger points at him, and a terrible voice proclaims, *thou art the guilty man!*“

The form of Jimmy Grayson swelled and towered, his hand was raised, the long forefinger pointed directly at the four who stood in the dazzling light, and the hall resounded with the tremendous echoes of his cry:

„Thou art the guilty man!“

As if lifted by a common impulse, the great audience rose with an indescribable sound, and faced about, following Jimmy Grayson's long, accusing finger.

The man Williams threw his arm before his face, as if to protect himself, and, with a terrible cry, „Yes, I did it!“ fell in a faint on the floor.

They were all on a train in Wyoming, four days later, and Harley was reading from a copy of the *Grayville Argus* an account of Boyd's release and the ovation that the people had given him.

„How did you trace the crime to Williams, Hobart?“ asked Harley.

„I didn't trace it; it was Jimmy Grayson who brought it out by giving him *the third degree*,“ replied Hobart, though there was a quiet tone of satisfied pride in his voice. „You know that in New York when they expose a man at Police Headquarters to some such supreme test they call it giving him *the third degree*, and that's what we did here. It seems that Williams was in the saloon when Boyd and his partner quarrelled, and he knew they had a lot of gold from the claim in their cabin. His object was robbery. When he saw Wofford go on ahead he followed him quickly to the cabin, and killed him with the knife which lay on a table. He expected to have time to get the gold before Boyd came, but Boyd arrived so soon that he was barely able to slip out. Then Williams, cunning and bold enough, came back as if he were a chance passer-by and had been called by Metzger and Thorpe. The other two were as innocent as you or I.

„I could not make up my mind which of the three was guilty, and I induced Jimmy Grayson to help me. It was right in line with his speech—no harm done even if the test had failed—and then the man who managed the lights at the Opera-House, a friend of Boyd's, helped me with the stage effects. Jimmy Grayson, of course, knew nothing about that. I borrowed the idea. I have read somewhere that Aaron Burr by just such a device once convicted a guilty man who was present in court as a witness when another was being tried for the crime.“

„Well, you have saved his life to an innocent man,“ said Harley.

„And I have cost a guilty one his.“ And then, after a moment's pause, Hobart added, with a little shiver:

„But I wouldn't go through such an ordeal again at any price. When Jimmy Grayson thundered out. *Thou art the guilty man* it was all I could do to keep from crying, *Yes, I am, I am!*“



