





See Note to Frontispiece, page 185.

Robbery Under Law

OR

The Battle of the Millionaires

A PLAY

IN THREE ACTS AND THREE SCENES

TIME, 1887

TREATING OF THE ADVENTURES OF

THE AUTHOR OF

"WHO'S LOONEY NOW?"

By

JOHN ARMSTRONG CHALONER

AUTHOR OF

SCORPIO

SUNDAY'S COMPLIMENTS TO SOCIETY WOMEN.

"We're always hearing about poor girls who go wrong, and sell themselves to the Devil, and tempt men into sin. If you believe what some folks say, you'd think it was only the six-dollar-a-week factory girl that filled the joints, and wrecked the homes, and lured away mothers' darlings. As a matter of fact, some of the most dangerous women, some of the most unprincipled sirens, are to be found among the daughters of the rich; women who will lie for money, steal for money, wear the scarlet letter for money—murder for money."—William Sunday.

SECOND EDITION

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PROLOGUE

Since finishing the play: "Robbery Under Law," last Fall, the undersigned has written another play found herewith, entitled: "The Hazard Of The Die," a three act play in blank verse treating of the conspiracy of Catiline during the last days of the Roman Republic.

A word of explanation is germane to the matter in hand. Upon finishing "Robbery Under Law," this last Fall, the writer sent it to a friend—a lady—upon a large New York daily paper. She in turn sent it to another lady—a friend of hers—with the request that she bring the play to the attention of her friend's—a large New York theatrical manager's—play-reader. The letter below is an exact transcript of the letter of the undersigned to lady number two.

In closing this introduction to an introduction—so to speak—it might be observed that the length of the first play—a thing which can be remedied by a blue pencil and judicious and experienced cutting, without in the least interfering with the action of the drama—the length has been retained—even added to—since the letter below was written—*in order to serve as a sort of propaganda towards the cause of Lunacy Law reform, to which the writer has sacrificed the past eighteen years of his life—come March 13, 1915.* All the characters—with the exception of the heroine's—which is entirely an imaginary one—having been photographed actually—so to speak—from life; and all the actions of all the characters—bar the heroine's—having been practically copies from court records as is indicated in the subjoined letter. To that end the writer has left his comments unpruned, upon the abominable laws, and the even *more* abominable administration of said laws, by the New York Courts, both State and Federal, set forth in "Robbery Under Law."†

†The object being to put before the papers the deadly disease eating the fibre of our body-politic in vicious Lunacy Legislation obtaining in 40 per cent. of the States of the United States; as "Damaged Goods" put before the papers and public the deadly disease eating the flesh of alas! but too many of the peoples of the earth.

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Charles Reade's brilliant and powerful novel: "Very Hard Cash," of some fifty or more years ago, revolutionized the treatment of prisoners behind the bars of English Insane Asylums. It is far too much to expect the same result from "Robbery Under Law," but—for what it is worth as a photographic exposition of cold, hard, every-day facts, in our allegedly humane, and civilized, and upright community of the United States—it is hereby launched upon the perilous sea of literature.

JOHN ARMSTRONG CHALONER,
 "The Merry Mills,"
 Cobham,
 Albemarle County,
 Virginia.

December 21, 1914.

Richmond, Virginia,
 October 24, 1914.

Miss _____,
 New York, N. Y.

My dear Miss _____,

My letter from "The Merry Mills," Cobham, Va., and yours with the play—to Miss _____, of the 'New York _____' (naming that lady's newspaper), which she forwarded with the play to Virginia, crossed. My letter informed you that I had decided upon publishing the play in book form, before producing same. Yours informed me—through Miss _____, of its rejection by your play-reader.

"For this relief much thanks"—as Hamlet observes. Nothing could be more timely, *à propos*, or pleasant to me than said rejection. The reason being, that the reasons for same given by the reader are so amusing—when viewed in connection with the stubborn facts in the premises—that the rejection becomes a literary asset of the first water to me; and shall be printed—sinking—of course, out of courtesy to Miss _____ and yourself—the name of the managers involved.

You see it's this way. Practically *all* the characters, and *all* the scenes, in the play, are *from life*.

This being so, the words of your reader: "far-fetched and sensational in plot" become highly interesting. The first Act is taken *bodily—characters and action from life.*

This is the Act in which the shooting and death of one of the characters occurs.

The proof of my statement is that said Act is merely the gist of my deposition on the witness stand in the case of *Chaloner against the New York "Evening Post,"* for \$100,000 damages for libel in printing that I killed John Gillard, the English wife-beater—after the coroner's jury had found that he met his death by a pistol in the hands of Gillard and Chaloner, while Chaloner was, in good faith, trying to prevent Gillard from shooting his—Gillard's—wife.

So much for the "far fetched and sensational plot" of Act I.

Act II is a thinly disguised statement of cold, hard facts—bar only the love-motive, which is entirely imaginary. Scene I, of Act III, *is almost verbatim and actually from life!* Scene II, Act III, *is practically so.* Scene III, Act III, *is largely so.* The only main differences being that the fight with the "Bloomingdale" keeper took place in my cell at "Bloomingdale," instead of in the wood at "Bloomingdale": and, also, that I escaped from "Bloomingdale" by flight *unaided* by support from outside that institution—outside the Insane Asylum—as in the play.

Lord Byron wrote: "Truth is stranger than fiction."

Messrs. ———'s play-reader surely endorses that remark of his experienced and brilliant lordship.

The play-reader continues: "This so-called play is lengthy and diffuse." On the edge of the manuscript I was at pains to write at the middle of Act II: "This should be cut about two-thirds from here on." And in the same place in Act III, I wrote: "This should be cut about three-quarters from here on." So you see your play-reader and I are in accord about it's being "diffuse in dialogue." I did not cut for the solitary reason that I am not experienced in catering to public taste—as is a manager—and therefore he would be in a far stronger position than would I. I merely exposed my Psychological wares for him to se-

lect from—the public at last beginning to take a keen interest in that mysterious department of science. The amounts I named could have been cut from the play without the least injury to the action, though *not* to the Psychological value of it as a study in the very latest and farthest advanced realms of Mediumship. Since that is what I am—a Medium—in the language of the late Professor William James, of Harvard—of whom you have doubtless heard.

In my sensational trial at Charlottesville, Virginia, November 6, 1901, his opinion declaring me sane and also a Medium, largely helped to win me the recovery of my good name from the stigma cast upon it by the perjured arrest and incarceration of myself in "Bloomington" as a maniac, by my avaricious and unnatural brothers and sisters, who lusted after my million and a half of real estate on Manhattan Island—though each was a millionaire in his, or her, own right. Professor James' words were: "Mr. Chaloner is of a strongly 'mediumistic,' or 'psychic' temperament." I am no spiritualist. *Far from it.* I denounce spiritualism as a fake; and charge all my interesting Psychological phenomena—such as trances and trance-like states—to Psychology and nothing else. *Hence the "so-called play" deals with the most advanced outposts of the great subject of Psychology.*

This being the fact, the statement of your reader: "there is nothing in the story that is worth considering," becomes highly interesting. Which interest is accentuated by the following closing and crowning climax of criticism upon the part of your reader: "*the behaviour of all the characters being highly unconvincing under all circumstances.*" Might I be permitted to add—"in particular that of the late John Gillard, deceased."

So much the roof and crown of things is this last gem of your reader, that I cannot and will not resist the temptation to appropriate this "Rajah's Ruby" of critical insight, culture, and artistic and dramatic penetration and experience, as follows: I have—some two or three days ago—completed a very brief Prologue; and had sent it—with the duplicate manuscript I had of the play—to the publishers who are bringing out: "Robbery Under Law" in book form. I had

feared that the Prologue was too brief. Therefore it is with pleasure that I add to it the admirably succinct, and yet comprehensive, synopsis of "R. U. L.", rendered by your reader at the top of the report thereon, together with his *verbatim* entire hostile critique thereof, followed by my reply thereto, in the shape of this letter to you, with, of course, your name sunk; by way of comment and explanation to the critics who will have "Robbery Under Law" before them in book form before long. *In this way I shall find out if Truth is so much stranger than Fiction that it cannot and shall not compete with Fiction in things theatrical.*

Thanking you for your courtesy in the premises, believe me,
 Very sincerely yours,

JOHN ARMSTRONG CHALONER.

P. S.—You will pardon the length of this letter when you consider that it is my new Prologue—and unless I write it to you I can't truthfully say that I did—as I shall—in the Prologue.

J. A. C.

Author's address

Read September 30th, 1914. (C. E. W.)

"Robbery Under Law";

or "The Battle of The Millionaires."
 Play in Three Acts.

By

This requires three scenes and sixteen characters.

Hugh Stutfield, of Virginia and New York, a millionaire Art Patron and Writer on Law, has an enemy in James Lawless, also a millionaire, who conspires with his relatives to get him out of the way.

Hugh and Lawless are rivals for the hand of Viola Cariston, and fearing that he has little chance of winning her from the Virginian, Lawless determines to resort to any means rather than lose her.

Constantia and Winston Blettermole, cousins of Hugh's, are bitterly jealous of him, and as they are the next heirs to his millions if he does not marry, they listen readily to the criminal suggestions of Lawless and his lawyer, Spink. Although Hugh has a certain clairvoyant sense which warns him of trouble, they manage to have him shut up in an Asylum as a dangerous lunatic. From this place he eventually makes his escape and by wit and courage gets the better of his persecutors.

This so-called play is a lengthy and far-fetched narrative, very sensational in plot and diffuse in dialogue.

The speeches are almost all pages in length and the authors are apparently quite ignorant of the form in which plays are written.

There is nothing in the story which is worth considering—the behavior of all the characters being highly unconvincing under all circumstances.

It is but fair to state that lady number two's play-reader had not the remotest idea as to the identity of the author of "Robbery Under Law." For he says in his critique, "the authors are."

Finally he is presumably unfamiliar with the stirring cycle of events which—for the past eighteen years—has been whirling around the head of "Who's Looney Now?"

INSET

To

"ROBBERY UNDER LAW"

DEATHLESS ROMANCE.

Chorus *loquitur*.

In Memoriam "THE WIZARD OF THE NORTH."

Thou think'st perchance Romance is dead and gone
 That Science cold hath laid her fiery ghost
 But glance within and thou'lt be told not one
 But deeds of derring-do a serried host.
 The Poetry of Business herein gleams—
 The sparkling projects of her darkling womb—
 And Death doth shed her shimmering moonbeam gleams
 Athwart the ghostly portal of the Tomb.
 Love lifts her radiant head and waves her hand;
 Whereat fell Rivalry doth draw his knife—
Psychology then in the game takes hand,
And saves the hero in his hour of strife!
 In short we show that Mystery to-day
 Is as mysterious as she's been for aye.

ROBBERY UNDER LAW

OR

The Battle of the Millionaires

A Play in Three Acts and Three Scenes.

Dramatis Personae.

HUGH STUTFIELD of "Rokeby," Albemarle County, Virginia, and New York. Millionaire Art Patron and Law Writer. 30 years old. In love with Viola.

JAMES LAWLESS, of New York. Millionaire man-about-town. 30 years old. Rival of Stutfield, and his enemy. Rejected suitor of Viola.

WINSTON BLETTERMOLÉ, of New York, millionaire. Cousin and heir-at-law of Stutfield, and his bitter enemy. 30 years old.

BELISARIUS P. SPINK, of the New York County Bar. Family lawyer of both Lawless and Blettermole. Learned but unscrupulous practitioner. Hatches the plot to have Stutfield basely declared insane to rid Lawless of a rival in love, and enable Blettermole to obtain control of his five million dollar estate. Known to his intimates as "B. P.," since he frowns upon the juxtaposition of such names as "Belisarius" and "Spink." 50 years old, but wonderfully preserved.

CAPTAIN CARISTON, "F. F. V." and ex-Confederate Cavalry Officer under Stuart in the army of Northern Virginia. Since the war exiled himself to the coal fields

of West Virginia for twenty years, and as a result is now worth half a million. Father of Viola, his only child. About 50 years old.

ALBERT WEDGE. Inventor. In employ of Stutfield, about 30 years old.

JOHN BULLARD. English machinist, 32 years old.

<p>DR. BARKUS DR. NEIN†</p>	}	<p>New York alienists. Employed by Lawless and Blettermole to visit Stutfield in New York under false pretenses, garble his statements and falsely testify as to his insanity. Fifty-five and fifty-eight, respectively.</p>
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"BOSCO." Stutfield's negro body-servant.

"WASHI." Negro butler at "Elsinore," the three thousand acre plantation of Captain Cariston in Albemarle County.

PAT SLIGO. Keeper at "Fairdale" Insane Asylum. In charge of Stutfield. 25 years old.

VIOLA CARISTON. Daughter of Captain Cariston, of "Elsinore." In love with Stutfield. 25 years old.

CONSTANTIA BLETTERMOLE. Wife of Winston Blettermole. Viola's best friend. 28 years old.

MRS. BULLARD. Wife of John Bullard. 30 years old.

MONA BULLARD. Eight year old daughter of Mrs. Bullard.

TIME, 1887.

PLACE, VIRGINIA AND NEW YORK.

†Alias Rumdumbagore, a falsely alleged Parsee fire-worshipper from Bombay.

ACT I.

THE HAND OF DESTINY.

The Dining Room at "Rokeby," Albemarle County, Virginia, Stutfield's 400 acre estate. Three P. M., March 15th, 1887.

ACT II.

WEAVING THE PLOT.

The Drawing Room at "Elsinore," Captain Cariston's 3,000 acre plantation. Five miles from "Rokeby." Four P. M., March 18th, 1887.

ACT III.

COUNTERPLOT.

SCENE I.

IN THE SHADOW OF THE LABYRINTH.

Stutfield's bedroom in his suite at the Hotel Kensington, 15th Street and 5th Avenue. Six-thirty P. M., April 12th, 1887.

SCENE II.

THE LABYRINTH.

Stutfield's cell in "Fairdale" Insane Asylum. Time: Afternoon, three months later.

SCENE III.

THE RESCUE.

The wood at "Fairdale" Insane Asylum. Time: Afternoon. Three weeks later.

THE HAND OF DESTINY.

ACT I. Dining Room at "Rokeby," Albemarle County, Virginia.

(Stutfield, alone, dressed in riding costume—cut-away-coat, breeches and gaiters—sitting at table in centre of stage. Stutfield is a man five feet ten and three-quarter inches high, of athletic build and weighs a hundred and fifty-four. His features are strong and regular. Eyes dark grey, hair thick and curly and such dark brown as to appear black. He is clean shaved. He smiles as readily as he frowns. Luncheon over, except fruit. "Bosco," a powerful negro servant, enters and hands Stutfield a letter, on a silver salver).

"Bosco": "From Miss Cariston, Sir. The groom brought it and left."

(Servant retires. Stutfield opens letter, and reads.)

Stutfield. (Reading)

"Elsinore,"

March thirteenth, 1887.

"Dearest Hugh:

This is the twelfth letter I have ever, ever written you, my dear, and yet I am in the same state of uncertainty as regards accepting you as I was when I sat down to write the first. Why is this? Why can't I make up my mind? You satisfy my mental concept of a man, you satisfy my moral concept, and my physical. You are blue-blooded. You are rich. You are in the prime of life. You are a cosmopolitan—a Londoner, a Parisian, and a New Yorker, as much as you are a Virginian born, if not raised in the dear old State. Why cannot I say, 'Come to me, and take me.' You who are a metaphysician and a philosopher will probably say because I do not know my own mind. But my dear, dear friend, the tabulating of—I shan't say all and sundry, but certainly—*several* of your attractive qualities in this letter, gainsays that hypothesis, does it not, Hugh? I do wish I could screw myself up to the sticking-place and say, 'Come.' But I cannot. I feel, Hugh, darling, that I am doing you a great wrong in keeping you hanging in the offing like this—that I

am keeping some nobler woman than myself away from you, away from your charm, away from your manliness, away from your high ideality and true Christian manhood. You see, dear, I *do* know you pretty well for having known you for so short a while—barely three months—after all, do I not, darling? But try as I may, I simply *cannot* bring myself to say ‘Yes.’ When I first saw you at that ball in New York last January—the ‘Patriarchs’—I had a feeling that you were my mate. That may sound strangely but you know I am a strange creature. That may sound unmaidenly—but, my darling, you know, at all events, I am not *that*. Yes, Hugh, I felt that you were my mate, my man, my defender, and champion against ‘the thorns and crosses of the world’ as our Shakspeare says. You don’t know how my heart went out to you—how it beat under my corsage—you see, dear, I *am* frank—I do not conceal your attraction for me—and yet—and yet—. But there—I know my vacillation irritates you, dear, so I shall stop, with a prayer for guidance to that God Whom we both so firmly believe in, and trust.

Your friend,

VIOLA CARISTON.”

(Upon reading letter Stutfield says:) “What wouldn’t I give to be able to win that girl!”

(Leans head on hand, elbow on table and gazes into fire at right. After a moment):

“I’d give anything—*anything*—anything an honorable man could—to win her.” (Pause) “A girl like that needs the imagination touched—needs something that appeals to the imagination—to turn the trick. And what in G—d’s name can appeal to a young girl’s imagination in these drab-colored, hum-drum piping days of peace! Nothing!” (A pause. Sighs.) “Well, there’s nothing to do for it but wait—waiting in a case like the present doesn’t spoil anything, doesn’t endanger anything—‘Patience and shuffle the cards—patience and shuffle the cards’—(The negro, Bosco, enters and says:)

“Miss Cariston, Sir, and a strange lady is outside—in Miss Cariston’s runabout—and Miss Cariston want to know if yo’ can see her and the lady for a few minutes.”

Stutfield: "*Miss Cariston!*"

Bosco: "Yes, Suh."

Stutfield: "Certainly, I'll go out at once."

(Enter Viola and Mrs. Bullard, and an eight-year-old daughter. Viola Cariston is five feet eight inches in height, of full but graceful figure. Has dazzling white skin with two patches of colour in her cheeks. Her eyes are a red-brown, so dark as to appear almost black. Her hair which is very abundant and naturally wavy is a dark copper colour—almost black. She has a face of wining sweetness, shadowed by a seriousness—a gravity—which makes her smile a rare one.

Mrs. Bullard is an attractive, well mannered, lower-middle class woman, modestly, but tastefully dressed.

Mona is a child of unusual attractiveness and refinement: dressed with extreme care by her mother.)

Viola: "I came in uninvited, Hugh—as you see—but the matter is marked 'Urgent' and ceremony must go to the wall. Permit me to make you known to Mrs. John Bullard, late of England. I come in the role of a damsel-errant, succouring distressed womanhood—nothing else, you may well imagine, could have induced me to invade the bachelor quarters of Mr. Hugh Stutfield, of 'Rokeby' and New York."

(Stutfield, who has risen and crossed the stage to door at left by which they entered—only door in the room—bows politely but coldly to Mrs. Bullard, who returns the salute quietly).

Stutfield: "One moment, Miss Cariston—permit me. Bosco, clear the table. Then tell Miss Cariston's groom to take the horse to the stable—but not unharness—on account of the cold." (Bosco bows, and with great alacrity, skill and noiselessness places the plate and fruit-dish upon a tray—no cloth on the table, which is mahogany—with fruit knife and glass, and the table is cleared. He then disappears).

Stutfield: "Won't you ladies and the little girl please seat yourselves before the fire and warm?" (Bringing up two chairs. The little girl on the way to mount her mother's lap spys an old Nile green velvet, Rugby School, England, football cap of Stutfield's, on the table, and exclaims):

Mona: "My, what a pretty cap!"

Stutfield: "Yes, young lady, rather Oriental, is it not? That (holding it up) Miss Cariston, is a souvenir of my hard-fought battles on the football field at Rugby—Tom Brown's Rugby—where I was full-back for my team. I wear it only about the house and only in winter—and only in going through the halls—because as you may have noticed—though hot water is laid on here I never use anything but the open wood fires, and therefore the hall-ways are cold. (Leaving the cap in the child's hands).

Viola: "Mr. Stutfield, this lady met me as I was driving home from a Ladies' Auxiliary meeting at Grace church. She was on foot, accompanied by her little girl. She stopped me and asked if I knew the way to Mr. Hugh Stutfield's. I replied that I did. She then asked me if I would mind driving her there, as she had business of importance which would not brook delay. I willingly consented. As soon as she was seated she said that she would like to speak to me privately. I thereupon told Griffith—the boy—to get down and walk ahead of the horse—"

Stutfield: "Pardon my interruption, but I shall give myself the pleasure of saying *a general ever!* You made Master Griffith walk *ahead* of the horse. There's where your generalship which you will bear me out I've always insisted on, you inherited from your warlike sire—there's where your generalship came in, and made its rare presence felt—ninety women out of a hundred—and ninety men even—would have allowed Master Griffith to walk behind and overhear you, or anywhere he pleased, so long as he *did* walk."

Viola: "*Merci.* But no more interruptions, if you please—particularly upon such exceedingly trifling provocation—the matter in hand, Mr. Stutfield, is of the very gravest possible importance."

(Stutfield, who has at first smiled and bowed, now looks grave and says):

Stutfield: "A thousand pardons—I shall not offend again."

Viola: "Mrs. Bullard then told me one of the most heart-rending stories I have ever heard, of marital unhappiness. I should preface my remarks by saying that I have known of her and her husband and little girl ever since they

arrived here some weeks ago—Mrs. Bullard, you will pardon my speaking frankly but the situation demands speed—”

Mrs. Bullard: “Certainly, Miss, pray suit yourself. I only hope and pray you get it all explained to the gentleman before my husband finds I’ve left home and follows me here—he is a wonderfully strong man and fast walker—thinks nothing of walking twenty miles in a day in his business of repairing clocks and sewing-machines in the country—and when he comes I don’t like to think what may happen—”

Stutfield: “Pray don’t be alarmed, Mrs. Bullard—Oh! I’m offending again—I’m interrupting—but with your permission, Miss Cariston, I’ll interrupt just long enough and for the specific purpose of quieting the lady’s fears.”

Viola: “You have my full permission (with a smile) to interrupt as often as you wish for so praiseworthy and humanitarian a cause.”

Stutfield: (Bowing and smiling) “I was about to observe to this lady that she need not be concerned about what will happen, so far, at least, as she is concerned, as I trust I am capable of protecting women who have been driven by stress of weather to ‘Rokeby’—‘any port in a storm,’ you know, Miss Cariston.”

Viola: “‘Any port in a storm,’ Mr. Stutfield, and now please be quiet and permit me to finish my preface to Mrs. Bullard’s most terrible and dramatic story.” (Stutfield smiles and bows. He is sitting at the head of the table). “Mrs. Bullard is known as a quiet, respectable, God-fearing woman. Her husband is regarded as a dangerous character. He threatened to brain his first employer here with an axe—whereupon he was, very naturally, discharged. The dispute was a trivial one about just where Mrs. Bullard’s hens were to be allowed to roam in search of food. Thereupon, they left, and hired their present little house about two miles from here, and he endeavored to support himself by mending machinery of a light nature, such as Mrs. Bullard has just described. He is said to be a wonderful hand at that sort of thing and has been able to get all the work there is to get of that sort in this farming community, which, however, is far from much, and scarcely sufficient to meet their daily expenses. Mrs. Bullard says her husband is a perfectly sober

man—and he is known to be very industrious. At this point, Mrs. Bullard can best take up the tale.”

Mrs. Bullard: “Well, sir, my husband is a wife-beater of the very worst description. Last night he beat me over the shoulders and back with a poker—gave me about a dozen very severe blows with a small iron poker—he generally uses a poker because anything less strong than iron would break under the force of his blows. He is always very careful not to strike me about the head or face, where the marks could be seen. He always hits me where the marks will *not* be seen. He has been beating me off and on now for a year or more. I have left him twice and gone to my relatives who are well to do. Each time I forgave him and returned. I shall do so no more. He will kill me one of these days if I don’t leave him. Last night he beat me dreadfully, and for no cause. It isn’t as though I didn’t make him a good and faithful wife, or didn’t make him comfortable at home—didn’t cook his meals properly, and have everything neat and tidy about the home. For I do all these things—”

Viola: “Excuse me, Mrs. Bullard, but why on earth does he beat you?”

Mrs. Bullard: “To vent his spite, Miss—to ease his feelings. He has awful ugly moods sometimes when he’s sullen and won’t speak a word. He’s not a great talker anyway, but when he gets into one of those moods, he won’t say a word—it’s just a look and a blow—just a look and a blow—and once he’s begun he seems to get more and more fond of it, and so gives me a dozen or more blows. It’s the same with little Mona here.” (Pointing to the child on her lap). “He’ll strike her as quick as me in one of those moods—but he never takes anything to her as he does to me—never uses a poker or a pair of tongs as he does with me—he seems to realize that it might kill her. He never drinks nor has anything to do with other women—or other men, for that matter. He’s hard working but he doesn’t care the snap of his finger for me, nor for Mona here. He’s never kissed the child since she was born. He’s a cruel man—cruel to animals. He beat our cow so with a poker one day that one of the neighbors said she’d have him arrested if he did that again. I don’t want you to think, Miss, that I’m running him down—for he has

some good points. He's a good husband except in two points—he doesn't love me, and he likes to beat me—saving those two things he's as correct and proper a man as one could find—hard working and honest.”

Stutfield: “Is he perfectly right in his mind?”

Mrs. Bullard: “Perfectly, sir,—no man with a harder head on his shoulders, or a harder heart below his shoulders, was ever born in England. We lived in Liverpool. He is a railway engineer, and good at any skilled work, most. We came to this country a few months ago to better ourselves—he's not saving. I don't know what he does with the money, he never smokes, drinks, nor gambles, but he never has any laid aside. He first went to work in the Locomotive Works in Richmond, and gave first-rate satisfaction—but they laid off about fifty or a hundred hands a few weeks ago and he was among them. Miss Cariston has told you the rest. Now, what I want, sir, is this. I'm told you are a lawyer and a very kind-hearted gentleman—the friend of the poor and afflicted. Now, I came over here for protection from my husband, and to find out from you if I can get a divorce from him in this country for wife-beating. I'm perfectly willing to stay, with my little girl, at one of your married white farmer's, and do anything in the way of sewing—I used to support myself with my needle in the old country before I was married—”

Stutfield: “Pardon me, how long have you been married?”

Mrs. Bullard: “Ten years. Mona is eight years old. I am willing to do anything in the way of sewing you may wish, by way of return for my board and lodging. Of course, if you get a divorce for me I cannot repay you—for I haven't a dollar on earth. I had a little property when he married me—one thousand pounds—five thousand dollars of your money—that's why he married me—but he squandered it all—made me—compelled me—to turn it over to him and then squandered it—”

Stutfield: “You are completely under his thumb—pardon my bluntness. Mrs. Bullard—you are dominated and overmastered by your husband, are you not? Besides being physically afraid of him—frankly in terror of your life.”

Mrs. Bullard: "Yes, sir."

Stutfield: "You are of a somewhat weak and yielding disposition, are you not, Madam? Somewhat 'peace at any price,—even at that of a beating—are you not? Pardon my professional frankness, but if I am to have anything to do with your case there must be no mincing of words between us."

Mrs. Bullard: "Yes, sir. I suppose I am. I dislike a row worse than anything in the world."

Stutfield: "Even worse than a beating?"

Mrs. Bullard: "I used to, but I do so no longer. Last night's beating finished it for me. I'd rather risk death—rather risk death itself than see him come at me with iron in his hands again—"

Mona: "O! sir, father beat mother dreadful last night. It was as she was undressing and her back was all black and blue and bloody after it."

Viola: "You poor child! I declare, it's an outrageous shame! What a monster that man must be. Mr. Stutfield, I do hope you can protect this poor woman and free her from her awful bonds—it would be a really charitable, Christian act, of the first magnitude."

Stutfield: "I promise you to do both, provided the Virginia law gives cruelty as a ground for divorce. If you will permit me, I'll go into the library and consult my authorities. I shall not be gone long, and shall always be within call. You know I am not a member of the Virginia bar, but of the bar of New York, and am therefore not familiar with the law here.

Viola: "You are excused, Mr. Stutfield."

Mona: "Oh! What a nice, kind gentleman."

Mrs. Bullard: "Hush, my child, he may hear you."

Mona: "Suppose he does, Mother, what 's the harm?"

Mrs. Bullard: "He would think you, perhaps, a pert little girl."

Mona: "I don't think he would Mother—he don't look that way."

Viola: "You are right, my child, he wouldn't misunderstand—but I don't want you to think that I am finding fault with your mamma."

Mona: "Oh! No, Miss, I couldn't think that, for my Mamma is a lovely Mamma—so kind and sweet to me—I only wish my Papa was—I *hate* Papa" (stamping her foot—she had meantime got down from her mother's lap and was standing between the two women).

Mrs. Bullard: "Sh! Sh! Mona, you must not use such language about your Father. I *had* to tell the gentleman all about it, or he wouldn't know what to do, but that's no excuse for you to act like a badly brought up little girl—"

(Enter Stutfield)

Stutfield: "It's all right, I'm glad to say—Virginia's all right. Cruelty *is* ground for divorce—in this grand old State."

Viola: "Oh! I'm *so* relieved."

Mrs. Bullard: "Thank *God!*"

Stutfield: "Now, Mrs. Bullard, this is what I am prepared to do. I'll put you up free of charge with my head farmer, who has a wife and a little girl just your age, young lady," (turning and smiling and waving his hand to Mona). "It will put some roses in your pretty cheeks to get some of the eggs and buttermilk off of this four hundred acre dairy farm—"

Mona: "I *love* buttermilk."

Stutfield: "You shall have enough of it to swim in if you like, my child. To *résumé*. Mrs. Bullard, I'll turn your case over to be charged to my account, to my own lawyer in Charlottesville—fourteen miles from here—the county seat—the home of Jefferson. Fancy wife-beating taking place within a few miles of Monticello, Miss Cariston!"

Viola: "It's infamous!"

Stutfield: "I'll of course, charge you nothing for it. Furthermore, this is confidential, ladies—as I do not—I am a member of the New York bar—though of Virginia origin—carry my heart on my sleeve, hence my caution. I put in practice my religion, 'Bear ye one another's burdens,' hence my proposition to act as if it were *I* who wanted the divorce—Miss Cariston—as though it were *I* that wanted the divorce—Miss Cariston—"

Viola: "I heard you quite distinctly the first time you made the observation, Mr. Stutfield."

Stutfield: "Thank you, Miss Cariston. To resume, I shall, furthermore, Mrs. Bullard, pay your return passage to Liverpool, first class, on a safe and comfortable line, running every two weeks from Norfolk, and give you enough money besides to make you comfortable from now until you land in Liverpool, and leave you some over."

Mrs. Bullard: "I am sure the Lord will bless you for all your goodness to a helpless woman and her little girl in a strange land—"

Stutfield: "I devoutly hope He will. And now, ladies, please make yourselves at home while I give a few orders." (Exit. Picking up the cap and holding it in his hand as he exits).

Mrs. Bullard: "I am sure, Miss, I cannot ever thank you sufficiently for bringing me to this kind gentleman. The Lord surely has raised up a helper for us in the hour of need."

Viola: "He surely has, Mrs. Bullard; and Mr. Stutfield will carry out to the precise letter everything he has promised."

(At this moment the door opens softly and John Bullard glides into the room. There is a seven-foot Japanese screen ten feet long, running alongside the whole length of the table, completely shutting off the door, and several feet of the room on either side. The door is in the middle of the room. Bullard is a powerfully built man, of medium height, with sandy hair, a sweeping military moustache of the same color and light blue eyes, dressed plainly, but neatly, in blue serge clothes—a sack suit—with heavy brogans, such as working-men wear, on his feet. His linen is clean, and his necktie neatly tied in a small bow. The door is to the right, directly opposite the fire-place, before which the women are seated. Bullard swiftly but noiselessly—despite his heavy shoes—glides round the edge of the screen between it and the audience. Mona sees him first, and utters a little cry).

Mona: "Oh, Mother! There 's Father!"

Bullard: "Yes, you little brat, I've tracked you 'ere at last, and your fine, dutiful Parent—ha! ha! I've a little account to settle with you, Madam, when I gets you 'ome—"

Mrs. Bullard: "You'll never do that—"

Bullard: "Never do that. and why not, pray?"

Mrs. Bullard: "Because I'm never going to your home any more. You've beaten me once too often, Mr. Bullard. The worm has turned at last. I go home with you no more."

Bullard: "Well, we'll see about that—you may rest assured, Madam,—we'll see about that. In the meantime *'ow* do you propose to live and *where* do you propose to live?"

Mrs. Bullard: "I propose to live at the head farmer's here—he has a wife and little girl, and take in sewing to support myself."

Bullard: "Oh! You do, do you? A pretty notion that—a very pretty notion, indeed. Well, I'll have none of it, so come along now, come along now!"

Mrs. Bullard: "I'll do no such thing."

(Bullard has been standing at the foot of the table, half facing the audience, and facing the women. He thereupon darts forward and seizes a pair of tongs at the right of the fire-place, and raises them to strike his wife. She—so soon as he darts forward—hastily retreats with Mona by the hand, to a recess at the left of the fire-place—between it and the audience—where there is a large, closed wood-box. She kneels down by this with Mona under her, protecting the child, and her head bowed, awaiting Bullard's blows. Meantime Viola has darted toward the door and opening it screams).

Viola: "Hugh, Help! Help!"

(Bullard begins to rain blows upon his wife's head. She has very heavy black hair, done up in a coil on top of her head. This saves her life. At the second cry for help Stutfield's voice is heard shouting).

Stutfield: "All right. I'm coming!"

(Bullard pays no attention to Stutfield's voice. Soon the sound of Stutfield's feet is heard, and followed by Viola he dashes into the room and hisses).

Stutfield: "Wife-beater!"

(Stutfield darts round the end of the screen, rushes at Bullard and seizes him by the collar, jerks him away from his wife, and pinions him against the wall in the corner, by the throat. Stutfield's left hand on Bullard's throat. Bullard has the tongs still in his right hand. A tug of war then ensues between Stutfield and Bullard. Stutfield trying to keep him pinned to the wall so that he cannot swing the tongs.

Bullard trying to push Stutfield from him so that he can land a knock-down blow on top of Stutfield's head. Stutfield has the Nile green and silver velvet Rugby School, England, football cap on his head on entering, and it is on during the struggle. Gradually Bullard pushes Stutfield away, and getting him far enough off for a half-arm blow, swings the tongs and knocks Stutfield down. Viola screams once, but stands her ground a few feet behind Stutfield. As he falls, she darts forward, and bends over his head, spreading out her arms saying).

Viola: "Strike me, you bully—you can't hit him when he's down!"

(Bullard sneers silently and disregarding Viola watches the unconscious Stutfield attentively. In about two seconds from the time Viola spoke, Stutfield opens his eyes, and before either Viola or Bullard know, is on his feet and crouching to spring once more at Bullard's throat. They watch one another silently for a few seconds. Then Stutfield advances straight at Bullard's throat with left arm outstretched stiff, to its fullest extent. He has hardly made two strides when Bullard brings down the tongs full on top of his head—which still has the heavy velvet cap on, with a silver knob the size of an acorn—of silver wire on the top. This knob saves his life. It and the velvet break the force of the blow. Stutfield drops insensible in his tracks. Once more, Viola screams, and once more stretches her arms over the prostrate Stutfield saying).

Viola: "Kill me, if you like, but you shan't touch him."

Bullard: (Sneering). "Your feller, eh? Well, I fancy I done for 'im that time. *D—n 'im, interferin' in my family affairs!* Now, I've got a little bone to pick with this lady."

(Bullard moves towards the still crouching but silent woman—save for her low moans when he struck her, and frightened sobs from the little child. Just before he reaches her, Viola gives a piercing scream, and cries out immediately thereafter).

Viola: "*Help! Murder!*"

Bosco: (In low tones from the corner of the screen—the same round which Stutfield charged at Bullard). "I'se here, Miss. I'se here, Miss. Bosco here. Bosco 'll do him—

watch Bosco! *Lawd-Gawd!* Is dat Mr. Stutfield layin' there? Your murderin' villain!"

(With that, Bosco crouches like a tiger and springs upon Bullard from behind, bringing Bullard down flat on his back under him. By this time Stutfield has come to, and risen to his feet).

Viola: (In a low tone). "Are you hurt, my darling?"

Stutfield: (In the same low voice). "No, my dearest darling, not a bit. You precious child! It took the threat of death—of *my* death to melt your frozen bosom. Do you love me?"

Viola: "Yes, my hero. I do."

Stutfield: "*Thank God then, for those two blows!* You saved the day though, dearie. As I went off into my two sleeps your sweet, bell-like voice was ringing in my ears—like a silver trumpet-call, sounding the charge! And by Gad! my black Bosco heard your bugle and "made good." Look at the black rascal holding that murderous villain down."

I hereby crown you Queen of Love and Beauty of this tournament—this modern Ashby-de-la-Zouche of 'Ivanhoe'" (Kissing her hand. Viola blushing, smiles, and half withdraws her hand hastily glancing towards Mrs. Bullard and child, who, however, are too intent watching the group in the corner just vacated by themselves to pay any attention to the lovers. Seeing that there is no danger of being observed, she relinquishes her hand to Stutfield, and bowing, smiling, says)—

Viola: "The Queen of Love and Beauty accepts the glorious crown placed upon her unworthy head, by thy glorious hand Sir Knight of 'Rokeby.' Whose head-dress suggests the oriental pomp of the dauntless, but ruthless Sir Brian de Bois Guilbert: and whose character that of the stainless Wilfred of Ivanhoe."

Stutfield: "My *adored* darling" (kissing her hand once more) "You make me the proudest and happiest of men."

(Mrs. Bullard has risen, and with Mona has seated herself as before. She is dishevelled, her hair hanging about her waist. but no blood visible from the cuts afterward found in her scalp, and no wounds on her face. The child is untouched).

Viola: "How do you do, now, my poor woman?"

Mrs. Bullard: "Oh! It was dreadful—but he didn't break my skull, my hair saved that. The negro came just in time, though, for my hair was all that saved it, and that was falling—the last strands under the last blow, Mr. Stutfield, came into the struggle on. How are you sir?"

Stutfield: "Very well, thank you. I'm delighted there are no bones broken. I can assure you of your divorce, Madam—with such witnesses to such an act, you could *almost*—I say *almost*—get a divorce from Rome herself. How's the little girl?"

Mrs. Bullard: "She's quite untouched, Sir. I knelt over her."

Stutfield: "I saw that you did—my brave woman—I saw that you did. You are a noble, self-sacrificing Mother. Now, ladies, watch me direct the manoeuvres on the field of battle with my heavy Numidian cavalry—to use a bold metaphor. Bosco!"

Bosco: "Yes, Suh."

Stutfield: "Let the dog up, and as soon as he rises take the old hold—you know what I mean—the hold I've always told you to aim for."

Bosco: "Yes, Suh."

Stutfield: "And hold it till death do you part."

Bosco: "Yes, Suh."

Stutfield: Now watch him close and strike him a knock-out blow on the point of the jaw if he tries any tricks in rising—but don't strike him unless he does. If he rises quietly, simply get the old hold."

Bosco: "Yes, Suh."

(Bosco with right fist clenched and drawn back to strike, rises crouchingly. Bullard rises slowly but warily. Bosco makes a feint at him as Bullard gets his feet, and half turns away from Bosco. This is the latter's chance. He, quick as a flash, jumps behind Bullard and throws both arms round him from behind, pinioning Bullard's arms to his sides. Bullard's forearms are free, but not his arms. Bosco's head is on Bullard's right shoulder, right next his face. Bosco's arms are wrapped completely round Bullard. They whirl and wrestle for some moments in silence. Suddenly, Stutfield

whips out a .32 calibre Smith & Wesson revolver from his hip-pocket, and lets it hang down, pointing to the floor, his finger on the trigger).

Stutfield: "Pray, don't be concerned at the sight of this little gun, ladies. I haven't the remotest idea of employing it—not the remotest—but Bullard is a notoriously powerful man. He is—I hear—known to have carried a railroad tie—always a job for two strong men—on his shoulders, and put it in place alone in the road-bed. So it doesn't do to take too many chances with a gentleman of his strength of arm and weakness of morality. Now, Mr. Bullard, a word in your alabaster ear. You've heard what I said, because your ears are open, and you very well know your own interests, or—at least—what appear to you to be your own interests. I have the determination presently to have you bound, hand and foot, warmly wrapped in blankets, and laid in a bed of straw, in the bottom of my four-mule wagon, and under an armed escort of my hands—who'll blow the top of your head off if you attempt to escape—haul you to Charlottesville, and turn you over to the sheriff. I shall then institute proceedings in Mrs. Bullard's behalf for a divorce, on the ground of cruelty. Meantime, you'll have been tried, and condemned and sent to the penitentiary for a term of years for attempted assault to kill—not only upon Mrs. Bullard, but upon my unworthy self. Meantime, Mrs. Bullard will have secured her divorce and with Mona will have sailed to England at my expense. That is the programme that awaits you, Mr. John Bullard."

(During this speech Stutfield has inadvertently drawn nearer Bullard than is discreet. For, all of a sudden, the latter thrusts forth his left hand and seizes the pistol by the butt and Stutfield's hand at the same time, fumbling with the butt in order to prize it out of Stutfield's hand, pointing the pistol and Stutfield's hand at one and the same time full at Mrs. Bullard's face. Stutfield instantly swings the pistol back by exerting all his force, and throwing his body into the swing. They are now standing against the wood-box—the pistol pointing past Bullard's head, into the abutting chimney. Bosco holds Bullard motionless. A duel to the death is in progress—a wrist-duel, so to speak, between Stutfield and Bullard. Suddenly Stutfield says):

Stutfield: "I see your fingers, Bullard, like a tarantula's legs, stalking down the pistol barrel. I see your little game. It 's this: to work your way down the barrel till your thumb is inside the trigger-guard of this self-cocker. Then push the barrel in one of two directions, either towards Mrs. Bullard, or, over backwards into my face. Whenever the muzzle has reached whichever of the positions you aim at, you will then press your thumb against my trigger-finger and explode the piece—and if your aim is as good as your gall—in meditating such a piece of impertinence—to put it somewhat mildly—Mrs. Bullard or myself will drop dead. You will then wrench the pistol out of my dead hand and kill Bosco, and then Mrs. Bullard, and then Miss Cariston, and lastly, your little daughter, and then jump for the woods and hope to make good your "get-away." That 's your little programme. But there 's one little difficulty in putting the same into execution—namely, that I'm your master when it comes to wrists. Of course, you don't know it, but I'm an expert fencer with both right and left hands, and nothing so steels the wrist, so strengthens and hardens it while keeping the muscle flexible, as fencing. You are stronger than I am at a tug of war. You won the push of war when I tried to pin you against that wall. You've won two rounds of this fight. I won the first when I frustrated your attempt to murder your wife before my eyes, and pulled you off your prey—you won the next two with a knock-down to your credit in each round—so it now stands, first round, Stutfield's. Second round, Bullard's. Third round, Bullard's. Fourth and last round, (about to be) Stutfield's."

(At that very instant the pistol explodes, and Bullard leaps into the air, a dead man.)

Viola: "*My God!* Hugh are you hurt, darling?"

Stutfield: "No, darling."

(Bosco lets Bullard softly down on his back).

Bosco: "He dade."

Stutfield: (Gravely). "Yes, Bosco. 'He dade'."

End of Act I. Scene I.

"THE WEAVING OF THE PLOT."

ACT II. SCENE I.

Time: Four days later, 4 P. M.

(Drawing-room at "Elsinore." This room has door and fire-place facing each other—to right and left of stage. Window in wall opposite stage opens onto conservatory. Sofa between door and fire-place. James Lawless, in morning suit—tall, portly, good looking; about 30, blond, light blue eyes, heavy blonde moustache. Discovered reading a newspaper, seated on sofa).

Lawless: "New York 'Herald,' March 17th, 1887,—yesterday's paper, eh?—'Millionaire Law-Writer and Art Patron acquitted of killing John Bullard. Hugh Stutfield, of 'Rokeby,' Albemarle County, Virginia, was freed of the responsibility for the death of John Bullard, the English wife-beater, who met his death in a struggle with Stutfield over the possession of a revolver. It was brought out at the inquest held in the dining-room at 'Rokeby' that Stutfield was in the habit of carrying a revolver in the house—but not out of doors—owing to the loneliness of the situation of 'Rokeby' and the fact that he slept entirely alone in the house—not another human being in it—not even a servant—and the consequent danger of a burglar's slipping into the house at any time and waylaying its rich owner, caused him therefore to have the weapon on when Bullard invaded his home. Coroner's jury compliments millionaire on courage he showed in voluntarily risking his life in a hand-to-hand struggle with the fiend, instead of drawing the revolver and forcing him—under pain of death—to desist from beating his wife—or summoning the powerful negro body-servant, "Bosco," who subsequently appeared and mastered Bullard—called to the scene by the screams of Miss Cariston, who had met and carried in her runabout to 'Rokeby' Mrs. Bullard and her little eight-year-old daughter, Mona, fleeing from Bullard and on her way to 'Rokeby' to ask legal advice concerning divorce and temporary protection. Widow lodged with millionaire's married head-farmer. So soon as recovered from severe scalp-

wounds inflicted by her husband—physician had to take three stitches in her scalp—will be returned to her brothers who are well-to-do hotel keepers in Liverpool—at expense of Law-Writer. Heavy velvet Rugby football cap which Stutfield used to wear when full-back on his team at Rugby School, in England, saves his life. Verdict of jury: ‘We, the jury, of inquest, sitting on the body of John Bullard, find that he came to his death by a bullet from a revolver in the hands of himself and Hugh Stutfield, while the latter was, in good faith, attempting to prevent Bullard from shooting his, Bullard’s wife.’” (Laying aside newspaper).

“The usual romantic fustian so dear to the heart of the City Editor. But this farcical episode has a decidedly dangerous side to it for my hopes. Viola is a girl who can only be reached through the imagination. *I’ve tried every other way and found an icy barrier like that guarding the Antarctic pole.* This ridiculous flash-in-the-pan, fireworks at Stutfield’s may just ‘do the business’ for me—put a spoke in my wheel and ruin my chances with the only girl I ever saw for whose possession I would sacrifice the rights and privileges of a bachelor life. It was most fortunate that I foresaw possible complications in the return to his native heath of Stutfield, after years of foreign wanderings, last January, and his consequent propinquity to my fair inamorata. Fortunate, indeed, that I carried my cares concerning disposing of a devilishly disagreeable factor in the situation to my father-confessor in law—if not religion—Belisarius P. Spink, attorney and counsellor at the New York bar, and about the slickest rascal—but at the same time, about the most deeply learned lawyer—practising in *any* court on Manhattan Island. *Belisarius unfolded a plot to me about as damnably black and foul as Hell itself ever held—short of actual assassination.* Hardened as I am in the ways of the world—as a man-about-town in New York, with practically unlimited means for the purchase of the pleasures of the appetite—no matter which appetite or what appetite—sooner or later is bound to become—none the less, the plot unfolded to my far from virgin ears and developed before my far from virgin eyes, I am frank to say, appalled me. But necessity knows no law. Hence I snatched at the straw held out to my

drowning hopes of having Viola by fair means. Hence, I am here to weave the final meshes of that plot which shall forever free me from fear of competition from Stutfield. And yet—at times—something, something resembling my old college friend and visitant, Robert E. Morse, R. E. Morse—*remorse*—visits me, and stands at the foot of my bed and looks at me as I awake of a morning, as he used to do after a night with the boys in my college days at Harvard—but life is short, and a man has but one life to live, so I decided to face Robert E. Morse himself before I'd forego the delights awaiting me in the arms of Miss Viola Cariston, whom I have been assiduously pursuing for *one calendar year*—”

(Enter negro servant, with telegram on tray).

Servant: “A telegram for Mr. James Lawless, Suh, and a message from Miss Viola, Suh, sayin’ that her horse done cast a shoe on her ride this afternoon, and she won’t be back till sundown. She’s waitin’ at ‘Airly’—de Miss Peytons’ place, tell de nearest blacksmith shoe her horse.”

Lawless: “Thank you, Wash. Here ’s a quarter for you.”

Servant: “Thank you, *Suh*.”

(Exit servant).

Lawless: (Opening telegram and reading)—

“Hot Springs, Virginia, March 18th, 1887.

James Lawless, ‘Elsinore,’ Cobham, Va.

Blettermole, Mrs. Blettermole and self arrive on his private car at Cobham about 4 P. M. to-day. Have instructed local storekeeper to have conveyance ready to carry us to ‘Elsinore’ immediately without troubling Captain Cariston to send for us—he can send us back after our conference. Blettermole enthusiastic over plan. *Madame* winced sharply at first but the benefits accruing to the children brought her round. I put forward that line of thought and won the day. Congratulations.

B. P. SPINK.”

“So far, so good.” (Pulling out his watch). “They should be here now. I’m glad Viola is detained. It will give me ample time to conclude this little business here and now.”

(Voices are heard in hall. Enter Winston Blettermole, dressed in sack suit of very light, rough gray, dittoes—almost

white—with a rainbow-hued tie, tied in a bow. He is about medium height and wears a brown beard, trimmed to a short point—French fashion—and closely clipped at sides. His hair is brushed straight off his forehead without a part. Blettermole's eyes are brown. He is about thirty, and good looking, with a good, trim figure. Without being in the least nervous Blettermole gesticulates gracefully and frequently. Constantia Blettermole is a tall, elegant woman, with light gray eyes and brown hair, and pale skin. Dressed in the mode of the day. Her voice is what the French call *trainante*, and has a peculiar drawl, not unattractive.

Spink is a man of fifty, splendidly preserved. Not a gray hair in his jet black, thick head of hair, which is straight, and parted on the side. His features are regular, but somewhat sharp, and are accompanied by an expression of extreme shrewdness and coldness. His eyes are so dark as to be almost black. He is dressed in a travelling suit of dark brown dittoes—a sack suit. His voice is hard and cold. He *never* makes a gesture under any conceivable circumstances. He speaks somewhat slowly and enunciates each word with marked distinctness. Blettermole enters, followed closely by his wife, and at some little distance by Spink. Lawless rises and moves to meet them).

Lawless: "Welcome to 'Elsinore,'" my fair friend (bowing and shaking hands with Constantia) and you, too, Winston (shaking hands with him) and you, my guide, philosopher and friend (shaking hands with Spink).

Constantia: "As fond of 'Hamlet' as ever, James, I see."

Lawless: "Quite."

Blettermole: "Well, Jim, how goes it, old man, down here in these bucolic wilds?"

Lawless: "Fairly well, thank you, Winston, fairly well."

Spink: "How doth my very good friend and respected client?"

Lawless: "Fairly well, thank you, B. P., fairly well."

Spink: "I'm glad to hear that, for our affairs wag exceedingly well."

Blettermole: "Yes, by Jove, Jim, that 's a great scheme of B. P.'s. It's the best I've heard yet for putting out of the running that devil, Stutfield."

Spink: "Caution proclaims a lower tone, my most respected client, and co-conspirator in this most deep plot."

Constantia: "Oh! Mr. Spink, please don't use such words before me, at all events. You see, I am young at this sort of thing, and it shocks me horribly."

Spink: "Pardon, madam, my *gaucherie*. We limbs of the law are apt to be brutally frank, when we are not beautifully vague, nebulous and dim in our meaning."

Constantia: "Nothing, so help me heaven, could induce me to take a hand in a thing of this sort but the children's interests. When I think of those innocent lambs at home, and the wolves that prowl around the palaces of the rich—unless the rich have more than a million to call upon in case of need—I feel my mother's heart steel itself, and become deaf to all interests but those of my lambs. I feel that I am protecting them from the wolves every time I add a hundred thousand onto the share each of my five chicks will inherit from Winston and me—you see, it takes a good, round sum of money to go round and leave a hundred thousand dollars in each dear little lap on its way. Hugh Stutfield I personally always liked. He always struck me as a singularly magnetic, a singularly forceful personality, besides being, of course, what no one can very well deny when they claim to be in touch with the times and therefore know his record—his monumental law book on—Trial-by-Jury—a law-writer of renown."

Spink: "Pardon my interruption, Madam, constitutional law is certainly widely and learnedly discussed therein, but the subject of the book is: 'The Absolute Rights of the Individual,' a subject dear to the heart of that great luminary of our great profession, Sir William Blackstone, author of the immortal 'Commentaries Upon The English Common Law.'"

Constantia: "Thank you, Mr. Spink, for setting me right—and his nationwide plan for the application of Napoleon Bonaparte's *Prix de Rome*—his system of foreign scholarships for the cultivation of painting, sculpture, architecture, music—the voice of both women and men, as well as the piano and violin—and finally, the art of acting—to which he subscribed so heavily himself—all these things show the

brains and character of Hugh Stutfield. But, much as I appreciate the attributes of head and heart of Mr. Stutfield, they wither and fade into insignificance beside the interests of my offspring, who will, each of them get about a million by inheriting Mr. Stutfield's property of about five millions."

Spink: "Spoken like Cornelia, the Mother of the Gracchi, Madam—Cornelia, that flower of Roman matrons, who, when asked where her jewels were by a lady calling upon her, and showing Cornelia her priceless gems replied, 'Here are my jewels,' pointing to her two sons—later, by their fame, worthy of such a Mother."

Constantia: "Thank you, Mr. Spink, you have a happy faculty of bridging the 'dark backward and abysm of time' of the immortal Bard of Avon, separating the tawdry present from the purple splendors of imperial Rome."

Blettermole: "Constantia, you make me sick with your forever holding up the debauched epoch of Rome to the disadvantage of our day, which you very well know is the very topmost height civilization has yet reached."

Constantia: "Winston, you very well know, my dear, that there were epochs and emperors of Imperial Rome which were quite as marked for their law and order as our own more enlightened days. For instance, one of the greatest historians that ever lived, maintained that the golden age of the world—or rather that which most approached that delightful period—was the age of the Roman Emperors known as the Antonines—of which one was a philosopher and upright man, who, from his acts and thoughts might well have been a follower of the Founder of Christianity, namely, Marcus Aurelius—the historian was Gibbon, author of that mighty work 'The Decline and Fall.'"

Spink: "Mrs. Blettermole spiked your guns there, my bellicose and pushful client."

Blettermole: "Oh! Constantia is pretty apt to be correct in whatever she says or does, B. P., I'll admit that. Only it does bore me to hear her mount her Roman and Greek hobbies."

Constantia: "Winston, you are a mere boy when it comes to anything outside the realm of sport; or the certainly

classic and literary, but very narrow vein of literature you favor with your very *difficile* and eclectic regard."

Blettermole: "Well, Constantia, let's let the matter drop, and get down to that plot of B. P.'s. You are aware that I am not much on head-work. I'd rather walk a mile than think a minute—"

Spink: "A shameful confession, wittily put, my respected client, most shameful, and for a man of your natural wit and strength of repartee."

Blettermole: "Drop your taffy, Spink, and get down to business. I caught Lawless yawning behind his hand a minute ago."

Spink: "So be it. I shall, as Julius Caesar says, plunge *in medias res*—into the midst of things, without more ado. The plot is precisely this. The laws of New York State and those of about forty per cent. of the rest of the States of this grand and enlightened Union, lead the world—with the possible exception of England—for rascality, ignorance, and vice upon one important but rarely worked vein of human activity. I allude to Insanity. Only those 'in the know' those, I mean, who live in large cities and happen to have property that needs a lawyer's care, and also happen to have a lawyer who happens to be in touch with the dark and tortuous ways of Lunacy Legislation the *world over*, as well as this nation over—only those far from numerous individuals may be said to be 'in the know' in regard to Lunacy Law. I happen to be very much 'in the know.' Since I, Belisarius P. Spink, attorney and counsellor, am the man at the helm of the Steering Committee that guides all Legislation in Lunacy matters in Albany touching Lunacy Legislation. The great Private Lunatic Asylums honey-combing the State of which 'Fairdale,' falsely so-called—for its real name is 'The Omnium Hospital' with hospital and offices on a side street, just west of Fifth Avenue—'Fairdale' is the flower and pearl, of course, are not in business for the health of the owners and directors—quite the contrary, I do assure you. Well, now, what happens when a powerful interest, which makes hundreds of thousands out of the public yearly, gets its various heads together—why, *that which* happens when railroads—steam or traction—are in the same juxtaposition—there is something doing at Albany

by way of Manipulated Legislation in order to strengthen any weak spots in the lines of battle—so to speak—or to reach out and develop—reach out after new business. So said interests keep an organization at Albany, which has its finger on the pulse of any and all legislation taking place, or even most remotely threatening to take place, concerning Lunacy Legislation at Albany. Furthermore, the steering-committee keeps in touch with the State Lunacy Commission at Albany—a body consisting of a physician, a lawyer and a layman, who have practically supreme power over the said chain of Private Lunatic Asylums honeycombing the Empire State. For instance: the Lunacy Commission has the duty to inspect the Private Lunatic Asylums and visit each and every inmate of either sex, and satisfy itself that he or she is properly confined as a lunatic. Also, the said Commission in Lunacy is expected to set free a man or woman who recovers his or her sanity after a certain amount of confinement. How honestly and faithfully the said Commission does its work is vividly illustrated by two instances—to go no farther afield. The head of the said State Commission in Lunacy, who is always the physician on the board, was caught by the Governor of the State of New York at bribe-taking from the heads of said Private Lunatic Asylums—or certain heads, at least. The plan of the Doctor was ingenious. He didn't do so dull a thing as take a money-bribe—the money might have been marked, you know, or the stub of the cheque tell-tale in its nature—he did no such dull thing. What he did was to ask these gentlemen to subscribe to a certain snug number of shares of stock in a gold mine he owned out in Utah. The ratiocination in the premises is fairly obvious. The Doctor did not want his gold mine inspected too closely by holders of its stock—any more than the heads of said Private Lunatic Asylums desired *their* gold mines, their Private Lunatic Asylums, inspected too closely by the Doctor. The Governor promptly removed the head of the State Lunacy Commission at Albany, from office—we having, at the time, a Governor who was actually, honestly interested in pure politics—politics that were pure—I desire to imply. The second and last instance of the strength of the honesty and fidelity to duty of this all-powerful Commission is aptly illustrated as follows. A poor devil—when

I say 'poor devil,' I desire to be understood as alluding to a millionaire inmate of 'Fairdale,' who had the Devilish poor luck to run foul of the man at the helm of the Steering Committee of the private Lunatic Asylum Trust—your humble servant—Belisarius P. Spink—this aforesaid poor devil† had, in the course of the four years he spent at 'Fairdale,' before he died there, been visited but once by the said Lunacy Commission, and, upon that occasion by only one member of the said Commission. I hope I have said enough to intimate to this select and distinguished audience, that a man once incarcerated in 'Fairdale' has about as much chance of ever drawing a free breath of air again as though he were incarcerated in Hell—"

Constantia: "You surely have, Mr. Spink, you make me shudder. Of all the places on earth that fill me with dread, that place is a lunatic asylum. A person would be safer and more sympathetically *entourée* if she were surrounded by drunkards in all the horrid and various stages of intoxication."

Lawless: (Aside to Spink). "B. P., be on your guard. You have painted the situation so strongly that Mrs. Blettermole's feminine susceptibilities have taken alarm. Beware lest you destroy your own handiwork by the eloquence of your pictorial powers.

Spink: (Aside to Lawless). "The point is admirably taken. I am so utterly unused to take women into consideration—except as play-things—that it's next to impossible for me to take them seriously. I shall amend the complaint." (Aloud). "Of course, you must make allowance for my professional habit of exaggerating the points in my favor, and minimizing those opposed—Mrs. Blettermole. I do not intend to convey that there is really the slightest similarity between a Private Lunatic Asylum and Hades. Far from it. Nothing could be more luxurious than the grounds, say, of 'Fairdale.' Expensive hot-house plants are set out everywhere along the border of the closely cropped sward—looking more like one of the stately homes of England than a

†The author is the "poor devil" referred to. Only once was he visited by the Lunacy Commission in four years' incarceration.

place for the amelioration of the physical and mental condition of those unfortunates whose minds are clouded."

Constantia: "Mr. Spink, you surely are a lawyer. You surely are an advocate—"

Blettermole: "An advocate! I should say he *was* an advocate. Ha! Ha! An advocate!. Why, doesn't he belong to the Church of the *Holy* Advocate—on Fifth Avenue, New York, a recent million dollar edifice built almost entirely by subscriptions from members of the legal profession of New York City, not forgetting that conglomeration and galaxy of legal talent, the New York City Bar Association—and isn't he the Senior Warden of the Vestry of that most sacrosanct congregation—which Vestry is composed entirely of lawyers? Advocate! I should say Spink *was* an advocate!"

Spink: "A-hem, A-hem. My dear Mr. Blettermole, permit me to observe, that I have been forced more than once, in the course of our business relations, to curb your bounding wit when directed against my religious proclivities. My religion is something entirely aside and apart from my work—"

Blettermole: "I should say it was!"

Spink: "Be good enough to permit me to conclude. As I was about to observe, my religion is something quite apart from my work—and I cannot permit even a client for whom, socially, and otherwise, I have so profound a regard as I entertain for Mr. Winston Blettermole and his charming wife—one of the reigning queens of the Four Hundred—to make light of the most serious—the most sacred thing to me on earth—"

Blettermole: "Pardon me, Spink. I shall not offend again."

Spink: "To conclude rapidly my plan for the permanent, forcible retirement for life into obscurity, of that vigorous and gifted personality, Mr. Hugh Stutfield, of Virginia and New York. My scheme will sequester Stutfield, sequestrate his entire estate, and—to cap the delicious climax—one of the law partners of one of the most prominent members of the Board of Governors—so-called—of 'Fairdale' Private Insane Asylum, shall, by the act of a certain New York Supreme Court Judge, whose ear I have—as we lawyers say—be appointed the sequestrator of Stutfield's superb estate of

some five million dollars, while brother Stutfield is wearing out his vitality and indignation behind the bars of 'Fairdale' on a charge of being a dangerous lunatic—a maniac with suicidal and homicidal tendencies—said charges to be preferred by the gentlemen here present—Mr. Winston Blettermole and Mr. James Lawless—the former, as his nearest blood-relative and heir-at-law, the latter as his 'best friend,' as we term it in law—”

Lawless: “Permit a momentary interruption of your most interesting and instructive dissertation, Mr. Spink—but the idea of my being under any conceivable circumstances the 'best friend'—or any *kind* of a friend—to the tenth degree removed, if there *is* such a thing—of Mr. Hugh Stutfield, is far from bad. Indeed, *very* far from bad.”

Spink: “I agree with you absolutely, there, Mr. Lawless. But the law, you know, does not inquire too curiously. The law, you know—for a lawyer who really understands its profound principles and is not a mere case-chaser a mere authority-hunter, but stands upon and defends before more or less unlearned and superficial judges—while there are noble exceptions—as the vast majority of judges undoubtedly are—defends and stands upon the eternal principles of the law—for *such a lawyer the law is the most marvellous engine for achieving objects, contrary to the law—contrary to equity—contrary to justice, and contrary even to common sense, ever conceived by a mind less dazzling than that of his Satanic Majesty himself.* Fortunately for the peace of society, there are very few such lawyers, and therefore the power for ill of the law is a closed book to the slothful, ignorant, ambitionless gamblers who make up the rank and file of my august profession—men for whom I have about as much respect as a wolf has for a herd of sheep.”

Lawless: “The New York City Bar Association would be highly edified, my distinguished counsel, at your above *obiter dicta.*”

Spink: “Ah, my distinguished client, you are very right there—very right there. But you should differentiate and utterly bar apart—as much so as sheep from goats—my remarks before that dignified assemblage, the New York City Bar Association, and—and my millionaire clients about to engage in a

war with a brother millionaire—who for audacity and fertility of resource is a foeman worthy of our steel.”

Constantia: “Bravo! Mr. Spink. You fire my imagination—this is the Age of Gold—if not the Golden Age—and it is right that in such an age, millionaires—the historical heirs of the Barons of old—should war upon one another. I shall assuage the qualms of my conscience by murmuring to myself ‘All’s fair in love and war’ and *The Battle of the Millionaires is now on!*”

Spink: “*Brava!* My fair client. *Brava!*” (Aside to Lawless). “Gad! That was a lucky shot of mine—she’s ours from now on—mark my words we’ll have no more backing and filling upon Constantia Blettermore’s part—but, on the contrary, the iron will and inflexible purpose of a Lady Macbeth.”

Lawless: “By Jove! I believe you’re right. My felicitations.”

Spink: (Aloud). “There’s nothing more to be unfolded of this most warlike and romantic mediaeval plot—not another solitary word. Trust me to look to the details—it would take off the cream from your interest, Mrs. Blettermole, were you to know it all on the very brink of the inception of hostilities. No. Be advised, and permit me to develop my work before your eyes—as though you were a spectator in a theatre—who was unaware of the turnings and windings of the sufficiently tortuous and devious plot upon the boards.”

Constantia: “The only objection I see to your deeply laid and superbly prepared plot, Mr. Spink, is its absurdity.”

Spink: “Pardon me, I do not quite catch that.”

Constantia: “The only objection I see to your deeply laid and superbly prepared plot is its absurdity.”

Spink: “You amaze me, Madam. My plot *absurd?*”

Constantia: “*The* most absurd I ever heard, to be as sound and thoroughly prepared—outside of its absurdity.”

Spink: “Please oblige me, Madam, by naming a few of the absurdities.”

Constantia: “With pleasure. First, no man in the United States—I except no one—has given such infallible proof of reasoning power of the highest order as has Mr.

Stutfield, in his legal work before referred to. One of the leading lawyers in New York said to me: 'Mrs. Blettermole, your cousin has revived the Lost Art of Reasoning in his disquisition on the right to trial by jury as the *sine qua non*, the *essence* of due process of law as laid down in the Constitution of the United States and supported by Blackstone and Magna Charta: it is the most masterly piece of pure, scientific, syllogistic, Aristotelian reasoning ever put forth by a citizen of the United States, since the United States existed. There is not a Professor of Logic in any University in the United States to-day—or anywhere else—on earth—to-day, for that matter—who could carry pure argument to the Andean, the Himilayan heights of Thought he has, for the reason indicated above, he has revived a *Lost Art*—in a word, the Aristotelian Method, once the glory of the Universities is now swept aside in the speed of modern mechanical contrivances, and THOUGHT, which rules the world, is forced to take a back seat. The Admirable Crichton could have done it, and Professors of Logic at Padua, Cordova, and the Sorbonne *could* have done it, for they were trained to use that marvellous scientific guide and *only* guide to correct Logical Reasoning in their daily work—whereas not a man on earth to-day thinks of opening a Text-Book on Logic from the day he secures his sheepskin—the day he gets his diploma. *The consequence is that Judges are the laughing stock of Logicians.* Thus. A Judge dare not—and never does, unless compelled by practice or statute to do so—*give a reason for his opinion.* The reason is as follows. The following instance is cited in Jevon's Higher Logic. A certain wary old English Judge spoke as follows to a lawyer just appointed by the Crown to a judicial position in Jamaica: 'My friend never by any chance do you dare to state a reason for your opinion. For the following reason. Your opinion *may*—very possibly, even probably, *will*—be right—whereas your reason for giving it will *invariably* be wrong.' Rather droll comment by a man like Jevons—the author of the modern Text-Book in use in all Universitise employing English, on both sides the Atlantic. This fatal flaw in modern education—this—he used too strong a word for me to repeat—abominable slaughter of the Aristotelian Method

of Reasoning, is the cause of ninety per cent. of the ignorant and fallacious, vain and foppish opinions from the American Bench—I except only the Supreme Court of the United States.’ Thus spoke the lawyer.

Spink: “Powerfully put, my fair client—with your permission, Mr. Blettermole—my fair Portia. And I say ‘Amen’ to both premises, namely, that Mr. Stutfield is a Logician without a peer in the United States to-day, and that the average American Judge is a Sophist without a peer in the United States to-day. But what has that to do with the case? *It is no more essential or necessary that a man should be Insane in order to imprison him for life on a charge of Insanity, in forty per cent. of the States and Territories of the United States to-day, than it is that he should have red hair—that he should be red-headed.*”

Constantia: “In that extraordinary event, I have nothing farther to say except ‘So be it’—with, of course, the consent of these gentlemen.”

Blettermole: “O. K. for me.”

Lawless: “I agree, provided one sole thing. You know, Blettermole, that the only reason I came into this thing was to free my field of the only dangerous rival to Viola Cariston’s hand that has ever entered it—namely, Stutfield. Your secret is safe with me; and if the condition I now am about to name is not fulfilled, and I am forced to withdraw, all you will have to do will be to hunt up another ‘best friend’ from among Stutfield’s worst enemies to take my place, and the trick will be turned. Don’t look so black, Blettermole. And you, Spink, reserve your sarcastic smile till you hear. Perhaps my condition will prove no barrier, but by Gad! an added incentive to my zeal to join with you to the bitter end. I shall propose once more to Miss Cariston upon her return this afternoon—she’s expected any moment now. If she accepts me—which is damnably—pardon me that slip of the tongue, Constantia—doubtful—I withdraw. If not, I’m with you to the death.

Blettermole: “Agreed.”

Constantia: “Agreed.”

Spink: “Agreed.”

Lawless: “Many thanks. Now there’s going to be no

Romeo and Juliet business about my venture in the Field of Love—presumably—in a few minutes. I'm neither in the mood for Romeo's part, nor is there occasion. Romeo's part will very well keep. I shall make occasion to see Miss Cariston privately upon her return from riding and promptly propose. Whereupon, she will either refuse or accept me. I've been there before—she does not dilly dally over the ceremony of decapitating rejected suitors—”

Constantia: “Viola is a dear girl, and my very best and sweetest—and one of my oldest—girl friends on earth; I'd have you understand, James, and I cannot and will not permit even a breath against her.”

Lawless: “My dear Constantia, I hadn't the faintest idea of breathing so much as a syllable against the woman I'm risking my soul for—if I *have* a soul, which at times I very much doubt—”

Constantia: “You stand excused.”

Lawless: “If she accepts me, all well and good. Mr. Spink can hunt up another ‘best friend.’ If she refuses, I return with you in your car to-night, and hostilities begin to-morrow in the offices of Belisarius P. Spink, Esq., attorney and counsellor, Wall street, New York. I shall depute you, Constantia, as my fair ambadress with Miss Cariston—I trust to your woman's tact to get her to me, and keep Captain Cariston off, and herd these men in the library for the five minutes necessary for me to learn my *preliminary* fate—for my real fate will not be in issue until Stutfield has been put out of the way—then I shall lay siege to her hand in true style.”

Constantia: “With pleasure, James. And whatever the prayers of a poor, sinful, temptation-tossed mother like me, are worth are at your disposal.”

Lawless: “I thank you, Constantia, from my heart.”
(Kisses her hand).

(The light has been gradually lowering till it is now dusk. Spink goes to the fireplace and pokes the logs. A bright blaze bursts up. As he does so, the door opens and in walks Viola, followed by Captain Cariston, in riding costume. He is a rather tall, slender man with grizzled moustache and imperial—short imperial—with aquiline features

and erect, military but courteous, but non-pompous, non-exaggerated bearing. Viola is dressed in a ball gown in the style of 1887. In other words décolletée but without the unsightly and hypocritical gauze fringe or, so to speak, pantallets—which nowadays shroud the outline of the bust as though it were a shameful thing: while throwing into relief the armpits and navel—or, at the very least, near-navel of the lady. We are Pro-Allies to the last degree, in the present European unpleasantness; but we do earnestly wish that better men may be spared, and that German bullets may find a lodgment in the degraded and degenerate carcasses, as regards taste in female apparel, at least, of Paul Poiret and the rest of his Pirate Crew—the balance of the randy Frenchmen who bedeck our dames; so that they make a man-about-town think of a group of soiled doves, “sitting for company” in the parlour of a “sporting-house,” upon glimpsing, a bevy of society maidens and matrons at the opera, or other social function, nowadays.)

Viola: “Connie!”

Constantia: “Viola!”

(They hurriedly move towards each other and embrace affectionately.)

Viola: “I slipped this dress on to save dressing twice, after my ride with Papa—since I’m booked to a ball at the Country Club to-night.”

Constantia: “How well you’re looking, dear. I haven’t seen you since the Patriarch’s in January—”

Captain Cariston: (After shaking hands with the men, and later, Mrs. Blettermole). “How d’ye do, gentlemen. Delighted to welcome you to ‘Elsinore.’ How do you do, Mr. Lawless, and you, Mr. Blettermole?”

Lawless: “Permit me to introduce to you a legal friend of mine, Mr. Belisarius P. Spink, of the Metropolitan bar.” (Captain Cariston and Spink shake hands).

Constantia: “Now I want you to show me once more, and particularly Mr. Spink, those old Shakspeares you have—the folio edition that has been in your family for ages—”

Captain Cariston: “With pleasure.”

(They start out, and Lawless catches Viola’s eye and makes a slight motion with his right hand—the others all

studiously avoid looking at Viola and Lawless. She understands and says)—

Viola: "Mr. Lawless and I will join you in the library."

(So soon as the door closes, Lawless says gravely, as he leads Viola towards the sofa—the room is still only lit by fire-light).

Lawless: "Viola, I seized this opportunity because I am called to New York to-night, on Blettermole's car—"

Viola: "Why, James, I thought you were going to be with us for several days longer, and dance with me at the ball to-night."

Lawless: "I *may* dance with you, after all—I may throw up this vitally important—or rather *very—almost—*vitally important matter. It all rests with you."

Viola: (Gravely). "I trust, James, that it is in my power to grant what you desire—"

Lawless: "It is utterly and absolutely so."

Viola: (Unconsciously drawing slightly away from him). "Let me hear it."

Lawless: "Your hand."

Viola: "Oh! James, I *am* so sorry—you know how much I admire your brilliant mind, and cool, calm personality. But, as I have told you once before, a man of your temperament can never be my husband."

Lawless: "And why my temperament?"

Viola: "Not to be too pointed, because you are too cool and off-hand, and utterly unenthusiastic—not, to be perfectly fascinating to many, many women—which a little bird has told me you have been and still are—but out of the question for poor little me. You see, I am so constituted I must have enthusiasm in a man—*Voilà tout.*"

Lawless: "If that's all you want, I can be as enthusiastic as the freshest tyro in the Bowers of Love you ever dreamed of."

Viola: "But in that very unusual event, James, you would be acting."

Lawless: "So be it. I take my *congé*. Do not think I part in anger. I firmly believe I shall win you in time. Good night, and—for the present—good-bye, Viola, good-bye. With your permission, may I kiss your hand?"

Viola: "Certainly, James. You know I will always care for you as, and value you as one of my *most* valued friends."

Lawless: (Kissing Viola's hand) "*May the Gods forbid!*"

(They leave the room together. The door opens shortly thereafter and enter Stutfield, in evening dress, with a pair of saddle-bags over his arm. Stands leaning on mantel-piece).

Stutfield: "As close a shave as I care to experience! Phew! As soon as I drove in on one side of the oval before the house, the Blettermole gang and that crafty rascally but deeply learned shyster, Belisarius P. Spink, Esq., attorney and counsellor and pillar of the bar of Manhattan Island, with his hopeful client, that cold-blooded rogue and delicate debauchee, Mr. James Lawless, multi-millionaire, drove out on the other. A close shave, indeed. The moon came out from behind a cloud and shone full in their faces in the open carriage—they saw me, and I saw them—"

(Door opens, and Viola enters).

Viola: "Hugh! *You* here?"

Stutfield: "Yes, darling. I slipped into the house after the others left, and slipped a quarter into Wash's hands to keep 'mum,' and get you in here at once by hook or crook—"

Viola: "Oh! I see now the cause of Wash's mysterious looks and words. He said: 'Miss Vi, Mr. Lawless tol' me befo' he leff to ax you partickler, Miss, to go in de drawin' room an stan' befo' de fire for a minute, tell you foun' a note he leff for you under de clock on de mantelpiece—'"

Stutfield: "Good for Wash—he 's got the imagination of a darkey, all right. Now, dearie, just slip out and see the Captain and tell him I have important business with you, that won't brook delay and will not long detain you from dinner—possibly dinner's not impending immediately—"

Viola: "It is not."

Stutfield: "Good! I'll only detain you about fifteen or twenty minutes."

Viola: "Then you must stop to dinner, and go to the ball with us after."

Stutfield: "Delighted—provided you will honour me with a dance—in fact—the majority of them."

Viola: "With pleasure."

Stutfield: "Now that I've protected my lines—as they say in military parlance—I'll do what I've not had time to do before." (A pause).

Viola: "And what might that be, my dear Hugh?"

Stutfield: "That might be almost anything—speaking by and large—but it happens to be but one thing—and that is kiss you, my precious sweetheart." (They embrace).

"Now, darling, please post the pickets with the Captain so that we shall not be interrupted."

Viola: "I sha'n't be a moment, Hugh."

(Stutfield sits down and gazes thoughtfully at the saddle-bags).

Stutfield: "One hundred thousand—two hundred thousand—"

(Enter Viola).

Viola: "It's all right, darling. Papa's immersed in some papers connected with his live-stock—you know this is a three thousand acre stock farm, and he raises beef for the Northern market—we have very fine corn and grazing land—blue grass—and it's his delight. He won't budge till we go to him."

Stutfield: "Good. Now my angel darling—" (kissing both her hands and putting his arm around her and taking both her hands in his left as they seat themselves on the sofa) "what I am about to say sounds more like the Arabian Nights or Monte Cristo and '*The World is Mine!*' with that supremely good romantic actor, James O'Neil, in the role, than anything you ever heard of in modern life. I should like nothing better than to sit here and fondle and caress your lovely, bewitching self for the next twenty minutes. But I have matters more unattractive, but—now that I'm your accepted suitor, and the engagement known only to you and me, and to be announced shortly—more important. It is this. You know that I am a student ever since my Columbia University days in old New York, of Psychology and †Experimental Psychology at that. Now I am going to tell you a secret. I am what they call,

†The statements concerning Experimental Psychology found above are taken almost verbatim from the "Statement by Dr. Horatio Curtis Wood, Dec. 10, 1900," found on pages 68-73, inclusive, of "Four Years Behind the Bars of Bloomingdale," Dr. Wood being one of the Plaintiff's alienists in the case of *Chaloner against Sherman*, being at said date Professor of Nervous Diseases in the University of Pennsylvania.

vulgarly, a Clairvoyant—the sort of thing generally, if not always—of your charming sex—nearly always women—you see advertised in the Sunday ‘Herald’ and even week day ‘Herald’ not to say ‘World,’ ‘Sun,’ ‘Tribune,’ ‘American,’ ‘Globe, and ‘Telegraph’ to name but a handful of the big New York dailies. I’ve never been to one, but I know people who have—I don’t believe in them—if they were bona fide clairvoyants they’d make more money on their own account than pretending to mind other peoples’ business for them. To resume. Not a human being knows of this faculty of mine but you. For one reason because I’ve been investigating it secretly until I could produce results worth while giving to the scientific world in book form—you know that I am a Master of Arts as well as a Bachelor of Arts—”

Viola: “I knew that, Hugh.”

Stutfield: “I’ve been at work on this thing for three years and am only at the outer door of the mysteries of the human mind—the normal human mind. I cannot go into a trance or even a trance-like state as yet—such as these Clairvoyants do—they don’t go to sleep, but lie back in a chair and in a dreamy, slow voice speak at the instigation of their Sub-consciousness. I can’t do that as yet. But I *may* do so in time. What I can do is just this, and that is why I am here contrary to all the rules of Hoyle, with a rival in the house—or I thought was here when I came—but I was bound to see you—but alone, of course—so it made no difference to me whether Lothario Lawless—my nick-name for him—whether the gay Lothario were here or no. Now here’s the point. I’ve got Intuitions—or Premonitions—down to so fine a point—finer than those recorded in any of the scientific works on Psychology, even including The Society for Psychical Research of England, of which Professor William James, Professor of Psychology at Harvard was once President, as well as Arthur Balfour, late Premier of Great Britain, and Sir William Crookes, inventor of Crookes’ Tubes—without which there would be no X-Ray—I’ve got it down so fine that I can tell for twenty-four hours in advance whether I am going to have good luck, bad luck, or ‘nothing doing’ good or bad. Now, this is done thus. When I wake in the morning I take account of stock the instant I recover consciousness. I ask my-

self how I feel—I don't mean physically—for I'm a very moderate, careful liver and always wake up feeling physically the same—O. K. that is to say—but how I feel as regards my spirits—am I depressed—exhilarated—or neither one nor the other, just a flat calm. If I feel exhilarated—three years carefully kept written record proves that I will surely have good news that day—in the next twenty-four hours—a favorable telegram or letter will surely arrive, or a messenger will bear me a favorable message. If I feel depressed it is just as sure as 'eggs is eggs' that a bad letter or wire will arrive: if neither hilarity nor depression, that nothing will arrive and I may take a day off from business. I have been working this rabbit-foot in my large and multifarious business affairs to the Queen, her most gracious Majesty's taste, for the past year or more. My brother Directors on Boards wondered why I pursued so bold or—on occasion so wisely—cautious a course, fighting for the control of each and every Board I am on, and invariably achieving that desired end. But I did not oblige them by informing them. Now, on waking this morning I was most extraordinarily depressed. You know, my darling, no man on earth has more cause for heartfelt joy than your devoted and proud accepted lover."

Viola: "Dear Hugh!" (He kisses her).

Stutfield: "So I acted accordingly. Now, I am not able to foretell—as yet—the future, for more than twenty-four hours. Nor am I able as yet to foretell a solitary detail thereof beyond the fact that something good is going to occur—something bad is going to occur—or, lastly, that nothing is going to occur—good or bad—in my personal, private affairs for the ensuing twenty-four hours. I, of course, before going to bed the night before, know whether I have cause to wake up this, that, or the other way, next day—depressed, exhilarated, or neither—but that, of course "cuts no ice" whatever. It is entirely outside and beyond known and recognized causes for exhilaration, depression or stagnation in my affairs, that these premonitions or intuitions work. *I can by them foretell*, prophecy, or what you will, with mathematical accuracy—the accuracy of a ship's barometer, which foretells *within twenty-four hours* the approach of the hurricane, or the change of

the hurricane into fair weather—*regarding storm, favoring gale, or calm, in my private affairs.* In a word, I am a human barometer, as regards one sole thing—namely—*my own personal affairs*—and only one of three aspects of them, namely, success, threatened difficulty, or ‘nothing doing, Mr. Stutfield, to-day.’ That is the mysterious and highly valuable information telegraphed me—so to speak—on waking from a distance of time twenty-four hours removed from my waking hour—by my Subconsciousness. An extremely useful asset I have found it, Miss Cariston—and *I hereby go on record and stake my reputation as an embryo Clairvoyant—that the time will come when you will admit that I did well to follow the promptings of my Subconsciousness and bring these saddle-bags here to-night*—absolutely outside and beyond the reach of any judge—for I can well imagine contingencies when it would pay me to go to jail for contempt of court for an extended period, rather than divulge the whereabouts of so tempting a thing as their contents.”

Viola: “Do they contain Aladdin’s Lamp, Hugh?”

Stutfield: “Something very like it, my child. Now to wind this weird talk up. Here’s how I act on my Premonitions. On waking, I take instant account of stock as to my feelings. If exhilarated, I push sharply all plans of action made before going to sleep the previous night. If depressed, I ride for a fall, pull in my horns, fight a rear-guard action—close reef my sails—or even prepare to scud under bare poles before the storm. Now if it so happens that I have no immediate plan of action I carefully scan my personal horizon and see where ill chance might injure me. Instantly, like a ship in a storm I make for port with whatever might be injured by ill fortune. That’s why I’m here so hastily to-night. I have here the tidy sum of two million two hundred and fifty thousand dollars,” (touching the saddle-bags with his foot), “in these good old saddle-bags, twenty-two hundred thousand dollars in Government bonds and the balance in cash—fifty thousand dollars in cash in one thousand dollar bank notes, neatly tied in packets of ten thousand dollars each.”

Viola: “*Hugh!*”

Stutfield: "A fact, my darling. Now give me a sweet kiss. A kiss for two million and a quarter—"

Viola: (Putting up her lips, quietly). "There. Now why is all this money here?"

Stutfield: "I prefaced this interview by saying—you will remember my darling," (kissing her two hands, still held in his left while his right arm still encircles her waist) "that it smacked of Monte Cristo and the Arabian Nights."

(Viola smilingly bows assent).

Viola: "I was somewhat struck by that remark, my darling, and am therefore not so overwhelmed with surprise at the contents of those saddle-bags as I most assuredly otherwise would have been."

Stutfield: So far, so good. The reason for this extraordinary act is this. This is the result of a sale I have just put through of a patent I bought for about sixty thousand dollars, some five years ago. I saw the possibilities in it. It's what they call a 'basic patent,' which means an elementary new principle in mechanical devices, as the original sewing-machine invented by Howe was a basic patent. If properly covered it could not be got round by any improvement whatever for the seventeen years of life patents have to run. Any improvement on a basic patent can only be used by paying a royalty to the inventor. Well, I met the inventor—an honest, amusingly shrewd and original *real genius*—all basic inventors *are geniuses*—and backed him to develop the patent—which then looked about as much like the compact, graceful thing a man can now carry in his waistcoat pocket, as a mowing machine looks like a lawn tennis racquet. It was cumbersomeness, complexity, and clumsiness itself. But, pardon my saying so, I am something of a judge of my fellow man, and spotted Albert Wedge—of 'Up State' New York—as an original genius, and therefore capable of developing the patent sufficiently to sell. My friends—some—not all—thought I was a damn fool—excuse me, Viola, that slipped out—"

Viola: "You are excused, my dear."

Stutfield: "A thousand thanks. Some of my friends thought I was a fool to blow in sixty thousand dollars on an undeveloped patent. I stuck to it for five mortal years, and

spent the sixty thousand in developing it, and, at last was rewarded by Wedge's out-Wedging himself and producing something so supremely simple, cheap and easy to make, so light, and of so small compass and of about as wide a market demand as the world holds, namely, an attachment for the sewing-machine by which the needle is threaded by a pressure of the foot—"

Viola: "The needle threaded with one's foot." (Laughing).

Stutfield: "Precisely—it's an open-eyed needle with a slot, and the thread is pushed into the slot by a simple contrivance every time the needle enters the goods and is released from the thread the instant it leaves the goods; thus the bore of threading the needle and the expense of breaking needles by bending them, by inadvertently pulling the goods from under the pressure-bar, is entirely obviated—since the needle is never in the goods. I owned ninety per cent. of the stock of the company buying the patent to develop. So after five years of the most fearful care and constant anxiety, I have turned my sixty thousand dollars into two millions and a quarter—not bad for a young fellow spending most of his time in Paris, and pushing Wedge by flying visits and constant letters and cablegrams. Wedge's genius pulled me through—saved the day and my sixty thousand—and I now take care of him for life. Of course, like all inventors, he had sold his interest early—before I got hold of him—and for a song."

Viola: "I should say, indeed, not at all bad, Hugh, for a young fellow."

Stutfield: "Thank you my dear. Only a few days ago a London syndicate bought the entire world-rights of the patent for five hundred thousand pounds, or two million five hundred thousand dollars. They handed me that amount which I converted *pro tem* into Government Bonds, after deducting ten per cent. or a quarter of a million dollars for the other stockholders in the patent—and paying the same over to them—and placed the two million and a quarter in my fire-proof safe at 'Rokeby' to await investment; and, mark you, darling, be meanwhile quite out of the highly improbable but *possible* reach of absconding bank presidents."

Viola: "It certainly sounds like the Arabian Nights."

Stutfield: "With this difference, my darling. It's no dream; but two million and a quarter of the good 'long-green.'"

(Viola laughs merrily and he kisses her on the lips. He then goes on)—

Stutfield: "I had sold forty thousand dollars worth of the *Self-Threading Sewing-Machine* attachments, in the first six months the mechanism—in its final perfected form by Wedge—was ready for the market. We booked and filled forty thousand dollars worth of orders, at five dollars an order, five dollars a *Self-Threader*, within six months last past. These sales were made without going outside of New York City. A sewing-machine drummer or sewing-machine repairer was given a grip-sack full of 'S. T.'s—*Self-Threaders*—and turned loose on New York. They are as simple to attach to the sewing-machine as any other attachment. Hence they went like hot cakes—forty thousand dollars culled, reaped, *garnered*, out of hard old New York, inside of six months, and not one dollar for advertising agents, traveling expenses, or even salary. We gave them fifty per cent on the first twenty-five 'S. T.'s' each sold, and twenty-five per cent. thereafter. It was on the strength of this marvellous showing, and the basic nature of my patents—I'd girdled the world—wide scope and reach of patents—I'd girdled the world—literally girdled the world with 'S. T.' patents—it was on the strength of the quick spot cash sales of 'S. T.', the strength of her patents, and the reach thereof that clinched the deal with the big British Syndicate. That's capitalized at ten million dollars, and is going to make things hum. My darling, I despise a man that exaggerates—a man that exaggerates is simply a more or less good-natured non-malicious, but none the less, liar. So I shall recapitulate the countries in which 'S. T.' is covered by patents. The whole of Europe—down to so small a country as Belgium and Switzerland. All of South America, Central America, and Mexico—except Patagonia, where they produce ostriches—but not patents. India, China and Japan, New Zealand, Australia and South Africa—winding up with Canada and the United States."

Viola: "A comprehensive purview of the world, surely,

my dear Hugh—it revives one's knowledge of geography to go over the list of 'S. T.'"

Stutfield: "It surely does, my dearie. The handful of other stockholders were amazed at the scope, and the thousands of dollars it required yearly to keep patents alive throughout the world, but they were confident of my business judgment, and now are rewarded. Now, to wind up this unusual interview, and go in to dinner. My reason for doing this extraordinary thing—bringing two and a quarter millions in securities and cash to you by night, in a pair of saddle-bags, in Government bonds and bills—is briefly as follows. My property is divided into three divisions. When I say that I ignore for the moment the saddle-bags and their interesting contents. *Division One* is the largest. It lies in New York. In New York real estate—all on Manhattan Island, and all choice, picked parcels of land. There is but one exception to this—that is a 362 acre villa site on the Hudson, opposite the Catskills, in the township of Rhinebeck. The loveliest and lordliest view of mountain and river on earth—it dwarfs the magic Rhine even. That has no house but a farm-house on it. My father bought it years ago. All the rest of my property is on Manhattan Island. It amounts to one and a half million dollars. Of this, one million is in fee simple—is mine out and out. The balance is about half real estate and half gilt-edged securities—the balance is in trust, and, in the event of my death without issue, goes to my dearly beloved cousin, Winston Blettermole, the only relative I have. *Division Two* and *Division Three* are almost exactly equal in value. *Division two*, consists of five hundred thousand dollars worth of real estate and water-power rights on the Roanoke river in eastern North Carolina. This is a property with an enormous prospective value when the South comes into her own—that is, becomes the cotton manufacturing centre of the United States. This place is the extreme northern limit of the cotton belt, so no one can cut in between us and the Northern markets. Also, besides having two competing railroads—the Atlantic Coast Line and the Seaboard Air Line—which salutary fact assures low freight rates—it is within five miles—five miles below us, on the Roanoke—of water transportation—on the Roanoke to Norfolk—via the Dismal

Swamp canal—and thence to Europe. Cotton grows up to the very doors of the mills there, is ginned on the spot, and carried into the mills.”

Viola: “It must be a wonderful sight to see cotton first grow before your eyes, and then turn—before your eyes—into cloth.”

Stutfield: “It is highly interesting. But the *great* thing about it is the water power, which does away entirely with the necessity of coal; and besides saving an enormous number of thousand dollars per annum in coal, puts the manufacturer beyond the reach of slow delivery of coal, during strikes.”

Viola: “I had no idea you were such a variegated man-of-affairs, Hugh. I knew you were of professional, legal and literary, and publicist bent, but that you were a man-of-affairs of such world-wide scope, I had not the vaguest idea.”

Stutfield: “Very probably, my dear. I’ve always kept my business affairs pretty strictly to myself. Lastly, *Division Three* consists of gilt-edged securities to the extent of half a million, tucked away in several large, deep, and commodious safe-deposit boxes, in the vaults of the leading Trust company in Richmond. When I say gilt-edged, I desire to qualify that statement to the following extent. I do not mean high-priced securities, so near par or so far above it, as to loudly proclaim that they have seen their best days, by which I mean their days of vigorous growth. In a word, securities which are now at—or about at—the top notch. I’ve no particle of use for such—no use on earth. Marshall Field—a merchant prince for whom I have a high regard, and whom I know personally—Marshall Field, of Chicago—than whom an honest, ‘whiter,’ business man never breathed—quite different from certain other of our hundred million dollar millionaires—for that’s Marshall Field’s figure—a hundred million—Marshall Field once said to me after dinner: ‘Stutfield, the stocks you’ve just mentioned are too high-priced for me—I can’t afford to buy them. I’m not a rich enough man to be able to afford to own such stocks. The stocks I buy are stocks that are sound, but are around thirty or thereabouts—have *never* been any higher—and have, therefore some ‘come out’

to them—some growth—some development. Some day, they'll reach 75 or 100. Then I'll sell them and buy other stock at say thirty or thereabouts.' I took my cue from Marshall Field—and carefully invested half a million—taking several years to do it—in vigorous young stocks—so to speak—and therefore the half million in my vaults in Richmond, bids fair to be a million or more one of these days. That makes a million and a half in New York; a half million in North Carolina, and a half million in Richmond, Virginia—that's two millions and a half. Now we come to the milk in the cocoanut—the two and a quarter millions in these saddle-bags, and just *why* they are in these saddle-bags. Here's the very simple—if very unusual reason, my darling. For the present I want the two million and a quarter I have just brought into this room (slowly) *where—no—court—order—can—reach—it*. The law is a queer thing. In the hands of learned and honest judges it is next to the actual personal presence of Jehovah—of God Almighty—on earth—for good, for the good it brings about. But, on the other hand, with ignorant, self-indulgent, or dishonest judges, it is one of the cruellest, wickedest and most Hellish instruments in the whole armoury of Hell. Now, when I met you on horseback yesterday afternoon—followed by your groom—you told me—in answer to my question—that you had a large safe of your very own—that no one but you knew the combination of, I mean—for the safekeeping of your splendid Stradivarius violin—upon which I desire to hear you play one of these days—for I heard in New York that your tone and execution are really remarkable—quite professional, in fact—”

Viola: “If that's so, Hugh, it's the result of my two years with Mamma and Papa in Paris, just before I came out—two years under the great French master Vieuxtemps.”

Stutfield: “I was told, my dearie, that it is literally true—that your playing has a passion and strength joined to a delicacy and feeling which appears to join the two sexes as you play, and give masculine force and feminine tenderness.”

Viola: “Again, I have only to say, my dear Hugh, if that is so—thank my great master.”

Stutfield: “To resume. Now I want to get into that big safe—*not personally*—but two million and a quarter of me—

to do that, I shall have to ask you to take the Strad. out and sleep with it alongside you, so that in case of fire you can escape with it—that's the only possible danger in this quiet, peaceful section of Virginia, not thieves but—and that danger no greater than anywhere else in the county—fire."

Viola: "I shall, with pleasure."

Stutfield: "Many thanks, indeed, my dear, for I know how you value that violin. Here is my will and one or two other important papers in the same envelope. In my will I have left you the income of these two million and a quarter. The balance of my property—bar the half million in New York—goes to Educational Institutions when my estate vests, upon your death—that is to say—and another, who with you form what is called in law the *cestuiquitrusts*—the two people at whose death property left in trust vests or is turned over to the heirs. I want no receipt from you, my darling. I only want you to keep this money till I can have time to invest it in something in neither New York, Virginia, nor North Carolina, so that I may have an entirely new set of courts ruling the money—for the Judges are our Rulers—our modern Kings, my dear, whatever fustian-talk ignorant politicians may vamp up about this being a Republic. The courts can defend or destroy your property, and I want to have as large and varied a line of judges bossing my goods as my property is large and varied. *Verbum sap*—a word to the wise."

Viola: (Smiling). "You, a distinguished law-writer, appear to look upon the judges much as a criminal might—you appear, my dear Hugh, to be afraid of them."

Stutfield: "Because as a law-writer I know their ignorance, I *am* afraid of them, my darling—of their ignorance, their dishonesty, or their favoritism or prejudice. How many judges have a college education? It varys in different sections. In New York, for instance—about 33 1-3 per cent., at a rough estimate! In other words an educated client or suitor has to lay his case before an inferior "counsellor"; or an inferior garbed in ermine and throned on a bench. Should said rule, developed further on; namely, that a judge must possess *not only a College education, but the only possible receipt—so to speak—for possessing same—to-wit—the degree of Bachelor*

of Arts—ever become general it will work havoc with such a college say as our own University of Virginia—founded by our own, Albemarle County, Thomas Jefferson himself! For in that splendid institution of learning the short-sighted, selfish and cruel rule exists by which every degree given by the University is practically an *honour* degree—by which I mean the percentage required to get the degree is almost as great as the percentage required by such universities as Columbia and Harvard to obtain an *honour* degree. *This is all wrong.* There should be an honour degree and a degree for the gentleman of leisure or professional man not after honours, *but after a degree from his Alma Mater.* *The consequence is that the percentage of men who have matriculated at the University of Virginia and get degrees is about the smallest in the country.* The average student of the University of Virginia *never dreams of taking a degree!* If my rule comes to pass no lawyer would ever think of going to the University of Virginia for a college education, but to the fine Colleges of William and Mary, and Washington and Lee, of the same State. The term, ‘learned judge’ is in every sycophantic lawyer’s mouth—and yet the infernal rascals know that they lie when they use the term—because why? Because Judges are—bar the rarest exceptions—*never* learned—they are as ignorant of the law in the case as any shyster lawyer that ever bluffed a fee. Until what time? *Why until the lawyers have taught them what the law in each given case is—by their opposing briefs!* *The judge is a mere student, a mere law-student to the lawyer,* who instructs his honour in the premises. I’ll tell you all that the so-called “learned judge” dwindles down to—and that is a *good guesser*—the most respected judge among lawyers is he who can *guess best.* *The best judge is the best guesser!* The judge who oftenest guesses right which side has the law with them,—as shown by that side’s lawyer’s brief—is the most respected judge in the legal community’s purview. The wise remarks you read in judges’ opinions, as well as the learned cases cited, *are bodily copied verbatim from one or other of the lawyers’ briefs!* This sounds strange but it is true. I am divulging a professional secret in lifting this sombre veil. No man should be elevated to the Bench who has not received a college education from a reputable incor-

porated college. *Lawyers* may be admitted to the bar on a mere common or high school education, but not so men who have the power of life or death, and the fearful responsibility of holding the scales governing property. *These men should boast as fine an education as the civilization and culture of the nation affords, then would the slogan 'Learned Judge' be true."*

Viola: "I thoroughly agree with you, Hugh."

(Stutfield bows his acknowledgments).

Stutfield: "Any lawyer who ever hopes to qualify himself for the august office of judge should be forced to acquire a college education—by which I mean the degree of Bachelor of Arts. As aforesaid—as about—at a rough guess—one-third of the legal profession has the Bench as the goal of their professional ambitions, *consequently*, about one-third of the legal profession of practising lawyers will be well educated—as well educated as their clients for instance! *No man could have a more profound admiration and respect for the mighty office of judge, than your devoted lover, my darling—Jehovah Jah was a judge—Abraham that 'mighty man of valour' when pleading for the lost inhabitants of Sodom, exclaims: 'Shall not the judge of all the earth do right?'—or words to that effect. Jesus Christ was a lawyer. He is called 'Our Advocate with the Father,' or words to said effect. As the Judaic law was a canon or religious law—the law of the Rabbis, the law of Moses—Christ in arguing with the Rabbis and Scribes—who were lawyers, had to be—proved himself to be a lawyer of the highest learning and dialectic and forensic skill. Therefore nothing could be higher than the august professions of Judge and Advocate! It is the damnable prostitution of these God-like offices to-day, which disgusts, dismays and appalls me. Instead of a judge being selected because he towers above his brother lawyers for the logic displayed in his briefs, and the uprightness of his conduct of a case—the absence of chicanery, mendacity, or as it is but alas! too often the case—flat perjury upon the part of his witnesses industriously trained therein—after having been deeply suborned—by himself—instead of that a judge is a 'good fellow,' a 'good sort,' a 'popular' man in the profession; always kotowing—as lawyers always do—to a brother*

lawyer, always hat in hand to one another, and always crawling on their bellies to the court—to the judge—and cringing before him. Instead of being an honour to his profession the modern judge is but too often a man who “stands-in” with the machine and has a powerful political pull—and “stands-in”—in New York—with the malodorous boss of Tammany Hall—who at a breath can unmake any judge of the New York Supreme Court, as by said bosses’ breath said judge was made. *It is this damnable state of things which makes me despair of the future of this country; and see our government burn up as a scroll in the fires of the Day of Doom.* The people are gradually awaking to the chicanery, tyranny, and dishonesty of the Bench! Labour, particularly, has its ‘red right eye’ on the courts, and their iniquitous injunctions; and labour, will have to be reckoned with when the battle of Armageddon, for the United States, dawns. I am in favour of the Initiative, Referendum and Recall of Judges, but *not* of the Recall of Judicial decisions. *Because law is as much above the heads of laymen—to steer a course safely and justly through—as is astronomy.* We must always have judges, and the people *cannot* be judges as to reversing and recalling Judicial decrees. Where would the right of life and of property go if a decision made one day, could be recalled by what amounts to a mob,—*so far only as law is technically concerned*—could be recalled by a mob—the next? *No:* Judges must be recalled for misconduct: but not their opinions. The subject of Logic—which is the compass *by which only* a judge steers his course where two legal authorities conflict, where two decisions by former judges upon the point then up before him for decision conflict—*the study of Logic needs a National Professional revival.* Provided a judge is a sound Logician—which means a man trained in the intricacies of the Aristotelian Syllogism, which means again a College-bred man† and a College-bred man only—he can be almost infallibly trusted to give a just and learned decision. For the opposing lawyers have hunted up the law governing the case in their briefs. So all he has to do is to balance the authorities and see on which side the weight of authority lies

†A man possessing the degree of A. B. from an incorporated College of repute.

and—where authorities conflict as aforesaid—steer his course by the compass—the *pole star* of the Aristotelian Syllogism. *There's no word in English oftener in a lawyer's or judge's mouth than the word 'logic,' than the words 'logical,' 'illogical,' 'fallacious,' 'fallacy'!* And yet there's no book less often in the hands of judge or lawyer than a *Text Book on Logic!*—by which *alone* the intricate rules of that mighty science may be kept fresh: by which rules *alone* the highest reasoning is guided and kept right, *as the sextant guides the mariner by showing the position of the sun.* Logic to-day is a joke! a *dead dog!* a *stinking carcass floating down a canal.* Hence the damnably unjust, ignorant, and dishonest opinions of but too many of the judges of this fair land both State and Federal. Logic should be revived as it was in the Middle Ages so that a judge may stand on his own feet when authorities conflict. No candidate for a judgeship should be permitted to mount the bench until he had proved himself by briefs of his in litigated cases, that he was a Logician of the first rank—and the burden of proof would be on him to show that he *actually wrote each brief.* If an illogical, fallacious or ignorant brief could be thrown up at him from the past years of his professional work *it should disbench him.* All briefs should be filed under control of a special court officer—that is to say—all those of lawyers who put themselves in line for judicial honours—and upon these briefs would the professional record of the candidate for judicial preferment be based. A crooked or fallacious brief would *ipso facto* disqualify him for the bench. *He would have to draw his own briefs and every brief he had ever drawn would have to be filed, as well as the opponents' brief!* Ha! Ha! My dearie, it makes me laugh when I think of the wry faces such a rule would cause among the suave followers of Ananias, who form so large a part of my august profession! *What a salutary effect it would have upon brief-drawing to know that the foul birds of lying briefs—of perjury-punctured briefs—would surely come home to roost one of these days, when the question of the ermine came to be considered!* Hence courts would scrutinize briefs of non-candidates for the ermine, far more carefully for lies, perjuries and follies than those of candidates-for-the-ermine. Gradually the people would get to employ

candidates for the ermine—lawyers qualified to write ‘C. F. E.’ after their names—for the above reason—and so by the time the Millennium dawns—we should have in America, a highly educated, and, *outwardly*, at least, upright Bar and ditto Bench. If some such thing does not take place, this country will,—and will *rightly*—be placed forever under martial law, by the Military Dictator of the United States, which our aforesaid Armageddon is bound to produce. Who wouldn’t rather have one *big* Boss, one Oliver Cromwell—one *grand Boss of genius*—than the ten thousand vulgar-born, ignorant, piffling, plug-uglies that boss the United States to-day? Pardon my professional zeal, darling—*only a d—n fool!* Permit me to briefly enumerate our rulers. We have in every County in the United States to-day in the country: the Precinct Boss, the District Boss, the County Boss. In the city the Ward Boss, the District Boss, the City Boss, *the Boss*. Finally—the State Boss! As Herbert Spencer said in effect, when he held the mirror up to the people of this great and mighty nation, on his recent visit to us of a few years ago, ‘*a Republic is the most ideal form of government, but it is the most difficult to live up to; for it expects every man to do his duty without coercion, or the fear of death, or jail before his eyes; and that’s something that the delectable race of man flatly refuses to do.*’ Hence, instead of being the best form, a Republic is practically the foulest, most corrupt and tyrannical form of government possible. You know that it’s a by-word for ingratitude!”

Viola: “I sadly do, my dear Hugh.”

Stutfield: “You are an inspiring auditor—my darling—but I must hurry on. *This question of reform of Bench and Bar is the question of the cancer eating the heart out of the country of Washington and John Marshall.* To resume and conclude. This is the motto of a Republic, ‘*What’s everybody’s business is nobody’s business.*’ So there you are! So—after the rottenness which reeks to Heaven from the United States, has brought down the purifying flames that did the business for Sodom and Gomorrah—the two prototypes of the cities of New York, Chicago and Philadelphia—figuratively speaking, all this, of course, regarding the flames—and the bloodiest revolution the world has ever seen has ensued

between the forces of Labour on one hand, and Capital, supported by the Bench, the Bar, and the Churches, on the other; in which Labour will eventually win, by means of the accession to her side of the great mass of the people, who stand betwixt and between—and a compromise has resulted—not between Labour and Capital, *far from it—that fight's to a finish!*—but a compromise between Labour and the said vast body of neutrals. *After the thunder, and the smoke, and the blood of the aforesaid Armageddon shall have cleared away 'a new heaven and a new earth'—again strictly figuratively—will appear; and the folly and vice, now only too frequently enthroned on the Bench will be forever done away!* Pardon the length of this dissertation, darling, but something *solid* was needed to support the *extraordinary spectacle* of a Law-Writer's standing in dread and horror of the courts, and scheming to get as long a line of judges strung out along his property as might be! In the *desperate hope* of finding a learned or an honest one—or—by a miracle almost—*both—learned and honest—in the lot!*”

Viola: “Br-r-r! My dear Hugh, you make me feel cold all over! It's like listening to a page from Carlyle's French Revolution, to hear you sum up the virtues of the American Bench and Bar.”

Stutfield: “I don't wonder at your chill. The French Revolution is what is going to repeat itself in this country. *I am no prophet*, but *I am* a student of History: and as such I judge the Future by the Past. Some duffers say, ‘How can there be a revolution in a country where the majority rules?’ The *Fools!* That's just it! Suppose the majority is no larger than the ‘majority’ that differentiated the followers of Rutherford B. Hayes and Samuel J. Tilden! And suppose the *so-called* ‘minority’ prefers to fight—to remaining a technical ‘minority’—what then? *Armageddon!*”

Viola: “You make me shiver, but I'm afraid you may be right.”

Stutfield: “Thank you, my darling, for giving me the benefit of the doubt. Nobody dislikes the idea of bloodshed, wounds and death more than your humble servant: but History shows that that is the *only* avenue possible to fundamental political and judicial change. There *are* noble ex-

ceptions to the dark rule I have laid down—exceptions among lawyers and exceptions among judges—but alas! my dearie—they are few and far. There *are* noble exceptions, *but they are few and far*. To resume and wind up. I may invest in a half dozen different States. No Virginia Judge—or any other judge, for that matter—can rule on these two million and a quarter I now hand you.”

(Raising saddle-bags and handing to Viola, who places them on the floor before her, touching her feet.)

“For *I* no longer have them—you have them—but nobody does, or will, or *can*—since torture is abolished in court procedure—know that valuable fact. *The future is ominous of war* in my affairs. Blettermole lusts after my property only less fiercely than he does after my life. He actually hates me with a fifteenth century Benvenuto Cellini hatred—it’s laughable, but a fact. I could never understand it—he’s always attracted me—he’s a charming man—superficially, at least—and goodness knows, I’ve never injured him—one’s not generally given to injuring people who are attractive to one.”

Viola: “I can unravel that mystery, my dear.”

Stutfield: “*Can* you, darling? Well, you will set at rest a care that has been disturbing me for years and years.”

Viola: “You know, Constantia’s almost my most intimate and beloved girl friend. She was in Paris finishing her musical education—you know she is a remarkably talented pianist—”

Stutfield: “I do. But her playing to me is cold—finished, but cold—like herself, in fact.”

Viola: “Well, Constantia attracted me by the extreme artistic, literary and musical bent of her really unusual mind—beside her refined and charming personality. I saw her constantly during those two years. We, with Papa and Mamma used to go to the *Français* every Saturday night—when the plays were not too dreadfully *risqué*—other nights, we were at work on our instruments, she the piano, I the violin, for we each worked about eight hours a day except Saturdays and Sundays, during those two years—allowing two hours for outdoor exercise daily. The consequence was that when she married, she confided in me and I do not think

I am betraying that confidence in saying what I am about to now. She said to me once: 'Viola, I am sometimes concerned about the hatred Winston has for Hugh Stutfield. It is the most intense and persistent thing in his cool, indifferent, charming, inconsequential temperament. It's absolutely ferocious! I've questioned him, and questioned him upon it, but in vain. His answers are always unsatisfactory and vague. At last I am compelled to believe that it springs from jealousy. Years ago, when they were boys at College—different Colleges—different Universities—Hugh got in without conditions and achieved his College career and subsequent degrees without one, although he had to work like a Trojan to do so—for the Classics and Mathematics always came hard to him; whereas Winston, who had a natural talent for Languages, and to whom Mathematics came easier than to Hugh, got conditions upon entering Harvard, got new conditions each year he was there—and finally—in order to get rid of them, had actually to take *five* years to complete the four years' course. This was a case of the hare and the tortoise. Winston neglected his superior talent for Languages, for Latin and Greek, as well as for Algebra, Geometry and Trigonometry, and suffered severely thereby. Hugh Stutfield, on the other hand, toiled and won. Now, strange as it may seem, this boyish incident has been the *fons et origo*, the fountain and source, of a growing animosity in manhood's years."

Stutfield: "Lord! Is *that* the only reason for his Renaissance hatred of me. Well, great oaks from little acorns spring sure enough! Now, to conclude. Lawless desires my disappearance, owing to his being a suitor for your hand. Belisarius P. Spink knows more law than any man in the United States, and has less scruple than any lawyer, yet outside the bars. Behind Blettermole and Lawless are their millions, and behind their millions, is Belisarius P. Spink—like Belisarius of old—the great general of the Roman Emperor Justinian—ready to lead their massed cohorts—their ready millions—to any goal they may select. A powerful combination—not to say, a dangerous one—you must admit."

Viola: "Hugh, you frighten me!"

Stutfield: "Do not be alarmed. I am my own Beli-

sarius—my own lawyer—and I'll back myself against Spin^{ks} or any other lawyer in or out of shoe leather. *Second.* I'm not a pauper by any means." (Kicking the saddle-bags). *Third.* I'm so near being a Clairvoyant—a *Prophet* in the modern sense—that there's absolutely nothing funny in it. *I'll back my Subconsciousness to warn me of all their damnable plots in time to prepare against them, and—in the end—frustrate them.* Now, my angel, will you take my will, my private papers, and my two million and a quarter, and promise me that you will neither admit you have them, nor surrender them to anyone without a written order from me?"

Viola: "Certainly, Hugh, I will accept this grave responsibility if you desire it. Shall I inform my father?"

Stutfield; "Not for the present. I have the highest regard for Captain Cariston's war record, and business record, *since the war, by which he made half a million* in a twenty years' exile in the wilds of the West Virginia coal fields, exiling himself to that wilderness in order that you and your Mother—his only kin—might live here at 'Elsinore' in comfort meanwhile, and be independent for life at the end of his twenty years in Siberia. He achieved his end, and now has the sturdy sum of a round half million salted down, in improving real estate in Richmond and Atlanta. But the very fact that he is such a sound and yet bold business man, makes me shy at putting him in touch with this highly unusual performance to-night."

Viola: "As you prefer, Hugh, dear: it's true that he does not yet know of our engagement." (Smiling). "He has hardly had time to learn of it."

Stutfield: "A thousand thanks. Then you promise me that you will neither admit you have my will, private papers, and two million and a quarter, nor surrender them to anyone without a written order from me?"

Viola: "I do, Hugh. And now, one word with you. I have had a frightful dream. Last night I seemed to be standing on the edge of a broad, moonlit stream with you at my side. Suddenly a large, funereal looking barge draped in black appeared. Three ancient women—resembling the Three Fates—stood on the deck. Before them—facing you—stood a man in antique armor. As the barge approached a most terrific shout

—as of a mighty host—smote the air, and the figure on the barge drew his sword and saluted you. I felt you straighten yourself. I then glanced at you, and found to my surprise, that you, too, were in antique Roman or Greek armor. So soon as the man saluted you, you returned his salute with your sword; whereupon, a second appalling shout as of a mighty host, smote the air. The barge reached us. You turned and said: ‘Viola, I go, but I return.’ Thereupon, you mounted the deck, and disappeared. It frightened me horribly—I’m not in the least superstitious and disbelieve in dreams; but I never had one so vivid as that.”

Stutfield: “My darling, I’m a fatalist. I believe that whatever is to be *will* be—to the fall of a cock-sparrow.”

Viola: “I share that belief, largely.”

Stutfield: “Let that belief buoy you, my darling, until we are one.” (Embraces her).

End of Act II.

IN THE SHADOW OF THE LABYRINTH.

ACT III. SCENE I.

Stutfield's suite in the Hotel Kensington, 15th Street and Fifth Avenue. Stutfield in bed. Bed head to right of stage. Small room. Door to right leading into drawing-room. Door to left leading into bath-room. Window at foot of bed. No fireplace in room—heated by a flue. Bureau between window and bath-room door. Time, one month later, April 12th, 1887, 6:30 P. M. Stutfield wears a green sack coat, though in bed; as curtain goes up, a man, Dr. Barkus, enters. Weather is cold. Backward spring, snow on the ground. Barkus above medium height, strongly knit. About 55, grayish hair, slightly bald. Sharp, keen face; very cold. Wears glasses. Light gray eyes, square cut beard, turning white. Stutfield is reading a morning paper as he enters. Barkus affects a solicitous air, and approaches bed with both hands extended and close together. He has black frock coat on—overcoat and hat left in drawing-room).

Barkus: "Ah! my *dear* Mr. Stutfield, I am so distressed to see you thus. I met Mr. Blight in the lobby on my way into the hotel, and he told me that you were ailing—"

Stutfield: "Blight's far too fresh. I've only got a slight cold, Doctor. The only reason I go to bed for a cold is that I inherit a tendency to pneumonia—both my Parents died of it, my Mother in perfect health, and with a magnificent constitution at thirty-four, and my Father ditto at fifty-two—within two years of her. I have lungs like one of my registered Jersey bulls—but like my bull, am susceptible to pneumonia—to the scourge of the strong up here in New York with its treacherous humid climate."

Barkus: "You appear to be quite learned in the care of the human frame."

Stutfield: "Oh! I don't know—every man's his own physician or a fool at forty, you know—I'm just thirty, but I like to be ahead of the game in such an important factor *in* the game, as life and death."

Barkus: (Frowning). "You can hardly expect a physician to subscribe to that alleged maxim, Mr. Stutfield."

Stutfield: "No, scarcely. You gentlemen would practically starve to death if there were not so many millions of fools. For men and women under forty of normal health are rarely under the weather, whereas those over, you may almost say, are always so, now and then—to commit a bull—through their abominable, fool-carelessness. The average man takes more care of his horse or dog than of himself—and this through no spirit of unselfish devotion—far from it—but from a fool spirit of carelessness and laziness."

Barkus: "Permit me to observe that you are somewhat severe upon your fellow man. But I am not here to bandy words with you, Sir."

Stutfield: "You are very correct."

Barkus: "Now our Oriental friend, Rumdumbagore, will be here shortly and prepared to assist at the proposed interesting experience of observing you enter a trance. Permit me to inquire your opinion on the distinguished Parsee, Rumdumbagore?"

Stutfield: "To be perfectly frank. I think he's about the biggest faker I ever saw—his name should be Rumdum-fakore."

Barkus: "Again, I must observe that you are somewhat severe upon your fellowman."

Stutfield: "Why, the jargon the man talks is enough to turn one against him. It sounds precisely as though he had spent a number of years in the French colony in McDougal Street, and caught the French way of pronouncing 'th' and saying 'zat' for 'that'; and had then gone to Mulberry Street and resided among our Italian citizens long enough to learn how to clip the end off of a word, as, for example, to clip 'banana' into 'banan' and 'money' into 'mon'; and finally wound up in the neighborhood of Tattersall's, or some other Horse Exchange, and learned from the Cockney grooms how to decapitate the letter 'H'."

Barkus: "But, my dear Mr. Stutfield, I was at pains to inform you prior to the first two visits to you of Mr. Rumdumbagore and myself, two or three days subsequent to your arrival here, about two weeks ago from the South, with

your intimate friend, Mr. Blight,—the distinguished New York sculptor, who suggested to you that you permit myself, as a dabbler in oriental trances and trance-like states, and Mr. Rumdumbagore, who knows all about them—coming direct from India, to lecture upon that very subject before learned societies throughout the United States—suggested that you permit us to observe you enter a trance, since he had walked in on you—as you were first learning how to do so at ‘Rokeby’ and suggested your coming on to New York and getting some Psychologist who was more familiar with trances and trance-like states than yourself, to advise with you about them, and act as your assistant in carrying on your most interesting investigations in this mysterious domain of the brain. Upon your consenting to both Mr. Blight’s propositions, I was introduced to you by him, and in turn introduced you to the distinguished Orientalist who expressed himself as interested in your investigations, and willing to assist for one or two *séances* before leaving for Chicago to lecture before the faculty of the University of that city—I was at pains to inform you that Mr. Rumdumbagore had had the misfortune to be first initiated into the mysteries of English pronunciation—so difficult to the subtle oriental tongue—when a child in Bombay—by an Italian nurse who had married an Englishman, after being first divorced from a French dentist. The Englishman was not high type—he was a coachman and born within the sound of Bow bells—hence he hadn’t an ‘h’ in his head. The result is the unfortunate, somewhat polyglot patois, somewhat mixed accent of our distinguished friend.”

Stutfield: “Your explanation, Doctor, is as unusual as is the appearance, aspect, and actions of Brother Rumdumbagore.”

Barkus: “You are as suspicious of men as most lawyers, my distinguished patient.”

Stutfield: “Permit me to observe that I’m not your patient, nor am I suspicious by nature. But I am not a damn fool.”

Barkus: “Well, I hear his voice in the hallway, and shall usher him in.”

Stutfield: “Pray do.” (So soon as the door is closed

and he is alone, aloud, meditatively). "This is a very rum state of affairs here. I can't quite make it out. Blight has always been a close friend of mine and one in whom I've always had the utmost confidence. He walked in on me at 'Rokeby,' as Dr. Barkus remarked, just as I was in the very act of pushing my investigations of Institutions into the Trance form, mentioned in my last talk with Viola, as employed by Trance-Mediums or Clairvoyants. Spiritualism I despise and utterly disbelieve in as the haunt of fakers and cheats; but undoubtedly the Trance, or Trance-like state, is the work shop, in which to experiment in the mysteries of the human brain. For instance, Hypnotism is the direct result of a state closely allied to that of the Trance, but differs from it in that while consciousness is clouded or entirely submerged in the Hypnotic Trance, in the Mediumistic or Clairvoyant-trance, nothing of the sort occurs. In a Trance or Trance-like state I am as normal and keenly alive as when eating breakfast. Therefore I am willing to go through the d—d bore of entering the Trance or Trance-like state before witnesses since my Subconsciousness informs me that it will not operate the Trance or Trance-like state for me in relation to my business affairs unless I enter it twice before scientific men. *Otherwise I can't get the bloomin' perishin' Trance to operate. For operate it without the co-operation of one's Subconsciousness is an impossibility.* Blettermole may be at the bottom of this. He is my inveterate enemy, and would stop at nothing. What his object can be, I fail to see, but I shall without hesitation allow him all the scope he wants, for I understand that this is a law-abiding community—this fair City of New York—and therefore the law can redress any injuries I may sustain in pushing legitimate, scientific experiments to a conclusion."

(Enter Dr. Barkus and Rumdumbagore. The latter is a tall, stout man, dressed in a black frock coat, waistcoat and trousers, high collar and dark four-in-hand tie. The only thing out of the way about his costume is a turban, of large dimensions, and snowy whiteness, wound round the top of his head. His skin is a dark olive, and he wears a heavy black moustache. His motions are slow and pompous and so is his intonation. He bows with oriental depth to Stutfeld stand-

ing on the threshold, bringing both palms towards his middle. Stutfield carelessly returns the salute and says):

Stutfield: "Day, gentlemen."

Rumdumbagore: "'Ow does my young frien' find 'e zelf to-day? I trus' zat ze indizbozish iz not acute?"

Stutfield: (Smiling pleasantly). "No, 'ze indizpozizh iz *not* acute—"

Rumdumbagore: "Ah! My young frien' mock me."

Stutfield: "Your young 'frien' is tickled to death over your accent, my learned Sir—'zat's all—'zat's *all*."

Barkus: "Mr. Stutfield, we will proceed to go into the trance, if you please, and cut short this unseemly ridicule of my learned friend who suffers through no fault of his own—"

Stutfield: "No, by Jove, it *was* no fault of his own, but of that much married Italian-French-Cockney-English-nurse—eh?"

Barkus: "I *beg* of you to proceed to enter the trançée."

Stutfield: "Very well, Doctor. But I should very much like to know why our learned friend wears that turban on his head, right here in New York."

Barkus: "Mr. Rumdumbagore is a very devout follower of his cult—fire-worshipping—the Parsees, you know, are Persian Fire-worshippers—refugees—who, centuries ago, were expelled from their native land by the sword of the Prophet—the conquering Mahommedan—and sought and obtained asylum in India. They worship fire still. Now as to just why he wears a turban here in New York. Mr. Rumdumbagore is under a vow—he is a very devout Parsee—never to appear in public without a turban—*no matter where he may be*—until India is rid of British rule."

Stutfield: "Ah! ha! A patriot! I had no least inkling that so rare a fire as unselfish, *unpolitical*, patriotism burned within that brawny bosom. Now for the experiment. *What goes on inside the head during a trance—how it is operated—is shrouded in mystery so far as Science knows at present—as deeply shrouded as the nature of electricity or the cause of the X-ray*—outwardly, however nothing could be simpler. You cannot detect the slightest difference in me physically when in a trance, or when out of a trance—*except in my language*. I need not warn scientists of your standing that

I am no more responsible for Trance-utterances than for sleep-talk—talking in my sleep—to which it is closely allied—*all Trances being merely a form of Somnambulism or Sleep-Walking*. The first hint I gave of being what is vulgarly called a Medium was when I was a child, by Sleep-Walking. That has passed off with the lapse of time and taken on the rarer phase of Trances and Trance-like states. From the moment I say: ‘Here goes!’ I’m wholly irresponsible for my utterances. ‘Here goes!’ ‘Hugh Stutfield, you are in the hands of the Philistines. These hoary old rogues are bought, body and soul, by certain persons. Who or what said persons are I refuse to say. But be not concerned. Your destiny—like that of every man, woman and child on earth—was fore-ordained from the beginning. Nothing these two bloody-minded, soulless, sordid, old reprobates can do or say, can alter or change your destiny one jot or tittle—*they are necessary that your destiny may be fulfilled*. Proceed as though they did not exist, and know that in the end you will triumph over these two disgraces to the Medical Profession—to the noble Art of Healing, and those back of them. I say no more. Farewell.’ Well, gentlemen, what do you think of the trance?”

Barkus: “Infamous! Infamous! The most absurd and slanderous utterance I ever heard.”

Rumdumbagore: “My young frien’ it grieve my ‘eart to ‘ear you zay zuch zings—it grieve my ‘eart. But in my ‘eart—ze deep warm ‘eart of an Oriental—I know it is not you zat zay zuch zings—it is not you but ze trance, ze trance. Zo nudding ‘ard, no ‘ard veeling rests in my great warm Oriental ‘eart towards zee, towards zee. My young frien’, I take my leave. May ze spirit of ze great founder of our Faith, Zoroaster, ze great Zarathustra ‘imzely, ‘oo shed ze light of ‘iz countenance over ze land of ze Medes and ze Persians one thousand years before ze Christian era, watch over and guard your steps in zis wicked but populous city.”

Stutfield: “Amen to that, my learned fire-eater—beg pardon—fire-worshipper—Amen to that.”

(With a profound salaam Rumdumbagore leaves, followed by Barkus, who merely bows slightly. The door has hardly closed before heavy footsteps are heard in the hall—

way, and there is a loud knock at the door of Stutfield's bed-room).

Stutfield: "Come in."

(The door opens and Barkus and Rumdumbagore appear at the head of three burly, rough looking men).

Barkus: "You must get up. Resistance is useless as you see, and dress and follow me. You are insane."

Stutfield: (With a sarcastic smile). "On what grounds?"

Barkus: "On the grounds of what you said when in a Trance, or Trance-like state just now."

Stutfield: "But I was at pains to explain to you, only a few minutes ago, that that was not my mentality talking, but my Subconsciousness."

Barkus: "I'm quite well aware of that."

Stutfield: "Who's back of these proceedings?"

Barkus: "Mr. Winston Blettermole and Mr. James Lawless."

Stutfield: "Ah! My two worst enemies. Well, gentlemen, what do you propose to do about it?"

Barkus: "*Propose* to do? Why, that you obey my orders."

Stutfield: "You haven't brought enough men with you, Doc."

Barkus: "*Seize him!*"

(The men dash towards Stutfield. There is a small table with a pile of large, heavy books on it at his bedhead, which prevents direct attack, so they come round that and are about to spring upon him—the head of the bed is towards the door of the drawing-room—when Stutfield whips out a revolver from under his pillow and says sharply):

Stutfield: "Hands up, you blackguards, hands up!"

(The roughs at once obey. Barkus and Rumdumbagore, who are standing at the foot of the bed, shrink away from the pistol).

"Now then, you bloody villains—you East Side thugs and mid-night assassins, make tracks out of here or I'll fill you full of lead."

(It is now dark and the electric light has been turned on for some time. The roughs leave hurriedly).

Stutfield: "Now then you two promising specimens of medical rascality—for of course, you're a brace of alienists in disguise, lying as fast as you can open your dirty mouths—now then, you two apostles of perjury and crime, why shouldn't I put a bullet into each of you and rid the world of two such human hyenas? Come—pull yourselves together and answer me that. First throw up your hands—you, too, Rumdum."

Barkus: (Clearing his throat and showing all signs of fear after swiftly throwing up his hands—Rumdumbagore does the same). "I trust, my dear Mr. Stutfield, that you will not take any unfair advantage of me."

Stutfield: "No, I never take an unfair advantage of any man. But I shall particularly well see to it that *you* don't succeed in taking an unfair advantage of me. I'd have you understand that I hold a license to carry a pistol in New York."

Barkus: "What are you willing to do?"

Stutfield: "I am willing to discuss this interesting situation with you to-morrow, say, at 3 P. M."

Barkus: "But how do I know that you're not going to run away?"

Stutfield: (Bursting out laughing). "Run away! That's something I'm not in the habit of doing."

Barkus: "In that event, I'll be very glad to meet you to-morrow at 3 P. M."

Stutfield: "So be it. And now you may permit your hands to assume a normal position, and retire."

(Both leave rather hurriedly. As soon as the door closes)—

Stutfield: "Well, here's a how de do, sure enough! Viola's dream has come true!"

End of Act III. Scene I.

THE LABYRINTH.

ACT III. SCENE II.

Time: Three months later. July 12th, 1887, 4 P. M.

(Stutfield's cell in 'Fairdale.' A dark, gloomy, small room with heavily-barred, small windows. Room scantily and barely furnished. An engraving or two on the wall; a small dressing-table with mirror, washstand, and some common chairs. Stutfield in bed, dressed in a striped blue and white flannel outing jacket, with no tie on, over a silk gauze under-shirt. The bed is brown wood, and has a canopy over it in the shape of a mosquito-netting on four slender rods. By his bedhead is a table, covered with ponderous books. He has just finished a letter as the curtain rises. There are three doors to the cell; one leading to his keeper's adjoining cell, and one to a bath-room, and one to the hall. He begins to read the letter he has just written in blue pencil)—

Stutfield: (Reading hastily, and with frequent glances at the door). "My own darling Viola: It seems ages since I've seen your sweet face, and heard your silvery voice, buried alive as I have been for a quarter of a year amid dangerous lunatics, even maniacs. This is how it all happened. Blettermole and Lawless put their heads together, and one as my nearest blood relation, and the other as my 'best friend' signed and swore to a Petition saying that I was insane, and dangerously so. They were evidently steered by Belisarius P. Spink, who is the lawyer of both Blettermole and Lawless, for the game has been worked to the Queen's taste from the start—not a blunder anywhere except that crime is always a blunder in the long run, and both Lawless and Blettermole have rendered themselves liable to a term at hard labor at Sing Sing for perjury. So far, so good. Now I shall describe how I come to be here, flat on my back. Before doing so, knowing your sweet solicitude for my health, I shall touch briefly upon that. I never was better in my life. I once overworked and consulted a specialist on overwork and the preventive and cure thereof. He said: 'Lie down for

twenty-two hours out of the twenty-four and rest your spine, which is the trunk-line of the nervous system, and exercise for the other two hours not severely, but lightly—even for much less than two hours if you feel disinclined for any cause not slothful in its origin.’ So I stay in bed, for twenty-two hours out of the twenty-four. I even take my three meals in bed, and after luncheon walk for the greater part of two hours—this walk is, of course, with a strapping six-foot, fighting, Irish keeper—come in, bathe, and go back to bed. I sleep for at least nine hours. The balance of the time I keep my mind constantly occupied by reading five daily New York morning papers, and two daily evening papers from first page to last, including the most amusing of the ads. and some of the ads. are distinctly amusing. *I find that nothing takes one out of oneself so easily, so without effort of thought or brain work of any description, as newspaper reading.* It is like eating the lightest, flimsiest kind of pastry in place of solid food. I do not refer to the editorials when I say no effort of thought or brain is needed to master the contents of a newspaper. Editorials do necessarily excite thought—the only question is as to the nature of the thought thus excited. I find that in the vast majority of cases the nature of the thought thus excited is amusement. But amusement is enlivening and restful for the human mind in the extraordinary situation in which I find myself, looked upon, and treated and spoken of to my face, as being a hopelessly, insane dangerous maniac! I often wonder if I am not dreaming, and pinch myself until I am convinced that I am awake. So you see, anything that can minister to a mind so situated is surely to be classed with poppy and mandragora and ‘all the drowsy syrups of the East’ as a first aid to the injured by the illegal and vicious laws of this great State, touching Lunacy Procedure. You know, my darling, that my Mother was born and bred in New York, and that I was reared here, and largely educated here, therefore it is natural that I should feel the strong affection for this great and beautiful city which I do. It is not with the people of New York City or New York State I have a quarrel on account of these Lunacy Laws, but with the rich rascals high in the councils of the Four Hundred, who make money out of

them. Now you are prepared to hear how I came here. First and foremost, I desire to state, my precious darling, that it is through no lack of strategy or generalship upon my part that I am here. I had the situation entirely in my hand in New York, from the simple fact that I had had the foresight to make use of my license to carry a revolver in New York, by having it under my pillow when they tried to overpower me by sending three strong-arm men into my room at the *Kensington* after dark to carry me off. There was a sinister purpose lurking behind the act, namely, their desire to make me catch my death of cold by hauling me out of a sick bed to dress and take a cold drive in a cab to the train, and a colder one after the hot train from the White Plains station here, there being snow on the ground. But I decided to, so to speak, go as a lamb to the slaughter; or to play detective, and get an insight into the working of this gilded Hell, 'Fairdale,' from the inside, in order that I may devote my life to wiping infamous Lunacy Laws off of the Statute Books of about half of the States and Territories of the Union, founded by George Washington and safeguarded by Abraham Lincoln. *That was my wish and aim, in risking my life coming here.* For I could easily have walked down the fire-escape from my window and got away, had I cared to do so. But liberty to me is as sweet as life, and I am willing to risk my life to insure liberty for the rest of my countrymen and country-women unable to fight for it, in this labyrinth, from the fact that they are not professional fighters—that is to say, lawyers. Now, I shall wind this long letter up by saying that it will be handed Captain Cariston—addressed to him—by a man I have complete confidence in, the inventor of the Self-Threading Sewing Machine Attachment, that brought me so much money—his name is Albert Wedge. He is still in my employ because I promised to support him for life, so soon as I sold the mechanism. I promised him twenty-five hundred dollars a year for life, besides a present of twenty thousand dollars. I have had no chance to pay him more than a portion of the first year's allowance. He is let through the lines here because before surrendering to the police they sent to take me next day from the *Kensington*—Barkus, one of the Doctors in the plot lied and broke his word and instead of

coming sent a brace of plain-clothesmen from police headquarters in Mulberry street—I had sent a wire to Wedge at his place at Allendale, New Jersey, to come in the first thing in the morning. This Wedge promptly did. Whereupon I told him the situation and that if he ever expected to put his hands on that twenty thousand dollars he must co-operate with me, and get me a lawyer to bring habeas corpus proceedings to get me out. Well, my dear, what do you suppose, Wedge—supported by full credentials from me—has been utterly unable to get a solitary New York lawyer to take my case and bring the habeas corpus proceedings! They hem and haw but do nothing. The authorities here know that Wedge may try to get counsel for me, but will you believe it, so sure are they of their position that they are indifferent, knowing that he will not be able to get a lawyer in New York with the courage to take my case. They hold back for three reasons. First: Because of the old maxim, 'Give a dog a bad name and hang him.' Being once inside a Madhouse I am supposed by the intelligent public to be mad. No matter what crimes and villainies were perpetrated to falsely put me there. Second: New York lawyers shy at the case because of fear of Blettermole and Lawless. Blettermole is a millionaire several times over, and Lawless is a multi-millionaire—has at least seven millions at a safe estimate. They are afraid of the serried ten millions opposed to me. Third: New York lawyers shy at the case because they are afraid of antagonizing the powerful array of plutocrats on the Board of Governors as it is pompously termed of this *Bastile of the Four Hundred*, where is buried alive for life any member of the Four Hundred who has had a falling out with his family or next of kin. *The most powerful men in Finance, Law and Society are gathered together on the Board of this Private Insane Asylum in order to overawe the New York County Bar.* So here is what I propose to do. Wedge is absolutely devoted to my interests. He is a bachelor alone in the world and entirely dependent upon me for the means to carry on his experiments—and like all inventors, he is never happy except when inventing. So he is willing to risk State's prison to get me out of here. I am willing to risk my life to get out of here, and here is what I propose. Wedge

comes up about once a fortnight. He is due to-day. I'll give him this. He has money enough to pay his way to Virginia. So soon as you have read this letter, read it to your Father. I am enclosing this sealed and addressed to you in one to Captain Cariston, briefly stating that the bearer is an inventor in my employ and patentee of the Self Threading Sewing Machine Attachment—and has access to me—is thoroughly trustworthy and able to shed light on my present predicament. Then, please ask him to do as follows. I do not intend to stay here until I go crazy from my health breaking down. I'd much prefer to die with my boots on attempting—like an American citizen worthy the name of an American citizen—to escape. Or if I should be forced to kill a keeper in my dash for liberty, and the jury went back on American love of freedom and sent me to the electric chair, I would much prefer that quick and easy death to lingering here for years. *There is no warrant in law for this outrage against an American citizen.* Now a man would be perfectly justified in killing a 'Black-Hander' who held him in perpetual life imprisonment—as I am being illegally held for a five thousand two hundred dollar yearly ransom—not counting extras—and making his escape. Further argument in support of my contention would be a work of supererogation. I hope and believe it will be unnecessary to put Pat Sligo out of business permanently, but the Law-Giver, Moses himself, had less warrant in Law or Equity—I highly approve of Moses's noble act, mind you—but Moses the Law-Giver had less warrant in Law and Equity for killing that Egyptian task-master, than I would have in killing Pat Sligo when he bars with his bulky carcass my road to freedom—and any American who disagrees with that sentiment is unworthy of the spirit of the founder of this mighty Republic. *'Blood will tell,' is an old and true maxim. My blood is Revolutionary to the last drop.* I am related by blood to three leading Generals in the Revolution. First: General Nathaniel Greene—the second greatest General on the American side after Washington. Second: General Marion, of South Carolina, known as the 'Swamp Fox.' Third: General John Armstrong, author of the "Newburgh Letters." Not only American Revolutionary blood runs in my veins, but *French*

Revolutionary blood—I'm not *descended* from her—for she died a maid on the scaffold—under the guillotine—but I am related by blood to Charlotte de Corday, the slayer of one of the bloodiest villains who ever disgraced the earth, namely, Marat, of the Bloody Triumverate, Danton, Robespierre and Marat. Now you may well imagine how such blood would brook such treatment as I have received for three months, and am intended to receive for life. As Charlotte de Corday struck a blow that forever freed France from Marat, with a simple dinner knife, so I propose to strike a blow that shall forever free Lunacy Legislation in the United States of the crime masquerading under the guise of law therein. The blow possibly may land me on the scaffold as it did her, but not if American Judges and American Juries have a spark of the spirit of '76 in their veins. But, however, that may be, whether I mount the scaffold or not, Lunacy Law will be brought before the rulers of this country—the people—in a way so plain and striking that they will be more than apt—speaking guardedly—to *set their house in order and give a man, accused of lunacy as fair a run for his money, as fair a trial before a Judge and Jury in open Court as is now given a man accused of burglary, rape, or murder.* I dislike to go over such gruesome things with you, but it is essentially necessary for you and Captain Cariston to know just what I am prepared to do in the event of your not rescuing me. I have the means of killing the brawniest, bravest keeper in 'Fairdale'—on me now—it's always on me when I have my jacket on—and otherwise it's always within arm's reach, in the right hand pocket of my sack coat, folded up on a chair by the head of my bed, and between it and the wall. This is something as providentially mine as was the jaw-bone found by Samson, for I picked this up one day when walking with my keeper. *This something is a horse-shoe.* I picked it up this way. I spied it ahead of us. He did not. So I dropped slightly behind as we approached the horse-shoe and swiftly stooped and slipped it into my right-hand sack coat pocket without his noticing me. It is wrapped up—I washed it in my bath tub that night, after he'd gone to bed, and I heard him snoring in the next cell—which opens into mine—it is wrapped up in a handkerchief to hide it. Now with this, I

could first break the leg, and, as he fell forward, fracture the skull of any man that ever lived, including Goliath of Gath. So you see that even here—in the jaws of death and Hell—I am not so helpless as I might appear on a cursory view. Now I don't want to make anybody die a violent death nor do I care to. So I shall not draw my horse-shoe and 'Strike for your altars and your fires, Strike for the green graves of your Sires, God and your native land,' as Fitz-Green Halleck puts it in 'Marco Bozzaris' unless you, my sweetheart, through your gallant father are unable to rescue me. So here goes for the plan of campaign to culminate in my gaol-delivery. Put him in touch with everything I've told you—and my being secretly engaged to you, and also that you hold certain funds of mine. Then give him enough money out of the war-chest to cover the following items: Twenty-five hundred dollars for Wedge. Twenty-five hundred dollars each for three ex-Confederate veterans not too old to shoot straight, with the promise that upon placing me upon Virginia soil the amount will be doubled. Twelve hundred and fifty dollars for the owner of a Norfolk, Virginia, ocean-going-tug, with the promise that the amount will be doubled upon his return with me, dead or alive, to any point on the Virginia coast. Twenty-five hundred dollars for a Connecticut farmer—just over the line from Westchester County in which White Plains is—who is a boyhood-friend of Wedge, and is well to do, and often has Wedge to spend the summer with him free of charge. This man is of old Revolutionary stock—is a descendant, on the female side, of General Israel Putnam of Revolutionary fame—'Old Put,' as he was affectionately dubbed by his troops—and *is proud of it*. He is outraged at my predicament and has pledged himself to transport any four men I bring to New Rochelle—just opposite here, on Long Island Sound—together with Wedge and myself, in a light, closed, three-seated wagon—closed by curtains only—so as not to attract attention by the crowd—behind a pair of powerful seventeen and a half hand standard bred trotting stallions, that he has so broken that they travel amicably in harness, inside half an hour from the boundary wall of 'Fairdale,' on the Marmaroneck Avenue road, a beautiful stretch of eight miles of macadamized road running flat as a plate from 'Fairdale' to Long

Island Sound—he has pledged himself—or forfeit the prize-money of twenty-five hundred dollars—to do this inside thirty minutes. Now I propose that the Captain lead this rescue party himself. He was Captain of Squadron A, First Virginia Cavalry, in the Army of Northern Virginia, under Stuart. Let him pick three of his most dare-devil troopers and lead them to the charge against the trespassers on the rights of a Virginia citizen. Once we get into the wagon we are safe, for nothing can touch us. There's no car line of any kind along Marmaroneck Avenue and so nothing can touch us, or head us. Now here is how I propose to join forces with your father. Wedge will act as scout to your father and his men from the time they disembark from the ocean-going-tug off New Rochelle, and enter the closed wagon, till the time we join forces; so I need say no more, as I shall put him—Wedge—*au courant* with what a certain deeply devout, fire-worshipping friend of mine—of whom a whole lot anon—when I have you in my arms once more, my precious darling, “after this cruel war is over”—*your dream you see, came true, and I now am about to return to you*—Wedge will to-day be put *au courant* with what a profoundly learned and deeply pious fire-worshipper I know, would term ‘the situaish.’ N. B.—Ask your father to have half a dozen Winchester rifles and plenty of ammunition on board in case we should be held up by a police boat when passing New York. It's not likely that that will happen, but I take no chances in war. Also be sure that each of his men has on a belt of cartridges and a forty-four Colt revolver—not in view of course—and to bring me mine—the ivory-handled forty-four at the head of my bed at ‘Rokeby,’ with its belt of cartridges. The chances are a hundred to one against a *contretemps*—against blood-shed—*once* I join forces with the rescuing party. I propose to put my husky keeper, Pat Sligo—a six-foot, one hundred and ninety pound Hibernian, down and out, in the lonely wood at ‘Fairdale,’ whither I shall invite him to escort me on a walk. I shall not by any means kill him, or use the horseshoe at all—though I shall have it as ever in my pocket—but I shall put him down and out, and then join the rescuers on the edge of the wood. As a matter of pride I propose to leave no more trace—no

more trail—after putting Pat Sligo down and out—no more clue to the direction of my change of base—than if the earth had swallowed me. As I have shown, I come of a long line of military ancestors—and the only reason I didn't enter the army was because there was no prospect of war in my time, hence my remark about its being a matter of pride—military pride—soldierly self-respect—to leave no more trace of my change of base than if the earth had swallowed me. Also, it might make it disagreeable for the Connecticut farmer if it got out that he aided in the escape. He is not a resident of New York nor a citizen of New York—since he is *both* of Connecticut, but the local authorities might trump up—or attempt to trump up—trouble for him the next time he crossed the New York State line. It would, of course, be impossible to achieve this desired end of complete mystery regarding my movements South in any other way than I have outlined—namely, my personally putting—unaided, unwitnessed, and alone—Pat Sligo down and out. Naturally I would prefer the dramatic coup of having the Captain appear, accompanied by his men, who would, at a word from him, draw and hold him up. But tempting as that is to my dramatic sense it is utterly out of the question and not to be considered for a moment—for reasons stated. I propose about three weeks from now, as the time for pulling off the big event. Till then, may God bless and comfort you, my sweet child, and prosper our plans and thwart those of the enemy.

Your devoted

HUGH."

Stutfield: (Sealing the addressed envelope into which he has put the letter). "Phew! The longest letter I ever wrote, I verily believe."

(Noise of voices approaching. Stutfield hastily conceals the letter in his inside coat pocket. The door of the next cell opens and Albert Wedge enters, followed by Pat Sligo. Wedge is a small, thin man, with a sharp, shrewd, face, clean-shaved—honest-looking with his shrewdness—and neatly dressed. He has a way of turning his head on one side when listening to a person, and before replying to a question demanding any thought he expels his breath violently and pre-

faces all his remarks with "Well, I don't know!" or "Well! That may be!" or "Well! Let me see!" He expels his breath on the word, "Well." Sligo is a powerful, forbidding-looking Irishman with beetling brows. His head is bullet-shaped, and hair cropped short like a convict's. He has a short, thick neck. He is dressed in the regulation 'Fairdale' uniform, dark navy blue suit with brass buttons. He swings the door open with a flourish and says in low guttural tones):

Sligo: "Walk in."

(Sligo glares at Stutfield sullenly. Stutfield looks at him carelessly and says):

Stutfield: "Ah, Pat!"

(Sligo merely growls and says nothing. He goes out, slamming the door after him. Stutfield smiles significantly as he watches Sligo disappear, and then turns to Wedge and says):

Stutfield: "Have a chair, Wedge."

(Wedge seats himself. Stutfield then pulls out the letter and says in a low voice: *Stage Direction—Stutfield speaks rapidly all through this scene with frequent glances at the door of Sligo's cell.*)

Stutfield: "For Captain Cariston, 'Elsinore,' Cobham, Va.—on the Chesapeake & Ohio Railway, ten hours from New York, Wedge. You are to please start at once. You need not remain at 'Elsinore' more than a few hours. Your train leaves Jersey City at eight A. M., and reaches Cobham at about six P. M. Send the following wire the night before you start—to-night, that is—I presume you can get off to-morrow—"

Wedge: (In a low voice as he pockets the letter). "Ye-e-s. I *did* want to take about a week to work round a snag that's turned up in my patent hydraulic pump—"

Stutfield: "Of course, you did, my good Wedge—and of course, you ever will—if it isn't one thing it's another with you artists and poets in power and steel and electricity—you inventors—but, my good friend, Wedge, if you don't get my affairs started, you'll run out of money—the last quarterly payment I made you on your allowance is pretty nearly used up, I should say—what?"

Wedge: "*Well!* Come to think on't, yes, 'tis. *I'll start to-morrow.*"

Stutfield: "Good. Send this wire on reaching New York, *from* New York—not Allendale: 'Captain Cariston, 'Elsinore', Cobham, Va. Shall arrive for a few hours at six to-morrow. Please have me met. (Signed) A friend of H. S.' I'll write it out for you." (Does so, and hands it to Wedge, who, after scrutinizing it, carefully pockets it).

Stutfield: "Can you make it out?"

Wedge: "*Well!* Yes, I guess so."

Stutfield: "Good. Now pay strict attention to what I am about to say. I am going to clinch with that offer of your Connecticut farmer friend—General Israel Putnam's descendant—and promise him twenty-five hundred dollars for meeting my party of rescuers at New Rochelle and driving them to the Marmaroneck side of 'Fairdale,' and waiting for them on the edge of the 'Fairdale' wood, and then driving them back to whence they came. He will receive half of that sum the moment the Captain and his men enter the wagon, and the balance just before they leave it with me, on the edge of Long Island Sound. Then he can make tracks for the Connecticut line. An ocean-going tug will bring Captain Cariston and three reliable men—men who can be depended upon to stand by one at a pinch—from Norfolk. They will bring you with them, so your party will be 'all present or accounted for' as they say in the army when you present yourself to me prepared to make the get-a-way. You will take the Old Dominion Line to Norfolk from New York, a day or so before the tug will be ready to put out for New York from Norfolk. You will keep in close touch with Captain Cariston meantime. He is a rich man and a very old friend of mine, besides being a neighbor—so he will be my banker till I triumph and turn the tables on these gilded thieves who are attempting to rob and civilly murder me, by making me pay one hundred dollars a week, not counting extras, for this cell, a bath-room, and the cell you entered by, which is my keeper's. I've been here three months and twelve hundred dollars of my good 'long green' have found their reluctant way into the yawning insatiate coffers of 'Fairdale.'"

Wedge: "It 's a d—n shame."

Stutfield: "You 're very right, Wedge. To resume. Captain Cariston spent twenty years in the West Virginia Coal Fields, after the war, and, as a result, is worth a good half million to-day. He will be my banker and will pay you twenty-five hundred dollars, for your next year's allowance in advance—so soon as you land me in Virginia you'll put your hands on the twenty thousand I promised you, so soon as I got my price from the London Syndicate for your marvellous attachment for the sewing machine. Now here are final instructions. *First*: You are, upon seeing Captain Cariston, and answering any and all questions perfectly frankly, he may put to you—he knows I'm locked up on a charge of insanity—it got out a few days after I was rail-roaded here—you are to tell Captain Cariston that I've instructed you to put yourself under his orders, and carry them out to the letter—knowing that my life and your happiness in this world depend on my successful escape. That I put him in command of the rescuing force. He is a veteran Cavalry Officer and completely capable of assuming the grave responsibility in the premises. That I put myself entirely in his hands until we join forces—when I shall assume command. *Second*, and last, the means by which I am going to join forces with the rescuing party. I happened to find out by accident that the keepers here never hit an inmate—they choke him into insensibility and then put him into a strait-jacket. I saw Pat Sligo do it to a prisoner a short time ago. Now, since then I've been doing a good deal of thinking about throats, and half-Nelsons and strangle-holds. They call this the "Fairdale' hold" among the keepers—the hold Pat Sligo worked on the patient. It consists in clasping the hands round the man's neck till they overlap at the back of his neck and pressing one thumb on top of the other and both on his windpipe until he loses consciousness. Now, look here" (slipping the horse-shoe under the bed-clothes and pulling off his coat and disclosing a pink silk undershirt, cut low, and with short sleeves) "you see I'm blessed my nature with something of a neck—I wear a number sixteen collar, and yet I only weigh a hundred and fifty-four. You see these muscles standing out there at the base of the neck—like, somewhat, like—speaking figuratively—girders? And the walls of

my throat and my windpipe are proportionately strong—well, I'm staking my chances of escape on the strength of those muscles. Thus. I propose to provoke Pat Sligo to a physical encounter—he won't need much provocation—do you think he will, Wedge? How does that proposition strike your scientific mechanical mind?"

Wedge: (After a pause. After turning his head in a so-to-speak bird-like way, first on one side, and then, after another pause, on the other, and exploding his breath on the word, "Well!").

Wedge: "*Well!* I should say Pat Sligo was not a very difficult proposition to provoke."

Stutfield: "I am fully of your mind, Wedge, and glad of it. Now Pat Sligo is a more powerful man, speaking generally, than I am—and weighs fully forty pounds more. But there are two of my assets more powerful than Pat Sligo's—one is my wrists, and the other is my neck. I've examined Pat's neck carefully and frequently for the past week or so—ever since I was made cognizant of the existence of the 'Fairdale' Strangle Hold—with a view to choking him *pretty* nearly to death, by the application of this same hold. Now Pat's neck has no such supporting muscles as mine. It's thick and burly but lacks the power mine exhibits under examination. So when it comes to an attack, it resolves itself—so to speak—into a question of penetration in naval warfare; *the strength of the neck* standing for our armor-plates—and our *grip* for the weight of our metal—the calibre and number of our guns. In weight of metal—in guns—he is probably my superior—but in armour I am his master and can afford to let him fire the first broadside, without a solitary shot till then. I shall provoke the assault and he will at once spring at my throat. I shall, of course, withstand his spring—I am an old football full-back—and so soon as he is preoccupied lacing his fingers round my throat and windpipe, I shall sail into *his* windpipe, and—unless I am very much mistaken in my calculations—I shall choke him *almost* to death in *short order*. When Pat Sligo goes off into a dreamless sleep the knottiest portion of the problem obtrudes its head. What's to be done with him on waking up, which he may do any time and long before I can make my get-a-way secure? Upon

that knotty point I have put hours of my best thought, and have solved it to my entire satisfaction—if not to Pat's. I have observed from my wide reading that men bound with ropes invariably work their way out of their bonds in time. It therefore occurred to me to get you, Wedge,—to whom steel is a medium as malleable as wax—speaking figuratively—for you're an experienced inventive genius—for all that you are only about thirty years old—to make the following, what I shall term *Quietus*, namely, what I shall call the Union Handcuff-Footcuff-Gag-Blindfold-and-Ear-Muffler, to prevent the party's saying anything, seeing anything, doing anything, or hearing the footsteps of those about him, or their voices. I propose that you make this—you can easily do it in ten days or less—thus. Get a pair of handcuffs. Make a pair of footcuffs to slip over the ankles. Next, join them with a strong but light chain, like a dog chain so that when a man is both hand-and-foot-cuffed, his hands cannot be raised above his waist—in order to prevent him from “monkeying” with the rest of the paraphernalia. Next, a light steel band about an inch wide to go over the top of the head, under the chin, across the mouth, and stopping at the ears as it passes on its way to the back of the head where it is securely padlocked. It will look something like a diver's helmet without the solidity. The gag is to be made of iron so he can't bite through it, and is to be inserted between the lips so as to rest upon the tongue. The muffers across the ears are to be shaped—the wool on the inside of this iron band—like a miniature peg top so that they will press onto the ear and into the ear cavity. The last point to be considered is what's to become of him when thus trussed up for keeps, and good and all! That, too, I've put some of my very best thought upon with the following result. A strong dog chain will be drawn tightly about his waist and padlocked behind. Finally, another stout chain will connect with that and encircle a noble oak under which I propose to fight for liberty. Bring these things in a hand-bag. They don't consider you worth considering—they say you are an inventor and ‘therefore haven't got good sense’—and therefore there is no danger in letting you come to me and go as you please—”

Wedge: "Is *that* so, Mr. Stutfield! They think I haven't got good sense?"

Stutfield: "I assure you, Wedge, it is literally true."

Wedge: "*Well!* I'm not sorry it looks as though there was going to be a chance for me to show 'em whether I have good sense or not."

Stutfield: "Well said, Wedge. Now for the wind up. If they *should* ask to see what's in the bag, open and show them; and say it's a patent handcuff you've just made, and have brought it up to induce me to promote it for you. (Wedge smiles and nods assent). I'm a wary general. I'll risk my life as I've suggested—but I take absolutely *no* unnecessary risks, and leave absolutely *no point* unguarded—no matter how unlikely, no matter how remote. Now, as I've said, this is the loneliest spot around here—this wood of 'Fairdale,' so lonely that none of the inmates are ever taken there, bar myself—they have such sublime confidence in the brawn of Pat Sligo that they break all rules in his favor, and take any and all chances with me. Now I've mentioned the *general rule* to you. The exception, however, *may* occur, and a party—not patients—but of visitors—or keepers off duty—might intrude upon us. If this should take place before the fight it will be plain sailing—the fight is postponed till they go. If, however, they should happen along while the fight is on, or just after I've won and am applying the 'Quietus'—it would be awkward, and might lead to serious consequences. In this event, I'll blow the silver whistle I have on my gold key-chain three times—at once the Captain and his men—who will be within ear-shot, as the woods are only about three hundred yards deep to the Marmaroneck road here—at once the Captain and his men will charge with drawn revolvers to our support. They will then 'hold up' the newcomers and leave Pat *in statu quo—whatever* that may be—even at liberty—for the newcomers can sound the alarm as well as he. We will all then dash for the wagon—which will be entirely hidden from them by the trees and be well on our victorious road before they can gather an armed force strong enough to pursue. No keepers will be sent on the job, but the White Plains police—and there's nothing in White Plains can catch us with fifteen minutes' start, and besides this we shall have

a full three-quarters of an hour to our credit—long before they can send messengers to police headquarters—for the village is a full mile from 'Fairdale.' So you see, we are absolutely, mathematically certain to get away scot free. If all goes well, I propose steaming past New York to save the hundred or more miles it would mean to clear the opposite end of Long Island—the end furthest from New York—but if we are discovered before leaving 'Fairdale' I shall insist on that, as otherwise we should surely be met by a cordon of police boats, barring our passage between New York and Brooklyn, which would mean a naval battle I propose to avoid, if possible. So as soon as I say 'Wedge, it 's time you were going,' you will bid me good-bye and leave. But you will not go far. You will hide behind the nearest tree at a safe distance. *So soon as you are on your way I'll provoke Sligo to a trial of strength. I might add that if I should find that I have underestimated the strength of his neck, and can't choke him, I'll draw my horseshoe and quietly break his leg.* We'll then truss him up in the 'Quietus' and he can rest on the bench at the foot of the tree; but trussed to the tree, and gagged and blinded, and ear-muffled he'll be in any event. This is only August, and the weather is mild and they'll find him inside of an hour or so after dark, and send for a blacksmith and file him loose. If, however, as I anticipate, I have no difficulty in choking him—you will return as soon as you see him fall, and help truss him up. You will then slip down and summon the Captain and his men, as I am chaining him to the tree, as that will save time—I need your help though in applying the gag, blinder and mufflers. How does that strike you, Wedge?"

Wedge: "*Well!* Come to think of it, it ain't half a bad scheme—and to tell you the truth, I'm d—n glad of a chance to show these fellers whether I have good sense or not—I'll be goin'—"

(A piercing, blood-curdling shriek rends the air, followed by low moans. The voice of Pat Sligo is heard in the hall).

Sligo: "I'll teach you to speak disrespectful of the Governors of 'Fairdale.'"

(Followed by a low moan and then silence, and the voice of Sligo is heard)—

Sligo: "That settled his hash, I guess—he'll come to in a minute or two, Tim."

(To another keeper whose footsteps are heard approaching)—

"I only give him a taste of the old hold—"

(Wedge, who has looked decidedly alarmed at the disturbance, and drawn closer to Stutfield, and the latter, regard one another. Stutfield smiles easily and says in a low tone)—

Stutfield: "'The old hold'—eh? the old 'Fairdale' strangle-hold! Well, Sligo, this little episode will strengthen my clutch on your windpipe at our next encounter."

End of Act III, Scene II.

THE RESCUE.

ACT III. SCENE III.

(Three weeks are supposed to elapse between Scenes II and III.)

(The wood at "Fairdale." Time, 3:30 P. M. Stutfield Wedge and Sligo. Former dressed in flannels—trousers and coat, blue and white stripe. Outing shirt, white, with light blue four-in-hand tie in the low collar. Leather belt supporting trousers—no waistcoat—and gold keyring chain running into right trousers' pocket. The right coat pocket is seen to bulge slightly with the bulk of the horseshoe. He wears a flat straw hat with black ribbon, and white canvas shoes, pipe-clayed. He and Wedge are seated on a rustic bench under the big oak spoken of by Stutfield. Wedge looks highly pleased but rather flushed from excitement. He has a small grip-sack in his right hand. Pat Sligo is sitting out of ear-shot on another rustic bench under another oak. There are one or more other of these circular or otherwise, benches in the opening in the wood here, which is filled with large old oaks, and is gloomy and sombre in appearance. Stutfield has just said with a meaning smile, "Wedge, it's time you were

goin," and the latter has promptly risen to take his leave, when Stutfield suddenly raises his head, and his face darkens, as he says in a low tone)—

Stutfield: "The unexpected is about to happen, Wedge,—but *not* the unprepared against. Prepare for serious eventualities, and remember that you are independent for life if you stand by me at this crisis which cannot—I don't care who in H—l it is who's coming—help going our way."

Wedge: "I'll stand by you, Mr. Stutfield to the bitter end—and show 'em whether I've got good sense or not."

Stutfield: "Bravo, Wedge! Now prepare to receive the enemy."

(No sound has as yet reached the audience, but now the distant, muffled sound of voices and footsteps is heard approaching. Pat Sligo draws swiftly up to Stutfield and places himself at his right elbow. Stutfield and Wedge both remain seated. Wedge taking his cue from Stutfield and every now and then glancing at him. Soon the approaching party come into view. It consists of Winston Blettermole, Constantia Blettermole, James Lawless, Belisarius P. Spink, Dr. Barkus and Dr. Nein. They move forward rather rapidly until within about ten feet, and then cautiously scatter away from Stutfield's neighborhood to adjacent seats. Stutfield views them with an absolutely inscrutable face. Wedge, to whom are unknown all the newcomers, glances at them inquiringly and from them to Stutfield, who looks straight ahead of him. The Blettermoles and Lawless have seated themselves under one tree. The alienists under another. Spink alone holds his ground, and sneeringly addresses Stutfield)—

Spink: "Well my distinguished friend, how do you find the salubrious air of Westchester County comports with your superb constitution?"

(Stutfield continues to gaze ahead of him utterly oblivious of Spink).

Spink: "Ah! Still refractory—still recalcitrant, I see. Well, my distinguished brother member of the Bar of New York, we shall shortly break that haughty spirit of yours. We propose putting into play a new force. We propose having you declared an incompetent person by reason of insanity,

by a Sheriff's Jury, who shall never lay eyes on you, and by a Commission-In-Lunacy made up of a lawyer, an alienist and a layman, all and sundry of which shall be of our own choosing—of course, not outwardly, but *actually*. You will not be able to see the jury, for we shall have certificates made out by physicians here that it would injure you—be deleterious to you to be exposed to the excitement of a court room. You will, therefore, be tried *in absentia*—in your absence—and condemned in your absence—and we shall have the naming of the Committee to whose control your entire estate shall be handed over during your life-time, as well as to whose tender keeping you will be consigned for life—or, if he dies before you, to a successor appointed at our instigation, as in the first instance. Your home shall be sold over your head—the old home of your ancestors—'Rokeby'—I have half a mind to buy it myself—”

Constantia: “Mr. Spink, I will not permit this sort of thing to continue any longer. I forbid you, upon pain of my anger—of never speaking to you again—to continue to torture Mr. Stutfield.”

Spink: “Permit me, madam, to observe that I am simply stating, without ornament or embellishment in the least degree—what is shortly to happen as the result of our numerous conferences at *all* of which, my dear madam,—*all*—we have had the distinguished honor of your presence. 'Rokeby' will most certainly be sold, because it will fetch a superb figure—having been the home of so distinguished a man as Mr. Hugh Stutfield—and I want hereby to inform you that the Committee of the person and estate of an incompetent is a very practical, a very unfeeling party indeed—it is questionable even, whether a corporation has not—*even a corporation*—has not more soul.”

Constantia: “But notwithstanding the sad fact that these things must be, I do not propose to stand by and see Mr. Stutfield tortured by hearing of them.”

Spink: “Ah! Indeed. Then I am to understand that you prefer that Mr. Stutfield should wake up to the news in the papers some morning that *First*: he has been declared a hopeless incompetent; and *Second*: that 'Rokeby' has been sold by his 'Committee;' and *Third*: that B. P. Spink—your

servant, madam—to command—has bought the handsome and historic estate. It occurs to me that my poor, blunt way smacks more of kindness to our distinguished friend than your more refined silence.”

Stutfield: “Belisarius P. Spink” (in icy cold tones, and looking straight ahead of him) “you are a profound lawyer—a profound logician—and a profound rogue.”

Spink: “Mr. Stutfield, your language is highly unparliamentary, to say the least.”

Stutfield: “Admitted.”

Spink: “Pray, sir, on what grounds do you base your most injurious asseveration?”

Stutfield: “Upon the grounds, *Primo*: Your general reputation, in and out of the profession. *Secundo*: Your hand in this most *felonious* affair.”

Constantia: “My dear Hugh, I cannot permit such language to be directed at anything with which I have been even indirectly connected, and therefore take my leave.”

Stutfield: “Well played, Constantia, you retire just in time.”

Spink: “But before we go, permit me to observe that we have out-manouvered you.”

Stutfield: “Apparently, and *jusqu'ici*—just at present—yes.”

Spink: “‘Apparently and just at present,’ why, my dear, sir, you talk as though you still had some hope left.”

Stutfield: “‘While there’s life there’s hope,’ Mr. Spink.”

Spink: “I admit amazement at hearing so banal, so commonplace a sentiment from the lips of so distinguished a law-writer as Mr. Hugh Stutfield.”

Stutfield: “You are liable to get a greater dose of amazement even, than that, before long, a little bird has told me.”

Spink: “Indeed! And what kind or variety of bird might that be, may I ask, that has been so unwarrantably loquacious?”

Stutfield: “A sparrow.”

Spink: “*A sparrow!* The meanest, most contemptible—the most damnable—pardon that slip, my fair client” (bowing to Constantia) “bird known to the feathered kingdom—

you must be hard pushed for companions if a sparrow is the best you can do."

Stutfield: "I *am* hard pushed—I freely admit that—a sparrow is the only companion I have at 'Fairdale.' They're the only birds seen or heard here—I've not even seen a crow since I arrived here."

Constantia: "Poor Hugh" (sighing) "I *am* so sorry—for I know of old, how fond you are of all birds *but* sparrows."

Stutfield: "Yes, Constantia, my fate should appeal, almost, to a heart of stone."

Constantia: "My dear Hugh, you don't insinuate that my poor mother's heart is one of stone."

Stutfield: "Not for your children, my charming relative—but *the upper edge of the nether millstone is as velvet for softness* compared to your heart where their financial interests are concerned."

Constantia: "O!"

Blettermole: "Unless you were a prisoner I would not permit you to employ such terms to Mrs. Blettermole unchastised."

Stutfield: "Chastisement from *your* hands, my little friend, is a proposition—my little fop—freighted with humour—"

Blettermole: (Starting up angrily). "I'll allow no man to use such language to me."

Lawless: (Laying a strongly restraining hand on his arm). "You forget yourself."

Blettermole: (In a surly tone, and reseating himself). "Thank you for the hint—the dog's impertinence angered me."

Stutfield: "Lawless, I am obliged to you for saving me the trouble of a scene. Before bidding you farewell, I might observe that I am not surprised to find you in such company. Your career is not unknown to me, of course, and the climax of it is worthy of its previous devious courses."

Lawless: "Do you mean to insinuate, Stutfield, that I was ever engaged in a transaction in the slightest degree unsavoury?"

Stutfield: "In affairs of the heart, *yes—very* unsavoury."

Lawless: "Affairs of the heart are not for discussion in mixed company, and before strangers, I would have you understand."

Stutfield: "Generally speaking, yes: but not under these unusual circumstances, when men and women in the fierce blow-pipe of temptation, show the true colour of their souls—or what passes for souls in their case, at least."

Lawless: "Spare us a discussion trenching upon that fugitive and nebulous quantity, the soul."

Stutfield: "By all means, but it is sometimes necessary to name the unpopular—even despised—thing, in order to be coherent."

Lawless: "You appear to have a rather inferior opinion of me."

Stutfield: "Frankly, I have."

Lawless: "That will be a sorrow which I shall carry to my grave."

Stutfield: "It has not been without its uses tho'—your—ahem!—ahem—interesting record and reputation with women and girls in your own walk of life—and—*below*—"

Lawless: "Pardon my once more reminding you of the inviolability—among gentlemen, that is to say—of affairs of the heart."

Stutfield: "But in war all is grist that comes to the mill of a satirist. *And a satirist I have become.*"

Lawless: "Indeed!"

Stutfield: "Fact! It was a case of 'root hog or die'; tear or be torn. So I *tore*. I'll give you a specimen of my newly discovered vein before this interview closes, and leave it to your sophisticated judgment in things literary, as well as things artistic, as to whether my output is pure gold or pure dross. Meantime, a final word in the legal ear of my astute adversary, Belisarius P. Spink. *The time has come to lift the veil.* He intimated a little while ago, that he had out-manœuvred me. To this I finally reply—" (His face lighting up with triumph, and slapping his right thigh, exultingly): "By G—d, I've beaten *you!*"

Spink: (Uneasily). "How 's that—I didn't quite catch that?"

Stutfield: (Smiling broadly). "I observed that I had beaten you."

Spink: "May I be permitted to inquire how?"

Stutfield: "Certainly. My Subconsciousness put it into my head to—a-hem!—Constantia, my dear, prepare yourself for the bitterest disappointment of your bright and happy life—I know your weakness—your ambitious aims for those—a-hem!—pardon my Saxon—for those *whelps* of yours—"

Blettermole: "*You ruffian!*"

Stutfield: "It's all in a lifetime, Blettermole, all in a lifetime. To resume. I know, Constantia, that you and Blettermole lust after my five millions. Very well, then, prepare to take your medicine. My Subconsciousness put it into my head, not a thousand years ago, to—*mark* you now—good people—*mark* you *now*—bury—ha! ha!—*bury*—possibly in moisture-proof oilskin wrappers, padlocked in a stout tin chest the two and a quarter millions obtained from the sale of 'S. T.'—Ah! I see your fair cheek pales, my fair friend" (pointing exultingly at Constantia, who shrinks, cowering before him. She clasps her hands, drawing them to her bosom, and murmurs)—

Constantia: "My *children!*"

Stutfield: "Yes, Constantia, your children are the cause of your risking your soul in this foul, dastardly plot, and—after all—your children *lose*."

Blettermole: '(Aside). "Hell's *fire!*"

Stutfield: "I buried it, possibly, by the sad sea wave, possibly by moonlight at midnight, alone—to do so would comport with what Mr. Lawless considers my romantic rubbish—"

Lawless: "I admit, Stutfield, you have achieved a master-stroke here, manipulating the mysterious Subliminal Faculty of the mind—quite romantic, I must confess, and—*mes compliments*."

Stutfield: "'Praise from Sir Hubert is praise indeed.' But this is not all. I was at pains to write that night from the *Kensington*, and post by a trustworthy hand, *two* letters. One to my learned and experienced and honest North Caro-

lina Counsel. One to my ditto Virginia Counsel; informing them, briefly, of the outrage on law and the Constitution of the United States, perpetrated upon me by virtue of the New York alleged Law on Lunacy, and instructing them to fight conjointly, any and all efforts to obtain control of my property in those States by any and all parties, working under a decree-in-lunacy from New York and to—*mark this, Lawless—bring fraud charges—charges of perjury—against the two Petitioners in the Lunacy Proceedings against me—*”

(Lawless pales and shrinks. Blettermole pales and starts back. Spink moves uneasily. Barkus and Nein glance at each other anxiously).

“Messrs. Winston Blettermole and James Lawless, millionaires, and my worst enemies in the world. So my very good friends, your very humble servant is about to play the role of Samson in the Temple of the Philistines—you’ve wounded me, but I’ve *ruined* your reputations as honest men—not to say, gentlemen,—and blasted your nefarious scheme at robbery under law of my property—for no Virginia nor North Carolina Court will, for one moment, countenance such nefarious practices in Lunacy as are, alas! of weekly occurrence in the great State of New York. So, my fair Constantia, instead of stealing a cool five million for your promising offspring, I’ve turned the tables on you and your co-conspirators, so that in place of five millions you must be content with a paltry million and a half. I’m sorry for you—from my soul I am, Constantia,—for the million and a half comes high—comes at the price of the reputations of every man and woman here present.”

(After a pause). “But you must know that the misery and wretchedness which you have subjected me to for three long months—and propose to subject me to for life—*have struck the rock of my nature, and verse has gushed forth*—satirical verse, for the most part, but not entirely so—so that, once out of here, I have a weapon with which to square accounts with any man or any woman who has ever injured me. I shall close this interview by reciting a sonnet. Shakspearian strictly in form—that is to say, the English and not the Italian sonnet-form—directly inspired by the actions of each one of you people, male and female, here.

Thereafter I shall never lay eyes on any of you again—but I shall spread your fame—not to say infamy—from one quarter of this great continent to the other:

A SATIRIST'S SALUTATORY.

The nameless *folly* of the human race
 Its Hellish selfishness and *trackless* guile
 Make me ashamed at sight of human face—
 That stamping ground for treachery and wile.
 The smirking smile of callow, empty youth
 The ripe pomposity of hoary age
 The shaded gleam of manhood's lustful tooth
Each plays its part upon its petty stage.
 Seduction, lying, thieving, each in turn—
 A murder here and there and then a rape—
 Each needing only that temptation burn
 And hold fair chance of ultimate escape.
 Exceptions to said rule exist, *'tis true*
No such exception doth exist in—*you*.

(Stutfield looks at different individuals as he recites the lines by heart. He looks at Constantia when he says "lying"; at Spink and Blettermole—from one to the other, and *lingers* on the word—"thieving"; at Lawless on "seduction"; at Blettermole on "callow, empty youth"; at Barkus and Nein on "the ripe pomposity of hoary age"; at Lawless on "manhood's lustful tooth"; at Spink on "a murder here and there"; at Lawless on "and then a rape"; and ends up the closing couplet towards Constantia Blettermole with a smile and a bow. *The sonnet has told*. Each has winced when looked at. Blettermole springs to his feet and attempts to rush upon Stutfield at the conclusion, but Lawless—a far more powerful man—instantly and forcibly restrains him. Stutfield regards the manoeuvre with smiling indifference).

Lawless: "Mr. Stutfield, we take our leave of you. Chivalry forces me to admit that out of your woes you have forged a trenchant weapon indeed, but frankness insists that you will never be able to wield it against your enemies, since you will never get out of here."

Stutfield: "Thank you, Mr. Lawless, for your chivalrous compliment. You are a foeman worthy of my satiric steel. And now, gentlemen, permit me to bring this interview to a close with the request that I see the face of all of you—no more. Constantia, I have this to say to you in parting. You are a devout Christian, are you not?"

Constantia: "I *trust* so, Hugh."

Stutfield: "So far, so good. I therefore hereby invite you to meet me before the 'Great White Throne'."

Constantia: "With pleasure, Hugh."

Stutfield: "Adieu."

(Blettermole casts a look of the most malevolent hatred at Stutfield as he leaves, and turns to glower at him over his shoulder. Stutfield ignores him but watches Constantia with a half smile of amused interest. She somewhat shrinks under it, and hastily retreats with Blettermole. Lawless carelessly glances towards Stutfield, and half waves his hand to him, as though involuntarily. Stutfield ignores him. Spink looks keenly at Stutfield and shakes his head in a dissatisfied way as he moves off. Barkus glances keenly at Stutfield, and then turns and walks rapidly off. Nein avoids Stutfield's direction and ponderously moves away. So soon as the last foot-fall has died away Stutfield smilingly turns to Wedge)—

Stutfield: "Wedge, it's time you were going."

(Wedge, who has been glancing awkwardly, first from one person, then to the next, during the entire conversation, pulls himself together, and says):

Wedge: "*Well!* Good-bye, Mr. Stutfield."

(Wedge nods towards Pat Sligo, who ignores him utterly).

Stutfield: (Pleasantly). "Good night, Wedge."

(Wedge hastily disappears in the same direction as the others. Sligo has removed himself to his former tree so soon as the party of visitors disappeared. Stutfield yawns, looks at his watch and stretches himself. Removes his hat and slowly rises. As he does so, his right side is turned towards the audience, away from Sligo. It is seen that he hastily slips his right hand into his right side pocket and assures himself that the horseshoe is secure. He then says, in stern, peremptory tones)—

Stutfield: "Pat Sligo, come here!"

(Sligo, unused to such tones, starts and hastily rises and glowers at Stutfield. He approaches Stutfield slowly and sullenly. He says slowly):

Sligo: "Look a-here, my fine young sprig, don't you talk to me like that or you'll get something you don't bargain for."

Stutfield: "The Devil, you say! Well, my fine husky proposition from the County Down, I propose 'taking a fall' out of *you*, here and now."

Sligo: "You propose taking a fall out of me. Ho! Ho! I could break you between my thumb and middle finger."

Stutfield: "The Devil you say! Well, you might as well set about doing it then, because unless you break me, I'm going to 'take a fall' out of you."

Sligo: "If you say that again I'll take you at your word, and give you what's coming to you, and I'll tell Dr. Bear you tried to get away, and first attacked mee-self."

Stutfield: "I've no doubt you're a fine, lurid liar when it suits your books."

Sligo: "You call me a liar?"

Stutfield: "Yes."

Sligo: "Then take what's comin' to ye."

(As he says this, Stutfield is seen by the audience, to throw his right leg far behind him and half crouch as though to sustain a shock, but his arms are hanging at rest at his side. Instantly Sligo springs at his throat with the roar of a wild beast, his fingers locking themselves round Stutfield's neck. Stutfield sways backward under the onset but recovers himself. Instantly Stutfield stretches forward and takes precisely the same hold on Sligo's neck. They wrestle and sway all over the stage, Sligo grinning with rage and showing all his teeth, his face distorted with passion and breathing—or rather panting—through his drawn lips, like a running dog. Stutfield, with face sternly set, but calm. It is gradually seen that Sligo is getting concerned at the imperviousness to pressure of Stutfield's neck. Up to now, Stutfield has contented himself with wrestling and pushing—give and take—about the stage. He has only firmly *held* Sligo—has not attempted to choke him. Now, however, a

change comes over Stutfield's face. It suddenly becomes fierce. He hisses):

Stutfield: "Now, you murderous ruffian, I'm going to give you what you gave that harmless gentleman on my floor, three weeks ago. Pat Sligo, I'm your *master!* I've got a more powerful throat than you—you *can't prevent my speaking.* Now this is what I am going to do as sure as I have my hands on your throat and my thumbs on your windpipe. *I'm going to choke you almost to death, you bloody, murderous brute, and then I'm going to escape.* So here goes! *One!*" (As he says that he presses Sligo's windpipe and the latter emits a strangling sound). "*Two!*" (Stutfield presses again and again Sligo emits a strangling sound). "*Three!*" (He appears to literally spring upon Sligo in spite of the other's powerful extended arms, and almost shouts the word "*Three,*" as Sligo emits a third and last strangling sound and then closes his eyes and falls back inert. The moment this occurs, Wedge, who has been stealthily approaching, taking advantage of all the cover the wood affords, and springing with unexpected agility from behind tree-trunk to tree-trunk, and is now up to the combatants, springs briskly into view with the "Quietus," Union, Handcuff-Foot-Cuff, etc.,—its bright steel bands and chains gleaming in the rays of the now declining sun).

Wedge: "You done that fine, Mr. Stutfield—it done me good to see it. Now watch me lock him up for the night, and before he wakes up I'll put the gag on so's he can't holler."

Stutfield: "Good idea, Wedge. I'll hold his head up. Don't cut his lip as you prize his teeth open with the end of that iron gag. *He's in an absolute, dead faint*—I surely trust he'll come to—you can witness that he attacked me that way first—"

Wedge: "Yes, sir; I was watchin' you from behind a tree."

Stutfield: "In any event we'll act as though he *were* coming to. Now I'll hold his head just as you direct—you're bossing this part of the job."

Wedge: "He's coming to! See his legs kick!"

Pat Sligo: "What the H—!"

Stutfield: "*Jam the gag into his mouth!*"

Wedge: (Doing so). "O. K."

Stutfield: "I'll slip on the nippers and footcuffs while you do that." (Stutfield swiftly slips on handcuffs and then foot-manacles. Sligo struggles futilely after these are in place). "There! There 's no more kick coming from Pat now. So call out your orders, Wedge, and—as they say in the Orient—in the far home of Rumdumbagore—'To 'ear is to obey.'"

Wedge: "Hold his head higher off the ground so that I can get the control-band that connects with the gag-piece and ear mufflers into place at the back of his head. The blinders slip into place by putting the other two into the correct position. I think I'll patent this. Now wait till I see if the front attachment is O. K. That's right—now I'll lock it." (Does so).

Stutfield: "Give me the key."

Wedge: "Here it is."

Stutfield: "Thanks." (Slips it into his right trouser's pocket).

Wedge: (Viewing that part of his work with profound satisfaction). "There! That settles his saying anything, seeing anything, or hearing anything, till someone gets a blacksmith—and files through that there two-inch steel control-band—that blacksmith will earn his money, and not get much sleep this night—for I was partickler to choose chilled-steel for the control-band. *I'll teach 'em whether I've good sense or not.* There now! The head's all right. I'll let you clamp the belt-chain round him—pull it good and tight so he can't wriggle through it. Here's the cable-chain to fasten to the belt-chain—then take a hitch with the cable-chain round the tree. Now, Mr. Stutfield, I'm off to get the Captain and his men."

Stutfield: "Very well, Wedge, so do."

(Stutfield then lugs Sligo—struggling fiercely but utterly ineffectually and utterly noiselessly—except for the fierce hissing gasps of his breath through the gag—gasps *not* to catch his breath for he can breathe perfectly, but in his effort to talk—low, muffled, guttural growls, also accompany his gasps—Stutfield then lugs Sligo to his feet and stands him up and pushes and drags him several yards to the oak the fight began under. He then pushes Sligo unceremoni-

ously into position—but comfortably—onto the circular bench, and then secures the belt-chain about his waist pulling it so tight that Sligo grunts, then locks it and slips the key into the same right-hand trouser's pocket. He then runs the cable-chain under the belt-chain and takes a hitch with the cable-chain round the tree—the big central oak. He then locks the cable-chain, and slips the key into the aforesaid pocket. He then steps back, and views the spectacle. He smiles and says):

Stutfield: “Ha! ha! Pat.” (Waving his hand to him). “I know you can't hear me or see me—but I can't help that.” (Stutfield goes close to Sligo and attempts, but without success, to prize the left ear-muffler slightly away from his ear): “Wedge has done his work well—you can't budge that muffler without bringing Pat's head along with it.” (After casting a piercing glance at every quarter of the compass)—“This is the loneliest spot in Westchester County. So there's no fear in speaking aloud so long as Mr. Patrick Sligo is the only one to overhear—so here goes:” (Raising his voice somewhat, and putting his mouth close to Sligo's left ear). “Ta! ta! Pat, I'll meet you in a better world where the Lunacy Laws, presumably, are more legal and equitable than in New York just at present. So long, Pat! Be good to yourself.” (With great deliberation and pausing between each word)—WHO'S—LOONEY—NOW?”

(Hasty footsteps—with a military beat—are now heard in the wood and Captain Cariston appears followed, in single file, by three men, of tall, martial bearing, wearing soft, black felt hats—the same Captain Cariston wears,—dressed, all four, in gray sack-suits—resembling Confederate gray. The men are all grizzled, but wear moustaches only. Stutfield instantly turns, and gives a half military salute to Captain Cariston who returns it, with a correct, stiff military salute. The men halt and form a line—left-dress—towards the Captain and stand at “attention” looking straight ahead of them. No one speaks. Captain Cariston turns to the man nearest him and motions to him. The latter steps forward, and, from under a yellow rain-coat over his arm, produces a .44 calibre, ivory-handled, Colt revolver and full belt of cartridges, and passes them to Stutfield, whose face lights up, and who smiles

exultingly as his hand reaches the weapon, and he instantly straps on the belt—his sack coat is cut low enough to completely hide the muzzle of the pistol. As soon as Stutfield buckles on the weapon and raises his eyes to Captain Cariston in front of him—the latter raises his right fore-finger and points—having attracted Stutfield's attention—to his own left side, lifting his coat-flap and disclosing a .44 calibre Colt revolver and belt of cartridges, similar to Stutfield's—except that the other revolver has a wooden handle instead of ivory—Stutfield gravely bows his head in sign of approval. Captain Cariston then turns to his men and raises his right fore-finger. He then points to his revolver and makes a sharp upward gesture away from it. The three men promptly—with their left hands—simultaneously lift the left flaps of their sack coats, and disclose revolvers and cartridge belts, similar in every particular to the Captain's. Just at this moment a light step is heard, and Viola Cariston, dressed in a dark green travelling dress of the period, appears. The Captain frowns. The three men preserve their stern, impassive, set expression. Stutfield's face lights up with joy as he springs towards her but utters no word. She says nothing, but buries her head on his breast, and bursts into silent weeping, as he folds her in his arms, and rests her head on his shoulder, and pats her back as a Mother does a sobbing child. He does not offer to kiss her, nor she him. He has stood thus for about half a minute, during which time Viola has been shaken with utterly noiseless sobs and has not raised her head—when Captain Cariston frowns again, and pulls out his watch, and hastily stepping up to Viola, takes her gently by the left arm and leads her away—as he does so, she puts her face in the hollow of her right arm and so screens it from the audience and everyone else. Her sobs have nearly ceased. The Captain slowly and tenderly leads her away. Stutfield falls in—silently—behind. The others fall in after him, in Indian file, and silently file into the wood to the right and disappear.)

End of Robbery Under Law.

EPILOGUE

To

“ROBBERY UNDER LAW”

Chorus *loquitur*.

The Muse will now conduct thee to a time
The counterpart of ours for lust of gold.
The counterpart of ours for every crime
That in the Rogue his Calendar is told.
But one great virtue hath this older day—
The time of Catiline and antique Rome—
Men had the nerve their hands i'th' game to play
Free from Hypocrisy's vile nasal drone.
Minus said change, man's nature shows *no* change
From time of Catiline to time of now;
And in these pages the Muse hath her range
Fro' th' Vale of Love to th' Alpine heights of Woe!
Truth is her motto—truth to History
And truth to human nature too—*pardie!*

The Hazard of the Die

A PLAY IN THREE ACTS

TIME

The Last Days of the Roman Republic



BY

JOHN ARMSTRONG CHALONER

AUTHOR OF

SCORPIO

PROLOGUE

To

THE HAZARD OF THE DIE.

Chorus *loquitur*.

THE HEIR OF SHAKSPEARE.

The grand Marlovian line is surely mine
'Tis Marlowe's heir we are more than Shakspéare's
But Shakspeare's Psychology is mine—my *mine!*
For th' rest we're Marlowe—plus our riper years.
Thus th' English drama's incarnate in me
Of its two Prophets we the mantle wear
Shakspeare's knowlédge of man therein you see
Whilst Marlowe's thunder fills the ambient air.
With Marlowe's passion doth fill up our cup
Of his heroic mould our heroes be
While Passion's cup our heroines fill up
The truth of this the d—dest fool may see.
“Deep calleth unto deep” within our plays
And Marlowe's lightning on Shakspeare's moonlight plays.

THE HAZARD OF THE DIE

A Drama in Three Acts.

Dramatis Personae.

- LUCIUS SERGIUS CATILINE, *Head of the Conspiracy to overthrow the Roman Republic.*
- CAIUS JULIUS CAESAR, *Candidate for Pontifex Maximus.*
- MARCUS CRASSUS, *The richest Roman of Antiquity.*
- MARCUS CORNELIUS LENTULUS, *Patrician, Praetor (Chief Justice) of Rome.*
- CAIUS CETHEGUS, *Patrician.*
- CAIUS SULLA, *Patrician, nephew of the Dictator Sulla.*
- QUINTUS CURIUS, *Patrician.*
- MARCUS TULLIUS CICERO, *Consul.*
- CAIUS VALERIUS CATULLUS, *The great Roman lyric Poet.*
- CAIUS SALLUSTIUS CRISPUS, *Known to modern times as Sallust; Roman Historian, Author of "The Conspiracy of Catiline."*
- PUBLIUS CLODIUS, *Patrician, Democratic Politician; Organizer and Leader of a Band of Gladiators with which he terrorizes his Political Rivals.*
- TITUS ANNIUS MILO, *Patrician, Republican or Senatorial-politician; Organizer and Leader of a Band of Gladiators in Opposition to Clodius.*
- SPARTACUS, *Lieutenant of Clodius' Band.*
- VETTIUS, *A Spy in the pay of Cicero.*
- A SOOTHSAYER.
- AURELIA ORESTILLA, *Wife of Catiline.*
- CLODIA, *Sister of Clodius, Mistress of Catullus.*
- FULVIA, *Mistress of Quintus Curius.*
- SENATORS, CITIZENS, GLADIATORS AND SOLDIERS.

Conspirators with
Catiline.

TIME: The last days of the Roman Republic.

PLACE: Rome.

THE HAZARD OF THE DIE

ACT I. SCENE I.

A Secluded Street In Rome.

Time: Forenoon.

Enter Catiline alone, dressed in a toga.

Cat.: Now by the Gods I'll do a deed of blood
That certes shall trump my fame to the world's end.
That shall the name of Catiline surround
With nimbus dread of horror, and black death,
With dívine cloud of rapine and revenge,
That knows no equal this side Phlegethon!
Methinks I see the city now aflame—
This haughty city, this proud conquering Rome,
Who sets her foot upon wide-breathing earth
And bids the world yield tribute to her lust.
Ha! Thou great harlot I shall make thee writhe
Squirm and contort thyself in Hellish pain
When once my plans swift ripening gather head.
Then let the haughty Senators beware—
Those iron fools who know no law but gain
Whose daily thought and daily care are but
How t' cause their crop of sesterce to increase—
To see two coin where was but one before.
My purpose is to seize the government
Snatch her grand reins from out the feeble hands
Of Cicero, that old wife in man's garb.
That self-sufficient upstart with a tongue
A silver tongue I'll grant but only tongue
Sans heart, sans eyes, sans skill sans all but tongue.
A bigger coward never walked abroad
Than that same smug-faced parvenu-poltroon.
Some lusty spirits have I now in train—
Caesar that easy bold voluptuary
Whose heart's as cold as his dark lusts are hot

Whose breath is power no matter how come by
 Whose morals are as easy as his ways.
 Suave, smooth, polite, e'er cordial Caesar is,
 An easy-going, smooth, good-natured man—
 But o' th' share o' th' spoil his must the lion's be.
But master ne'er hath met this Catiline.
 Fierce Caius Cethegus that soul of steel!
 Ne'er saw I yet a firmer heart than his
 Danger's the trumpet that doth rouse his soul!
 And Sulla *brother* might be to Cethegus
 So firm his spirit and so sure his soul—
 The brightest jewels in my carcanet
 A ruby and a diamond they gleam!
 Mark Crassus cometh next into our ken.
 A cold and calculating business-man
 Whose every thought is for his money-bags.
 But these same money-bags do have their use
 When 't comes to paying troops to win our cause.
 Next a bold spirit Quintus Curius
 Of proud ancestry and of courage high
 But curst mercurial and giv'n to talk.
But if Adversity can steel the soul
 And burn out weakness in the fires of woe
No man should be more firm than Curius.
 Last the slow-moving haughty Lentulus.
 The weakest blade in all my armoury
 But great his station and grand his mighty gens
 Cornelian—Sulla's own—my late great chief's,
 With *such* a galaxy of jewels rare
 I'll deck my diadem of Lord of Rome—
 Hist! Who comes here followed by martial tramp?

Enter Clodius Fully Armed at the Head of his Band of Gladiators, also Fully Armed with Sword and Shield.

Well met bold son of Mars, well met. I say. And you stout fellows (*Making a Military Salute to the Gladiators who, Drawing Swords and Saluting Catiline, form a Line of Battle across the Stage and Stand at "Attention" with Drawn Swords*) bid ye welcome too.

- Clod.: My Catiline, how wags the world with thee?
 Cat.: E'en passing well, bold Clodius, passing well.
 Clod.: 'Tis well. Hast any news to tender me to-day?
 Cat.: None, Clodius, none. The times with me are dull.
 Clod.: Ha! Say you so. Methought that Catiline
 Ne'er rested day or night from plot or scheme—*pardie*.
 Cat.: Than Catiline is no man more maligned
 Believe me Clodius, none—not one sole one.
 Clod.: Well, I must jog for Milo is agog.
 His band doth prowl the Forum, so I'm told.
 Cat.: Be cautious how you clash with that same man.
 Your band's too precious to be risked in brawl.
 Clod.: We know our worth—eh soldiers?
 Gladiators: (*Clashing their Swords against their Shields*)
 That we do!
 Cat.: I'll jog with you my home you know's hard by.
 (*Catiline and Clodius put themselves at the Head of the
 Band and exeunt*).

ACT I. SCENE II.

Garden In The House Of Catullus.

Time: Afternoon. About Sunset. Same Day.

*Clodia Reclining on a Couch under an Arbour—Embow-
 ered in Roses—to the right of the stage, Catullus Kneeling by
 her Side.*

- Catul.: My sweetest girl my soul doth long for thee,
 As longs the winter for the summer's sun.
 Clo.: For shame my lusty Caius for shame now
 Thou knowest that thou liest when thou speak'st,
 For I full well do know thy truant mind
 And how thou soarest like a bird of prey
 E'er spying out some victim from on high,
 Thou know'st that I speak truth thou know'st I do.
 Catul.: Clodia, my darling, how can'st thou torture me?
 How can'st thou turn the knife within the wound
 Which thy sweet beauty makes within my heart?

Clo.: Because, my Caius, it doth pleasure me
To see thy precious face distraught with woe.
You must remember that I female am,
And therefore pain and pleasure e'er go hand in hand.
Pain starts the pleasure, pleasure stops the pain
What one begins the other stops withal
Provided always that sweet love is there;
Sweet love, that high priest of all mystery,
That magic solvent which dissolves all doubts,
All fears—all shudderings o' th' fearful soul.
So kiss me, Caius, kiss me and forget
That e'er thy Clodia dared to ruffle thee.

Catul.: (*Embracing and Leaning Over Her*)—
Ah! Clodia, darling, thou dost fire my soul
With all the joys and pangs that Ecstasy
E'er gathered in her hand to terrify,
And joy the lovers who did worship her.

Clo.: *Dear Caius*, my heart bleeds to tear thee thus,
To tear thy generous and fiery soul,
That I may hear thy poet's words gush forth
Like drops of blood from out thy tortured heart,
But trust me, Caius, I do love thee so,
That didst thou guess the sum thou'dst happy be.
So kiss me, darling, and forgive me sweet.

Catul.: Kiss thee, my love! Would that the rest of life
Did but consist of kissing thy rich lips,
Those lips, that like the petals of the rose,
Unfold upon the impress of the sun.
(*Kisses her*).

Clo.: My Caius, thou dost make me almost wish
That I were maid once more and free to wed.
You start. Perchance you wonder at my words,
Perchance you wonder that I do not yearn
To be a maid once more and know no more
Of Love and her sweet mysteries divine,
Than did your Clodia ere she married was.
You men do know no more of a sweet maiden's thoughts
Of a sweet maiden gently nurtured, nobly raised,
Than men do know what the Immortals think—
Of what vast thoughts do pass thro' Jove's great brain,

Or enter the calm mind of Juno queen
 Of all the heavenly host Olympus-ward.
 No Caius, man's gross mind can never guess,
 The vague dim thoughts that paint a maiden's dream,
 Her dream of Love—of Love and Mystery—
 The mystery of Passion and the pangs
 That hover o'er the door that bars the heart!
 You men *being* but men guess not the things
 That make up love in a pure maiden's soul;
 Such being so you wonder why I wish
 To be a maid of innocence once more
 Instead of what I am, a Roman's wife,
 And at the time a Roman poet's love.
 A Roman wife in these degenerate days
 When the Republic staggers to her fall
 Must needs have lovers or be bored withal—
 Unless that husband mayhap be a man
 Who towers to the height of Catiline,
 That giant schemer in affairs of State,
And dare-devil gambler in affairs of death!
 A man like Catiline—of his great mold
 Might well amuse whimseyist-moóded maid
 That e'er exchanged a snood for matron's garb—

Catul.: Ha! There you stab, Clodia, to the heart,
 I have been patient—*witness* that I have
 I let you name that fiend and held my peace,
 But now I cry you mercy. Hold! Enough.

Clo.: Fiend! And for *what!* For putting his just rights
 Of life and death upon his son in force?
 The law allows that he's sole judge of that.
 Well now let's glimpse the son. A sullen lout,
 Mulish and obstinate as Spanish mule,
 Timid withal, and sure to bring disgrace
 Upon the noble name of Catiline if 'd lived.
 Cold hearted, churlish, dull and weak he was
 As ever yet saw I in man's shape stand.
 How Catiline e'er Fathere'd such a clown
 The God's in their omniscience only know.
 Aurelia Orestilla, Catiline
 Did love. His wife being dead he wooéd her.

Aurelia proud and haughty as her name
 Exalted as her rank, high as her wealth,
 Despised the prospect of such incubus
 And frankly told bold Catiline her views—
 Either his son must go or his love-suit.
 A recent quarrel—one of many brawls
 Twixt brilliant parent and most brutish son—
 Furnished the impulse needed for the deed
 And the earth closed over that dark episode.
 I grant you it sounds hard, hard as the name
 Of Roman ever stood before the world.
 But law is law, and law backs Catiline.

Catul.: So help me Mercury! My Clodia
 Ne'er heard I yet a pleader at the bar,
 I bar not one! Not Julius Caesar—aye!
 Nor great Hortensius, nor Cicero,
 Not Marcus Tullius, *the voice of Rome*,
 Ne'er heard I orator to equal thee
 In daring, in audacity and skill
 At championing a case most desperate.

Clo.: The cause is not so desperate as it sounds.
 The law that gives the Parent right of life
 And death o'er his own offspring that is desperate
As desperate a law as e'er was born
In the foul purlieus of the human heart.
 But I must leave thee my Valerius
 And to my stolid husband haste me home.

Catul.: 'Tis well my sweet since Cicero doth come
 Accompanied by suave Sallustius
 To cónsult with me o'er some recent things
 Which each within his separate domain
 Of letters hath achievéd by his Muse.

Clo.: Farewell and Venus keep thee till we meet again.

Catul.: (*Embracing her as she rises and moves off the stage*)—
 Farewell my heart to Jove I thee commend.
 (*Exit Clodia*).

(*Taking a Roll of Manuscript from a Small Table near*)—
 Let me now seize the few swift bits of time
 That yet remain ere mentor Cicero

And smooth Sallustius Crispus shall appear.

(Plunges into the Manuscript after Seating Himself on the Empty Couch.

Enter Cicero and Caius Sallustius Crispus, Preceded by Lictors Bearing Fasces. Catullus Rises and Greets each Cordially. Each Seats Himself on a Chair and Pulls out a Manuscript from the Folds of his Toga. Catullus—After the Couch has been Declined by Each—Seats Himself upon Same).

Cic.: My worthy poet how inspires the Muse?

Catul.: My stern mentór the Muse hath gracious been.

Cic.: Prithee salute us with Her music then.

Catul.: Right gladly master mine. Lend now thine ear.

TO MARCUS TULLIUS CICERO.

“Marcus Tullius, most eloquent of the race
Of Romulus, of all that are, that have been
And that shall be in future years, Catullus
Thanks you heartily, Catullus the worst
Of poets—as much the worst of poets’
As you are the best of all advocates.”†

Cic.: ’Tis well. “Best of all advocates,” is well

That line doth paint thy master and thy friend.

That little gem I’ll carry to my grave

Hand me ’t Catullus an you love me now!

(Hands Manuscript to Cicero who Smilingly Peruses it).

Catul.: Thine Eloquence hath won thee that small meed

Of praise from thy victorious client

Through thy force of oratory thy strength—

Which won his cause which thou didst champion.

Sal.: My Catullus that little gem doth shine

Like diamond upon finger of a king.

Prithee indite me one as brilliant in its gleam.

Catul.: With all my heart. Sallustius mark thee now

(Taking a set of Writing Tablets and Stylus out of a fold of his Toga and After a Moment’s Thought Writing)—

†Poem actually written by Catullus to Cicero upon the occasion of the latter’s winning a law suit for him. Translation found in Bohn’s Library.

TO CAIUS SALLUSTIUS CRISPUS.

“As Cicero doth wield a champion’s tongue
 The tongue of orator and advocate
So o’er Sallusts’ door is victor’s garland hung
 As the *historian* of Rome’s mighty State.”

Sal.: (*Starting up and Grasping the Tablets*).

By Bacchus my Catullus that is fine!
 As fine a ring hath that as rich a tone
 As divine Homer’s own wave-echoing roar!

Cic.: He doth not flatter thee I do assert,
 As judge of letters I that judgment give.

Catul.: (*Bowing his acknowledgments*).

As favour now I crave a specimen
 Of what his Muse hath given to each one—
 Since last we did foregather in this place.

Sal.: Let mighty Cicero be first in this.

Cic.: Agreed, Sallustius, I’ll e’en now begin.

(*Cicero Unfolds the Roll he had Taken from his Toga
 on Entering and Reads*)—

EPITAPH FOR THE TOMB OF MARCUS TULLIUS CICERO.

“Here lies the dust of Rome’s protecting tongue,
 Tongue of Marcus Tullius Cicero;
 Whose accents firm did guide the Ship of State
 Amidst the perils of these darksome days.
Bold were its accents as his heart was firm,
 Calm and undaunted midst a *sea* of fears!
 A Roman he of antique mold indeed,
 Who set the fashion of a nobler day.”

Sal.: As true as modest! Modest ’tis as true.

Catul.: (*Aside*). Modest! Ha! (*Aloud*). Simplicity itself
 spoke there!

Give me a man who spurns a flattering tongue,
 Give me that man—I’ll name him Cicero!

(*Cicero Bows Complacently. Sallust Glances Furtively
 at Catullus to Discover Whether the Latter is Joking
 or not. Catullus Preserves a Sphinx-like Countenance,
 and Gravely Continues.*)

Our mighty master’s soul *abhors* such things
 His Roman virtue *tramples* on conceit!

Catull.: (*Aware that Sallust is Watching Him, and to Throw Dust in His Eyes, Catullus Breaks off Suddenly and Turning and Looking Sallust Straight in the Eye with a Sternly Straight Face, says*):

Sallustius Crispus render up the spoil

That thy most mighty Muse vouchsafed to thee.

(*Sallust Bowing and Unfolding the Roll he had taken from his Toga reads*):

LUCIUS SERGIUS CATILINE.

†“Lucius Catiline was a man of noble birth, and of eminent mental and personal endowments; but of a vicious and depraved disposition. His delight from his youth, had been in civil commotions, bloodshed, robbery and sedition; and in such scenes he had spent his early years. His constitution could endure hunger, want of sleep, and cold, to a degree surpassing belief. His mind was daring, subtle, versatile, capable of pretending or dissembling whatever he wished.”††

†Sallust's—*The Conspiracy of Catiline.* (Translation found in Bohn's Library.)

††The preceding year had been marked by the appearance of a man destined to an infamous notoriety, L. Sergius Catilina, familiar to all under the name of Catiline.

For some time after the death of Sulla the weariness and desire of repose which always follows revolutionary movements had disposed all men to acquiesce in the rule established by the Dictator. But more than one class of persons found themselves ill at ease. The families proscribed by Sulla cherished the thought that they might recover what they had lost, and the enthusiasm displayed when Caesar restored the trophies of Marius revealed to the Senate the numbers and the reviving hopes of their political enemies. Besides, there were a vast number of persons, formerly attached to Sulla, who shared their discontent. The Dictator left all real power in the hands of a few great families. His own creatures were allowed to amass money, but remained without political power; and soon after his death they found themselves reduced to obscurity. With the recklessness of men who had become suddenly rich, they had squandered their fortunes as lightly as they had won them. These men were for the most part soldiers, and ready for any violence. They only wanted chiefs. These chiefs they found among the profligate members of noble families, who like themselves, were excluded from the counsels of the respectable, though narrow-minded men, who composed the Senate and administered the government. These were the young nobles, effeminate

- Cic.: I must confess scant justice you him do.
 A mighty soul hath Catiline in truth,
 Loyal to friends unto the very death
 A stranger too to pettiness in ought
 To meanness or hypocrisy a foe.
 Remember his wild youth in Sulla's day
 When blood did flow like water through Rome's
 streets,
 When bloodshed was the trade of all who lived.
The times do make the man. Bear that in mind.
- Sal.: 'Tis true, great master. What you say is true.
 My Muse did draw the long bow in those lines.
- Catul.: Permit me to dissent. I praise thy Muse.
- Cic.: Enough of this, the time draws on apace,
 And I must hence upon affairs of State.
- Catul.: Farewell great master till we meet again.
- Cic.: Farewell.
- Sal.: (*To Catullus*)—
 Farewell, most eloquent of poet-kings.
- Catul.: Farewell.

(*Exeunt*).

and debauched, reckless of blood, of whom Cicero speaks with horror.

Of these adventurers Catiline was the most remarkable. He belonged to an old Patrician Gens. A beautiful and profligate lady, by name Aurelia Orestilla, refused his proffered hand because he had a grown-up son by a former marriage; this son speedily ceased to live. Notwithstanding his crimes, the personal qualities of Catiline gave him great ascendancy over all who came in contact with him. His strength and activity were such, that he was superior to the soldiers at their own exercises, and could encounter skilled gladiators with their own weapons. His manners were frank, and he was never known to desert his friends. By qualities so nearly resembling virtues, it is not strange that he deceived many, and obtained mastery over more. He had already served as Praetor in the city, had then become Governor of the Province of Africa.—**The Students Rome—**(*A History of Rome*) By Henry G. Liddell, D. D., Dean of Christ Church, Oxford.

ACT I. SCENE III.

*The House of Catiline.
Time: Dark. Same Day.*

Catiline Discovered Reclining upon a Couch after Supper. Aurelia Orestilla on Another Couch, Across the Table, opposite him.

- Cat. "Aurelia I grow weary of the world,
Come twine thy tendril fingers in my hair.
- Aurel.: (*Rising and Kneeling Down at the Head of his Couch and Gently Stroking his Forehead and Head*)—
My Sergius, tell thy sweetheart what is wrong,
What goes amiss amidst thy profound plans?
- Cat.: I fear me some rash tongue may spoil the game,
Some babbler to his mistress spring the trap,
Ere I have gathered in its iron jaws,
The purse-proud Senators I angle for.
On Quintus Curius I look askance.
That gamester-profligate would stake his soul
To satisfy that cormorant Fulvia.
An did she e'en but guess a plot is on
She'd worm it from him e'er the break of day!
- Aurel.: My Sergius, permit me to observe
That for a man of your vast generalship
A puzzle-riddle like unto the Sphinx'
Is set by sight of that man 'midst thy schemes!
A man whose levity doth battle strong,
To gain the mastery o'er his impudence,
Who prates as glibly of his secret things
As he doth babble those entrusted him.
My lord, I wonder in mine inmost *soul*
Of what you thought when thou didst harbour him.
- Cat.: Aurelia, thou speak'st well. I blundered there.
'Tis thus it came about. When the plot was young,
And I had not five names to count upon,
Quintus Curius approached me for a loan.
His straits and insults at the Senate's hands

Which expelled him when it itself was worse—
 Held names more black than Quintus Curius?—
 Did deeply touch my heart. Besides he's brave,
 Marcus Curius Dentatus' blood's in him—
 The breed the rugged Pyrrhus did confront—
 And—for the time at least—hate made him stern.
 Methought his deadly wrongs at the Senate's hands
 Had nerved his soul forever 'gainst those men—
 That hate would tie his tongue, ballast his mind,
 And make him worthy of our company.

Aurel.: I pray the Gods, my Sergius, it be so.

Cat.: (*Sighing*)—

No earthly interest could divert his mind,
 His every earthly interest is with us—
 Power, revenge, wealth, fame, and ease and all
 That makes this weary world a paradise,

(*Taking her Hand and Stroking it*).

When there be added to it thy sweet love.

Aurel.: Dear, my lord, I thank thee for that little word—
 That love crept in with thy dark mind aflame
 With doubt, and wrestling strong 'gainst treachery
 Within thy ranks, and yet sweet love crept in.

Cat.: Thou art the star that lightens my dark life
 Aurelia. Thy sweet face, thy beauty glorious,
 Shed o'er my tragic life a ray serene
 That makes life worth the struggle and the pain
 That it hath ever been to Catiline.

(*Knocking heard*).

Who knocks?

Slave: (*Entering and bowing*).

My lord, six men close-muffled, with their faces hid
 In their toga-folds, who will not give their names.

Cat.: (*Aside to Aurelia*)—

The numbers's right 'tis the Conspirators.

Aurel.: (*Aside to Catiline*)—

My lord, had you not best be sure—I fear—

Cat.: (*Smilingly, aside*)—

Assassination? There be no six in Rome,
E'en gladiators dare that contract sign.†

†THE DEATH OF CATILINE.

†Catiline, when he saw that he was surrounded by mountains and by hostile forces, that his schemes in the city had been unsuccessful, and that there was no hope either of escape or of succour, thinking it best, in such circumstances, to try the fortune of a battle, resolved upon engaging, as speedily as possible, with Antonius. Having, therefore, assembled his troops, he addressed them in the following manner:

LVIII. "I am well aware soldiers, that words cannot inspire courage; and that a spiritless army cannot be rendered active, or a timid army valiant, by the speech of its commander. Whatever courage is in the heart of a man, whether from nature or from habit, so much will be shown by him in the field; and on him whom neither glory nor danger can move, exhortation is bestowed in vain; for the terror in his breast stops his ears.

"I have called you together, however, to give you a few instructions, and to explain to you, at the same time, my reasons for the course which I have adopted.

"Whithersoever we would go, we must open a passage with our swords. I conjure you, therefore, to maintain a brave and resolute spirit; and to remember, when you advance to battle, that on your own right hands depend (In dextris portare, "That you carry in your right hands") riches, honour, and glory, with the enjoyment of your liberty and of your country. If we conquer, all will be safe; we shall have provisions in abundance; and the colonies and corporate towns will open their gates to us. But if we lose the victory through want of courage, those same places will turn against us; for neither place nor friend will protect him whom his arms have not protected."

* * * * *

"We might, with the utmost ignominy, have passed the rest of our days in exile. Some of you, after losing your property, might have waited at Rome for assistance from others. *But because such a life, to men of spirit, was disgusting and unendurable, you resolved upon your present course. If you wish to quit it, you must exert all your resolution, for none but conquerors have exchanged war for peace.* To hope for safety in flight, when you have turned away from the enemy the arms by which the body is defended, is indeed madness. In battle, those who are most afraid are always in most danger; but courage is equivalent to a rampart.

"When I contemplate you, soldiers, and when I consider your past exploits, a strong hope of victory animates me. Your spirit, your age, your valour, give me confidence; to say nothing of necessity, which makes even cowards brave. To prevent the numbers of the enemy from surrounding us, our confined situation is sufficient. But should fortune be unjust to your valour, take care not to lose your lives unavenged; take care not to be taken and butchered like cattle, rather than, fighting like men, to leave your enemies a bloody and mournful victory."

LIX. When he had thus spoken, he ordered, after a short delay, the signal for battle to be sounded, and led down his troops, in regular order, to the level ground. Having then sent away the horses of all the cavalry, in order to increase the men's courage by making their danger equal, he himself, on foot, drew up his troops suitably to their numbers and the nature of the ground.

Aurel.: (*Regaining her usual calm air*)—

I know thy prowess and I fear no more
Thou hast recalled the fame of Catiline.

(*Catiline rises and Conducts Her to the Door, Kiss-
ing her Hand as he Leaves Her.*)

(*To slave*): You may admit the men.

Slave: I go, my lord.

(Exit)

As a plain stretched between the mountains on the left, with a rugged rock on the right, he placed eight cohorts in front, and stationed the rest of his force, in close order, in the rear.

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LX. When he had made a complete survey, he gave the signal with the trumpet, and ordered the cohorts to advance slowly. The army of the enemy followed his example; and when they approached so near that the action could be commenced by the light-armed troops, both sides, with a loud shout, *rushed together in a furious charge. They threw aside their missiles, and fought only with their swords.* The veterans, *calling to mind their deeds of old*, engaged fiercely in the closest combat. The enemy made an obstinate resistance; and both sides contended with the utmost fury, Catiline during this time, was exerting himself with his light troops in the front, sustaining such as were pressed, substituting fresh men for the wounded, attending to every exigency, charging in person, wounding many an enemy, and performing at once the duties of a valiant soldier and a skilful general.

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Manlius and the Faesulan, sword in hand, were among the first that fell; and Catiline, when he saw his army routed, and himself left with a few supporters, remembering his birth and former dignity, rushed into the thickest of the enemy, where he was slain, fighting to the last.

LXI. When the battle was over, it was plainly seen what boldness, and what energy of spirit, had prevailed throughout the army of Catiline; for, almost everywhere, *every soldier, after yielding up his breath, covered with his corpse the spot which he had occupied when alive.* A few, indeed, whom the praetorian cohort had dispersed, had fallen somewhat differently, but *all with wounds in front. Catiline himself was found, far in advance of his men, among the dead bodies of the enemy; he was not quite breathless, and still expressed in his countenance the fierceness of spirit which he had shown during his life.* Of his whole army, neither in the battle nor in flight, was any free-born citizen made prisoner, for they had spared their own lives no more than those of the enemy.

Nor did the army of the Roman people obtain a joyful or bloodless victory; for all their bravest men were either killed in the battle, or left the field severely wounded.

The Conspiracy of Catiline—Sallust (Bohn's Library).

- Cat.: Now for a wizard's eye to plumb the souls
Of these six men who hold my life in fee!
(*Enter Julius Caesar, Marcus Crassus, Marcus Cornelius Lentulus, Caius Cethegus, Caius Sulla, and Quintus Curius, All Closely Muffled.*)
Will ye have couches brought?
- Caes.: A chair for me a curule magistracy!
- Cras.:
Ceth.:
Sul.:
Cur.:
- } A curule chair for all—'twill suit us all.
- Lent.: Not me, no chair was ever built suits me.
- Cat.: Take then the couch. I'll bear thee company.

(*The Conspirators seat themselves upon Ivory Chairs Inlaid with Gold, standing against the walls. Lentulus reclining slowly upon the couch recently occupied by Aurelia. Catiline says: "Bring wine." The slave makes an obeisance, disappears and almost immediately reappears bearing an Amphora, which he places upon the table before Catiline. He is followed by seven other brawny slaves each bearing a large Silver Goblet in his right hand, while in his left he bears an Earthen-Ware Vessel filled with water. This each slave sets by the side of the Goblet before each man at table. The Major-Domo, or first slave, then marshals his men and awaits orders from Catiline. Catiline observing them, silently dismisses them with a wave of the hand. So soon as the door closes the Conspirators discover their features. Catiline rises and goes the rounds of the table warmly grasping both hands of each Conspirator as he greets him. As he grasps those of Quintus Curius he gazes intently into his eyes with concentrated penetration. Curius returns the gaze frankly and unabashed. Catiline renews the pressure of his hands on those of the former and suppresses swiftly a rising sigh of relief. He then resumes his place at the table.*)

Rising and saluting first Caesar, then Crassus, then Lentulus, then Cethegus, then Sulla, and then Curius, turns to Caesar, and says)—

Prithee, be master of the feast to-night.

Caes.: Right gladly, Sergius, shall I take that post.

(Catiline thereupon pushes the Amphora until it Stops before Caesar's chair. Catiline then reclines and Caesar, after pouring out about half a Goblet of wine from the Amphora and mixing it one-half with water from the Vessel for that purpose by his place, takes the Goblet in both hands and says before draining the Cup)—

“I pour libation for the feast to-night.”

(Immediately thereafter each Conspirator rises and walks with his Goblet to Caesar's side, who takes the Goblet and fills it half full of wine. Each Conspirator thereupon regains his seat and pours in the proportion of water his taste suggests to dilute the wine—generally about one-half the amount of water that his Goblet held of wine. Caesar having replenished his Goblet as before, and diluted same, he and all the Conspirators rise and hold their Goblets extended in both hands elevated before them to the full stretch of the arms. Caesar then says solemnly)—

As master of this solemn feast to-night,

I pour libation in the name of all

Unto the God we now invoke—dread Mars.

(All Solemnly Drain their Goblets, Replenish them as before, and, now that the Religious Ceremonies—so to speak—have been Performed, each Helps Himself—Rising for that Purpose—from the Mighty Amphora as his needs suggest and Without Further Formality. Upon their Regaining their Respective Seats after Caesar's Duties as Master of the Feast had been Discharged, Catiline once more Rises and Says)—

Cat.: My noble friends our matters move apace.

Our bold lieutenant, Caius Manlius—

Backed by our stern ally the Faesulan—

Hath Fæsulæ and all Etruria
 Ready to burst in flame upon our sign;
 But yesterday a letter reachéd me
 From this bold spirit bearing this good news.

(Murmurs of Approval from the Conspirators).

Two Legions full hath he, and fully armed,
 Of ancient complement—six thousand men
 Each ten cohórts six hundred men doth boast.
 No army's to bé found in Italy
 Save only ours under stout Manlius.

Slow Pompey in the East would have no time
 To balk our soldiers ere the prize were won.

Fair Fortune smiles. The sacred eagle screams,

*(Pointing first to Caesar and then to a Silver Eagle
 on Top of an Old Roman Standard of the Le-
 gions with an Altar of Marble built about its
 Base, Standing at the Head of the Room.)*

The eagle that thine Uncle Marius
 Did lead against the Cimbri and Teutóns
 And there did give him glorius victory.
 All's ready in the field. Here—only here—
 Here in old Rome there's much remains to do.
*That much is dark. That much doth chill the blood,
 E'en mine, who, as a youth, called Sulla, lord,
 And therefore took part in the massacres
 That made run purple all the streets of Rome—
 I see you move uneasy in your seats.*

Caes.: Bold Catiline, thy words precurse grim things.

Cat.: What if they do, no bolder gambler's here
 Amidst this chosen band slow culled by me,
 From Rome's most daring spirits and her best—
 Her bluest-blooded men of high renown,
 Who worship Fortune and none other God
 Save Mars and Mercury from time to time
 As their occasions turn towards war or gold—
 No bolder gambler's found amongst this band
 Of chosen spirits for a high emprise—
 A band that boasts e'en Caius Cethegus—
(Pointing at Cethegus).

No bolder spirit can be found than Caesar's.

- Caes.: Ye do me honour, mighty Catiline,
 Thou before whom Rome cowers to a man!
 Save this most worthy company here met,
(Smiling and Looking About him).
 Whom no three gladiators in all Rome
 Dare face in the arena sword to sword;
 Whom no three soldiers dare draw sword against.
- Cat.: You do me honour Caesar. To proceed.
 Ye know the time is ripe to do great deeds—
 Great deeds are born in blood ye all know that.
(The Conspirators all Solemnly Bow in Assent).
 As blood doth mark man's coming in this world,
 As man doth leave his Mother clothed in blood,
 So mighty deeds do leave dread Action's womb
 Glitt'ring and dripping o'er with ruby blood.
 Ye know that life in Rome to-day doth hang
 Uncertain-wayward as a weathercock.
 Ye know that property hath hold as frail
 Since property dependeth on the law,
 And law for utterance depends on man,
 On a base judge, whom you or I may buy;
Provided, only, we've his price withal—
 My good friend, Crassus, why that crafty smile?
- Cras.: Because you speak from knowledge, Catiline.
- Cat.: What if I do, friend Cræsus minor, thou
Hast bought a score of judges to my one
 For the best reason that this world doth hold—
 You had th' occasion and—you had the cash—
- Ceth.: He had you there, Mark Crassus—had you there!
*(Laughing. All Join in the Laugh But Crassus,
 who Says Nothing and Looks Gloomy.)*
- Cat.: Thy gloomy looks speak louder than could words
 T' unfold the goodly sums you've sunk in courts,
 To show blind Justice the right way to go.
 But pardon me, my worthy Senator,
 And take no offence from my friendly words.
 We all are bound like brothers to a cause,
 And each will bear from others—*brothers all!*
- Caes.: Well said, my Catiline, friend Crassus here
 Harbours no umbrage in his valiant breast.

- Cras.: Caesar thou sayest well. I did but muse
 Upon investments that I have in hand,
 The name of money starts me like a hound
 To plunge upon the slot and track to lair.
- Cat.: 'Tis well. Indictment 'gainst vile Rome I now re-
 sume.
 Ye know that the Republic is no more.
 Her—for good or ill—Marius did kill,
 Sulla thereafter held her funeral.
- Caes.: Well put and true. My uncle, Marius,
 Was not sole cause of this sad state of things,
 Great Sulla bears the burden—half and half.
- Sul.; *I'll share the onus of my uncle's act,
 Nought did he do that I do not approve.*
- Caes.: My good friend, Sulla, no offence is meant,
 Those deeds are buried in oblivion;
 We nephews should not quarrel o'er the parts
 That our great forbears played in history.
- Cur.: No more then I at this late date should slur
 Greece because Dentatus, my grim ancestor,
 Did shake the phalanx rugged Pyrrhus led.
- Cat.: *Well spoken, Curius!* I now resume—
- Lent.: Not till I say that 'twixt these men I stand—
 Twixt Caesar and my kinsman, Sulla, here—
 As stands a Father 'twixt his own true sons.
 No man for the Dictator holds more pride
 Than doth Marcus Cornelius Lentulus;
 But for our Caesar here, none hath more love
 Than this descendant of the Scipios.
- Sul.: Cousin, ne'er fear for me. No grudge e'er lurked
 Within that care-free chest—a Sulla's breast—
 Caesar—my hand—in token of my love.
*(Extending his hand in Caesar's direction across
 the table).*
- Caes.: *(Starting up from his chair and grasping it)—*
 And mine my Sulla—of my amity.
- Cat. *(Smiling happily)—*
 The mighty waves that recent threatened foam,
 Have now i' th' ocean's bosom found their home.

Cur.: (*Laughing good humouredly*)—

Affairs wag well when dire stern Catiline
Doth offer incense to the magic Nine.

Cat.: As I have said, the only rub is here,
And to rub that rub out, my noble friends,
Will call for *hectacomb* of Senators!

(The Entire Body of Conspirators except Catiline Start. Instantly Each Conspirator Becomes Serious, and Emotions Running from Fear to Horror Sweep Over the Various Faces. Catiline Calmly, But Penetratingly, Regards First One Face—Until He Has Noted it's Aspect—Then Passing on to the Next. In This Way He has Inspected the Entire Group of Conspirators Before a Word is Uttered, and the Only Sound has been the Deep Tense Breathing of the Conspirators as Catiline's Words Gradually Become Clear to Them; Or Here and There a Profound Sigh. Finally, After He Has Inspected and Dissected the Thoughts and Emotions of Each of the Conspirators, And After Waiting to See If Any One of Them Cares to Break the Stern Silence, And Upon Finding that No One Showed the Slightest Inclination So To Do, Catiline Begins Slowly, in Low Tones, Freightened With Deep Feeling)—

Think not mine august friends and colleagues high,
Think not ye nobles of world-conquering Rome
Coparceners with me in this Conspiracy
That to this awful pass I lightly came.
No! Not till o'er the Mountains of Despair
My flinty way I'd trod did I it reach.
Ye know full well that no Republic stands.
'Tis not in human nature that it should—
That it should stand just simply this demands
Each citizen must strive for th' public good.
And when did man e'er strive for ought but gold,
For place or power or for passion's love?
Hence, in Republics every place is sold;
Hence in Republics each court's the man above.
Under an Empire—on the other hand,

Th' Imperator chooses for the common good.
 Since the Republic's wealth's his to command;
 Nought tempts him to do ought, but what he should.
*Heaven's an Empire ruled by God the King,
 What's good for Gods, for men is no mean thing!*

Ceth: Bravo! bold Catiline, the Muses now
 Inspire thee to lead our minds aright!
 The diadem full well becomes thy brow,
For thy brow this golden circlet blazing bright!
*(Carried away by impetuosity, instantly Cethegus
 starts up and darting across the room seizes a
 Golden Chaplet of Laurel Leaves Wrought in
 Gold Hanging about the Neck of the Silver
 Eagle on the Altar Aforesaid. And places Same
 Upon the Brow of Catiline, Who preserves a
 Face as Pale as Marble and as Inscrutable—All
 With the Exception of Caesar and Crassus
 Spring to Their Feet and Shout)—*

Ceth.:

Lent.:

Sul.:

Cur.:

Cat.:

Ave Catilina Imperator!

Hail Catiline our mighty Emperor!

My friends, this honour almost strikes me dumb,
(Smiling sarcastically).

As dumb as Julius Caesar or Mark Crassus there.

Permit me to observe never had I

Or ghost or shadow of a thought of this.

Ceth.: Nor I—I pledge my word. The *Muses* spoke!

Caes.: *(Aside—In Profound Meditation).*

The idea's strange but it doth like me well.

This damned Republic bores me to the bone—

Costs more to buy the votes of Democrats

Than my supporters earn in one full year.

And 'neath a Monarchy talents do thrive,

Which an ingrate Republic starves to death.

I'll back my talents and I'll take my chance!

(Musing)—

Catiline's no sons and older is than I

(After a pause)—

Why should not Caesar succeed Catiline—

By Mars I'll risk the Hazard of the Die!

(Aloud Jumping to his Feet and Shouting)—

All hail our Emperor, great Catiline!

Pardon my silence—but the thought was new.

Cat.: Caesar, I welcome thee amongst the men—

The Inner Circle—that shall rule Rome's state.

But still there lags Mark Crassus on the stage.

Halting to mount *our* stage and rule the world!

Cras.: *(Aside)*—

This likes me not. *I* would be emperor,

(After a pause)—

But then my property would be more safe

Under an Empire and I near the King.

And who can tell the turn of Fortune's wheel!

Catiline's no heir—and he might die *(With a covert smile)* who knows—*(Musing)*

With Catiline dead then Crassus might be King!

(Aloud. Rising to his feet)

Hail Catiline Imperator! Hail our King!

Cat.: *(Smiling quietly)*—

Good Crassus, thy adherence I accept,

And trust thy pause hath cleared thy mind of doubt.

Cras.: It hath my chief—it hath upon my soul.

Firm do I stand for thy advancement high.

Ceth.: And swift as high! *(Seizing a Goblet Filling and Draining it)* *By Bacchus swift as high!*

(All—Save Catiline—Filling and Drinking)—

By Bacchus, swift as high!

Cat.: Mine august friends brief words but yet remain.

Here is the schedule of our actions dread.

Ye know the Senate are mere business-men

Intent on gain and little else beside.

And with them Liberty is but a name

To catch the voter at the polls withal

And merely something that one buys and sells.

Ye know the fate they would accord to us

Did they but know our intents here to-night.

Therefore give them the fate they'd hand to us

Death is that fate, and death's the fate for them!

(All the Conspirators slowly bow their heads in assent).

The Marian and Sullan massacres

(Smiling sarcastically)—

Afford the *precedent* the lawyers ask,

Afford the "precedent" that Cicero—

That flat old woman-masquerade of man—

Is always harping in the Senate House.

Now no more would I kill than needs must be

To seize the government and work our will.

The plan is this. The Senate doth convene

Two days from now. 'Tis then the deed's t' be done.

Clodius' gladiators with most of us

Shall with the Senate work what Fate decrees.

The other two with certain chosen men—

Reserves of Clodius' band—tall fellows all—

Shall fire the city at some dozen spots

Wide separate and where the flames can be

Easy confined by rasing houses near.

This to prevent the people taking sides

For or against us in the Senate fray.

For their mercurial and shallow minds

Will be so taken by the sight of flames

That they will run like unto scared dogs

To hear the fire crackle i' the air!

As our friend Crassus hath the most at stake

By way of property in this our Rome,

He with our Caesar shall this work command.

(Handing Sheet of Parchment to the guest nearest him to be passed to Crassus sitting with Caesar at the other end of the table).

Here are the stations where the fires start.

Now since affairs of men are on the lap

Of the high Gods touching their fate on earth

The Gods alone know what th' outcome will be.

Hence I ne'er chances take unless I must.

Therefore give ear—Caesar and Crassus there—

Who now intently study the schedúle—

In case th' affray at th' Senate House goes wrong

We count on thy strong aid to pull us through
 The straits and shallows that will then ensue.
 Ye must be friends at court—the Senate House—
And with the people plead our cause with strength.
 Therefore see to it that ye are not seen
 About the fires when the flames begin.
 Entrust that to your freedmen tried and true,
 Whilst ye from out deep shadows breath commands.
 Your freedmen, too, must see that *they're* not seen.
 But—as you through them—work through strange
 deputies.

Our deed once done, bold Manlius moves on Rome,
 And with his legions awes the Capital.
 All Italy will rise then as one man
For what—this side of Hell—weighs with success!

Caes.: Nought, noble Catiline, nought on my word,
 (*Looking about him*)—

I'd like to glimpse a sight of Pompey's face,
 When he first hears we've mastered Italy.
 I'd like to meet that pompous cold "new man"—
 That servant of the Senate—their smug slave—
 In shock of battle at a legion's head!
 (*Turning towards Catiline*)—

Thy plot's as perfect as a summer's day
 Spent on the slopes of purple Apennine,
 I'm all impatience for the game to start—

Ceth.: }
 Sul.: } And I! And I! And I! All we the same.
 Cur.: }

Lent.: Much would I like to see the game begin,
 The plot doth please me well—so simple, too!

Cras.: To my mind nought could better this same plot,
 (*Pointing to Schedule he has been Studying, on
 which the Fire-Stations are set down*)—

The stations chosen are the best in Rome,
 No buildings of importance on the list
 And few of serious value to be found;
 None, by the way, impinge my property.
 (*Catiline and the others smile discreetly*).

- Cat.: And now, friends, one last word before we part.
 Be ever armed from this night on *sans* fail!
 Beneath your toga port a strong cuirass,
 Wear sword at side beneath your togas, too,
 Thus those who'd harm us shall most surely rue.
- Caes.: A counsel sage my chief—I must confess—
 So Roman am I—that to carry arms
 Within the confines of our ancient Rome
 Arms—aye—and armour—ne'er'd occur to me.
- Cras.: Th' advice is good. I've done both more than once.
- Cat.: In breaking up our conference now, friends—
 Till next we meet at time and place I'll send—
 Pour a libation now to Victory,
 And as we do it face the eagle there.

(The same Solemn Ceremony that began the Conference is repeated, Caesar Officiating—and as they Simultaneously first Extend at Arms Length, and then Drain their Goblets it is in the Direction of the Silver Eagle on the Altar).

ACT II. SCENE I.

The House Of Cicero.

Time: Next Day. Morning.

(Library in Cicero's House. Cicero engaged in Writing Seated at a Table. Lounging nearby are Catullus and Sallust each glancing over a Roll of Manuscript in his hand. A Spy in the Pay of Cicero, one Vettius, is standing at a Distance from the Group in an Attitude of Obsequious Attention).

- Cic.: My worthy Vettius hast ought to say
 In this grave matter against any else?
- Vet.: So please the Consul—yes—one other man
 But he's so high-placed I do fear to ope
 My lips upon a theme so dangerous.

- Cic.: Good Vettius, speak out and know no fear,
 Know that the Consul Cicero's thy friend,
 Under my aegis thou may'st safely speak.
- Vet.: If that be so I now shall ope my mouth,
 But warn your worship that surprise is near.
- Cic.: (*Smiling complacently*)—
 Surprise is something I do never feel,
 My mighty station renders me immune.
- Vet.: The name dread Consul then I'll now impart,
 'Tis Caius Julius Caesar—no man less.
 (*Cicero shrinks Back with every Sign of Panic
 Painted on his Features. Catullus and Sallust
 Drop their Manuscripts onto the Floor in their
 Amazement, Recalled from their Reading by the
 name of Caesar*).
- Cic.: By all the Gods! Did mine ears hear aright,
 Didst thou just utter Julius Caesar's name?
- Vet.: I did, great Consul, and I must again
 If the same question thou dost put to me.
- Catull.: Great master, why permit this wretched thing
 To soil our friends, the aristocracy?
 To Catiline, and Sulla, Lentulus,
 And Cethegus, and Curius, he now
 Dares to bring in the mighty Julian gens,
 Methought the gens Cornelian might suffice.
- Cic.: My worthy pupil you must permit me
 To hold the tiller of the Ship of State.
 When thou art Consul thou may'st then essay
 The task you lightly offer to take on.
 (*Sallust Conceals a Smile while Catullus Angrily
 Picks up his Manuscript and Prepares to Leave*).
- Pardon my frankness, my most gifted friend,
 I spoke more pointedly than I had mind.
 Wound not thy master by departure now,
 But stay this subject out and then pray give
 Advice unto thy friend in this sore strait.
 (*Catullus bows Silently and Resumes his Reading.
 Sallust has already Picked Up his Manuscript
 and is Immersed therein*).

- What proof, good Vettius, hast thou in hand
To offer in support of this grave charge.
- Vet.: The same great Consul that I first did give
In support of my theme—conspiracy—
To-wit, the letter dropped by Quintus Curius,
Bearing the names I just did give to thee—
Letter addressed to Lucius Catiline
Asking that Catiline would straightway set
Opposite each name of each conspirator
The office and reward he'd give to him
When victory did crown their scheme 'gainst Rome.
This letter I most strangely have mislaid
But trust securely to recover it.
Meantime I brought your worship this great news
Protected by thy pledge of secrecy.
- Cic.: What was the tone of this same letter, friend,
Was't threatening-hostile or mere friendly chaff?
- Vet.: 'Twas far from hostile and 'twas far from chaff.
It merely stated that he'd like to know
"If time permitted the great Catiline"
And so forth what I did just state to thee.
There's one more name, your worship, on the list,
I'll give if thou'lt protect mine humble self.
- Cic.: Speak without fear, my worthy Vettius.
- Vet.: Once more I warn thy worship 'gainst surprise.
- Cic.: How often, Vettius, must I tell thee
The Consul is a *stranger* to surprise.
(Catullus and Sallust Exchange Smiles, but Remain Silent).
- Vet.: Then mighty Consul *Crassus* is the man
The richest soul the sun doth shine upon.
(Catullus and Sallust Start back in Amazement
and both burst out in Shouts of Derisive Laughter.
Cicero Turns Pale and Shrinks Back into
his Chair in Surprise and Fear. Nothing is
Heard for some moments but the Shouts of
Laughter of the Poet and the Historian. Presently
Catullus Says)—
- Catul.: *Mehercule!* But this thing bursts the bounds
Of reason and all probability!

Mark Crassus, who of all men on this earth
 Is int'rested in order and calm peace
 Through his vast holdings and his serried wealth—
 To be mixed up in a conspiracy
 With men like Catiline and Cethegus—
 Desperate spirits of a former day—
 When Sulla ruled the world and ruled by blood!

Cic.: Good Vettius, I now shall bid thee go.
 Strive to recover that lost letter, friend,
 And also strive—as thou dost ever do—
 To bring me gossip of the high and low.
 Meantime no word of this to anyone.

(Vettius bows in Cringing Fashion and Slinks off Pursued by the Contemptuous Looks of Catullus and Sallust. He has Scarcely Disappeared before Female Voices are Heard and Fulvia, Accompanied by her Maid, enters Hurriedly, Preceded by an Expostulating Slave).

Ful.: *(To the Slave)*—

The Consul I will see—and instantly!

(To Cicero)—

Marcus Tullius I come on things of State
 And beg thy private ear immediately.

(Catullus and Sallust Exchange Amused Glances, Bow to Cicero and the Lady who Smilingly Acknowledges their Salute and Withdraw. Cicero Shows Fulvia to a Chair and then Resumes his Seat. The Maid Remains Standing).

I have no time to waste in social words,
 A sword suspends above the Commonwealth!

(Cicero Shivers and Turns Pale).

I see thy manly cheek doth bear the hue,
'(Smiling Sarcastically).

That bespeaks interest in the words I say.

(Cicero Reddens, but says Nothing).

I shall be brief for time doth press amain.

(After a Pause and with Embarrassment).

Thou know'st I am the friend of Curius.

(Cicero bows).

Last night he did return at dead of night

In mood most haughty and imperious;
 Ne'er saw I him in mood like that before.
 He said that I had better mind my ways,
 And treat him with the requisite respect,
 "Or my fair head would leave my shoulders swift."

Cic.: Ha! Said he so! Thy news *amazeth* me.

Ful.: Not half so much as it did *amaze* me
I tell thee, Consul, mine hair stood on end!
 And then a *frolic* humour took him straight,
 (*Blushing and with Embarrassment*).

He petted me and fondled me with zeal.
 When he had done he said, "My pretty dove,
 Who oft is like the eagle in her rage,
 If thou art *cómplaisant* and good to me
Mountains and seas on thee I shall bestow—
 Seas in whose depths lurk pearls of orient
 That in their lustre the *sunsét* surpass!"

Cic.: Ha! Thy news in truth sounds strange and ominous.

Ful.: "Ominous," sayest thou! *Now mark me well.*

Feeling that something was afoot I set
 In motion all my woman's arts of guile—
Played on his passions, *fed* his vanity,
Jostled his jealousy till he did writhe
 And *roar aloud* in *anguish* and in *rage!*
 I then did melt and *fall* into his arms.
 This turned the trick, and he gave up his *soul!*
Told of a plot the like of which hath ne'er—
Not since our town of Rome was first laid out—
So help me Venus, been contrived by man!
 (*Cicero Shudders*).

'Tis nothing short of make a *demon King!*
Raise to the purple that fiend Catiline!

Cic. (*Cicero Falls Back in his Chair. Raises his Hands
 to Heaven, and Murmurs Faintly*)—

May all the Gods protect our city Rome,
 And ward the dangers that do now impend!
 Great Father Jove defend the Capitol
 From this most monstrous man, this man of blood,
 Th' embodied *incarnation* of all crime!

Ful.: (*Sneeringly*)—

Pray *hard*, pray Consul, but do not pray too long—
For this man Catiline doth not waste time;
And when *he* strikes death follows in a trice!

(*Cicero Recovers his Composure with Difficulty, Swallowing Several Times, and Moistening his Dry Lips with his Tongue. Finally he Braces Himself in his Chair, and Assuming an Air of Fortitude, Says somewhat Falteringly*)—

Cic.: Pray Fulvia, tell all that thou dost know.

Ful.: Briefly, 'tis this. This arch-fiend Catiline
Hath knit a plot whose meshes are so strong
That not one man who once is caught therein
Hath any hope this side th' *Elysian Fields*!
He with fierce Cethegus and Lentulus,
With Caius Sulla and—now mark *these* names—
With Julius Caesar and Mark Crassus, too,
Have formed a plan to seize th' Imperium,
To seize *all power*—and vest it in themselves.
How't 's to be done, or when, or by whose aid,
I have not yet found out. My man waxed sleepy
Ere he got to that, and nought that I could do—
(*Blushing and Hesitating*).

Could interest him—just turned his back and slept.
To-day his mood was changed, and not one word,
By hook or crook, could I coax out of him.

Cic.: One word, fair Fulvia, before you go,
Have you and Curius e'er fallen out?

Ful.: *Have* we fall'n out! Have we *e'er* fallen out!
Why Cicero, if thou didst know the times
We *have* fall'n out thou'dst shake thy sides with
mirth.

Cic.: And might I ask the reason for these wars,
The reasons for these merry combatings?

Ful.: The reason, Consul, was that I did lack
The means to make life joyous and jocúnd
I did lack gold—and *know that vile lack still*.
'Twas lack of that drove Joy from out the doors
Of Quintus Curius and let Grief in.

I threatened him I'd leave him presently
 Unless he did the needful coin supply
 For all my wants as gently nurtured girl.
 This made him mad almost—*near turned his brain!*
 For he doth love me in his careless way—
 He swore he'd find the means to hold my love
 And money did pour in straightway 'tis true—
 Borrowed presumably from Catiline,
 Since these two have been friends for long years past.

Cic.: I see, my girl. 'Twas love of thy fair face—
 Which thou didst warn him nought but gold could
 hold—
 Did drive thy lover to plunge deep in crime.
 This thing hath happened before. It is *not* new.
 Now here's my plan. I'll keep thee stocked with
 gold—

Gold, mind you, taken from the Treasury
 By me, as Consul on affairs of State—
 Provided thou wilt keep me swift informed
 Of each and every move of Catiline's.

Ful.: But what if Curius' lips are ever dumb,
 If he won't talk, what then am I to do?

Cic.: Leave that to chance. His lips *must* loose sometimes,
 But if they don't thy stipend—*cut in two*—
 Shall reach thee, surely, every ninety days
 Till I have rid the earth of Catiline.

Ful.: An earnest of that stipend give me now,
 Not "cut in two" but lusty—*vigorous*.

(Cicero *Hands her a Purse of Gold which she
 Empties out on the Table Listening to the Ring
 of the Coin*).

That gold rings true. I'll take this and start in
 To be thy worthy spy, great Cicero.
 Before I go one word. *No harm must fall
 Upon the careless head of Curius*.

Cic.: Agreed. I'll save him when the trouble doth begin.

Ful.: Farewell.

(*Exit Fulvia. Enter Slave*).

Cic.: Farewell.

- Slave: Milo and band of gladiators stand
Awaiting orders from thy mighty self.
- Cic.: Bid them come in. (*Exit Slave*). Now, brother
Clodius—
Great High Priest of the Bona Dea, thou—
I'll scan an engine that shall pull thee down.
(*Enter Milo in Full Armour with Drawn Sword
and Shield Followed by his Band of Gladiators
Similarly Equipped. Milo Salutes Cicero Si-
lently. His Band does the same and Stand at
Attention Behind Milo*).
- Mil.: I come, my lord, thy bidding to obey.
- Cic.: Welcome, stout Milo, and thy worthy band.
(*Aside*)—
By Mars the sight of these same brawny men
Doth rouse my spirits from the drooping point.
Methinks 'twould firm my heart and soul to see
Sword counter sword in thrust and stroke and foin.
(*Aloud*)—
Good Milo, prithee, show me specimen
Of thy band's tactics at the martial game.
- Mil.: With pleasure, mighty Consul.
(*Turning to Gladiators who, at a Motion of His
Hand, Separate into Two Groups Facing Each
Other with Swords Drawn and Ready to Spring
at One Another.*) Men! Lay on! (*The Gladi-
ators Dash Upon One Another and Fight All
Over the Room; Being Careful, However, Not to
Touch Anything but each Other's Swords,
Shields and Armour—Avoiding Carefully the
Unarmed Portions of the Body. After Some
Few Minutes of this Cicero exclaims*)—
- Cic.: Enough, my trusty fellows. Hold! Enough!
(*The Gladiators Instantly Lower their Swords and
Panting Deeply from their recent exertions, But
with Faces Absolutely Immobile and Impassive,
resume their former line and Come to Attention*).
Ha! Milo in these days—these doubtful days,
When no man knows who's for or 'gainst the State,
It doth one good to have such sturdy men—

Men who at thrust and foin are nonpareil—
Armed at one's beck to tread sedition down.

(Milo bows his acknowledgments).

I summoned thee to say that thou must hold
Thy band in readiness by day and night.
No more shall I say now—there is no need,
But hold your fellows armed and 'neath thine eye.

Mil.: I shall, great Consul, and take joy thereby.
O! That I might with Clodius meet in broil.
O! That our men might clash together in war's
shock.

Cic.: Mayhap thou'lt have thy wish. And now farewell,
I prithee give this purse unto thy men.

(Hands Milo a Well-Filled Purse).

Mil.: (Taking purse)—

I thank thee, Consul, for thy graciousness.

(Turning to Gladiators)—

Salute the Consul, men, before we go.

(Gladiators Draw their Swords and Shout with
One Accord)—

Glad.: Long live our Consul! Long live Cicero.

(At a motion from Milo they then Form a Column
and March Off the Stage Followed by him. He
Salutes Cicero with his Sword in Silence as he
Marches Past.

Exeunt).

ACT II. SCENE II.

Apartments Of Aurelia Orestilla: In The House Of Catiline.

Time: Same Day. Late Afternoon.

Aurel.: (Alone, sitting Lost in Thought. Her Head Leaning on her Hand)—

My heart misgives me lest my Sergius
Hath risked his happiness upon a die.
His plans move smoothly and his mind is calm,

But with so many knowing of the plot
 Which is to turn this city upside down—
 And with this mighty city turns the world—
 A danger always lurks of leakage dread.
 How I'm to stem that tide no one can say.
 I stand at Catiline's right hand in all he does,
 And never let a moment slip me by
 Without a word of caution on that head.
He is the most supremest plotter e'er
Did set his brain to scheme upon this earth!
 But lacking mighty wealth and the long train
 Of followers that tread the heels of wealth
 His choice of aids at first was limited.

(After a pause)—

Beshrew me how I dread vain Curius!
Storm centre he of danger to this plot;
 I would give half my wealth—vast as that is—
 Were Quintus Curius not of the band.

(Sighs deeply. A Maid enters Hastily).

Maid: The lady Clodia, doth wait below
 Who says her tidings will not brook delay.

Aurel.: Conduct her hither with what speed ye may;
(Exit Maid.)

My soul misgives me and my blood grows cold,
 My woman's instinct tells me something's wrong.
(Enter Clodia).

My Clodia, my thanks for coming here,
 Thy presence breaks a brooding fit I had.
(They embrace warmly).

Clo.: Dearest Aurelia, my heart bleeds for thee,
 The news I bring is of the very worst!

Aurel.: *(Starting but then Immediately Recovering her usual Haughty Calm)*—

The world we live in is a world of Chance,
 Men are but footballs for the foot of Fate;
 Hence, who hunts happiness doth take a chance
 That black Death strikes at either soon or late.
 Hence am I ever ready for the worst,
 And smile upon the evils the Gods send.

Clo.: 'Tis well, my dearest, thy philosophy
Is of so high a cast, so stoical
That standing on the brink of the Unknown,
It yet preserves thy beauty all serene.
My news is this. I'll give it in few words—
The plot is out.

(Aurelia at first does Not Move a Muscle. Presently a Disdainful Smile Slowly Spreads over her Calm Face)—

You seem incredulous.

Aurel.: My dearest friend a bit *more* explicit be

Clo.: You play your cards *well*, my Aurelia fair.

Aurel.: What next, my dear, might I be *bold* to ask?

Clo.: Why simply this. Catullus my good friend—
(*Blushing and Smiling*)—

Was present at the Consul Cicero's
When Vettius—a spy Catullus *hates*—†
Came in and said he'd news of high impórt.
The Consul bid Catullus to remain,
And Sallust, too—for both had called on him—
So both did hear this plot most *marvellous!*
Brief, Catiline hath joined to him a band
Of men, the most illustrious in Rome,
Including Caesar, Crassus, Lentulus,
Caius Sulla, Curius and Cethegus—
That last the fiercest man that walks to-day,
Save only one whose name I shall *not* say
A letter dropped by Curius was the clue
That fell into the hands of Vettius.

(*At the name of Curius, Aurelia's Face Pales Slightly, But No Other Sign of Emotion is Visible*).

Letter from Curius to Catiline,

†To you, stinking Vettius, if to any one, may be applied what is said to babblers and fools. With that tongue of yours you may wipe cow-keepers' shoes and nastier things yet, if you have occasion.

If you wish utterly to destroy us all, Vettius, open your mouth; you will affect your purpose to a certainty.

—*Catullus.*

(From the Poems of Catullus. Translation found in Bohn's Library.)

Asking his chief what honours would be named
 For each upon achieving their great scheme,
 And to set th' honours opposite each name
 Of each conspirator upon the list
 He did enclose. Nought else was there therein
 As to when, how, or where the plot would burst,
 Or just precisely what the plot would be.

Aurel.: (*After a Pause*)—

Clodia, I know that thou, dear, art my friend,
 But ere I comment on thy most *strange* news,
 I wish to search thy heart a little while.

Clo.: My heart's an open book to thee, my friend—
 The *dearest* friend I have of our own sex.
 Thou *know'st*—and few there be who do not guess—
 That I do love Catullus heart and soul.
 My stolid husband sole doth nought suspect.
 You know our Parents did arrange this match
 Which was as far from love-match as the *poles*.
 Wealth wished to add to wealth and that was all—
 'Twas marriage of two fortunes, not two hearts,
 And when a man does that he takes his chance.

Aurel.: (*Smilingly Affectionately*)—

My Clodia, thy fate did ever touch
 My happy heart—happy in Catiline,
 The most *misjudgéd* and *malignéd* man
 That walks the streets of our Imperial Rome!
 A heart of gold hath he—true to his friends,
 True as the steel of his e'er ready sword,
 Frank as the sunlight—as a lion brave—
 Such is my King—such Sergius Catiline!

Clo.: Aurelia—did I not Valerius love
 With my whole soul excluding thought of all
 The race of men—that walk this teeming earth—
 I tell thee, dear, I would love Catiline—
 His mighty soul, his leonine dread heart
 That smiles in *scorn* upon a world of foes;
 His *general's* mind that doth combine the threads
 And strands of action and their subtle cause,
 Their moving impulses and passions dark
 That make the world the cauldron that it is,

Seething and bubbling with woes, joys and death,
 With infamy and virtue intermixed
 Like wine and water in a vessel dark—
 Then holds these combined strands within his hand
And drives his chariot to the victor's goal!
Such is thy lover—such is Catiline.

Aurel.: (*Aurelia Falls on her Neck and Buries her Face
 on her Breast*).

My *darling*, thy sweet words unman my soul,
 And weakness becomes not the wife of Catiline.
 (*Recovering her Composure*).

Minerva guided thee in thy grand words
 With which thou didst describe my Catiline—
 A double purpose did these dear words fill.

I'd said that I did wish to search thine heart,
 And thy true heart, my Clodia, did respond
 Unto my unspoke question in thy words.

I wished to know the motive prompted thee
 T' incur the wrath of thy Valerius
 Should he e'er know that thou'st revealed to me
 The accusation of vile Vettius—

That *dog* in human shape—that mangy *cur*,
 Who snaps in secret at the heels o' th' great.

(*They Seat themselves Side by Side on a Couch*).

Clo.: (*Embracing her*)—

Before I go I have two things to say.

Valerius did not impart to me

The news I've given—it got I by chance—

'Twas thus. A week ago I my pet sparrow lost†
 A *darling* bird that nestled in my breast,

III. †LAMENT FOR THE DEATH OF CLODIA'S SPARROW.

Lament, O Loves and desires, and every man of refinement! My girl's sparrow is dead, my girl's pet sparrow, which she loved more than her own eyes; for it was a honeyed *darling*, and knew its mistress as well as my girl herself knew her Mother; nor did it ever depart from her breast, but hopping about now hither, now thither, would chirp ever more to its mistress only. Now does it go along the gloomy path to that region whence no one can return. Malediction to you! cruel glooms of Orcus, that devour all fair things; such a pretty sparrow! On your account my girl's eyes are now red and swollen with weeping.

—Catullus.

Fed from my hand and was my *heart's* delight.
I wept its death and was most *deep* cast down.
Valerius did visit us that day
And *swore* by all the Gods he'd write a lay
That would preserve my sparrow for all time,
And send it fluttering down the centuries!
He thereon named to-day to read the lay—
Said he would have it ready by that time.
So when he came to-day to read his song—
His little lyric to my tiny bird—

(Laughing and Blushing).

My husband being out I hung on him,
Clasping my hands about his rosy neck.
As I did so a parchment did slip out
His toga's folds, and fell upon the floor.
Neither observed it. *But* when he began
To read his charming little funeral hymn
Upon my *darling* little feathered friend,
My eye did spy it unperceived by him.
My woman's native curiosity
Did pique me till—all unperceived by him—
I'd mastered it and all of its contents
Whilst he, oblivious to ought beside
Was testing the numbers of his funeral hymn—
Drumming with his slim fingers, line by line,
To see the quantities were safe and sound.
So soon as I did grasp what it contained—
A digest of the plot as I've told you—
With list of the conspirators alleged—
I *burst* upon him for such calumny!
He then explained the whole as I've told you,
And urged me secrecy upon my life,
Saying that Cicero had all intent
To push this serious matter to a head.
The *last* thing I must tell you is just this.
Valerius told me that before they left,
Who should appear in haste but Fulvia!

*(Aurelia Starts Away from Clodia and Turns Pale
but Remains Calm).*

What she did say or why she came's not known.

And now my sweet Aurelia, I *must* go.

(They Embrace).

Aurel.: And may the Gods reward thee for this call.

(Exit Clodia).

Now by the Gods that babbler Curius

Hath told his leman everything he knows!

Would I had thrust a dagger in his heart

When last he crossed this threshold—would I had!

O! Gods what can I do to fend this woe

And drive this deadly danger from my house.

Minerva! *Goddess!* Who from front of Jove

*(Kneeling before a Marble Bust of Minerva on a
Marble Pedestal, and Extending her Hands To-
wards the Goddess in an Attitude of Passionate
Supplication).*

Lept fully armed to rule this furious world

Guide thou my actions from this moment on,

Inspire my heart with words for Catiline,

Words that shall make his fiery nature heed,

Words that may make his reckless spirit safe.

(Catiline's Step heard Without).

(Starting—and Rising Hastily)—

Inspire me, Goddess, for I hear his tread.

Cat.: *(Enter Catiline. He Embraces her and Gazes
Down Into Her Eyes with his Arms About her).*

By all the Gods Aurelia, thou art fair!

The fairest thing e'er was of woman kind.

Aurel.: My Sergius, a dreadful piece of news

I have for thee—thou Captain of my soul.

Cat.: *(Starting Angrily and Involuntarily Dropping his
Hand upon his Sword Hilt, Concealed beneath
his Toga)—*

Now woe to him who causeth thee this woe!

Aurel.: That man is Curius—he hath told all.

Cat.: *(Springing Backwards Three Feet in a Bound, and
Glaring Savagely at her)—*

What! What sayest thou, Aurelia! What is this.

Aurel.: In one brief word. Clodia hath just left—

Give me thy pledge that nothing thou'lt reveal

Of what I am about to tell to thee.

Cat.: I pledge the honour of the Sergii.

Aurel.: 'Tis well. Catullus recent called on Cicero,
 There Vettius appeared *re* letter found
 Which Curius had dropped addressed to thee.
 Written by Curius to thee to find
 What honours would be 'portioned to the band—
 When Fortune should reward your enterprise—
 With list of the conspirators enclosed—
 That opposite each name his gain might stand.
 Nought else was there. And no particulars.
 But something far more sinister than that
 Doth show its villain head and that is this:
 Ere he did leave dame Fulvia did arrive
 Panting with haste to say that she had news
 The Consul's ear must catch without delay.
 My Sergius, you now have all the threads
 Of this dark counterplot within thy hand.

Cat.: (*After a Pause, Drawing Near once more, Embracing Her, Looking Down at Her as he Speaks*)—

My most wise *darling!* Where could Catiline
 Find an adviser like to thee on earth!
 Thy soul prophetic spotted Curius
 As the one danger-point in my whole scheme,
 And *now* that danger-point hath burst in flame.

Aurel.: (*Slowly releasing herself*)—

My noble Sergius! Danger moves thee *not*.
 Thy lips are full as fiery as though
 You played the lover for the foremost time,
 And stood with me in some dim country lane
 Far from this Hell—this Rome—and free from care.
 Instead of which you on Vesuvius stand,
 And that great crater *rocks* beneath thy feet!
*So help me Venus I do love thee so,
 That if thou diest I would rather die
 Than live alone without my Catiline!*

Cat.: Aurelia, never say those words again.
 Thy happiness doth tower in my mind,
 As tower above the plain the Apennines.
 If I should lose the cast of these great dice

In which I throw for th' Empire of the world—
 If I do lose—my fame will be so great
 That under it may rest thy widowhood
 As rests a traveller 'neath a desert palm
 When all Sahara blisters in the sun.
 My fame will be so dread and dark a thing
 Brave men will shrink fro' th' name of Catiline.
*For never yet had gambler such a stake
 As I do throw for in Imperial Rome!
 And if I lose, my end will be so dread,
 So many victims shall devour my sword—
 That round my corse a human hecatomb
 Of Roman soldiers shall lie stark in death.*
 So cheer thee up my Rose of Beauty's bloom
 So cheer thee up, and kiss thy Catiline.

*(Aurelia who has Buried Her Head on his Breast
 Since he Began to Speak of His Death, and has
 been Sobbing Silently, Dries her Eyes and Rais-
 ing Them to his Says)—*

- Aurel.: My hero thou hast steeled my very soul!
*Till I am worthy to be called thy wife—
 Till History shall say, "There was a spouse
 Worthy to be the bride of Catiline!"*
- Cat.: If anything could make me déspise death
 More than I do by nature and by will,
 'Twould be the sight of thy heroic soul,
(Embraces her. Releasing her).
 Now darling to offset this counterplot.

ACT III. SCENE I.

A Secluded Street Near The Senate House.

Time: Morning. An Hour Before Noon The Next Day.

(Enter Curius and Fulvia).

Ful.: May all the Gods preserve me from such speed!
Had I the heels of feathered Mercury,
Had I his feather-tipped and flying heels
Upon my honour I'd not fly so fast!
Good Curius, I prithee, pity take,
Upon a member of the weaker sex.

Cur.: *(Gloomily)*—
The weaker! By the Gods the *stronger* sex.
Look what a thing thou'st made of me—a *dog*,
A traitor and betrayer of my friend.
So help me, Mars, I've more than half a mind
To end thy life and then take my life, too.

Ful.: *(Alarmed)*—
Sweet Quintus, for past love's sake, say not so.
You know I love thee if I *do* love gold.
My husband squandered all my dowry—*all!*
In living riotous—in wild debauch,
And when the Gods in anger at his deeds
Did take him off and rid me of his weight
What was poor I—a widow lone to do,
But make a living by her lover's aid.
Thou knowest I was born to gentle ways,
Was gently nurtured—am a noble's child;
Hence luxury became my vital breath
And sans my luxuries I'd choke to death.
Thou knowest I was ever true to thee.

Cur.: *(Gloomily)*—
That I admit—that thou wast ever true.

Ful.: Jove bless thee for that word, my Quintus, dear!
So thou dost see, my darling, that the Fates—
Dread Lachesis, Chlotho and Atropos—
Did shoot a woof betwixt my life-web's warp
That—as ye lawyers say—spelled "*nolle pros.*"

- Cur.: Myself I do despise. And I shall fly
From thee and Rome, and home, and every man,
And in a spot where no man shall me know
Spend in seclusion the balance of life's span.
- Ful.: (*Alarmed*)—
Thou'dst leave me *sole*—in this cold world *alone!*
- Cur.: The crafty Cicero will pension thee
As much—you've said—he did insinuate.
And you have friends i' th' Senate—relatives,
Nobles, who'd shelter thee most willingly—
I do not say will glut thy cormorant's greed
For jewels, satins, silks and luxuries
As I have done. Now Fulvia do I go,
My traveling carriage waits and I depart.
- Ful.: (*Bursting into tears*)—
Great Juno, save me! Is it thus we part!
- Cur.: (*Coldly and sadly*)—
Fulvia, in me you see a man that's dead
Sans hope of resurrection in this world.
My manhood I did slay unwittingly
When I divulged the plot thanks to thy wiles;
Who played upon my passions of a man—
As an attractive woman only can—
Till first I lost my head and then my soul,
Till I lost this world and all hope o' th' next.
Now nothing's left but exile or self-death
But suicide—which counter to my times
Counter to Rome's traditions I dislike.
- Ful.: (*Sadly*)—
Quintus, forgive me, ere we part for aye,
Let me one kiss implant on thy cold brow
And tell me as I do so you forgive.
- Cur.: (*Rousing himself from the Apathy Which has
been Steadily Increasing During the Dialogue*)—
Willingly, my Fulvia, most willingly.
(*They Embrace. Her Presence Overcoming his
Lethargy So that he Slowly Takes Her in His
Arms and Kisses Her on the Lips Saying*)—
May all the Gods protect thee—my poor girl.
(*They Separate in Silence and Sadness—Each Go-*

ing Slowly Different Ways and With Bowed Heads)

(Exeunt).

(Enter Catiline Accompanied by the Entire Band of Conspirators Except Curius, Followed by Clodius At the Head of his Gladiators).

Cat.: *(Raising his hand)*—

Here now we halt and hold our council brief.

(The Column Comes to a Stand. Turning to Clodius)—

Divide thy band, bold Clodius, in two.

Command one portion and the other give

Unto the most deep trusted of thy men.

Then take position at each head o' th' street

And let none enter it on pain of death.

Clod.: 'Tis well, my Catiline. *Bold Spartacus!*

(Calling a Powerful and Battle-Scarred Veteran Gladiator to him)—

Divide the band and take half to thyself

The other I take—and this street we'll hold

Against all citizens as trespassers

Upon the ground defended by our swords.

Spart.: Right gladly, chief, thy bidding will I do.

'Tis many a day since my sword hath drunk blood.

I only hope that Milo and his men

May have the luck to turn their heads this way—

Clod.: *By all the Gods I echo that same wish!*

What would I not give up to have that fight

With crafty Milo who eludeth me—

Caes.: *(Laughing)*—

Clodius whispered 'tis that Cicero

Hath Milo and his men so close mewed up—

Around his person as his body-guard—

That they are almost wild for exercise!

That like Numidian lions they do roar

And with their thunders make the welkin ring!

Clod.: Would I could ring my chimes upon his sconce

And wipe the score out that between us is.

Cat.: Thou'rt likely, Clodius, to have thy wish,

For by a spy I keep near Cicero

Word's come to me that Milo and his band
 Will be deep hidden in the Senate house
 Waiting a blast to be by bugle blown
 By one of 's henchmen in the Senate hid
 When Cicero doth think the proper time
 To apprehend me and my friends hath come.

(The Conspirators Start in Surprise But Without the Slightest Sign of Fear, and Draw Closer and in a Circle Around Catiline, who Smiles in Triumph on Seeing that his Friends Draw Closer to him Rather Than Away from him At the News of this New and Startling Danger).

Caes.: *(Smiling)*—

By Mars the sport bids fair to be most brisk.

Cat.: It doth bold Caesar and with a vengeance, too.

Clod.: Now by the Gods thy most, *most* happy news
 Jumps to my brain like rich Falernian!

Spart.: *By Mars, my chief, but look upon thy men
 Thou'lt see the wine hath sprung from thee to them!*

(A Stir Followed By a Low Deep Murmur of Approval is Noticeable Among the Gladiators, many of whom Involuntarily Drop their Hands on their Sword Hilts—Some Even Half Drawing their Swords. Soon the Murmur Rises to a Roar and the Men Draw their Swords and Shout—Raising the Following Battle-Chant Or Hymn To Mars)—

Glad.: A Clodius! A Clodius! A Clodius!

Mars is our Master—to Mars *sole* we bow
 Mars is our *God*—the only God we know.
*Lead us to battle and we'll show thee how
 Our swords do mete out havoc and fierce woe!*

Cat.: Bravo! Brave war dogs! *Bravo!* Dogs of war
 Who's backed by thee *with Fortune*—will go far.

(Turning to Clodius)—

Withdraw thy men, time presses, Clodius.
 Pass through the lines one who'll my signet show.

Clod.: 'Tis well. I go.

(The Two Bands March off in Opposite Directions. Catiline's Face is Pale as Death and his Brows

are Knit in a Characteristic Frown of the Thinker and Man-of-Action—When The Two Are—Rarely—Combined—Which Was His Through Life—And Clung To Him In Death—Being Implanted On his Brow Upon the Occasion Of His Taking Off).

- Cat.: My faithful friends the time hath come to part.
- Caes.: How "part" great Catiline—the die not thrown!
- Cat.: Thou sayest well, bold Caesar, 'tis *not* thrown.
But from our dread dice-box fall the dice of Death
Now that a traitor hath divulged our plans.
I briefly have already short made known
The facts and cause of Curius' treachery.
- Ceth.: I had attacked him but I could not find
Or hide or hair or any trace of him.
- Cat.: A spy I've had upon him since his crime
Informs me he will instantly leave Rome.
- Ceth.: Let us arrest him and cut off his head.
- Cat.: I'd thought of that until I found that he
Was prey to a most deadly melancholy
Which preys upon his heart and tortures him
As vultures on God-like Prometheus once
In the olden day at Jove's command did prey—
Tearing his liver and devouring same—
Because from Heav'n he brought down fire to man,
And from a savage made him civilized.
So Curius to th' vultures of the Gods
Th' avenging Deities the Erinyés
The Furies fell—the fierce Eumenides—
Tisiphone, Alecto, Megaera—
And the three Fates this traitor I consign.
- Sul.: And I acclaim thou dost supremely well.
The gens Cornelian hath ever been
The servitors of Fate—trusting therein.
- Lent.: My kinsman's words are sound as they are true.
I highly do commend thee, Catiline.
- Caes.: My chief, I praise thy high philosophy.
Tho' I do stand for th' office of Chief Priest—
For Pontifex Maximus stand as candidate—

- Religion weighs not overmuch with me.
 To my mind all the world is ruled by Chance.
 So to my mind divine Philosophy
 Doth take religion's place as comforter.
 I praise thy stoical indifference
 Unto this action base of Curius.
- Cat.: There you mistake me, Caesar, by my *soul!*
 'Tis not indifference that prompts to this
 For Curius I'd slay with mine own hand—
 If tracking him could bring me to his den—
 Did I not know that he doth suffer *Hell*.
- Ceth.: If that be so, I'll say I'm satisfied.
- Cras.: If that be so or *not*, I do now move
 That we take instant steps to clear the air
 Of *foul* the dangers hovering overhead.
- Lent.: No point of order yet was ever made
 Since order e'er was known to mortal man
 Of more precise and perfect excellence
 Than this same point friend Crassus just now made.
- Cat.: (*Smiling Sarcastically, looking At Crassus and
 Lentulus*).
- My worthy friends, fear not thy sacred skins
 Run slightest risk from this same moment on.
- Cras.: }
 Lent.: } How's that! (*Pricking up their Ears Eagerly*).
- Cras.: I yearn thy point, great Catiline, to catch.
- Cat.: (*Smiling broadly*)—
 The point is simply this. That from now on
 The brunt o' th' danger's borne by three men *sole*,
 (*Crassus and Lentulus Start with Pleased Surprise.*
Caesar Starts Angrily and Looking at Cati-
line Exclaims)—
- Caes.: Upon my life that deep amazeth me!
- Cat.: I thought as much, bold Caesar. Hear me out.
 The whole complexion of the plot is changed
 Now that the other side doth know our hand.
 The plot was triune ere this thing occurred,
 The Senate, this teeming City and—the field—
 The field—where Manlius and his legions be.
 The first two now eliminate do stand.

One only now remains and that's—the field.
No act of violence doth now impend—
So far as our side is concerned at least—
Within the confines of this city's walls.
Heading my legions I shall march on Rome.
But one thing still remains. Face Cicero,
Who in the Senate will this very day
Attack me as the head of this deep plot.
I shall reply and scorn his paltry proofs—
The word of Vettius—that sneaking cur—
And possibly a letter from the man
The Fates have ta'en in hand—from Curius
To me *re* honours, giving all your names—
Of which you know—but stating nothing strictly
Treasonable—the wording is too vague.
Nothing from Curius bears actual weight
Since he hath fled and therefore doth confess
Himself afraid to face me with his words.
Now nought of danger can come from said proofs
They're far too slight and vague-chimerical.
The only harm they do is balk our plot
And put the Senators upon their guard,
And therefore force us to now take the field.
But if ought goes amiss we should straight have
Pleaders at court—friends 'mongst the Senators,
And none so high among the Senate stand
As Caesar, Lentulus and Crassus here.

*(All Bow Assent But Caesar, who Still Shows
High Dissatisfaction at the Programme).*

Now Caesar is the youngest of us here;
I have no sons and none expect to have,
*Therefore to me bold Caesar shall be heir
And wear the diadem which ye me gave.*
Only meantime it must not e'er appear
That Caesar's to succeed me in this thing
Until—on victory—I the garland wear,
And Rome doth openly applaud me King.
Till then our paths full separate should be
As tho' in common nothing we did have.

So if the chance should come he may save me,
 And if *not* that, our common cause may save.
Fro' th' wreck of the Republic I aspire
To raise the fabric grand of Rome's Empire!

Ceth: }
 Sul: } (With a joyous shout)—
 Lent: }

Hail, Caesar, heir to Catiline, our King!
 Hail Caesar. Imperator! Emperor!

Caes.: (*Amazed and the Prey to Emotion, Shrinks Backward. Swiftly he Recovers Himself and Kneels Before Catiline, Placing Catiline's Hand Upon His—Caesar's—Head, Whereupon a Fresh Shout Breaks out. Still Kneeling—*

Great Catiline, to thy will do I bow.

Cat.: Rise, Caesar, heir to my Imperial hope.
 (*Aside to Caesar*)—

Be on thy guard 'gainst Crassus see—he mopes.

(*Enter a Venerable Old Man, of Respectable Appearance, and Being Dressed As Though on a Journey and Bearing the Staff of a Traveller. He Approaches the Group Slowly and With Dignity, Saluting Them he Says*)—

Sooth.: Which is Lucius Sergius Catiline?

His signet I possess, and here it is:
 (*Showing a Signet Ring*).

Received by me in my Etruscan home
 By messenger bidding me to straightway come
 And tell the fortune of Catiline at Rome.

Cat.: Thou art the Etruscan Soothsayer, I see,
 And gladly do I welcome thee to Rome.
 Speak freely now my fortune 'fore these friends.

Sooth.: First let me draw a circle on the ground
 My soul to buttress from all worldly things.
 (*Draws a Circle On the Ground With his Staff*).

I enter now the realm of Destiny,
 (*Entering the Circle*).

And by my humble lips will speak the Fates
 Lachesis, and Clotho, Atropos—the Three—
 If to their sacred minds it seemeth well

The future at this time t' reveal to me—
They who all things know in Earth, in Heaven, in
Hell.

*(After a Brief Pause During Which He stands in
an Erect but Easy Attitude, his Crossed Hands
Resting on the Top of his Staff)—*

I feel the current coursing thro' my blood;
I feel the dread that precedes Atropos,
Therefore the Fates I find in friendly mood;
Hence waves of deep emotion my soul toss.
I now begin the Fate of Catiline.

Ha! What is this I feel! The pang of death?
To feel 'tis that—I sadly must incline
For hardly do I draw my struggling breath.

*(Catiline Starts Slightly and Then Smiles Grimly.
The Others Regard Him with Sympathetic In-
terest Except Crassus, Who Appears Sullen and
Lost in Thought. The Soothsayer continues)—*

The shock of battle shortly doth impend
When blood will flow like water in the Spring
But vast beginnings start from this sad end,
A mighty Empire shortly shall up-spring.

*(Catiline and Caesar start Violently; Catiline
Raises His Head, Smiling Proudly. The Sooth-
sayer Pauses, Then Goes On)—*

No more the Fates will give, no word will come
Wait as I may, no answer is vouchsafed.
So now I turn towards my Etruscan home.
Trusting at my scant words thou art not chafed.
*Hail Catiline the Father of a State
Whose power's vast! Whose sunseting is late.*

Ceth.:
Caes.:
Lent.:
Sul.:

*(All except Catiline and Crassus Shout in Uni-
son).*

Hail! Catiline, our King and Emperor!

The Soothsayers' words true are to the core.

Cat.: My valiant friends, I thank thee from the heart.
The time is up! Or live or die we start.

(Handing the Soothsayer a Heavy Purse of Gold

and Taking the Signet Ring in Exchange, Saying)—

Take this, my friend, you've performed well thy part
 And proved a master of thy most dread Art.
 My death you've presaged, and to death I go,
 But by the Gods I'm joyous—sans all care—
 Happy as bridegroom—full as free from woe—
But of my jocund sword let foe beware—
 For from my blood, an Empire vast will spring
 Ruling the world—o'ershadowing the earth
 And dying thus, thus Death doth crown me King.
 So of Imperial honour there's no dearth.
 I dedicate myself to th' Infernal Gods

(Smiling grimly).

That in the coming fight should give me odds.
 My Cethegus—my right hand in this thing,
 My fiery Cethegus—bring up the men;

(Exit Cethegus).

Sulla, thou art my left—as tried as true.

*(Sulla Bows Proudly. Upon the Approach of the
 Gladiators Catiline says)—*

Bold Clodius hold in reserve thy band
 Hard by the Senate House in sound of blast
 From bugle 'neath my toga, 'thwart my back.
 Three blasts upon that bugle blown will bring
 Thee and thy comrades to my aid *pell mell!*

Clod.: It will, my lord. And swift as tiger's spring.

Cat.: *(Smiling Proudly)—*

'Tis well. And now one last word ere we go.

Caesar and Lentulus and Crassus, too,

Must hold yourselves aloof from ought that comes.

To men of brains no further need of talk.

(All Three Bow Assent. Caesar Reluctantly).

Your hands, all three—our compact stern to bind—

*(Caesar and Lentulus Clasp His Hand Warmly.
 Crassus Coldly).*

ACT III. SCENE II.

The Senate House.

(Caesar, accompanied by Lentulus and Crassus, enters the Senate House by one door; while Catiline, accompanied by Cethegus and Sulla, enters by another. The Gladiators under the command of Clodius and Spartacus remain at the extreme end of the street in which the council is held, hidden from view in the shrubbery of a garden. The street-head is within a stone's throw of the Senate House. The Senate has been in session for some time when the Conspirators enter, and Cicero is just concluding an attack upon Catiline with the following words: "Conscript Fathers, I have said enough to show every Senator that the author of this colossal and utterly unheard of conspiracy—both as regards its scope and the daring necessary to put it into execution—having proved himself—according to my eloquent words before you all just now—a villain and criminal of the worst and most hardened type—is worthy of nothing short of death. I therefore hereby cast my vote for his execution." Catiline reaches his seat during the lull that follows these words. Having done so he rises and says he desires to say a few words in answer to the heavy charge just lodged against a Roman Senator. He then goes on to attack the evidence adduced by Cicero, and winds up with the following remark: "It ill becomes a 'new man' like Cicero—a man without any claim to birth or lineage—to attack one of the proudest names in Rome." He then resumes his seat. Whereupon Caesar rises and says that death is too severe a punishment in the premises, and that confiscation of property and imprisonment in some provincial town should suffice. Lentulus follows to the same effect. Crassus holds his peace and sits sullenly in his chair, absorbed in thought. Presently a shout is heard, and Milo, at the head of his Gladiators, enters and makes straight for Catiline. At once Catiline, Cethegus and Sulla—who sit on his right and left—with a wave of their arms, discard their togas and appear in complete armour, with swords at their sides. A cry of surprise and alarm is immediately thereupon raised by the Senate, headed by Cicero. Meantime Milo and his men begin

circling about the three Conspirators. Caesar at this moment darts from his seat and rushing past the intervening Senators, throws himself in front of Catiline and between him and Milo, shouting out: "Back Milo, or thy life shall forfeit be." Catiline, seizing the moment of respite this diversion gave him, raises the bugle—suspended on a gold chain over his shoulder and under his arm—to his lips and blows three terrific blasts in quick succession. Instantly there is an answering deep-throated yell from Clodius' band. At sound of this, Milo instantly turns and gives a few orders, in a low tone to his men, who face about and in the direction of the shout, and form in close order. Hardly have they done so before Clodius appears at the double-quick, sword in hand and shield on arm, charging into the Senate Chamber with Spartacus at his elbow, followed by his infuriated band of Gladiators. At sight of them Milo's band raises a yell of rage and defiance which shakes the Senate House, which is followed by one fully as vindictive upon the part of Clodius' band. *Hardly has this yell died away when Catiline raises a shout of such blood-curdling ferocity and lust for blood, that every face in the Senate is turned upon him.* Hardly have the sounds ceased to rush from his lips before—following them—he—followed closely by Cethegus and Sulla—sword in hand—dashes into the thick of Milo's band taking them in the rear. Two hardy gladiators fall dead in their tracks at the first two strokes of his sword. The head of a third falls from his shoulders and bounds onto the marble floor of the Senate at the third stroke of Catiline's eager sword. Mean-time Cethegus has killed his man with a skillfully aimed thrust, and Sulla has lopped off—close at the shoulder—the right arm—the sword arm—of his opponent. *The blood curdling yells, of the now fiercely fighting, and closely joined, bands of Gladiators, are something terrible to hear.* The fortunes of war are steadily veering toward Catiline and Clodius, who have Milo's band between them, when a shrill bugle blast is heard, and a whole Cohort of Roman soldiers—which had been secretly summoned to the City by Cicero overnight—enters and advances at the charge upon the rear of Clodius and his men. There is no way of escape possible. Clodius shouts: "*Let each stout Gladiator see that two Roman sol-*

diars as guard of honour go; to bear him company across the *Styx!*" A terrific yell from the still numerous and vigorous band of Clodius follows, over which the mastiff-like roar of Spartacus can be readily distinguished. Thereupon Catiline raises his clarion voice once more shouting: "The doom of the Republic now doth sound! My blood-dripped sword-strokes beating out her knell!" With these words his sword whirls like a Catherine wheel, Gladiators' arms and heads skipping off its edge like apples from a butcher's knife. Suddenly his foot slips in a pool of blood of his own shedding. Instantly a gigantic Gladiator from the forests of Germany, his tow-colored hair dripping with blood from a glancing stroke of Catiline's sword which had carried away his left scalp and left ear, darts upon him and pierces his neck. It is the Teuton's last act on earth, for Cethegus, springing upon him, severs his head from his body with the words, "Die, thou Barbarian beast, for this foul act!" But the soldiers have by now surrounded Clodius and his men. The Prefect† is fighting hand to hand with Clodius, who is pushing him hard, when a Legionary, slipping under Clodius' guard as he was thus engaged, pierces his arm-pit. Before he can withdraw his sword Spartacus, with the yell of a demon, springs upon him, and drives his sword up to the hilt between his teeth, who in turn is pierced by the Prefect's swift turning sword. All fall with wounds in front, and each accounts for at least two of the Legionaries. Milo's band—of whom only half a dozen—including Milo—practically *hors de combat* from wounds—remain, are all dangerously wounded, but are able to make front against Sulla and Cethegus, who fight on, utterly undismayed at the certain death hanging over them, as well as utterly oblivious to their now rapidly bleeding and numerous wounds. Suddenly Cethegus cries: "Sulla, I die; stand o'er me till I pass." At these words Sulla throws the protection of his shield†† over him, whirling his sword in every direction and thus holding the approaching six wounded gladiators at bay. No sooner does Caesar see this than he leaps over the corpses that

†The officer commanding the Cohort.

††He as well as Catiline and Cethegus having immediately mastered the shields of the first foes slain.

surround Catiline and, seizing sword and shield from Catiline's hand, shouts to the six Gladiators: "*Back on your lives, I kill the first man moves!*" The Prefect brings his frightfully mauled Cohort to "attention"; the six wounded Gladiators wipe their bloody brows on the backs of their gory hands, and all is, for a moment, silent in the Senate House. Suddenly Cethegus crawls towards Catiline. On reaching him he finds to his surprise he is still breathing. Catiline, at his last gasp, opens his fierce eyes on Cethegus and murmuring, "Aurelia," expires. Whereupon the heroic Cethegus—himself in the agonies of death—murmurs in his death-cold ear—Caesar lowering his ear to catch the message of a dying man to a dead one:

"Peace, mighty spirit, Caesar 'll be thine heir
And carry out thy purpose—*found a throne!*
Upon the ruins of this rotten State."

(Dies).

Caes.: *(Reverently closing the eyes of Cethegus and Catiline)*—

Yes, fiery spirit. Rest.

(The End).

EPILOGUE

To

THE HAZARD OF THE DIE.

Chorus loquitur.

Fair reader, this grim play scarce but begins
A chain of plays that equals Shakspeare's length.
In saying this think not the Chorus sins
We know our productivity and strength.
Plays in blank verse wherein all History
From most remotest times to Shakspeare's day—
Before which date History's mystery
After which date there's scarcely ought to say—
Plays in blank verse wherein the action dread
Of mighty men that held the world in awe
Shall by the Muse in varied hues be spread
With loves of women of beauty past all flaw!
Prove now the tests we in the rear accord
See spear of Shakspeare and fierce Marlowe's sword.†

†An analysis of their fame: by Professor George Saintsbury, and the late John Addington Symonds, respectively.

THE TEMPLE OF APOLLO

AND

THE MUSES

SHAKESPEARE AND BLANK VERSE.

"A HISTORY OF ENGLISH PROSODY"†

by

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GENERAL CONSIDERATIONS.

"In the foregoing survey of Shakespeare's plays I have given some general idea of the way in which the operation of the various agencies shows itself, with (as far as possible) the order of their succession. Really, though chronological illustration is interesting and corroborative, it is in a way superfluous, because we can see without it how the employment of them would grow on the hands of such an artist. Of *deliberate* experimenting with any or all of them there would probably not be very much; the man who wrote 'Rebellion lay in his way, and he found it,' has dispensed us from any such vain imagination. These things lay in *his* way; and he found them, and made the most of them. That 'most' also has been illustrated freely. But it is perhaps desirable to give it an account of something the same kind as that which has been given to the style which was its matrix and crude form. The completed Shakespearian blank verse, as we see it maturing in the later early, and middle plays, and matured in the four great tragedies and in *Antony and Cleopatra*, preserves the iambic decasyllable as norm inviolably; never instals any other, and makes everything that it admits hold of that. But the strict minimum is infinitely varied, and, even when kept, is entirely stripped of its monotonous and stable character, and made to understand that it must be Protean in itself, and ready to enter into infinite combinations with its neighbors. The great agency in this, beyond all doubt, is the manipulation of the pause. Not that Shakespeare is, as some have vainly thought, to be scanned by 'staves'—staves 'knapped,' as the good old Biblical word has it, almost as bluntly as the old alliterative verses themselves. The futility of this notion is shown, in a way

†Vol. II, pp. 48-56 and p. 65.

which makes it wonderful that it should ever have been entertained by anybody, in the fact that a very large proportion of Shakespeare's lines have no real pause at all, are 'staves' of themselves, and hardly even that, so unbroken is the rhythmical current of the adjacent lines from and into them. This doing away with the middle—and end—pause alike is at least as important as the variation of the middle, and, in fact, is but an extension of it.

The normal blank-verse line of the origins, as Shakespeare took it over from Surrey, Sackville, and even the Wits, was a strict 'decasyllabon' of five iambs, with a caesura somewhat carefully observed about the middle, and self-inclosed in a manner not easy to make plain by individual examples, or by any process of overt analysis, but sensible to any ear of the slightest delicacy when a few specimens have been read. It sometimes admitted a sort of redundance or 'weak ending,' not merely in words which were really then monosyllables, like 'heaven,' but in those which were trochaic-tipped with a very short final syllable, like 'glory.' This license, however, did not in the least affect its general structure. It by no means always concluded with even a comma (though it mostly did so); but the grammatical running on did not in the least interfere with the metrical snapping off. It tolerated pretty strong stops in the middle of the line, but these also (so much stronger was the obsession of line-integrity) did not interfere with the sunk ditch of the line-end. Thus, even when, as in the great passages of Peele and Marlowe, the unity of thought and imagination made the paragraph quite *poetically* distinct, this paragraph was never a real verse-period of the larger kind; there was no composition in the purely rhythmical and metrical conception of the verse. To put the thing extremely-extravagantly, some would say—the delivery of this paragraph to a person who did not understand the language would have conveyed to him the idea of some dozen or sixteen verses, individually perhaps melodious, but not *regimented*, not worked into any kind of *symphony*. This sort of blank verse we find in all the writers named above exclusively, with the exceptions (and others, of course), also noted above, in Marlowe and his mates, when the rough strife of poetry bursts its way through the iron gates of metre. We find it also in *Titus Andronicus*, in the *Comedy of Errors*, in *Love's Labour Lost* in the early rehandled 'Histories,' and elsewhere in Shakespeare himself.

But, as partly noted, there are certain features even in this rigid and early model which are at war with the self-contained single line and the merely cumulative batch of lines. They may be kept under as long as the poet's chief aim is to *secure* his decasyllabon, to keep it from doggerel on the one hand, and, on the other, to make it independent of the warning bell of rhyme at the end. But when practice, in himself to speak and in his readers to hear, has made the blank decasyllable effect familiar when it need not be strictly uniform in order to obtain recognition—these features assert themselves. The first of these probably, and the most insidious, but also the most revo-

lutionary, is the redundant syllable. It is of an ancient house; we had ourselves fifteneers before we had fourteneers, and in all prosodies from Greek downwards there has been a tendency to regard the last place in a line as a place of license and liberty. It is curiously unassuming; in words (to keep the same examples) not merely like 'heaven,' but like 'glory', it is a sort of 'breath' only, something that you do not count, but just smuggle in with its companion. Yet, as we shall see presently, it is a very Trojan Horse in reality. Then there is a stop, full or other, in the middle of the line. This also is innocent-seeming. What is it but a mere grammatical emphasising of the caesura, itself, recognized of Gascoigne and all good people long before the first of the Wits had trodden or supplied the stage? Next probably—but it need hardly be said that I stand not upon the order—comes the intermixture of rhyme, a thing which the greatest blank verse will frown upon, but which is so likely as a relapse, so convenient as a 'cue-tip,' so pleasant to the as yet unaccustomed ear of the groundlings; and which, be it remembered, almost necessitates a sort of junction between two lines, though it may favour the closing of the couplets. All these things are apparently compatible—certainly found—with the stiffest of the drumming decasyllabons, yet secret solvents of their stiffness.

Other things, still not ostensibly revolutionary, next suggest themselves. We have seen in the last volume, that mediæval poets, whether through inexperience or by experiment, and fifteenth-century poets through clumsiness, largely curtailed or extended the normal length of the line; that there are Alexandrines even in Chaucer, while—a point to which the Renaissance was likely to pay more attention—there are undoubtedly incomplete lines in Virgil. Why not avail oneself of these licenses? Even Marlowe had done so now and then. Why not? But if you do, your sacred integer of ten syllables is rudely touched. Once more, again, you have recognized, and had formally recognized for you, the duty of making a sort of fold or crease in each verse at the fourth, fifth, or neighboring syllable. It is inconvenient, as well as monotonous always to do it at the same place; yet, when you begin to vary that place, is not the structure of the line troubled, though beneficently so? And is there not somehow a kind of rhythmic conspiracy in the successive lines where you vary it? Then, too, there comes the power of words. Important or beautiful words, adjusted, spaced, accumulated, give brilliancy, splendour, weight to the line. But the line is so short. Why cut the necklace into lengths? Why not make the stars constellations? And, lastly, there is the trisyllabic foot.

I trust I may repeat (after the not of course unanimous but fairly general acknowledgment of critics, that the preceding volume has made something of a case for it) that the trisyllabic foot is ubiquitous in English verse from 1200 to 1500, and that nothing but the reaction from the anarchy of doggerel brought about later, the partial and only partial reprobation thereof. But there is no need to have recourse to this, though from the historical point of view it cannot be omitted. In blank verse, and especially in dramatic blank verse—when once the

practitioner has got rid of his fear of losing the guide-rope, if he step out of the strict iamb—it *must*, in English appear. It does appear; and with it disappears the mere rub-a-dub of the decasyllabon.

THE PAUSE.

In arranging the pause—at any syllable from first to ninth, and at no syllable at all, not even tenth—he is helped infinitely by that distribution of the weight of words, rather after the fashion of quick-silver in a reed than of leaden bracelets fastened at intervals around a stick, which has been more than once referred to. Nobody has approached Shakespeare—Tennyson has perhaps come nearest, for Milton's verse is too uniformly stately for comparison—in this mastery of poetical conjuring with word and line, a mastery of which he had more than a glimpse as early as *Romeo and Juliet*, and of which he gave the final and perfect display in *The Tempest*. The lines rise, fall, sweep, wave, dart straight forward, are arrested in mid-air, insinuate themselves in serpentine fashion as if in sword play with an invisible adversary.

But these effects of weight, lightness, pungency, arresting power, and so forth, are at least partly caused—are certainly assisted immensely—by two other things, the redundant ending and the trisyllabic foot. The first chiefly gives variety; the second variety *and* flexibility as nothing else could do; while variety again is lent by the shortened fragment verses and the elongated Alexandrines and fourteeners, or by verses with several trisyllabic feet in them. How these various devices may be made to subserve particular effects of meaning, shades of passion, and the like, need not be much dwelt on. This is a form of prosodic study which has always commended itself to the multitude as much as, perhaps almost more than, it should. But as to the way in which the use of the trisyllabic foot grew, I have a theory which is doubtless not new, but about which I have not seen much written.

THE TRISYLLABIC FOOT AND ITS REVIVAL.

It has been observed before, that, according to the principles of this book, 'extra-metrical' syllables, anywhere but at the end or middle of the verse, are a confession, as the case may be, of impotence on the part of the poet if they exist, of the critic, if they are supposed to exist. And no great admiration has been hinted of the extra-metrical syllable at the middle in any case. I believe, however, that at this critical moment in the history of blank verse and, through the influence of this on rhyme, in the history of English poetry generally, the mistake or laches of indulging in this internal exerescence brought about a great good. A large, a very large number of lines could be pointed out where such a syllable is almost undoubtedly intended by the poet (supposing he thought about it at all) as a license of the kind, and not to be carried on to the other half of the line. As such, the effect is almost always ugly; it can only be admired by those persons (with whom the present writer most heartily differs, though he has been

confused with them) who think that an irregularity *must* be an improvement, that a mole *must* be a beauty, that discord *must* be harmonious. But such an ear as Shakespeare's could not fail to perceive that this ugliness could be turned into a beauty by simply effecting the connection, and fusing the derelict syllable with the following iamb to make an harmonious anapaest. And this, I have myself not the slightest doubt, was, in his and other cases, the actual genesis (whether consciously and deliberately carried out does not, once more, in the least matter) of the revived trisyllabic foot which Gascoigne has bewailed as dead. And so the discord *was* made harmonious; the mole *did* become a beauty; and the irregularity *was* the foundation of the larger and nobler Rule. The process, in fact, is one of the best examples of that operation of growth and life to which the people who say that the ballad writers never thought about contending for the liberty of this very trisyllable foot itself, seem insensible. I do not know whether the wind thinks about blowing or the flower about growing, but I know that they blow and grow.

THE REDUNDANT SYLLABLE.

The use at the end of the syllable, redundant or extra-metrical—if we must have the word, though to me extra-metre is no metre—has a different history. At the middle it is very rarely a beauty; perhaps never, unless it can be 'carried over' as just described. At the end it is often beautiful; and, whether beauty or not, is almost inevitable now and then, and most useful constantly. Further, it is a most powerful and important instrument of variation—a natural link or remedy against line-isolation far-descended as has been said, and of other excellent differences. But it is something of a Delilah—who was herself apparently of a good Philistine family, and is known to have had exceptional attractions as a person. Indeed, the parable or parallel works out with remarkable exactness; for it is a very considerable time before Delilah takes away Samson's strength, and the means whereby she does so are mysterious. It can hardly be said (though one may feel a vague sense of danger) that in Shakespeare's own probably latest plays, where he indulges himself with the redundant line, Samson is anything but Samson still. There are passages on passages in Beaumont and Fletcher themselves—notably that magnificent piece in *The False One*, which is one of the purplest patches in the coat of Elizabethan drama—where the hendecasyllable has it nearly all its own way, with no harm and much good. But Delilah is still Delilah; and she is too much for Samson—the verse if not the verse-smith—at last.

ENJAMBMENT.

She takes indeed two forms: for much the same as has been said of the redundant syllable may be said of enjambment or overlapping. This, indeed, is rather the special Delilah of the couplet than of blank verse, but each kind has to be very wary when it visits the vale of

Sorek in this manner also. Opportunity of delight and occasion for display of power as it is to the verse that keeps itself strong and wide awake, overlapping is a place of slipping, and may be a pit of destruction, to the loose-girt and careless versifier. And it has, in common with redundancy and with the use of trisyllabic feet, the special danger that it is perfectly easy to do badly. Anybody as soon as these devices are once recognised, can practice them after a fashion, and everybody proceeds to do so. Whence come things for tears.

THE MORPHOLOGY AND BIOLOGY OF BLANK VERSE.

But the offence is his by whom the offence cometh; and Shakespeare in his complete work showed that there was no necessity of offence at all, while there was the possibility (and in his case the accomplishment) of infinite beauty. Foolish things have, no doubt, been said—in fact they are not unfrequently said at the present moment—as to the superiority of blank verse to rhyme; and we shall have to deal with them, and with those from Milton downwards who have been and are guilty of them, as they occur. At present it is sufficient to point out, first, that the misvaluation is merely a case of the common inability to like two good things without putting them into unjust balances and weighing them against each other with unstamped weights. Secondly, that, for this purpose and that, blank verse is *not* superior to rhyme but demonstrably inferior. It will not do—at least it has not done—for strict lyric, as the moderate success even of Campion or Collins, and the failure of almost everybody else, have well shown. It is a great question whether it is not a very dangerous medium even for long narrative poems. But for *short* narratives; for short descriptive, reflective, didactic, and other pieces of various kinds; and for every kind of drama, or even partially dramatic matter, it is, in English, the predestined medium, hammered out at first by a full generation and more of partly unsuccessful, never more than partly successful, pioneers and journeymen, chipped into perfect form by the master Shakespeare, in probably not half a generation longer. Its extraordinary and unique success in English—for German blank verse, good as it can be, is far inferior, especially in variety and music; and I know no thirdsman that deserves to rank—is probably due to the fact that our language, though perhaps singly accented, is not singly emphasized; that it provides a large number of sufficient resting-places for the voice, but does not require (or, except as an exception, allow) long dwelling on any. The way in which not merely the French but almost all continental nations hurry over half-a-dozen or a dozen syllables, and then plunge on the succeeding one with a volley of exploding and shrapnel-like emphasis, utterly ruins blank verse, whether as articulately delivered, or as read with that inarticulate but exactly proportioned following of actual delivery which is necessary for prosodic appreciation. It is one of the worst faults of the stress—or accent—or beat-system, as opposed to the foot, that it vulgarises and impoverishes this great metre,

where the unstressed syllables are not less important than the stressed. It is essential to blank verse that no part of it should be killed, and none brought into convulsive and galvanic activity; otherwise the delicate and complicated or simple and yet substantial melody is jarred and jangled out of all tune and time. Yet what infinite variety of time and tune can be got out of it—not by 'getting up stairs' on the instrument, and flinging oneself down again, but by evoking the infinite variety of its tones Shakespeare, Milton, Thomson, Shelley, Tennyson, Browning, have shown us. But the greatest of these, and the first, and the master of all the rest in even the details and peculiarities in which each is himself a master, is Shakespeare. Pp, 59-61.

THE SONNETS.

Very different is it with the *Sonnets*. We are, of course, free here from the self-sought obsessions in respect of subject or object which beset so many students of the marvelous compositions. It is enough for us that they exist, and that Mere's references show that at any rate some of them existed at a pretty early period of Shakespeare's career, while the general—not of course quite universal—equality of the model makes it very unnecessary to disturb ourselves with the futile inquiry whether any, and if so which, of them were not or might not have been handed about among his private friends *before* 1598. Here the poet has a medium which is absolutely congenial to him, and with which, as with blank verse, he can do any thing he likes. With his usual sagacity he chooses the English form, and prefers its extremest variety—that of the three quatrains and couplet, without any interlacing rhyme. Nevertheless he gives the full sonnet—*effect*—not merely by the distribution (which he does not always observe, though he often does) of octave and sestet *subject*, but very mainly by that same extraordinary symphonising of the prosodic effects of individual and batched verses, which was his secret in blank verse itself. *If it seem surprising that so difficult and subtle a medium should be mastered so early, let it be remembered that the single-line mould, properly used, is by no means unsuitable to the sonnet, the effect of which is definitely cumulative.* We have no certain or even probable sonnets of Marlowe's, for the three coarse but fairly vigorous ones by 'Ignoto,' usually printed with his works, are very unlikely to be his. But if he had written any he would not have had to alter his mode of line much in itself. He would, however, have had to adjust it relatively, as he seldom did, and as Shakespeare began to do from the first, by weighting it variously, by applying what we have called the 'quicksilver' touch.

It is by this combined cumulative and diversifying effect, this beating up against the wind as it were, that the ordinary and extraordinary 'tower' of these sonnets is produced; and this tower is to some readers their great and inexhaustible charm. No matter what the subject is, the 'man right fair' or 'the woman coloured ill,' the

incidents of daily joy and chagrin, or those illimitable meditations on life and love and thought at large which eternise the more ephemeral things—the process, prosodic and poetic, is more or less the same, though carefully kept from monotony. *In the very first lines there is the spread and beating of the wing; the flight rises till the end of the douzain, when it stoops or sinks quietly to the close in the couplet.* The intermediate devices by which this effect is produced are, as always with Shakespeare, hard to particularise. Here, as in the kindred region of pure style, he has so little mannerism, that it is easier to apprehend than to analyse his manner. It may be a coincidence, or it may not, that in a very large proportion of the openings what we may call a bastard caesura, or ending of a word without much metrical scission at the third syllable, precedes a strictly metrical one at the fourth. *Another point is that, throughout, full stops or their equivalents in mid-line are extremely rare, and even at the end not common, till the twelfth, so that the run of the whole is uninterrupted, though its rhythm is constantly diversified.* Redundant syllables are very rare, except where, as in lxxxvii., they are accumulated with evident purpose. The trisyllabic foot, though used with wonderful effect sometimes, is used very sparingly. *On the whole Shakespeare seems here to have had for his object, or at any rate to have achieved as his effect, the varying of the line with as little as possible breach or ruffling of it.* He allows himself a flash or blaze of summer lightning now and then, but no fussing with continual crackers. All the prosodic handling is subdued to give that steady passionate musing that ‘emotion recollected in tranquillity’—which is characteristic of the best sonnets, and of his more than almost of any others. Of mere ‘sports,’ such as the octo-syllabic cxlv., it is hardly necessary to speak. P. 65.

But, luckily, all these things are well known, and our not too abundant space should be saved for others that are not quite so. Let it suffice to say, in conclusion, that, blank verse or song, sonnet or stanza, Shakespeare achieves everything that he touches; that he foots it everywhere with perfect featness; and that he always does *foot* it. His harmonies and melodies are reducible to the nicely constructed and regularly equivalenced group; not to the haphazard and blundering accent scheme. They are independent of music, though quite willing to unite with it. They require no fantastic laws of sound to explain them. *The poet simply puts his hand into the exhaustless lucky-bag of English Words, and arranges them—trochee and iamb and anapaest regularly, spondee and dactyl and even tribrach when he chooses—at his pleasure and for ours.*

SHAKESPEARE'S PREDECESSORS.
IN THE
ENGLISH DRAMA"†

By

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Marlowe has been styled, and not unjustly styled, the father of English dramatic poetry. When we reflect on the conditions of the stage before he produced 'Tamburlaine,' and consider the state in which he left it after the appearance of 'Edward II.,' we shall be able to estimate his true right to this title. Art, like Nature, does not move by sudden leaps and bounds. It required a slow elaboration of divers elements, the formation of a public able to take interest in dramatic exhibitions, the determination of the national taste toward the romantic rather than the classic type of art, and all the other circumstances which have been dwelt upon in the preceding studies, to render Marlowe's advent as decisive as it proved. Before he began to write, various dramatic species had been essayed with more or less success. Comedies modelled in form upon the types of Plautus and Terence; tragedies conceived in the spirit of Seneca; chronicles rudely arranged in scenes for representation; dramatised novels and tales of private life; Court comedies of compliment and allegory; had succeeded to the religious Miracles and ethical Moralities. There was plenty of productive energy, plenty of enthusiasm and activity. Theatres continued to spring up, and acting came to rank among the recognised professions. But this activity was still chaotic. None could say where or whether the germ of a great national art existed. To us, students of the past, it is indeed clear enough in what direction lay the real life of the drama; but this was not apparent to contemporaries. Scholars despised the shows of mingled bloodshed and buffoonery in which the populace delighted. The people had no taste for dry and formal disquisitions in the style of 'Gorboduc.' The blank verse of Sackville and Hughes rang hollow; the prose of Lyly was affected; the rhyming couplets of the popular theatre interfered with dialogue and free development of character. The public itself was divided in its tastes and instincts; the mob inclining to mere drolleries and merriments upon the stage, the better vulgar to formalities and studied imitations. A powerful body of sober citizens, by no means wholly composed of Puritans and ascetics, regarded all forms of dramatic art with undisguised hostility. Meanwhile, no really great poet had arisen to stamp the tendencies of either Court or town with the authentic seal of genius. There seemed a danger lest the fortunes of the stage in England should be lost between the prejudices of a literary class,

†Pages 585, *et seq.*

the puerile and lifeless pastimes of the multitude, and the disfavour of conservative moralists. From this peril Marlowe saved the English drama. Amid the chaos of conflicting elements he discerned the true and living germ of art, and set its growth beyond all risks of accident by his achievement.

When, therefore, we style Marlowe the father and founder of English dramatic poetry, we mean that he perceived the capacities for noble art inherent in the Romantic Drama, and proved its adaptation to high purpose by his practice. Out of confusion he brought order, following the clue of his own genius through a labyrinth of dim unmastered possibilities. Like all great craftsmen, he worked by selection and exclusion on the whole mass of material ready to his hand; and his instinct in this double process is the proof of his originality. He adopted the romantic drama in lieu of the classic, the popular instead of the literary type. But he saw that the right formal vehicle, blank verse, had been suggested by the school which he rejected. Rhyme, the earlier metre of the romantic drama, had to be abandoned. Blank verse, the metre of the pedants, had to be accepted. To employ blank verse in the romantic drama was the first step in his revolution. But this was only the first step. Both form and matter had alike to be transfigured. And it was precisely in this transfiguration of the right dramatic metre, in this transfiguration of the right dramatic stuff, that Marlowe showed himself a creative poet. What we call the English, or the Elizabethan, or better perhaps the Shakesperian Drama, came into existence by this double process. Marlowe found the public stage abandoned to aimless trivialities, but abounding in the rich life of the nation, and with the sympathies of the people firmly enlisted on the side of its romantic presentation. He introduced a new class of heroic subjects, eminently fitted for dramatic handling. He moulded characters, and formed a vigorous conception of the parts they had to play. Under his touch the dialogue moved with spirit; men and women spoke and acted with the energy and spontaneity of nature. He found the blank verse of the literary school monotonous, tame, nerveless, without life or movement. But he had the tact to understand its vast capacities, so vastly wider than its makers had divined, so immeasurably more elastic than the rhymes for which he substituted its sonorous cadence. Marlowe, first of Englishmen, perceived how noble was the instrument he handled, how well adapted to the closest reasoning, the sharpest epigram, the loftiest flight of poetry, the subtlest music, and the most luxuriant debauch of fancy. Touched by his hands the thing became an organ capable of rolling thunders and of whispering sighs, of moving with pompous volubility or gliding like a silvery stream, of blowing trumpet-blasts to battle or sounding the soft secrets of a lover's heart. I do not assert that Marlowe made it discourse music of so many moods. But what he did with it, unlocked the secrets of the verse, and taught successors how to play upon its hundred stops. He found it what Greene calls a 'drumming decasyllabon.' Each line

stood alone, formed after the same model, ending with a strongly accented monosyllable. Marlowe varied the pauses in its rhythm; combined the structure of succeeding verses into periods; altered the incidence of accent in many divers forms and left the metre fit to be the vehicle of Shakspeare's or Milton's thought. Compared with either of those greatest poets, Marlowe, as a versifier, lacks indeed variety of cadence, and palls our sense of melody by emphatic magniloquence. The pomp of his 'mighty line' tends to monotony; nor was he quite sure in his employment of the instrument which he discovered and divined. The finest bursts of metrical music in his dramas seem often the results of momentary inspiration rather than the studied style of a deliberate artist.

This adaptation of blank verse to the romantic drama, this blending of classic form with popular material, and the specific heightening of both form and matter by the application of poetic genius to the task, constitutes Marlowe's claims to be styled the father and the founder of our stage. We are so accustomed to Shakspeare that it is not easy to estimate the full importance of his predecessor's revolution. Once again, therefore, let us try to bear in mind the three cardinal points of Marlowe's originality. In the first place, he saw that the romantic drama, the drama of the public theatres, had a great future before it. In the second place, he saw that the playwrights of the classic school had discovered the right dramatic metre. In the third place, he raised both matter and metre, the subjects of the romantic and the verse of the classic school, to heights as yet unapprehended in his days. Into both he breathed the breath of life; heroic, poetic, artistic, vivid with the spirit of his age. From the chaotic and conflicting elements around him he drew forth the unity of English Drama, and produced the thing which was to be so great, is still so perfect.

Marlowe was fully aware of his object. The few and seemingly negligent lines which serve as prologue to 'Tamburlaine,' written probably when he was a youth of twenty-two, set forth his purpose in plain terms:

From jiggng velns of rhyming mother-wits,
And such conceits as clownage keeps in pay,
We'll lead you to the stately tent of war;
Where you shall hear the Scythian Tamburlaine
Threatening the world, with high astounding terms,
And scourging kingdoms with his conquering sword.

In other words, Marlowe undertakes to wean the public from its drolleries and merriments. He advertises a metre hitherto unused upon the popular stage. He promises an entertainment in which heroic actions shall be displayed with the pomp of a new style. The puerilities of clownage are to retire into the second place. Yet the essential feature of the romantic drama, its power to fascinate and please a public audience, is not to be abandoned.

The importance of Blank Verse in the history of English poetry, especially dramatic poetry, is so great that Marlowe's innovations in the use of it demand a somewhat lengthy introduction, in order that their scope may be understood.

The single line, or unit, in a blank verse period is a line of normally five accents, of which the final accent falls on the last syllable, or, if that syllable be not definitely accented, is supplied by the closing pause. It consists frequently, but by no means invariably, of ten syllables. It has usually, but not inevitably, a more or less discernable pause, falling after the fourth or the sixth syllable. Out of these determinations, it is possible to make or to select a typical line—the normal line of English heroic rhythm. And for this purpose we can do no better than choose the one indicated by Johnson from Milton:

Love lights his lamp, and waves his purple wing.

Here it will be noticed we get five accents regularly falling on the second syllable of each foot, and a pause marked at the end of the fourth syllable. Such a line may be termed the ideal line of English heroic prosody; and it is our business to keep its scheme somewhere, in however shadowy a shape, present to our mind, in order to appreciate and judge the almost innumerable declensions from the type which constitute the variety and beauty of the metre in the handling of great masters.

This line, which has become the standard metre of serious English poetry in epic, story, idyll, satire, drama, elegy, and meditative lyric, had been used from early times anterior to its application to blank verse. Chaucer and his followers employed it in the couplet and rime royal; Surrey, Wyatt, and Sidney in the sonnet; Spencer in the stanzas of the 'Faery Queen.' But in the hands of these masters, and applied to these purposes, the verse was still subservient to rhyme. Surrey, in his translation of the 'Aeneid,' was the first poet who attempted to free the measure from this servitude. It is supposed that, in making his experiment, he followed Italian models. The Italian heroic verse, a line of five accents, but commonly of eleven syllables, and not distinguished by a normal pause, had undergone a similar transition from rhymed to unrhymed usage. Employed at first in the terza rima of Dante, the ottava rima of Boccaccio, the sonnet of Petrarch, it had been emancipated from rhyme by Trissino, Rucellai, and Alamanni, writers of tragic, epic, and didactic poems. Among the Italians the transformed measure acquired the name of *versi sciolti*, or verse freed from rhyme.

Surrey is presumed to have imitated the example of these poets when he attempted what we call Blank Verse—verse, that is, where the rhymes are blank or vacant.

At the same time we may profitably bear in mind that the dramatic poets with whose work we have to deal, deliberately sought to adapt their versification to Greek, Latin, and Italian rules of prosody,

as these had then been imperfectly analysed. On the Old English stock they grafted slips of artful growth imported from their classic and Italian studies. The developed blank verse of the Elizabethan age is, therefore, a hybrid between a native rhythm and an antique metre. Unless we grasp this fact we shall miss some of the specific beauties of a measure which, without ceasing to be native and accentual, adopted qualities of rhetoric and movement from the Attic stage, the Latin epic, and the Italian imitators of the classic style.

Since blank verse is an accentual rhythm, it lends itself with great effect to emphasis—for emphasis is only enforced accent. The facility with which it can be written, the monotony to which it is peculiarly liable in the hands of a weak versifier, justify, nay, almost necessitate, daring variations in its structure; and these variations assist rhetorical effects. In the absence of rhyme one line can be linked to another without injury, and periods may be formed, like those of prose, in which phrase balances phrase, and the music of language is drawn through sequences of mutually helpful verses. The pause and stop, which are important elements in English prosody, add another element of variety, by allowing each line to be broken in more than one place, and enabling a skilful craftsman to open and close periods of rhythmic melody at several points in the structure. Reviewing these qualities of English blank verse, we shall perceive that it is an eminently dramatic metre. Its facility and rapid movement bring it into close relation to the speech of common life, and impose no shackling limitations upon dialogue. At the same time the fixed element of rhythm raises it above colloquial language, and renders even abrupt transitions from the pedestrian to the impassioned style of poetry both natural and easy. The emphasis on which it mainly relies for variety of music, gives scope to rhetoric. By shifting the incidence of accent, a playwright not only animates his verse and produces agreeable changes in the rhythm; but he also marks the meaning of his words, and yields opportunities for subtly modulated declamation to the actor. The same end is gained by altering the pauses, on which a very wide scale of oratorical effects can be touched. When Johnson complained that Milton's method of versification 'changes the measures of a poet to the periods of a declaimer,' he laid his finger on that quality of blank verse which is certainly a gain to the Drama, whatever may be thought about its value for the epic. The true and only way of appreciating the melody of good blank verse is to declaim it, observing how the changes in the rhythm obey the poet's meaning, and enforce the rhetoric he had in view. Blank verse is, in fact, the nearest of all poetical measures to prose; yet it does not sacrifice the specific note of verse, which is the maintenance of one selected rhythm, satisfying the ear by repetition, and charming it by variety within the compass of its formal limitations.

Marlowe, with the instinct of genius, observed these advantages of the unrhymed heroic measure, and with the faculty of a great artist he solved the problem of rendering it the supreme instrument

of tragic poetry. Instead of the improver he may almost be called the creator of blank verse; for the mere omission of rhyme in the metre of his predecessors did not suffice to constitute what we now understand by blank verse. He found the heroic line monotonous, monosyllabic, divided into five feet of tolerably regular alternate shorts and longs. He left it various in form and structure, sometimes redundant by a syllable, sometimes deficient, and animated by unexpected emphases and changes in the pause. He found it a clumsy and mistaken imitation of the classical iambic; he restored it to its birthright as a native English rhythm. He found no sequence of concatenated lines or attempt at periods—one verse followed another in isolation, and all were made after the same insipid model. He grouped his lines according to the sense, allowing the thought contained in his words to dominate their form, and carrying the melody through several verses linked together by rhetorical modulations. His metre did not preserve one unalterable type, but assumed diversity of cadences, the beauty of which depended on their adaptation to the current of his ideas. By these means he produced the double effect of unity and contrast; maintained the fixed march of his chosen rhythm; and yet, by alteration in the pauses, speed, and grouping of the syllables, by changes in emphasis and accent, he made one measure represent a thousand. His blank verse might be compared to music, which demands regular rhythm, but, by the employment of phrase, induces a higher kind of melody to rise above the common and despotic beat of time.

Bad writers of blank verse, like Marlowe's predecessors, or like those who in all periods have been deficient in plastic energy and power of harmonious adaptation, sacrifice the poetry of expression, the force of rhetoric, to the mechanism of their art. Metre with them becomes a mere framework, ceases to be the organic body of a vivifying thought. And bad critics praise them for the very faults of tameness and monotony, which they miscall regularity of numbers. These faults, annoying enough to a good ear in stanzas and rhymed couplets, are absolutely insufferable in blank verse, which relies for melodious effect upon its elasticity and pliability of cadence, and which is only saved from insipidity by licenses interpretative of the poet's sense and demanded by his rhetoric.

The creation of our tragic metre was not Marlowe's only benefit conferred upon the stage. This was indeed but the form corresponding to the new dramatic method which he also introduced. He first taught the art of designing tragedies on a grand scale, displaying unity of action, unity of character, and unity of interest. Before his day plays had been pageants or versified tales, arranged in scenes, and enlivened with 'such conceits as clownage keeps in pay.' He first produced dramas worthy of that august title. Before his day it might have been reckoned doubtful whether the rules and precedents of the Latin theatre would not determine the style of tragic composition

in England as in Italy. After the appearance of "Tamburlaine," it was impossible for a dramatist to attract the public by any play which had not in it some portion of the spirit and the pith of that decisive work. * * *

It was the central fire of Marlowe's genius which hardened that dull and shapeless matrix of English dramatic poetry, and rendered it capable of crystallising flawless and light-darting gems. When we remember that Marlowe, born in the same year as Shakspeare, died at the early age of twenty-nine, while Shakspeare's genius was still, so far as the public was concerned, almost a potentiality; when we reflect upon the life which Marlowe had to lead among companions of debauch in London, and further estimate the degradation of the art he raised so high, we are forced to place him among the most original creative poets of the world. His actual achievement may be judged imperfect, unequal, immature, and limited. Yet nothing lower than the highest rank can be claimed for one who did so much, in a space of time so short, and under conditions so unfavourable. What Shakspeare would have been without Marlowe, how his far more puissant hand and wonder-working brain would have moulded English Drama without Marlowe, cannot even be surmised. What alone is obvious to every student is that Shakspeare deigned from the first to tread in Marlowe's footsteps, that Shakspeare at the last completed and developed to the utmost that national embryo of art which Marlowe drew forth from the womb of darkness, anarchy, and incoherence. * * *

And yet, such is the nature of Marlowe's work, that it imperatively indicates a leading motive, irresistibly suggests a catch-word. This leading motive which pervades his poetry may be defined as *L'Amour de l'Impossible*—the love or lust of unattainable things; beyond the reach of physical force, of sensual faculty, of mastering will; but not beyond the scope of man's inordinate desire, man's infinite capacity for happiness, man's ever-craving thirst for beauty, power, and knowledge. * * *

Let us fix the nature of this leading motive by some salient passages from Marlowe's dramas. I take the rudest and the crudest first. In the 'Massacre at Paris' the Duke of Guise should not properly have been displayed as more than what world-history reveals to us—a formidable rival of the House of Valois on the throne, a bloody and unscrupulous foe of the Huguenot faction. But the spirit of Marlowe entering into the unwieldy carcass he has framed for this great schemer, breathes these words:

Oft have I levelled, and at last have learned
That peril is the chiefest way to happiness
And resolution honour's fairest aim.
What glory is there in a common good,
That hangs for every peasant to achieve?
That like I best, that flies beyond my reach.

The central passion which inspires Marlowe and all the characters of Marlowe's coinage finds utterance here. The Guise seeks happiness

through peril; finds honour only in a fierce resolve; flings common felicity to the winds; strains at the flying object of desire beyond his grasp. Then he turns to the definite point of his ambition:

Set me to scale the high pyramides,
And thereon set the diadem of France;
I'll either rend it with my nails to nought,
Or mount the top with my aspiring wings,
Although my downfall be the deepest hell. * * *

This, as I have said, is the barest, nakedest exhibition of Marlowe's leading motive. He framed one character in which the desire of absolute power is paramount; this is Tamburlaine. When the shepherd-hero is confronted with the vanquished king of Persia, he pours himself forth in a monologue which voices Marlowe through the puppet's lips:

The thirst of reign and sweetness of a crown,
That caused the eldest son of heavenly Ops
To thrust his doting father from his chair,
And place himself in the empyreal heaven,
Mov'd me to manage arms against thy state,
What better precedent than mighty Jove?
Nature, that fram'd us of four elements
Warring within our breasts for regiment,
Doth teach us all to have aspiring minds;
Our souls, whose faculties can comprehend
The wondrous architecture of the world,
And measure every wandering planet's course,
Still climbing after knowledge infinite,
And always moving as the restless spheres,
Will us to wear ourselves, and never rest,
Until we reach the ripest fruit of all,
That perfect bliss and sole felicity,
The sweet fruition of an earthly crown.

It is Nature herself, says Tamburlaine, who placed a warfare of the elements within the frame of man; she spurs him onward by an in-born need toward empire. It is our souls, uncircumscribed by cosmic circumstances, free to weigh planets in their courses and embrace the universe with thought, that compel men to stake their all on the most perilous of fortune's hazards. In this speech the poet, who framed Tamburlaine, identifies himself with his creation, forgets the person he has made, and utters through his mouth the poetry of his desire for the illimitable.

There was a side-blow aimed at knowledge in this diatribe of Tamburlaine on power. See how Faustus answers, abyss calling to abyss from the same abyssal depth of the creator's mind:

Divinity, adieu!

These metaphysics of magicians,
 And necromantic books are heavenly
 Lines, circles, scenes, letters, and characters
 Ay, these are those that Faustus most desires.
 O! what a world of profit and delight,
 Of power, of honour, and omnipotence,
 Is promised to the studious artisan!
 All things that move between the quiet poles
 Shall be at my command: emperors and kings
 Are but obeyed in their several provinces;
 But his dominion that succeeds in this,
 Stretcheth as far as doth the mind of man;
 A sound magician is a demigod:
 Here tire my brains, to gain a deity.

On the ordinary paths of learning, logic, philosophy, physic, law, divinity, Faustus finds himself cramped, tied to dry rules, confined within the circle of diurnal occupations. These things may be done for services of man's common needs; but there lies or he divines there lies—beyond the reach of all such vulgar and trivial ways, a far more hazardous path, a path which by assiduous study and emperilment of self shall lead to empires. * * *

Descending from the high imaginative region in which Faustus moves, travelling back from the dim realms of Ind, where Tamburlaine defies the Fates, reaching England under the reign of our second Edward, we find the same chord touched in Marlowe's Mortimer. Upon the point of death, checkmated and flung like the Guise 'to deepest hell,' he still maintains the old indomitable note, the keynote of the leading motive:

Base Fortune, now I see that in thy wheel
 There is a point, to which when men aspire
 They tumble headlong down: that point I touch'd,
 And, seeing there was no place to mount up higher,
 Why should I grieve at my declining fall?—
 Farewell, fair queen: weep not for Mortimer,
 That scorns the world, and, as a traveler,
 Goes to discover countries yet unknown.

I have pursued the leading motive, applied the catch-word, through many examples bearing on the theme of power. It remains to select one passage in which the same lust for the impossible shall be exhibited when Marlowe turns his thought to beauty. Xenocrate, the love of Tamburlaine, is absent and unhappy. The Tartar chief is left alone to vent his passion in soliloquy. At first he dwells upon the causes of her sorrow, with such 'lyrical interbreathings' as this, evoked from the recollection of her—

Shining face,
Where Beauty, mother to the muses, sits
And comments volumes with her ivory pen.

Gradually he passes into that vein of meditation, which allows the poet's inspiration to transpire. Then Marlowe speaks, and shows in memorable lines that beauty has, no less than power, her own impossible, for which he thirsted :

What is beauty, sayeth my sufferings, then?
If all the pens that ever poets held
Had fed the feeling of their master's thoughts,
And every sweetness that inspired their hearts,
Their minds and muses on admired themes ;
If all the heavenly quintessence they still
From their immortal flowers of poesy,
Wherein, as in a mirror, we perceive
The highest reaches of a human wit ;
If these had made one poem's period,
And all combined in beauty's worthiness,
Yet should there hover in their restless heads
One thought, one grace, one wonder, at the last,
Which into words no virtue can digest.

The impossible beauty, on which Tamburlaine here meditates, is beauty eluding the poet and the artist in their highest flight ; that apple topmost on the topmost bough, which the gatherers have not overlooked, but leave perforce, because they strove in vain to reach it. It is always this beauty, inflaming the artist's rather than the lover's soul, which Marlowe celebrates. He has written no drama of love ; and even in 'Hero and Leander,' that divinest dithyramb in praise of sensual beauty, the poet moves in a hyperuranian region, from which he contemplates with eyes of equal adoration all the species of terrestrial loveliness. The tender emotions and the sentiment of love were alien to Marlowe's temper. It may even be doubted whether sexual pleasures had any very powerful attraction for his nature. To such, we think, he gave his cruder, poetry-exhausted moments. When he evoked the thought of women to tempt Doctor Faustus, he touched this bass-chord of carnal desire with the hand of a poet-painter rather than a sensualist :

Sometimes like women, or unwedded maids,
Shadowing more beauty in their airy brows
Than have the white breasts of the queen of love.

Yet it was in no Platonic mood that he set those mighty sails of his imagination to the breeze upon the sea of Beauty. That thirst for the impossible, when once applied to things of sense and loveliness, is a lust and longing after the abstraction of all beauties, the self of sense, the quintessence of pleasures. This is, of course, the meaning of Faus-

tus' address to Helen, summoned from the ghosts as the last tangible reality of beauty, to give comfort to his conscience-laden soul:

Was this the face that launched a thousand ships,
 And burnt the topless towers of Ilium?—
 Sweet Helen, make me immortal with a kiss.— (Kisses her)
 Her lips suck forth my soul: see where it flies!—
 Come, Helen, come, give me my soul again.
 Here will I dwell, for heaven is in these lips,
 And all is dross that is not Helena.

O, thou art fairer than the evening air,
 Clad in the beauty of a thousand stars;
 Brighter art thou than flaming Jupiter
 When he appeared to hapless Semele;
 More lovely than the monarch of the sky
 In wanton Arethusa's azur'd arms;
 And none but thou shalt be my paramour!

The same triumphant sense of having conquered the unconquerable, and enjoyed the final gust of pleasure in things deemed impossible for men, emerges in another speech of Faustus:

Have I not made blind Homer sing to me
 Of Alexander's love and Oenon's death?
 And hath not he, that built the walls of Thebes
 With ravishing sound of his melodious harp,
 Made music with my Mephistophilis?

When Xenocrate is dying Tamburlaine pours forth a monody, which, however misplaced on his lips, gives Marlowe scope to sing the nuptial hymn of beauty unapproachable, withdrawn from 'loathsome earth,' returning to her native station in the heavens. There, and there only, says the poet, shall the spirit mate with loveliness and be at peace in her embrace:

Now walk the angels on the walls of heaven,
 As sentinels to warn the immortal souls
 To entertain the divine Xenocrate * * *
 The cherubins and holy seraphins,
 That sing and play before the King of kings,
 Use all their voices and their instruments
 To entertain divine Xenocrate;
 And in this sweet and curious harmony,
 The god that tunes this music to our souls
 Holds out his hand in highest majesty
 To entertain divine Xenocrate.
 Then let some holy trance convey my thoughts
 Up to the palace of the empyreal heaven,
 That this my life may be as short to me
 As are the days of sweet Xenocrate.

In this rapturous and spiritual marriage-song, which celebrates the assumption or apotheosis of pure beauty, the master bends his mighty line to uses of lyric poetry, as though a theme so far above the reach of words demanded singing * * *

In dealing with Marlowe, it is impossible to separate the poet from the dramatist, the man from his creations. His personality does not retire, like Shakspeare's, behind the work of art into impenetrable mystery. Rather, like Byron, but with a truer faculty for dramatic presentation than Byron possessed, he inspires the principal characters of his tragedies with the ardour, the ambition, the audacity of his own restless genius. Tamburlaine, who defies heaven, and harnesses kings and princes of the East to his chariot, who ascends his throne upon the necks of prostrate emperors, and burns a city for his consort's funeral pyre, embodies the insolence of his creator's spirit. At the same time, in this haughty and aspiring shepherd the historic Tartar chief is firmly rendered visible. Through Tamburlaine's wild will and imperturbable reliance upon destiny, the brute instincts of savage tribes yearning after change, pursuing conquest and spreading desolation with the irresistible impulse of a herd of bisons marching to their fields of salt, emerge into self-consciousness. Marlowe has traced the portrait with a bold hand, filling its details in with broad and liberal touches:

Of stature tall, and straightly fashioned,
 Like his desires, lift upward and divine;
 So large of limbs, his joints so strongly knit,
 Such breadth of shoulders as might mainly bear
 Old Atlas's burden * * *
 Pale of complexion, wrought in him with passion,
 Thirsting with sovereignty and love of arms;
 His lofty brows in folds do figure death,
 And in their smoothness amity and life;
 About them hangs a knot of amber hair,
 Wrapped in curls, as fierce Achilles' was,
 On which the breath of heaven delights to play,
 Making it dance in wanton majesty;
 His arms and fingers, long and sinewy,
 Betokening valour and excess of strength;
 In every part proportioned like the man
 Should make the world subdued to Tamburlaine.

This is the picture drawn of him at the beginning of his fortunes by a generous enemy. There is a magnetism in the presence of the man. A Persian captain, commissioned to overawe and trample down his pride, no sooner sees Tamburlaine than he falls a victim to his influence:

His looks do menace heaven and dare the gods;
 His fiery eyes are fixed upon the earth,
 As if he now designed some stratagem,
 Or meant to pierce Avernus' darksome vaults,
 To pull the triple-headed dog from hell.

Tamburlaine, on his side, favours the manly bearing of his foe, and bids him welcome with such words as bind the captain to his cause :

Forsake thy king, and do but join with me,
And we will triumph over all the world.
I hold the fates bound fast in iron chains,
And with my hand turn Fortune's wheel about.

Such confidence is contagious, imposing, as Napoleon's belief in his star imposed, and working out its own accomplishment. His most powerful opponents recognise the spell, and are cowed by it :

Some powers divine, or else infernal, mixed
Their angry seeds at his conception ;
For he was never sprung of human race,
Since with the spirit of his fearful pride
He dares so doubtlessly resolve of rule,
And by profession be ambitious.

ALI BABA AND THE FORTY THIEVES

A ROMANCE IN HIGH LIFE IN NEW YORK SHOWING HOW
THE VENDETTA IS OPERATED ON FIFTH AVENUE.

The Society of the New York Hospital,
White Plains,
New York,
July 3d, 1897.

Hon. Micajah Woods, †
Commonwealth's Attorney,
Charlottesville,
Virginia.

My Dear Captain: You will possibly be surprised to hear that I am not abroad, as is generally thought; but am confined without due process of law, in a New York private Insane Asylum, whither I was brought by force against my expressed will; having been arrested by two officers in plain clothes on an order from a Judge of the Supreme Court of the State of New York.

You will pardon the length of this letter when I say that I wish to employ you as assistant counsel in co-operation with Senator John W. Dandel, † as leading counsel, in a habeas corpus proceedings which I wish instituted without delay.

I enclose a certified copy of my Commitment Papers, which I suggest that you defer reading until you have finished this letter, as they are a tissue of perjuries from beginning to end, and this letter will point out and prove the said perjuries in their order.

Before going into the Commitment Papers I shall give you a short account of what led to my present predicament.

I have been on unfriendly terms with my family—my brothers and sisters—for a long time.

It is not necessary to go into the causes which led to this state of affairs, except to say that they are partly business and partly temperamental. The line of demarcation began nine years ago and has gradually extended ever since. The climax of unpleasantness was

†Since deceased.

reached last October. My youngest sister was then married, and I was to have "given her away." Ill health prevented my presence at the wedding. I had been confined to my bed in my home, "The Merry Mills," Cobham, Albemarle County, Virginia, for several days before its date, and was in bed at the time. The wedding took place at my sister's home on the Hudson River. I sent a note by a special messenger, explaining my inability to be present, and also bearing a handsome present from myself to the bride.

The messenger arrived at my sister's home the day before the wedding. As there were four other brothers of the bride present at the wedding, I felt that my absence would throw no difficulty in the way of "giving her away."

It seems that my absence from that wedding was one of the main causes of my present incarceration in a madhouse.

About a month later one of my sisters—with whom I was on better terms than with my other brothers and sisters—while lunching with me during one of my business trips to New York, said touching my absence from the wedding, that the family, including my brothers and sisters, were not put out at my absence from the wedding—they simply considered me crazy.

I did not pay much attention to this—thinking it a species of joke, to which I had grown accustomed from years of hearing. For whenever, in the course of an argument with any of my brothers or sisters I said anything which they found difficult to combat, their usual reply was, "You're crazy."

You must excuse my touching upon such a seemingly unimportant matter, but in crime nothing is unimportant, and you will see before finishing this letter that a crime has been committed against the liberty and the reason of a citizen of the sovereign State of Virginia—myself.

The next complication of the already severely strained relations between "the family" and myself occurred in December last. I was still detained in New York on the business trip before alluded to. At a Directors' Meeting of the Roanoke Rapids Power Co., of Roanoke Rapids, North Carolina, held in New York last December, a most violent altercation arose between my brother, Mr. Winthrop Astor Chanler and myself. The upshot of it was that he wrote me a letter next day refusing to speak to me or to have any further communication with me except in writing or through third parties. As this brother had struck me some years ago, and had quarrelled violently with me frequently since, the above communication did not surprise me. Mr. Winthrop Astor Chanler is one year my junior, and was director with me in the Roanoke Rapids Power Company.

I accepted his proposition and sent a representative next day to say to him that I did so. I also notified him that I should send a representative to go over the books of my father's estate, of which he was an executor. This estate has furnished but two accountings in

ten years. I do not suspect my brothers of wilful mismanagement, but I do suspect the lawyers whom they employ to do the work of investment, etc., for them, of investments which are more to their own interests than that of the said estate. My brother agreed to my proposition and I thought no more about it.

About this time I returned to my home in Virginia. I had arranged my business affairs before leaving so as to allow me to take at least two months rest.

I must tell you that for some years I have been carrying on investigations in Esoteric Buddhism. You must not imagine from this that I am not a Christian; for I am a communicant in the Episcopal Church.

My investigations were entirely scientific in their nature and totally free from any tinge of religion. They supposed a state of mind open to impressions and free from prejudices. I am not going to bore you with a lecture on Esoteric Buddhism, and shall dismiss the subject. In the latter part of February last I received a telegram from my friend, Mr. Stanford White, proposing to visit me in company with a mutual friend. As I was on rather unfriendly terms with Mr. White at the time, owing to an abusive letter he had recently written me, I did not look forward to a visit from him with pleasure. I therefore sent him a telegram to say that I was not well enough to see him. A few days later Mr. White walked in on me in company with a physician. I shall not attempt to picture my surprise. Let it suffice to say that I was struck dumb.

Mr. White hastily excused his intrusion and implored me to accompany him to New York for a "plunge in the metropolitan whirl." As I had some business which needed my attention in New York I consented.

I stopped at the Hotel Kensington, 15th Street and 5th Avenue, where I have been in the habit of putting up on my business trips to New York. A day or so after my arrival, and while immersed in my business affairs, the physician who had accompanied Mr. White to "The Merry Mills" presented himself in my rooms followed by a stranger, whom he introduced as an oculist.

The reason he gave for breaking in on my privacy was the intense desire on the part of his friend, the Oculist, to examine my eyes.

I might say here incidentally that during my rest at home in Virginia my eyes had undergone rather a remarkable change. Their color having changed from brown to gray. I shall resume that subject later, and shall merely say that after criticising Dr. E. F., the physician who had accompanied Mr. White to my home in Virginia, rather severely for bringing a stranger into my rooms without asking permission, I allowed Dr. Moses Allen Starr, the Oculist, to examine my eyes. Dr. Starr took a lense from his pocket and asking me to go to the light examined my eyes attentively, he unhesitatingly pronounced them gray in color.

I may as well re-open the subject of the change of color of my eyes.

You may have noticed that my eyes were light brown. I say "may have," for that assumes two things; first, that you are free from that not unusual affection, color blindness; second, that you have the rather unusual powers of observation demanded by my assumption that you noticed my eyes at all.

At all events they were light brown. The extraneous and corroborative evidence of this fact is the description of Dering's eyes, on page 39 of the latest edition of "The Quick or The Dead," which I enclose, having been sketched from me. I allude to the features of course, the occurrences in the book being entirely imaginary. I have the Princess Troubetzkoy's word for this: It is also a matter of almost common knowledge: The New York "World" having published an article on the Princess Troubetzkoy, in February, 1896—if I remember rightly—which quoted as descriptive of me the passage above referred to on page 39 of, "The Quick or The Dead"; and the writer of the said article vouched for its correctness as a description of my personal appearance, in the article itself. You will observe that Dering's eyes are described as "the color of Autumn pools in sunlight." I need not say to a Virginian that the color of Autumn pools in sunlight is brown, a sparkling or bright brown. The pools meant are the deep quiet places in streams into which the dead leaves fall covering the bottom and giving a dark brown appearance to the water, which is lightened or brightened when the sun plays upon the pool.†

So much for what the color of my eyes was before they changed. Their color now is dark gray. As authority for this statement I have the testimony of every physician who has examined them—and there

Excerpt from an article appearing in the New York "Sun" of August 17, 1904:

"In 1888 he (John Armstrong Chaloner) was married to Amelie Rives, and he was said to be the hero of her book, "The Quick or the Dead." Seven year later proceedings for divorce were begun on the ground of incompatibility of temperament. Immediately after the divorce was granted Mrs. Chaloner married Prince Pierre Troubetzkoy, the artist."

†*To Whom It May Concern:*

I, the undersigned, have been asked by mutual friends to say whether the statements in the New York "World" in the early part of the year 1896, and in the New York "Sun" in August, 1904, to the effect that the leading male character in "The Quick or the Dead" was sketched from Mr. John Armstrong Chaloner are correct, say that the statements are correct. By that I mean that the physical description of Dering was a correct, even an exact description of Mr. Chaloner in the year 1895. I do not wish to be misunderstood in this regard. I do not wish to be understood as saying that the words and actions of Dering were those of Mr. Chaloner. For the words and actions of Dering were wholly imaginary.

have been three—besides that of subordinates in this establishment whose opinion, as to the color of my eyes, I have asked. You must excuse my dilating upon so seemingly unimportant a subject as the color of my eyes; but I assure you it is far from unimportant in this case, for the first count in the indictment against my reason, in the Commitment Papers, made by the "Medical Examiners in Lunacy," is to the effect that I am insane, because I say that my eyes have changed color; both said Medical Examiners in Lunacy having freely admitted that my eyes are undeniably gray. Apparently they hope to prove that gray has always been the color of my eyes.

The next step in the proceedings was a nocturnal visit from Dr. Moses Allen Starr, the Oculist, accompanied by another doctor, whom I had never seen, and two unknown men. Dr. Starr pushed his way into my rooms followed by the strange doctor unannounced. The two unknown men remained outside my door. He then briefly informed me that he (Dr. Starr) was a Professor of Nervous Diseases in a New York College and that I was insane. He went on to say that he had come to take me away—he omitted to state where—immediately—that I must get up at once (I was in bed at the time) that resistance on my part would be useless as there was another doctor—the said strange doctor—in the next room besides two other men—the said unknown men—outside the door.

It is not necessary to repeat my reply. I shall simply say that I very quietly, but at the same time effectively, refused to obey Dr. Starr's orders. I finally succeeded in convincing Dr. Starr without the slightest show of force that he had not brought enough men with him to carry me off that night.

The next afternoon two policemen, in plain clothes, presented themselves at my hotel with the Commitment Papers, a certified copy

Furthermore, I have been asked by the same mutual friends to explain just what color I meant to convey by the term—as applied to the color of Dering's eyes—"Autumn pools." I meant by this expression the color brown. The iris of Mr. Chalonier's eyes was in 1895 entirely brown.

Witness the following signature and seal this 21st day of February, 1905.

AMELIE TROUBETZKOY. (Seal.)

State of Virginia:
County of Albemarle: to-wit.

I, H. W. Wood, a Notary Public in and for the County of Albemarle, in the State of Virginia, do certify that Amelie Troubetzkoy, whose name is signed to the foregoing writing, bearing date on the 21st day of February, 1905, has acknowledged the same before me in my county aforesaid.

Given under my hand this 21st day of February, 1905.

H. W. WOOD, N. P.

My term expires April 15, 1908.

of which I enclose. I accompanied them without unnecessary discussion to this Private Insane Asylum.

Before going into the Commitment Papers, I shall briefly touch on my life here for the past four months. I was brought here the 13th of March. Since that time I have been in solitary confinement, in a two-roomed cell. A keeper sleeps in one of the rooms of my cell, and he is always with me. When I take exercise in the Asylum grounds the keeper accompanies me. My razors were seized on the ground that it was "a rule of the Institution." The consequence was that I had to be shaved by the Asylum barber, which caused me not only inconvenience but hardship, since my beard is thick and my skin is thin and no barber has been able to shave me without causing a violent irritation of the skin, a condition which is always absent when I shave myself.

You must excuse the above apparently trivial incident, but you will appreciate the annoyance it is to be shaved by the Asylum barber, when I tell you, that his shaving raised such a rash on my neck that

POLICE DESCRIPTION OF PLAINTIFF.†

An article to the following effect appeared in a New York City newspaper early in 1901: "The mystery shrouding the fate of John Armstrong Chaloner, who on Thanksgiving Eve, 1900, escaped from Bloomingdale Asylum, is as thick as ever. From time to time, as a dead tramp is fished up in some outlying pond of Hoboken or Jersey City, a rumor is started that the body of the young millionaire has been found. The following is the police description of him sent out with the general alarm that was sent out shortly after Mr. Chaloner's escape:

"Height five feet ten and three-quarter inches; weight about one hundred and seventy pounds; face clean shaved; hair dark and curly, worn rather long; eyes dark gray; regular, classic features. Holds himself erect, walks with a swinging stride, and carries a cane. He was dressed as follows: Black fedora hat, navy-blue melton overcoat, dark green sack coat and waistcoat, steel gray trousers, black satin four-in-hand tie with large gray pearl stickpin."

"When will they catch up with him is the question. The police of all the cities in the country are on the watch, while sleuths—men trained to hunt down men—are seeking the man with the weak mind."

†Richmond, Virginia, February 24, 1915.

Time has treated "Who's Looney Now?" lightly; in spite of his incessant legal conflicts, and more or less turbulent career. The above police description of "Who's Looney Now?" would exactly describe him today: for his hair is as dark and plentiful as ever, and his weight no greater than in the year of our Lord, nineteen hundred and one. Heredity is probably responsible for said state of things. The long line of martial ancestors from which "Who's Looney Now?" is descended makes itself felt—on the maxim "blood will tell." And hence fighting is "Who's Looney Now's?" delight—fighting in a good cause: such as fighting for Lunacy Law reform against the criminal lethargy of the great American people; and the embittered and venomously bitter opposition of the press, supported by the Legal Profession—both Bar and Bench—State and Federal—in New York situate.

I have limited his operations to twice a week; thus giving the inflammation time to subside—to begin afresh on the next shave.

You know, from my having had the pleasure of dining at your house, that I am limited to a very abstemious diet, that I am practically a vegetarian.

You also probably know that I ride a great deal on horseback. It is, in fact, my favorite and only form of outdoor exercise. You can well imagine the deleterious effect upon my health, resultant from a combination of bad cooking, poor food and total deprivation of horseback exercise. Of the cooking I shall simply say that the Asylum cooks cannot even bake bread, though they daily attempt it. So that I have been forced to buy crackers to avoid the violent indigestion the half-baked bread causes me. Of the food I shall simply say that it has been so bad that I have come down to a daily diet of baked potatoes, lettuce, fruit and crackers in order to avoid eating food which either is badly cooked, adulterated or decayed.

In the meantime I am living in a Madhouse. Every "patient" in the building in which I am imprisoned is hopelessly insane. At times some of them become violently, homicidally, insane, when, after yells and struggles with keepers, and a siege in a straight-jacket, they are forcibly removed to another ward. Since my arrival two patients were removed from this building for having become "violent," as they call it here.

Nothing prevents a patient from becoming homicidally insane at any time. In one of such fits of frenzy the lunatic might take it into his head to walk into my cell and attack me. The cell doors are unlocked, and although there is a keeper on watch on my floor, he is not always there. To give me warning of the approach of prowling maniacs I put a table against my door at night.

This will give you an idea of my surroundings. I think that you will agree with me that they are calculated to drive a man insane. When you add to these "surroundings" the active and sustained efforts of the resident doctors to talk me into becoming insane by declaring to my face that I am insane, and attempting to argue me into admitting that I am; when you consider this, you will, I think, conclude that I have my nerves and will-power under effective control in being able to remain sane.

So much for my life for the last four months. This is the first opportunity which I have had for posting a letter unbeknown to the authorities here. The rule is that all letters and telegrams must be sent through the authorities here, who have the legal right to suppress or forward to "The Commission in Lunacy" at Albany, who have again the legal right to suppress and destroy them. You can readily understand that I would not send a letter under such conditions. Hence my having to wait four months to write to you and ask your aid.

The next thing to be considered is the Commitment Papers. I shall only touch upon that briefly for it speaks for itself.

In the first place the Commitment Papers give my residence as "Hotel Kensington,† New York City." This is false, as my residence since 1895 has been "The Merry Mills," Cobham, Albemarle County, Virginia. Trow's Directory of New York City gives my residence Virginia. In Trow's Directory for July, 1896, to July, 1897, you will find "J. A. Chaloner, Lawyer, 120 Broadway, H. Va." "H" stands for House, i. e, home, residence, and "Va." of course stands for Virginia.

I have never practised law in New York, but have been a silent partner in the law firm of "Chaloner, Maxwell and Philip, 120 Broadway," which firm name you will find a few places below my own in Trow's Directory of the above date.

There can be no doubt about my residence's being in Virginia, for in 1895 I went to the Commissioner of Taxes' Office in the Stewart Building, corner Broadway and Chambers Street, and myself wrote, at his request, in the Tax Book a full description of my residence. It is, of course, there yet. It is to the effect that I was interested in a law firm in New York, but that I did not personally practise law in New York, as the business I had charge of was a manufacturing one in Roanoke Rapids, North Carolina, and that my home, "The Merry Mills," where I lived, was at Cobham, Virginia. The object of the above visit was to fix the amount of my personal tax in New York. The amount fixed was \$2,500 (twenty-five hundred dollars). This took place in 1895, and neither the amount nor my address has since been changed.

Moreover, no better evidence as to my residence's being in Virginia could be asked than is offered by the sworn testimony of the

†John R. Bland, President.	Cash Capital, \$1,700,000.	Geo. R. Callis, Secretary-Treasurer.
The United States Fidelity and Guaranty Company, Baltimore, Md.		

Andrew Freedman,
Vice-President.
Sylvester J. O'Sullivan,
Manager.

66 Liberty Street, New York, March 14, 1905.

Mr. John Armstrong Chaloner,
"The Merry Mills,"
Cobham, Va.

My Dear Chaloner:

In reply to your letter requesting my views regarding your alleged former residence at the Hotel Kensington, Fifth Avenue and Fifteenth Street, Borough of Manhattan, City of New York, in 1896 and 1897, I beg to state as follows:

I was proprietor of that hotel from April 1, 1894, to April, 1897. I do not think you ever stopped there prior to my assuming control of it. I do believe you came there solely on my account. You never were in any sense a resident guest of that hotel. You never were any other than a transient guest. You never engaged rooms there other than by the day. Your visits there were infrequent, yet I believe you stopped there every time you came to New York while I conducted

three petitioners (my brothers, Messrs. Winthrop Astor Chanler, Lewis Stuyvesant Chanler and _____). Page 3, lines 141 and 142 of the Commitment Papers, where they declare: "Mr. John Armstrong Chaloner has, for several months, while at his home in Virginia": this should settle any doubt about my residence.

It might be well to state before going any further, the probable causes which led to the said brothers' wishing to see me declared insane and confined in an Insane Asylum.

You will remember that abusive letter written me immediately after the Directors' Meeting of the Roanoke Rapids Power Company in December last by this same brother, Mr. Winthrop Astor Chanler, in which he refused to speak to me or have anything further to do with me except by letter or third parties. You will also remember that I accepted his terms and informed him that I would have the books of my Father's Estate, of which he was an Executor, examined. You must know that there are two Executors of my Father's Estate. One of them is Mr. Winthrop Astor Chanler and the other is Mr. Lewis Stuyvesant Chanler. These two gentlemen, who are equally to blame for what I am compelled to believe is innocent but palpable mismanagement of my Father's Estate, join hands in petitioning for my incarceration in an Insane Asylum before I had the opportunity to investigate their mismanagement—but two accountings of their management of the said Estate having been rendered in ten years.

Furthermore. As I have told you there has for years past been no love lost between my family and myself. When affection is absent and business interests are present it behooves a careful man to look about him, and see, in seeking for the solution of an obscure action, whether or not it could have been to the parties' business interests to do an otherwise incomprehensibly malicious thing.

that hotel. As a rule, you came on each year to the Horse Show, and on those visits you, of course, spent the week said show was in progress, and I believe on one, or possibly two occasions, your visit at that season was prolonged to several weeks. Other than the Horse Show week mentioned above, my recollection is that you did not come to that hotel more than once or twice a year, and on some of these visits your stay was only for a day or two.

I well remember having several prolonged conversations with you about some large enterprises you had on hand in North Carolina, and that almost the entire year of 1895 was spent by you in the South in the conduct of said enterprises.

You were at the Kensington during the Horse Show week in November, 1896, and left there for the South in December. You returned again in February of 1897 and left in March. Of course, I could not recollect the exact dates of your arrival and departure on those visits, but I again repeat in the strongest terms possible that you never were at any time, to my knowledge, a resident guest of that hotel, but were always looked upon by myself and all the attaches of the hotel as a transient guest.

Very truly yours,

SYLVESTER J. O'SULLIVAN.†

†Since deceased.

The business end of the present situation throws a bright light upon it.

Under my Father's Will I enjoy an eighth of the income of his Estate during my life. At my death without issue my said share reverts to his Estate. Should I leave issue my said share would go to said issue. It is therefore evidently to the business interests of my family to prevent my marrying by locking me up for life in an Insane Asylum, if possible, and if that is not possible the next best step towards safe-guarding their business interests is to throw, if possible an insurmountable obstacle in the way of my marrying. No more insurmountable obstacle in the way of marriage could be imagined than insanity.

Granting that I get out of this Asylum the stigma of having been confined in it would stick to me through life. You need not necessarily infer from this that I have any intentions of marrying, only I like to retain the privilege of the option.

Further. There is every human probability that, were I to be confined in these surroundings long enough, my mental and physical forces would succumb to the hideous moral strain and confinement. When this took place my family would be appointed a commission to administer my Estate. I being by that time a bona fide—instead of what I am at present a bogus-maniac. I have an estate which bids fair to be very valuable in time. Certain portions of that estate are represented by large stockholdings in the United Industrial Company and the Roanoke Rapids Power Company. These said holdings could be sold to third parties, with the understanding that they were to be bought back at a certain figure, by one or more of my brothers or sisters, who already hold stock in the said companies, and who I know would like to increase their holdings—once the said "family commission" for my estate came into being.

Furthermore. Nothing would be easier than to break my will on the ground of insanity, now that I have been declared insane and confined as an insane person in an Insane Asylum: that my family would make every effort to break my will I make no doubt. For two reasons. First because of their unfriendly attitude toward me for years past. Second because they are in a position to know that I have left all of them out of my will, except one† sister and that—strictly confidentially—my largest legatee is the University of Virginia for which, on account of its own character and that of Thomas Jefferson, I have a high admiration.

Furthermore. The United Industrial Company of which I am the controlling stockholder, and of which I was a Director last December, held its annual meeting for the election of officers for the ensuing year, the first week in January last. My brother, Mr. Winthrop Astor

†NOTE.—Since writing above said sister has been left out of said will, owing to her attitude in the present controversy.

Chanler, had been elected by my votes, as President of the said Company the preceding year at a salary of \$2,000.00 per annum. After receiving the abusive letter before alluded to, from him last December, I decided to elect myself President of the United Industrial Company in his place. His said letter to me having specifically stated that he would not speak to me again or hold any communication with me except by letter or third parties, had rendered it a business impossibility for me to elect, as President of a Company, a man who was not on speaking terms with myself: who besides being the controlling stockholder was one of the Board of Directors.

I had it delicately conveyed to Mr. Winthrop Astor Chanler by third parties, some days before the election, that it would be as well for him to resign his Presidency of, as well as his membership on, the Board of Directors, of the United Industrial Company. This he promptly did, and at the ensuing election in January, '97, I, voting by proxy, for I was at home in Virginia at the time, elected myself President of the United Industrial Company in his place, together with a Board of Directors of my own choosing, to whom I had previously conveyed enough stock in the Company to render them eligible under the Law to hold office.

It might be well for you to bear in mind that the above revolutionary and delicate stock manipulation was conceived and carried out by an alleged maniac. For the conception of the above plan took place on receipt of Mr. Winthrop Astor Chanler's said abusive letter, about the middle of December last, and the carrying out occurred in January of '97. Whereas my present attack of alleged insanity began, according to the Commitment Papers, in November, 1896.

Mr. Winthrop Astor Chanler is heavily interested in the United Industrial Company. The said Company's factory is situated in the town of Roanoke Rapids, North Carolina. He has put \$50,000.00 into the said Company. Finding himself checkmated, as described, he, apparently out of revenge and interest in his stock, set about to get the control of the said Company, and thereby of his said stock out of my hands. It was a desperate game, but \$50,000.00 is a large stake. It is necessary for me to make a short digression here in order to give you all the threads of the plot.

Mr. Stanford White again comes on the stage. He had intimated to me last February in New York, through a third party, that he thought I should take an extended rest from business, and that it would give him great pleasure if I were to make him and Mr. Saint Gaudens—the distinguished sculptor and a friend of mine and Mr. White's most intimate friend—my powers of attorney to transact all my business and look after all my affairs.

Here was the spectacle of two rich, successful, and eminent men willing to take upon themselves all the work and worry of my affairs for friendship's sake. I was touched. I thought that there might be something behind all this, but I did not impute selfish motives to either of them.

I declined the services of Mr. Saint Gaudens but accepted those of Mr. Stanford White. My reason for so doing was that business was extremely dull, and I thought that if Mr. White wanted to help me run my affairs there would be no harm in letting him do so, I being able to revoke the power of attorney at any time and being able to supervise his work meanwhile. So I gave him a limited power of attorney.

I also at his request resigned from the Board of Directors of the Roanoke Rapids Power Company to make room for Mr. White on that Board. Mr. Winthrop Astor Chanler's presence on said Board would have made the transaction of business difficult owing to his disinclination to talk to me, whereas Mr. White is one of his closest friends.

I also resigned from the Presidency of the United Industrial Company, Mr. White thereby becoming a Director of the said Company and one of my previously chosen Directors being elected to fill my place as President.

All this having been arranged I was about to return to Virginia to await the arrival of "the McKinley wave of prosperity" when I was arrested and brought here.

As I said it appears that my brother wished to prevent my making use of the power I had attained in the United Industrial Company by locking me up in an Insane Asylum. He achieved his end.

Lastly I hold a note of the United Industrial Company for about \$14,000 (fourteen thousand dollars); this note is past due. It would greatly embarrass Mr. Winthrop Astor Chanler were I to demand its payment. How much has the fear that I would do so had to do with his locking me up? The said amount of the note was advanced by me to the said Company. He owns \$50,000 (fifty thousand dollars) worth of the said Company's stock, and others of my immediate family own about \$25,000 (twenty-five thousand dollars) worth of the same stock. It would pay them to join forces and repay me their pro rata share of my overdue advance to said Company, rather than have said note go to protest and legal proceedings ensue.

Cheapest of all however is to lock me up out of reach of "protest."

I think I have given you enough of the business end of this conspiracy for you to see clearly that it was to my brothers', Messrs. Winthrop Astor Chanler and Lewis Stuyvesant Chanler (the Co-Trustees of my Father's Estate) interest, as well as to that of my whole family, that I should disappear for an indefinite period. Add to their business interests the strong personal interest of jealousy and dislike and you have a powerful working incentive.

We may now resume the perusal of the Commitment Papers. You will remark that the three Petitioners, Messrs. Winthrop Astor Chanler, Lewis Stuyvesant Chanler and _____, swear that the acts alleged to have been committed by me in Virginia and in New York are of their own knowledge. For you will note on Page 4 of the Commitment Papers line 165 to line 168 "Winthrop A. Chanler,

Lewis S. Chanler and _____ being duly sworn, depose and say: that they have read the foregoing petition and know the contents thereof, and that the same is true to the knowledge of deponents except as to the matters therein stated, to be alleged on information and belief."

As there are no "matters therein stated to be alleged on information and belief" the matters therein alleged must therefore all be "true to the knowledge of deponents"; in swearing that the said matters were "true to the knowledge of deponents" the said deponents Messrs. Winthrop A. Chanler, Lewis S. Chanler and _____ perjured themselves; for not one of the said deponents has ever crossed the threshold of my "home in Virginia," where part of the alleged acts are sworn by said deponents to have been committed; and not one of the said deponents saw me later in New York where the remainder of the said alleged acts are sworn by said deponents to have been committed.

One of these said deponents, Mr. Lewis S. Chanler, was in Europe just prior to the 10th of March, but having sailed from England on a cable's notice, reached New York in time to swear on March 10th to alleged acts committed by me while he was abroad or on the ocean.

The said deponent _____ I have not seen since 1894.

The said deponent Mr. Winthrop A. Chanler I have not seen since that Directors' Meeting about the middle of December, 1896.

So much for the veracity of the three Petitioners Messrs. Winthrop A. Chanler, Lewis S. Chanler and _____.

Now let us examine that of the two "Medical Examiners in Lunacy" namely: Dr. Moses Allen Starr (for our friend the Oculist turns out to be an Examiner in Lunacy) and Dr. E. F. If you turn to page 5 of the Commitment Papers, you will see under the caption "Certificate of Lunacy" and on line 200 "Patient resides at Hotel Kensington, New York, County of New York;" and now turn to page 7 of the Commitment Papers and on lines 275, 276 and 279, you will find "that the facts stated and information contained in this Certificate are true to the best of my knowledge and belief;" then follow the signatures of M. Allen Starr, M. D. and E. F., M. D. and then line 279: "severally subscribed and sworn to." Doctors M. Allen Starr and E. F. therefore, swore that to the best of their knowledge and belief I resided at the Hotel Kensington, New York, notwithstanding the fact that my said brothers and _____, the said Petitioners, swore of their own knowledge that my residence was in Virginia—their words were cf., lines 141 and 142, "Mr. J. A. Chaloner has for several months while at his home in Virginia"—and also notwithstanding the fact that Dr. E. F. found me at my "home in Virginia" when he presented himself there in company with Mr. Stanford White last February; and Dr. M. Allen Starr was aware of the said visit, on the part of Dr. E. F. to my "home in Virginia:" said visit having been touched on before Dr. M. Allen Starr in my presence. There could, therefore, have been no

possible doubt in either Dr. E. F.'s or Dr. M. Allen Starr's mind about my residence being in Virginia. On top of their knowledge as above described, and on top of the corroboration of it in Trow's Directory (which they probably consulted, for touching my occupation they say on line 202 "occupation Lawyer") which gives my residence Virginia, on top of, and in spite of, all this, both Dr. M. Allen Starr and Dr. E. F. swore that to the best of their knowledge and belief I reside at the Hotel Kensington. This looks to me like perjury. How does it strike you?

At all events it is so remarkable a divergence, as sworn testimony, from the sworn testimony, on the same subject, on the part of the said Petitioners that it badly needs investigation.

The remainder of the statements in the Commitment Papers both on the part of the said Petitioners, and on that of the said Medical Examiners in Lunacy, is on a par with the above instances of false swearing.

On the maxim "False in one thing false in all" it becomes unnecessary for me to take up your time to deny the false allegations on the part of the said Petitioners and on that of the said Medical Examiners in Lunacy, as "they drag their slow length along."

I shall content myself in making a general denial to all allegations which go to show me of unsound mind.

Such trifling allegations as that I have limited myself to a peculiar diet, or that I have secluded myself, or that I burnt my hand (in an experiment by the way), I demur to.

I also demur to the allegation that I frequently went into a "trance-like state." This was done in the presence of Drs. Moses Allen Starr and E. F. and at their request in order that they might note the action of a trance-like state. Their request to me was based on purely scientific grounds and I granted it on the same grounds. There was never any question of Medical advice. Drs. E. F. and Moses Allen Starr each pretended interest in the trance-like states, and Dr. Moses Allen Starr pretended to some knowledge of same.

You will remember that I said that I had for some years been carrying on investigations in Esoteric Buddhism. The said trance-like state is one of the means I from time to time employ to that end. As I said before I am not going to bore you with a lecture on Esoteric Buddhism, and shall drop the subject with the remark that I have not injured myself nor anybody else by my said investigations.

To all allegations to the effect, or tending thereto in the remotest degree, that I have a delusion or delusions of any kind or description I make an unequivocal denial.

The allegations that I have exposed myself to cold, neglected or injured myself, I unequivocally deny.

The allegation that I threaten people I unequivocally deny.

The allegation that I was emaciating I unequivocally deny.

The allegation that I was confined in an Institution for the Insane

in New Paris, France, I unequivocally deny. "New Paris" is a remarkably ignorant clerical error.

I unequivocally deny each of the following allegations which for brevity I shall designate by the numbered line they fall on. Namely. Line 142 from the word "Been" to "Manner;" line 144 from the words "he has" to the end of line 150, inclusive; line 187 to line 191, inclusive. Line 205 to line 212, inclusive. Line 215 and line 216, with the exception of "is armed": the very natural fact that I had a revolver in my room, which I always travel with, was twisted until it was distorted into "is armed." Line 218 and line 219. Line 244 to line 249, inclusive, except that I maintain that my eyes have changed from brown to gray. Line 252 to line 261, inclusive, except that I frequently went into a trance-like state at the request of Drs. Moses Allen Starr and E. F. and that I sometimes talked French when in the trance-like state. Line 262 to line 264, inclusive. Lines 269, 270, 271. Line 273 and line 274. The valet in question denied to me in my cell the foregoing allegation in the following inelegant but explicit language to-wit: "I didn't describe no gradual development of no delusion for I didn't see none." I demur to line 272 which says: "He has become suspicious of friends, has secluded himself," on the ground that I showed keen instinct in suspecting my friends. My friends so called—family and friends—ran me in here. Had I been more suspicious of friends I should not be in the hole which I occupy at present.

I think that you will agree with me that the frequently occurring word "line" in the foregoing paragraphs should read "lie."

So much for the allegations of the said Petitioners and said Medical Examiners in Lunacy against my reason. Now let us see how far the allegations of the Honorable Henry A. Gildersleeve, Justice of the Supreme Court of the State of New York, that I am a maniac, with suicidal as well as homicidal tendencies—the only conclusion to be drawn from his allegations—remember the said Honorable Justice has never laid eyes on me, line 187 to line 191, inclusive, and line 345 and line 346—let us see how far said allegations have been borne out by the facts which have transpired since my arrest March 13th.

I made no resistance to the Police who arrested me at the Hotel Kensington and brought me here. I gave them cigars and we smoked and chatted amicably together on the way here.

During the four months that I have been imprisoned here I have not committed a single act which in the remotest degree resembled either violence or insanity. I have threatened nobody during that time. I have frequently warned the authorities here that I would seek legal redress for the false imprisonment that I was undergoing, and that I would hold them legally responsible for their share in it.

The above statement is borne out by each of my keepers—one is on duty with me when the other is off duty—one of whom has been eleven years a keeper in Insane Asylums and the other has been three years in this Institution. Their duty is to sleep in my cell and be

with me and watch me when I am awake, and report daily to the Authorities here all that I do or say of any nature whatever. These reports are then taken down in writing by the Authorities and are known as "charts." It is on these "charts" that the progress or retrogression of a "patient's" condition is based. The Authorities—the doctors i. e.—may see the "patient" for five or ten minutes each day, the keeper sees the patient fifteen hours out of the twenty-four. It is in fact the keepers, who are expert trained nurses, and not the doctors who understand the most about the character, habits, and mind of the patient, in the ratio of fifteen hours to ten minutes per day of diagnosis and attention. Neither of my keepers has ever seen me do or heard me say anything which was in the least irrational or unbalanced. Each of them considers me as sane as any man and they are willing to so testify.

Why do the doctors here not discharge me as sane? Why did they not discharge me as sane after a week or two of observation? Because the duty of the doctors in the pay of this Private Insane Asylum appears to be to hold anybody placed here, whether sane or otherwise, long enough for the owners of this Asylum to make a good profit out of him—or her. Times are hard. It is not every day in the week that the proprietors of this Asylum can capture a prisoner who can be made to pay \$100 (one hundred dollars) a week ransom until released. As you see by the statement on the cover of the Commitment Papers that is the exorbitant sum I am forced to pay in exchange for a two-roomed cell, a keeper—whose salary is not over thirty dollars a month with board and lodging—and baked potatoes. There is no reduction here; I am forced to pay for what I don't want, whether I reject it or otherwise.

You can readily grasp the threads of this daring conspiracy from your intimate knowledge of the ways of criminals, gathered from your long and successful pursuit of them as Commonwealth's Attorney.

It is not necessary therefore for me to point them out to you.

Let it suffice to say that the ground work of the Commitment Paper is an amalgam of avarice, malice, and mendacity.

That the only truthful statements in the Commitment Papers are such as in no wise reflect on my reason or sanity. That I was accused by persons who were not in a position to know whereof they—not merely spoke but—duily swore. That these said accusers—the said Petitioners—were all and severally on bad terms with me, and had been so for years. That it was to the unmistakable business interests of two of the said accusers Messrs. Winthrop Astor Chanler and Lewis Stuyvesant Chanler that I should be disfranchised, as an insane person, of my property as well as of my liberty.

That having had a sharp altercation with Dr. E. F. for bringing Dr. Moses Allen Starr into my rooms without warning or permission, to spy on me in company with himself as the result proved, which altercation was the basis for a second one with Dr. Moses

Allen Starr on the general topic of the morality of the Medical profession: in the discussion of which topic I showed such unexpected knowledge of the habits of many members of the Medical profession that Dr. Moses Allen Starr, after vainly endeavoring to discover the source of my information, earnestly requested me to change the subject: that having had, as I say, a distinct altercation with each of the said doctors—who later were metamorphosed into the said Medical Examiners in Lunacy—the motive of the said followers of the Healing Art, in wishing to see their late antagonist declared a maniac, is not far to seek. I might say that I have not the faintest tinge of prejudice against surgeons as well as such physicians as are both skillful and honest. That there are numbers of physicians who are neither one nor the other it has been my fortune to discover. The proof of the above lack of prejudice against physicians is, that I have spent money in giving aid to deserving Medical students to complete their education.

The motive which led the Honorable Henry A. Gildersleeve, Justice of the Supreme Court of the State of New York to overlook the grave discrepancy displayed in the Commitment Papers in the spectacle afforded by two conflicting sworn statements on the same subject—namely, the sworn statement of the said Petitioners as to my home's being in Virginia followed by the sworn statement of the said Medical Examiners in Lunacy as to my home's being in Hotel Kensington, New York—the motive which led the Honorable Justice to permit the said spectacle to pass unchallenged, I shall leave you to surmise. This Institution is very rich.

The motive which led the said Honorable Justice to dispense with "personal service" on a merely *ex parte* statement, I shall leave you to surmise.

The motive which led the said Honorable Justice to omit to direct "substituted service"—clearly the alternative, when personal service is dispensed with, as implied by the law which reads: "the judge to whom the application (for Commitment to an Insane Asylum) is to be made, may dispense with such personal service, or may direct substituted service to be made upon some person to be designated by him." Cf. printed cover of the Commitment Papers containing the said law lines 53 to 55: the motive which led the said Honorable Justice to the above omission I shall leave you to surmise.

You will note, on studying the extracts from Chapter 545 of the laws of 1896—given on the cover of the Commitment Papers—the tortuousness thereof. For instance take Section 62. The said section contradicts itself. It says line 49 and line 50: "notice of such application (for Commitment to an Insane Asylum) shall be served personally, at least one day before making such application upon the person alleged to be insane."

That is no more than fair—is it? Somebody takes it into his—or her—head or pretends to take the notion into his—or her—head,

for certain reasons, that you are crazy. It seems fair that you should be allowed to confront your accuser—a common murderer has that privilege—and be heard in defence to his—or her—allegations, before being summarily arrested like a malefactor, as I have been and put behind bars without a trial for an indefinite period, perchance for life. Well the above wholesome specimen of boasted Anglo-Saxon justice, law, freedom, etc., is at once wiped out and rendered utterly nugatory by what follows on lines 53 to 55, inclusive. After the above bold bluff at justice—after saying “notice of such application (for Commitment to an Insane Asylum) shall be served personally, at least one day before making such application, upon the person alleged to be insane”—the law dodges justice and sneaks out at the following carefully prepared loophole line 53 to line 55, inclusive: ‘the judge to whom the (said) application is to be made may dispense with such personal service.’ The judge has it all his own way. Get at the right judge and it’s plain sailing. There are two explanations of the above law. One, that it is the outcome of manipulated legislation at Albany by Corporations dealing in bogus maniacs, who wish to legislate in order to continue the said monopoly in maniacs, which the laws of the State of New York at present foster and support.

The other explanation, for the above iniquitous law’s smirching the Statute Books of the “Empire State,” is that it is the product of the late Republican Legislature.

In other words a citizen of the State of New York can be condemned, and imprisoned, without a hearing. All that is required to deprive a citizen of the “Empire State” of his liberty, is, one or two false witnesses, two dishonest doctors, and a judge who can swallow conflicting sworn statements without a qualm. No defence is allowed to the accused.

This is truly the “Empire State.” I sometimes wonder, as I look through the bars of my cell, how such things can be, outside the Russian Empire State.

Fortunately for myself, however, I am no longer a citizen of the “Empire State,” but am and have been since 1895 a citizen of the Sovereign State of Virginia; which title to sovereignty I propose to see Virginia make good by rescuing me, recapturing me as it were from the neighboring and supposedly friendly State of New York, by calling on the arm of the Federal courts.

An interesting question this, and one in which it may be shown, that the Doctrine of State’s Rights rests for support upon Centralization, and that when one sovereign State steals the citizen of another sovereign State, and thereby the money accruing from his personal taxes, the robbed State may call upon the common residuary of all extraneous sovereign rights, the central government, to demand restitution from the robber State.

So much for the equity surrounding my present predicament.

Now let us glance at the law. You will readily comprehend with

what meagre means towards forming an opinion I am at present surrounded.

The sum total of my law library consists of the Constitution of the United States, in the back of a dictionary, and selections from a list of legal maxims in the same book. The Constitution of the United States says Article III. Section 2: "The judicial power (of the Federal Courts) shall extend to controversies between citizens of another State to controversies between citizens of different States." I am a citizen of Virginia. Should I have a controversy with the State of New York, the controversy being between a State and a citizen of another State, the Federal courts could alone have jurisdiction over the controversy.

The question of a man's sanity, covering as it does his liberty, and his property, is surely a controversy of the first importance.

I therefore—having had my sanity attacked by a State court (the Supreme Court of the State of New York), have a controversy with the State of New York. Said controversy must be tried, therefore, in the Federal Courts.

Furthermore, I have had my sanity attacked by Drs. Moses Allen Starr and E. F. They being citizens of the State of New York, and I being a citizen of Virginia said controversy must be tried, therefore, in the Federal courts.

Furthermore, I have had my sanity attacked by Messrs. Winthrop Astor Chanler, Lewis Stuyvesant Chanler and —————. I being a citizen of the State of Virginia and they, the Messrs. Winthrop Astor Chanler and Lewis Stuyvesant Chanler being citizens of the State of New York, and ————— being a citizen of the State of Massachusetts, said controversy must be tried, therefore, in the Federal courts.

Furthermore, I have been restrained of my liberty by "The Society of The New York Hospital," the legal title of the corporation which owns the Asylum in which I am at present confined.

The said corporation being a New York concern, and I being a citizen of Virginia said controversy must be tried, therefore, in the Federal courts.

The above actions are for the future. For the present all I ask is liberty.

It is not necessary for me to tell you how to proceed to attain that end. I will only caution you in closing not to write or telegraph me, or mention me to a living soul, save Senator Daniel (to whom of course you will show this letter) anything connected with me or my whereabouts. It has been given out by certain interested parties that I am in Europe (I find that that is the stock term used when a man is sent here). Let it be so considered as long as possible.

Speed is essential, for I have been given to understand, that, when my unknown term of imprisonment here is ended, I am to be shipped to Europe. As to what point I was not informed; most probably to

an English private Insane Asylum. That would probably do the business for me, as there they are even more brutal in their treatment of patients than here.

Above all I warn you and Senator Daniel to be on your guard against all the doctors here. For they are all of them as smooth spoken and deceptive in their manner as any set of confidence men you ever encountered.

The name of the Superintendent is Dr. Samuel B. Lyon, the Asylum is commonly called "Bloomingdale" but that is merely a fancy name. Its legal title is "The Society of The New York Hospital," a private corporation having its offices and Hospital on 15th St., a few doors west of Fifth Avenue, New York.

As you may gather from my letter I mean war.

No compromise with any man, or institution, which has been in the remotest degree connected with this rascally conspiracy.

Listen to nobody who endorses what has been done.

The more friendship such a man professes for me, the more profound should be your distrust for him.

The manner of proceeding to procure the writ of habeas corpus I leave entirely in Senator Daniel's and your hands.

Speed and secrecy are the watch-words. The moment it leaked out that any effort was being made for my release, that moment would probably end my imprisonment here and begin it in a closed carriage, on my way by night, bound and gagged to Long Island Sound—eight miles off—where a private tug boat would convey me to an ocean Steamer at New York, or a sailing vessel bound around "the Horn." I can assure you that outlawed as I am, my position is one of considerable uncertainty—not to say danger.

It is unnecessary for me to say that nothing but the most unexpected and dire necessity could induce me to go before a sheriff's jury, the usual manner in the State of New York of carrying out a habeas corpus proceedings for a man who has been declared insane by a judge. I object to this for three reasons.

First: Because it is not the right way to go about it. I am not a citizen of the State of New York and therefore the sheriff's jury does not apply to my case.

Second: Because I do not desire the notoriety consequent thereon.

Third: Because my family are most anxious that I should go before a sheriff's jury, in the desperate hope that the said jury would believe what they, and the doctors said about me. In which case the jury would pronounce me insane, and hand me over to the custody of my family, who could then apply for and receive into their hands my property and the management thereof under the name of a commission.

The above line of action (going before the sheriff's jury) has already been suggested to me by an emissary of my family, who told me that that was the only way for me to get out—hoping thereby that I would choose it.

The best way, it seems to me, would be to have Senator Daniel and yourself go before the Attorney General in Washington, and have him issue an order to the United States District Attorney in New York City, to go before a Federal judge in New York City with Senator Daniel and yourself, and procure from said Federal judge a writ of habeas corpus, on the double ground that I am not insane—show portions of this letter to the judge as proof of my sanity, on the maxim “To write is to act,” if I write sanely I act sanely— and that if I were insane the actions should have been begun in a Federal and not in a State court, owing to my being a citizen of Virginia, and not of New York, and that my Commitment by a State Court is therefore illegal and must be set aside.

I merely mention this, with the full knowledge of its being—owing to the circumstances—a horse-back opinion.

I don't dwell on the irregularity of the commitment—the conflicting sworn statements—the suggestions of fraud—the fact that the name of the institution, in which I am, is therein given as “Bloomingdale Asylum,” whereas the Commitment Papers distinctly state under it, on line 156: “it is essential that the official title of the institution should be correctly inserted,” and whereas the official title of said institution is not “Bloomingdale Asylum,” but “The Society of The New York Hospital.” The same irregularity is repeated on the cover of the Commitment Papers, where the title of the said institution is again given as “Bloomingdale Asylum.” These, with the rest of the legal aspects of the case, I leave entirely in Senator Daniel's and your experienced hands.

If necessary, let a Federal judge examine into my sanity for a change. Examination at the hands of a distinguished and honest man is the last thing that I would avoid.

If necessary, let us begin *de novo*, only in a legal, equitable, and honest manner. No more dishonest doctors, no more Star Chamber judges, no more summary arrests. We are not in Cuba nor, as yet, in the State of New York does martial law prevail.

As I am allowed no money—I haven't seen a dollar bill in months—and as I am not allowed to communicate with my New York office, I am unable to send you and Senator Daniel cheques for retainers and disbursements. So I must ask you to explain the situation to the Senator and tell him that I must ask him to charge all traveling expenses and disbursements to my account until I am liberated.

The same I request of you. I hope before many days to see Senator Daniel and yourself enter the door of my cell, accompanied by an officer bearing a writ of habeas corpus from a Federal court.

Faithfully yours,

JOHN ARMSTRONG CHALONER.

P. S.—Please bring this letter with you as a résumé of my case.

J. A. C.

State of Virginia,
County of Albemarle,

I, Micajah Woods, Commonwealth's Attorney for Albemarle County, Virginia, being duly sworn depose and say that I received the appended letter addressed to me, under date July 3, 1897, in October, 1897, that the said letter is in the handwriting of John Armstrong Chaloner and signed by John Armstrong Chaloner.

MICAJAH WOODS.

Sworn to before me this 12th day of July, 1905.

JOHN W. FISHBURNE,

Notary Public for the County of Albemarle, in the State of Virginia.

John W. Fishburne, Notary Public,

Albemarle County, Virginia.

My term of office expires September 19th, 1906.

County of Albemarle,
State of Virginia,
to wit:

I, W. L. Maupin, Clerk of the Circuit Court of the County of Albemarle in the State of Virginia, the same being a Court of Record, do certify that John W. Fishburne, whose genuine signature is affixed to the foregoing and annexed certificate was at the time of signing the same a Notary Public in and for the County and State aforesaid duly commissioned and qualified according to law and authorized to take proof and acknowledgment of Deeds and other instruments of writing.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this 12th day of July, 1905.

W. L. MAUPIN,
Clerk.

(Seal of Virginia.)

His commission expires 19th day of Sept., 1906.

"FOUR YEARS BEHIND THE BARS OF BLOOMINGDALE."
PAGE 36.

Upon plaintiff's arrest and incarceration upon the said false charge of lunacy March 13, 1897, in The Society of The New York Hospital, falsely called "Bloomingdale," at White Plains, Westchester county, New York, plaintiff at once attempted to procure counsel for his trial in open court. In all said attempts plaintiff was foiled from the fact

that he was a prisoner under the strictest surveillance. Finally, on or about the 13th of October, 1897, plaintiff did manage to get a letter out without the knowledge of the hospital authorities. Said letter was to a lawyer in Virginia requesting him to employ another lawyer and together to institute *habeas corpus* proceedings for plaintiff's release. For the reason that on the old adage, "give a dog a bad name and hang him," said lawyer was like all other lawyers whom plaintiff wrote to from White Plains with the said view. Said lawyer felt doubtful about taking the case of a man declared insane by relatives. The consequence was that said lawyer did nothing in said matter beyond writing plaintiff a very friendly letter by the same party who had conveyed plaintiff's said letter to said lawyer. Plaintiff therefore resigned himself to an apparently desperate situation, waiting for something of which he might avail himself to turn up. Plaintiff thus waited for nearly two years from the time he wrote said letter, which was on July 3, 1897, for he had to wait from July to October for an opportunity to get said letter out without the knowledge of the hospital authorities. In the early summer of 1899 plaintiff put in a request to the Superintendent of The Society of The New York Hospital, at White Plains, for permission to walk outside of the asylum grounds unaccompanied by a keeper as heretofore. Plaintiff's conduct had, during the more than two years of his stay at White Plains, been so exemplary and docile that the said Superintendent granted plaintiff's said request. At this time plaintiff was suffering from a nervous affection of the spine, brought on by the fearful nervous strain of his surroundings reinforced by the fearful nervous strain of waiting, without hope of help from without, in a mad-house cell for over two years. Plaintiff had been confined to his bed by said complaint for weeks at a time. Upon receiving permission to walk out alone plaintiff attempted to do so, but after a few such attempts his said nervous affection of the spine returned with increased force, which again put plaintiff upon his back. There plaintiff remained for some months. At the end of said time plaintiff once more resumed his said walks. Plaintiff was very careful not to overexert himself in his precarious condition of health, and for some months limited his walks to a little over a mile per day. Gradually plaintiff's health improved, and gradually he extended the distance of his daily walks, until by January, 1900, plaintiff was able without fatigue to do twelve miles on foot in three hours. Plaintiff thereupon prepared to carry out a plan he had had in mind when he put in his said application for permission to walk out alone. Said plan was to choose a post office as far away from White Plains as possible, but not too far to admit of his walking there and back inside of three hours. Plaintiff selected a post office six miles off, and also at the same time selected an alias, under which to receive his mail without a probability of any of the said hospital peoples' finding out that plaintiff was breaking one of the most rigidly enforced rules of said asylum, to-wit, that no letters,

telegrams, or telephone messages may go out without having been first read and approved by the said hospital authorities. In January, 1900, plaintiff wrote to the said Virginia lawyer, explaining the situation and that all replies should be addressed to plaintiff under said alias at said post office. To said letter plaintiff got no reply. Plaintiff waited until the latter part of February, 1900, when he again wrote to said Virginia lawyer. To said letter said lawyer replied under date of March 20, 1900, in a most friendly manner, saying, among other things. "It is certain that some prominent friend of yours in New York could serve you more efficiently than I could, as I am a stranger to the people there and not familiar with the New York procedure in such cases. I would suggest that you communicate with.....; he is an old friend of yours, on the ground, and familiar with the influences that would have to be exercised to restore you to liberty, and the exercise of your rights."

To said letter plaintiff replied under date of March 26, 1900, of which the following is an excerpt, to-wit. "Yours of March 20th to hand. I am very much obliged to you for replying to my previous note so promptly. I fully comprehend the difficulties surrounding your position. The gentleman you suggested that I should employ in my case is unavailable. I have, however, other lawyers in view. I had just written one of them in relation to my case and made an appointment for our meeting secretly. You will readily understand the importance to me, and my case, of my letter to you dated July 3, 1897, and its enclosures, to-wit: a certified copy of my Commitment Papers, and a page from I have a rough pencil copy of said letter, but it is not in shape for ready reference or easy legible reading. As this letter contains a complete and exhaustive history of my case, written when the events were fresh in my mind you will easily see its importance to me in giving a complete succinct recital of the events which led to my arrest, and what followed, to my lawyers. I therefore enclose a special delivery stamp, which is almost as sure as a register stamp, to ensure the safe arrival of the aforesaid documents, which are of vital importance to myself."

To said letter said lawyer replied under date of March 30, 1900: "My Dear Friend,—Yours received. I have mailed to you this morning the documents you wished. The paper you wrote is clear, strong, and logical, and would be of immense service to your friends and attorneys in New York. I do earnestly hope your efforts to secure relief will be successful. You must let me know the progress you make in this line, and advise me of the name or names of your New York attorneys and at the proper time, if I can possibly leave here, I will go on and confer and co-operate with them."

This was the last plaintiff heard from said Virginia lawyer. The latter part of March, 1900, plaintiff wrote to a New York City lawyer proposing to engage him in plaintiff's case in co-operation with a second New York lawyer of great prominence. Plaintiff also enclosed

in his letter to said first New York lawyer plaintiff's long letter to said Virginia lawyer (dated July 3, 1897), and the certified copy of the Commitment Papers. Said first New York lawyer replied to plaintiff's said letter as follows, under date of April 7, 1900: "Long letter and papers received. The matter is receiving attention, and I will let you hear from me as soon as possible."

Plaintiff waited until May 12, 1900, without hearing anything further from said first New York lawyer. On that date plaintiff wrote a polite note to said first New York lawyer to the effect that, if for any reason, said second New York lawyer was unable or unwilling to co-operate with said first New York lawyer on plaintiff's case, that in that event said first New York lawyer was to get the "long letter and papers" from said second New York lawyer and offer the case to a third prominent New York lawyer. To said letter said first New York lawyer replied under date of May 14, 1900, as follows, to-wit: "Yours of May 12 just received, and I must apologize for keeping you in suspense, but for the past week I have been under the weather and have been unable to attend to anything. But your affairs have not been forgotten, and I am doing exactly what you asked me to do. I have had a long talk with..... (said second New York lawyer) and he now has your papers, and has had them for some time. He is a very busy man, and he promised me he would give this matter his most careful attention. I will do my best to have an interview with him this week, and will write you immediately."

This said note was the last plaintiff ever got from said first New York lawyer. After waiting in vain till the latter part of May, 1900, to hear from said first New York lawyer plaintiff wrote on May 24, 1900, to an old friend of plaintiff's, and also a friend of said second New York lawyer. It was in fact, said friend who, years previous, had introduced plaintiff to said second New York lawyer at the club. Plaintiff only met said second New York lawyer on this occasion. In plaintiff's said note to said friend of May 24, 1900, plaintiff proposed to said friend to call on said second New York lawyer, and use his good offices to get said second New York lawyer to bring plaintiff's case to court as quickly as possible. Plaintiff was under the impression at that time that said second New York lawyer was at work upon his (plaintiff's) case. Since said friend would be in a position to assure himself on that matter, one way or the other, plaintiff in writing to said friend, May 24, 1900, spoke of said second New York lawyer's having taken his case as an accomplished fact. The following note is said friend's reply to plaintiff's aforesaid note, to-wit: "New York, May 30, 1900. Your esteemed favor of the 24th ult. was duly received. I cheerfully accept your proposition and shall devote myself to its fulfillment as shall best be deemed advisable from time to time, as events may be developed. Nothing can be accomplished by undue haste—everything by patience and serenity. Those with whom I am to confer and advise are fully alive to the situation, rest confident

upon that. I have never failed you heretofore, and shall not now. Be of good cheer, and believe nothing will be neglected toward the end in view." Plaintiff naturally inferred from the said note that said friend had seen said second New York lawyer, and that said second New York lawyer was diligently at work upon plaintiff's case. Weeks rolled by and no word came either from said second New York lawyer or said friend. Plaintiff then wrote direct to said second New York lawyer a brief and polite note asking point blank, but politely, whether or not said second New York lawyer was engaged upon plaintiff's case. To this note said second New York lawyer made no reply whatever. Plaintiff has since learned, upon incontrovertible evidence, that said note from plaintiff was duly received by said second New York lawyer, however. Plaintiff did not write again to said second New York lawyer, nor did plaintiff think it worth while to notify said friend of plaintiff's of said note to said second New York lawyer. By the middle of October, 1900, plaintiff's patience began to wear. Said second New York lawyer kept silent. But since plaintiff had said friend on guard, so to speak, watching said second New York lawyer, plaintiff, who had perfect faith in the friendship for himself on the part of said friend felt sure that, strange as said second New York lawyer's silence seemed, there was some good reason for it. But, as has been said, plaintiff's patience began to wane towards the end of October, 1900. Plaintiff thereupon wrote to said friend and asked him point blank whether or not he knew whether or not said second New York lawyer had taken plaintiff's case. The following extract from said friend's reply lifted a veil from plaintiff's eyes. The said extract is all of said friend's said note, which is relevant. Said extract, to-wit: "New York, Oct. 20, 1900. I do not know for a fact whether.....(said second New York lawyer) has, or has not, undertaken your case. I had concluded from your letter that he had, and in my conversations with him since that time looked upon him as your counsel. For weeks I have not seen that gentleman, and all efforts to have a talk with him in your behalf have been fruitless and of no avail." Plaintiff thereupon wrote to said friend for further information, said friend's reply to which contains the following extract, to-wit: "New York, Wednesday, Oct. 31, 1900. Again I have to report that I have not seen or heard from our friend (said second New York lawyer). It seems incredible to me. You are sure, are you, that you have not written anything he might have taken exception to? On that, I take it, he is punctilious to a degree. But this is all at random, and as though in a fog." Thereupon plaintiff wrote said friend informing him of plaintiff's note to said second New York lawyer, before referred to, asking said second New York lawyer point blank, but politely, if said second New York lawyer had taken plaintiff's case or not. Plaintiff further asked said friend if said second New York lawyer had ever mentioned said note to him. To this question the following is an extract from said friend's reply,

to-wit: "New York, November 4, 1900. At no time did the distinguished counsel (said second New York lawyer) ever say, or intimate, he had received a letter from you. The query was wholly mine, reaching out through a maze of ignorance to arrive at a conclusion." Plaintiff received one or two more notes from said friend, all showing said friend's inability to reach or hear from said second New York lawyer.

Plaintiff was more than ever convinced of the truth of the said adage, "Give a dog a bad name and hang him." However, plaintiff decided to make one last effort at getting counsel from New York, failing which he determined to escape. Plaintiff therefore wrote to a third New York lawyer, whom he had known intimately in the past, asking said third New York lawyer to meet him at a point sufficiently distant from White Plains to insure said conference being free from interruption. Said third New York lawyer promptly responded and said conference took place. Said third New York lawyer was as friendly as possible; but the upshot of it was that said third New York lawyer proved to be about as averse as had the other New York lawyers shown themselves to be to taking plaintiff's case. Plaintiff thereupon decided to escape next day, and, after borrowing ten dollars from said third New York lawyer, did so.

PRESS STATEMENT.

by

PLAINTIFF'S ATTORNEYS, SEPT. 20, 1901.

The appearance at Louisa Court House, Virginia, to-day of attorneys in a civil proceeding in behalf of Mr. John Armstrong Chaloner, with reference to certain property in that County in which he is interested, being likely to revive or to originate sensational newspaper stories about him, his attorneys, who are Senator Daniel and his law partner, Mr. Frederick W. Harper, of Lynchburg, (Virginia), Hon. Micajah Woods, Commonwealth's Attorney for Albemarle County, of Charlottesville (Virginia), Hon. Armistead C. Gordon, City Attorney, of Staunton (Virginia), and Hon. Augustus VanWyck, of New York, have deemed it advisable, with Mr. Chaloner's approval, to give to the press the following statement:—

On the 13th day of March, 1897, Mr. Chaloner, then a citizen of Albemarle County, Virginia, visiting in New York City, was committed to "Bloomingdale Asylum" at White Plains, N. Y., on an order of a judge of the Supreme Court of New York. On Thanksgiving Eve 1900, after numerous fruitless efforts to secure legal counsel, having managed to borrow from a friend a few dollars, he escaped from the Asylum, and went to Philadelphia. There, under the guise of an attorney representing a client, he submitted his case to a distinguished

neurologist, and upon the latter's expressions of willingness to assume charge of his alleged client, disclosed his identity. In order to afford the neurologist ample time and opportunity for observation, Mr. Chaloner, of his own motion and without compulsion, repaired to a private sanitarium in Philadelphia, under the charge of this doctor, and remained under his personal supervision there for six months. During this time a number of eminent alienists, neurologists and psychologists were called in consultation and the records of the proceedings in Louisa County disclose the unanimous opinion of all these experts as to Mr. Chaloner's sanity.

Later, having placed himself in touch with his counsel by correspondence, he came to Virginia and lived at Lynchburg up to a short time ago, when he returned to his home County of Albemarle where he now is, and where proceedings have been instituted under the Virginia statutes to demonstrate before a Court of competent jurisdiction, and in an affirmative manner, his entire sanity.

Mr. Chaloner, who since his escape from "Bloomingdale" has been believed by many persons to be dead, [See Police description of plaintiff, Page 87] and by many others to be living abroad, is the picture of vigorous physical health; while his sound mentality is vouched for by such eminent scientists as Dr. William James, Professor of Psychology at Harvard University, Dr. H. C. Wood, Professor of Nervous Diseases in the University of Pennsylvania; Professor Joseph Jastrow, head of the Psychological Department of the University of Wisconsin and President of the American Psychological Association; and by other prominent alienists and neurologists.

Mr. Chaloner's commitment and confinement in New York grew out of his necessary seclusion of himself for a long period of time in the study of Experimental Psychology, a field of science that has received a tremendous impulse of development in the past few years, and in which those who are competent to judge, award Mr. Chaloner the encomium of having made a very interesting discovery. In a book he is about to publish entitled, "The X-Faculty—A Short Study in Advanced Experimental Psychology," his scientific investigations are fully set forth.

It will doubtless please the many friends of Mr. Chaloner in Virginia and elsewhere to know of his sound condition of mind and body, which is vouched for, as disclosed to them by personal contact and through frequent correspondence during recent months, by all of his counsel,

(Signed) DANIEL & HARPER,
MICAJAH WOODS,
ARMISTEAD C. GORDON,
Attorneys.

THE CHANLER-FAMILY LETTERS.

We shall lastly introduce five letters corroborative of plaintiff's statement in said letter to said Micajah Woods under date July 3, 1897, to the effect that there had been bad blood between plaintiff and plaintiff's said family (brothers and sisters) for years, and that the line of demarcation had been drawn in 1888, etc. etc.

"Rokeby,"

Barrytown, N. Y., June 23rd, 1888.

(To John Armstrong Chaloner.)

Dearest Brog:—Many thanks for your delightful letter flowing with metaphorical milk and honey.

I am so glad you are so happy, dear old boy, and that you find the dreadful marriage state not such a bugbear after all. I congratulate you with all my heart on your winning such a fair and noble prize in the life race, seeing how richly you deserve all happiness that may come to you. Now I am going to speak quite frankly about a matter which has been exercising us all a good deal, and whose nature you seem entirely unconscious of. Far be it from me to throw the slightest cloud across your sunshine, though in the present state of the thermometer a cloud would be rather a grateful change for the heat is oppressive, but I don't think you realize in the least how very keenly we all felt your treating us as if we were mere outsiders to be classed with reporters and other noxious and inquisitive bipeds.

The news of your marriage was known to hundreds of people before it reached us. Aunt Caroline Astor was here on Thursday afternoon and said: "Well I hear Archie is being married"—We naturally poohpoohed the thing as a newspaper story. The next day the "*Herald*," "*Times*," etc., confirmed the *fait accompli*, not until Monday did we get any news from Virginia and in the meantime, as it happened, we had a stream of visitors who could none of them fail to be surprised at our being left so totally in the dark.

Naturally we felt very much hurt at such neglect, poor Alida has cried her eyes out several times feeling that you do not care for her, the boys are all vexed and affronted. Wintie and I try to make the best of the matter, but for several days we could not trust ourselves to speak of it. Your announcement that you will stay in Virginia all summer, read aloud at table last night reopened the wound, poor Bunch's tears rolled down her cheeks into her strawberries. I think you ought to try to come up for a week at least, before the girls sail. I assure you the thing is worth the sacrifice. The world which you seem to care about a good deal—as who does not—has got hold of the idea that your family is not overpleased with your marriage, nothing as you know could be falser than this, but it is you who have given it this impression, it rests with you to efface it. You know

without any telling you how warm your welcome would be here and I think you owe it to yourselves as well as to us, to let us see you here.

Think it over well, remember how much weight and stress you always lay on duties to your family. I say no more, fearing you take me already for a tiresome old lecturer. Please understand that I write because I think it is best you should know how the land lies about Rokeby, and show you how you may make a difference, I won't say for your whole future but certainly for several months of it by your present movements, in the whole feeling of the family. Mr. Bostwick has just returned from Baltimore, quite worn out with dodging questions as to why none of the family were present, etc., etc., and he told Wintle last night that you ought really to know how the farmers and people about here are talking at your not coming up nor having had any one down. The only way, you see, to do away with all these false impressions is for you to come up here as soon as possible.

This is not a case for quibbling arguments about insignificant "side issues," you have got yourself into this false position and you owe it to your wife and her future relations to the family to get yourself out of it. Use your own judgment as regards telling Amélie about all this, she has had enough worries and should be spared as much as possible. Give her my love—Wintle joins me and says he won't trust himself to talk any more on the subject. Very affectionately,

DAISY.

Alida sends love to you both—also give Margaret love from us all.

(From Winthrop Astor Chanler.)

"Rokeby,"

Barrytown, N. Y., June 19th.

My Dear Margaret:—I have been waiting until I could control my temper before answering your letter.

If ever two people deserved a good spanking, those two are Brog and you. Of course you were but as putty in his hands, and backed him up in his absurd mysteries—but still your own common sense, if no other feeling, should have told you that he was quite wrong in acting as he did. Now I suppose you are wondering what I am driving at. Wait a bit until I tell you a story.

A detachment of the British Army in India was on the march. An officer was very anxious to know whether the army was to halt the next day and asked one of the staff officers, who had once been a friend of his, about it. "I really do not know the intentions of the General" was the reply. Then says the Chronicler, "Returning to his tent disgusted with the airs of his former companion he was met by

his servant with the information that the army was to halt the next day. "Where did you learn that?" said the officer "Major M's (the staff officer) washerman tells me." So Major M. could tell his washerman that he might take advantage of the halt to blanch his linen, but he could not communicate it to an old friend; although from the situation of the army it mattered not, in a military point of view, if the fact were known from one end of India to the other." Just read, mark, learn, etc., this parable and I think you will see how the cap fits. You could write to Mr. Morris and tell him to be sure the "d" was left out of his name, etc., etc.—and yet you could not send one line or word to any member of your family so that we could drink the bride's health. As it happened Archie's alleged telegram never reached us.

Alida at "Tranquility" and all of us at "Rokeby" heard it from an outsider and the daily papers. Of course Brog, like Sir Andrew Aguecheek will have fifty "exquisite reasons" for it all. He always has. It won't make much difference now what he says. It is all over the country that not a single member of his family knew he was going to be married so soon. That don't look well does it? I am glad he is where he is so much appreciated for his stock is below par up here. I cabled the news to Bess lest she too should hear through the papers. Alida wrote me a piteous letter to-day asking for news—What news can I give her? That you leave Va. in a week? Another little point for you and Brog to digest at your leisure is this. The outcome of his sublime and fatuous predilection for mystery is that as your name was only in one paper the great majority for whom he poses think that no member of his family was present at his wedding. You can draw your inferences.

This is all I am going to say on the subject except that it is useless to tell Amélie anything about it. She has nothing to do with it, and need not be made uncomfortable.

Yours,

W.

(From Winthrop Astor Chanler.)

"Rokeby,"

Barrytown, N. Y., June 22nd, 1888.

My Dear Margaret:—On our return from Albany to-day, where we had dined and spent the night with Mrs. Pruyn, I found your long letter.

Your reasons for not letting us know are precisely what we all supposed them to have been. Of course we all knew perfectly well that you wanted to send us word and that Archie would not let you. When you say that you did not consider it proper for you to discuss the matter with and differ from him we disagree with you entirely. It was your business to fight any such proceeding on his part with all

your might. Particularly so when you thoroughly realized how we would feel as you say you did. In fact every word in your letter and in Brog's to Daisy goes to confirm us in our opinion. The Rives had a perfect right to wait till after the wedding before cabling to the Col. if they wished. They had plenty of relatives in the house to back them up in anything they chose to do—if the Herald is to be believed. Besides there are a half dozen ways in which Brog could have let us know the day before if he had wished. He could have written or telegraphed in French. As soon as he had had his interview with the Herald reporter he could have sent us word. The whole trouble is that he apparently looked upon the family in the same light as the public—with a strong preference for the public. I am not going to discuss the matter any further as regards the disagreeable position he has seen fit to put us all in and its result in the eyes of the world of whom he seems to stand in such dread. Nor am I going to discuss the utter fizzle of his attempt at secrecy. I will simply say that he has done the very thing of all others he should have not done under the circumstances and that he has hurt the feelings of his entire connection on this side of the water in a way that though they may say nothing, yet will make them show it for a long time to come. In the most important epoch of his life he has made a fool of himself and hurt his wife in the eyes of the public. You can show him both my letters on condition that he does not tell his wife about the contents more than is necessary. I will write to him as soon as I can talk of something else.

Yours,

W.

P. S.—Remember I want you to show both my letters to Brog. You can leave the matter of repetition to his own judgment.

(From Winthrop Astor Chanler to John Armstrong Chaloner.)

“Rokeby,”

Barrytown, N. Y., June 21st, 1888.

Dear Brog:—Just a line from an outsider to disturb the perfect bliss of Armida's garden. Ask for and read the two letters I have written to Margaret in the name of the Rokebyites and use your own judgment about repeating the contents. Love to Armida—We don't want any cuttings from the Herald or any other of your friends the Journalists.

Yours,

W.

P. S.—The weather here is very warm, 93 in the shade to-day—I wonder if you wouldn't find it cool in spite of the thermometer.

(From John Armstrong Chaloner to Winthrop Astor Chanler.)

"Castle Hill,"

Albemarle County, Virginia, June 27th, 1888.

Dear Wintie:—I have received your note of June 21st, and I shall want an apology from you in writing, before anything further can pass between us.

Yours,

J. A. C.

Now as regards the corroborating evidence concerning the veracity of plaintiff's statements in the above letter to Hon. Micajah Woods under date of July 3, 1897.

We shall lastly introduce a letter written to plaintiff under plaintiff's then alias of John Childe while plaintiff was in hiding from the New York and Pennsylvania police at the said private sanatorium in Philadelphia, by the late Hon. James Lindsay Gordon, then one of the assistant District Attorneys of New York City where he died, and recently—in 1904—one of the Assistant Corporation Counsel of the same.

"District Attorney's Office.
City & County of New York.

May 6th, 1901.

John Childe, Esq., Phila., Pa.

My Dear C.:—I have your letter of the 5th inst.—but this is the first moment I have had to answer it, having been engaged in Court all day in the trial of cases.

I remember very distinctly the meeting to which you refer, of the Directors of the R. P. Co.* in your room in the Hotel Kensington in December, 1896, and the altercation of a violent character which then occurred between you and your brother Mr. W. A. C. (Mr. Winthrop Astor Chanler)—an altercation which reached the verge of becoming a physical one, you rising from the bed in which you had been previously lying, and you and he simultaneously approaching each other in a threatening manner. I do not after the lapse of so long a time, recall the exact point at issue between you, but I do recall that on being appealed to by you, I agreed to the correctness of your position. I think it was the next day or the day thereafter you showed me a letter from him in which he said, in effect (of course I do not recall the language) that he could have no further communication with you except in writing or through third parties.

*Roanoke Rapids Power Company.

My recollection is that you sent him a reply to the effect that you accepted that situation; and either in that letter or another one about the same time by me, you notified him that you would send a representative to examine the accounts of your Father's estate of which he was one of the executors. To the latter proposition he verbally to me at once acquiesced. Subsequently at your request I employed an expert accountant who examined the books and made a report which was either given you or Mr. S. W. who held your power of attorney. I do not now remember which.

Subsequently to the Kensington Hotel meeting, Mr. W. A. C. resigned his presidency and membership on the Directory of the U. I. Co.* and you were elected in his place. I was at that meeting elected a Director on that Board by proxies of your stock—a position which I some time ago resigned, transferring my share of stock to ——— who I believe was elected Director in my stead—tho' of this I am not sure. I resigned as it was practically impossible owing to the tremendous pressure of my official duties to attend to the Directorship of the U. I. I have now I think, briefly epitomized the business transactions of that particular period so far as I can remember such business transactions.

In so far as your relations with the members of your family (brothers and sisters) were concerned, of course my knowledge was derived from you. I was on the most intimate social and business footing with you and there were few things you concealed from me. You had, on various occasions before the transactions hereinbefore referred to, spoken to me about them and that your relations with them were not friendly. My recollection is that on one or two occasions I rather argued the matter with you, stating that I thought you must be mistaken, but you persisted in the assertion that you knew what you were talking about and that you knew that your family were unfriendly to you.

I have written this hurriedly because I desire to have it reach you at once, as you seem to desire it as soon as possible. It may be proper to add that if your family were unfriendly toward you, of which it is not necessary for me to express an opinion, I would naturally not be the person to whom such unfriendliness would be expressed, occupying as I did the intimate relation with you to which I have referred.

With the very kindest regards and best wishes for your good health,

Faithfully yours,

JAMES LINDSAY GORDON.

I remember being with you when you met Mr. W. A. C.† in the station at Jersey City and remember your telling me afterwards that you and he had a violent quarrel on the train going South.

J. L. G."

*United Industrial Company.

†Col. William Astor Chanler.

A perusal of the above proves plaintiff's assertion touching the aforesaid meeting of the Board of Directors of the Roanoke Rapids Power Company at plaintiff's said rooms at said Hotel Kensington, 15th Street and 5th Avenue, New York City, in December, 1896. A perusal of the above letter also proves the falsity of the charge that plaintiff was insane from November, 1896, since no Board of Directors would think of holding a business meeting in the rooms of a dangerous maniac such as plaintiff is pictured at said time of said meeting in said Commitment Papers as being. A perusal of the above letter also proves plaintiff's assertion touching the aforesaid violent altercation arising thereat between plaintiff and plaintiff's said brother, Mr. Winthrop Astor Chanler; and also that plaintiff's position in said altercation was a correct one: and also all in said assertions of plaintiff touching the subsequent consequences of said altercation to wit. (a) Plaintiff's said assertion touching the letter written plaintiff by said Mr. Winthrop Astor Chanler breaking off all social relations with plaintiff except in writing or through third parties. (b) Plaintiff's said assertion touching plaintiff's acceptance of the said situation in a letter, saying also that plaintiff would send a representative to examine the accounts of plaintiff's said Father's Estate of which said Estate said Mr. Winthrop Astor Chanler was one of the Executors; and also said Mr. Winthrop Astor Chanler's acceptance of said proposition. (c) Plaintiff's said assertion touching said Mr. Winthrop Astor Chanler's said resignation from the Presidency of, and membership on the Directory of the said United Industrial Company. (d) Plaintiff's said assertion touching plaintiff's election to the Presidency of the said United Industrial Company; together with plaintiff's election, by proxies of plaintiff's stock, of a new Directory in the said United Industrial Company of plaintiff's own choosing.

A perusal of the above letter also proves plaintiff's assertion touching the unfriendly relations obtaining between plaintiff and plaintiff's said family (brothers and sisters); for although, as Mr. Gordon points out, said Gordon would not be likely—seeing the most intimate social and business footing existing between said Gordon and plaintiff—to be the person to whom such unfriendliness would be expressed by said family, yet said Gordon admits that plaintiff had, on various occasions before the transactions hereinbefore referred to, spoken to said Gordon about said family, and that plaintiff had said to said Gordon that plaintiff's relations with said family, were not friendly. It should hardly be necessary to state that the correctness of plaintiff's said judgment, regarding the secret and concealed hostility from public view of plaintiff's said family towards plaintiff is pretty effectively proved by a member of said family, said brother of plaintiff, said Mr. Winthrop Astor Chanler's said violent altercation, which reached the verge of becoming a physical one, at said meeting of said Directory of said Roanoke Rapids Power Company at plaintiff's said rooms at said Hotel Kensington, in December, 1896.

The late Hon. James Lindsay Gordon, above referred to, was the brother of the Hon. Armistead Churchill Gordon, of Staunton, Virginia, now Rector of the Board of Visitors of the University of Virginia, and the brilliant and well-known writer of Southern stories in the magazines.

The News and Observer, Raleigh, North Carolina, October 18, 1906.

"FOUR YEARS IN BLOOMINGDALE"

JOHN ARMSTRONG CHALONER'S BOOK ON DETENTION
AS A LUNATIC.

Readers of the *News and Observer* will recall the mysterious sensation occasioned ten years ago by the incarceration in "Bloomingdale" asylum, in New York, and the subsequent escape of John Armstrong Chaloner, the wealthy Virginian and member of the New York bar.

For four months the friends of Mr. Chaloner supposed that he was away taking a trip for his health. For weeks after his escape and return to his State of Virginia newspaper speculation was rife as to the causes which led up to the imprisonment. He was subsequently declared sane in an action tried in the courts of Virginia, and was adjudged competent to manage his own affairs. Beyond the fact that he had brought actions against persons, however, the matter has since fallen away from public attention and has in many respects remained ever since a mystery.

Mr. Chaloner is especially known in the South by reason of his marriage to Amelie Rives, the brilliant Virginia novelist, whose book, "The Quick or the Dead," created a national furore at the time of its publication, and by reason of the fact that it was through his money and initiative largely, and Major T. L. Emry, that the water power at Roanoke Rapids, in North Carolina, was first developed.

Through the publication of a book by Mr. Chaloner, which is now on the Palmetto Press, of Roanoke Rapids, the *News and Observer* is able to give an exclusive statement of the complete story, as stated by Mr. Chaloner of the events leading to his commitment to the asylum, the circumstances under which he was arrested in New York and railroaded to "Bloomingdale" and the sensational details of his four years' stay there as a prisoner practically ex-communicado from the world, from March 13th, 1897, until Thanksgiving day eve, 1900, when he effected his escape and successfully eluded the police who were searching for him in every large city in response to a general alarm.

The title of the book is "Four Years Behind the Bars of 'Bloomingdale'; or the Bankruptcy of Law in New York."

STANFORD WHITE SUGGESTS A PLUNGE

As detailed by Mr. Chaloner, he was induced in March, 1897, to leave his country place, Merry Mills, in Virginia, and go to New York by Stanford White, who was recently killed on the roof of Madison Square Garden by Harry Thaw. Mr. Chaloner states that he had had much trouble with his family in a social and business way, the first on account of his having engaged in psychological studies and investigation into Esoteric Buddhism, and the second by reason of his having ousted his brother, Winthrop Astor Chanler, from the presidency of the United Industrial Company of Roanoke Rapids, which Mr. Chaloner controlled. He alleges that his incarceration in the asylum was brought about by his brother for the reasons stated, and for the purpose of gaining control of his property. Referring to the visit paid him by Stanford White, to his home in Virginia, Mr. Chaloner declares that he had written Mr. White that he could not see him, but that the latter nevertheless appeared at his home in company with a physician and invited him to go to New York for "a plunge in the Metropolitan whirl." Mr. Chaloner consented and went to the Hotel Kensington, where he engaged rooms.

Later the doctor, whose name is not given, but who is described as "E. F.," and Mr. White insisted that Mr. Chaloner should put himself in a trance-like state, an accomplishment he says that he has acquired as the result of his studies in Esoteric Buddhism. Mr. Chaloner complied, and later the doctor returned with Dr. Moses Allen Starr, a famous New York alienist, who was introduced as an oculist and, by request of the physician was permitted by Mr. Chaloner to examine his eyes.

RAILROADED TO "BLOOMINGDALE."

After having examined his eyes, Mr. Chaloner states that Dr. Moses Starr afterwards came to his room at night, after he had retired, with three other men and commanded him to go with him, as resistance would be useless. Mr. Chaloner states that he refused to go and "convinced" Dr. Starr that he did not have force enough with him to make him go. The next day there came to the hotel plain-clothes policemen with commitment papers, and by them Mr. Chaloner was taken to the asylum.

From the letter written to Captain Woods is taken the following description by Mr. Chaloner of his stay in "Bloomingtondale":

"Before going into the commitment papers, I shall briefly touch on my life here for the past four months. I was brought here the 13th of March. Since that time I have been in solitary confinement in a two-roomed cell. A keeper sleeps in one of the rooms of my cell, and he is always with me. When I take exercise in the asylum grounds the keeper accompanies me. My razors were seized on the ground that it was a 'rule of the institution.' The consequence was I had to be shaved by the asylum barber, which caused not only in-

convenience, but hardship, since my beard is thick and my skin is thin, and no barber has been able to shave me without causing a violent irritation of the skin, a condition which is always absent when I shave myself.

"You must excuse the above apparently trivial incident, but you will appreciate the annoyance it is to be shaved by the asylum barber, when I tell you that his shaving raised such a rash on my neck that I have limited his operations to twice a week, thus giving the inflammation time to subside—to begin afresh on the next shave.

"You know, from my having had the pleasure of dining at your house, that I am limited to a very abstemious diet, that I am practically a vegetarian.

"You also know that I ride a great deal on horseback. It is, in fact, my favorite and only form of outdoor exercise. You can well imagine the deleterious effect upon my health resultant from a combination of bad cooking, poor food and total deprivation of horseback exercise. Of the cooking I have simply to say that the asylum cooks cannot even bake bread, though they daily attempt it. So that I have been forced to buy crackers to avoid the violent indigestion the half-baked bread causes me. Of the food I will simply say that it has been so bad that I have come down to a daily diet of baked potatoes, lettuce, fruit and crackers in order to avoid eating food which is either badly cooked, adulterated or decayed.

"In the meantime I am living in a madhouse. Every 'patient' in the building in which I am imprisoned is hopelessly insane. At times some of them became violently, homicidally, insane, when, after yells and struggles with keepers and a siege in a strait-jacket, they are forcibly removed to another ward. Since my arrival two patients were removed from this building for having become 'violent,' as they call it here.

"Nothing prevents a patient from becoming homicidally insane at any time. In one of such fits of frenzy the lunatic might take it into his head to walk into my cell and attack me. The cell-doors are unlocked, and, although there is a keeper on watch on my floor, he is not always there. To give me warning of the approach of prowling maniacs I put a table against my door at night.

"This will give you an idea of my surroundings. I think that you will agree with me that they are calculated to drive a man insane. When you add to these 'surroundings' the active and sustained efforts of the resident doctors to talk me into becoming insane by declaring to my face that I am insane, and attempting to argue me into admitting that I am; when you consider this, you will, I think, conclude that I have my nerves and will-power under effective control in being able to remain sane.

"So much for my life for the last four months. This is the first opportunity which I have had for posting a letter unbeknown to the authorities here. The rule is that all letters and telegrams must be sent through the authorities here, who have the legal right to suppress

or forward to 'The Commission in Lunacy' at Albany, who have again the legal right to suppress and destroy them. You can readily understand that I would not send a letter under such conditions. Hence my having to wait four months to write to you and ask your aid."

BLOODED CONSPIRATORS' ALLEGED MOTIVE.

The petitioners upon whose affidavits the commitment papers against Mr. Chaloner were secured were Winthrop Astor Chanler, Louis Stuyvesant Chanler, and —————. The first two named were the executors of the estate of Mr. Chaloner's father, to which, under the terms of the will, he is entitled to an annual income of one-eighth of the total income.

With reference to the will, Mr. Chaloner wrote Captain Woods:

"At my death without issue my said share reverts to the estate. Should I leave issue my said share would go to said issue. It is therefore evidently to the business interests of my family to prevent my marrying by locking me up for life in an insane asylum, if possible, and if that is not possible, the next best step towards safeguarding their business interests is to throw, if possible, an insurmountable obstacle in the way of my marrying. No more insurmountable obstacle in the way of marriage could be imagined than insanity."

Of marrying again, however, he says:

"Granting that I get out of this asylum, the stigma of having been confined in it would stick to me through life. You need not necessarily infer that I have any intentions of marrying, only I like to retain the privilege of the option."

Other motives alleged are the desire to control the business interests of Mr. Chaloner, and a spirit of revenge on the part of Winthrop Chanler.

PROPERTY IN TRUSTEE'S HANDS.

Mr. Chaloner, since his escape, has started proceedings in New York against T. T. Sherman, who, by a decree of the court, has been placed in charge of Mr. Chaloner's property. He alleges that this Mr. T. T. Sherman was paid twenty thousand dollars out of his estate, and that the expenses of his stay in "Bloomingdale" amounted to twenty thousand dollars additional, which has been charged against his estate. His purpose in writing the book he declares to be to call the attention of a judge to the action of his relatives.

IS "BLOOMINGDALE" A SNARE?

The book goes fully into the methods and workings of "Bloomingdale," which Mr. Chaloner asserts is not a charitable asylum in any sense; but run under the protection of the "Society of the New York Hospital," and that it receives only sufficient charity patients to avoid the payment of taxes. Its purpose, he alleges, is to hold and *keep wealthy men, whose families desire to be rid of them.*

The extent to which the horror of his situation had worked upon Mr. Chaloner is disclosed in his injunction to Captain Woods in his letter :

"Speed is essential, for I have been given to understand that when my unknown term of imprisonment here is ended I am to be shipped to Europe. As to what point I was not informed; most probably to an English private insane asylum.

"Speed and secrecy are the watchwords. The moment it leaked out that any effort was being made for my release, that moment would probably end my imprisonment here and begin it in a closed carriage, on my way by night bound and gagged to Long Island Sound—eight miles off—where a private tugboat would convey me to an ocean steamer at New York, or a sailing vessel bound round 'The Horn.' I can assure you that outlawed as I am, my position is one of considerable uncertainty—not to say danger."

A PERIL TO THE RICH.

The book, on account both of its character and its revelations, and on account of the social standing of Mr. Chaloner and the sensation created when his commitment first became known, will create profound interest all over the country. It shows, in its detailed circumstantial allegations are to be believed, that the rich in New York are in more danger from the avarice of unscrupulous relatives than the poorest man from unjust accusation and the failure of justice. His story is fraught with romance and mystery.

AUTHOR OF DISTINGUISHED ANCESTRY.

As stated, Mr. Chaloner, formerly a citizen of Virginia, where he still frequently resides at his four hundred-acre estate, "Merry Mills," is now a citizen of Roanoke Rapids, North Carolina. He is a mixture of distinguished Southern and Dutch ancestry, and his blood is such as to warrant that he will make an unrelenting fight for what he conceives to be his rights and against injustice. His paternal grandfather, a personal friend of Calhoun, left Charleston, South Carolina, where his forbears had steadily resided since about 1710, when they first left Wales for the New World, about twenty years before the war between the States, came to New York to live, and married into the New York branch of the Winthrop family. The first of that family to come to this country was John Winthrop, first Governor of Massachusetts. This marriage also connected the Chanlers with Peter Stuyvesant, the last Dutch Governor of New Amsterdam, now New York. In Charleston, the Chanlers had always been members of one of the three learned professions—the Church, the Law, or Medicine. The author's father married Miss Margaret Astor Ward, granddaughter of the late William B. Astor. This connected the Chanlers with Mrs. Julia Ward Howe—the author's grand-aunt—and, further back, considerably, with General John Armstrong, of the

Revolution, author of "The Newburgh Addresses," and also, through the Wards, with General Marion, of South Carolina, of the Revolution, known as the "Swamp Fox," and also with General Greene, of the Revolution. Lastly, the Marion connection relates the author collaterally—not lineally, for she never married—to no less a personage than Charlotte Corday, the slayer of the murderous Marat—General Marion's people being French Huguenots.

For some time, while awaiting the results of litigation, Mr. Chaloner has been residing on his Virginia estate, engaged in literary work.

The World, New York, November 11, 1906.

STOP THIEF! GIVE ME MY MILLION!

THE EXTRAORDINARY LIFE STORY OF JOHN ARMSTRONG CHALONER, FORMER HUSBAND OF THE PRINCESS TROUBETZKOY, WHO IS LEGALLY SANE IN VIRGINIA AND NORTH CAROLINA, LEGALLY INSANE IN NEW YORK, AND WHO WRITES A STARTLING NARRATIVE OF HIS STRUGGLES FOR LIBERTY AND AN INHERITANCE.

Can a man be sane in one State and insane in another?

So it would seem. But John Armstrong Chaloner, cousin of the Astors, one time chum of the late Stanford White; lawyer, college graduate, student of psychics and ex-husband of that brilliant woman, Amelle Rives, now the Princess Troubetzkoy, is not going to take such a decision as final.

His case comes up in the Federal Courts here in New York. Mr. Chaloner, who has a fortune of largely over \$1,000,000, wants to get control of it. But the courts of New York say he is insane and not competent. His legal residence is in the State of North Carolina.

And there, as in Virginia, the courts have decided that he is perfectly sane and able to manage his estate.

There are forty-five States in the Union. Mr. Chaloner can visit forty-four of them without the slightest danger to his personal liberty. But should he set his foot in the sovereign State of New York he will promptly be clapped into a lunatic asylum, because he is still held to be mentally incompetent. Dr. Lyon, of "Bloomingdale," has testified that Mr. Chaloner is a paranoiac. Dr. Austin Flint, Dr. Carlos F. McDonald and Dr. Moses A. Starr, have given it as their opinion that Mr. Chaloner is hopelessly insane.

And Dr. J. Madison Taylor, Dr. Thomson Jay Hudson and Dr. H. C. Wood have pronounced him absolutely sane and possessed of a brilliant intellect.

It will be a desperate legal battle. Mr. Chaloner has retained the best of counsel. So has the custodian of his one million dollars or two, T. T. Sherman, who says he is insane. It is very much like Charles Reade's "Very Hard Cash" all over again.

TO PROVE PSYCHIC GIFTS ARE NOT INSANITY.

It will be more than a legal fight. It will be a trial in which a man who has delved deep into psychic phenomena will try to prove that he is not insane just because he knows something more than the mere everyday things of life. Because a man is possessed of an X-faculty, a sub-consciousness with a psychic development, Mr. Chaloner contends, does not prove him mentally incompetent. Because he has solved the mystery of "graphic automatism" does not prove him a lunatic.

One might search fiction high and low for a case like this one in real life.

It is one of the most remarkable stories of modern times. Here is a man of independent means, a man of affairs, a brilliant writer, an ardent sportsman, a clever raconteur, sent to "Bloomingdale," adjudged hopelessly insane—"progressive," the physicians called his case.

There he stays for nearly four years. He knows it is hopeless to protest. There he is, behind the bars, gone from the world forever. He dreams of freedom by night; by day he ponders over the problem of getting it. He knows that to be violent would see the end of his hopes; he acquiesces in every thing his keepers order, without a word of protest. It is the careful working of a mind bent on accomplishing its object—freedom!

He waits his time. He gets the trust of every one about him. He does meekly everything that he is bidden—everything except admit to the doctors that he is insane. He gets permission to take walks without a keeper. He makes his daily jaunts farther and farther away, deliberately practicing the art of covering great distances in a short time. He finds a post office where he may receive letters under an assumed name, because nothing may reach him at the asylum until it has been scrutinized. In this way he manages to borrow \$10—this man with an income of \$40,000 a year.

And now what does he do?

One day he does not return from his daily walk. No, he has walked well and far—he has taken a train to New York from an obscure railroad station miles distant from White Plains, where Bloomingdale now is. By nightfall he is safe in Philadelphia.

Does he go into paroxysms of impotent rage at those who incarcerated him, as do many of the insane when they escape? Does he try to kill those whom he might imagine responsible for his sufferings? Does he break out in incoherent ravings against fancied evils?

No. He goes straightway to a sanitarium in Philadelphia. He states his case calmly to the physician in charge and asks to be put

under scientific observation. After six month's voluntary confinement there the physicians tell him that he is perfectly sane and has always been so. He is not even now content. He goes to another institution and goes through the same voluntary process all over again. Once more the physicians tell Mr. Chaloner he is well-balanced. Then suddenly he appears at his old home, Merry Mills, Cobham, Virginia, where he has stayed to this day, master of his estate, as at Roanoke Rapids, North Carolina.

GIVEN UP AS DEAD.

Meanwhile his family and his friends had given him up for dead. Thousands of dollars had been spent in trying to find him. Finally it was said that he was gone forever. No one guessed that the quiet, rather punctilious Mr. John Childe, in the Philadelphia sanitarium, was the missing John Armstrong Chaloner, cousin of Waldorf Astor.

Once safely home, this so-called lunatic retained counsel. The matter of his sanity was brought up in the Virginia courts and then and there John Armstrong Chaloner was pronounced sane and competent. But the greater part of his fortune was here in New York State, and here it is on record that John Armstrong Chaloner is a hopeless lunatic. Should he come here, he would be deprived of his liberty. And that is why he is suing in the United States Court in the hope of winning back his inheritance and his standing as a man of sound mind.

And why was John Armstrong Chaloner, Columbia University, '83, called insane?

Because he was possessed of the power of "graphic automatism" and had developed his X-faculty—type of subconsciousness—was taken as evidence of insanity.

Yet some of the most prominent psychological writers discuss this X-faculty in all seriousness and admit that there is such a thing as "graphic automatism." And all of this is told in a remarkable book, which Mr. Chaloner has just published.

He calls it "Four Years Behind the Bars of Bloomingdale, or The Bankruptcy of Law In New York." In it he is extremely bitter. He calls "Bloomingdale" "The Bastile of the 400," and asserts very positively that it is an easy matter to put any one behind the bars forever as insane, just as Reade contended in his "Very Hard Cash."

John Armstrong Chaloner first came into the public eye when he married Amelie Rives, who wrote that brilliant story, "The Quick or the Dead," in which is told the old love of a beautiful widow for her dead husband and her newer love for another man in the flesh. Jock Dering, the hero, was Chaloner. As she described him:

"There was the same curling brown hair above a square, strong-modelled forehead; eyes the color of autumn pools in sunlight; the determined yet delicate jut of the nose; the pleasing unevenness in the crowded, white teeth; the fine jaw, which had that curve from ear to tip like the prow of a cutter."

Her marriage to young Mr. Chaloner only added to the book's popularity. She was beautiful, impetuous. Soon their friends came to realize that there was nothing in common between the grave, polished, rather mystic, New Yorker and the gifted Virginia girl.

There was a divorce, which the husband did not contest, upon the ground of incompatibility, and the Mrs. Chaloner that was married Prince Troubetzkoy, whom she met abroad.

The book that he has written as his plea to be counted sane contains 500 pages. In it many New Yorkers are mentioned—few of them favorably.

MR. CHALONER'S OPINION OF PEOPLE.

"The more I know men the more I admire dogs," is the way Mr. Chaloner opens his book, quoting from Voltaire.

And here is the way he begins:

"The law in the State of New York, both State law and Federal law, has reached a point of impotency whereat an innocent man is about to be deprived of valuable property against his expressed will, and the law, both State and national, is impotent to save him."

He refers to Mr. Hearst, and to Stanford White, whom he accuses of luring him to "Bloomingdale," as follows:

"A prominent party now running for a prominent political position is adversely commented upon between the boards of said book. Lastly in this particular connection. A certain prominent party recently shot to death is also commented upon between the boards of said book, whereas the trial of said prominent party's slayer comes up in the New York Supreme Court in a few weeks—that is to say, in the fall or winter of 1907, these lines being actually penned September 29, 1906."

The book recites with bitterness what the writer calls the injustice of the proceedings leading up to the judgment of the New York Courts, and to his incarceration in "Bloomingdale."

Of "Bloomingdale," he says:

"We shall now point—but not with pride, as a member of over twenty years' standing of the New York bar—to the fact that we have been robbed, so to speak, of twenty thousand dollars by the Society of the New York Hospital, falsely known as 'Bloomingdale.'

"Here we have twenty thousand dollars taken from an innocent and sane man by the long arm of the law, or what at present passes for law in the 'Empire State' of New York."

How Stanford White got him to "Bloomingdale" is told in this wise:

From a letter written while behind the bars by Mr. John Armstrong Chaloner, to a brother lawyer outside and smuggled out of "Bloomingdale":

“HOW I WAS TAKEN TO BLOOMINGDALE.”

“I received a telegram from my friend, Mr. Stanford White, proposing to visit me in company with a mutual friend. As I was on rather unfriendly terms with Mr. White at the time, owing to an abusive letter he had recently written me, I did not look forward to a visit from him with pleasure. I therefore sent him a telegram to say that I was not well enough to see him. A few days later Mr. White walked in on me, in company with a physician. I shall not attempt to picture my surprise. Let it suffice to say that I was struck dumb.

“Mr. White hastily excused his intrusion and implored me to accompany him to New York for a ‘plunge in the Metropolitan whirl.’ As I had some business which needed my attention in New York, I consented.”

Of New York law, he says:

“This is truly the ‘Empire State.’ I sometimes wonder, as I look through the bars of my cell, how such things can be, outside the Russian ‘Empire State.’

“Fortunately for myself, however, I am no longer a citizen of the ‘Empire State,’ but am and have been since 1895, a citizen of the sovereign State of Virginia, which title to sovereignty I propose to see Virginia make good by rescuing me.”

Of some other prominent gentlemen:

“Plaintiff is far from being a pauper and therefore has no need of more money, plaintiff holding that a million is enough for any man, but not holding that the size of fortunes should be limited by law, but the manner of accumulating same should be so severely safeguarded and shepherded by law that such thieves in sheep’s clothing as Ambassador Joseph H. Choate, Senior, and Elbridge T. Gerry, and Francis Lagrade Stetson and the rest of the Forty Thieves of Bloomingdale would now be serving life sentences in Sing Sing.

“Graphic automatism” he defines thus:

“In a word, the writing is, as the name implies, automatic. So far—but so far only—as conscious thought, *i. e.*, conscious mental action is concerned, the hand does the writing without the help of the head. In other words, it is as though one had a magic pen—or pencil, since a pencil is smoother and easier to operate than a pen—that started out to write so soon as the operator took it into his or her hand.

GRAPHIC AUTOMATISM DESCRIBED.

“The operator has no more inkling of what the next word will be before the said magic pen has written same than the onlooker.

“All the operator has to do is to hold the pen firmly in the fingers, dip same into the ink, and see the said graphic automatism.”

"BLOOMINGDALE" "A BUSINESS PROPOSITION."

He produces authorities who are quoted as saying that "graphic automatism" is a well recognized phenomenon, and that his trances were not signs of insanity.

And of "Bloomingdale" thus:

"'Bloomingdale,' it may as well be admitted, first as last, is run purely for money, purely on business principles, and not on charitable ones. Every 'patient' within its walls is a 'pay patient,' and as high a 'pay patient' as the parties putting him or her there can be squeezed into making it.

"The exceptions to this ironclad rule are a handful of pauper lunatics from Westchester County, who are taken in free for the purpose of dodging the county taxes on the large and valuable real estate and tenements possessed by the Society of the New York Hospital in the city of White Plains.

"A candidate for a 'certificate of lunacy' is requested by his masters therein—the said examining doctors—to stand up and then deliberately throw himself off his balance by putting his feet so close together, toes and heels touching, that one's equilibrium is menaced. He is then commanded to extend his arms to their fullest extent, hands outspread, palms upward and close together. He is then ordered to open his mouth, put out his tongue and shut his eyes.

"If he does not fall down on the spot he is lucky. It is while in the above described preposterous position that the physical observations of the examiners is taken."

Thus John Armstrong Chaloner presents his case. He will know his verdict soon.

The Times-Dispatch, Richmond, Virginia, October 17, 1906.

JOHN ARMSTRONG CHALONER SPEAKS.

**MAKES SENSATIONAL ADDRESS BEFORE FRIENDS AND
ADHERENTS AT ROANOKE RAPIDS.**

Was Entrapped By White.

WELDON, North Carolina, October 16.—John Armstrong Chaloner formerly of New York, after a silence of nine years, made a sensational speech last night at Roanoke Rapids, the town he helped to build and in the development of which he was one of the chief promoters. He spoke in the public school hall, and his appearance upon the rostrum was the signal for a tempestuous storm of applause from the people of the town, who crowded the building to the doors. Mr.

Chaloner was the picture of health and appeared in fine spirits. He was dressed in a black twilled cutaway coat, steel blue trousers, high turnover collar, black and red silk four-in-hand tie, with a gray pearl stickpin, patent leather lace shoes.

Before beginning his speech he removed his dark blue melton overcoat, high derby hat, and laid aside his gloves and walking stick, it being the identical yellow Malacca silver-headed cane he walked out of prison and from behind "Bloomingdale" bars with.

Mr. Chaloner said that what he had to say was a fearful comment upon human nature, and particularly upon that class of human nature known as high society.

He said he had been a victim of about as cold-blooded and mercenary a plot as had ever been heard of. He spoke with warmth and flashing eye when he said that he was lured to New York by false friends and placed in "Bloomingdale" asylum.

Mr. Chaloner said the courts of Albemarle County, Virginia, had adjudged him sane and capable of managing and taking care of his own property rights, and he reached a lofty stage of eloquence when he declared that he would make a strong and persistent effort to establish to the world the just judgment of the Virginia courts.

Mr. Chaloner charged that on evidence a plot had been hatched by certain individuals high in the directorate of the Roanoke Rapids Power Company to assess the stock of the company at 50 cents on the dollar and freeze out stockholders who could not or would not pay the assessment.

He said that he was the largest stockholder by 1,000 shares, owning 3,500 shares. "By some mysterious hocus-pocus," he said, "a referee is appointed to sit on my case who is so peculiar as to object to an investment of my surplus income to pay this assessment on my Roanoke Rapids Power Company stock, although the committee and guardian *ad litem*, appointed by the New York courts to protect my interests, highly approved and eloquently plead for the protection of this valuable stock, particularly as the assessment amounts to only about \$17,000, and there are over \$50,000 of accumulated income in the hands of the committee."

A GOOD SPEAKER.

Mr. Chaloner spoke for about two hours. He is greatly beloved at Roanoke Rapids, and it would be hard for a New York court to convince the people of that town that John Armstrong Chaloner is not in full possession of every mental faculty, and their verdict is that he is as sane and as sound in body and mind as any man who dares charge to the contrary.

Mr. Chaloner's enunciation is peculiarly distinct, and his voice has a penetrating quality, which would enable him to fill the largest hall without apparent effort, and his voice was as free from huskiness at the end of an hour's sustained speaking as when he began.

Ex-Mayor Treacy introduced Mr. Chaloner, as the best friend Roanoke Rapids ever had.

Mr. Chaloner announced his subject as "The Crime, the Cause and the Consequence."

Mr. Chaloner said: "I was lured to New York from my then home, 'The Merry Mills,' Cobham, Va., in February, 1897, by my supposed friend, but alas! as the sequel shows, false friend, the late Mr. Stanford White.

"Now, no one can regret having to touch upon the character of a dead man more than myself, but unfortunately for the character of the dead man, he is so intimately woven into the web of my notorious case that it is impossible to describe the one without describing the other.

MYSTERIOUS.

"There is something almost mysterious in the cause of the coldness that gradually crept over the warmth of our friendship, which dated back to 1892. There was no known to me cause for it, except that he seemed gradually to side with my hostile family against me.

"As I said, I was lured from my then home by Mr. Stanford White. Mr. White implored me to 'take a plunge in the metropolitan whirl' of New York, and purely to oblige him I accepted.

"By this emphatically is not meant a plunge behind the footlights. At said time, more than ten years ago, Mr. Stanford White studiously eschewed the footlights.

"When I got to New York a doctor who had accompanied Mr. White to my then home, 'The Merry Mills,' Virginia, brought another man into my rooms at the Hotel Kensington, without asking my permission. This unknown doctor began to lie as soon as he opened his mouth. This unknown doctor had the face to say that he was an oculist, who was anxious to examine my eyes. What was my surprise to find later on that said alleged oculist was what is called in New York a medical examiner in lunacy. A few days later said 'oculist' dropped in after dark of a cold March night, with snow on the ground and I in bed, and briefly informed me that I was crazy. I laughed in his face. He told me to get up and follow him out of doors. He did not condescend to say where. He concluded by saying that resistance was useless, since he had another doctor in the next room and two men outside my door. To cut a long story short, I notified him that he had made a mistake in his calculations and had not brought enough men to carry me off that night. He at once agreed with me. Next day two policemen in plain clothes presented themselves, and I finally, after reflection, decided to accompany them to 'Bloomingdale,' falsely so-called, lunatic asylum at White Plains, New York. I shall simply say that it is impossible to describe the horrors of a madhouse, and shall, therefore, not attempt it. After standing about as much as I could of it, I decided to escape, and by good fortune did so.

LEARNED CRIMINOLOGY.

"As you all know, or have heard, this town was practically built by convict labor—I don't mean the houses, but the source of this town's prosperity: the water-power plant, so skillfully prospected, and so brilliantly achieved by my good friend, Major Thomas L. Emry. Well, I was in command of a gang of about fifty or sixty out of about eighty-five convicts making brick. I used to work them hard all day, and then frequently spend my evenings chatting with them in the big cell, and making my chat interesting by rather frequent gifts of water-melons in summer and tobacco in winter. In this way I gained the convicts' confidence—and there were some tough propositions among them, from burglars to others. Gradually I began to pump them and to get onto their little criminal ways. Finally I became an expert criminal in experience, not act. Well, when I found myself behind the bars of 'Bloomingdale' for life, I smiled a somewhat sarcastic smile, as I said to myself, 'I'm too expert a convict to be kept for life behind any bars.' To cut this section of the story, it was by applying the science of criminology, which I had learned in the prison pen at Roanoke Rapids, that I finally, after nearly four years of waiting for a proper opportunity for putting my said scientific knowledge into operation, escaped.

"Police and detectives were put on my trail, but as I had left no trail, said gentlemen never got me.

"Since the triumphant vindication of my sanity and competency in the County Court of Albemarle County, Virginia, November 6th, 1901, I have been steadily working upon my case against said falsely alleged 'committee,' said T. T. Sherman. As you know, I am a lawyer. I was forced to draw my own brief because lawyers I approached did not care to spend the time or trouble to brief more than enough points to put me in possession of my property.

A DISGRACE.

"The laws on lunacy procedure in the State of New York are a disgrace to the civilization of that wealthy and populous State. The laws on lunacy procedure in the State of New York are a disgrace to any place less notoriously bad than Hades. Said law permits a man to be deprived of his liberty and practically of his property for life without notice of any proceedings being under way against his reason, and without an opportunity to appear and be heard in his own defense. Such a state of things is startling, indeed. Such a state of things is sufficiently startling to startle me out of any and all desire to set foot inside the infernal regions of New York without a pass out of Hell. As a lawyer, I am truly disgusted at such a state of affairs, and as a lawyer have I shown said state of affairs surely up in a book recently written by me, and to be published in a few days under the following title: 'Four Years Behind the Bars of "Bloomingdale": or The Bankruptcy of Law in New York,' by John

Armstrong Chaloner; A. B., A. M., member of the bar of New York. A human document based upon the following court documents; the proceedings of 1897 and 1899 in New York; the proceedings of 1901 in Virginia, and the proceedings of 1905 in North Carolina.

"Just here I shall say that the courts of North Carolina have openly acknowledged my sanity and competency by permitting me to bring suit before them.

WANTS A CLEAN RECORD.

"I wish to have a clean record mentally and as a sane man before the world and my friends here. I am proud of your friendly feelings to me, and therefore I want to clear my skirts by coming up here and speaking of the veiled facts in this case, and to give you an idea of whether 'I can come in out of the rain or not,' and of the necessity of my drawing the veil aside and throwing the broad glare of the calcium on this matter, for if I do not bring this thing to the attention of the press, I may lose my stock in forty-eight hours, for all I know. When this book of mine comes out all the proof—and I have got it—will be forthcoming. And I give you my word of honor as a man that I can substantiate everything—the plot, etc., to get this stock.

NEW YORK POLITICS.

"But Mr. Chanler is not the only Democratic candidate who will be more or less affected by the disclosures of my, alas! notorious case. Now, I approach this subject with caution, for the reason that the gentleman I am about to name is supposed to be a great friend of the workingman, and is supposed to be an inveterate enemy of all illegal law, of all bad tyrannical law of any nature or kind. Now, I have been forced or rather I have not been forced, but I took the opportunity, to test the sincerity of this very prominent and very wealthy gentleman, whom I shall shortly name. I was the friend of Mr. Arthur Brisbane, the right-hand man, and, many men say, the brains of William Randolph Hearst, candidate for Governor of New York.

"Now, I went on to say that what I wrote to Mr. Hearst for was this, that I had unfortunately had difficulty with various lawyers whom I had employed, because I found, for various reasons, that they were less interested in the purifying of the laws than they were in connecting with their fees, and, therefore, I was forced to write my own brief.

LAWYERS "TURNED HIM DOWN."

"When I came to these lawyers and said that I desired this brief so that the outrageous lunacy laws of New York should be forever purged, they looked at me good and hard and "turned me down." Then I set to work with the greatest distrust of my ability and wrote

my own brief, which took me two years to do. I found that with other lawyers, difficulties arose which led to a divorce between myself and the said other lawyers, so that I stand alone in this great case—great not only on account of the money, there being over a million dollars involved—but because of the fundamental points of law involved therein, and I don't propose for any reason under heaven to give up my fight to prevent sane men and women from being deprived of their liberty and practically of their property for life by the iniquitous laws of New York, and I am sorry to say, of several other States, of which I am proud to say that North Carolina does not form a part, the lunacy laws of North Carolina being excellent. I wanted to have the brief plead by other lawyers, prominent in New York, but, finding that that could not be done, I then mentioned to Mr. Hearst that I would be extremely obliged if he would get me a lawyer. Now I was, so to speak, playing the Devil with one William Randolph Hearst, in other words, I was playing the role of the Devil as described in the New Testament; I was tempting Brother Hearst to see if he was gold or merely dross when it came to giving up money in a cause which did not at once increase the circulation of his papers or push his political fortunes. So to trap Brother Hearst I gave him a chance to show if there was 'a nigger in the fence' of stinginess: I gave him the chance to put up a fee for my lawyer by saying, in effect, I should be obliged if he would advance the fee for this lawyer whom he would be good enough to find for me against my note of hand at 6 per cent., payable when my case should be finally determined.

DISGUSTED AND SAD.

"I am disgusted, I am sad, over finding another fallen political angel. I had hoped Mr. Hearst was as good as the face he puts on; that he was generous and interested in abolishing bad laws, and I hoped to be able to prove that Mr. Hearst was so disgusted with any law that was not just and like 'Jeffersonian Democracy' and 'Lincoln Republicanism' that he would strain every nerve in assisting in purifying the lunacy laws of New York through the medium of the newspapers with which he blows his own horn; but I was disgusted when I found that he did not care a rap for justice or liberty or anything else that does not redound to the circulation of the papers of Mr. William Randolph Hearst, or the advancement of his political fortunes. Now, I am well aware of what I may bring on my head for my little talk on this subject to-night, and I am perfectly prepared to 'stand the racket' in any shape that it may come. I felt that here was an opportunity to test the man; I felt that if he was as philanthropic and as public-spirited and intolerant of bad laws as he professed to be, he would take hold of this matter of the reformation of the lunacy laws.

"I set a trap for him, and he fell into it headfirst. I admire some things he has done, from fighting the franchise-grabbers to giving soup

tickets, because nobody could be more opposed to trusts than your humble servant, myself; but I do believe in regularity in Democratic political methods, and I am now speaking to Southern men, and there are no men who are more regular in their political methods than the representatives of this glorious South, in which I have made my home, and I therefore disapprove of the crooked methods by which he secured the nomination for Governor of New York, by nothing less than theft—by unseating legally elected delegates in sufficient numbers to make up the deficit to his nefarious ends.

“The above concludes the political end of this speech, and that is the consequence I had in mind when I selected as the title of this speech, ‘The Crime, the Cause and the Consequence.’”

Mr. Chaloner reached Weldon at 2 o'clock this morning and boarded a north-bound train for Cobham, Va.

The Roanoke News, Weldon, North Carolina, October 18, 1906.

CHALONER ON THE WAR PATH.

MAN WHO WALKED OUT OF BLOOMINGDALE DETERMINED TO MAKE A STRONG FIGHT FOR HIS RIGHTS.

Mr. John Armstrong Chaloner, formerly of New York, but since July 13th, 1905, a legal resident of Roanoke Rapids, after a silence of nine years, made a strong and sensational speech at Roanoke Rapids Monday night. Mr. Chaloner appeared in perfect health and fine spirits and looked every inch capable of managing his property rights. Mr. Chaloner, in speaking of his four years in “Bloomingdale” asylum, said he had been the victim of as cold-blooded and mercenary a plot as had ever been heard of. He spoke with feeling of how he had been lured to New York by false friends and placed in “Bloomingdale” asylum and of his sensational escape. Mr. Chaloner said the courts of Albemarle County, Virginia, had adjudged him sane and sound of mind, capable of taking care of his own property rights, and with forceful language he assured the people of the town he helped to build that he intended to make a strong and persistent fight to establish to all the world the truth of the Virginia courts as to his perfect sanity.

Mr. Chaloner spoke of his book, soon to be published, in which he will tell of his four years behind the bars of “Bloomingdale,” or the bankruptcy of the law in New York.

Said that there was evidence that a plot had been hatched by certain individuals, high in the directorate of the Roanoke Rapids Power Company to assess the stock of the company at 50 cents on the dollar and freeze out holders who could not, or would not, pay

the assessment. Said he was the largest stockholder by 1,000 shares. "By some mysterious hocus-pocus a referee is appointed to sit on my case who is so peculiar as to object to an investment of my surplus income to pay said assessment on my stock, although the committee and guardian *ad litem*, appointed by the New York courts to protect my interests, highly approved and eloquently plead for the protection of this valuable stock, particularly as the assessment amounts to only about \$17,000, and there are over \$50,000 of accumulated income in the hands of the committee with which to meet this assessment."

Mr. Chaloner spoke for about two hours. He was one of the chief promoters and builders of Roanoke Rapids, and for a long time this man who has over \$1,000,000 in his own right, lived in a modest cottage in the town he loves, and where he is still held in the highest esteem by the good people of that place, who believe in his sanity and his capability to manage his own affairs as much as they do in their hope of salvation hereafter.

The News-Leader, Richmond, Virginia, October 15, 1906.

CHALONER ON THE WAR PATH.

HAS WRITTEN A BOOK AND WILL BEGIN ACTIVE OPERATIONS IMMEDIATELY.

Hero of Famous Break from Lunatic Asylum.

Former Husband of Amelle Rives, and Member of Famous New York Family Resumes His Fight for His Property.

After several years of silence, John Armstrong Chaloner is about to come to the front again with publications and legal proceedings which are likely to be sensational. He announces that he has in press and will begin to distribute the latter part of this week a book of 500 pages, which is said by those who have seen it to be a marvel.

It will be remembered that Mr. Chaloner is a member of a very old and wealthy New York family, and a descendant of the original Astor. He has about a million in his own right, but a number of years ago was incarcerated in the "Bloomingdale" asylum in New York State as a lunatic. After four years of confinement he escaped in most sensational circumstances and disappeared, finally reappearing suddenly in Albemarle County, this State, where he married Amelle Rives, the author of "The Quick or the Dead," from whom he was afterwards divorced and who now is Princess Troubetzkoy.

Mr. Chaloner is a lawyer by profession and has devoted himself the last five years to acquiring a wonderful fund of information and precedent on lunacy laws of the world, giving special attention to

those of New York, under which he insists that any sane man whose relatives desire to obtain possession or control of his property can be railroaded into an asylum and shut in indefinitely: The title of the book is:

Four Years Behind the Bars
of "Bloomingdale,"
or
The Bankruptcy of Law in New York,
by
John Armstrong Chaloner, A. B., A. M.,
Member of the Bar of New York.

On the back of the volume is the inscription:

A Human Document:

Based upon the following Court documents: Proceedings of 1897 and 1899 in New York; Proceedings of 1901 in Virginia, and the Proceedings in 1905 in North Carolina.

The volume is issued by the Palmetto Press, Roanoke Rapids, N. C., and is dated "North Carolina, 1906."

Mr. Chaloner is in the extraordinary and probably unprecedented position of being officially and legally a lunatic in his own State of New York, unable to return there without danger of arrest and incarceration, and deprived of the control of his own property, which is in the hands of a committee, while in Virginia and North Carolina and elsewhere he is a free man, going and coming as he pleases and regarded as fully competent to manage his affairs according to the formal judgments of the court. He has property in both these States, and especially large interests at Roanoke Rapids, N. C., of which he was one of the founders. To-night or to-morrow night he will deliver a public address to the people of that town in the school-house or the Baptist church. He made a speech several months ago, but this time he goes by special invitation, and his speech will be carefully prepared in advance.

The book he has written and published is said to consist almost entirely of extracts from official records, court judgments and proceedings, etc. He asserts to his friends that from these documents he will prove some of the leading lawyers of the New York bar have been guilty of the most atrocious deceit and cruelty and of conspiracy against his liberty and property; and that he will show further that some distinguished citizens have been guilty of flat perjury, having contradicted themselves exactly. He will give the details of his escape from "Bloomingdale," which have not been published heretofore. He attacks the management and methods of that institution fiercely and insists that it is living under an alias and doing business with false pretenses.

Mr. Chaloner's book and his renewed personal activity are taken to mean that after long preparation he has enlisted for a strenuous and active warfare against the lunacy laws of New York especially, against those who have been instrumental in having him declared a lunatic and incompetent, and for the recovery of his property into his own keeping and the judicial confirmation of his competency and right to manage it. Incidentally he proposes to show that advantage has been taken of him while he was supposed to be helpless, and that the property has been so managed and handled as to pile up expenses against it and deprive him of a considerable part of his income.

THE PRISON HOUSE

PREFACE

To "Hard Cash," by Charles Reade, D. C. L.

Boston:

Dana, Estes & Company,
Publishers.

"Hard Cash," like "The Cloister and the Hearth," is a matter-of-fact romance; that is, a fiction built on truths; and these truths have been gathered by long, severe, systematic labor from a multitude of volumes, pamphlets, journals, reports, manuscript narratives, letters and living people, whom I have sought out, examined, and cross-examined, to get at the truth on each main topic I have striven to handle.

The mad-house scenes have been picked out by certain disinterested gentlemen who keep private asylums, and periodicals to puff them; and have been met with bold denials of public facts and with timid personalities, and a little easy cant about Sensation† Novelists; but in reality those passages have been written on the same system as the nautical, legal, and other scenes; the best evidence has been ransacked; and a large portion of this evidence I shall be happy to show at my house to any brother writer who is disinterested, and really cares enough for truth and humanity to walk or ride a mile in pursuit of them.

CHARLES READE.

6 Bolton Row, Mayfair, December 5, 1863.

CORRESPONDENCE ELICITED BY THE FIRST EDITION OF "HARD CASH."

PRIVATE ASYLUMS.

To the Editor of the Daily News:

Sir,—When a writer of sensation romances makes a heroine push a superfluous husband into a well, or set a house on fire, in order to get rid of disagreeable testimony, we smile over the highly-seasoned

†This slang term is not quite accurate as applied to me. Without sensation there can be no interest; but my plan is to mix a little character and a little philosophy with the sensational element.

dish, but do not think it necessary to apply the warning to ourselves, and for the future avoid sitting on the edge of a draw-well, or having any but fireproof libraries. But when we read, as in the novel "Very Hard Cash," now publishing in "All the Year Round," *that any man may, at any moment, be consigned to a fate which to a sane man would be worse than death, and that not by the single act of any of our Lady Audleys, or other interesting criminals, but as part of a regular organized system, in all compliance with the laws of the land—when we read this a thrill of terror goes through the public mind. If what Mr. Charles Reade says be possible, who is safe?* Allow me, as one thoroughly conversant with the working of the law of lunacy, to reassure the minds of your readers by informing them that it is not possible. So many are the checks and securities with which the legislature has most properly surrounded the person of an alleged lunatic; so vigilant, patient, and so zealous in the discharge of their duties are the Commissioners in Lunacy and the officially appointed visitors of the asylums that any one (not a sensation writer) imagining that these checks and securities could be evaded, these visitors hoodwinked in the way the author describes, would himself be a fit subject for a commission *de lunatico inquirendo*.

So far from commissioners and visitors being put off with any "formula" such as the author quotes, (page 3) and believing anybody rather than the patient himself, the exact contrary is the fact, and very properly so. In my own cause, Earl Nelson, Viscount Folkestone, General Buckley, M. P., the Rev. Charles Grove, and Mr. Martin Coats, and in other asylums magistrates of equal intelligence and high standing fill the office of visitors; and never in any case do they refuse a private interview to any patient asking it. In these interviews no interference of any doctors or attendants, or any "formula" is possible, and the visitors will listen even to the most incoherent ravings if there appears to be the slightest clew to be gathered from them to any real grievance. I say nothing of the terrible slander cast upon a body of professional men to which I am proud to belong. There is no redress for that. There are certain offences with which no court of law can deal; offences against decency, good taste, and truth, which can be brought before no tribunal but that of public opinion. I would only challenge Mr. Reade, in conclusion, if he has the slightest grounds for any belief in the possibility of the incidents he has put in print, to state those grounds. Let him quote his case, and openly and fearlessly declare when and where such atrocities occurred. I do not ask for one in all points resembling that which he has published; but one that furnishes even the slightest excuse for such a libellous attack upon those medical men who, like myself, practice in lunacy.

I am, etc.,

J. S. BUSHNAN, M. D.

Laverstock House Asylum, Salisbury.

To the Editor of the Daily News:

Sir,—My attention is drawn to a letter written to you by J. S. Bushnan, M. D., to vent a little natural irritation on the author of "Very Hard Cash," and lull the public back into the false security from which that work is calculated to rouse them.

I pass by his personalities in silence; but when he tells you, in the round-about style of his tribe, that "Very Hard Cash" rests on no basis of fact; that sane persons cannot possibly be incarcerated or detained under our Lunacy Acts; that the gentlemen who pay an asylum four flying visits a year know all that passes in it the odd three hundred and sixty-one days, and are never outwitted and humbugged on the spot; that no interference of doctors or attendants between visitor and patient, and no formulæ of cant and deception are possible within the walls of a mad-house—this is to play too hard upon *the credulity of the public, and the forgetfulness of the press*. I beg to contradict all and every one of his general statements more courteously, I trust, than he has contradicted me, but quite as seriously and positively. Dr. Bushnan knows neither the subject he is writing of, nor the man he is writing at. In matters of lunacy I am not only a novelist; I am also that humble citizen who, not long ago, with the aid of the press, protected a sane man who had been falsely imprisoned in a private lunatic asylum; hindered his recapture, showed him his legal remedy, fed, clothed, and kept him for twelve months with the aid of one true-hearted friend, during all which time a great functionary, though, paid many thousands a year to do what I was doing at my own expense—justice—did all he could to defeat justice, and break the poor suitor's back (page 5) and perpetuate his stigma by tyrannically postponing, and postponing, and postponing, and postponing his trial to please the defendant. At last this great procrastinator retired, and so, that worst enemy of justice, "the postponement swindle," died, and by its death *trial by jury rose again from the dead, even for an alleged lunatic*. Well, sir, no sooner did we get him before thirteen honest men in the light of day, than this youth—whom the mad doctors had declared and still declare insane, whom two homuncules, commissioners in lunacy, had twice visited in the asylum, and conversed with, and done nothing whatever towards his liberation—stood up eight hours in the witness-box, was examined, cross-examined, badgered; yet calm, self-possessed, and so manifestly sane that the defendant resigned the contest, and compounded the inevitable damages, giving us a verdict, the costs, fifty pounds cash, and an annuity of one hundred pounds a year.

All this, says Dr. Bushnan, is impossible.

I closely examined this youth as to his fellow-patients, and, as he could minutely describe the illusions of the insane ones, I find it hard

to doubt his positive statement that two patients in that same house were perfectly sane.

Of course, the main event I have related made some noise; real and alleged lunatics heard there was a Quixotic ass in this island who would, in his unguarded moments, give away justice at his own expense instead of selling it for so many thousands a year and not delivering the article; and I was inundated with letters and petitions, and opened a vein of private research by which the readers of "Hard Cash" will profit; all except Dr. Bushnan. A lady called on me and asked me to get her sister out of a private asylum, assuring me she was sane, and giving me proofs. *Having observed that to get out of an asylum you must first be out of it*, I cudgelled my brains, (page 6) and split this prisoner in half; I drew up a little document authorizing a certain sharp attorney to proceed in law or equity for her relief; and sent her sister into the asylum to get it signed by the prisoner. She did sign it, and thus armed, her other self, the attorney, being outside the asylum, was listened to, though a deaf ear had always been turned to her. After a correspondence, which has served me as a model in the current number of "Hard Cash," *after, in vain, suggesting her discharge to the parties pecuniarily interested in detaining her*, the board actually plucked up courage and discharged her themselves. We all saw her often after this, and were hours in her company. She was perfectly sane, as sane as I am, and much saner than some of the mad doctors are at this hour, as time will show. This case opened another vein of research, and my detective staff was swelled by a respectable ex-attendant (female) who gave me the names of two or three sane ladies at that time in durance vilest to her knowledge. Three years after the supposed date of Alfred Hardie's impossible incarceration came the flagrant case of *Matthew v. Harty*, some of whose delicious incidents have been used in "Hard Cash," and will be contradicted by humbugs and condemned as improbable by gulls; at least I venture to hope so. The defendant was one of that immaculate class, to criticize some of whom, if I understand Dr. Bushnan aright, is to libel the whole body; and the plaintiff was a distinguished young scholar in Dublin. Defendant enticed him into a mad-house, and there left him in a common flagged cell; but to amuse his irrational mind, lent him what? Peter Parley, or Dr. Littlewit's conjectures about the intellect of Hamlet? Oh, dear! no; "Stack's Optics," "Lloyd's Mechanical Philosophy," "Brinkley's Astronomy," Cicero de Officiis," and "Stock's Lucian."

(page 7) *Enter the official inspector; is appealed to, admits his sanity, promises to liberate him, and with that promise dismisses the matter from his official mind, and goes his way contented.* This was sworn to and not contradicted. Then comes Dr. Harty and urges him to confession in these memorable words, sworn to, and not contradicted. "Your safety will consist in acknowledging you are insane, and your sanity will appear by admitting your insanity." Matthew saw the

hook, and declined the bait. Now there was in this asylum a boy called Hoolahan, whose young mind had not been poisoned, and whose naked eye was as yet undimmed by the spectacles of cant and prejudice. So he saw at a glance Matthew was sane, and, not being paid a thousand a year to pity him, pitied him.

Hoolahan took a letter to Matthew's college chum. In that letter Matthew poured out his wrongs and his distress. But suppose it should be intercepted? Matthew provided against this contingency; he couched his letter in Ciceronian Latin, humbly conceiving that this language would puzzle the doctors as much as the Latin in their prescriptions would puzzle Cicero. Mr. Hall got the letter, and not being paid to protect alleged lunatics, took the matter up in earnest, and so frightened Dr. Harty that he discharged Matthew at once; and said, "Now, don't you be induced to bother me about this trifle; I'm an old man, and going to die almost immediately." On this Matthew took the alarm, and served a writ on him without loss of time. The cause came on, and was urged and defended with equal forensic ability. But evidence decides cases, and the plaintiff's evidence was overpowering. Then the defendant, despairing of a verdict, bethought him how he might lower the inevitable damages; he instructed his counsel to reveal that "the young man who was now prosecuting him to (page 8) death was his own illegitimate son."

At this revelation, ably and feelingly introduced by Counsellor Martly, the sensation was, of course, immense, and being in Ireland, a gallery came down just then and the *coup de theatre* was perfect. Many tears were shed; the public was moved; the plaintiff still more so. For it is not often that a man, who has passed for an orphan all his life, can plant a writ and reap a parent. "Japhet in Search of a Father" should have wandered about serving writs. The jury either saw that the relationship was irrelevant in a question so broad and civic, or else they were fathers of another stamp, and disapproved of tender parents who disown their offspring for twenty-four years, and then lock them up for mad, and only claim kindred in court to mitigate damages. At all events they found for Mr. Matthew, with damages one thousand pounds.

All this, says Dr. Bushnan, was utterly impossible. Well, the impossibility in question disguised itself as fact, and went through the hollow form of taking place, upon the 11th, 12th, and 13th December, 1851, and the myth is recorded in the journals, and the authorized report by Elrington, jun., and W. P. Carr, barrister at law, is published in what may be an air bubble, but looks like a pamphlet by M'Glashan, 50 Upper Sackville street, Dublin. But I rely mainly on the private cases, which a large correspondence with strangers, and searching inquiry amongst my acquaintances, have revealed to me; unfortunately these are nearly always accompanied with a stipulation of secrecy; so terrible, so ineradicable, is the stigma. *Hall v. Semple* clearly adds its mite of proof that certificates of insanity are still given recklessly;

but to show you how strong I am, I do not rely at all on disputable cases like Nottidge, Ruck, and Leech; though in the two latter of these cases the press leaned strongly against the insanity of the prisoners, and surely the press is less open to prejudice in this matter than Dr. Bushnan is, who dates his confident conjectures from a madhouse. (page 9) It seems I have related in "Hard Cash" that in one asylum (not Dr. Wycherley's), when Alfred Hardy went to complain to a visitor, a keeper interfered and said, "Take care, sir, he is dangerous."

And this I then and there call a formula, one out of many. "Dreamer," says Dr. Bushnan, "there are no such things as formulæ in madhouses; and no interference between patient and inspector is possible, for there are none in my asylum, and therefore there can be none in any other." Oh, logic of psychologicals!

Mr. Drummond, in a debate on lunacy, testified as follows: "Now the honorable gentleman had remarked that it was very easy for persons in these establishments who had a complaint to make to make it. Was it really so? (Hear, hear.) He thought otherwise. He could only say that, whenever he had visited an asylum and went up to a lunatic who had stated that he had a ground of complaint, some keeper immediately evinced an unusual interest in his personal welfare, and cautioned him, saying, 'Take care, sir! he is a very dangerous man.' (Hear.) The length of this letter, which, after all, but skims the matter, arises out of the importance of the subject, and the nature of all argument based on evidence. It takes but a few lines to make many bold assertions, and to challenge Mr. Reade to prove them false. But the Radian proofs cannot be so compressed. *"Plus negabit in una hora unus doctor, quam centum docti in centum annis probaverint."*

I conclude by begging you to find space for the following extract from a respectable journal. I have many such extracts in my London house: this one is a fair representative of the press, and of its convictions and expressions at the time when it issued: *Extract*—"Here are two cases (Mrs. Turner and Mr. Leach): We have before us the particulars of a third, but we are not, unfortunately, in a condition to publish the names. Suffice it to say that an unfortunate (page 10) gentleman who had been suffering from bodily disorder, which finally affected his brain, but who was not mad, was incarcerated in one of those horrid dens which are called private lunatic asylums, and there confined for months. By his own account he was treated with the greatest cruelty, strapped down to a bed with broad bands of webbing, and kept there until it was supposed he was dying. The result we will state in the sufferer's own words: "My back, from lying in one constrained posture, was a mass of ulcerated and sloughing sores; my right hand was swollen enormously, and useless; and two fingers of the left hand were permanently contracted, and the joints destroyed. I also lost several front teeth." This poor man at last obtained his liberty, and applied to the commissioners for redress. Their letter in reply is now before us. The commissioners merely say

that, although they do not in any degree impugn the integrity of the complainant's statements, they are not of the opinion that inquiry would answer any good purpose. They add, however, that, "in order to mark their opinion on the subject they have granted Mr. a license provisionally for the limited period of four months only, and that the renewal will depend upon the condition and management of his establishment being entirely satisfactory in the meantime." (As if any great criminal would not undertake to behave better or more cautiously if, after detecting him by a miracle, we were weak enough to bribe him to more skillful hypocrisy by the promise of immunity.) Poor consolation this for all the misery the wretched sufferer had undergone. Here, then, are three cases following one upon the other in rapid succession. How many remain behind of which we know nothing? *The fact would appear to be that under existing arrangements (page 11) any English man or woman may, without much difficulty, be incarcerated in a private lunatic asylum when not deprived of reason. If actually deprived of reason when first confined patients may be retained in duress when their cure is perfected, and they ought to be released.*

I am, etc.,

THE AUTHOR OF "VERY HARD CASH."

Magdalen College, Oxford, October 23, 1863.

To this letter I hear Dr. Bushnan has replied *down in the country*. By this, and by his not sending me a copy, may I not infer he prefers having it all his own way in the neighborhood of his asylum to encountering me again before the nation?

The extract above quoted is, I believe, from the Times, and was accompanied by an admirable letter of three columns, thus entitled:

LUNATIC ASYLUMS AND THE LUNACY LAW.

(By a Physician.)

This honest inquirers should read, and also the newspaper reports of false imprisonment and cruelty, during the last twelve years, and the contemporaneous comments of the press, before deciding to overrate my imaginative powers, and underrate my sincerity, and my patient, laborious industry.

In January, 1870, the editor of the *Pall Mall Gazette* drew attention to the fact that several lunatics had died of broken ribs in various asylums, and that the attendants had furnished no credible solution of the mystery. This elicited the following letter from the author of "Hard Cash":

HOW LUNATICS' RIBS GET BROKEN.

To the Editor of the *Pall Mall Gazette*:

Sir,—The *Pall Mall Gazette*, January 15, deals with an important question, "the treatment of lunatics," and inquiries, *inter alia*, how

(page 12) Santa Nistri came to have his breastbone and eight ribs fractured at Hanwell; and how other patients have died at the same place of similar injuries; and how William Wilson came to have twelve ribs broken the other day at the Lancaster County Asylum. The question is grave; the more so, that, by every principle of statistics, scores of ribs must be broken, one or two at a time, and nobody the wiser, under a system which rises periodically to such high figures of pulverization, and so lets in the faint light of an occasional inquest, conducted by credulity in a very atmosphere of mendacity. I have precise information, applicable to these recent cases, but not derived from them, and ask leave to relate the steps by which the truth came to me.

On the 2d January, 1851, Barnes, a lunatic, died at Peckham House, with an arm and four ribs broken. The people of the asylum stuck manfully together, and agreed to know nothing about it; and justice would have been baffled entirely, but for Donnelly, an insane patient—he revealed that Hill, a keeper, had broken the man's bones. Hill was tried at the Central Criminal Court, and convicted of manslaughter on Donnelly's sole evidence, the people of the asylum maintaining an obdurate silence to the end. About 1858, I think, a lunatic patient died suddenly, with his breastbone and eight ribs broken, which figures please compare with Santa Nistri's. As it had taken a keeper to break the five bones of Barnes, nobody believed that accident had broken the nine bones of Secker; that, I think, was the victim's name; but this time the people of the asylum had it all their own way; they stuck manfully together, stifled truth, and baffled justice. (See the Ninth Report of the Commissioners in Lunacy, p. 25.) Late in July, 1858, there was a ball at Colney Hatch. The press were invited, and came back singing the praises of that blessed retreat. What order! (page 13) What gayety! What non-restraint!

O fortunatos nimum sua si bona norint lunaticos.

Next week or so Owen Swift, one of the patients in that blest retreat, died of the following injuries: breastbone and eleven ribs broken, liver ruptured. Varney, a patient—whose evidence reads like that of a very clear-headed gentleman if you compare it with the doctor's that follows it—deposed to this effect: Thursday, at dinner-time, Swift was in good health and spirits and more voluble than Slater, one of the keepers, approved. Slater said, "Hold your noise." Swift babbled on. Slater threw the poor man down, and dragged him into the padded room, which room then resounded for several minutes with "a great noise of knocking and bumping about" and with the sufferer's cries of agony till these last were choked, and there was silence. Swift was not seen again till Saturday morning; and then, in presence of Varney, he accused Slater to his face of having maltreated him, and made his words good by dying that night or the very next morning. This evidence was borne out by the state of the body (fractured sternum, and eleven fractured ribs), and not rebutted by

any direct, or, indeed, rational testimony. Yet the accused was set free. But the press and the country took the decision ill. A Middlesex magistrate wrote to the *Times*, August 21, 1860, to remonstrate, and drew attention to a previous idiotic verdict in a similar case. And whereas the medical man of the establishment had assisted to clear the homicide by his own ignorance of how bones can be broken wholesale without proportionate bruises or flesh wounds, a correspondent of the *Daily Telegraph* enlightened his professional ignorance on that head, and gave the public the only adequate solution of Owen Swift's death, which had been either spoken or written up that day.

(page 14) That one adequate solution was the true one.

Daily Telegraph, August 8, 1860. Time, 1862. Place, Hanwell. Matthew Geoghegan, a patient, refused to go to bed. Jones, a keeper, threw him down, and kicked him several times; then got a stick and beat him; then he got a fire-shovel and beat him; then jumped on his body; then walked up and down his body; of which various injuries the man died, not immediately, but yet so speedily that the cuts and bruises were still there to show what had killed him. Bone, a bricklayer, and eye-witness of the homicide, swore to the above facts. Linch, Bone's laborer, another eye-witness, swore to the same facts. The resident engineer swore that Bone and Linch were both true men.

Dr. Jepson had found the man with bruises, one of which, on his abdomen, had been caused by the heel of a boot. *Per contra*, a doctor was found to swear as follows: "I swear that I *think* he died of pleuro-pneumonia. I swear that I *don't know* whether his external injuries contributed to his death." And upon this, though no pleuro-pneumonia could be shown in the mutilated body, though Bone and Linch, disinterested witnesses, deposed to plain facts, and the doctor merely delivered a wild and improbable conjecture, and then swore to his own ignorance on the point in doubt, if doubt there could be; yet this jury, with their eyes to confirm what their ears heard sworn, and their ears to confirm what their eyes saw written on the mangled corpse, actually delivered the following verdict:

"Deceased died after receiving certain injuries from external violence but whether the death was occasioned by natural causes, or by such violence there was not sufficient evidence to show." They then relieved their consciences in the drollest way. They turned round on Bone and Linch, and reprimanded them severely for not having interfered to prevent the cruelty, which they themselves were shielding in the present and fostering in the future by as *direct a lie as ever* (page 15) *twelve honest men delivered*.

Suppose the bricklayer and his man had replied, "Why, look ye, gentlemen; we came into the madhouse to lay bricks, not to do justice. But you came into the madhouse to do justice. We should have lost our bread if we had interfered; but you could have afforded to play the men—and didn't." I enclose herewith the evidence of the

bricklayers, and the sworn conjectures of the doctor, *in re Geoghegan*; also the evidence of the doctor, and of the comparatively clear-headed lunatic *in re Swift*. About this time my researches into the abuses of private *asyla* (which abuses are quite distinct from the subject in hand) brought me into contact with multifarious facts, and with a higher class of evidence than the official inquirers permit themselves to hear. They rely too much on medical attendants and other servants of an asylum, whose interest it is to veil ugly truths and sprinkle hells with rose-water. I, on the contrary, examined a number of ex-patients who had never been too mad to observe, and ex-attendants, male and female, who had gone into other lines of life, and could now afford to reveal the secrets of those dark places. The ex-keepers were all agreed in this—that the keepers know how to break a patient's bones without bruising the skin; and that the doctors have been duped again and again by them. To put it in my own words, the bent knees, big bluntish bones, and clothed, can be applied with terrible force, yet not leave their mark upon the skin of the victim. The refractory patient is thrown down and the keeper walks up and down him on his knees, and even jumps on his body, knees downwards, until he is completely cowed. Should a bone or two be broken in this process, it does not much matter to the keeper; a lunatic complaining of internal injury is not listened to. He is a being so full of illusions that nobody believes in any unseen injury he prates about.

(page 16) In these words, sir, you have the key to the death of Barnes, of Secker, if that was the man's name; and of other victims recorded by the commissioners, of Nistri, and of William Wilson, at Lancaster.

I hope this last inquiry has not been weakly abandoned. It is a very shocking thing that both brute force and traditional cunning should be employed against persons of weak understanding, and that they should be so often massacred, so seldom avenged. Something might be done if the people of Lancashire would take the matter seriously. The first thing they should do is to inquire whether the keeper who killed a stunted imbecile by internal injuries in the Lancaster Asylum, May, 1863, is still in that asylum. See Public Opinion, November 19, 1863. The next step is to realize and act upon the two following maxims:

First, it is the sure sign of a fool to accept an inadequate solution of undeniable facts.

Secondly, to advance an inadequate solution of facts so indisputable as twelve broken ribs is a sign either of guilt or guilty connivance. Honest men in Lancashire should inquire who first put forward some stupid, impudent falsehood to account for the twelve broken ribs of Wilson. The *first liar* was probably the homicide, or an accomplice. Just to prove the importance I attach to this inquiry, permit me, through your columns, to offer a reward of a hundred pounds to any person or persons who will give such evidence as may

lead to the conviction of the person or persons who have killed William Wilson, by kneeling on him, by walking knees downwards upon him, and jumping knees downwards upon him. It is interest that closes men's mouths in these dark places. We must employ the same instrument to open them; it is our only chance.

I am, sirs, yours very faithfully,

CHARLES READE.

2 Albert Terrace, Knightsbridge,
January 17, 1870.

ALADDIN AND HIS WONDERFUL LAMP

BIOGRAPHICAL.

Wood, Horatio Curtis, M. D., born Philadelphia, Jan. 13, 1841. Graduate M. D. University of Pennsylvania, 1862; Professor Botany, 1860-76; Professor Therapeutics since 1876; also, since 1875 Clinical Professor Diseases of the Nervous System University of Pennsylvania; has written numerous scientific treatises: Editor, 1870-73, of "New Remedies"; Editor, 1873-80, Philadelphia "Medical Times"; since 1884 Editor Therapeutic Gazette; also edited United States Dispensary; Author of "Materia Medica and Therapeutic"; "Brain Work and Over Work"; "Nervous Diseases and their Diagnosis"; "Thermic Fever, or Sunstroke"; "The Algæ of North America" (Smithsonian Contributions); "The Phalangidæ of the United States"; "Researches Upon American Hemp," etc. Member of National Academy of Sciences since 1879. Address: 1925 Chestnut Street, Philadelphia.

—From *Who's Who in America*.

(Statement by Dr. Horatio Curtis Wood.)

December 10th, 1900.

Dictated by Dr. H. C. Wood, in the presence of Mr. Childé.†

"John Armstrong Chaloner graduated from Columbia College in 1883, with the degree of B. A.; in 1884, received degree of M. A.; studied for M. A., psychology and philosophy especially; admitted to the New York Bar in 1885; married in 1888; divorced in 1895, after a long period of disagreement and coolness; divorce given on the ground of incompatibility.

Very active business man. Always kept up to some extent his interest in psychology. In 1893 first noticed what he calls "premonitions"; meaning by that, that after thinking over a subject over night, mapping out a course of action, he would wake up in the morning with a feeling of exhilaration, of depression, or of indifference. When exhilarated always found his plan was judicious and things went well;

†Plaintiff's, John Armstrong Chaloner's, alias in Philadelphia. Since the police were on plaintiff's track at said time great caution had to be employed to shield plaintiff's identity.

when depressed found it always wise to modify to a greater or less degree his plan of action; indifference meant there was going to be nothing of interest that day. Also when he had made no plans would have similar feelings; and found the feeling of exhilaration preceded a day of good fortune, of depression a day of things going wrong; indifference meant just indifference.

Latter part of December, 1896, accidentally discovered that at certain times and conditions, if he would take a pencil in his hand it would write without his making conscious effort or giving direction. At times the pencil would write nonsense. (Mr. Chaloner explains:) "This 'nonsense' was not incoherent in the slightest degree; grammar was correct; sense always perfectly plain; only the 'nonsense' referred to impossible statements and alleged prophecies about me. At other times the writing would refer to business or other personal matters, and give judgment and reasons which were sound and often borne out in fruits. At one time, Mr. Chaloner, to test the accuracy of this judgment, speculated under the direction of the writing in a small way in Wall Street; (Mr. Chaloner) 'A few hundred dollars' with successful result. Never did this again. (Mr. Chaloner) "Never would it suggest speculation again." Shortly after the development of "graphic automatism" (words first used by Mr. Chaloner himself), Mr. Chaloner found that he at times could talk in the same way, his vocal utterances being unconnected with conscious cerebration. The following is Mr. Chaloner's statement as to the way in which he first passed into the condition which he terms "Napoleonic trance." (Of his own accord, Mr. Chaloner, has denominated previous to any interview with me, this faculty of vocal or graphic automatism as "X-Faculty.") Mr. Chaloner states as follows:

"In communicating with my "X-Faculty" by means of vocal automatism which is also one of my trance-like states, I was informed by my "X-Faculty" that it would like me to go into a Napoleonic trance. It gave me to understand that I would represent the death of Napoleon Bonaparte by so doing, and that my features, when my eyes were closed, and face, would resemble strongly those of the dead Napoleon Bonaparte. This was in February, 1897, upon or shortly after my arrival at the Hotel Kensington, New York City. My "X-Faculty" did not tell me what to do in order to produce the so-called Napoleonic trance; it merely informed me that when the time came it would instruct me what to do to produce the said trance. The distinguished sculptor, Saint Gaudens, calling at the Hotel Kensington, shortly after my arrival, while I was in bed, in the evening my "X-Faculty" gave me to understand without Mr. Saint Gaudens knowing it, that it would be the proper time for me to enter the Napoleonic trance. I asked Mr. Saint Gaudens if he would like to see me enter a trance; I was interested myself from a scientific point of view to know just what I would do in a trance, never having entered one before. I was also interested to know if the prognostications of the "X-Faculty" regard-

ing my face and features strongly resembling those of Napoleon Bonaparte in death were accurate or false.

Mr. Saint Gaudens expressed keen interest in seeing me in a trance. I then took, under the direction of my "X-Faculty" a small hand mirror, which I used for shaving, in both my hands, and holding it rigidly extended above my head stared at my eyes for several moments without any result. I did not know but what the experiment was about to prove abortive and ridiculous; it was one of the most daring experiments I ever entered for that reason. After a minute or two of complete passivity and rigidity, for the first time in my life I experienced the entrance to a trance. It is excessively interesting as an experience. The first symptoms I had of the entering therein were slow, deep breaths, utterly involuntary on my part; these gradually increased in force and frequency until they resembled what I imagine are death gasps, by which I mean a man dying and gasping for breath.

(In reply to a question from Dr. Wood, as to whether he had ever seen a man die gasping, Mr. Chaloner, said he had not. Mem. from Dr. Wood, that the description is not accurate.)

These gasps continued in frequency and force to increase, and my mouth to distend, and remain open, stretched open to its fullest extent. This continued for several moments, I should judge ten, though I have no means of judging, simply guess. At the end of the supposed ten minutes, my hands slowly placed the mirror on the bed, my eyes closed, and the Napoleonic death-trance, so-called by my "X-Faculty," had begun. Of course I cannot judge, having my eyes shut, of the resemblance of my features and face under the above described circumstances to those of Napoleon Bonaparte in death; all I know is from the remarks of the persons who have witnessed this Napoleonic death-trance, so-called, to wit: Mr. Saint Gaudens asked me to desist, said it was very affecting, that he was unaccustomed to a trance, and asked me not to enter it again in his presence.

(Question by Dr. Wood: Were you conscious during this time?
Answer: Entirely conscious during all this time.)

A few days later, I mentioned this occurrence to Mr. Stanford White and Dr. E. F. when they were both visiting me. They expressed a desire to see me under the so-called Napoleonic trance. I did so under the same conditions as before Mr. Saint Gaudens. When I entered the death-trance, while my eyes were closed, Mr. White was so affected by the trance that he acted as though he were literally in the presence of death, whispering in a reverential tone to Dr. E. F., "It is exactly like Napoleon's death-mask, I have the photograph of it at home." I afterwards asked Mr. White if he had made that remark to Dr. E. F., and he admitted it frankly.

(Question by Dr. Wood: How do you come out of these trances?
Answer: By effort of conscious will.)

These were the only occasions upon which I entered the Napoleonic death-trance, so-called, with one exception. The exception was in the early Summer of 1899, when at the request of Drs. Austin Flint, Sen. and Carlos MacDonald, I entered the Napoleonic death-trance, so-called. After I had entered the death-trance I heard Dr. Austin Flint, Sen., say in a low tone to Dr. Carlos MacDonald, "Come around to the side and see the profile." Dr. Austin Flint, Sen., seemed somewhat affected by the death-trance, for after making the above remark he stepped hastily to the bed, and patting me on the knee, said, "Come out of it, come out of it; you can, cannot you?"

(Question by Dr. Wood: When you want to come out you do something? Answer: When I want to come out of the trance it requires some act on my part.)

Questions by Dr. Wood, and answers by Mr. Chaloner.

W. Do you believe that the results of the action of the "X-Faculty" are due to the presence of any kind of a spirit, or to spiritual influence in you?

C. No.

W. Do you believe there was anything supernatural in this?

C. No.

W. Do you believe that the judgments delivered are infallible?

C. No.

W. Do you believe that you have in these conditions the power of prophecy beyond rational forejudgment.

C. No.

W. In using the word "automatism" as a name, was it or was it not your thought that these results were due to a spontaneous effort of intellectual faculties, independent of the will and consciousness? I do not know if you understand what I mean.

C. I understand what you mean. Independent in this way only; that they cannot be necessarily voluntarily initiated by an act of will on my part, but they can be instantly arrested by an act of will on my part.

(Answers to the above questions in no way prompted.)

Voluntarily, without question, Mr. Chaloner says that since he studied psychology at Columbia great strides have been made in the experimental section of psychology and in the nomenclature thereof; and the phrases and terms of modern psychology are almost totally unknown to him, for the reason that he has not studied Psychology since leaving the College. "All my work in Psychology has been from Nature's book, and not from printed matter. The two terms "vocal

automatism" and "graphic automatism" I have taken bodily from Professor Flournoy's book entitled "From India to the Planet Mars." I will say incidentally that I agree almost entirely with Professor Flournoy in his conclusion touching the "Medium" Hélène Smith, whose trances are described in the book "From India to the Planet Mars." In other words I am anti-spiritualistic. I do not believe in spiritualism. As a Christian—I am a communicant of the Episcopal Church—I believe in the existence of spirits but in another world; and I disbelieve absolutely that there is any communication whatsoever, direct or indirect, between living human beings and disembodied spirits in this world."

Mr. Chaloner's divorce was preceded for some years by a progressively increasing estrangement from his wife, which grew out of incompatibility of temper and ways. This estrangement dated back to the Fall of 1890, when he left Mrs. Chaloner in Europe, she being unwell, whilst he came back to New York to found the "Paris Prize Fund." The divorce was asked for by his wife and not resisted by himself; and never since has he visited or tried to visit, or followed, or in any way tried to communicate with the former Mrs. Chaloner, and has no desire so to do.

BIOGRAPHICAL.

Jastrow, Joseph. Professor of Psychology in the University of Wisconsin since 1888; born Warsaw, Poland, January 30, 1863; graduate University of Pennsylvania, 1882; A. M., 1885; Ph. D., Johns Hopkins, 1886; Fellow in Psychology 1885-6; in charge of the Psychological section World's Columbian Exposition, 1893; Author of various psychological subjects in leading magazines and of the book "Fact and Fiction in Psychology." Address: Madison, Wisconsin.

—From "*Who's Who in America.*"

A PRELIMINARY OPINION SUBMITTED BY JOSEPH JASTROW, PROFESSOR OF PSYCHOLOGY IN THE UNIVERSITY OF WISCONSIN, WITH REFERENCE TO THE CASE OF MR. CHALONER.

SUBMITTED AT THE REQUEST OF JONES, CARSON AND BEEBER, ATTORNEYS IN THE CITY OF PHILADELPHIA.

PRELIMINARY.

I am requested to submit an opinion in regard to the status, especially in relation to mental normality, of certain activities presented by Mr. Chaloner and of his attitude towards and his views concerning these manifestations. For the just interpretation of this opinion, it is

to be carefully borne in mind that the determination of a State of insanity, or of mental irresponsibility or incapacity, is only to be reached by capable experts on the basis of a specific examination which shall set forth the symptoms, indications, and description of the particular form of mental derangement found in any given case. That task belongs primarily to experts in other branches of knowledge than that which I profess. My opinion as a psychologist is desired in regard to the significance and interpretation of certain mental peculiarities of the kind exhibited by Mr. Chaloner, and especially in regard to the measure and the manner in which such peculiarities may be pronounced to be manifestations of a normal mental activity.

Mr. Chaloner according to his own account and in conformity with the evidence which has been submitted to me, exercises a form of automatic activity known as "Automatic Writing," and by some writers called "graphic automatism." He is able to produce, and apparently almost any time at request, a form of writing in which his intentional and usual control and direction participate to a reduced extent, and may be almost absent. Such automatic writing is a well recognized phenomenon occurring not rarely but yet unusually, and finds its place among a series of psychological activities, which are in large part of a complex, co-ordinated and reasoned type, but which are none the less not the intentional expression of the ordinary fully conscious thought. Even so common an experience as the unsuccessful attempt to recall a name, which suddenly comes to mind when the search has been apparently dismissed, may be regarded as the product of an automatic activity; for it is a result which we fail to reach intentionally but was worked out by some processes of which we are not fully conscious and cannot deliberately direct. If under such circumstances it were possible for an individual frequently to succeed in recalling the name by allowing his hand to write as it would, without exercising a direct guidance over its movements, it would be evident that the intelligence and the entire mental equipment that is represented in such automatic writing is the same as that of the individual's normal personality. That part of our mental machinery by which we succeed, though not by a direct effort, in recalling the sought for name, is obviously a part of our normal mental endowment.

The degree to which there exists such a possibility of permitting the less voluntary and conscious operations of our minds to express themselves in writing or otherwise, varies considerably among different individuals, as does also the degree of automatism or removal from intentional control characteristic of such expressions. The power to produce occasionally or frequently consistent and reasoned expressions by automatic writing, when considered in reference to the public at large, cannot be said to be a usual one, but is not to be regarded as a presumptive concomitant or indication of a mentally impaired or diseased condition. Professor James of Harvard University (*Principles of Psychology*, 1890, Vol. 1, p. 393), adopting for the sake of

convenience the term "Mediumistic possession" to indicate the kind of activity here under consideration; says: that "the susceptibility to it in some form is by no means an uncommon gift in persons who have no other obvious nervous anomaly. The phenomena are very intricate, and are just beginning to be studied in a proper scientific way. The lowest phase of mediumship is automatic writing, and the lowest grade of that is when the Subject knows what words are coming, but feels impelled to write them as if from without." (The words medium, "mediumship," "mediumistic possession" are here used, as also by Mr. Chaloner, not in acceptance of any belief in the theory with which the name originated, but simply as a convenient and intelligent mode of referring to the phenomena.) I interpret this statement to mean that automatic writing is a less serious and less unusual divergence from the ordinary relations obtaining between our intentional and our automatic expressions than other forms of automatism, and furthermore, that this divergence is slightest when the subject's normal consciousness participates to a considerable extent in what is being written. Mr. Chaloner's automatic writing would accordingly be regarded as of the type that diverges least from the usual; for according to his account he can at command check or stop the writing; although he cannot always initiate it, but must try and observe whether the hand will write or not. Moreover, he is entirely conscious of what he is writing, and the ordinary spectator would see nothing to distinguish between his normal and his automatic writing. It should also be noted that, in conformity with experience in other case, the automatic writing of Mr. Chaloner did not appear at once in a fluent and perfected form, but was developed as the result of training and repetition extending over several years. My observation thus led me to conclude that Mr. Chaloner's automatic writing is the expression of a mental condition differing only in a very slight degree, and not in an easily recognizable manner, from his ordinary normal condition or the waking conscious condition of any normal individual. The expressions of his automatic writing are consistent with, as indeed they are hardly less than, the expressions of his normal mentality—just as our characters and our views in dreams are for most persons consistent with, though at times diverging from, the character and views of waking thought.

Further opinions in support of the normal status of automatic writing are as follows: The Dictionary of Philosophy and Psychology (edited by Professor Baldwin of Princeton University, 1901), says under the term Automatic Writing: "The name given to a form of writing that is recorded without the complete and conscious co-operation of the individual who writes. It is an elaborate and consequently less usual form of automatic movement which seems to be associated with obscure functional diseases of the nervous system (hysteria, etc.): but also occurs in persons who are healthy and entirely normal, but perhaps gifted with sensitive nervous organizations." Professor

Newbold, of the University of Pennsylvania (*Popular Science Monthly*, XLIX., 189, p. 509) says: "Automatic writing is an exceedingly common phenomenon," and endorses the view that the degree of automatism is of minor order when the writing is involuntary, but depends upon the subject's consciousness.

Professor Patrick, of the University of Iowa, clearly implies that the phenomenon is of frequent occurrence in normal persons by the following statement. (*The Psychological Review*, 1898, V., p. 559): "The thorough study of simple cases of automatic writing and of all forms of automatism in normal, healthy subjects is wholly practicable in the laboratory and certainly desirable." He further writes, "If we compare a simple case of automatic writing such as may be found in one of almost any company of school girls," etc.

Professor Binet, of the University of Paris ("*Alterations of personality*," Translation, 1896, p. 189) writes: "The interest of the phenomenon is still further increased by the frequency with which it occurs with spiritists and with normal subjects." And again: "In this way, as I have said before, the phenomena of automatic writing can be demonstrated with people who are non-hysterical; it is the exaggeration of the phenomenon that is peculiar to hysteria."

Furthermore, experiments in automatic writing have been made upon normal subjects, in part upon university students, at Harvard University, the University of Iowa, the University of Pennsylvania, and probably elsewhere.

I am accordingly of the opinion that the phenomena of automatic writing as exhibited by Mr. Chaloner are not only consistent with, but in the form exhibited by him, not prejudicial to a mental endowment and capacity falling within the range of individual variations, ordinarily included under the normal. I am of the opinion that this power is to be looked upon as a mental peculiarity, which like many other peculiarities, forms a part of the individual endowment, and enters into the fundamental difference in organization between individuals. That this and allied kinds of automatism, particularly in their more marked and exaggerated forms occur most characteristically in hysteria and other nervous disorders is made clear by a survey of the literature of the topic. That in many cases of its occurrence in normal individuals it is associated with a sensitive nervous organization, seems almost equally well established.

Of the trance states which it appears Mr. Chaloner entered upon a few isolated occasions some years ago, I can judge only from his own description. I see no reason for viewing them in any other light than the automatic writing—that is as phenomena indicative of a sensitive nervous organization finding their origin in the same obscure individual peculiarities, which make one person a somnambulist and another an automatic writer and a third a trance subject and lead to the non-occurrence of any of these phenomena in the great mass of mankind. The trance state of the kind which Mr. Chaloner seems to

have exhibited is probably to be regarded as a deeper stage of automatism, that is, as a more serious deviation from the relation ordinarily pertaining between the fully conscious and deliberate, and the automatic mental activities, than is the case in the automatic writing; and it was probably associated at the time with an irritable or fatigued condition of the general nervous system.

With Mr. Chaloner's attitude towards these phenomena, his views in regard to their origin and nature, and his opinion in regard to related phenomena, such as the significance of vivid impressions and presentments and the like, I have had opportunity to become acquainted by extended conversation, and by the perusal of extracts from his diary and from other sources. There is no widespread consensus among psychologists in regard to the most plausible theory of explanation or mode of accounting in detail for such phenomena as automatic writing; but there is a considerable preponderance of opinion in regard to their general relations to the activities of the mind and their dependence upon conditions of the nervous system; and I find that Mr. Chaloner's views though couched in different language and exhibiting no special appreciation of the complexities of the problem, are in their main trend quite compatible with the main trend of current scientific opinion upon the subject. In some respects his views would find endorsement in the recorded views of reputable writers upon these subjects; and in some respects (allowing for differences of expression and attitude, such as I should also have to take into consideration in a similar criticism of the views of some of my professional colleagues) his views would be in accord with my own. Some of the views expressed by Mr. Chaloner I am inclined to regard as unwarranted by a close logical interpretation of the available data, and as incompatible with the attitude towards these phenomena which my own temperament and training and investigations lead me to favor; but this criticism would also apply to many professional psychologists occupying responsible positions; and the views to which I refer are certainly shared by a considerable part of intelligent and educated laymen who have formed convictions upon subjects of this type. In brief, I find Mr. Chaloner's attitude towards the psychological phenomena of a somewhat unusual nature which he has observed in himself to be in its general outlines a thoughtful and plausible one, and in all respects, including those points which do not meet with my personal endorsement, I have no hesitation in pronouncing his opinions to fall well within the ordinary and normal range of diversity of opinion current in such topics. Nor do I find in his attitude towards his opinions any characteristics which could not readily be duplicated among a miscellaneous group of normal, intelligent persons of training, education and attainment compatible to those which Mr. Chaloner enjoys.

With regard to other traits of mind or temperament which Mr. Chaloner exhibits and which might be regarded as relevant to a dis-

cussion of the compatibility with normality of his psychological peculiarities, I am of the opinion that their interpretation may be most justly reached in connection with an examination of his personal history and of his recognition of the significant symptoms of mental abnormality."

We shall now introduce the opinion of Dr. William James, Professor of Psychology at Harvard.

BIOGRAPHICAL NOTE.

William James, Prof. Psychology, Harvard, since 1872; b. New York, Jan. 11, 1842; ed. in private schools, and by tutors, and at Lawrence Scientific School, 1861-3; M. D. Harvard, 1870, (LL. D. Princeton; Ph. et Litt. D., Padua; Correspondent de l'Institut, Paris); Author Principles of Psychology (2 vols.); Psychology; Briefer Course; The Will to Believe, and other Essays in Popular Philosophy. Apptd. Gifford lecturer on natural religion, Univ. of Edinburgh, 1899-1901. Address: Cambridge, Mass.

—From "*Who's Who in America.*"

(Dictated.)

(Statement of Dr. William James.†)

Cambridge, Mass., Oct. 10, 1901.

At the request of Mr. John Armstrong Chaloner, I have examined the following documents pertaining to his case:

1. His certificate of lunacy;
2. A distinguished neurologist's opinion.
3. John Armstrong Chaloner's letter of July 3rd, 1897, to Hon. Micajah Woods.
4. Letter of Nov. 30th, 1900, to H. L. Carson.
5. Dr. Wood's account.
6. Prof. Jastrow's opinion.
7. Extract from John Armstrong Chaloner's Journal, etc.
8. Autobiographic account: "The X-Faculty" (Head 1).
9. "The X-Faculty" (Head 2).

†Since deceased.

My opinion (based on considerable familiarity with such phenomena) of the significance of the "automatisms" described in these documents is as follows:

Graphic automatism is an extremely frequent phenomenon only of late beginning to be studied with the care which it deserves. I have a large collection of cases of it, and some of my best friends, of superior sanity and mental power possess this faculty. It is impossible to deduce from its presence any conclusions whatever detrimental to the sanity of the person who manifests it.

I do not happen at this moment to recall a single case of lunacy, in which I have met with this as a symptom. The mental automatism, or inner conversation with his "X-Faculty," described by Mr. Chaloner, is a rarer kind of phenomenon though in my opinion, it is to be classed under the same psychological head, of a part of the personality, usually unconscious, making irruptions into the conscious part with results of which the premises remain obscure or unknown.

The form of results, wherever automatism exists, seems to be a matter of idiosyncrasy, being sometimes graphic, sometimes visual or auditory, sometimes vocal and sometimes consisting in a mental or verbal impression which the subject recognizes as differing in its genesis from its usual thoughts.

In "mediums"—so-called—these automatisms abound. Mr. Chaloner is evidently possessed, of a strongly "mediumistic" or "psychic" temperament; but whereas most mediums promptly adopt the theory, current in spiritualistic circles, that, these automatisms are due to spirit-control, Mr. Chaloner, prepossessed against that hypothesis, appears to have set to work systematically (and, as would appear from his narrative, critically) to explore them and determine their significance for himself. In this attempt he seems to me to deserve nothing but praise. The only question is of the amount of judiciousness shown in allowing the subject to absorb him so continuously. The most injudicious act of which he is accused is the experiment with fire. As described, its motivation was rational and its results interesting and but moderately harmful. It seems to me a monstrous claim to say that a man may not make experiments, even as extreme as that, upon his own person without putting his legal freedom in jeopardy. The Napoleon experiment falls strictly within the limits of praiseworthy research.

Psychology would be more advanced, were there more subjects of automatism ready to explore carefully their eccentric faculty. Although the medical profession is beginning to acquaint itself with these phenomena, it is still lamentably ignorant. Specialists in insanity in particular are ignorant, for in spiritualistic circles these automatisms are regarded as valuable gifts, to be encouraged rather than checked, and asylum doctors hardly ever see them. When they do see them they may interpret them as delusional insanity, with which

they are familiar, and a merely mediumistic subject may thus have grievous injustice done him.

In delusional insanity there is also automatism, so "Paranoia" so-called, and mediumship have elements in common. But for Paranoia to be diagnosed there must be no distinct alternation between the primary and the "X" consciousness, and there must be marked abnormal peculiarities in the case as well as intellectual delusion. In Mr. Chaloner's case, there appears to have been complete alternation, and there is no sign whatever of delusion in the documents written by him which I have seen unless his belief that his eye-color has changed be counted as a delusion. Of his normal peculiarities only those who know him well can frame an opinion. A certain stiltedness of diction in documents 8 and 9 of my list is due, as he explains, to their automatic authorship. He doubtless wished to exhibit the rationality of his "X-Faculty," and has successfully done so. But it might have been wiser to submit a non-automatic autobiography. So far then as the documents sent me acquaint me with the facts of the case, my opinion of Mr. Chaloner is that he is intellectually sound. No evidence to show his dangerousness to others or his inability to manage his property has been shown me. In default of such evidence, further treatment of him as a lunatic would seem a crime."

BIOGRAPHICAL.

Hudson, Thomson Jay. Psychological Author and lecturer. Born, Windham, Ohio, Feb. 23, 1834. LL. D. St. John's College, Md. Admitted to Bar 1857; practiced three years; author of "The Law of Psychic Phenomena."

—From "*Who's Who in America*."

To Whom It May Concern:

Soon after the retirement of John Armstrong Chaloner from the Bloomingdale Asylum for the Insane, I was requested by his friends to visit him at his temporary retreat in Philadelphia with a view of obtaining my opinion as to his sanity. In compliance with that request I visited Philadelphia and had an interview with Mr. Chaloner lasting several hours, during which I made the most careful observations of which I was capable. I had previously been informed that his alleged mental alienation was supposed, by those responsible for his detention in the insane asylum, to be manifested in his mental attitude on the subject of what is now known to science as Experimental Psychology. Having myself been a close student of every phase of that science for many years, and having observed the disastrous effects often resulting from false beliefs on that subject, followed by abnormal practices

on the experimental side, I confess that I was not unprepared to find in Mr. Chaloner almost any form or degree of mental alienation. Much to my gratitude, however, I found in him a gentleman of superior general education, culture and refinement, and a student of Experimental Psychology on purely scientific lines, as I shall attempt to show hereinafter. Not, I hasten to say, that his deductions always agree with my own; for they do not, but that his fundamental inductions are on lines of scientifically demonstrable truth.

The salient features of the situation consists in the fact that he has made an original and independent discovery of a most important psychological fact. In fact, it may be said to be the fundamental fact of psychological science, since all other facts of psychology sustain a necessary relationship to it; and many of them are inexplicable in the absence of a knowledge of the fundamental fact or principle, that Mr. Chaloner discovered.

It is that man is endowed with a mental faculty—or a congeries of mental faculties and powers—that lie below the threshold of normal consciousness. I do not say that Mr. Chaloner was the first discoverer of this fact; for I do not know the date of his discovery. But I have every reason to believe that he was an original and independent discoverer. It is true that many eminent scientists have, within the last decade, arrived at the same conclusion, each by his own methods of investigation and experimentation. Most of them have made their experiments on others; but one of the remarkable features of Mr. Chaloner's method of research is that his conclusions were based wholly upon experiments made upon himself, together with an intelligent observation of the workings of his own inner consciousness. The advantages of that method are obvious to any psychologist, providing the experimenter has sufficient power of self-control to do the work intelligently.

Another remarkable feature of Mr. Chaloner's case, considered from a purely scientific point of view, is his conservatism or scientific caution. Most of us who have become convinced of the existence of the faculty in question have given it a name; and that name is more or less expressive of it's author's theory of causation. Thus, the London Society for Psychical Research, by its late president, Mr. F. W. H. Myers, has named it "The Subliminal Consciousness," as distinguished from the Supraliminal, or normal consciousness. Prof. Boris Sidis names it the "Sub-waking Self," for obvious reasons. Prof. R. Osgood Mason, Fellow of the New York Academy of Medicine, calls it "the Subliminal Self." Prof. Quackenbos, late of Columbia College, calls it, indifferently, the "Sub-conscious mind," the "Subjective mind," the "Unconscious mind," etc. Dr. Du Prel, a German scientist, designates it "The Transcendental Ego." Other scientists, too numerous to mention, have adopted other designations for the same mysterious attribute of man's mental organism. Each one has his own theory of Causation; but each bases his own particular mental philosophy

largely upon the one salient fact, which no intelligent psychologist now denies; the existence of the faculty in every man's mental organism. Mr. Chaloner, however, has exhibited the most commendable and rare as it is commendable, caution and scientific conservatism in the matter of terminology, by naming it "The X-Faculty;" for the obvious reason that "X" is the algebraic symbol for an "unknown quantity." This, of course, implies no theory of causation whatever; but it does denote the doubt of the scientist who realizes that he has not yet accumulated sufficient data to enable him to formulate a satisfactory hypothesis. This fact alone is sufficient to establish a *prima facie* case of sanity; for the "cocksuredness" of the crank and the "infallibility" of the insane philosopher are proverbial. In a word, the very antithesis of insanity is the cautious conservatism of the inductive scientist. It is true that a man may be insane on one subject and perfectly sane on others. But when, as in this case, the subject-matter upon which the alleged insanity is supposed to be manifested is identical with that in which is exhibited the cautious conservatism of true science, it is obvious that the two states of mind are incompatible, and therefore impossible; for it involves a contradiction in terms. Manifestly a man cannot be sane and insane at the same time on the same subject; nor can the same attitude of mind on a given subject constitute valid evidence for both sanity and insanity. For my part I prefer to believe that scientific conservatism constitutes the best possible evidence of perfect sanity.

It is, however, Mr. Chaloner's belief regarding the powers of the "X-Faculty" that are held to constitute the best evidence of his mental alienation. For instance, he has ascertained that when the "X-Faculty" is allowed full play it is capable of performing various wonderful intellectual feats, far transcending the ability of the subject as manifested in his ordinary mental state, such as writing poetry, etc. This is another of Mr. Chaloner's discoveries in psychical science. It was doubtless original with him and the result of careful experimentation upon himself. At any rate he has demonstrated the fact by the production of a large number of sonnets, some of them of unusual merit. I have examined many of them, but am not prepared to say whether they transcend his normal abilities, as I know nothing of his natural capacity for writing poetry, if he has any. He tells me that he has none, which I can readily believe; for his experience is not unique. As before remarked the "X-Faculty" is well recognized under various designations by modern psychologists; and they have not failed to note its phenomenal manifestations in not only poetry, but in music and art. In fact, the wonderful intellectual feats which Mr. Chaloner modestly ascribes to the "X" or unknown faculty, is not a modern discovery. The old psychologists took note of them and speculated assiduously thereon. Sir William Hamilton gives us many instances under the head of "latent memory;" and Abercrombie relates many wonderful cases as occurring under spontaneous "somnambulism." At that

time hypnotism was practically unknown to science; but in modern times the same phenomena are reproduced artificially by means of experimental hypnotism. Thus modern psychologists are not only able to classify the facts with some degree of definiteness, but they have learned the secret of controlling the "X-Faculty."

In technical language the faculty is controlled by "suggestion," which is but another way of stating what Mr. Chaoner has discovered by experiment, that the subject can control it himself, and realizes that the "X-Faculty" is a part of his own mental equipment. It is the ignorance of this last mentioned fact that has led the laity into ascribing it to spirits, demons, devils, "et hoc genus omne." It is noteworthy, and important to the appreciation of Mr. Chaloner's mental soundness, that he is not only aware that the "X-Faculty" is a part of man's mental make up, but he also knows that he can control its manifestations at will.

This, in fact, is the most important factor in his case; for it is not only demonstrative of his scientific acumen and his entire accord with the trend of modern science, but it is a sure guaranty of continued mental soundness on this question: Not that any particular belief or opinion is, "per se," demonstrative of mental soundness, or its opposite conclusive, or even presumptive evidence of sanity; but that one's belief on this particular subject may, and often does, lead to practices that result in mental alienation. Thus, an ignorant layman enters a spiritualistic circle and develops "mediumship," say in the form of automatic writing; or, as Mr. Chaloner has more scientifically designated it, "graphic automatism." The layman's mediumistic development is merely the development of the "X-Faculty." He believes in spiritism, and all the members of his circle believe in spiritism, and this constitutes a "suggestion" to the "X-Intelligence," too strong to be resisted, that the expected manifestations will come from spirits. Being controlled by that dominant suggestion, it acts accordingly, the automatic writing which follows, purports to come from the spirits suggested or called for.

Now the danger which is imminent in such a case arises from the automatist's belief that he is controlled by an extraneous intelligence. He believes it to be a superior intelligence, and hence yields himself in passive obedience to its guidance. And it guides him just in accordance with his own characteristics, be they good or bad. If good, he is comparatively safe; but if bad, and he is naturally not well balanced mentally, he is in imminent danger of mental alienation. Our madhouses are full of illustrative examples. Now this is but the result of a belief that he is dominated by an extraneous, irresponsible agency which it is impossible for him to resist or control.

It is obvious that Mr. Chaloner is beset by no such danger.

He, too, has developed the "X-Faculty;" and it performs its intellectual feats by "graphic automatism." Thus far the parallel is perfect. But he has studied the subject inductively—scientifically;

and he knows that the "X-Faculty" is not an extraneous intelligence, capable of dominating his whole mental and physical organism. He has, by a series of experiments of the most remarkable character, and conducted on the most exact scientific lines, demonstrated that the "X-Faculty" is simply a heretofore submerged part of his own mental organism, and that as such, it is under the domination of his own will and reason. He has learned that he can cultivate its powers, control its output, direct its energies, and restrain its eccentricities. Obviously he is not insane, nor is he in any danger of insanity, on the subject of the "X-Faculty;" and he is not held to be insane on any other subject.

In conclusion I might truthfully remark that this is not the first time in the history of advancing civilization that men have been imprisoned for taking a step in advance of their age in scientific research. But in justice to all concerned, it must be said that a legitimate parallel cannot be drawn between this case and those of history, where criminal prosecutions have been instituted against scientists who were accused of subverting religion and blaspheming against the Deity by seeking to place Creation in the custody of a law. This is not a criminal prosecution, although it deprived Mr. Chaloner of his liberty just as effectually as if he had been charged with high crimes and misdemeanors. But it must not be forgotten that the phenomena produced by the mental force which Mr. Chaloner has designated as the "X-Faculty," has puzzled and appalled mankind since the dawn of creation. It is the source of all the superstitions of all the ages of mankind. Ignorance of its laws, nay, of its very existence as an attribute of the human mind, has been the direct or indirect cause of the greater part of the mental alienation, which has filled the insane asylums of the civilized world. Hence it is that cautious and conservative people view with alarm any attempt, on the part of their friends, to meddle with any of its multiform phases of phenomena.

But the science of the last decade of the Nineteenth Century has lifted the veil of mystery which has so long enshrouded the "X-Faculty," and shorn it of its power to harm those who have penetrated the secret. It is axiomatic that when an ignorance of Nature's laws leads one into danger, a knowledge of those laws will lead to safety. This knowledge Mr. Chaloner possessed. But his friends who did not share his information were not in a position to discriminate between the insensate rashness of ignorance and the intelligent deliberations of science, so long as the subject matter was the same. It would seem, therefore, that Chaloner's imprisonment was due to the over-anxiety and caution of friends who were not in a position to appreciate or understand the real nature of his scientific investigations.

Of his perfect sanity I have no doubt whatever.

Respectfully submitted,

(Signed) THOMSON JAY HUDSON.

Detroit, Michigan,

Oct. 19, 1901.

Postscriptum.

After carefully re-reading my opinion *in re* the case of John Armstrong Chaloner, it has occurred to me that possibly the opinion of his friends regarding his sanity may have been formed from witnessing his experiments upon himself in the development of the "X-Faculty." If so, a very erroneous opinion was almost inevitable, owing to the eccentric character of the manifestations of the "X-Faculty" in the early stages of its experimental development. This is well-known to all experimental psychologists who develop the "X-Faculty" in their subjects by means of hypnotism. Hypnotists, however, can easily regulate the phenomenal manifestations by well-known means. But an unrestrained hypnotized subject, acting, say, under the influence of a false, or a grotesque suggestion, would inevitably be considered insane by any one not informed of the secret self; and had not therefore, the benefit of a restraining of his mental condition.

Now, Mr. Chaloner, made his experiments upon himself; and had not, therefore, the benefit of a restraining or regulating agency at his side. Consequently, it is easy to see that in his early experiments, he may have, accidentally or purposely, produced mental phenomena that would be very alarming to those of his friends who were not in the secret of his experimental research. In other words, he may have occasionally surrendered himself temporarily to the dominance of the "X-Faculty," for the purpose of studying its powers, its peculiarities, and its limitations. In fact it would have been impossible for him to thoroughly inform himself on all these points without experimenting with every phase of the phenomena. That he did so experiment, and that in the meantime he exercised the most remarkable powers of self-control and reason when in his normal condition, is evidenced by the logical and scientific character of his final conclusions regarding that wonderful and mysterious faculty with which he was experimenting.

T. J. H.

(Richmond Virginian, August 12, 1912.)

HELL.

Chapter I.

The Call of Hell.

CHALONER TAKES TRIP INTO HADES, TALKS TO FRIEND.

While in Mediumistic Trance Receives Message From World Beyond.

HE, HIMSELF, DOES NOT BELIEVE WORD.

Warned by Friend Against Scoffing He Gives it Out for What it is Worth.

With the sensational announcement that he had recently held converse with the spirit of a departed friend, now in Hell, and that

he was prepared to give to the world some insight into the conditions existing in that unknown realm, John Armstrong Chaloner yesterday gave to the *Virginian* the prepared interview with which he startled the coterie of newspaper men whom he had invited to meet him yesterday afternoon at Alexandria in order that he might outline the nature of the campaign to which he proposes to devote his life and fortune.

Mr. Chaloner made good his promise to explain his plans for the reformation of the lunacy laws, and then very gravely sprang the unexpected sensation. The alleged message from the spirit world was transmitted by automatism to him while in an involuntary mediumistic trance a few nights ago. The spirit which established communication with him was that of Thomas Jefferson Miller, once a non-commissioned officer in the Confederate navy, a member of the Manhattan Club, New York, and a personal and club friend of Mr. Chaloner's prior to his incarceration in Bloomingdale Asylum.

Mr. Chaloner explained that he was an "O. K. medium," so pronounced by the late Professor James and others, as court records at Charlottesville would show, and at the same time he was an unbeliever in and a scoffer at spiritualism; in short, that his sub-consciousness, or X-Faculty, as he terms it—held communication with spirits against his will. He said that the spirit of his old friend Miller had held converse with him five years ago, and he took no notes of the message because of his absolute lack of faith in spiritualism. He has no more faith now than he had then, but he stated his belief that the "alleged spirit message," as he termed it, should be given to the world on its merits.

COPY OF LETTER

ADDRESSED TO A SCORE OR SO OF THE MEMBERS OF THE
PRESS OF WASHINGTON, D. C.

Release by wire.

"The Merry Mills,"
Cobham,
Virginia.

August 2, 1912.

DEAR SIR:

On the 25th of last month I happened to pick up an "Illustrated London News" of June 15th last, and saw under the headline "Science Jottings," by Andrew Wilson, an article concerning reputed—to cite—"So-called spiritualistic communications purporting to emanate from the late Mr. W. T. Stead, who perished on the 'Titanic.' The result as usual has been *nil*. What has been done is that certain 'mediums' professed to put themselves in communication with the deceased journalist. In their supposed trance state they assert that they received messages from him. Anything more puerile than the supposed communications it has never been my lot to peruse. Mr. Stead is reported

to have told his friends that he was quite free, but not yet attuned to the easy and perfect sending of messages. Later on it was hoped things would improve in this respect. It is tolerably certain the vast bulk of us have not so far lost our grip of common sense as to accept such rubbish as evidence of another world's existence. *Has there ever been sent or given a 'spirit-message' which has laid before mankind any great fact or truth connected with the hereafter? Has any 'spirit' revealed to us what all of us are devoutly anxious to know something definite about—namely, the nature of that after-state of being which forms so prominent a feature of the Christian faith? You have ignorant persons posing as 'mediums' publishing forth their ability to communicate with the spirits of those who have gone before, and making a travesty of certain of the most sacred of our emotions and beliefs. Well may a writer in scathing terms speak of these people to whom death has no sacredness, and who treat the great mysteries of the universe as if they were trivialities of the first order: 'But when we come to real instruction, reliable information, or profitable or valuable knowledge, Spiritualism is as barren as Sahara, as empty as a hollow gourd.'* We are reminded of the Mrs. Pipers, and other mediums whose performances, wonderful certainly, are still enveloped in a kind of mental fog. At the very best, I repeat, neither Mrs. Piper nor any other medium has ever shed any light on any of the great problems of the after-state, such as humanity has day by day to face." (Signed) Andrew Wilson.

On pages 81-84 of "Four Years Behind the Bars of 'Bloomingdale,'" written by me, in the Congressional Library, you will find that so far back as October 10th, 1901, Professor William James, of Harvard, (now deceased), pronounced me a medium, in an opinion in favor of my sanity, in my trial, on said subject of sanity before the Albemarle County, Virginia, (*now Circuit*) Court, November 6th, 1901, and on file ever since in the Clerk's Office of said court, in Charlottesville, Virginia. Professor James went on to say—page 83, *ibid*—"but whereas most mediums promptly adopt the theory current in spiritualistic circles, Mr. Chaloner, prepossessed against that hypothesis, appears to have set to work systematically, and, as would appear from his narrative" (by which "narrative" is meant a letter from me together with certain specimens of graphic automatism—automatic writing—made by me in a trance-like state and submitted to him by mail for his opinion on the rationality of said trance-writings) "critically, to explore them and determine their significance for himself. In this attempt he seems to me to deserve nothing but praise, The most injudicious act of which he is accused is the experiment with fire. As described, its motivation was rational and its results interesting and but moderately harmful. It seems to me a monstrous claim to say that a man may not make experiments, even as extreme as that upon his own person without putting his legal freedom in jeopardy. The Napoleon experiment falls strictly within the

limits of praiseworthy research. Psychology would be more advanced, were there more subjects of Automatism (mediumship) ready to explore carefully their eccentric faculty. Although the medical profession is beginning to acquaint itself with these phenomena, it is still lamentably ignorant, for in Spiritualistic circles these automatisms are regarded as valuable gifts, to be encouraged rather than checked, and asylum doctors hardly ever see them. Specialists in insanity are particularly ignorant. When they do see them they may interpret them as delusional insanity, with which they are familiar, and a merely mediumistic subject may thus have grievous injustice done him. So far then as the documents sent me acquaint me with the facts of the case, my opinion of Mr. Chaloner is that he is intellectually sound. No evidence to show his dangerousness to others or his inability to manage his property has been shown me. In default of such evidence, further treatment of him as a lunatic would seem a crime." (Signed) William James, Cambridge, Mass., October 10th, 1901.

Since Professor James, who, by the way, besides being Professor of Psychology at Harvard, was also a member of the medical profession, having taken his M. D. degree at Harvard in 1870, practically discovered Mrs. Piper, the well-known medium aforesaid, of Boston, and also discovered your humble servant as a medium—*who doesn't believe in Spiritualism, however*,—as shown above, and since so well known a scientific writer as Andrew Wilson, who for years has handled the scientific column for so great a paper as the "Illustrated London News" speaks favorably of said Mrs. Piper as a medium, therefore it is not a far cry to infer that I am "some punkins" of a medium myself—to put it somewhat jocularly. Such being the case it occurred to me—after reading said article in the "Illustrated London News"—that it might not be a bad idea to follow up a lead I had got from my "X-Faculty"—my term for the Sub-consciousness—some years ago when experimenting in Experimental Psychology by means of Vocal Automatism. Said lead or tip was nothing less than an alleged "spirit-message," as Andrew Wilson calls it in said article, from a deceased friend of mine, who had died a few years previously. Said "spirit-message" was startling to a degree; and left strictly *nothing* to be desired regarding an alleged revelation of life beyond the grave. Said deceased friend was about 80 years old at the time of his demise and a prominent member, at said time, of a prominent New York Club. He was my oldest and best friend. I had never suggested his communicating with me in the event of his death before mine for the excellent reason that I did not think such a thing possible.

Imagine then my surprise upon receiving per Vocal Automatism, while in a trance-like state—in which state I have for over fifteen years carried on my investigations in Experimental Psychology—imagine my surprise upon getting a so-to-speak wireless message from *Hell!* For that was where my friend said he was at said time.

I shall not attempt to picture my surprise; let it suffice to say that my scientific curiosity was piqued.

Mr. Miller, for that is his name, went on to say that he knew that I wouldn't believe him, but that, nevertheless, he was in Hell, and had had rather a warm time of it for some years past—to put it rather mildly—that the orthodox claims about Hell are strictly accurate and minutely correct—except that said claims fail to give a proper estimate of the heat and torture in vogue down there. He concluded by saying that his head was bandaged—at said time of communication—from the wounds he had received at his torture. That he was thankful to say he had “paid the piper” during the years of agony he had spent in Hell, and was now free for all time from torment.

At said time I was engrossed in legal work, and did not have time to repeat said experiment in Experimental Psychology. I left it alone for years. Not till a few days ago when I read said article by Andrew Wilson did it again occur to me to resume the experiment. I have now fully completed the legal work which has absorbed me for eleven years. My Petition for the Impeachment of Judge George C. Holt,† for preventing my evidence from getting before the jury in my recent trial of my case of *Chaloner against Sherman*, in the Federal District Court, for the Southern District of New York, paints the situation.

I am, therefore, free to resume the Psychological Experiments that got me into so much unmerited legal trouble—hinted at in Professor James's opinion—fifteen years ago.

Andrew Wilson's article proves that there is a public international demand for such an experiment as I proposed with the alleged spirit of the deceased Mr. Miller.

I, therefore, a few hours ago, attempted to reopen communication with Mr. Miller. This time since Vocal Automatism is much more fatiguing to operate than Graphic Automatism—I decided to employ the latter; and as a result, have about sixteen pages of legal cap filled with automatic writing from the alleged spirit of my departed friend.

I propose to let you, and the other Members of the Press of Washington, not all, by any means, but a selected group, see the first page of above automatic writing, and have as much of the typed contents of said sixteen-page alleged communication from Hell—about ten pages of typewriting—as you care to take down as I read it off from my signed typed statement, at seven o'clock next Sunday, the 4th August, at Fleischmann's Hotel, Alexandria.

Very truly yours,

JOHN ARMSTRONG CHALONER.

P. S.—In putting “release by wire,” at the top of this letter, I mean that you gentlemen may release the story upon seeing me at seven next Sunday evening.

†The reason Chaloner did not catch up with Holt, J., and make a pretty good try at baffling his Honor before the Judiciary Committee of the House of Representatives, on account of his Honour's reprehensible act, aforesaid, was that, as it happened, there was an unavoidable delay in bringing the impeachment proceedings, and consequently before they could be brought Judge Holt had resigned from the Bench.

**AUTHOR OF "WHO'S LOONEY NOW?" GETS SPIRIT MESSAGE
FROM HADES FROM FRIEND WHO SAYS HE
IS THERE.**

*John Armstrong Chaloner Gives Interview Relative to Lunacy Laws,
and Describes Reception Room of His Satanic Majesty.*

(Washington Herald, August 5, 1912.)

"John Armstrong Chaloner, famous for that immortal expression of "Who's Looney Now?" former husband of Amelie Rives and brother of Sheriff Bob Chanler, who married Lina Cavalleri, disclosed yesterday a message that he says he has received from the other world.

The message brings news of the physical characteristics of his Satanic majesty and a description of Hades that at least has the merit of being unique. The message received by Chaloner comes, he insists, from Thomas Jefferson Miller, a former Confederate officer, and member of the Manhattan Club of New York City.

Chaloner, who was born "Chanler," and who changed his name because of the alleged plot against him by his brother, "Sheriff Bob," of New York, and other relatives, summoned the newspaper correspondents across to the Virginia side of the Potomac because he "didn't dare come north of the Old Dominion line."

Chaloner was adjudged insane in New York State, escaped from Bloomingdale Asylum, and was then declared sane by the Virginia courts. He is afraid that if he leaves Virginia he will be nabbed and sent back to Bloomingdale.

"Last month," said the former husband of Amelie Rives, the novelist, "I picked up a copy of an English illustrated paper and saw therein an account of a supposed spirit communication with W. T. Stead, who went down on the Titanic. The statement while essentially puerile, attracted my attention because the late Prof. William James had informed me at one time that I was a medium, although I do not believe in spiritualism."

MESSAGE FROM HELL,

Chaloner went on to say that he had summoned his art of "graphic automatism," and had managed to get in touch with the spirit of Thomas Jefferson Miller, with whom he had been friendly when Miller was of this world.

"This," said Chaloner, was last Tuesday evening, "Miller, or whatever force it was, immediately replied through my hand and wrote a lengthy statement, answering my queries and giving much information in regard to his present abode, which he said was Hell, temporarily."

Here the brother-in-law of Lina Cavalleri read a sixteen-page typewritten statement, giving in full the interview with the disem-

bodied spirit. It took eight hours for him to transcribe the message, with short intervals for food and sleep. It was a mighty exhausting business.

According to the message that Chaloner gives to the world, Hell was a very bearable place and one which everybody must pass through. Miller admitted to his former friend that he had been bad enough on earth to merit more punishment than he had received, but considered that his relief was probably due to the fact that he had had "his share of Hell on earth, being a New Yorker with social standing and no money."

SATAN RESEMBLES NAPOLEON.

The message handed out by Chaloner describes Satan as a man of medium height, whose face is that of Napoleon Bonaparte at the apex of his power, and whose habiliments were those of Michaelangelo's statue, "The Thinker." His Satanic Majesty was seated on a throne in the center of an immense audience chamber.

"The walls of this audience chamber," says the message recorded, "are of rubies. The rubies are the size of ordinary building bricks, and of the luster and fire of rubies known as pigeon blood. In place of mortar binding the bricks and making a white line, we here have diamonds as large as your thumb nail and of the purest water. To soften and enrich the fiery effect of such splendor, the diamond line is broken every few inches by several inches of sapphires, as blue as the Mediterranean. The floor of the hall is of marble, that has the marvelous quality of being capable of taking on the color of whatever stands upon or flies over it. Thus, if a cherub flies over the floor space, the marble at once becomes tinged with red. If, on the other hand, a seraph crosses the space, the marble at once becomes of a cerulean blue, like an Italian sky. The marble takes on these colors from the armor and vestments of the mighty angels, which are scarlet and blue, respectively."

BLOODHOUNDS SPOIL DREAM.

At this point, the message was interrupted by the baying of Mr. Chaloner's bloodhounds outside, who, he thinks, sensed the subconscious communication. However, the roof, Chaloner learned, is of crystal, so pure that the eye can pierce it.

At the end of the message, Chaloner himself records the following notes: "Knocked off for breakfast. Bread and water."

Mr. Chaloner anticipated his coming from near Cobham, Va., by writing a letter to the Washington correspondents and others, in which he told them of a conversation he had held with Miller, who had spoken to him in the early hours of the morning of July 31st last, from Hell, and of conversations which they had had in the Manhattan Club. This, he said, had convinced him that he could communicate with the dead while in a "Napoleonic" death trance.

CHALONER READS STATEMENT.

This statement was read by Mr. Chaloner, and was a most remarkable affair. It embraced twelve and a fraction typewritten pages. Mr. Chaloner stated that he wrote it in long hand while in a state of subconsciousness. He declared that "he did not believe a damn word of it," after he had completed its reading:

In order to accomplish his ends Mr. Chaloner said he would go to Alexandria at various times and put his case as thoroughly before the American people as did Zola in the Dreyfus case. "I am," he said, "going to hammer on it and hammer on it, and talk them to death and write them to death, and make it a common household word throughout the forty-eight States and Territories of this Union. I am going to bombard these gangsters of the '400' in New York until I make them sick for what they have done." He declared that the New York district courts would not give him justice until he had created a popular sentiment for himself.

Mr. Chaloner characterized his case as a "blue blood" conspiracy. He said John G. Milburn and Joseph H. Choate were so powerful that no Federal judge of the lower courts would dare go against them. "I am after public opinion to keep the judges straight," he said. He made reference to his impeachment charges against Judge George C. Holt, of New York, who, he said, had refused to permit a jury to hear his affidavit begun in Charlottesville in October of last year, and ended in January of the present year. He charged Judge Holt with being "an insurrecto against the rules which govern all civilized courts."

NAME, NEW YORK, STINKS.

Asked if he would go back to New York were he to gain his victory, Mr. Chaloner declared he was indifferent to ever going there. "I don't care," he said, "ever to set foot there again. It has got too horrible an association of ideas for me. The name of New York stinks to me for a place to live in. I have as much dread of the wickedness there, not only on the East Side, but on Fifth Avenue, as Russian Jews have of a murder car."

Mr. Chaloner denounced the lunacy laws of most of the States as villainous. In Washington they were "bum." In Baltimore and Philadelphia and New Jersey worse still, "and in New York they are simply parallel with hell." He said he took his life in his hands when he went to Washington recently and conferred with a Congressman about Judge Holt's impeachment. It was his purpose, he said, to reform these lunacy laws of the country in accordance with an oath he had taken while a patient at Bloomingdale. He was fully prepared, he said, to wear Congress and the public out "until I make one of them ashamed of themselves for being parties to such a damnable state of lawlessness, tyranny, and dishonesty which is rife to-day in nearly 50 per cent. of the States of the Union."

These laws, he held, would be a disgrace to the Congo under the enlightened rule of the late King Leopold of Belgium.

Arriving at the office of the Alexandria Gazette building at a few minutes after 4 o'clock Mr. Chaloner took exactly two hours and twenty minutes to tell his story to the scribes. The story of his alleged conversation with a deceased friend while in a state of sub-consciousness was related after he had gotten through his other talk.

WEARS PLAIN CLOTHES.

As soon as Mr. Chaloner reached the office in a carriage from the union railway station, he entered and announced himself, after which he began his work of bombarding the New York authorities for his incarceration in Bloomingdale for a period of four years.

Mr. Chaloner talked with vim and at times he emphasized his remarks upon his auditors by clapping his hands together.

Mr. Chaloner, for a millionaire, was not clad very pompously, wearing but plain clothing. He wore a blue serge coat and waistcoat, and dark trousers, and carried with him a light overcoat with velvet collar, and he also had rubbers in a small suit case, the latter containing books which he has written. The nature of some of these books was explained by him during the course of the interview. Before sitting down he placed behind him a heavy looking black wallet which he said was for his spine, he having suffered from spinal trouble as a result of his incarceration in Bloomingdale. Mr. Chaloner used this for a rest for his spine and then began to unfold his story.

In addition to the newspaper men was Prof. Helmut P. Holler, President of the Washington Psychological Society, who had a conference with Mr. Chaloner. At the conclusion of his interview Mr. Chaloner left for Richmond.

CHALONER'S DESCRIPTION OF HELL.

"The walls are of rubies of the size of ordinary building bricks, and of the lustre and fire of rubies known as pigeon blood. In place of mortar binding the bricks and making a white line, we have diamonds as large as your thumb-nail and of the purest water. To soften and enrich the fiery effect of such splendor the diamond line is broken every few inches by sapphires as blue as the Mediterranean. The floor of the hall is of marble that has the marvelous quality of being capable of taking on the color of whatever stands upon or flies over it. Thus, if a cherub flies over the floor space, the marble at once becomes tinged with red. If, on the other hand, a seraph crosses the space, the marble at once becomes of a cerulean blue, like an Italian sky. The marble takes on the colors from the armor and vestments of the mighty angels, which are scarlet and blue, respectively."

HELL

"The volume is a wonderful work as books go, and its title represents adequately its contents."—Richmond "*News Leader*," October 28, 1912.

"This last work of Mr. Chaloner is literature.

John Milton has not got much in the way of word painting on John Armstrong Chaloner and Thomas Jefferson Miller, when they get together, over the long distance.

The author may rest assured that his book will be read."

—*Richmond Evening Journal*, October 30, 1912.

A MESSAGE FROM HELL.

The Author of "Who's Looney Now" Writes a Red-Hot Book.

John Armstrong Chaloner has just written a book entitled "Hell," which he declares is an account of his study in graphic-automatism. The book, which is dedicated to Dante, John Milton and John Bunyan, described as the author's "illustrious predecessors in this dread domain," tells in weird and picturesque language the experiences in Hell of one Miller, a former friend of the author, from whom Mr. Chaloner received the messages by means of what he calls The X-Faculty. Mr. Chaloner has opened up a new, if somewhat red-hot, field of modern literature.—*Times-Dispatch*, October 30, 1912.

A NEW VISION OF HELL.

Not a Bad Sort of Place at All, According to Mr. Chaloner.

It might be more reassuring for those interested in knowing what sort of place is reserved for the wicked after death if John Armstrong Chaloner had been permitted to describe more than merely the Audience Chamber of his Satanic Majesty. The picture which he gives us of this room, with its walls of rubies, diamonds and sapphires, is attractive enough, yet doubt is allowed to linger as to the furnishings and other appurtenances of the living-rooms of the transient and permanent guests.

According to the message which Chaloner gives the world from his former friend, the Infernal Regions would seem to be a very tolerable place in which to live. At any rate, the precious stones which ornament the Audience Chamber of the Prince of Darkness would seem to give to that place very much the same aspect ascribed to heaven, with its pearly gates and streets of gold.

The floor of marble that has the quality of taking on the color of whatever stands upon or flies over it is another interesting touch in the vision. With cherubs and seraphs flitting back and forth,

changing the color alternately to red and blue, a kaleidoscopic effect is no doubt produced that would be worth going far to see.

It is disappointing not to be told more about this interesting place. The glimpse into the Audience Chamber, with Satan presiding and looking like Napoleon Bonaparte at the apex of his power, cries out for another and completer picture. But perhaps Mr. Chaloner intends to give us this in time, even if he has to go there for it.—*San Francisco (Cal.) Chronicle, August 6, 1912.*

“John Armstrong Chaloner’s vision of Hell, with an Audience Chamber built of rubies, diamonds and sapphires, is quite different from the picture Dante gave us. However, it may be a true one. It would be Hell to see all these things and not be able to have any of them.”

VIA MR. CHALONER.

Mr. John Armstrong Chaloner disarms the skeptical who would pooh-pooh his revelation of Hell. Some one called the world over his wires and said Satan looked like Napoleon Bonaparte, that his residence was of marble, rubies and diamonds, and that the place would be a relief to any man who had been trying to maintain a social position in New York without money.

That’s the message that came via Mr. John Armstrong Chaloner. As a medium he is neither skeptical nor credulous. A genuine medium is merely a cosmic telephone wire. Mr. Chaloner does not guarantee the good faith of the person on the other end. He thinks it was Thomas Jefferson Miller, but it may have been Artemus Ward, or Mark Twain, or William James, who said he would send back a message if there were any way of doing it.

That Hell would have no terrors for a man who had been broke in New York has been suspected—confidently declared in some instances—and if Mr. Chaloner’s message is confirmation of the idea it will cause no particular sensation. The most interesting part of the revelation is that Satan looks like Napoleon. That explains the notion prevailing in Europe that the head devil was absent from his domain about 1769 to 1821.—*Chicago (Ill.) Tribune, August 6, 1912.*

THE PASSING SHOW.

According to a spirit message, John Armstrong Chaloner has received from a former friend on earth, “the walls of Hell are of rubies the size of building bricks, and the lustre and fire of rubies known as pigeon blood. In place of mortar binding the bricks and making a white line, we have diamonds as large as your thumb-nail and of the purest water. To soften and enrich the fiery effect of such splendor the diamond line is broken every few inches by sap-

phires as blue as the Mediterranean." Persons who contemplate going to the place which Chaloner has so prettily described, should take with them a complete equipment of mining implements.—*New Orleans (La.) States, August 8, 1912.*

John Armstrong Chaloner claims to have communicated with a New Yorker in Hell. Kindly note that "New Yorker."—Columbia (S. C.) State.—*New York Tribune, August 9, 1912.*

John Armstrong Chaloner, always interesting and sometimes unique, has learned that "Satan is a gentleman." H—m: he has to be to get away with it.—*New York Telegraph, August 6, 1912.*

EDGAR SALTUS IN "VANITY FAIR."

NEW YORK, *January, 1914.*

To old New Yorkers—there are a few left—Fifth Avenue occasionally becomes a ghostly haunt of the departed. Among the latter is a man who dematerialized and then reincarnated. Formerly known as Chanler, now he is Chaloner. But, in the interim, he went not to heaven but to Bloomingdale. And why not? Besides, any excursion is valuable if it deepen your experience of life. Now, here he is again and very humanly in the shape of a document. Entitled *Scorpio*, it is a shandigaff of prose and verse. Usually such things are inoffensive specimens of harmless literature. But not *Scorpio*. Richepin wrote a brevlary that was like an explosion of Roman candles. He also wrote a hymnal that was so many doors slammed in your face. Richepin, though a member of the French Academy, a membership which usually is a patent of incapacity, had something to say and knew how to say it. In piety and truculence this thing of Mr. Chaloner's equals Richepin's wares. In commenting on an earlier performance, a critic called the author a literary bruiser. Previously the Supreme Court had adjudged him insane. Well, with entire deference, it does seem a pity that there are not more lunatics like him and also that on the buttered toast of our literature there is so little anchovy paste.

HENRY BRINSLEY IN "VANITY FAIR."

NEW YORK, *January, 1914.*

I have been deeply moved recently by some verses of Mr. John Armstrong Chaloner's, who has just published a slender volume of sonnets called "*Scorpio*." The following lovely little lyric will tell its own message without prosaic comment on my part.

DEATH.

When our appointed sands shall run their course,
When in life's brief hour-glass none doth remain,
When death's mysterious river we must cross,
The following thoughts may ease the Soul her pain:
Death the Angel is of all activity
The "open sesame" to action rare—
The quick'ning of a new nativity
In a world which is as dreadful as it's fair.
The bones do rest, the dust doth rest. *They rest.*
But the *Spirit*—that which sprang from God's bright Throne—
The Spirit which His breath gives life and zest,
The Spirit thro' eternity goes on!
Tomb the portal is to Hell or Paradise—
Purgatory is Hell and *versa vice*.

SCORPIO

(Sonnets)

BY JOHN ARMSTRONG CHALONER.

Keats has told us that "they shall be accounted poet-kings who simply say the most heart-easing things?" It may well be, therefore, that the author of the present volume of sonnets has no desire to be ranked among the poet-kings. For he certainly does not come to us with heartsease in his hand. On the contrary he prides himself on the fact that he is a hard and terrible hitter. Indeed, he assures us that he has come to the conclusion that you can put a wicked man "to sleep" with a sonnet in pretty much the same way that a prize-fighter puts his opponent to sleep with a finished blow. And not only does Mr. Chaloner believe in what we may term the sonnetorial fist, but he believes also in whips and scorpions, for the cover of his book is decorated with an angry-looking seven-thonged scourge, and he dubs the whole effort "Scorpio." So that when we look to the fair page itself we know what to expect.

Nor are we disappointed. Mr. Chaloner goes to the opera. Being a good poet, he immediately writes a sonnet about it, the which, however, he calls "The Devil's Horseshoe." We reproduce it for the benefit of all whom it may concern:

'A fecund sight for a philosopher—
Rich as Golconda's mine in lessons rare—
That gem-bedizen'd "horse-shoe" at th' Opera,
Replete with costly hags and matrons fair!
His votaresses doth Mammon there array,
His Amazonian Phalanx dread to face!
To Mammon there do they their homage pay:
Spang'ld with jewels, satins, silks and lace,
Crones whose old bosoms in their corsets creak;
Beldams whose slightest glance would fright a horse;
*Ghoul*s—when they speak one hears the grave-mole squeak—
Their escorts *parvenus* of feature coarse,
A rich array of Luxury and Vice!
But, spite of them, the music's very nice.'

Here you have whips, scorpions, and a knockout blow with a vengeance. The sonnet as a whole is not one which we

can approve from a technical or sentimental point of view, but it has points. Henley might have plumed himself on that line about the creaking corsets, and the last line, a *tour de force*, in its way reminds us of the withering ironies of Byron. It is only fair to Mr. Chaloner to add that not all his sonnets are concerned with back-flaying, bosom-stinging, or general thumping. Some of them show the tenderer emotions proper to a poet. We like him best, however, in his character as metrical bruiser. He is always on the side of the angels even if he is frequently over vigorous; and his book is well worth possessing. We gather that he has undergone personal troubles of no light or ordinary nature, and it is pleasant to note that, despite these troubles, he still retains a sane and reasonable outlook upon life, for when he likes he can be quite pleasantly humorous instead of acridly bitter.—*The Academy*, London, August 8, 1908.

"THE PLAY'S THE THING"

—Hamlet

As a playwright the writer is well aware that nothing should be set upon the boards which is not applicable to real life; by which is meant, which might not have taken place in real life. We are well aware that the happenings in "Robbery Under Law" are above the level of the commonplace—above the level of the ordinary—above the level of the humdrum. So far so good. But we have submitted incontrovertible evidence—in the shape of the opinions of our celebrated specialists—as well as in the shape of the letter to Commonwealth's attorney Micajah Woods dated July 3, 1897—that the facts set forth in "Robbery Under Law" are facts which have already occurred in real life in the case of *Chaloner against Sherman*, and might occur in real life again any day.

As a historian—author of that history of the inner workings of the main-spring of Metropolitan life in New York, during the closing years of the 19th and the first decade of the 20th centuries—entitled "Four Years Behind The Bars of 'Bloomingdale' Or The Bankruptcy Of Law in New York"—we are appalled at the attitude of the press of the United States towards that now celebrated *exposé* of life behind the scenes in the so-called "Four Hundred." With the exception of the New York "World," the New York "Tribune" and one other New York paper, *not a solitary line* appeared in reference to the startling disclosures spread at large in the pages of "Four Years Behind The Bars," at the hands of the Metropolitan press. *Not one solitary line*. Lastly, with the exception of the Raleigh, North Carolina, "News and Observer" and the Richmond "News-Leader" and the Richmond "Evening Journal" not a line appeared in criticism of said book south of Mason and Dixon's line.

*Such a statement is enough to make the spirit of George Washington revisit the haunts of his former activities; and damn to Hell and on down—as Carlyle was wont to put it—the degenerate ways of the people now enjoying the glorious land won for them by his sword. The amazingly amusing spectacle in this alleged "land of the free"—of a law abiding citizen—who has proved himself an Art Patron to the tune of establishing a hundred thousand dollar Scholarship; from the income of which Art Students of both sexes are sent to Europe to perfect their studies in all the branches of Art from Painting to Music and the Stage—following the lines of Napoleon's *Prix de Rome*—to which he himself gave two whole years of his life, crossed the ocean four times, went as far West as Cincinnati and Chicago, and as far South as New Orleans, and subscribed thirteen thousand dol-*

lars—the funny sight—in this alleged “land of the free” of a man like that, being arrested and locked up for life as a dangerous lunatic; is enough to make a horse laugh, and make any citizen of this great and glorious Republic capable of a moment’s sustained thought outside the national pursuit of the dollar, shake in his shoes for the future of the United States. When said citizen delves deeper into the malodorous mess known as *Chaloner against Sherman* he finds that *all and sundry* charges against the plaintiff are *perjuries pure and simple*; upon the part of relatives, either interested in getting him out of the way for life, in order that they might enjoy his large and constantly growing fortune at his death; or relatives who had quarrelled with him and desired to see him in an undesirable situation.

We do not consider it necessary at this time to even hint at the object the press of the United States had in attempting to smother “Four Years Behind The Bars.” That book was sent *registered*, to some fifty or so leading newspapers from the Atlantic to the Pacific and from the Lakes to the Gulf, with the aforesaid results. Right here it might be said—more in sorrow than in anger—that *the press of the United States has ceased to represent the happenings of the day throughout the United States*. Instead it picks and chooses among those happenings those which suit its editorial policy, its business policy, its social “high-society” policy; and all other facts it does its damndest to smother. And when smothering is out of the question, to colour and otherwise distort. Such being the case we have utterly and entirely ceased to expect fair play, or anything in the remotest degree resembling decent treatment, or even *honest* truthful treatment, at the hands of the press of the United States. We hasten to say that there are quite a good many honourable exceptions to this rule, but the vast majority of the American press is as we have pictured it, towards the author of “Who’s Looney Now?” and his variegated and militant fortunes. Such being the case we have taken the following formidable resolve, to wit, So soon as we have recovered our property we shall start out on the road and with a good company, enact the role of “Hugh Stutfield” in “Robbery Under Law.” If we find the theatres closed against us for the same reason that we find the newspapers—*whatever* that reason may be—we shall follow the illustrious example of Madame Sarah Bernhardt under the precise and identical circumstances, and *act in a tent!* Having a million and a half of property we are in a fairly strong position as regards carrying out to the letter the above pushful programme. The first question that will present itself to the reader will be “What kind of a fist can ‘Who’s Looney Now?’ make at acting? *Can he act?*” To which we hasten to make answer “‘Who’s Looney Now?’ undoubtedly *can* act.” Thus. In the first place, there is a good deal in heredity and environment at birth. Now “Who’s Looney Now” came within *one* ace of being born on the stage—of being actually *born on the boards!* The remarkable facts are as follows, “Who’s Looney Now’s?” Mamma was very fond of the

Theatre. The night before "Who's Looney Now?" appeared in this world "Who's Looney Now's?" Mamma was seized with a desire to attend a theatrical performance that was taking place on the next block from the house she was then visiting. This house was the Town house of her Grandfather, the late William B. Astor in LaFayette Place, New York, in the shadow of the Astor Library. "Who's Looney Now's?" Papa humoured his wife's whim—it being the first time such a thing had occurred—"Who's Looney Now?" being his Mamma's first-born—and accompanied his wife to the Play House and the best box therein. Before the play was over—to cut a long story short—"Who's Looney Now's?" Mamma had to hurry home in order to avoid a most sensational dénouement.

Under the circumstances aforesaid it should not be surprising to an open minded reader, that "Who's Looney Now?" has had from earliest childhood a *penchant* for the stage. Such being the fact "Who's Looney Now?" has always carried it locked in the inmost recesses of his breast that—provided circumstances were favorable to such a sensational and unusual thing—he would one day *go on the stage!* With this secret intent he has always avoided strenuously taking any active part in that morgue for histrionic ability "Private Theatricals." Two facts stand out in "Who's Looney Now's?" later years, indicating his ability to make good on the boards. The first fact indicates ability in said line. The second fact indicates serious study along and in said line. Fact number one is that "Who's Looney Now?" surprised and delighted his Father—his Mother being now dead—by taking first prize in Declamation at a Military Academy, by name, "St. John's School," Ossining-on-Hudson, New York; at the early age of thirteen—out of a school of seventy-five boys—many of whom were four or five years "Who's Looney Now's?" senior. Anyone who knows anything about acting knows it's harder to be interesting on a naked platform against a white-washed schoolroom's wall, than surrounded by all the sensuousness and fairy glamour of the foot-lights.

Fact number two is that "Who's Looney Now?" devoted a whole winter while an undergraduate at Columbia University in New York, to taking lessons in gesture and intonation, the use of the throat and lungs, from a professional in that line; whose business it was to train professional actors—that early day being long before Dramatic Academies—for fitting aspirants for the stage—had been dreamed of. "Who's Looney Now?" being a great admirer of Edwin Booth—whom he knew personally—and considering him the greatest actor of his day, if not of *any* day—spent about four nights out of each week during Booth's last and longest season at Booth's Theatre at 23rd Street and Sixth Avenue—during the same year that he was studying elocution professionally—and also sent his Dramatic Instructor aforesaid to the same Theatre frequently—supplying the Instructor with the necessary tickets. The next day "Who's Looney Now?" would read the soliloquies in Hamlet and Richard III to the Instructor, rendering the same with

as nearly the same tone, accent, and inflection as Booth had given them the night, or nights, before. Now a study of the features of "Who's Looney Now?" in the Frontispiece, followed by a comparison of said features with those of Edwin Booth, will lead to a revelation of the fact that there is somewhat more than a passing likeness between the storm-ried face of "Who's Looney Now?" and that of Edwin Booth. Lastly, in said connection. The tones of "Who's Looney Now's?" voice so strongly resemble those of Edwin Booth that said Dramatic Instructor remarked more than once to "Who's Looney Now?" upon the latter's finishing the opening speech of Richard III or the "To be or not to be" of Hamlet—"If you shut your eyes it sounds as tho' Booth were in this room." When to the above serious active work in the Dramatic Art is added the fact that, some years later, "Who's Looney Now?" carried his *Lares* and *Penates* to Paris and set them up in a house or private apartment of his own for five consecutive years; during which time there was hardly a week elapsed without his going to the *Theatre Franais* at least once, if not twice, as well as once or twice each week to some other of the leading French Theatres. It becomes palpable to the poorest observation that "Who's Looney Now?" was "going some"—to Theatres—to school. All this time "Who's Looney Now?" had the starry end in view, to—one of these days—*provided always and only* that Fate should be propitious—that circumstances should point the way to that rugged and daring path of toil and disappointment and severe work—the starry end in view to *at the proper time*—have a dash on the boards. And all this time therefore "Who's Looney Now?" was watching Coquelin *Ainé*, or Coquelin *Jeune* or Mounet-Sully at the *Franais* for tips and points and what not, for his own particular use at the proper time—French Dramatic Art being as much at the top of all Dramatic Art to-day, as French Painting and Sculpture and Architecture are at the topmost pinnacle of *their* respective branches of Art to-day.

Therefore "Who's Looney Now?" would mount the stage with a far from unsophisticated attitude *towards* the stage. Now what would "Who's Looney Now?" be required to do in his initial step—the step that breaks the ice—*le premier pas qui coute* step— upon mounting the stage in "Robbery Under Law?" Why nothing more difficult than *copy* the role he had CREATED IN REAL LIFE—ON THE STAGE OF THE WORLD—when he FOUGHT GILLARD IN THE DINING-ROOM AT "MERRY MILLS" THAT MARCH AFTERNOON SIX YEARS AGO; or when he HELD UP THE DOCTORS IN HIS SUITE AT THE HOTEL KENSINGTON THREE TIMES AS MANY YEARS AGO: or later when he FOUGHT HIS STRAPPING IRISH KEEPER IN HIS CELL AT "BLOOMINGDALE" UNTIL THE LATTER BELLOWED "HELP" AT THE TOP OF HIS POWERFUL LUNGS SEVENTEEN YEARS AGO: or, lastly, WHEN HE ESCAPED. The above "Bloomingdale" dates are reckoned from March 13, 1915. *It should not be very difficult for a man to copy himself.*

If "Robbery Under Law" is a success "Who's Looney Now?" will then venture on the role of "Catiline" in "The Hazard Of The Die."

Now what is the necessity forcing a millionaire like "Who's Looney Now?" onto the stage? Why just this. *The effort upon the part of the consolidated American press to smother "Four Years Behind The Bars" as aforesaid.*

"Who's Looney Now?" is not the kind of man to permit a plan he had devoted his entire time to furthering, fostering and pushing for eighteen years to be smothered by the Press, or by any other aggregation of capital *whatsoever*. Since the Press are—for motives best known to themselves—enthusiastically taking part in the thieves' game of depriving "Who's Looney Now?" of his million and a half on the *perjured* charge of insanity, *why so much the worse for the American press—that's all.*

"Who's Looney Now?" thanks the American Press for the excuse—for which he has waited all his life—to go on the stage. It may not at first appear what going on the stage has to do with smothering "Who's Looney Now's?" more or less laudable efforts at reforming the damnable Hell-begotten Lunacy Laws now disgracing New York, New Jersey, Pennsylvania, all New England and altogether forty per cent. of the States of the United States. It has just this to do with it. "Who's Looney Now?" is in his third year—*well on in his third year*—as a successful public lecturer on that very subject Lunacy Law Reform at the "Rex" Moving Picture Theatre, 7th and Broad Streets, Richmond, Virginia. He lectured there twice a month from the first week in September, 1912, until January or later in 1914, when he cut his appearance down to the last Sunday night in each month in place of *two* Sunday nights in the month. He has had so little difficulty in attracting audiences to the "Rex," that after the first few months, 'way back in 1912, he ceased to advertise his appearance; and since then has not had to pay out so much as one dollar for advertising purposes. *Incidentally all this time "Who's Looney Now?" was training and cultivating his voice for the stage.* For this purpose no better spot on earth than this same "Rex" Theatre could have been chosen—for strengthening the voice and enabling it to shout at top pitch for an hour or more above a competitive and persistent roar. For along Seventh Street runs a trolley line—within some twelve or fifteen feet or so of the stage. The sides of the "Rex" are open at the top for ventilation. Hence "Who's Looney Now's?" voice has to compete with and dominate the crash and roar of a trolley car: to which is to be added the brazen clang of its bell. *An hour and a quarter of this sort of thing once a month for two years and a half has given "Who's Looney Now?" a pair of lungs ready and willing to compete with the bellowings of the bull of Bashan itself!* Therefore the intelligent reader will gather that there has been a method lurking in the background of "Who's Looney Now's?" three years' shouting at the "Rex" to-wit: Voice and Lung Culture.

Having accounted for the hair on the outside, we shall now lift the veil from the milk in the cocoanut and show what going on the stage has to do with Lunacy Law reform.

THUS, The lectures at the "Rex" are free lectures. "Who's Looney Now?" purposes to address the audiences after the fall of the curtain in "Robbery Under Law," for ten minutes precisely: and put before them—in each city he *plays* in—all through the United States—the black and foul stigma now staining the fair name of Law, Justice, and Liberty in these United States in the name of Lunacy Law.

Furthermore. Each Sunday afternoon "Who's Looney Now?" will hire the largest hall each city contains, *and for two hours hold forth on the interesting topic of criminal lunacy legislation now masquerading under the name of law in 40 per cent. of the States of the Union.*

These lectures will be of course free, and will be advertised a day or so before in the local papers, or on bill boards and hoardings, as the case may be.

"Who's Looney Now?" opines that he will draw a crowd. Therefore in time—how long it will take to arouse the American people from their disgraceful—their criminal—lethargy in this matter—God only knows: but "Who's Looney Now?" is quite confident that before he gets too old to shout or mount a platform *the miracle will have been enacted*; and the American people will have risen to the situation, wiped off the foul stain now upon their character as a law abiding, law respecting, liberty loving people, and put it into their national platforms *that the foul farce now disgracing the Statute books of about forty millions of Americans shall cease and determine, and that a set of National Lunacy Laws shall be enacted which shall place Lunacy Procedure on as secure and fair a basis as say, Bankruptcy.*

NOTE TO FRONTISPIECE.

THE NEWS-LEADER, Richmond, Virginia.
More Daily Circulation Than Any Paper Published in Virginia.

October 5, 1911.

John Armstrong Chaloner,
"The Merry Mills,"
Cobham, Virginia.

Dear Sir:—Permit me to make tardy recognition of the receipt of your latest photographs, which were sent me several days ago by Homeier and Clark. I thank you for them.

Under separate cover I am mailing to you a photograph of you attired as Napoleon, made in this office by our artist, Mr. Criswell. I trust you will pardon our taking the liberty of decapitating you, but we promise not to repeat the offense. For the dual reason that you may care to have the picture, and that we may not have occasion to use the picture again in view of the fact that we have a newspaper "cut" of it, I am presenting the likeness to you. With it I am sending you a copy of the *News-Leader* to show the connection in which the picture was used.

As I remember, you sent to the Fair last year "The Sire of Dolgorouki"—and said you would send the real "Dolgorouki" this year. If you intend doing this, I would like to have a picture of his highness.

Thanking you again for the photographs,
I am, yours very truly,

LOUIS A. MACMAHON.
Managing Editor.

The shock which the average reader will sustain at finding that a newspaper editor and not "Who's Looney Now?" is responsible for the above "*real bargain furore*" photograph—to borrow the language with which the writers for ladies fashion journals urge on their fair readers to the fray—incite them to fresh efforts at buying—the shock which the above "*real bargain furore*" photo will hand out to the average reader as aforesaid, will be mitigated by knowing that the cause of the whole trouble into which "Who's Looney Now?" was precipitated like a projectile from a thirteen-inch gun, March 13th, 1897—and fetched up standing in the cells of "Bloomingdale"—without ever seeing a judge or hearing that there was any question concerning his sanity upon the cards—the cause of said whole trouble is positively and absolutely expressed in the following brief statement, made casually to one or two close friends, namely: that it occurred to him *that he looked like Napoleon Bonaparte.*

"Who's Looney Now?" is positively and literally accused of being stark staring crazy because he happened to casually observe on one occasion, possibly two occasions, to intimate male friends that he thought he resembled Napoleon Bonaparte in appearance.

Here follows the cold, hard judicial proof of the above allegation, taken from the *Commitment Papers* signed by Judge Henry A. Gildersleeve, Justice of the New York Supreme Court, March 10th, 1897, and attached to the Proceedings, in the New York Supreme Court, before a sheriff's jury against John Armstrong Chaloner, in May, 1899. On *line 243* of said *Commitment Papers* are found the following words sworn to by Medical-Examiner-in-Lunacy, Moses A. Starr, M. D., Professor of Nervous Diseases in Columbia University Medical School—upon which words "Who's Looney Now?" lost some \$20,000, in one hundred dollars per week for a two room cell and an Irish keeper at "Bloomingdale" for nearly four years besides seventeen of the best and ripest years of his earthly career—"State what the patient ("Who's Looney Now?") said, , if anything, in presence of the examiners."

While on *line 245* are found these words, to-wit: "That he resembles Napoleon," and when the reader remembers that said damning charge against "Who's Looney Now's?" reason is introduced by the following sinister words printed on *line 242* of said *Commitment Papers*, to-wit: "*Facts indicating insanity personally observed by me,*" (said Moses A. Starr, M. D., *Statutory-Medical-Examiner-In-Lunacy*)—the gayety of nations is increased.

In the opening speech of Hon. Frederick A Ware, of counsel for "Who's Looney Now?" at the trial of his *cause célèbre* in February, 1912, Mr. Ware observed, to the jury, to the following effect: "Gentlemen of the jury, my client is accused by his accusers of being insane because he happens to think he happens to look like Napoleon. Now we shall show you a photograph of John Armstrong Chaloner which will make you gentlemen think the same way." Said "bargain furore" photograph is the one referred to by Hon. Frederick A. Ware.

In presenting before the dazed gaze of the public said "Bargain furore," we, therefore, are merely properly anticipating the rehearing of "Who's Looney Now's?" *cause célèbre*.

"THE SHAVING OF SHAGPAT"

Registered.

(Copy.)

"The Merry Mills," Cobham, Va.
March 19, 1915.

Joseph H. Choate, Jr., Esq.,
Evarts, Choate & Sherman,
60 Wall St., New York.

Dear Mr. Choate:

A letter just received from my New York counsel, Hon. Frederick A. Ware, states that he saw your Mr. Kobbé *re* the "Paris Prize" matter. Mr. Ware writes: "The complaint is to ask for an Incorporation as he says he thought you proposed doing originally. I asked him about appointing you as one of the trustees; in that event, if such an appointment and incorporation were agreeable to you. He said that he thought that the present conditions would make that unlikely, but thought that Mr. Choate might agree to your naming a trustee, in your stead, all this assuming that you did not oppose the incorporation."

Now I am going to be quite frank. I do oppose the incorporation and for more than one reason. The "Paris Prize" was founded by me from subscriptions raised by myself from prominent Art Patrons—to which I myself subscribed thirteen thousand dollars—in 1890 and added to later—it was distinctly understood between the donors aforesaid and myself, that there was to be no precipitancy of incorporation. That the money was to be placed in a Trust Company and there left until such time as it appeared advisable *from the experience gained* by a considerable line of Paris Prize men having each spent five (5) years in the study of Painting first in Paris—later where he would.

That meantime I must have full control of the educational side of the Prize and experiment as much as was found necessary along the lines laid down in the original scheme of the "Paris Prize," given by me to the New York Newspapers in January, 1891, and widely and prominently noticed by them—and invariably strongly endorsed.

The funds, as aforesaid, were to be always—until finally incorporated—in the hands of the United States Trust Company, Wall Street, New York—the Institution chosen by me as the strongest and most conservative for the purpose in New York. The income was to be expended as I might direct in consonance with the said scheme. This was strictly carried out. I gathered the Jury of Artists to hold

the competitive examination which was to be the means of selecting the Paris Prize-man or Paris Prize-woman to be sent abroad. The thing worked to a charm. Without any more work than the above on my part, the jury consisting of the Presidents of the Academy of Design, Society of American Artists, American Water Colour Society and Art Students League, as well as artists selected by them in addition—I am writing at haste and entirely from memory—as I remember it—without any more red-tape, legal fuss and feathers—verbosity and the like, the jury quickly went to work and worked out its own salvation in short order. Bryson Burroughs was the winner of the Prize, a student at the Art Students League—as I remember it. He at once received his first year's payment of (\$900) nine hundred dollars—the Prize is nine hundred dollars a year for five (5) years, paid in advance, and sailed for Paris. He stayed there five (5) years—yearly sending back work signed and examined by a local jury of prominent French Artists, who met at the United States Embassy at a lunch given them by the American Ambassador.

Puvis de Chavannes, Carolus Duran, Gerome, Benjamin Constant and Dagnan Bouveret, formed the first Foreign Jury. Mr. Burroughs proved such a successful painter that now, besides being an active painter, he occupies the important post of Curator of Paintings at the Metropolitan Museum of Art, New York. So soon as he returned a new "Paris Prize" examination was held and Lawton Parker was chosen. He was a student at the Wm. M. Chase Art School as I remember it. He remained five years in Paris, and his work regularly inspected, as above described, and sent home, was uniformly satisfactory. At the end of the five (5) years instead of coming to America he remained in France. In 1913 he startled the world of painting by receiving the Gold Medal—the First and Highest Award—at the Paris Salon, he being not only the first *American—for not even John Sargent has ever received it, nor Whistler—but the first foreigner—the first non-Frenchman to receive the Gold Medal since its creation!* These are the only two products of the "Paris Prize." Why this is thus, you, my dear sir, know better than I. The money was all there for holding the competitive examinations, and yet not a wheel was turned—*nothing* was done—the "Paris Prize" was gently swathed in a winding sheet, and, like the talent in the Bible—buried in the ground *to await the resurrection or—my demise.* However, that is rather a painful subject, for you gentlemen ranged on the other side, so we shall not discuss it further.

However, that is no reason for giving the "Paris Prize" the "raw-deal" you now propose in incorporating it without the guiding hand of her creator—my humble self. The absurdity of the acts of the law at times would make a horse laugh. *Here is the creator of the Prize refused a seat on the Board of Trustees,* simply because he has not yet had the opportunity to present his case in court before a court that will recognize the rulings of the Supreme Court of the United States in *Windsor vs. McVeigh*, 93 U. S.—which says "notice" and

"opportunity"—to appear and be heard—are necessary in order that the court of first instance get jurisdiction. However, I have no idea of entering on a legal argument with you on paper. I look forward with considerable gusto to doing that in my approaching brief on appeal to the United States Supreme Court in *Chal. agst. Sher.*; on which I am now at work. To resume. The "Paris Prize" has only sent two (2) Prize-men abroad—that is not a very long list of experimental students, is it?

To a lawyer or as a business man it should be unnecessary to dilate upon the risk of incorporating an Educational Scheme as new and untried as the Paris Prize, until it had been tried out. So long as the Financial End was in safe-keeping, everything was serene. *Nothing could be surer than the United States Trust Company.* The fifty thousand dollars stands in the name of the "Paris Prize Fund," by John Armstrong Chaloner, or some such caption, on the books of the United States Trust Company. *No power on earth could get a dollar of that fund more than the income—without a court order—and no one was permitted to touch the income but myself, who receipted to the said Trust Company for each annual payment—or semi-annual—* at this distance I don't care to say positively what the frequency of payment was, more than that it was in advances not more than one year or less than one-half year—in advances to the Prize-man. I then sent by draft the money to the "Paris Prize-man" in Paris, and turned the vouchers—among which was his receipt—over to the U. S. T. Co.—where they are—or should be—to this day. What in the name of the Devil and all his angels, my dear Sir, is the use of all this red tape about incorporating the Fund while you "*Stewards*"—to continue the parable—*are so remiss in your duty that you refuse to take my lead, refuse to follow the established honoured precedents of ten years successful Art Education in Paris, as proved by the brilliant careers of the only two Prize-men you "Stewards" permitted, thro' your supineness, and lack of regard for public education in Art and indifference to philanthropic ends—your minds and eyes, being so glued onto the dollars and their sordid shape, that the object for which the Fifty Thousand Dollars then years and years ago—making up the Paris Prize Fund—now nearer Seventy-five Thousand dollars—were raised, was quite forgotten!* Why didn't you get a move on your distinguished selves and follow my lead in the case of Paris Prizemen Bryson Burroughs and Lawton Parker? There's a question for the jury *indeed!* Therefore I do not propose to have all this undue haste—mind you the Prize has sent only 2 students to Paris—thanks to you gentlemen's sloth and indifference, aforesaid—in incorporating when nothing *calls* for the red tape and rigidity incorporation means at this stage of the game, whereas the Educational side is left naked and bare. The Educational side—bear in mind is self-acting—or was when I was at the wheel in 1896 aforesaid.

The Educational Institutions in Art forming the Home jury are still in existence—or their successors—and could come together as

readily as they did to elect Bryson Burroughs and Lawton Parker. Bend your bounding energies to sending a needy but gifted American Art Student to Paris, my dear sir, rather than in attempts at hide-binding a thing as free as Art, and at the same time as safe as the United States Trust Company—with premature incorporation. Lastly: Things are rather upset on the continent just at present. And from my way of looking at it they will continue so, for at least two (2) years. Therefore at that time—when *Chaloner agst. Sherman* reaches the United States Supreme Court on Appeal—at that very time—will the Allies enter Berlin—*so mote it be*—there or thereabouts. *Thereafter all will be serene on both sides of the Atlantic.* You and your friend Mr. Sherman, will be invited by the Federal Court to step down and out, and take your long noses out of my affairs, and your long fingers out of my well-lined coffers. Thereupon a new examination for a Paris Prizeman can be held by the aforesaid Art Presidents, and a Paris Prizeman will sail into a French port, *as I sail into your and Sherman's conduct of my affairs.* In a word, now is about the worst possible time *ever*—since the French Revolution at least—to rehabilitate the “Paris Prize” in Paris, after the “black-eye” your misconduct—aforesaid—wilfully administered to *this great and unique scholarship—the only* self-supporting Art Scholarship for Painting in the metropolis of the United States! So what's the matter, my dear sir, with letting sleeping dogs lie? You put the “Paris Prize” to sleep, by your acts aforesaid—why not let her sleep on? You put her to sleep for nine (9) calendar years (9)! Is there anything in law or equity against letting her sleep on for a *short two more*—until my resurrection from the dead—you know you gentlemen rendered me “civilly dead”—and although *I* personally rose from my legal resting place, my property lingers in the tomb—my legal grave—November 6th, 1901, when the county court of Albemarle County, Va.,—this County—pronounced me sane and competent; in place of what your criminal proceedings in the New York Courts *procured by and based upon, kidnapping, conspiracy and perjury*—basely libelled me with.

So, my good sir, pray let well enough alone. Show a little decency—whether you happen to have any or not—*pretend to*, for once, and let well enough alone. Don't make a fool of yourself and *ask* the court what to do with the piffling little remnant of income in the second rate Trust Company, put there by the late Charles F. McKim—the partner of my good friend and stool-pigeon the late lamented Mr. Stanford White—don't do that—*pray* the court to order the said picaresque sum to be *turned over to the “Paris Prize Fund” now in hands of the United States Trust Company*—where it belongs.

I shall oppose in the courts any other action than this, and fight you through every court in New York, and then begin in the Federal Court, and fight you clean up to the Supreme Court of the United States. *“Let us have peace.”*

Sincerely yours,

JOHN ARMSTRONG CHALONER.

P. S.—A word regarding the “Paris Prize Fund.” The other subscribers are a bagatelle alongside my subscription. Thus: I really subscribed thirteen thousand *plus* twenty-five thousand—Thus. My late cousin, Henry Astor Carey, was dining with me one night at the Somerset Club in Boston. An idea occurred to me. I said to him: “Harry, you have been very generous to the “Paris Prize,” you have given more to it than any Art Patron I ever approached—*twice* as much in fact. Now, do one thing more. You’re a millionaire and a bachelor. We are both of us in the prime of life and healthy, and you are younger than I. Now which ever one of us dies first leaves twenty-five thousand dollars to the “Paris Prize Fund”—of course as it’s not yet incorporated you must,—to be legal—leave it to me—“with the wish and hope that I pay it over to the ‘Paris Prize Fund’ as soon as incorporated. I’ll do the same.” “*Done with you,*” said my generous cousin. The lawyer he had was one of *your* gang, Henry Lewis Morris, familiarly known to the New York bar as “Hungry Hank.”

Carey went to him and said he wanted to change his will. “*Hungry Hank*” *staved it off until Carey died about May, 1893, and the money was never left,* because the new will was never made, thanks to “Hungry Hank’s” aforesaid unlawyerlike, to call it by no harsher term, proceeding—I told his brother the facts and he generously—he could well afford it, as he was a millionaire anyway, and Henry Astor Carey’s death doubled his million at the very least—and he generously made good, and paid me *personally* twenty-five thousand dollars in gilt edged bonds. *So my foresight—in thus discounting death—gambling on it, so to speak—enables me to say that, in effect my real subscription to the Paris Prize, the amount standing opposite my name—Henry Astor Carey’s name is there also—is my original donation of thirteen thousand dollars, and said twenty-five thousand dollars, making thirty-eight thousand dollars.* I differentiate thus between the five thousand Henry Astor Carey subscribed himself, *personally*, to the Fund, at its incipency. That stands opposite his name as his subscription pure and simple. But this twenty-five thousand was not given by him, it was given by his brother, out of money left by him, in accordance with an agreement made by me *with* him, prior to his death. So you see all this talk about “the wishes of the other subscribers to the Fund” † regarding the present conduct of the Fund is very like piffle and poppycock, and about the weight of thistledown, or as the very modest subscription of the multi-millionaires in the game are to Henry Astor Carey’s subscription of five thousand dollars, and the thirty-eight thousand dollar subscription of myself *backed by his ghost*—so to speak. Here are all the subscriptions and amounts in the order as given—all made between November and Xmas, 1890.

†Choate had in a previous letter, in the matter, lugged in that phrase by the ears.—J. A. C.

The late Laura Astor Delano	\$ 1,000 00
Mrs. John J. Chapman	1,000 00
William Waldorf Astor	1,500 00
Henry Astor Carey (deceased)	5,000 00
The late William Astor	2,500 00
The late Cornelius Vanderbilt	2,500 00
	<hr/>
	\$ 13,500 00

There were six subscribing Art Patrons besides myself. More than half of them are dead. They gave \$13,500, and I and the ghost gave \$38,500.

This list is made entirely from memory and without notes—but it is certainly all that was subscribed by other Art patrons. I may have subscribed five hundred dollars, more or less, than thirteen thousand, or possibly rather more than that, but the *essential thing is* that the above are *all the other* subscribers and subscriptions, besides myself, and Carey's Ghost—who, together—the ghost and I—subscribed \$38,000, or \$38,500.

JOHN ARMSTRONG CHALONER.

N. Y. *Herald*, January 26th, 1891.

"FOR THE BENEFIT OF AMERICAN ART."

A Notable Foreign Scholarship Scheme Practically Established.

Mr. Chaloner's Project.

The Brooklyn Art Club Display and Various Shows By Painters.

An excellent scheme for the benefit of American Art has been elaborated and made actual by that energetic gentleman Mr. John Armstrong Chaloner, a great-grandson of William B. Astor, and a grandson of Mr. Sam Ward, who married Miss Amelie Rives, a lady who to her reputation as a writer, has added in considerable degree that of an Artist.

Mr. Chaloner, who returned from Europe at the end of November, has raised in this city, being himself a substantial contributor, the sum of \$25,000 for the purpose of sending abroad for five years study to return and teach at the close, an American Art student, who will be allowed \$900 yearly. The amount of the fund is to be paid at the end of the first week in August, and the examination will be held in the first week of next June. The fund under trustees will

be incorporated under the laws of the State, and the candidate is to leave for Paris the first week in September.

Mr. Chaloner has not alone raised all the money before he has made his project public, but has enlisted in its favor, with acceptances to serve on the Jury such men as Daniel Huntington, President of the National Academy, Henry G. Marquand, President of the Metropolitan Museum of Art, William M. Chase, President of the Society of American Artists, J. G. Brown, President of the American Water Color Society, and E. D. French, President of the Art Students League.

Mr. Chaloner having made his scheme possible in New York has since made tentatory efforts to the establishment of similar funds in Chicago, Boston and Richmond, and has laid his project informally from a National standpoint, before Secretary of State Blaine, who has unofficially given it his sanction.

The idea is to send abroad a male or female student, who is to study in any centre of Art selected by the jury, and study painting pure and simple, and decorating. It is thought that such a student should study abroad for five years, and it is calculated that the sum already mentioned would amply suffice for his needs.

Mr. Chaloner naturally thinks that people will wonder why he should start such a scheme, and as many people have asked him his object, announces that he has become interested in the matter, as he has for four years, guaranteed \$1,000 a year to a young American Artist abroad, and is to continue that agreement for six more years. He says that the improvement of this artist when freed so largely from financial cares, has been marked.

The fund is to be controlled by a Society consisting of or appointed by the donors, and the candidate is to be chosen by Competitive Examination, in drawing, painting and composition, the jury being chosen from the Art Association or associations of the city or cities in which the fund or funds is or are raised.

The fund is to have two branches, the financial and the artistic, each distinct. The latter branch in this city is to consist of the Presidents of the Academy of Design, Society of American Artists, American Water Color Society, Metropolitan Museum of Art and Art Students League, and two Artists chosen by the Society of American Artists, the Academy of Design, Art Students League and the American Water Color Society, making a jury of thirteen.

Candidates must be twenty-one and residents or coming from the State in which the fund is raised, the latter clause covering students already abroad. No one who has received a medal or mention abroad will be eligible. Should the winner be financially able he or she will receive the artistically valuable honor of being chosen, and the money will go to the holder of the second place.

Every three months drawings, oils, decorations or compositions signed by the Master are to be sent to the jury, and if the work is not up to standard the jury may order an examination for a new candidate at the end of the first year. Prolonged ill-health will re-

suit also in a new examination. The successful candidates are to sign agreements to return and teach classes, to be selected by the jury, gratis for two years. If no suitable candidate is chosen in any one year the fund will be allowed to accumulate until a worthy candidate is discovered.

The financial body of the fund is to consist of a Society of or appointed by the donors and incorporated, the fund to be turned over to a Trust Company.

It is hoped that in time the cities will increase the funds to \$60,000 thus enabling the sending of a student every year.

It is suggested to have a National jury, which is to be composed of deputies from the Artistic branches to meet at least at the beginning, middle and end of five years. This Assembly is to have no control over the local institutions, but is to have as an object the holding of a National Salon, candidates being *hors concours*, and award prizes to them and others, foreign or American.

Another suggestion is for an European Council, appointed by the National Assembly, to yearly report progress of students to the National Assembly or to the local institutions. Examinations might, if need be, be held abroad by the European Council.

The New York *World*, January 26, 1891.

AN ART STUDENTS FUND.

To Give Foreign Training to Those Who Deserve It.

John Armstrong Chaloner's Scheme to Aid All Worthy Aspirants.

It is estimated that \$900 a year will be needed for each student and that a thorough course will cover five years—twenty-five thousand dollars already subscribed for New York.

Following the agitation regarding an American Salon for which plans are to be formulated at a meeting next Tuesday evening comes another plan of equal interest and importance to American Art, the idea of which originated with Mr. John Armstrong Chaloner, the grandson of the late "Sam" Ward, who married Miss Amelie Rives, the Virginia authoress. Mr. Chaloner, who, through his mother, formerly Miss Ward,—is a great-grandson of the late William B. Astor, is a young man of education and property. While a student in the Latin quarter in Paris in 1887, he became interested in a young fellow American, an art student who was endeavoring to secure a professional education in the gay capital with insufficient means. He decided to aid the young man and this led to his taking a deep interest in the subject of American Art students in Paris.

After much study of the matter and direct knowledge of the

privations to which many promising American Art students were subjected in their efforts to secure needed art education, Mr. Chaloner determined to organize a scheme by which sufficient and proper financial aid should be given to all deserving American students who might wish to go to Paris hereafter to pursue their studies.

He estimated from his experience in the case of the student he had aided that \$900 a year would be needed to properly educate and provide for the needs of each student and so last November he returned to America and after much thought and study, he devised a plan which he proceeded to lay before a number of Art patrons and connoisseurs, about twenty in all in this city.

This met with the approval and endorsement of these persons and has resulted in the subscription of \$25,000, which is a good nucleus for a larger fund to be raised in this and other cities. The names of the individual donors to this fund will be given when the money is paid in the first week of August next. Among them are men and women prominent in the art, social, business and literary worlds of the metropolis.

Mr. Chaloner has in furtherance of his scheme visited Washington, where he called on Secretary Blaine and secured his unofficial endorsement as a matter of National importance, and Chicago, where he has interested several leading men in his plans. The matter has also been laid before prominent gentlemen and ladies of Boston and Richmond, Va., with encouraging results.

Briefly outlined, Mr. Chaloner's plan is to raise a sufficient sum of money to guarantee a five years course of study abroad to any Art student from any city. Forty-five hundred dollars, or \$900 a year is considered sufficient for this purpose in each case. The fund subscribed for this purpose is to be held by a Society consisting of, or appointed by the donors. The candidates are to be chosen by competitive examination in drawing, painting and composition under the auspices of a jury chosen from the existing Academy or Academies or Institutes of Art in each city. The fund in each city is entirely distinct and separate from the similar fund in other cities and its control is purely local.

The \$25,000 subscribed in New York will be payable early in August next, and the examination of candidates will take place here early next June. The candidate who passes the examination will leave for Paris early in September next.

The New York Fund will be placed under the management of an organization to be incorporated under the title of the "Institution of Art of New York," which is to be composed of two branches, the artistic and the financial. The jury is to number thirteen, and will be composed of the Presidents of the Academy of Design, Society of American Artists, American Water Color Society, Metropolitan Museum and Art Students League, and two artists to be selected respectively from the Society of American Artists, Academy of Design, Art Students League, and American Water Color Society. This jury

will pass on all candidates, decide to which foreign city the candidate is to be sent, and transact all Art business. The competition is to be open to women as well as men. The candidates must be twenty-one years old, and must reside in or come from the State in which any Institution of Art, which will be modelled upon that of New York is situated. No person who has received a medal or honorable mention in any foreign Art exhibition will be eligible, and if any winning candidate has sufficient means to be independent of the fund, he or she will not receive any money, but will receive the title of "Winner of the Paris Prize," or whatever title is selected while the person holding second place in the competition will receive the \$900 per annum and his or her name will be bracketed with, but below that of the winner of the prize. Both the winner and the second candidate in this case are to return home and teach at the expiration of their joint term.

Before receiving any money the successful candidate must agree to send home every three months, drawings, and when sufficiently advanced, oil studies, decorations or compositions signed by the Master under whom he or she has worked to be passed upon by the jury of the Institution from which he or she has come. If the work fall below the standard required by the jury and the jury after warning the candidate and assuring themselves that it is not a temporary fluctuation in the work will notify the student that at the end of the year a new examination will be held and a new candidate chosen. This same rule will apply in case of ill-health.

Second—The candidates will be required to sign a contract that he or she, will, at the expiration of five years, return to his or her home city and teach a class selected by the home jury, for a term of two years, gratis. If no candidate is found worthy any year, none will be sent abroad, and the fund will be allowed to accumulate until a worthy candidate is discovered.

The financial branch of each Institution of Art will be composed of the donors of the fund, and persons appointed by them, and will transact all financial business. The fund will be invested by this branch and deposited with a Trust Company. Sixty thousand dollars has been placed as the sum which should be raised by each Institution of Art, which at 5 per cent. will enable each to send a candidate abroad every year. Mr. Chaloner also suggests a National Assembly, to be composed of deputies elected by the first branches of each Institution of Art, to meet at different cities in turn at the beginning, middle and end of each term of five years at least. This Assembly will hold National Exhibitions, in which the work of successful candidates will be *hors concours* and award prizes to both native and foreign artists, whose work is up to the required standard of admission. A European Council is also suggested to be appointed by the National Assembly and to report progress to the latter from year to year, or directly to different Institutions of Art.

Editorial.

New York *Daily Tribune*, January 29th, 1891.

"Mr. John Armstrong Chaloner is meeting with success in promoting his plan to advance the interests of Art, by providing funds for the education of Art students. The plan is a practical one, and has received approval from high authorities.

Mr. Chaloner has interested many people here in his praiseworthy undertaking, and will shortly visit Boston, Chicago and other cities, in order to arouse their public-spirited citizens to the importance of the work which he has at heart.

New York *Tribune*.

New York, Monday, January 26, 1891.

TO AID ART STUDENTS.

John Armstrong Chaloner Is Raising A Fund.

A plan to establish an institution for helping worthy young men and women to gain a Parisian education.

The artists of America have found a champion in John Armstrong Chaloner, a great-grand son of William B. Astor and a grandson of "Sam" Ward. Mr. Chaloner is a young man who, although he declares that he is not an artist, is an enthusiast on the subject of art, and especially American Art. His wife, who was Amelie Rives, the novelist, is studying Art in Paris.

A few years ago while living in the Latin Quarter, in Paris, Mr. Chaloner met a poor but talented American Art student, to whom he guaranteed \$1,000 a year for ten years to enable him to prosecute his art studies freely. In helping this man the idea occurred to him of raising a fund the income of which should be devoted to defraying the expenses of American Artists while studying abroad, in case they were unable to pay their own way.

Among the American residents of London and Paris he raised \$11,000, of which he contributed \$2,500 himself. He then came to New York and has organized a Society, which is to be incorporated under the laws of this State by the name of the Institution of Art of New York, unless some other name is decided upon previously. He has also raised in this city \$14,000, making a total fund of \$25,000, which, it is expected, will be further increased by voluntary contributions.

The institution of Art is to consist of two branches. The first to be the artistic branch, and the second to be the financial branch. Each branch will be absolutely separate and distinct from the other, and

while one will look after the artistic element, the other will simply attend to the financial affairs of the institution.

There will also be a jury to examine candidates and pass upon their work after they have been sent abroad and to determine the details of their studies. The ex-officio members of this jury, which will be under the control of the first branch will be the President of the National Academy of Design, President of the Metropolitan Museum of Art, President of the Art Students League, President of the Society of American Artists, and the President of the American Water-Color Society. The other members of the jury will consist of two artists elected by each of the following: The National Academy of Design, the Art Students League, the American Water Color Society and the Society of American Artists.

The second branch will consist of members appointed by the contributors to the fund or their appointees, who will transact all the financial business of the institution and control the fund. The fund will be deposited with a trust company and only its income will be used.

The competition for the Paris Fund, as it will be called, will be open to women as well as men. The candidates must be twenty-one years old, and as it is expected that institutions of art will be established in all the principal cities in the country, they must live in the State in which the institution which selects them is situated. No person who has received a medal in any foreign art exhibition will be eligible. If the candidate who passes the examination before the jury has sufficient means not to need the income of the fund, he will not receive money, but will have the title "Winner of the Paris Prize," or whatever title is selected by the jury conferred upon him. The winner of the second prize will receive the money.

A condition to which candidates must agree is that they must send home every three months drawings, and later oil studies, decorations or compositions signed by the masters under whom they are studying. If these samples of the work fall below the standard of the jury, the jury, after warning them will inform the candidate that at the end of the year a new examination must be held and a new candidate selected, the same conditions will apply to those in ill health. Candidates must sign a contract that at the end of five years abroad they will return and teach an art class for two years for nothing. Mr. Chaloner also suggests organizing a National Art Assembly, composed of delegates from all the proposed Institutions of art in the country, which will be separate and distinct from one another, to which assembly the work of the candidates will be submitted.

The New York World, January 29th, 1891.

TO FORM A "BEAUX ARTS."

A Development of Mr. Chaloner's Educational Scheme.

The success which crowned the efforts of John Armstrong Chaloner of this city, in originating and perfecting the scheme for sending American Art students abroad has encouraged him to develop the idea further. He has long entertained the view that America was ripe for the establishment of a genuine Beaux Arts, or system of education to embrace all the higher arts. Mr. Chaloner raised \$25,000 in 25 days to enable American students in painting and drawing to secure a competent education, as described in the *World* of Monday.

He is now confident of being able to duplicate this excellent work so as to give the same facilities to students in acting, sculpture, architecture, and vocal and instrumental music.

His ideas were brought down to a practical and simple basis before he outlined the scheme to any of his friends, and have already received enthusiastic endorsement. Edwin Booth, after careful examination of Mr. Chaloner's plan, yesterday sent him the following letter of cordial approval.

The Players,
16 Gramercy Park.

New York, January 28, 1891.

Dear Mr. Chaloner:

Your scheme is an excellent one, and tends towards the cultivation of the actor. With the same end in view, I established Booth's Theatre; in the hope that it would become, in time, a training school for the American actor. This failed through my business experience being less than my professional. One of the advantages of your plan is that the business part of it will be in the hands of business men, and the artistic in the hands of artists.

I feel quite sure that the details of your plan can be arranged so that the novice can receive here the requisite training to put him or her in a position to begin their work on the stage.

Your suggestion is a good one that the novice, after receiving this training should spend a year or two abroad stopping long enough in the different capitals to familiarize himself with the methods of the different continental schools.

Wishing the plan success, I am,

Yours truly,

EDWIN BOOTH.

In explanation of the details of his plan Mr. Chaloner said to a *World* reporter who saw him yesterday:

"The Institution of Art," if no better name be found, is the en-

tering wedge of the Beaux Arts and Conservatoire, under an American name in each city of the union, which approves the scheme and is interested enough to establish an Institution of Art."

"How much money will it need?" "Not as much as you would think," replied Mr. Chaloner. "Four thousand five hundred dollars guaranteed every five years is sufficient to send a new Art student abroad every five years and maintain him or her there an equal period. For permanency it would be better to subscribe the capital necessary to produce this sum at 5 per cent. interest. If this plan meets with approval it is presumed that the capital, \$18,000, will, in time, be increased to \$60,000, a capital sufficient at 5 per cent. interest to send one art student abroad and support him or her there for a term of five years, and so to do this every 12 months. The same capital would enable a student of either sex in any of the proposed branches of Art to be sent abroad for the same length of time, and under practically the same conditions. These branches of Art are included; sculpture, architecture, acting, and in music, the violin, the cello, the piano, and the human voice. Other branches of Art in which the public is interested may be added."

"How would this scheme operate?" "This," replied Mr. Chaloner, "would in time give to every city which has an Institution of Art a united Beaux Arts, and Conservatoire where these lines of Art would be taught under management entirely individual and distinct but parallel, having in view Art as a common end."

Mr. Chaloner is confident that this will supply a distinct want and the success which he has already met with justifies him in the belief that it will meet with hearty and substantial approval. He will visit all of the principal cities in the country, and submit the plan for consideration, the intent being that it shall be truly National in its operation. Daniel Huntington, President of the Academy of National Design, has written Mr. Chaloner, congratulating him upon the success of his scheme to establish an Art Scholarship Fund, and accepting the position of one of the jury of award. Letters to the same effect have been received by Mr. Chaloner from President Henry G. Marquand, of the Metropolitan Museum of Art, President E. D. French, of the Art Student's League, and President J. G. Brown, of the American Water Color Society. All speak in enthusiastic commendation of the scheme. William M. Chase has also expressed his approval in a characteristic letter, in which he says "the scheme is a magnificent one." Augustus St. Gaudens, the sculptor has also written him, approving of the plan proposed. Mr. Chaloner will leave for Boston on Friday.

IN RE JOSEPH H. CHOATE, JR., AND T. TITTLEBAT SHERMAN.

Having received no reply to our above letter to Joseph H. Choate, Jr., it becomes incumbent upon us to lift the veil a little higher over his dark-lantern methods. To that end we print all that was written by him in a letter dated February 8, 1915, to a member of our office force upon the subject of the "Paris Prize Fund." In reading the excerpt the observant reader will note the nasty sneer at the Prize contained in the following phrase, to wit: "the so called Paris Prize Fund." Why "so called"?

But sneering comes natural to Joseph H. Choate, Jr. It is in fact bred in the bone from his hard featured Papa—Joseph H. Choate, Sr.,—than whom a more cold-blooded, colder-hearted attorney never stared a witness out of countenance on the stand.

But something far more sinister than a sneer—which after all, is more a question of good taste and good breeding, good bringing up and gentle forbears—something more sinister than the underbreeding displayed by Joseph H. Choate, Jr., is at issue here. And that sinister thing is nothing less than the practical admission—on the evidence of said following excerpt, and also on the evidence of Joseph H. Choate's statement in his brief on appeal to the Federal Circuit Court for the Southern District of New York (New York City) in *Chaloner against Sherman*—that said promising offshoot of that promising old party Joseph H. Choate, Sr., has made up his nefarious mind to nothing less than *appropriate the thirty-eight thousand five hundred dollars subscribed by us*, as above described, which now—after more than twenty years—with interest added—amounts to about seventy-five thousand dollars—to what said Joseph H. Choate, Jr., jauntily describes as "the so-called Paris Prize Fund." That is a startling remark to apply even to a man living in a place like the city of New York—where the motto taking the place of "*God Bless Our Home*"—over pretty nearly every mantel-piece is "Get Rich. Honestly If You Can. But Get Rich *Anyway*." We hasten to make good said startling remark by inserting herewith said excerpt.

Our distinguished adversary shows the cloven hoof unmistakably in the sinister closing sentence of his remarkably frank letter, to wit: "In such an action the Court can dispose of the Fund—*by directing its return to the subscribers.*"

Said excerpt, to-wit:

"Mr. Sherman has recently been approached by representatives of the Bankers Trust Company in which has been deposited from time to time income from the so-called Paris Prize Fund. Some of these deposits were made by Mr. St. Gaudens and Mr. McKim, both of whom have of course died. The Trust Company desiring to have its responsibility in regard to this Fund defined and limited, insists that some proceedings be taken to secure the appointment of a custodian or trustee of the Fund in succession to the deceased, and states its in-

tention to bring such proceedings unless what it wants can be accomplished otherwise. As the United States Trust Company also holds part of the Fund, and as each of the two companies is interested in only the portion held by it, no proceeding brought by either could settle all the questions involved. I have therefore advised Mr. Sherman that the time has come for him to act upon the instructions contained in the order of the Appellate Division dated June 24, 1912, confirming his annual account for the preceding year, and take steps to ascertain the rights of the several parties interested in the Paris Prize Fund and to secure the instructions of the Court as to its disposition. For this purpose he proposes to bring an action to which the living subscribers to the Fund, the representatives of those who have died, the two Trust Companies, and Mr. Chaloner shall be parties. In such an action the Court can dispose of the Fund either by carrying out as nearly as may be its original purpose or by directing its return to the subscribers.

Yours very truly,

JOSEPH H. CHOATE, JR."

Now, we have shown above that "Who's Looney Now?" subscribed thirty-eight thousand, five hundred dollars \$38,500—or at least he and his generous cousin, Henry Astor Carey's ghost—to "the so-called Paris Prize Fund."† So far so good. Now it must be borne in mind that Joseph H. Choate's side-partner in the proposed spoliation of the largest Art Scholarship as above described—in the City of New York—that said distinguished practitioner's side-partner in this diabolical plot against an Educational Fund, by New York legal practitioners—namely that featherweight lawyer—that dummy and block-head figure head, in the firm of Evarts, Choate and Sherman, to-wit: Thomas Tittlebat Sherman is—in the eye of the majestic brand of bunco-law ruling the New York Courts, both State and Federal, in the guise of Lunacy Procedure—the actual "subscriber" of said thirty-eight thousand five hundred dollars! For said Tittlebat Sherman is the "committee"—falsely so-called—of "Who's Looney Now's" person and estate in the revered State of New York. Therefore anything subscribed by "Who's Looney Now?" to the "Paris Prize Fund" would in due course—provided Choate and Sherman succeeded in "pulling off" their "job," and "cracking" their way into the safe where now repose the Funds of said Paris Prize—therefore anything subscribed by "Who's Looney Now?" to the Paris Prize Fund would, in due course, find its way to the bottomless pockets of Choate and Sherman. Now if Choate and Sherman were honest men instead of what they are

†By an oversight—caused by not having the books of the Paris Prize Fund at hand—two thousand dollars should be subtracted from said amount and credited to Arthur Astor Carey who subscribed said sum. Said amount now amounts—after more than twenty years—with interest added—to some seventy-five thousand dollars.

on the evidence safe-blowers of Educational Funds—there would be no serious harm accruing from the transfer of the thirty-eight thousand five hundred to the bottomless pockets of the two distinguished gentlemen aforesaid. But the ways of the Wall Street lawyers are getting to be as crooked as the ways of Wall Street magnates—as base and vile as the John D. Rockefellers, William Rockefellers, and the late lamented noble exponents of Christianity in business that bluff old pirate, H. H. Rogers; and that undersized pirate E. H. Harri-man—not forgetting the Father of Wall Street crimes against the public and stock-rigging, that smooth little a hundred and ten pound vendor of mousetraps, the late lamented Jay Gould; of Delhi, Delaware County, New York, *now*—through the deodorization of time—almost of sainted memory. Therefore the transfer of the “Paris Prize Fund” to the pockets of Choate and Sherman would mean the dissipation of the said thirty-eight thousand five hundred dollars. The proof of that grave charge? Here it is, writ large in the most mendacious, inefficacious, self-damnatory purlieu of vicious and predatory sophistry ever put forth by a lawyer not yet languishing behind the bars of Sing Sing; or by a sophist since the days of the God-like Socrates himself—who sacrificed his life in unmasking sophists as Jesus Christ sacrificed His divine life some hundreds of years later unmasking Pharisees and hypocrites—we allude to the said brief on appeal of Choate.

Never, in our extended career of thirty years as a lawyer before the New York County Bar—have we met such a depraved production emanating from a supposedly honest and reputable lawyer. Before citing from said quagmire of mendacity aforesaid, we shall dally with a sink as vile-smelling as itself, namely, the opening speech of said distinguished gentleman, at the farcical miscarriage of justice miscalled a trial, before ex-judge Holt of the Federal District Court on Manhattan Island, in February, 1912. This citation proves—out of the malodorous mouth of Choate—that we did perfectly right to bring an action for trover and conversion against his side-partner Sherman. *For the said judge says*—and Choate hasn't the effrontery to deny such an example of hornbook law from the bench in the course of said trial—page 56 of the transcript of Record thereof—to wit:

(By the Court):

“This suit is brought against that committee for the conversion of the property, on the theory that he has no right to retain it, it having been demanded and that he has not given it over, which amounts to a conversion.”

Now, in the teeth of the above statement from the court itself, that we were within our legal rights in bringing a suit for conversion, Choate has the depravity to attempt to take a shyster-advantage of the nature of the suit brought *and admits that he and Sherman are about to attempt to appropriate our property*. Hear him, and then

marvel at New York society which tolerates such a man; and also consider that sanctimonious dignified aggregation of questionable practitioners—on their record in Wall Street—*supporting to a man the Trusts against the people*—consider that cave of the winds, that emporium of hot air the New York City Bar Association, of which Choate is an honoured member. Choate says, page one, of his brief: “The relief demanded in the action as in all actions for conversion, is not return of the plaintiff-in-error’s property to him, but a judgment for damages, which would necessarily be measured by the value of the property now in the committee’s hands, and a judgment in favor of the plaintiff would *vest defendant, personally with title to the property in hand at the time of the alleged conversion, at the same time charging him with damages which would probably be much more or much less than the property’s present value.*”

The action can have no direct effect upon the very much larger amount of property which has come into the committee’s hands since it was commenced.” Did anybody ever hear the like? One would suppose that no such thing as the Maxim, “*There is no wrong without a remedy*” existed, and had existed since the beginning of the Common Law. One would suppose that only *one cut and dried method for achieving a given end existed in law.* Lastly, one would suppose that the hoary old and venerated maxim: “Equity follows the law,” did not exist. Let us hear Judge Holt from the bench on the subject once more. Page 148, Transcript of Record. [The Court.] “I suppose Mr. Sherman knows what property he has in hand. *If the plaintiff is entitled to recover at all, he is entitled to recover all he has, I take it.*”

In closing this appalling spectacle of the abysmal depravity of the New York County Bar, we shall not refrain from observing that the reformation of the Bar and Bench suggested by “Hugh Stutfield”—not to mention the revolution hinted at by him—receives added weight thereby.

“Who’s Looney Now?” has proved himself—during a combat with the State of New York and her courts of now in its nineteenth year—the possessor of that ancient military virtue—presumably inherited from his military ancestors—known as fertility of resource.

For instance. Supposing that Choate and Sherman are able to hoodwink and bamboozle the New York Courts—both State and Federal—as they have been eminently successful in doing for nineteen years—there still remains the United States Supreme Court.†

Furthermore. Supposing them successful in that august quarter there yet remains this salient fact. To wit: “Who’s Looney Now?” is the Paris Prize Fund: in the ratio of twenty-eight thousand five hundred, to thirteen thousand five hundred.†† The latter insignificant sum—

†In which our appeal in *Chaloner against Sherman* was filed April 30, 1915.

††Or—as aforesaid—with over twenty years’ interest—as about seventy-five thousand dollars is to about twenty-five.

when compared with thirty-eight thousand five hundred—is all that was subscribed by outside Art Patrons†††—the large sum represents “Who’s Looney Now’s?” benefaction. So far so good. Now if a hood-winked and bamboozled Court—or long chain of Courts—both State and Federal—permits this scandal—permits Choate and Sherman, for their own nefarious dishonest and frankly thievish ends to disintegrate and destroy the powerful Paris Prize Scholarship, and allow Art Students to be robbed for the benefit of said two Wall Street Attorneys, Choate and Sherman—why in that amusing travesty of justice this will take place. When “Who’s Looney Now?” dislodges the said distinguished gentlemen from their seat on his strong box, and forces them to disgorge—through the courts, their overcharges, and sundry other little acts in financial matters—then “Who’s Looney Now?” will announce in the papers that he is about to remove the “Paris Prize Fund” from New York, on the ground, that said successful thievish assault on Educational Funds, has proved Gotham an unhealthy locality for Educational Funds, and that he will set up the Lares and Penates of the Paris Prize in Washington, D. C., *where it can be under the protection of the National Legislature rather than under that of the New York Courts.*

Thereupon he will add to the one hundred or two hundred thousand dollar damage suit he proposes to bring against the two chief Petitioners, namely, Messrs. Winthrop Astor Chanler and Ex-Lieutenant Governor Lewis Stuyvesant Chanler—the said thirty-eight†††† thousand five hundred scattered to the four winds of heaven by the aforesaid sage action of the said Courts. The said one hundred and fifty to two hundred thousand damage suit is merely to recover the actual moneys disbursed by “Who’s Looney Now?” in lawyer’s, alien-est’s, neurologist’s and psychologist’s fees—amounting roughly to some fifty to seventy-five thousand dollars—to which must be added the twenty thousand dollars taken from “Who’s Looney Now?” by “Bloom-ingle,” the twenty thousand dollars paid Evarts, Choate and Sherman for legal expenses, and the annual four thousand dollars taken by those distinguished members of the Episcopal Church and of the eminent Bishop Greer’s See—said Choate and Sherman—from the well lined coffers of “Who’s Looney Now?” together with whatever other *actual disbursements*—not damages for loss of happiness or injury to business interests through the near-criminal mismanagement of Choate and Sherman—but *actual disbursements made by* “Who’s Looney Now?” for moneys caused to be spent by him, and covered by vouchers and receipts—through the Hellish injustice and barbarous unnatural sordid greed of said two Chanlers for his million and a half—backed up by

†††† Except the two thousand dollars subscribed by Arthur Astor Carey aforesaid.

†††† Now amounting to about seventy-five thousand as above described.

their venomous viperish jealousy, spite and malice—in which noble aim said gentlemen were supported by the entire Chanler family, male and female. We fancy no jury will refuse to do us the above bare justice.

So—in time—like a Phoenix from its ashes will arise the “Paris Prize.”

Since writing the above—and while “Robbery Under Law” is going through the press—the complaint of Thomas T. Sherman *in re* the Paris Prize Fund has reached us, together with the reply so earnestly desired by us from his attorney Joseph H. Choate, Jr. We insert said complaint, followed by said reply.

In re THE PARIS PRIZE

NEW YORK SUPREME COURT.
COUNTY OF NEW YORK.

THOMAS T. SHERMAN, as Committee of the person
and property of John Armstrong Chaloner, etc., Plaintiff,
against
BANKERS TRUST COMPANY, and others, Defendants.

Copy.

SUMMONS AND COMPLAINT.

EVARTS, CHOATE & SHERMAN,
Plaintiff's Attorneys,
60 Wall Street,
City of New York.

NEW YORK SUPREME COURT.
COUNTY OF NEW YORK.

Thomas T. Sherman, as Committee of the person and
property of John Armstrong Chaloner, an incompetent
Person, Plaintiff,
against
Bankers Trust Company, United States Trust Company
of New York, Elizabeth Winthrop Chapman, William
Waldorf Astor, Warren Delano, Junior, as surviving ex-
ecutor of the will of Laura Astor Delano, deceased, Alice
G. Vanderbilt, William K. Vanderbilt, Alfred G. Vander-
bilt, Reginald C. Vanderbilt and Chauncey M. Depew, as
surviving executors of the will of Cornelius Vanderbilt,
deceased, Arthur Astor Carey, individually and as execu-
tor of the will of Henry R. A. Carey, deceased, James
R. Roosevelt and Douglas Robinson, as surviving execu-
tors of the will of William Astor, deceased, and the At-
torney General of the State of New York, Defendants.

} Summons

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated, New York, April 8, 1915.

EVARTS, CHOATE & SHERMAN,
Attorneys for Plaintiff,
Office and Postoffice Address,
No. 60 Wall Street,
Borough of Manhattan,
City of New York, N. Y.

NEW YORK SUPREME COURT.
COUNTY OF NEW YORK.

Thomas T. Sherman, as Committee of the person and property of John Armstrong Chaloner, an incompetent Person,

Plaintiff,

against

Bankers Trust Company, United States Trust Company of New York, Elizabeth Winthrop Chapman, William Waldorf Astor, Warren Delano, Junior, as surviving executor of the will of Laura Astor Delano, deceased, Alice G. Vanderbilt, William K. Vanderbilt, Alfred G. Vanderbilt, Reginald C. Vanderbilt and Chauncey M. Depew, as surviving executors of the will of Cornelius Vanderbilt, deceased, Arthur Astor Carey, individually and as executor of the will of Henry R. A. Carey, deceased, James R. Roosevelt and Douglas Robinson, as surviving executors of the will of William Astor, deceased, and the Attorney General of the State of New York,

Complaint

Defendants.

Thomas T. Sherman, as Committee of the person and property of John Armstrong Chaloner, an incompetent person, plaintiff in the above entitled action, by Evarts, Choate & Sherman, his attorneys therein, complains of the defendants in said action above named, and thereupon states and alleges, upon information and belief, as follows:

First. Each of the defendants Bankers Trust Company and United States Trust Company of New York is a domestic corporation.

Second. By order or judgment of this Court duly made and entered in the office of the Clerk of the County of New York on June 23, 1899,

upon inquisition duly had, the said John Armstrong Chaloner was duly adjudged to be incompetent to manage himself or his property, and Prescott Hall Butler was appointed Committee of his person and property. The said Prescott Hall Butler duly qualified and acted as such Committee until by order of this Court duly made and entered on November 19, 1901, in the office of said clerk, the resignation of said Prescott Hall Butler as such Committee was accepted, and the plaintiff herein was duly appointed, and he duly qualified as, and has ever since been and now is, the Committee of the person and property of the said John Armstrong Chaloner.

Third. In or about the year 1890, the said John Armstrong Chaloner, for the purpose of encouraging and fostering the study of art by men and women residing in the United States, by providing those sufficiently qualified, and in need of such financial aid, with the means of studying abroad, devised a plan or scheme as hereinafter set forth, and declared the same, and thereupon and to that end he himself contributed the sum of \$14,000 and obtained from other American art patrons contributions as follows: From the defendant Arthur Astor Carey, or from Henry R. A. Carey, since deceased, 327 shares of the capital stock of the Morris and Essex Railroad Company, of the par value of \$16,350,[†] and from said Henry R. A. Carey the sum of \$5,000; from the defendant Elizabeth Winthrop Chapman, the sum of \$1,000; from Laura Astor Delano, since deceased, the sum of \$1,000; from the defendant, William Waldorf Astor, the sum of \$1,500; from William Astor, since deceased, the sum of \$2,500; and from Cornelius Vanderbilt, since deceased, the sum of \$2,500. The sums of money so contributed, aggregating \$27,500, he invested in \$25,000 in amount at par of the second mortgage five per cent. bonds of the Beech Creek Railroad Company, and he thereupon deposited the said stock and bonds with the defendant United States Trust Company of New York, in the name of the "Paris Prize Fund," and made and delivered to the said Trust Company a written statement to the effect that he had made such deposit with it in the name of the "Paris Prize Fund," instead of in his individual name, for the reason, that while he had full and absolute control of said stock and bonds, and was responsible therefor, he nevertheless preferred to keep them separate from his personal account until he should feel justified in organizing a corporation for the purpose of advancing his Art Scheme, when they would be transferred to such corporation.

Fourth. The said plan or scheme, as conceived and declared by Mr. Chaloner, and for the accomplishment of which the said contributions were made, was to create a fund, and to invest the same, and from the income thereof to establish a Prize, to be known as the "Paris Prize," each Prize to consist of \$4,500, paid at the rate of \$900 a year

[†]But so far above par as to be worth twenty-five thousand dollars.—J. A. C.

for five years, or such other amount as should be determined upon as proper, for the support of an art student in the study of drawing, painting and decoration in Paris in France and other foreign art centres; and also from such income to pay the expenses incident to the carrying out of said plan and such amounts as might be advisable for its promotion and success. The Prize was to be awarded by a competent jury as the result of competition among the applicants, and to be open alike to men and women, but only to those students really in need of financial aid to carry on their art studies abroad. Each student receiving the Prize was to be required to do at least two years' work in Paris, after which, if he should so desire and the said jury should consider him sufficiently advanced, he was to be permitted to work elsewhere abroad. In order to secure the permanency of the said plan a corporation was to be formed, to be named the "Paris Prize," for the purpose of executing the same, to which corporation the said fund was to be transferred.

Fifth. The said fund was received and deposited by Mr. Chaloner as aforesaid, subject to the charitable and educational trust as thus generally declared. This meritorious and practically helpful charity having been conceived by himself, and the contributions for the attainment thereof having been secured entirely by his own effort, it was understood by the said contributors and by Mr. Chaloner that he held the said fund as sole trustee, and with power, subject to the said trust, to control the said fund, and himself in his discretion to decide upon further details of said plan, and to apply the income of said fund in accordance with such decision. Mr. Chaloner worked out the said plan in further detail. He decided that it was advisable to establish the Prize only in the City of New York, to be open, however, to any American art student, without restriction as to residence, who should not have received a Medal or Honorable Mention in any foreign Art Exhibition or Salon, and that the Prize should be awarded every second year, experience having proven that, until the standard of art study in the United States should be raised, the supply of art students of the strength demanded by the Prize was not large enough to warrant the holding of an annual competition and sending an art student abroad every year. He arranged for a preliminary competition, ten candidates from such preliminary competition to be selected, by a jury composed as hereinafter stated, for the final competition for the said Paris Prize, and also for a monthly competition, the winner each month to be awarded \$25, the work submitted to consist alternately of composition, drawing and painting, the object of which was to raise the standard of the Paris Prize competitions, to which the monthly competitions were to be the only avenue of entrance, as those only who should win a prize or honorable mention in such monthly competitions were to be eligible for the Paris Prize preliminary competition, and with the further object of bringing together in monthly tests the work of the representative students in the leading art schools

of the United States and to raise the standard in such art schools, and to create and nourish an equal interest in composition, painting and drawing. These monthly competitions were called by Mr. Chaloner the "Paris Prize Concours," and they were to be decided by a jury of competent artists who should consent to act. The jury designated by Mr. Chaloner for the Paris Prize preliminary and final competitions was to consist of the following persons:

The President of the National Academy of Design.

The President of the Society of American Artists.

The President of the Metropolitan Museum of Art.

The President of the Art Students' League.

Three artists, members of the National Academy of Design, chosen by said Academy.

Three artists, members of the Society of American Artists, chosen by said Society.

One artist to represent the Pratt Institute.

Two artists to represent the Paris Prize.

If no candidate of sufficient ability, in the opinion of the jury, should appear, no Prize was to be awarded that year, nor until the next regular biennial competition. The work of the Prize winner in Paris was to be supervised by an artist residing there, and the student was to agree to send home to the jury, at the end of each year, specimens of his or her work signed by the master under whom he or she had worked. If the work should fail below the standard required by the jury, the jury should, after assuring themselves that it was not merely a temporary fluctuation in the student's work, warn him or her that unless the work should reach the required standard during the following year, the Prize would then be withdrawn, and a new competition held. The aforesaid details of the plan, as worked out by Mr. Chaloner, are here stated as indicating an apparently wise and practical way of carrying out the trust as generally declared as aforesaid, and the possibility of executing it by a trustee or trustees appointed by the Court, or by a corporation formed for that purpose to which such trustee or trustees might convey the said trust property.

Sixth. In or about the month of February, 1897, the said John Armstrong Chaloner executed and delivered to Stanford White and Augustus St. Gaudens powers of attorney for the purpose of enabling them to collect the income and dividends of the said trust fund, and to apply them to the purposes of the said trust. Prior to said last mentioned date Mr. Chaloner had applied certain of the income arising from the said trust fund and further sums contributed by himself, for the support of a student sent abroad in pursuance of said plan, and there remained, in May, 1898, of the income derived from the said stock and bonds and unexpended for the purposes of said trust, the sum of \$2,579.34 in the hands of said United States Trust Company, and \$218.77 in the hands of Chaloner and Philip, Mr. Chaloner's law

firm. By virtue of said powers of attorney the said Stanford White or Augustus St. Gaudens collected said sums of income, and thereafter deposited with The Mercantile Trust Company, in an account to the credit of "Augustus St. Gaudens or Stanford White," the said sums, and further interest and dividends derived from the said stock and bonds, as follows:

May 6, 1897, said sum of.....	\$2,579 34
May 7, 1897, said sum of.....	218 77
April 14, 1898, interest for one year on said \$25,000 Beech Creek R. R. Co. 5% bonds collected by United States Trust Co., less \$75 commissions of said company	1,175 00
May 24, 1899, interest for one year on said bonds, collected by United States Trust Co., less \$75 commissions of said company.....	1,175 00
July, 1897, dividends for eight years on said 327 shares to (\$50 each) of Morris and Essex R. R. Co.,	
Jan., 1905, at 7%	9,156 00
Ang. 24, 1899, a deposit of cash received from John Armstrong Chaloner2 00
	<hr/>
Total deposits	\$14,306 11

The said attorneys withdrew from said account for the support of a student, one Lawton S. Parker, sent abroad pursuant to the said trust plan, and for expenses of the said trust, certain sums as follows:

May 6, 1897, Lawton S. Parker (draft).....	\$ 450 00
Sep. 16, " " " "	450 00
Dec. 10, 1897, De Vinne & Co., for printing.....	10 20
May 16, 1898, Lawton S. Parker (draft).....	450 00
Oct. 26, " " " "	450 00
May 23, 1899, " " " "	450 00
Oct. 23, " " " "	450 00
Feb. 9, 1900, " " " "	450 00
Sep. 22, " " " "	450 00
May 29, 1901, " " " "	450 00
	<hr/>
Total withdrawals	\$ 4,060 20

leaving a balance of cash in said account, exclusive of interest, of \$10,245 91

Thereafter, on June 19, 1905, the said Stanford White no longer desiring to act at attorney as aforesaid, the said account in The Mercantile Trust Company was transferred to the credit of "Augustus St. Gaudens or Charles F. McKim." On September 10, 1907, the said

Mercantile Trust Company rendered to the plaintiff herein at his request a statement of said account, which statement showed the deposits therein and withdrawals therefrom to be as hereinbefore set forth, and that said company had credited interest upon the balance in said account, to September 10, 1907, in the amount of...\$ 1,712 25 and that the amount standing to the credit of said account on September 10, 1907, was..... \$11,958 16

The said Mercantile Trust Company was thereafter merged into or consolidated with the defendant Bankers Trust Company, and the said Bankers Trust Company received the said deposits and took over the said account and assumed all of the obligations of the said Mercantile Trust Company in respect thereto. Each of the said Stanford White, Augustus St. Gaudens and Charles F. McKim is now deceased. No withdrawals have been made from said account except as hereinbefore set forth, and the said sum of \$11,958.16, together with interest at the rate allowed by the said companies upon deposits of like amount, up to the time when the said deposits shall be withdrawn by the person or persons authorized thereto by judgment of this Court, is and will be due from the said Bankers Trust Company upon the said account. The said Bankers Trust Company at the request of the plaintiff herein, has stated to him that the balance of cash on deposit with it to the credit of said account, with accrued interest to December 31, 1914, amounts to \$14,494.59.

Seventh. By virtue of said power of attorney, the said Stanford White received from the Morris and Essex Railroad Company the dividends at the rate of seven per cent. per annum declared by said company on the said 327 shares of its capital stock, payable in July, 1905, and in January, 1906, amounting to \$1,144.50, and delivered the said sum to the plaintiff herein, and the said plaintiff in his name as Committee as aforesaid, on January 16, 1906, deposited the said sum of \$1,144.50 to the credit of an account with The Farmers' Loan and Trust Company, at interest, and received and holds a certificate for such deposit, and the said sum, together with interest to the time when the said deposit shall be withdrawn by the person or persons authorized thereto by judgment of this Court; is and will be due from The Farmers' Loan and Trust Company upon the said account.

Eighth. Since the said payment of January, 1906, no dividends have been paid by the Morris and Essex Railroad Company upon the said 327 shares of its capital stock, although dividends at the rate of seven per cent. per annum have been in each year declared and are payable upon the said shares of stock. The dividends declared upon the said shares of stock and withheld by the said railroad company, including the dividend payable in January, 1915, amount to \$9,728.25, and the said sum, together with such further dividends as may be declared and payable upon the said shares of stock, to the time when the said dividends shall be paid to the person or persons authorized thereto by judgment of this Court, is and will be due upon the said shares of stock from the Morris and Essex Railroad Company.

Ninth. Since the aforesaid withdrawals by Stanford White and Augustus St. Gaudens from the defendant United States Trust Company, no withdrawals have been made from the said "Paris Prize Fund" account, and the said United States Trust Company continues to hold the said stock and bonds to the credit of the said account, and to collect the interest on the said bonds as the same becomes payable, and to credit interest upon the cash balance of said account. The said stock and bonds, together with the interest so collected and credited to the time when the said account shall be withdrawn by the person or persons authorized thereto by judgment of this Court, less the proper commissions for the collection of interest on said bonds, is and will be due from the said United States Trust Company upon the said account. The said United States Trust Company, at the request of the plaintiff herein, stated to him on January 11, 1915, that the cash balance to the credit of said account, in addition to said stock and bonds, amounted to \$21,898.13, bearing interest at the rate of two and one-half per cent. per annum.†

Tenth. The said Laura Astor Delano died June 15, 1902, leaving a will which was duly proved before and admitted to probate by the Surrogates' Court of the County of New York, to which court jurisdiction in that behalf appertained, and thereafter letters testamentary under said will were duly issued by the said Surrogates' Court to the defendant Warren Delano, Junior, and to others since deceased, and the said Warren Delano, Junior, is the sole surviving executor of said will.

Eleventh. The said Cornelius Vanderbilt died September 12, 1899, leaving a will which was duly proved before and admitted to probate by the Surrogates' Court of the County of New York, to which court jurisdiction in that behalf appertained, and thereafter letters testamentary under said will were duly issued by the said Surrogates' Court to Edward V. W. Rossiter, since deceased, and to the defendants Alice G. Vanderbilt, William K. Vanderbilt, Alfred G. Vanderbilt, Reginald C. Vanderbilt and Chauncey M. Depew, who are the only surviving executors of said will.

Twelfth. The said Henry R. A. Carey died April 29, 1895, leaving a will which was duly proved before and admitted to probate by the Probate Court of the City of Newport in the State of Rhode Island, to which court jurisdiction in that behalf appertained, and thereafter letters testamentary under said will were duly issued by the said Probate Court to the defendant Arthur Astor Carey, who is the sole executor of said will.

Thirteenth. The said William Astor died April 25, 1892, leaving a will which was duly proved before and admitted to probate by the

†Adding up the assets of the "Paris Prize Fund" will show that said Fund amounted to some ninety-six thousand dollars on January 11th last. And by January 11th next will amount to some hundred thousand dollars.—J. A. C.

Surrogates' Court of the County of New York, to which court jurisdiction in that behalf appertained, and letters testamentary under said will were duly issued by the said Surrogates' Court to the executors named therein. Thereafter, in accordance with the provisions of said will in that behalf, other executors thereof were duly appointed and have acted as such, including the defendants James R. Roosevelt and Douglas Robinson, who are the only surviving executors of said will.

Fourteenth. The Attorney General of the State of New York is made a party to this action as representing the beneficiaries of said trust, pursuant to the provisions of Section 12 of the Personal Property Law; and the contributors and the representatives of the deceased contributors to said fund are made parties hereto for the purpose of determining their rights, if any, in the said fund and the moneys derived therefrom, in the event that the said trust shall not be declared, established or enforced.

Fifteenth. The said defendant Bankers Trust Company has recently called the attention of the plaintiff to the fact that the interest on the moneys deposited with it as aforesaid is accumulating, and that no person claims the right to withdraw the said deposits, and has stated to the plaintiff that if he would not bring an action for the appointment of a trustee or trustees authorized to receive the said deposits, the said Trust Company would itself institute an action or proceeding for the appointment of a trustee of the moneys due upon the said account. The plaintiff herein, as Committee as aforesaid, has annually filed as required by law his inventory and account in the office of the Clerk of the County of New York, and has included in said account a brief statement in respect to said "Paris Prize Fund," and a statement of the sum received by him and deposited with The Farmers' Loan and Trust Company as aforesaid. Pursuant to an order of the Presiding Justice of the Appellate Division of the Supreme Court, First Department, dated February 28, 1911, and filed in the office of the Clerk of said Appellate Division on March 3, 1911, by which order Lyttleton Fox, Esq., was appointed Referee to examine the inventories and accounts filed or required to be filed in the office of the Clerk of the County of New York, in accordance with Section 2341 of the Code of Civil Procedure, by the Committees of the person and property of incompetent persons, since the first day of February, 1910, and whereby he was also directed to examine the inventories and accounts of such Committees filed or required to be filed during the month of January in each year subsequent to the year 1898, in the said County Clerk's office which had not previously been examined or judicially settled, and to make his report upon said inventories and accounts with his opinion in each case, the said Referee, after a hearing upon and examination of the accounts of the plaintiff as such Committee so filed as aforesaid on January 31, 1910, and on January 31, 1911, covering the period from January 30, 1909, to Janu-

ary 31, 1911, by his report dated December 27, 1911, reported, among other things, that the plaintiff herein, as Committee as aforesaid "should be directed to take such immediate steps as he shall be advised by counsel as proper and necessary for the purpose of ascertaining the rights of the incompetent in the fund heretofore mentioned and described as the 'Paris Prize Fund,' and in the income thereof, and of reducing to possession such part, if any, of such fund and the income thereof, as shall be found to belong to the incompetent"; and by order of the said Presiding Justice of said Appellate Division, dated June 24, 1912, and filed in the office of the Clerk of said Appellate Division on June 25, 1912, the said report of said Referee was in all respects confirmed. The said fund and deposits and the dividends due as aforesaid have for a long time been accumulating without use either to the contributors or to the intended beneficiaries, and an action or proceeding such as is contemplated by the Bankers Trust Company for the appointment of a trustee of only such part of the moneys as is deposited with said company, would not fully determine the rights of the said contributors, nor the rights, powers and duties of the plaintiff as Committee in respect to the said fund and income. The plaintiff has advised with counsel as directed by said Referee's report and the said order confirming the same, and he has been advised that the said trust is probably valid as a charitable trust, and that in order to determine the interest, if any, of the said incompetent, and his own rights, powers and duties as Committee, in the premises, he should institute this action for the purpose of having the said trust established and enforced, if the same is enforceable, and of determining the respective rights, if any, of the parties hereto, in the premises.

Wherefore, the plaintiff demands judgment that the said trust be judicially declared, established and enforced in accordance with the aforesaid declaration of trust, or, with the consent of the survivors of the said contributors, in such manner as in the judgment of the Court will most effectually accomplish the general purpose for which the said contributions were made, and that a trustee or trustees of said trust be appointed, with power and authority to execute the said trust and to receive, collect and hold the said fund, deposits, stock, bonds, and the moneys and interest derived therefrom and due thereon as aforesaid, and that title thereto be vested in the said trustee or trustees subject to the trust as so declared; and that the said trustee or trustees be authorized, empowered and directed, if and when he or they shall deem it advisable, to cause a corporation to be formed under the Membership Corporations Law for the purpose of executing said trust and for that purpose to select five or more persons to become incorporators of such corporation, who shall make, acknowledge and file a certificate of incorporation thereof, according to the provisions of law in that behalf, such certificate not to be filed without the written approval of a justice of this Court en-

dorsed thereupon or annexed thereto, and to convey, transfer and deliver the said trust property to such corporation; or if the said trust be not so established and enforced, that the rights of the parties hereto in and to the said fund and moneys, and the rights, powers and duties of the plaintiff as Committee as aforesaid in respect thereto, be determined, declared and adjudged; that the costs of the plaintiff in this action be paid out of the said fund, and that the plaintiff have such other or further judgment, order or relief in the premises as to the Court may seem meet.

EVARTS, CHOATE & SHERMAN,
Attorneys for Plaintiff.

STATE OF NEW YORK, }
County of New York, } ss.:

Thomas T. Sherman, being duly sworn, deposes and says: that he is the plaintiff in the above-entitled action; that he has read the foregoing complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

THOS. T. SHERMAN.

Sworn to before me this }
8th day of April, 1915. }

WM. R. MONTGOMERY,
Notary Public, Queens County,
Certificate filed in New York County.

EVARTS, CHOATE & SHERMAN.

Allen W. Evarts,
Thomas T. Sherman,
Herbert J. Bickford,
Joseph H. Choate, Jr.

Cable Address "Evarts," New York.

Telephone 6890 Hanover.

JOSEPH H. CHOATE,
Counsel.

60 WALL STREET, NEW YORK,
April 5, 1915.

John Armstrong Chaloner, Esq.,
Merry Mills,
Cobham, Virginia.

Dear Mr. Chaloner:—

I have your letter of March 19th and will return the enclosures in a short time.

I think you have misunderstood the situation. As you will see from the complaint, a copy of which I enclose, the sole purpose of the suit is to secure the carrying out of your plan as originally stated by you.

I note that you consider the present an inappropriate time for this proceeding but for the reasons stated in my letter of February 8th to Mr. Money,† it is necessary to proceed within a short time.

I have also considered your suggestion that the Court be asked to order the Bankers Trust Company to turn the money over to the United States Trust Company to be held with the rest of the fund. I am satisfied, however, that this could not be done in such a manner as to dispose of the objections of the Bankers Trust Company.

Yours very truly,

JOSEPH H. CHOATE, JR.

J. H. C., JR.

(Copy.)

†The member of our office force above referred to as having been written to—in the premises—by Joseph H. Choate, Jr.

“BRER FOX AND BRER RABBIT.”

An examination of the above two interesting documents sheds a bright light upon the dark lantern methods of Messrs. Thomas T. Sherman and his eminent legal adviser, Joseph H. Choate, Jr.

We shall first consider the Complaint.

The first thing that strikes the observer therein, is that the *actual value of the Morris and Essex stock is disguised*, by giving in its place the *par value thereof—which par value is some nine thousand dollars below its actual value*. This, naturally indicates a desire upon the part of Messrs. Sherman and Choate to avoid stating the really formidable sum represented by the Paris Prize—which sum is jeopardized by their aforesaid nefarious methods in the premises.

Furthermore said conclusion is strengthened by the fact that said gentlemen studiously avoid stating the total value of the Prize which is—or will in six months—by which time the interest thereon will have accrued, thus be worth some *one hundred thousand dollars*.

The next thing that strikes the observer is that Messrs. Sherman and Choate make haste to feather their nests at the very inception of said nefarious game, by the following statement—page 217 of said complaint—to wit: “that the costs of the plaintiff in this action be paid out of the said fund.”

This means a fat fee to Joseph H. Choate, Jr.—a fee anywhere, presumably, from one thousand dollars up—for bringing this nefarious “strike” suit.

The last thing that strikes the observer is that even Sherman and Choate admit that the Paris Prize is a creditable performance upon the part of “Who’s Looney Now?”

It may not be out of place to observe that the “Paris Prize” *concours* (or competitions) described on pages five and six of said Complaint—was conceived and committed to print in the month of December, 1896, by “Who’s Looney Now?” whereas this farcical conspiracy upon the part of the Chanler family to make out “Who’s Looney Now?” an “incompetent” by reason of hopeless lunacy, states in its Commitment Papers that “Who’s Looney Now?” began to be “looney” in *November, 1896*.

In closing the examination of the Complaint we shall draw the attention of the Newspapers to the salient fact, that this diabolical plot against the liberty, property, and happiness of an indisputably sane man—on the record of the conspirators—on the record of the

Proceedings brought by them in the New York Supreme Court—which *shows that the charges against the sanity of the plaintiff in Chaloner against Sherman were perjured*—and who merely hang on to his property in the desperate hope to win out on a flimsy, transparent, discreditable legal technicality—we shall draw the attention of the press to the salient fact that this plot has *not only* cost an upright—and on his record—as the Founder of a hundred thousand dollar Art Educational Scholarship—that this plot has *not only* robbed an upright and public-spirited citizen of—going on—nineteen years of the enjoyment of his good name and that of his large property—but that this diabolical and sordid plot *has robbed Art Education in the metropolis of this country—in which Education is the national aim—of thousands of dollars for years and years.*

The reason is not far to seek.

It was to the obvious advantage of the conspirators and their legal allies to sink from public view anything which could redound to the credit of "Who's Looney Now?" Therefore—though there were thousands of dollars rolling up as income from the *corpus* of the Paris Prize Fund, and though the scheme for the practical working thereof had sent two Paris Prizemen—each for five years—one after the other—to Paris—and was in full working order—yet and nevertheless the machinery of the Paris Prize was relentlessly clogged and shut down by the malevolent parties having control of the person and estate of "Who's Looney Now?" by grace of the learned and enlightened courts of New York.

Turning now to the examination of said letter from Mr. Joseph H. Choate, Jr.

We regret to have to state that "for ways that are dark, and for tricks that are vain, the heathen (Joe Choate) is peculiar."

The same we shall straightway explain.

He starts off, in said letter, with a most brazen false-statement, to begin with.

He has the gall to say to a lawyer: "I think you have misunderstood the situation. As you will see from the Complaint—the sole purpose of the suit is to secure the carrying out of your plan as originally stated by you."

If the reader will now turn to the top of page 217 of said Complaint, he will find the following sinister words staring him in the face. To wit: "or if the said trust be not so established and enforced, that the rights of the parties hereto in and to the said fund and moneys, and the rights, powers and duties of the plaintiff as committee as aforesaid in respect thereto, be determined, declared and adjudged."

Being interpreted said Delphic utterance means—in the identical language of Mr. Joseph H. Choate, Jr., himself as set forth in his said letter to Mr. Money—of our office—under date February 8, 1915—"its return to the subscribers."

It is an old and revered proverb which says—"a liar should have a good memory." Evidently a powerful memory is not to be found among Mr. Joseph H. Choate, Jr.'s mental assets. For how otherwise could he have the gall to say—as he does—"the sole purpose of the suit is to secure the carrying out of your plan as originally stated by you"—when, only two short months prior thereto, he had been frank to say in said letter to Mr. Money: "In such an action the court can dispose of the Fund—by directing its return to the subscribers." *In a word—by its total and complete destruction!* Comment would be a work of supererogation.

"Who's Looney Now?" being a lawyer, at once penetrated the dangers surrounding the work—now a quarter of a century old—of his hands; and straightway wrote the long—and sufficiently frank—letter to Mr. Joseph H. Choate, Jr., given above, pointing out said dangers.

But when it is borne in mind that Mr. Sherman claims—as aforesaid—in said brief that "Who's Looney Now's?" property *vests in him—Sherman—in other and less technical words—becomes the property of Mr. Sherman*—a bright light is immediately shed upon the said dark lantern methods of Messrs. Sherman and Choate anent the Paris Prize.

For "Who's Looney Now's?" subscription thereto—as aforesaid—now amounts to the formidable sum of some *seventy-five thousand dollars*; which seventy-five thousand dollars—upon its "return to the subscribers"—as engagingly frankly outlined by Mr. Choate—*which seventy-five thousand dollars would revert to Mr. Sherman upon his charming hypothesis aforesaid that all "Who's Looney Now's?" property vests in him—Mr. Sherman!*

Mr. Choate continues. "I note that you consider the present an inappropriate time for this proceeding, but for the reasons stated in my letter of February 8th to Mr. Money, it is necessary to proceed within a short time."

How redolent said sentences is of guile! It fairly reeks therewith.

In our said letter to Mr. Choate it was not the *time* of bringing before the court the question of saying where the said income-increment held by the Bankers Trust Company should go, that exercised us; but the *manner* in which said question was *put before the court*. Not the settling of that subsidiary and insignificant side issue—subsidiary and insignificant when the amount involved is compared with the amount originally placed by ourselves in the United States Trust Company—not that, *but the criminally culpable act of jeopardizing the very existence of the hundred thousand dollar Paris Prize Fund, by the manner in which a question regarding the disposal of some ten thousand or more dollars of its income was wittingly, wilfully—and after full and fair warning of the dangers accruing to the Fund thereby—had been duly given in our above letter to Mr. Choate—was allowed to go before the court.*

Mr. Choate concludes his interesting epistle as follows: "I have also considered your suggestion that the Court be asked to order the Bankers Trust Company to turn the money over to the United States Trust Company to be held with the rest of the Fund. I am satisfied, however, that this could not be done in such a manner as to dispose of the objections of the Bankers Trust Company."

All we have to say in reply to that amazing statement is that if Mr. Choate is so satisfied, no honest and learned lawyer cognizant of the facts at issue *could* be, what earthly objections could the Bankers Trust Company—or any honest Trust Company—*possibly, rightly*, have to returning an income-account to the keeping of the Trust Company which for years—twenty-five years, no less—had guarded the parent Fund, from which said interest account had sprung, as faithfully and well as had the United States Trust Company?

Certainly *no* objection—unless said Bankers Trust Company intended to hang onto the said interest-increment account, *possibly* until it absorbed the United States Trust Company, as it had absorbed the Trust Company originally holding said interest-increment account. Which—when one bears in mind the age, wealth, and deserved fame of the United States Trust Company—when weighed with that of the Bankers Trust Company—strikes us as about as likely as that the tail should absorb the dog.

We are forced to the conclusion—bearing in mind all the unscrupulous acts of Messrs. Choate and Sherman in their long career of questionable practice—to use no harsher term—to blacken the character of "Who's Looney Now?" in the eyes of the public, in order that they may avenge themselves on him for showing them up in "Four Years Behind The Bars"—avenge "Bloomingdale" on him for the same cause—and, lastly, hang onto his million and a half, and shave four thousand dollars therefrom annually—not counting extra fees, commissions, legal fees, et cetera, and so forth—we are forced to the inevitable conclusion, that said suit is nothing more than a suit *engineered by Messrs. Choate and Sherman*, who have induced—by what means we know not—the said Bankers Trust Company to *threaten* to bring a suit disastrous in its consequences as aforesaid—to the welfare—the very life—of the Paris Prize. For two reasons.

First. For the reason of avarice. For the reason set forth above that they claim that "Who's Looney Now's?" property belongs to Mr. Sherman, and by said "strike" suit *the Paris Prize may be destroyed and some seventy-five thousand dollars turned into the yawning pockets of Mr. Thomas T. Sherman.*

Second. For reasons of spite. They know that their days are numbered—now that the appeal in *Chaloner against Sherman* is filed in the Supreme Court of the United States—as "custodians" of "Who's Looney Now's?" million and a half. They know—for we have been at pains to show them in our brief—that the United States Supreme Court has decided in *Windsor versus McVeigh*, *United States Reports*,

93—in which decision the great civil war Chief Justice—Chief Justice Waite concurred—as well as in *Simon versus Craft, United States Reports*, 182, in which case the opinion of the court was written by the present Mr. Chief Justice White, before he became Chief Justice, that it was decided specifically that notice of the proceedings against a party to a suit, as well as opportunity to appear and be heard in defence to the same, were absolutely and unequivocally essential to due process of law. The language of the court in the former suit was—pages 277-8 “Until notice is given, the court has no jurisdiction in any case to proceed to judgment, *whatever its authority may be, by the law of its organization, over the subject matter.* But notice is only for the purpose of affording the party an opportunity of being heard upon the claim or the charges made. It is a summons to him to appear and to speak, if he has anything to say, why judgment sought should not be rendered. *A denial to a party of the benefit of a notice would be in effect to deny that he is entitled to notice at all, and the sham and deceptive proceedings had better be omitted altogether.*” And again at page 278: “The law is and always has been that whenever notice or citation is required the party cited has the *right to appear and be heard*; and when the latter is denied (*note the distinction between notice and opportunity*) the former is *ineffectual for any purpose.* The denial to a party in such a case of a right to appear is in legal effect the recall of the citation to him.”

In *Simon versus Craft* aforesaid, the court said, “The essential elements of due process of law are notice, and opportunity to defend.”

Now the Commitment Papers—on file in the New York Supreme Court—show that in the Committing Proceedings, when the plaintiff in *Chaloner against Sherman* was arrested in 1897 and imprisoned in “Bloomingdale”—*specifically state on their face that no notice of said Proceedings was given said plaintiff.*

The reason given being *that he was so dangerous an individual that notice to him would be accompanied by grave danger!*

Now the record of the Proceedings in 1899 before a Commission In Lunacy and Sheriff’s Jury—also on file in the same court—shows that the plaintiff in *Chaloner against Sherman* was in bed with an *affectation of the spine at the time of said Proceedings—had been in bed with the same trouble for three weeks previous thereto* and had sent word to said Commission and Sheriff’s Jury—by Dr. Samuel B. Lyon—the medical Superintendent of “Bloomingdale” at said time—that he was *unable to be present at said Proceedings owing to his said illness.*

In spite of which, said Commission and said Jury went right ahead and—although the liberty and happiness of a law-abiding citizen was at stake—to say nothing of hundreds of thousands of dollars of valuable real estate—said Commission and said Jury *rushed the Proceedings through inside of about an hour and a half, and imprisoned the plaintiff for life without the least opportunity—as above indicated—to appear and be heard.*

Lastly. There is a third leading United States Supreme Court case that has an important bearing upon the interesting case of *Chaloner against Sherman*.

Said case is known as the *United States appt. versus Throckmorton*. United States Reports 98 (October term 1878): "Mr. Justice Miller said: *There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents and even judgments—in cases where, by reason of something done by the successful party to a suit, there was, in fact, no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practised on him by his opponent, as by keeping him away from court, a false promise of a compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff;—these, and similar cases which show that there has never been a real contest in the trial or hearing of the case, are reasons for which a new suit may be sustained to set aside and annul the former judgment or decree, and open the case for a new and a fair hearing.* In all these cases and many others which have been examined, relief has been granted, on the grounds that, by some fraud practised directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case to the court. On the other hand, the doctrine is equally well settled that the court will not set aside a judgment because it was founded on a fraudulent instrument, or perjured evidence, or for any matter *which was actually presented and considered in the judgment assailed.* Mr. Wells, in his very useful work on *Res Adjudicata*, says, sec. 499: "*Fraud vitiates everything, and a judgment, equally with a contract; that is, a judgment obtained directly by fraud*"—The principle and the distinction here taken *was laid down as long ago as the year 1702 by the Lord Keeper in the High Court of Chancery, in the case of Tovey v. Young, Proc. in Ch., 193.* This was a bill in chancery brought by an unsuccessful party to a suit at law, for a new trial, which was at that time a very common mode of obtaining a new trial. One of the grounds of the bill was, that complainant *had discovered since the trial was had* that the principal witness against him was a partner in interest with the other side.

The Lord Keeper said: "New matter may in some cases be ground for relief; but it must not be what was tried before; nor, when it consists in swearing only, will I ever grant a new trial, *unless it appears by deed, or writing, or that a witness, on whose testimony the verdict was given, were convict of perjury.*" As is conclusively proved by the originator of the said principle—namely the Lord Keeper—the perjury of a witness "*on whose testimony the verdict was given*" *must be discovered and charged not during but after the said trial.*

In other words, the perjury *must not have been known to be perjury*—and as perjury—to have been considered by the court *during said trial.* The perjured witness—in a word—gives his perjured testi-

mony, upon which "the verdict was given," without either the Court or the other side knowing *at the time of the trial* that same was perjured. Thereafter said discovery is made, and a new trial granted on the strength of the newly discovered perjury.

Mr. Choate attempts to show by this very case of *United States vs. Throckmorton* that provided a witness has perjured himself in a given trial—and no matter that *neither* the other side, *nor* the court, *knew at the time of said trial* that said witness was a perjured witness, yet nevertheless because the witness gave his said perjured testimony as aforesaid at said trial, that therefore the question of the perjury of said witness was *ipso facto* necessarily "actually presented and considered" in said trial *as perjury*. Whereas, the truth is, *the direct antithesis thereof!* Namely: That said perjury, not having been discovered at the time of said trial, it *could not* have been "*presented*" at said trial. Not having been "*presented*" it *necessarily could not* have been "*considered.*"

And *although neither the court nor the other side knew at the time of said trial* that it was perjury: that *therefore* when—*after said trial*—a new trial is sought upon the ground—*upon the totally new question*—of the perjury of said witness—that a new trial cannot be granted because the said perjury—*although unknown and unhinted at at said trial*—"was actually presented and considered" *at said trial!* when—in truth—it had been *neither one nor the OTHER.*

In other words—according to the mighty legal mental processes of Mr. Joseph H. Choate, Jr.—if a perjured witness—unbeknown to the court and other side—perjures himself at a given trial and "gets away with it"—*gets* the court and other side to believe it—that *therefore*—thereafter—when the other side catches up with the perjurer, and moves for a new trial—that—because the perjurer has—unbeknown to the court and other side—perjured himself successfully—which is to say, of course, without being caught—that—according to Mr. Choate—when said perjurer is "caught with the goods"—his crooked and slick work—*when discovered*—cannot be taken into consideration by the court—cannot be "considered"!

Let us hear Mr. Choate speak for himself on this interesting and elevating subject. We cite from page eleven of his brief, in *Chaloner against Sherman*, to the United States Circuit Court of Appeals for the Southern District of New York—New York City.

"An examination of the offers of evidence made by the plaintiff-in-error, the questions asked and excluded, and, indeed, of the excluded evidence itself, as it appears in the depositions which were marked for identification, will show that *the alleged fraud complained of consisted in the giving of testimony, alleged to be false, in the affidavits, upon which the commitment was had (in 1897) and in the evidence upon which the plaintiff was adjudged incompetent in 1899. The alleged conspiracy appears to have been a conspiracy of the relatives of the plaintiff-in-error to deceive the Court by such perjury into deciding*

as it did decide. Such fraud, however, if proved, is no basis for a collateral attack upon an adjudication. The question whether the testimony, given in support of one side of the case, is or is not true, is one of the questions necessarily adjudged in every litigation. In the case at bar the question whether the alleged perjurious testimony was true was necessarily adjudged by the Supreme Court of the State of New York in finding the plaintiff-in-error incompetent. This Court could not determine whether or not the testimony in question was perjured without trying over again the very same issue which the New York Supreme Court decided when it made the order complained of. In accordance with these principles it is well settled that the fact that a judgment is procured by false testimony does not open it to collateral attack. *U. S. v. Throckmorton*, 98 U. S., 61."

To conclude. The perjury of Mr. Winthrop Astor Chanler in the Commitment Proceedings in 1897, aforesaid, is proved upon him in the cross-examination of that gentleman, by our counsel, in a Deposition *de bene esse* given by Mr. Winthrop Astor Chanler in or about November, 1905—on file in the New York Supreme Court.

Said gentleman swore in said Commitment Proceedings—said Commitment Papers—that he had heard and seen the plaintiff in Chaloner against Sherman say and do irrational things at the said plaintiff's home in Virginia. Upon the strength of which false oath "the verdict was given," and the plaintiff lost his liberty and the control of, and enjoyment of his property for years and years. Whereas in said Proceedings in 1905, *de bene esse*, said gentleman admitted on the stand—under cross-examination—that he had never in his life been at, or in, said home of said plaintiff in Virginia!

The said leading cases of *Windsor versus McVeigh*; *Simon versus Craft*; and *United States versus Throckmorton*; therefore fit like a glove *Chaloner against Sherman*.

The first two prove that "notice," and "opportunity," are essential to due process of law.

The Commitment Papers show on their face that the plaintiff had no "notice," in said Proceedings in 1897.

The Record in the New York Supreme Court shows, on its face, that the plaintiff was physically incapacitated—was in bed with spinal trouble when the 1899 Proceedings were brought, and had been for three weeks before the 1899 Proceedings were brought—was incapacitated from taking a forty mile railway journey—twenty miles to New York and twenty miles back to White Plains where "Bloomingdale" is—to said Proceedings, before the Commission-In-Lunacy and Sheriff's Jury in 1899. Or, in other words, did not have an "opportunity," to appear and be heard—owing to illness—at said Proceedings.

The third proves: that a new trial may be had where "a witness, on whose testimony the verdict was given, was convict of perjury."

Mr. Winthrop Astor Chanler—"on whose testimony the verdict was given"—was—as above shown—"convict of perjury."

On said three cases hang all the Law and the Prophets in Chaloner against Sherman.

The above interesting testimony "Who's Looney Now?" and his battle scarred lawyers have been striving for years to get before the Federal court. But do what he and his lawyers may, the other side have been able, up to date, to stave off the day of reckoning and separate the court from the above testimony and other pieces of testimony fully as interesting. Now, however, that *Chaloner against Sherman* is on the high road to the Supreme Court of the United States "Who's Looney Now?" looks for a verdict supporting the learned decision in his favour rendered by Judges Lacombe, Coxe and Noyes of the United States Circuit Court of Appeals, sustaining his claim that he had a constitutional right to try his case of *Chaloner against Sherman* in the Federal courts. Nothing since said decision has occurred to shake "Who's Looney Now's?" faith therein. Ex-Judge Holt revolted and reversed the decision of his Appellate Court, the Federal Circuit Court of Appeals. For this "Who's Looney Now?" endeavored to get the learned Justice impeached at the hands of Congress. But before he could bring it to the attention of the Judiciary Committee of the House of Representatives Judge Holt resigned from the Bench.† He then appealed and Judge Lacombe—the President of the Court—being in Europe—Judge Mayer was allowed to sit in his place. The Bench consisted of Judges Coxe, Rogers and Mayer. Judge Mayer wrote the opinion of the Court sustaining Judge Holt in revolting against and reversing his Superior Court. *Now the interesting thing about said decision is that Judge Mayer is not a member of the United States Circuit Court of Appeals, but, on the contrary, comes from an Inferior Court, namely, the United States District Court. Therefore an inferior Judge is allowed to write the opinion of a Superior Court; by which said Superior Court is made to reverse itself; and, in so doing, is made to sustain the opinion of an Inferior Court which had had the audacity to reverse it!* Surely an interesting, not to say an amusing situation.

"*Revenous nous á nos moutons*": as saith the great Rabelais. "Let us return to our sheep"—our *black* sheep—Messrs. Choate and Sherman.

As we observed some distance back, there are two reasons—two moving motives—back of Messrs. Choate and Sherman's bringing said murderous action against the very life of the Paris Prize Fund.

The first has avarice as its main-spring.

The second spite.

On the strength of said three leading cases, said gentlemen are well aware that the United States Supreme Court will support our

†We do not desire to imply in the slightest degree that the learned Judge resigned "under fire." There was necessarily considerable delay in our said effort and considerable time elapsed between the decision of Judge Holt and his resignation aforesaid.

contention, that all proceedings against our sanity in the New York Supreme Court are null and void for want of due process of law. Being null and void they have no existence in law, and can be attacked—as we have attacked same—in a Federal Court, *without laying ourselves open to the charge of collateral attack against valid proceedings in a State Court*. As the United States Circuit Court of Appeals for the Southern District of New York—New York City—held in *Chaloner against Sherman*, 162 Federal Report (1908)—Judges Lacombe, Coxe and Noyes—in writing the opinion therein, the learned Judge Noyes said: “The Constitution of the United States vests in its judicial department, jurisdiction over controversies between citizens of different States. The petitioner (the plaintiff) as a citizen of the State of Virginia, in bringing his said suit in the Circuit Court (since changed to the District Court) of the United States, was availing himself of a right founded upon this constitutional provision. And he came into that Court with a decree of the Court of the State of which he was a citizen declaring his sanity. *We cannot disregard that decree.*”

We therefore have a constitutional right to bring our case of Chaloner against Sherman—as we did eleven years ago—namely—in a Federal Court.

Messrs. Choate and Sherman well know, therefore, that they are lost—since no one for a moment could suppose that the highest tribunal in the land will reverse itself—*not only once—but—three times running—but will support its own aforesaid three leading cases—all bearing directly upon the law and the facts as set forth in Chaloner against Sherman.*

Said reckless gentlemen, therefore—following their guide, philosopher, and friend the Devil—follow out the lead by him given—as set forth in the Scriptures—*when knowing his time is short—and stick at nothing which can vent their spite and malice upon “Who’s Looney Now?”* Therefore they bring this faked-up suit, in order—*provided they cannot scatter the Paris Prize Fund’s hundred thousand dollars, so that some seventy-five thousand thereof shall find their way into their pockets—on the amusing little fiction that all “Who’s Looney Now’s?”* property vests in Mr. Thomas T. Sherman—therefore they bring said faked-up malicious, and villainous, scoundrelly suit, to incorporate said Paris Prize Fund—and do so while the Founder thereof cannot by any possible legal chance be one of the Trustees—we being an “incompetent” person in the eye of the New York State Courts, at present.

Could any more sinister comment—than are their own actions—be made upon the profession ornamented by Messrs. Joseph H. Choate, Jr., and Thomas T. Sherman?

“Woe unto you ye lawyers”: said the Founder of Christianity; now, nigh two thousand years ago.

And Messrs. Choate and Sherman, lawyers, show, that: *time cannot wither, nor custom stale, their infinite rascality.*

ISIS UNVEILED

Richmond Times-Dispatch, Richmond, Va., Monday, February 1, 1915.

CHALONER INCOME LARGE.

Committee's Report Shows New York Property is Valued
at \$1,473,000.

The annual accounting of Thomas T. Sherman, committee of the property of John Armstrong Chaloner, was filed in the New York County Clerk's office on Saturday. It shows that Chaloner now owns property worth \$1,473,000, from which the income for the past year was \$89,692. The accounting shows that although Mr. Chaloner received \$24,000, and his former wife, Amelie Rives, now Princess Troubetzkoy,† got \$3,600, the committee has \$23,081 of income unexpended.

ISIS UNVEILED.

†*Not* alimony—as many New York newspapers stated in noticing this item—but the continuation—after her re-marriage—of an allowance made said Princess before divorce had ever been mentioned. As is indicated by the total absence of alimony from the decree of the South Dakota Court, granting the divorce, on the grounds of incompatibility of temper; in the autumn of 1895. Merely the friendly interest of an Art Patron—Founder of the Paris Prize aforesaid—in the future career of a writer and artist; *with whom the said Art Patron had quarrelled; largely, because she refused to cultivate her great talent as a portrait painter—her full length portrait en plein air (out of doors) of Robert Winthrop Chanler—so far back as 1890—in Foutainebleau, France—being little short of a masterpiece.* Said Art Patron held that her artistic gift, was as far stronger than her literary gift, as the sun is than the moon. Which indicates that her literary gift is redolent of charm—to say the least. *But her literary gift lacks the power of creative force.* The strongest trait therein is that which distinguished Keats, namely, the pictorial.

Keats is not the poet of thought, but of beauty—of painting in words. So she excels in that respect, but lacks the dramatic creative force necessary to create characters and scenes of a dramatic nature, which fill the following bill, to wit: *are full of dramatic incident and at the same time said dramatic incident is true to life.*

Two works of hers fill said bill. "The Quick Or The Dead" and "Tanis The Sang Digger." The first, a novel. The second, a novelette.

The first, done in the winter of 1887 and eight, the second in that of 1892—and three. To these should be added her charming magazine stories, the late T. B. Aldrich liked so much—such as “*A Brother To Dragons*”; “*Nurse Crumpet Tells The Tale*”; and “*The Farrier Lass Of Piping Pebworth*.” Beyond this, none of her literary work has satisfied said Art Patron, when measured by the side of her splendid artistic power.

One of the best-known teachers of painting in Paris—Charles Lasar—an American—who has had an atelier (a studio) for American Art Students in Paris for years and years, and who is one of the soundest and best teachers of any nationality in Paris in Art to-day—had her under his instruction in Paris for two years—in 1889-1891. When he had finished with her he said, “I can’t teach her anything more in drawing.” In other words, her drawing by that time was that of a master. Her eye for colour was as delicate and true as her eye for line. And, lastly, her ability for “catching a likeness” was utterly *unequaled by any portrait-painter in France, Great Britain or the United States*—excepting neither Carlus Duran, in Paris, nor John S. Sargent, in London.

She was so indolent that she buried this divine gift—wrapped in a mortuary napkin—in the ground of oblivion; and followed the sister Art of Literature: which enabled her to sit at her ease and work. Whereas portrait-painting requires standing up, and walking to and from the easel, all day long. “*Hinc illae lachrymae!*” Hence these tears!

Herewith lifts the veil heretofore shrouding in Oriental mystery, that *Grand Arcanum* of The Mysteries—the why and wherefore of the divorce of “Who’s Looney Now?” from his former gifted consort.

Richmond *Times-Dispatch*, Saturday, May 1, 1915.

CHALONER FILES APPEAL.

Virginian Takes His Case to United States Supreme Court.

Washington, April 30.—John Armstrong Chaloner, of Albemarle county, Va., to-day filed in the Supreme Court an appeal from the decision of the New York Federal Court which refused to declare void the proceedings in the New York State Courts by which Chaloner was adjudged incompetent and his property placed in the hands of a committee.

Chaloner seeks to recover damages from Thomas T. Sherman in charge of his affairs in New York.

NEWSPAPER REVIEWS

The Portland Oregonian, Portland, Ore., August 22, 1915.

"Robbery Under Law," by John Armstrong Chaloner, 50 cents, Palmetto Press, Roanoke Rapids, N. C.

There are two plays in this book.

One is "Robbery Under Law," in which Lunacy abuses are pictured, and "The Hazard of the Die," a three-act play in blank verse treating of the conspiracy of Catiline during the last days of the Roman Republic. Both plays are unusual, interesting, and show the undoubted dramatic talent of the author.

The Evening Telegram, Portland, Oregon, July 24, 1915.

Robbery Under Law. By John Armstrong Chaloner, author of "Scorpio" and "Who's Looney Now?" Price 50 cents net. Published by Palmetto Press, Roanoke Rapids, North Carolina.

John Armstrong Chaloner, author of "Who's Looney Now?" here offers two plays, some sonnets, and a number of press clippings and letters to show his sanity and the need of reform in Lunacy Laws. He is the Chaloner who was judged insane in New York and sane in Virginia, who was a friend of Stanford White, Harry Thaw's victim, and was formerly the husband of Amelie Rives. The "Who's Looney Now?" which he names on the title page as if it were a book, is the widely-quoted telegram he sent his brother, "Sheriff Bob" Chanler, on the occasion of the latter's separation from Lina Cavalleri.

The play, "Robbery Under Law, or the Battle of the Millionaires," purports to be an autobiographical one. It is to be played, too, the author says, in every State in the Union, and he will appear for a curtain talk after each production to emphasize the need of Lunacy Law reform. "The Hazard of the Die," a blank verse drama of Catiline, in imitation of Shakespeare, follows with an epilogue in which the author says this is but the first of a series of plays. *The work has passages of real vividness.*

There is real value though to students of Abnormal Psychology in the accounts of the "Napoleonic trances," of the mediumistic letters and the like which the author includes in this heterogeneous volume. Some of these are documents intended to prove his sanity, for he quotes William James, the American psychologist, as styling him a medium of unusual powers, and includes a letter from Thomson Jay Hudson, author of "The Law of Psychic Phenomena," which says it is unjust to call a man insane simply because he believes there is a Subjective Mind, a belief scientists are coming round to.

The Post-Express, Rochester, N. Y., July 24, 1915.

"Robbery Under Law; or The Battle of the Millionaires: A Play in Three Acts and Three Scenes." By John Armstrong Chaloner. Roanoke Rapids, N. C. Palmetto Press.

Mr. Chaloner's play, "Robbery Under Law," has obviously been based on his own experiences. The plot turns on a conspiracy to have a millionaire art patron and author shut up in an asylum.

In the same volume there is another play entitled "The Hazard of the Die," treating of Catiline's conspiracy. *It is in the manner of Marlowe*, even that dramatist's peculiarities of accentuation being imitated. The author shows a knowledge of Roman history which is very creditable to his memory. Among the *dramatis personae* are the poet Catullus, Cicero, Crassus, Sulla and Caesar.

The book will amuse and in many ways, astonish the average reader.

New York *Tribune*, Tuesday, June 29, 1915.

**"WHO'S LOONEY NOW?" NAPOLEON PLAYWRIGHT IN
LUNACY CRUSADE**

**"Robbery Under Law," First Big Dramatic Gun in "Battle
of Millionaires," May Yet Invade New York
if Author Has Good Luck.**

John Armstrong Chaloner, phrase maker extraordinary and author of "Who's Looney Now?" has written a play with which he intends to fight the lunacy laws of various States. It is called "Robbery Under Law; or, The Battle of Millionaires," and was ground out at Merry Mills, Chaloner's estate in Virginia. There the author is a sane man under the State law, while New York courts have adjudged him insane.

To give full measure in the volume Mr. Chaloner has combined with "Robbery Under Law" another play, called "The Hazard of the Die," numerous newspaper clippings concerning his own vicissitudes and some sonnets. The frontispiece is a portrait of Chaloner in the dress of Napoleon—the same picture that he sent to newspapers in 1912, when his modesty first yielded to his resemblance to the great little Corsican.

The play "Robbery Under Law" is founded upon Chaloner's own adventures before and after his escape from "Bloomington." In the prologue, in which the author refers to himself as "Who's Looney Now?" Chaloner declares his intention of producing the play in all parts of the country and accompanying its production with lectures on the iniquity of insanity laws.

Just how Chaloner is going to manage about New York he doesn't say. He surely can't be planning to omit New York from his tour, for here, if anywhere, he has found iniquitous lunacy law, to say nothing of "ermined anarchy." Perhaps he is reckoning on the co-operation of the Supreme Court of the United States, where his appeal from an adverse judgment in his suit to recover the control of his \$1,500,000 property is pending.

It is not the first appearance Chaloner has made as an author, although it is the first time he has come out as a Napoleonic crusader in literature. In 1907 he wrote forty-seven sonnets, explaining his ideas on hell and Bernard Shaw. A few months ago the war set his pen to itching, and he gave the Germans what he gave Shaw—only more so.

As a scientist, too, Chaloner has made a deep impression upon himself. Not only is he the possessor of an "X-faculty" which enables him to suspend the law of gravitation, but pool balls speak to him in astrological terms.

All this was for the cause, however, as Chaloner announces in his prologue to "Robbery Under Law." Presumably even his appar-

ently sincere attempts to recover command of his fortune were strategic movements intended to embarrass the New York lunacy law, for he writes that he has "sacrificed the last eighteen years of my life" in the cause of lunacy reform.

New York *Herald*, June 29, 1915.

NOW IT'S A PLAY BY "CHALONER 1ST."

**Lunacy Law Reform To Be Urged on Stage by John
Armstrong Chaloner.**

John Armstrong Chaloner, in a fifty cent paper covered volume, full of personal declarations, put before the public yesterday his new play, "Robbery Under Law." "In order to serve as a sort of propaganda toward the cause of lunacy law reform, to which the writer has sacrificed the last eighteen years of his life, come March 13, 1915," is Mr. Chaloner's declaration in italics for the purpose of this publication.

More interesting than the publication is the announcement it carries that Mr. Chaloner proposes to present "Robbery Under Law" as a dramatic performance in theatres all over the country, making an address after the fall of the curtain at each performance, which he solemnly agrees to limit to ten minutes. He will talk for two hours every Sunday, however.

The frontispiece for the book is a picture of a portrait bust of the author dressed in the uniform of Napoleon 1. with the caption, "Chaloner 1st; 1911, by Criswell.

Defending "Robbery Under Law" Mr. Chaloner writes that parts of it could be cut "without the least injury to the action, though not to the psychological value of it as a study in the very latest and furthest advanced realms of mediumship. Since that is what I am—a medium—in the language of the late Professor William James, of Harvard."

Mr. Chaloner's only successful composition heretofore was the phrase, "Who's Looney Now?" written in a telegram to his brother "Sheriff Bob" Chanler, when the latter's romantic and marital experiences with Mlle. Lina Cavalleri became known.

New York *Sun*, June 29, 1915.

CHALONER HAS A SEQUEL TO "WHO'S LOONEY NOW?"

**It's a Volume, an Epic, a Work of Art (\$5.50 Per)—John A.
Is The Hero and Everything Else, Except
Bosco and Viola.**

Every once in a while John Armstrong Chaloner, author of that merry little quip "Who's Looney Now?" retires into his inner consciousness and after long lucubration brings forth another book about John Armstrong Chaloner. Since his escape from "Bloomingtondale" Asylum in 1900 to his home in Virginia, where he is legally sane, Chaloner has been attacking the lunacy laws, and his latest vehicle of expression, hot off the press, is called "Robbery Under Law; or, The Battle of the Millionaires."

Although Chaloner modestly takes unto himself the robes of Shakespeare and Marlowe he was known, until the publication of this latest collection of blank and other verse, melodrama and press notices, as the brother of Sheriff Bob Chanler, of New York, who on his separation from Lina Cavalleri received a telegram from brother John Armstrong asking "Who's Looney Now?" Mr. Chaloner is proud of that line. He puts it on the title page and uses it as the climax of his relation of triumph over Pat Sligo, the asylum keeper.

For of course Chaloner is the hero of his play in three acts and three scenes, with a prologue and epilogue. His adventures, "the stirring cycle of events which for the past eighteen years has been whirling around the head of 'Who's Looney Now'" centre about the manly form of Hugh Stutfield of Rokeby, Albemarle County, Virginia, "millionaire art patron and law writer." There are two other millionaires in the play who try to get Stutfield's money and so put him in the Fairdale asylum, and a man worth half a million. Mr. Chaloner says it is a psychological play, he having been called a medium and of psychic temperament by the late Prof. William James.

See What Bosco Does!

But the psychology is not so startling as the action, to which Bosco, the man servant of Stutfield, his "heavy Numidian cavalry—to use a bold metaphor," contributes strange holds and half Nelsons. It begins with a killing. Stutfield, in love with Viola, who is beautiful but cold, is visited by her. She brings a poor woman who is beaten every day by her husband with a poker because the poker won't bend, and Stutfield is about to get a divorce for her when the husband comes in and lays out the chivalric squire with his favorite weapon. Enter Bosco.

"With that Bosco crouches like a tiger and springs upon Bullard from behind, bringing Bullard down flat on his back under him. By this time Stutfield has come to and rises to his feet.

"Viola (in a low tone)—Are you hurt, my darling?"

"Stutfield (in the same low voice)—No, my dearest darling, not a bit. You precious child! It took the threat of death—of my death—to melt your frozen bosom. Do you love me?"

"Viola—Yes, my hero, I do.

"Stutfield (in italics)—Thank God, then, for those two blows! You saved the day, though, dearie. As I went off into my two sleeps your sweet bell-like voice was ringing in my ears—like a silver trumpet call, sounding the charges. And, by Gad, my black Bosco heard your bugle and made good. Look at the black rascal holding that murderous villain down. I hereby crown you queen of love and beauty of the tournament—this modern Ashby-de-la Zouche of Ivanhoe.

"Viola—The Queen of Love and Beauty accepts the glorious crown placed upon her unworthy head by thy glorious hand, Sir Knight of Rokeby, whose headdress (a football cap of Rugby days) suggests the Oriental pomp of the dauntless but ruthless Sir Brian de Bois Guilbert, and whose character that of the stainless Wilfred of Ivanhoe."

After that Chaloner, or Stutfield, simply cannot resist having another go with the bloodthirsty Bullard, and with the assistance of the heavy Numidian cavalry the villain is shot.

Don't Be Alarmed. He Isn't Hurt.

"Viola—My God. Hugh are you hurt, darling?"

"Stutfield—No, darling.

"(Bosco lets Bullard softly down on his back.)

"Bosco—He dade.

"Stutfield—(Gravely.) Yes, Bosco. He dade."

(Curtain.)

After two more acts, which show how Stutfield is incarcerated in Fairdale asylum by persons who wish to get his money and how he escapes by overpowering the keeper, Pat Sligo, and binding him with ingenious devices, he leans over Pat and says:

"Ta, ta, Pat, I'll meet you in a better world where the lunacy laws presumably are more legal and equitable than in New York at present. So long, Pat. Be good to yourself. (With great deliberation and pausing between each word) Who's Looney Now?"

With which stinging remark he goes out of the play and leaves Pat flat.

But to make the book really worth fifty cents Chaloner throws in a lot of other things, including "The Hazard of the Die," of which he thinks so well that he prefaces it by the following prologue:

His Marlovian Line.

"The grand Marlovian line is surely mine—
'Tis Marlowe's heir we are more than Shakespeare's.
But Shakespeare's psychology is mine—my mine!
For the rest we're Marlowe, plus our riper years.

Thus th' English drama's incarnate in me;
 Of its two prophets we the mantle wear.
 Shakespeare's knowledge of man therein you see,
 Whilst Marlowe's thunder fills the ambient air.
 With Marlowe's passion doth fill up our cup;
 Of his heroic mould our heroes be,
 While passion's cup our heroines fill up—
 The truth of this the d—dest fool may see.
 'Deep calleth unto deep' within our plays,
 And Marlowe's lightning on Shakespeare's moonlight plays."

After which one simply can't help reading the play, only to meet at the end the lines:

"Fair reader, this grim play scarce but begins
 A chain of plays that equals Shakespeare's length.
 In saying this think not the chorus sins—
 We know our productivity and strength."

And lest there be any misunderstanding as to the worth of Shakespeare in making comparisons, Mr. Chaloner reproduces a part of an essay by George Saintsbury to show that the bard was once considered a regular writer.

New York *Call*, June 29, 1915.

"WHO'S LOONEY NOW?" WRITES A NEW PLAY.

**John Armstrong Chaloner Is Author of the Great Drama in
 Three Acts, Three Scenes, Etc.**

Every once in a while John Armstrong Chaloner, author of that merry little quip "Who's Looney Now?" retires into his inner consciousness and after long lucubration brings forth another book about John Armstrong Chaloner. Since his escape from "Bloomingtondale" Asylum in 1900 to his home in Virginia, where he is legally sane, Chaloner has been exposing the lunacy laws, and his latest vehicle of expression, which comes hot off the press, is called "Robbery Under Law, or the Battle of the Millionaires."

Although Chaloner modestly takes unto himself the robes of Shakespeare and Marlowe he was known, until the publication of this latest collection of blank and other verse, melodrama and press notices, as the brother of Sheriff Bob Chanler, of New York, who on his separation from Lina Cavalleri received a telegram from brother John asking "Who's Looney Now?" Mr. Chaloner is proud of that line; he puts it on the title page and uses it as a climax of his triumph over Pat Sligo, the asylum keeper.

Chaloner Is Hero of His Play.

But, of course. Chaloner is the hero of his play in three acts and three scenes, with a prologue and epilogue. His adventures, "The stirring cycle of events which for the past eighteen years have been whirling around the head of 'Who's Looney Now?'" centre about the manly form of Hugh Stutfield, of Rokeby, Albemarle County, Va., "millionaire art patron and law writer." There are two other millionaires in the play who try to get Stutfield's money, and so put him in the Fairdale asylum, and a man worth half a million. Mr. Chaloner says that it is a psychological play, he having been called a medium and of psychic temperament by the late Prof. William James.

But the psychology is not so startling as the action, to which Bosco, the man servant of Stutfield, his "heavy Numidian cavalry, to use a bold metaphor," contributes strangle holds and half Nelsons. It begins with a killing. Stutfield, in love with Viola, who is beautiful but cold, is visited by her. She brings a poor woman who is beaten every day by her husband with a poker, because the poker won't bend, and Stutfield is about to get a divorce for her, when the husband comes in and lays out the chivalric squire with a poker. Enter Bosco.

Bosco's Noble Deed.

"With that Bosco crouches like a tiger and springs upon Bullard from behind, bringing Bullard down flat on his back under him. By this time Stutfield has come to, and rises to his feet.

Viola (in a low tone)—Are you hurt, my darling?

Stutfield (in the same low voice)—No, my dearest darling, not a bit. You precious child! It took the threat of death—of my death to melt your frozen bosom. Do you love me?

Viola—Yes, my hero, I do.

Stutfield—Thank God, then, for those two blows! You saved the day, though, dearie. As I went off into my two sleeps your sweet bell-like voice was ringing in my ears—like a silver trumpet call, sounding the charge. And, by Gad, my black Bosco heard your bugle and "made good." Look at the black rascal holding that murderous villain down. I hereby crown you Queen of Love and Beauty of the tournament—this modern Ashby de la Zouche of Ivanhoe.

Viola—The Queen of Love and Beauty accepts the glorious crown placed upon her unworthy head by thy glorious hand, Sir Knight of Rokeby. Whose headdress (a football cap of Rugby days) suggests the Oriental pomp of the dauntless, but ruthless, Sir Brian de Bois Gilbert, and whose character that of the stainless Wilfred of Ivanhoe."

'Snuff!

New York *Mail*, June 28, 1915.

J. A. CHALONER WRITES BOOK IN SANITY CRUSADE.

Author of Phrase "Who's Looney Now?" Will Also Lecture to Prove Laws Are Wrong.

John Armstrong Chaloner, made famous by the query, "Who's Looney Now?" has started a crusade to prove the sanity laws of the majority of the States are all wrong.

In a book which appeared on the stands to-day he is putting forth, admittedly founded on his own experience, his commitment to "Bloomingdale," his escape and his finding of a refuge in Virginia, whose courts declared him sane.

Chaloner sets forth in a prologue he has "sacrificed the last eighteen years of his life" in the cause of lunacy reform. His play is entitled: "Robbery Under Law, or The Battle of the Millionaires."

Another play, "The Hazard of the Die," is also included in the volume, which contains numerous clippings from newspapers dealing with his own case.

His purpose, he says, is "to put before the public the deadly disease eating the fiber of our body politic in vicious lunacy legislation obtaining in 40 per cent. of the States of the United States as 'damaged goods' put before the public the deadly disease eating the flesh of alas! but too many of the peoples of the earth."

New York *Telegram*, June 28, 1915.

"WHO'S LOONEY?" BARES BLOT ON OUR ESCUTCHEON.

John Armstrong Chaloner Before the Footlights With Scathing Attack on the Law.

REINCARNATED NAPOLEON HAS WRITTEN BOOK ABOUT IT.

John Armstrong Chaloner, author of "Who's Looney Now?" has a brand new crusade.

He has set out "to put before the public the deadly disease eating the fibre of our body politic in vicious lunacy legislation obtaining in forty per cent. of the States of the United States, as 'Damaged Goods' put before the public the deadly disease, eating the flesh of alas! but too many of the peoples of the earth."

To that end he has written a new play entitled "Robbery Under Law; or, The Battle of the Millionaires," and is offering it to the

public in book form. It made its appearance on the book stands here to-day fresh from the press.

The work, which embraces besides the play, numerous newspaper clippings, dealing with his now famous case, another play called "The Hazard of the Die," and some new essays into the field of poetry, covers 244 pages, set off with a frontispiece portrait of the author made up as Napoleon.

He Means Business, All Right.

Most of the clippings refer to Chaloner's incarceration in the "Bloomingdale" Asylum in this State and the actions of the New York and Virginia courts which respectively held him insane and sane. In the prologue Chaloner declares that he has "sacrificed the last eighteen years of my life" to propaganda toward the cause of lunacy reform. His schemes for furthering the propaganda are announced in the following paragraphs culled from the book:—

"Who's Looney Now?" proposes to address the audiences after the fall of the curtain in 'Robbery Under Law' for ten minutes precisely; and put before them—in each city he plays in—all through the United States, the black and foul stigma now staining the fair name of law, justice and liberty in these United States in the name of the Lunacy Law. Furthermore, each Sunday afternoon 'Who's Looney Now?' will hire the largest hall each city contains and for two hours hold forth on the interesting topic of criminal lunacy legislation now masquerading under the name of law in forty per cent. of the States of the Union. * * * 'Who's Looney Now?' opines he will draw a large crowd.'

Founded on Own Ups and Downs.

The play, which is admittedly founded on Chaloner's ups and downs since he was committed to the asylum, is summarized as follows:—

Hugh Stutfield, of Virginia and New York, wealthy art patron and writer on law, has an enemy in James Lawless, also wealthy, who conspires with his relatives to get him out of the way. Hugh and Lawless are rivals for the hand of Viola Cariston, and fearing that he has little chance of winning her from the Virginian, Lawless determines to resort to any means rather than lose her. Constantia and Winston Blettermole, cousins of Hugh's, are bitterly jealous of him, and as they are the next heirs to his millions, if he does not marry, they listen readily to the criminal suggestions of Lawless and his lawyer, Spink.

Although Hugh has a certain clairvoyant sense which warns him of trouble, they manage to have him shut up in an asylum, as a dangerous lunatic. From this place he eventually makes his escape, and by wit and courage gets the better of his persecutors.

Mr. Chaloner declares in his introduction that the first act of the play, in which the shooting and death of one of the characters

occur, is taken "bodily—character and action—from life." Act II. is described as a "thinly disguised statement of cold, hard facts, bar only the love motive, which is entirely imaginary." He adds:—"The only main differences being that the fight with the "Bloomingdale" keeper took place in my cell at "Bloomingdale," instead of in the wood at "Bloomingdale"; and, also, that I escaped from "Bloomingdale" by flight, unaided by support from outside that institution—outside the insane asylum—as in the play."

In his fight to prove his sanity before the Virginia court which ultimately decided he was sane, Chaloner deposed that he had discovered a new application of animal magnetism and that his facial lineaments had changed in recent years so as to resemble portraits of Napoleon Bonaparte.

Chaloner's last court fight here took place last year when he made an unsuccessful effort in the Federal Circuit Court of Appeals to recover possession of his \$1,500,000 estate from Thomas T. Sherman, who was appointed committee of his person when he was committed to the asylum.

New York *Telegram*, June 29, 1915.

John Armstrong Chaloner now blooms as the Napoleon of a new reform. A St. Helena for a lot of reformers is something very much needed.

New York *American*, June 29, 1915.

AMELIE RIVES FIGURES IN CHALONER'S BOOK.

John Armstrong Chaloner, whose long fight to prove his sanity made him famous, has issued a book made up in part of a three-act play, "Robbery Under Law; or, The Battle of the Millionaires." He includes a chapter, "Isis Unveiled," explaining why, he says, Amelie Rives, now the Princess Troubetzkoy, is still paid \$3,600 from his income.

"The allowance of \$3,600 to Princess Troubetzkoy, is not alimony, but a continuance, after her remarriage, of an allowance made said Princess before her divorce was even mentioned. It is merely the friendly interest of an art patron in the future career of a writer and artist, with whom the said art patron had quarrelled, largely because she refused to cultivate her great talent as a portrait painter."

New York *World*, July 4, 1915.

CHALONER MAKES HIMSELF THE HERO OF HIS OWN PLAY

**"Robbery Under Law," He Says, Is an Epitome of His Fight
Against Lunacy Proceedings.**

MUCH OF THE DIALOGUE AND SOME INCIDENTS REAL

**One Scene Reproduces a Tragedy in Which Chaloner Was
One of the Actors.**

John Armstrong Chaloner has written a play entitled "Robbery Under Law" to illustrate, as he says, the mischief of lunacy proceedings in New York State. When he finished the play last fall he sent it through friends to a reader for a city theatrical manager. It was rejected by the reader, who criticized it as "far-fetched and sensational in plot, the behaviour of the characters being highly unconvincing under all circumstances." Mr. Chaloner says the rejection is a prime literary asset to him, as practically all the characters in the play and all the scenes are from life, relating his own experiences under the lunacy law. So he has published the play in book form, together with other of his writings.

The Virginia Tragedy.

In the dramatization Mr. Chaloner poses as chief character, with the name of Hugh Stutfield of Rokeby, Albemarle County, Va., and New York, millionaire art patron and law writer. James Lawless of New York, rejected suitor of Viola Cariston, who loves Stutfield; Winston Blettermole, cousin and heir-at-law of Stutfield; Belisarius P. Spink, a learned and unscrupulous New York lawyer, and Albert Wedge, an inventor, are the other important characters in the play.

Viola and the love romance woven about her are dramatic inventions; but, Mr. Chaloner says, the other characters correctly portray relatives and others who had him placed in "Bloomington" Asylum, from which he escaped after he had been kept there nearly four years, and that many of the utterances in the play were made by actual persons in the proceedings against him.

The play opens at Rokeby, Stutfield's Virginia Place, where Stutfield is visited by Viola, accompanied by Mrs. Bullard and her little daughter, wife and child of an English machinist. Bullard had beaten his wife until she had resolved to obtain a divorce from him and Viola had taken her to Rokeby to consult Stutfield as a lawyer.

While they are talking, Bullard enters. He attacks his wife with a pair of tongs. Stutfield springs to her relief and, after a prolonged encounter, a pistol for which Stutfield and Bullard have been struggling is discharged, killing Bullard. This act is said to reproduce

substantially an occurrence in which John Gillard, an English wife-beater, was killed by a pistol in the hands of Gillard and Chaloner, while Chaloner was, in good faith, according to actual verdict of a coroner's jury, trying to prevent Gillard from shooting Mrs. Gillard.

The Lunacy Plot

Act II. brings together Lawless, Blettermole and wife, and Lawyer Spink in the Cariston home, where Spink unfolds a plan by which Stutfield may be declared insane and committed to an asylum and his fortune of \$5,000,000 divided among his relatives. It is arranged that Blettermole, as nearest blood relative, and Lawless, as "best friend," shall apply to the court to commit Stutfield to an asylum as a dangerous lunatic, a maniac with suicidal and homicidal tendencies. Stutfield's psychological studies and manifestations in subconscious or trance utterances were to be points against him, and the killing of Bullard a supporting incident.

With the departure of the conspirators from Cariston's, Stutfield arrives there. He talks with Viola of having awakened that morning with a subconscious depression of spirits, which warned him of trouble for himself within the next twenty-four hours. Lest it may affect him financially, he has brought with him in his saddle-bags \$2,250,000, the proceeds of an investment in a needle-threading invention of Wedge's five years previously. This money he wishes Viola to put away for him in her safe. As no one will know of the deposit except the two lovers, Stutfield wants it in the safe in order that no court may reach it. Stutfield has a low opinion of the Bench, which he explains at length, Viola puts the money in the safe. Chaloner says this act is the thinly disguised statement of cold, hard facts, barring the imaginary love motive.

In a New York Hotel.

Act II. opens with Stutfield in the Hotel Kensington, New York, where he is visited by two doctors, who profess interest in his powers as a medium. He goes into a supposed trance for their benefit, in which he denounces both of them as rogues and hirelings. The doctors summon three manhandlers to seize Stutfield as a lunatic. Stutfield drives out the entire party at the point of a pistol and says he will discuss the matter the next afternoon. This scene, Chaloner says, is almost verbatim and actually from life.

The next scene, declared to be practically from life, is three months later, in Stutfield's cell, "Fairdale" asylum. He is writing a letter to Viola, which he intends to intrust for delivery to the inventor Wedge, whose allowance from Stutfield on account of the needle-threading invention is running low and in danger of stopping, and who has been admitted frequently to the asylum to call on Stutfield, because the asylum authorities look upon him as a safe visitor, being only an inventor, "without much good sense."

This letter lays out a plan of escape. Viola is to tell her father of their engagement and of the money in the safe. Capt. Cariston, the father, is to have access to that money to pay \$2,500 to Wedge; \$2,500 each to three ex-Confederate veterans not too old to shoot straight, with promise of as much more the day they land Stutfield safely in Virginia; \$1,250 to the owner of any Norfolk ocean-going tug, that sum to be doubled when he lands Stutfield on the Virginia coast; \$2,500 for a Connecticut farmer, a friend of Wedge, to transport any four men, behind a pair of speedy horses, from the "Fairdale" wall to the Sound, within thirty minutes. There the party will take the ocean-going tug and head for Virginia.

The Escape.

When all is ready Wedge is to call at the asylum, bringing with him a "quietus" in the form of a steel harness, which will handcuff, foot-bind, gag, blindfold and ear-muffle its wearer; also a chain and padlocks. The apparatus is intended for Pat Sligo, Stutfield's guard, with whom Stutfield intends to pick a quarrel in the asylum woods. He has figured out how he can choke Sligo into insensibility and then bind and lock him so that Sligo can give no alarm, see nothing, hear no approaching or departing footsteps and cannot be unharnessed except by long filing.

This plan is carried out in the play and works perfectly. Chaloner says it is "practically" the way he escaped from a real asylum, the main difference being that the fight with the keeper took place in the cell, not in the woods, and that the escape from the asylum grounds was made without help from outside.

New York Times, June 25, 1915.

FALLACIES OF THE ALIENIST IN COURT

Errors of His Expert Opinion in Contrast With the Judgment of Average Common Sense—A Remedy Proposed.

New York, June 23, 1915.

To the Editor of the New York Times:

We cannot but regard with extreme disfavor and denounce with a feeling of the outraged decency of our profession the part too frequently acted by professional alienists when called upon to decide in law courts the legal competency of individuals. Upon the expressed opinion of these insanity experts hang often the issues of life and death, vast property interests, or the freedom or incarceration of men and women. Need I mention that frequently, for some considerable length of time, the testimony given by prominent alienists in the courts of this city has been of such a character as to bring discredit

not only upon themselves but upon the profession to which they belong?

Another instance where a man of world-wide reputation as skilled in the treatment and diagnosis of insanity, displaying a facile weakness, sets also in a strong light the untrustworthiness of much of the testimony given by alienists. A number of years ago this noted New York physician was called upon to examine a young man who had killed another with an axe in a rural district up the State. It appears that the one who had committed the murderous assault was subject to epileptic fits, and the physician, after an examination, gave as his expert opinion that the wielder of the axe was a psychic epileptic, and as such not responsible for his actions. Soon after giving this opinion the doctor was closeted for some length of time with the prosecuting attorney on the case, with the result that on the following morning he requested of the court the privilege of revising his testimony, which was granted. He then changed it so that it would appear as if the act was deliberate, the perpetrator hesitating, with the axe uplifted, before he struck the fatal blow.

Recently an object lesson in a disputed insanity case was presented to the public of New York City, when John Armstrong Chaloner took the initial steps toward having himself declared legally sane in the State of New York. For some time past Mr. Chaloner had held the disagreeably anomalous position of being legally insane in the State of New York, while declared legally sane in Virginia. This irregularity, the result of divergent opinions expressed by alienists simply gives additional emphasis to a suspicion very generally entertained by the laity, that such expert opinions are worthy of no consideration whatever. In the instance just mentioned great money interests were involved which doubtless made it peculiarly interesting to others as well as insanity experts.

So I might go on, almost interminably, citing case after case, equally flagrant, not limited to the city or State of New York, but co-extensive with the entire country. Surely there must be some remedy for a crying evil which has not only resulted in numerous acts of injustice being done, but has also brought contempt upon a noble profession.—Dr. Samuel W. Smith, formerly New York State Commissioner in Lunacy.

Brooklyn, N. Y. *Times*, June 29, 1915.

John Armstrong Chaloner, who escaped from Bloomingdale several years ago, has written a book to show that the insanity laws in this country are all wrong. Harry Kendall Thaw is of the same opinion.

New York *Evening Sun*, June 29, 1915.

THE SUN DIAL.

John Armstrong Chaloner has published another volume proving he is sane. We would rather take the contention for granted than go into the book, but we suppose it contains a chart showing the Union marked off into black or white States, indicating where the cause has triumphed and where the light has not yet shone.

Boston, Mass., *Daily Globe*, June 30, 1915.

John Armstrong Chaloner has published a play "in order to serve as a sort of propaganda toward the cause of lunacy reforms, to which the writer has sacrificed the last 18 years of his life, come March 13, 1915." It is called "Robbery Under Law," and if it's as good as his "Who's Looney Now?" telegram, written to his brother, "Sheriff Bob" Chanler, when the latter's marital experiences with Mlle. Cavalleri became known, there should be many appreciative readers.

Meriden, Conn., *Journal* March 17, 1909.

WAS SHOT DEAD.†

Virginia Husband Who Was Beating Wife.

BATTLE WITH CHALONER.

Amelie Rives' Divorced Husband Took Woman's Part.

Charlottesville, Va., March 17.—In a desperate struggle for the possession of a revolver between John Armstrong Chaloner, once Chanler, of the influential New York family, and John Gillard, a

†Above is one of a mass of notices relative to the Gillard affair, which "Who's Looney Now?" ran across at haphazard recently. It is added as a graphic account of the said affair—the stock Associated Press story that was sent out at the time by their representative in Charlottesville, Albemarle county, Va. There are several glaring errors therein. The two most marked being that (a) Gillard was drunk; (b) that Gillard was pinioned on the floor by three men, and that "Who's Looney Now?" "begged Gillard to desist" from murdering his (Gillard's) wife. (a) Gillard was a total abstainer, did not drink, smoke nor use tobacco in any form. (b) The battle occurred precisely as described in Act I, Scene I in *Robbery Under Law*, except that Mr. Ernle Money—not the negro servant—not "Bosco"—as in the play—was the man who sprang upon and threw Gillard when "Who's Looney Now?" was temporarily *hors de combat*.

powerful Englishman, at the Chaloner home near here Monday night, Gillard was killed by a shot from the weapon.

Chaloner had entered his dining room to find Gillard beating Mrs. Gillard with a pair of tongs. The woman's assailant was raining savage blows on her head, and would have had her life within a moment or two.

A coroner's jury of substantial farmers wholly absolved Chaloner yesterday from all blame in the tragedy. The people of this section are unanimous in praising Chaloner for his courage in unhesitatingly entering an unequal combat to protect a woman, mother of seven children, and poor to destitution. The big family of children witnessed the death of their father.

The tragedy adds one more dramatic episode to Chaloner's strange career, in which is blended with it romance, love, madness, intense hatred of kinsmen, and a probably unparalleled battle in the courts of several States for a legal decree restoring to him the rights of a sane person. The romance had its ending in a divorce by Amelie Rives, the novelist, now living in New York, and wife of Prince Pierre Troubetzkoy, Russian artist, because of incompatibility of temper.

Chaloner was never under even technical arrest for his part in the death of Gillard. The man, given to drink and violence toward his family, has been a pensloner of Chaloner, because of pity for the wife and helpless children. Only recently his benefactor had notified him that he would be given a mule, in order that he might earn more for his family.

"Merry Mills," Chaloner's Albemarle county estate, is just beyond Cobham, near here. Gillard's home is near Campbells, two miles distant from the Chaloner house. He came to this country from Australia two years ago; lived a short time at Richmond, moving thence to his late home.

It was notorious in the community that he habitually maltreated his wife and children. Mrs. Gillard had appealed several times to Chaloner, who had talked with her husband about his drinking and his evil nature.

The master of "Merry Mills" was entertaining a guest, Ernle G. Money, when Mrs. Gillard and her children, the oldest a boy of fourteen, were admitted to the dining room by a servant. They were announced, but Chaloner lingered a while upstairs with his guest. Meanwhile Gillard, in pursuit of his wife, forced his way into the house and into the dining room.

Wild with drink and rage, he seized a pair of heavy tongs and began beating his wife over the head. Alarmed by the screams of the woman, her children and the servants, Chaloner and Money ran down to the dining room.

Gillard was holding his wife by the hair, meanwhile striking her again and again. The woman was covered with blood. Chaloner, his guest, and a colored man servant grasped the madman, while Chaloner

begged him to desist in his murderous attack. Gillard, powerful and frenzied, fought so desperately that the three men were all but exhausted and were hardly able to hold him.

They finally pressed him to the floor, his arms and legs pinioned by their hands. The colored servant was sent for a rope with which to bind him. Chaloner had brought down a revolver, and as Money held the winded giant he stood by with the revolver, hoping to intimidate him.

Before the servant could return, Gillard broke from Money, sprang upon Chaloner and grasped the revolver. Intent upon murdering his wife, he tried to bring the weapon in line to fire it at the terrorized woman. As Chaloner and the maniac struggled for possession of the revolver, it discharged. Gillard fell dead, shot through the heart.

No one, not even Chaloner, appears to know who pressed the trigger, so fierce and close was the struggle, but Mrs. Gillard says she is quite sure that her husband sent the missile through his own heart.

The condition of the dining room which, with the body, was left until yesterday just as it was when death ended the battle, in order that the authorities might see it, fully corroborated the testimony of the witnesses. The furniture was turned topsy turvy and was broken; the big tongs, bent from the blows, were covered with blood and matted hair. The woman's hat, parts of her clothing and her hair pins were scattered all about.

Immediately after Gillard met death, Quintus L. Williams, magistrate, was summoned, as was the coroner. The inquest was held yesterday, Mrs. Gillard and her oldest son testifying for Chaloner. The woman showed many wounds from the murderous beating.

She testified that she had been badly beaten on the preceding Saturday and Sunday, and that her husband had declared he would kill her. He became violent again and, taking her brood with her, she had fled to "Merry Mills" to ask Mr. Chaloner's protection. She asserted that Mr. Chaloner and the others had tried to pacify her husband, had tried to avoid injuring him and had told him that they merely intended handing him over to the officers of the law. The boy corroborated his mother.

Magistrate Williams had declared at the outset that Chaloner had merely done that which any brave and humane man would have done, and his statement was justified by the jury of farmers which brought in a verdict of accidental death, exonerating Chaloner, Money and the servant.

New York *Staats Zeitung*, June 29, 1915.

A REVEALING BOOK ABOUT CHALONER.

John Armstrong Chaloner, the originator of the great question "Who's Looney Now?" depicts in a book now to be obtained on the news stands, his experiences, his assignment to "Bloomingdale," his

flight and his rehabilitation in the State of Virginia. He is anxious to spread abroad the information that the Lunacy Laws in the State are full of flaws and pernicious.

The Globe, New York, July 16, 1915.

THAW, FREE ON \$35,000 BAIL, LEAVES NEW YORK

HENDRICK ASSAILS ALIENIST WITNESS

**In Confirming Verdict of Jury, Justice Declares Testimony by
Doctor (Austin Flint, Senior) Who Helped Prepare Case
Is Evil Which Should Be Cured.**

Harry K. Thaw was to-day declared sane by Justice Hendrick and freed from custody in \$35,000 bail pending appeal from the justice's decision by the attorney general.

Thaw's bond was signed shortly before 1 o'clock and he immediately started for Pennsylvania in an automobile.

Justice Hendrick's Opinion.

Justice Hendrick said he based his decision that Thaw was sane on his own judgment, fortified by the advice of a very intelligent jury. "We have had men here from New Hampshire, not alienists, but men of large experience, who know the difference between a sane and an insane man. We have had women here of undoubted high repute who also testified that this man is sane," said Justice Hendrick in his decision. The testimony of these people impressed me very much.

"We have been told by one alienist that it was impossible for a layman to determine whether or not a man has paranoia; that only an alienist could determine that.

"I want to say here a word about alienists in our courts—that it is fast becoming a scandal. If this court and jury are to depend upon the opinion of alienists who have made it their business for years for pay to render what they term expert testimony I want to say that opinion to me has no value.

An Evil To Be Cured.

"The idea that a doctor of repute should interview witnesses and publish his opinion in the public prints and help in the preparation of a case and then go on the witness stand is a state of affairs that must be remedied.

"If the medical profession does not cure this evil I hope the legislature soon will.

"I have adopted the verdict of the jury, and it is the opinion of this court that Harry K. Thaw is sane."

New York City *Call*, July 21, 1915.

THAW "SANE ALL OVER," SAYS ATTORNEY GENERAL.

Harry K. Thaw at the present time is "sane all over," geographically speaking, it was said at the Attorney General's offices at 299 Broadway, yesterday, when an opinion was requested as to Thaw's present legal status.

"As matters now stand," Deputy Attorney General Edgar A. Bromberger said, in answer to a question, "Thaw has the privilege, for instance, of bringing a suit for divorce from Evelyn Nesbit in Pittsburg."

"Is he at liberty to come back here and sue for divorce in New York State?"

"I suppose so," answered Mr. Bromberger.

"What procedure is necessary here," Mr. Bromberger was asked further, "in order to have Thaw placed in the same legal position in which John Armstrong Chaloner stands—insane in this State and sane outside of New York?"

"The only way that could be brought about," Mr. Bromberger answered, "would be an Appellate Court reversal of Justice Hendrick's recent decision declaring Thaw sane. In other words, if the appeal which the Attorney General has taken is sustained by the higher court, then Harry Thaw will be legally insane in New York State. There is no other way of having him declared legally insane in this State."

New York *Evening Sun*, July 19, 1915.

STATE PLANS TO KEEP THAW OUT LIKE CHALONER.

Reversal of Hendrick Ruling Would Make Pittsburger "Insane" in New York.

WOULD FORFEIT BAIL AND BE A FUGITIVE.

Hendrick Won't Comment on Foreman's Remarks—Jurors At Odds With Robinson.

New York State will fight to put Harry K. Thaw in the same status in regard to his sanity as that of John Armstrong Chaloner, author of the famous quip "Who's Looney Now?" Chaloner is "sane" in Virginia, but "insane" in this State.

To attain this result the State legal department will strain every point to obtain a reversal of Justice Hendrick's findings declaring Thaw sane.

Hendrick Is Non-Committal.

Justice Hendrick when asked this afternoon what action might be taken by the courts in view of the remarks of Foreman Robinson, put the affair squarely up to Attorney General Woodbury.

"I cannot discuss any phase of this case," he said, "except to say that I will consider any move that comes before me. I could not possibly discuss now any action I might take. If the Attorney General wishes to take some action he must decide for himself what it is to be. The matter rests with him."

Justice Hendrick said he had read the account of Foreman Robinson's remarks and added:

"I do not care to say what I think of them."

"Would you say it was indiscreet of the juror to follow Thaw to Atlantic City and register at the same hotel before making remarks that show he disobeyed your instructions?"

"If others think it was indiscreet" said the Justice, "that is their opinion. I do not care to discuss it."

Case In The Discard.

When asked if he cared to say how much he had been influenced in his decision by the jury the Justice said:

"There is my decision. I do not care to add to it. I have seen that Mr. Stanchfield said when asked about the case that it is now in the discard. If I knew the legal term for 'in the discard' that would about express my attitude. I am anxious to be through with the case. I want to get away to my country place as soon as possible."

The Justice refused to make any comment as to how serious he regarded the violation of his instructions as revealed by Robinson. He said any action he might take in holding a juror accountable for violated instructions in the Thaw case would not deviate from the usual action in any case.

Deputy Attorney General Edgar A. Bromberger said this morning:

"In any event Thaw cannot be extradited even if the appeal goes against him. If he refused to return his bail would be forfeited."

If Thaw refused to return to New York in case the appeal were decided against him he would find himself in the same position as John Armstrong Chaloner—sane in one locality and insane in another.

Maynard Miller, fur-dealer, 148 West 24th Street, said this morning to a reporter for the Evening Sun:

"Now, after the verdict was reached we discussed the murder, not, however in connection with the verdict we were expected to render. WE DECIDED THAT THAW WAS JUSTIFIED IN KILLING STANFORD WHITE.

I should add that the thing that influenced us most next to the obvious fact of Thaw's sane behavior while in New Hampshire, was the testimony of the State's alienists. DR. FLINT'S TESTIMONY WE REGARDED AS ABSURD AND SELF-CONTRADICTORY. THE

STATE'S OWN ALIENISTS DISAGREED AS TO WHAT FORM OF INSANITY THAW MIGHT BE SUFFERING FROM. DR. FLINT DECLARED HE WAS INSANE FROM CONSTITUTIONAL INFERIORITY AND THAT THIS TROUBLE IS NOT RECOVERABLE. THEN IT WAS SHOWN THAT NINE SUCH CASES OUT OF TEN HAVE RECOVERED."

"Justice Hendrick was wise in agreeing with the advisory jury that Thaw is sane now, whether he may have been in former years. I agree with him also in his scathing rebuke of the alienists, who are willing to change their medical opinions according to their fees. An impartial spectator of the scenes in court would have concluded that the lawyers were insane, not Thaw. The talk of the Attorney General about taking an appeal—which put Thaw under bail, instead of giving him full freedom—was clearly an evidence of insanity, and POOR OLD AUSTIN FLINT, WHO COMMITTED PROFESSIONAL SUICIDE IN THE WITNESS BOX, should have thus defined it on the usual terms. The Thaw case has been a scandal and disgrace for many years, maintained solely to give a livelihood to *certain lawyers*. When he was acquitted of murder on the ground of temporary insanity this ought to have ended the case—and would have ended it had Thaw been a poor man. But the *Thaw millions* were too tempting to *legal vultures*, who fattened upon him until Counselor Stanchfield stopped their game. I do not believe that any friend of Stanford White ever instigated the continuous persecution of Thaw, who had only obeyed the unwritten law in a quarrel over a shameless hussy, who mischievously stirred up trouble between the two men, going from one to the other as suited her purposes. She supplied the lawyers with material to harass Thaw, and she has done much mischief and cost the State and Mrs. Thaw much money. At the last she had the grace to fall ill and refuse to testify against her husband, and she asks to be let alone to earn a living on the stage—and she should be let alone severely. If the daily papers will let Thaw alone also, he will have a much better chance to redeem himself by going into business and leading a normal life. There is no moral in the story—which has been told a thousand times as the eternal triangle—except that we should have one court brave enough to choke off the legal and *alienistic jackals* that *misuse the law to prey upon their victims.*"

—Exchange, July 22, 1915.

The News-Leader, Richmond, Va., Saturday, July 17, 1915.

CHALONER WRITES ON VERDICT IN THAW CASE
Lord of Merry Mills Says It is Epochal and Just.

At the request of The News Leader, John Armstrong Chaloner, who is legally insane in New York and sane in Virginia, to-day gave his views of the verdict which brought about the liberation of Harry K. Thaw. Chaloner came to Richmond to-day from his home, "The Merry Mills," Cobham. He characterized the decision in Thaw's case as "the most epochal announcement ever made by any judge, at any time, in any lunacy proceedings in any country now on record." He laid stress on the court's instructions to the Thaw jury to "totally disregard the preposterously amusing claim" of the chief alienist opposed to Thaw.

His statement follows:

(By John Armstrong Chaloner.)

This epochal verdict has three bearings. First, regarding the verdict itself. Second, regarding the charge of the learned Judge Hendrick. Third, regarding the evidence adduced at the trial.

The first shows the intelligence and honesty of the average American jury. Also, that trial by jury is truly what Sir William Blackstone termed it in his "Commentaries"—namely, "The bulwark of our constitutional liberties." The second shows that what I, as a law-writer have maintained since my book, "The Lunacy Law of the World," first appeared in 1907, finds support in the charge to the jury of Mr. Justice Hendrick—namely, that "*the test of sanity is a mental test wholly within the power of the accused to accomplish and without any witnesses, professional or lay, to back him up.*" That all that is needed is to permit the accused to be present at his own trial—as I was not permitted in my two trials in New York in 1897 and 1899—and testify in his own behalf in rebuttal to the charge of alienists opposed to him.

Mr. Justice Hendrick's charge to the jury specifically stated—and this was the gist of his admirably learned, and honorable, and unbiased charge—that *the jury was to totally disregard the preposterously amusing claim of Dr. Austin Flint, Sr.*—the chief alienist opposed to Thaw, as that celebrated gentleman is also the chief alienist opposed to me—with Dr. Carlos F. MacDonald a close second in both Thaw's case and my own—to *disregard the claim of Dr. Austin Flint, Sr.,* "that the question of Thaw's sanity could only be decided by alienists." As a law-writer I hail with joy this pronouncement from the bench by Justice Hendrick; and do not hesitate to say that it is *the most epochal announcement ever made by any judge, at any time, in any lunacy proceedings in any country now on record.* As The News-Leader has heard, I have sacrificed eighteen years of my life in the

cause of lunacy law reform. *For I could have obtained both my liberty and my property so far back as 1899. This is not generally known,* but it is on record in my deposition at Charlottesville in 1911-1912 in *Chaloner against Sherman*, and my testimony was entirely unshaken in the gruelling cross-examination supplied me by my redoubtable adversary in said proceedings, former Judge R. T. W. Duke, Jr., leading counsel, with the late learned lawyer John B. Moon, of Charlottesville, in said proceedings.

The testimony I brought out was that a now prominent United States senator—then a congressman—visited me in my cell at “Bloomington” in the interest of the Chanler family—and offered me my freedom and my property provided I would let the matter drop—hush the matter up in the courts. This I declined to do, and the result is that I am now in my nineteenth year of my quest of the Holy Grail—in my case the restoration of my property.

Heretofore it has been practically the universal custom in lunacy proceedings in New York, and some forty per cent. of the States of the Union, to either try a man *in absentia*—in his absence from the courtroom—as was the case in both my trials in New York—or—when present—to take the say-so of the hostile alienists, disregarding practically utterly the language and bearing of the accused upon the stand. The theory being that insanity was so technical a thing that none but experts could pronounce upon it.

No one, for an instant, can compare insanity—technical as that is—with, say, chemistry, for technicality. Take the case of a murder trial, where the gist of the evidence—for or against the accused—consists in the chemical contents of the murdered man’s stomach, at the time of the crime. Whether or not it contained poison—and if poison sufficient to cause death. Chemical formulas are the most technical things on earth—so technical that not one college graduate out of a thousand can keep them in his head a year after graduation, and yet the innocence or guilt of the accused, in said murder trial, hangs entirely upon chemical formulas, which are given to the jury; and the jury—the majority of which is certainly not college graduates and therefore utterly unfamiliar with same—the jury is called upon to decide the guilt or innocence of the accused upon, such a thing as “H₂O,” and yet no one was ever heard to maintain that a jury was incapable of bringing in a verdict of innocent or guilty based entirely upon their opinion of the chemical formulas brought forward by the Commonwealth’s Attorney and the counsel for the defense.

Nevertheless, in insanity trials the alienists have heretofore—before the enlightened ruling aforesaid of Mr. Justice Hendrick in the Thaw case been able to throw dust in the eyes of the court, the jury, and the public, by shouting in unison, “Insanity is too technical to be decided by any but an expert in insanity.” This bugaboo is forever laid at rest by Justice Hendrick.

The third bearing of said proceedings in the Thaw case proves the truth of what I have steadily maintained in season and out of

season, during my—come September next—three years' monthly course of lectures at the Rex theatre here—on "Topics of National Importance"—namely, that the sole and only insane act Thaw was ever proved guilty of was the shooting of Stanford White; that I have always maintained was done in a fit of temporary insanity upon the part of Thaw. *No other insane act has ever been proved against the Pittsburger.* My reason for honestly stating that that act was an insane act in Thaw's case is as follows: Thaw was, at that time what is usually known as a "high-roller." His manner and bearing showed the effects of his irregular life. He was nervous and quite the reverse of calm in his manner and bearing before the shooting. In striking contrast to his usual manner was his bearing when the shooting occurred. Nothing could have been calmer than his manner immediately preceding, during, and immediately subsequent to that act. *Now calmness is one form of insanity—is the outward visible sign of an insane mind.* During the nearly four years of my incarceration at "Bloomington" I had ample opportunity of studying the various forms of insanity, and nothing could have been calmer than the aspect and general bearing of a large number of my insane "colleagues" in that institution. Hence, I infer that Thaw's act aforesaid was the act of a temporarily insane man—since his manner during said act was in complete and total contradiction to his usual manner before the said act.

In June, 1917—when my case now pending on appeal before the United States Supreme Court, will come on for hearing—I look forward—*supported by the law and the facts in Chaloner against Sherman* to the same happy issue out of my afflictions, which now—on the evidence—awaits Thaw.

The News-Leader, Richmond, Va., Monday, August 16, 1915.

CHALONER NOW PUTS HIMSELF IN GEOGRAPHICAL LUNATIC CLASS.

Harry K. Thaw, slayer of Stanford White, may be the most famous lunatic in the world. He has occupied the spotlight for many years, but he's a piker when compared with John Armstrong Chaloner, author of the famous "Who's Looney Now?" telegram.

Mr. Chaloner offers strenuous objection to the desire of the New York papers to put Thaw in a class with him. The master of "Merry Mills" claims the field all by himself. He offers *The News-Leader* indubitable proof to back up his contention that his unique position in the eyes of the law is shared by no other man.

Mr. Chaloner is the only man in the United States, he contends, so far as the records show, who has been termed a "geographical

lunatic"—a man whose lunacy depends on State lines—a madman in New York—a sane man everywhere else.

The owner of "Merry Mills" still lays claim to the championship of this class. In this respect Harry K. Thaw is to be regarded as a "white hope." Mr. Chaloner holds the crown alone and he does not relish the idea of sharing his laurels with Stanford White's slayer.

A lawyer by profession, his mind active, keen and alert, the fact that he has been declared insane to the contrary notwithstanding, Mr. Chaloner has never let up in his attacks on the persons and the methods used to place him in the position he now occupies, and to-day he gave *The News-Leader* a further discussion of Justice Hendrick's decision in the Thaw case, at the same time challenging Thaw's right to be placed in a class with himself. Mr. Chaloner gave out the following information to-day:

"The following clipping has just reached me from my news clipping bureau, showing that there is a strong desire on the part of certain New York papers to put Thaw in my class—a class which has been well termed that of the 'geographical lunatic'—a man whose lunacy depends on State lines—a madman in New York, a sane man everywhere else. I now insert the said clipping:

'New York City Call, July 31, 1915.

"Thaw Sane All Over," Says Attorney General.

"Harry K. Thaw at the present time is 'sane all over,' geographically speaking, it was said at the Attorney General's offices at 299 Broadway yesterday, when an opinion was requested as to Thaw's present legal status.

"'As matters now stand,' Deputy Attorney General Edgar A. Bromberger said, in answer to a question, 'Thaw has the privilege, for instance, of bringing a suit for divorce from Evelyn Nesbit in Pittsburgh.'

"'Is he at liberty to come back here and sue for divorce in New York State?'

"'I suppose so,' answered Mr. Bromberger.

"'What procedure is necessary here,' Mr. Bromberger was asked further, 'in order to have Thaw placed in the same legal position in which John Armstrong Chaloner stands—insane in this State and sane outside of New York?'

"'The only way that could be brought about,' Mr. Bromberger answered, 'would be an appellate court reversal of Justice Hendrick's recent decision declaring Thaw sane. In other words, if the appeal which the attorney general has taken is sustained by the higher court, then Harry Thaw will be legally insane in New York State. There is no other way of having him declared legally insane in this State.'"

The above article introduces two things:

First. New matter which has not appeared in any Richmond paper,

which I have seen, concerning Justice Hendrick's real reason for deciding in favor of Thaw at the recent trial.

Second. It brings to the legal mind the question, "What chance has the attorney general of New York to win his appeal against the decision of Justice Hendrick?"

Referring to point (1). Mr. Justice Hendrick said he based his decision that Thaw was sane on his own judgment "fortified by the advice of a very intelligent jury." He then went on to say:

"We have had men here from New Hampshire, not alienists, but men of large experience, who know the difference between a sane and an insane man. We have had women here of undoubted high repute who also testified that this man is sane. The testimony of these people impressed me very much.

"We have been told by one alienist (Dr. Austin Flint, Sr.) that it was impossible for a layman to determine whether or not a man has paranoia; that only an alienist could determine that.

"I want to say here a word about alienists in our courts—that it is fast becoming a scandal. If this court and jury are to depend upon the opinion of alienists who have made it their business for years for pay to render what they term expert testimony, I want to say that opinion to me has no value.

"The idea that a doctor of repute should interview witnesses and publish his opinion in the public prints and help in the preparation of a case and then go on the witness stand is a state of affairs that must be remedied.

"If the medical profession does not cure this evil, I hope the legislature soon will.

"I have adopted the verdict of the jury, and it is the opinion of this court that Harry K. Thaw is sane."

Taking up now point (2).

"What chance has the Attorney General of New York to win his appeal against the decision of Justice Hendrick? As a lawyer, I never was more surprised in my life than when I read that the New York attorney general had taken an appeal. This appeal is entirely based on a reporter's statement of what the foreman of the jury told him. In the first place, the foreman of the jury entirely denies the truth of the reporter's statement. Also, all the other jurymen who have been interviewed deny it, so far, at least, as they themselves are concerned.

Herein lies the absurdity of the New York attorney general's appeal:

To drop into the vernacular "it cuts absolutely no ice" *what any or all of the jury thought, did, or said, in the premises*, for, as *The News-Leader* well knows, the jury had no real authority in the decision. By special arrangement, the decision as to Thaw's sanity or insanity was left solely and entirely to Mr. Justice Hendrick, with full authority to *override the verdict of the jury whatever that might be.*

The jury sat purely and solely in an advisory capacity. So far

as I know, as a lawyer, this is the first time it has occurred in the history of law. In this unique case the *facts*, as well as the *law*, were in the hands of Justice Hendrick to decide as seemed best to him.

If this is so—and *The News-Leader* knows it is so—the distinguished New York attorney general is—as we lawyers say—left “without a leg to stand on.”

Justice Hendrick’s opinion, which has been cited above gives full, ample and most learned grounds for him to find as he did, namely, as to Thaw’s entire and *complete* sanity since he killed White.

That the jury happened to coincide with Mr. Justice Hendrick’s said opinion, spoke well for the intelligence and perspicacity of the jury. That was all: it did not give Thaw his liberty. *What gave Thaw his liberty was the conviction of Mr. Justice Hendrick that Thaw is sane.*

In the premises any lawyer would conclude that the appeal of the New York attorney general must fall to the ground and thereupon, Thaw will have perfect liberty to go and come to New York as he chooses and cannot be termed a “geographical lunatic.”

The News-Leader, Richmond, Va., July 20, 1915.

EXTRA! EXTRA! CHALONER HAS GONE INTO THE JITNEY BUSINESS.

**Lord of “Merry Mills” and Unremitting Foe of Speeding Autoists
Purchases Car To-day and Enjoys the Joke. His Jitney
Will Run in Albemarle County, Where He
Made “Road Hogs” Live Hard.**

John Armstrong Chaloner to-day bought an automobile.

(That ought to be worth a smile.)

The car will be placed in service as a jitney.

(That line’s surely worth a laugh.)

Even Chaloner himself, propounder of “Who’s Looney Now?” master of “The Merry Mills,” and all that, had to laugh when he told *The News-Leader* about it.

It’s a considerably better joke than the average when one recalls that until very lately Chaloner drove armed in a horse-drawn vehicle over Albemarle county roads determined to hold up at the point of his sawed-off shotgun any automobilist that was rash enough to try to crowd him and his horse into the ditch. “Road hogs,” was Chaloner’s contemptuous designation of auto-owners. One of his favorite pastimes was neatly planting bullets in the tires of automobiles that exceeded the speed limit. Speeding then became a flat failure.

Famous for many reasons, among them that, a millionaire, he is legally a lunatic in New York and sane in Virginia, Chaloner’s violent

antipathy to automobiles received wide publicity, and "road hogs" soon made it a habit to take to the ditch and allow Chaloner the whole roadway. Chaloner would not ride in an automobile and nearly lost his life while on his way one night last winter to a theatre in this city, where he was scheduled to lecture. He was in a horse-drawn cab and had a narrow squeak from being run down by a large and swiftly moving automobile.

To-day the sworn enemy of "road-hogs" is the proud owner of a gas-propelled vehicle. He wasn't exactly bragging about it, being rather in an explanatory state of mind.

"So, you are turning jitneur?" Chaloner was asked.

The author of "Robbery Under Law," a stirring play in which Chaloner intends to star himself, touring the country in a tent, explained as follows:

"The car—though registered in my name—is not for me—far from it. It is merely an act *pro bono publico* upon my part. Thus: A friend of mine at Cismont, one and one-half miles from 'The Merry Mills,' is an expert engineer and can take an automobile to pieces and set it up again and run it.

"There is a wide demand on the part of the ladies in that section of Albemarle for an automobile bus line from Cismont to Charlottesville, which will enable them to shop in Charlottesville—fourteen miles off—and return, without being bored by having to drive two miles to catch a train. So I decided to advance my friend rather more than half the price of the car, which price is \$515,† he paying the balance from his earnings.

"This is a development of the jitney business—of which I highly approve, and use here in Richmond. I am not interested in the said bus line financially, beyond a desire to see my money again."

Richmond, Va., *Journal*, July 7, 1915.

CHALONER MAKES SELF HERO OF LURID DRAMA

**"Robbery Under Law," He Says, Is An Epitome of His Fight
Against Lunacy Proceedings—Much of the
Dialogue and Some Incidents Real.**

The New York *World* prints the following:

John Armstrong Chaloner has written a play entitled "Robbery Under Law," to illustrate, as he says, the mischief of lunacy proceedings in New York State. When he finished the play last fall he sent it through friends to a reader for a city theatrical manager. It was rejected by the reader, who criticised it as "far-fetched and sensational

†A Ford Touring Car.

in plot, the behavior of the characters being highly unconvincing under all circumstances." Mr. Chaloner says the rejection is a prime literary asset to him, as practically all the characters in the play and all the scenes are from life, relating his own experiences under the lunacy law. So he has published the play in book form, together with other of his writings.

The Virginia Tragedy.

In the dramatization Mr. Chaloner poses as chief character, with the name of Hugh Stutfield, of Rokeby, Albemarle county, Va., and New York, millionaire art patron and law writer. James Lawless, of New York, rejected suitor of Viola Cariston, who loves Stutfield; Winston Blettermole, cousin and heir-at-law of Stutfield; Belisarius P. Spink, a learned and unscrupulous New York lawyer, and Albert Wedge an inventor, are the other important characters in the play.

Viola and the love romance woven about her are dramatic inventions; but, Mr. Chaloner says, the other characters correctly portray relatives and others who had him placed in Bloomingdale Asylum, from which he escaped after he had been kept there nearly four years, and that many of the utterances in the play were made by actual persons in the proceedings against him.

The play opens at Rokeby, Stutfield's Virginia Place, where Stutfield is visited by Viola, accompanied by Mrs. Bullard and her little daughter, wife and child of an English machinist. Bullard had beaten his wife until she had resolved to obtain a divorce from him and Viola had taken her to Rokeby to consult Stutfield as a lawyer.

While they are talking, Bullard enters. He attacks his wife with a pair of tongs. Stutfield springs to her relief and, after a prolonged encounter, a pistol for which Stutfield and Bullard have been struggling is discharged, killing Bullard. This act is said to reproduce substantially an occurrence in which John Gillard, an English wife-beater, was killed by a pistol in the hands of Gillard and Chaloner while Chaloner was, in good faith, according to actual verdict of a coroner's jury, trying to prevent Gillard from shooting Mrs. Gillard.

The Lunacy Plot.

Act II brings together Lawless, Blettermole and wife and Lawyer Spink in the Cariston home, where Spink unfolds a plan by which Stutfield may be declared insane and committed to an asylum and his fortune of \$5,000,000 divided among his relatives. It is arranged that Blettermole, as his nearest blood relative, and Lawless, as "best friend," shall apply to the court to commit Stutfield to an asylum as a dangerous lunatic, a maniac with suicidal and homicidal tendencies. Stutfield's psychological studies and manifestations in subconscious or trance utterances were to be points against him, and the killing of Bullard a supporting incident.

With the departure of the conspirators from Cariston's Stutfield arrives there. He talks with Viola of having awakened that morning

with a subconscious depression of spirits, which warned him of trouble for himself within the next twenty-four hours. Lest it may affect him financially, he has brought with him in his saddlebags \$2,250,000, the proceeds of an investment in a needle-threading invention of Wedge's five years previously. This money he wishes Viola to put away for him in her safe. As no one will know of the deposit except the two lovers, Stutfield wants it in the safe in order that no court may reach it. Stutfield has a low opinion of the bench, which he explains at length. Viola puts the money in the safe. Chaloner says this act is the thinly disguised statement of cold, hard facts, barring the imaginary love motive.

In a New York Hotel.

Act III opens with Stutfield in the Hotel Kensington, New York, where he is visited by two doctors, who profess interest in his powers as a medium. He goes into a supposed trance for their benefit, in which he denounces both of them as rogues and hirelings. The doctors summon three manhandlers to seize Stutfield as a lunatic. Stutfield drives out the entire party at the point of a pistol and says he will discuss the matter the next afternoon. This scene, Chaloner says, is almost *verbatim* and actually from life.

The next scene, declared to be practically from life, is three months later, in Stutfield's cell, "Fairdale" asylum. He is writing a letter to Viola, which he intends to intrust for delivery to the inventor Wedge, whose allowance from Stutfield on account of the needle-threading invention is running low and in danger of stopping, and who has been admitted frequently to the asylum to call on Stutfield, because the asylum authorities look upon him as a safe visitor, being only an inventor, "without much good sense."

This letter lays out a plan for escape. Viola is to tell her father of their engagement and of the money in the safe. Captain Cariston, the father, is to have access to that money to pay \$2,500 to Wedge; \$2,500 each to three ex-Confederate veterans, not too old to shoot straight, with the promise of as much more the day they land Stutfield safely in Virginia; \$1,250 to the owner of any Norfolk ocean-going tug, that sum to be doubled when he lands Stutfield on the Virginia coast; \$2,500 for a Connecticut farmer, a friend of Wedge, to transport any four men, behind a pair of speedy horses, from the "Fairdale" wall to the Sound, within thirty minutes. There the party will take the ocean-going tug and head for Virginia.

The Escape.

When all is ready Wedge is to call at the asylum, bringing with him a "quietous" in the form of a steel harness, which will handcuff, foot-bind, gag, blindfold and ear-muffle its wearer; also a chain and padlocks. This apparatus is intended for Pat Sligo, Stutfield's guard, with whom Stutfield intends to pick a quarrel in the asylum woods. He has figured out how he can choke Sligo into insensibility and then

bind and lock him so that Sligo can give no alarm, see nothing, hear no approaching or departing footsteps and cannot be unharnessed except by long filing.

This plan is carried out in the play and work perfectly. Chaloner says it is "practically" the way he escaped from a real asylum, the main difference being that the fight with the keeper took place in the cell, not in the woods, and that the escape from the asylum grounds was made without help from outside.

The News-Leader, Richmond, Va., Friday, July 16, 1915.

**NOW WE SHALL SEE IF BOOTH HAD ANYTHING ON
CHALONER AS A THESPIAN**

**Author of "Who's Looney Now?" Writes a Play, in Which He
Will Star Himself—It Was Turned Down by a Play
Reader, But That Only Proves That "Truth is
Stranger Than Fiction." Audiences Will
Hear Lectures on Lunacy Laws
as Curtain Speeches.**

John Armstrong Chaloner is going on the stage.

He will star in his own play, "Robbery Under Law," enacting the role of Hugh Stutfield, "millionaire art patron and law writer." Most of the incidents in the piece have been drawn from Chaloner's own life, and he is, of course, the hero. Stutfield is the name he gives himself in the dramatization of his extraordinary experiences.

The author of the amusing quip, "Who's Looney Now?" promises to take to the "road" with a good company. Should he find the theatres closed against him he will follow the illustrious example of Madame Sarah Bernhardt under similar circumstances and present "Robbery Under Law" in a tent.

"What kind of a fist can 'Who's Looney Now?' make at acting? Can he act?" Chaloner himself inquires and promptly answers: "Who's Looney Now?" undoubtedly can act." He asserts he "came within one ace of being born on the stage—of being actually born on the boards." He explains this as follows:

"'Who's Looney Now's?' mamma was very fond of the theatre. The night before 'Who's Looney Now?' appeared in this world 'Who's Looney Now's?' mamma was seized with a desire to attend a theatrical performance that was taking place on the next block from the house she was then visiting. This house was the town house of her grandfather the late William B. Astor, in Lafayette Place, New York, in the shadow of the Astor library. 'Who's Looney Now's?' papa humored his wife's whim—it being the first time such a thing had occurred,

'Who's Looney Now?' being his mamma's first born—and accompanied his wife to the playhouse and the best box therein. Before the play was over—to cut a long story short—'Who's Looney Now's?' mamma had to hurry home in order to avoid a most sensational denouement."

Harbored Secret Intent.

Chaloner points out that under the circumstances it is not surprising he has had from earliest childhood a penchant for the stage. He has always felt, he says, "that provided circumstances were favorable to such a sensational and unusual thing he would one day go on the stage." With this secret intent he has always avoided strenuously "taking any active part in that morgue for histrionic ability, private theatricals."

In anticipation of the time when he would take to the boards Chaloner has been in training at the Rex motion-picture theatre at Seventh and Broad streets, Richmond. He lectured there twice a month from the first week in September, 1912, until January, or later in 1914, when he cut his appearances down to the last Sunday night in each month in place of two Sunday nights in the month.

In his published announcement of the forthcoming production of "Robbery Under Law," Chaloner says: "He (Chaloner) has had so little difficulty in attracting audiences to the Rex that after the first few months, way back in 1912, he ceased to advertise his appearance; and since then has not had to pay out so much as one dollar for advertising purposes.

"Incidentally all this time 'Who's Looney Now?' was training and cultivating his voice for the stage. For this purpose no better spot on earth than this same Rex theatre could have been chosen—for strengthening the voice and enabling it to shout at top pitch for an hour or more above a competitive and persistent roar. For along Seventh street runs a trolley line—within some twelve or fifteen feet or so of the stage. The sides of the Rex are open at the top for ventilation. Hence 'Who's Looney Now's?' voice has had to compete with and dominate the crash and roar of a trolley car: to which is to be added the brazen clang of its bell.

"An hour and a quarter of this sort of thing once a month for two years and a half has given 'Who's Looney Now?' a pair of lungs ready and willing to compete with the bellowings of the bull of Bashan itself. Therefore the intelligent reader will gather that there has been a method lurking in the background of 'Who's Looney Now's?' three years' shouting at the Rex, to-wit: voice and lung culture."

Unique Curtain Speeches.

Chaloner states that in each city he visits with "Robbery Under Law" he will address the audiences after the fall of the curtain "for ten minutes precisely" on "the black and foul stigma now staining the fair name of law, justice and liberty in these United States in the name of lunacy law."

In addition to this, "each Sunday afternoon 'Who's Looney Now?' will hire the largest hall each city contains and for two hours hold forth on the interesting topic of criminal Lunacy Legislation now masquerading under the name of law in 40 per cent. of the States of the Union. These lectures will be, of course, free and will be advertised a day or so before in the local papers, or on billboards and hoardings as the case may be."

Chaloner asserts there is "somewhat more than a passing likeness between the storm-tried face of 'Who's Looney Now?' and that of Edwin Booth." He has been told, he says, that the tones of his voice strongly resemble those of Edwin Booth. During one winter, while he was an undergraduate at Columbia University, in New York, Chaloner took lessons in gesture and intonation and the use of the throat and lungs from a professional in that line whose business it was to train professional actors.

In portraying Hugh Stutfield in "Robbery Under Law," Chaloner says he will merely be copying the role he has created in real life and adds: "It should not be very difficult for a man to copy himself." Chaloner says his "formidable resolve" to become an actor will assume definite shape as soon as he recovers his million and a half of property for which he is fighting in New York.

Founded on Fact.

Chaloner has just published his play in a volume which contains another play, "The Hazard of the Die," numerous newspaper clippings and some sonnets. "Robbery Under Law" is founded upon Chaloner's own adventures before and after his escape from "Bloomingdale" asylum. Chaloner says of his play: "All the characters—with the exception of the heroine's—which is entirely an imaginary one—have been photographed actually, so to speak, from life; and all the actions of all the characters—bar the heroine's—have been practically copied from court records."

A professional play-reader in New York read "Robbery Under Law" and pronounced it hopeless for stage purposes. "This so-called play is a lengthy and far-fetched narrative, very sensational in plot and diffuse in dialogue," commented the reader. "The speeches are almost all pages in length and the authors are apparently quite ignorant of the form in which plays are written. There is nothing in the story which is worth considering—the behavior of all the characters being highly unconvincing under all circumstances."

To all of which Chaloner replies that Lord Byron was indubitably correct when he wrote: "Truth is stranger than fiction."

Record, Harrisonburg, Va., July 7, 1915.

**JOHN ARMSTRONG CHALONER OF "WHO'S LOONEY NOW?"
FAME WRITES NEW BOOK.**

New York, July 6.—Every once in a while John Armstrong Chaloner, author of that merry little quip, "Who's Looney Now?" retires into his inner consciousness and after long lucubration brings forth another book about John Armstrong Chaloner. Since his escape from "Bloomingdale" Asylum in 1900 to his home in Virginia, where he is legally sane, Chaloner has been exposing the lunacy laws, and his latest vehicle of expression, which comes hot off the press, is called "Robbery Under Law, or the Battle of the Millionaires."

Although Chaloner modestly takes unto himself the robes of Shakespeare and Marlowe, he was known, until the publication of this latest collection of blank and other 'verse, melodrama and press notices, as the brother of Sheriff Bob Chanler, of New York, who, on his separation from Lina Cavaleri, received a telegram from Brother John asking, "Who's Looney Now?" Mr. Chaloner puts that line on the title page, and uses it as the climax of his triumph over Pat Sligo, the asylum keeper.

Chaloner is the hero of his play in three acts and three scenes with a prologue and epilogue. His adventures, "the stirring cycle of events which for the past eighteen years has been whirling around the head of "Who's Looney Now?" center about the manly form of Hugh Stutfield, of Rokeby, Albemarle County, Va. There are two other millionaires in the play who try to get Stutfield's money and so put him in the "Fairdale" Asylum, and a man worth half a million. Mr. Chaloner says that it is a psychological play, he having been called a medium and of psychic temperament by the late Professor William James.

New York *Times*, July 4, 1915.

POETRY, DRAMA AND ART.

Robbery Under Law: or, The Battle of the Millionaires. A play in three acts and three scenes. By John Armstrong Chaloner. North Carolina: Palmetto Press. 50 cents.

Contains another play, "The Hazard of the Die," treating of the conspiracy of Catiline. Mr. Chaloner is the author of "Scorpio."

The Burlington Hawk Eye, Burlington, Iowa, July 26, 1915.

Robbery Under Law, a play by John Armstrong Chaloner; 50c.
Palmetto Press, Roanoke Rapids, North Carolina.

"Robbery Under Law, or The Battle of the Millionaires," is the title of a play in three acts and three scenes by the author of "Scorpio." The time of the action of the drama is 1887, and it treats of the adventures of the author of "Who's Looney Now?" The volume is paper covered and contains also a second drama, entitled "The Hazard of the Die," and many personal declarations by the author.

Pittsburgh, Pa., *Dispatch*, July 2, 1915.

CHALONER NOW AUTHOR.

New York: John Armstrong Chaloner author of "Who's Looney Now?" has a brand-new crusade. He has set out "to put before the public the deadly disease eating the fiber of our body politic in vicious lunacy legislation obtaining in 40 per cent. of the United States, as 'Damaged Goods' put before the public the deadly disease, eating the flesh of alas! but too many people of the earth." To that end he has written a new play entitled "Robbery Under Law; or The Battle of the Millionaires," and is offering it to the public in book form. It made its appearance on the book stands here, to-day from the press. The work, which embraces besides the play, numerous newspaper clippings, dealing with the now, famous case, another play called, "The Hazard of the Die," and some new essays in the field of poetry. Most of the clippings refer to Chaloner's incarceration in the "Bloomington" Insane Asylum in this State and the actions of the New York and Virginia courts which respectively held him insane and sane. Chaloner's last court fight here took place last year, when he made an unsuccessful effort in the Federal Court to recover possession of his \$1,500,000 estate.

Chicago *Herald*, June 29, 1915.

"WHO'S LOONEY NOW?" PENS BOOK ABOUT LUNACY LAWS.

John Armstrong Chaloner Wants Insanity Statutes of Most States Changed a Bit.

New York, June 28.—(Special.)—John Armstrong Chaloner, made famous by the query "Who's Looney Now?" has started a crusade to prove the insanity laws of the majority of the States are all wrong

In a book which appeared to-day he is putting forth admitted facts in his own experience, his commitment to Bloomingdale, his escape and his finding of a refuge in Virginia whose courts declared him sane.

Chaloner sets forth in a prologue he has "sacrificed the last eighteen years of his life" in the cause of lunacy reform. The book contains a play entitled "Robbery Under Law, or the Battle of the Millionaires." Another play, "The Hazard of the Die," is also included in the volume, which contains numerous clippings from newspapers dealing with his own case.

Will Put Public Next.

His purpose, he said, "is to put before the public the deadly disease eating the fiber of our body politic in vicious Lunacy Legislation obtaining in 40 per cent. of the States of the United States as 'Damaged Goods' put before the public, the deadly disease eating the flesh of, alas, too many of the peoples of the earth."

The book has a frontispiece portrait of the author in the make-up of Napoleon. It also contains some poetry.

In furtherance of his crusade he intends to speak in the larger cities, of which purpose he says:

"'Who's Looney Now?' proposes to address the audience after the fall of the curtain in 'Robbery Under Law' for ten minutes precisely and put before them in each city he plays in—all through the United States—the black and foul stigma now, staining the fair name of law, justice and liberty in the United States in the name of the lunacy law.

Sunday Matinees, Too.

"Furthermore, each Sunday afternoon 'Who's Looney Now?' will hire the largest hall each city contains and for two hours hold forth on the interesting topic of criminal lunacy legislation now masquerading under the name of the law in 40 per cent. of the States of the Union."

In the chief play the hero, Hugh Stutfield, of Virginia and New York, has an enemy who conspires with his relatives to get him out of the way and who manages to get him incarcerated in an insane asylum. In his introduction Chaloner says the first act, in which one of the characters is shot and killed, is "taken bodily, the characters and action, from life."

Other incidents are also from life, he explains, including a fight with a Bloomingdale keeper, which is from his own experience.

Last year Chaloner made an unsuccessful attempt in the courts here to gain possession of his \$1,500,000 which was turned over to a committee when he was sent to Bloomingdale.

Boston *Globe*, July 30, 1915.

John Armstrong Chaloner has published a play "in order to serve as a sort of propaganda toward the cause of lunacy reforms, to which the writer has sacrificed the last eighteen years of his life, come March 13, 1915." It is called "Robbery Under Law," and if it's as good as his "Who's Looney Now?" telegram, written to his brother, "Sheriff Bob" Chanler, when the latter's marital experiences with Mlle Cavaliere became known, there should be many appreciative readers.

Chicago, Ill., *Journal*, July 9, 1915.

John Armstrong Chaloner, author of the interrogative "Who's Looney Now?" which enriched for awhile the speech of the slangsters, has written and published a play, "Robbery Under Law," in which he introduces a hero whose career somewhat resembles his own and through whom he undertakes to show how bad are the insanity laws of the State of New York. The play is in blank verse and it is published with the conclusions of Prof. Joseph Jastrow, of the University of Wisconsin, who believes that Chaloner exercises a form of graphic automatism—writing without the complete and conscious co-operation of the writer.

Bridgeport, Conn., *Post*, July 23, 1915.

The latest move is to make Harry Thaw a fugitive from New York State, thereby putting him in the same class with John Armstrong Chaloner. But Harry has promised faithfully not to write a book.

The News Press, Poughkeepsie, N. Y., June 30, 1915.

"BOB" CHANLER'S BROTHER HAS WRITTEN NEW PLAY.

John Armstrong Chaloner, brother of former "Sheriff" Bob Chanler, one time resident of Rhinebeck, has written a new play entitled "Robbery Under Law." It will be remembered that Mr. Chaloner broke into the news columns a few years ago when he coined the phrase "Who's Looney Now?"

"In order to serve as a sort of propaganda toward the cause of lunacy law reform, to which the writer has sacrificed the last eighteen years of his life, come March 13, 1915," is Mr. Chaloner's declaration in italics for the purpose of this publication.

More interesting than the publication is the announcement it carried that Mr. Chaloner proposes to present "Robbery Under Law" as a dramatic performance in theatres all over the country, making an

address after the fall of the curtain at each performance, which he solemnly agrees to limit to ten minutes. He will talk for two hours every Sunday, however.

The frontispiece for the book is a picture of a portrait bust of the author dressed in the uniform of Napoleon I, with the caption, "Chaloner 1st; 1911, by Chiswell."

Defending "Robbery Under Law" Mr. Chaloner writes that parts of it could be cut "without the least injury to the action, though not to the psychological value of it as a study in the very latest and farthest advanced realms of mediumship. Since that is what I am—a medium—in the language of the late Professor William James, of Harvard."

Cincinnati, O., *Times-Star*, † July 23, 1915.

John Armstrong Chaloner, author of "Who's Looney Now?" has written a play with which he intends to fight the lunacy laws of several States. It is called "Robbery Under Law" and was written at "Merry Mills," Chaloner's estate in Virginia. There the author is a sane man under the State law, while New York courts have adjudged him insane. The play is founded upon Chaloner's own adventures before and after his escape from "Bloomingdale." (Palmetto Press, Roanoke Rapids, N. C.)

St. Louis *Globe-Democrat*, June 29, 1915.

New York, June 28.—John Armstrong Chaloner, made famous by the query, "Who's Looney Now?" has started a crusade to prove the insanity laws of the majority of the States are all wrong.

In a book which appeared on the stands to-day he is putting forth, admittedly founded on his own experience, his commitment to Bloomingdale, his escape and his finding of a refuge in Virginia, whose courts declared him sane.

Chaloner sets forth in a prologue he has "sacrificed the last eighteen years of his life" in the cause of lunacy reform. His play is entitled "Robbery Under Law, or the Battle of the Millionaires."

His purpose, he says, is "to put before the public the deadly disease eating the fiber of our body politic in vicious lunacy legislation obtaining in 40 per cent. of the States of the United States."

St. Louis, Mo., *Republic*, July 17, 1915.

All those who are interested in the author of "Who's Looney Now?" may now come forward and obtain a new volume by the same

†This notice also appeared in the *Star*, Cincinnati, O., July 23, 1915.

author, who bears unchallenged the name of John Armstrong Chaloner, entitled "Robbery Under Law." "Robbery Under Law is "a play in three acts and three scenes," and it is further enriched by the inclusion of other plays and a lot of miscellaneous matter touching John Armstrong Chaloner. Palmetto Press, Roanoke Rapids, N. C., 50 cents.

Batavia, N. Y., *Daily News*, July 6, 1915.

John Armstrong Chaloner ("Who's Looney Now?") denies that he had the automobile business in mind when he wrote his latest book "Robbery Under Law, or the Battle of Millionaires."

The Post, Houston, Texas, July 27, 1915.

SOME RECENT PUBLICATIONS RECEIVED BY "THE POST."

Robbery Under Law—By John Armstrong Chaloner, author of "Scorpio." Published by the Palmetto Press, Roanoke Rapids, North Carolina.

John Armstrong Chaloner, phrase maker extraordinary and author of "Who's Looney Now?" has written a play with which he intends to fight the lunacy laws of various States. It is called "Robbery Under Law, or the Battle of Millionaires," and was ground out at "Merry Mills," Chaloner's estate in Virginia. There the author is a sane man under the State law, while New York courts have adjudged him insane.

To give full measure in the volume Mr. Chaloner has combined with "Robbery Under Law" another play, called "The Hazard of the Die," numerous newspaper clippings concerning his own vicissitudes and some sonnets. The frontispiece is a portrait of Chaloner in the dress of Napoleon—the same picture that he sent to newspapers in 1912, when his modesty first yielded to his resemblance to the great little Corsican.

The play "Robbery Under Law" is founded upon Chaloner's own adventures before and after his escape from Bloomingdale. In the prologue, in which the author refers to himself as "Who's Looney Now?" Chaloner declares his intention of producing the play in all parts of the country and accompanying its production with lectures on the iniquity of insanity laws.

Just how Chaloner is going to manage about New York he doesn't say. He surely can't be planning to omit New York from his tour, for here, if anywhere, he has found iniquitous lunacy law, to say nothing of "ermined anarchy." Perhaps he is reckoning on the co-operation of the Supreme Court of the United States, where his appeal from an

adverse judgment in his suit to recover the control of his \$1,500,000 property is pending.

It is not the first appearance Chaloner has made as an author, although it is the first time he has come out as a Napoleonic crusader in literature. In 1907 he wrote forty-seven sonnets, explaining his ideas on hell and Bernard Shaw. A few months ago the war set his pen to itching, and he gave the Germans what he gave Shaw—only more so.

As a scientist, too, Chaloner has made a deep impression upon himself. Not only is he the possessor of an "X-faculty" which enables him to suspend the law of gravitation, but pool balls speak to him in astrological terms.

All this was for the cause, however, as Chaloner announces in his prologue to "Robbery Under Law." Presumably even his apparently sincere attempts to recover command of his fortune were strategic movements intended to embarrass the New York lunacy law, for he writes that he has "sacrificed the last eighteen years of my life" in the cause of lunacy reform.

This notice from the *Houston Daily Post* was repeated also in the following papers:

- The News*, Lima, Ohio.
- The Herald*, Fall River, Mass.
- The Dispatch*, Wilmington, N. C.
- The Courier*, Waterloo, Ia.
- The Journal*, Niagara Falls, N. Y.
- The Times*, Rochester, N. Y.
- The Graphic*, Pine Bluff, Ark.
- The Republic*, North Yakima, Wash.
- The Herald*, Dayton, Ohio.
- The Scimitar*, Memphis, Tenn.
- The Times*, Akron, Ohio.
- The News-Times*, South Bend, Ind.
- The Tribune*, Bay City, Mich.
- The News*, Mansfield, Ohio.
- The Leader*, Gloversville, N. Y.
- The Freeman*, Kingston, N. Y.
- The Reporter*, Fond Du Lac, Wis.
- The Examiner*, Ogden, Utah.
- The Star*, Philadelphia, Pa.

The Philadelphia *Star* has the following headlines before the article:

"'Who's Looney Now?' Becomes Playwright. John Armstrong Chaloner to Produce 'Robbery Under Law' Throughout Country. He Fights Insanity Laws."

The Buffalo *Commercial*, July 24, 1915.

"The latest offering from the pen of John Armstrong Chaloner is a play in three acts and three scenes called 'Robbery Under Law, or The Battle of the Millionaires.' The author says the play was written to illustrate the mischief of lunacy proceedings in New York State. All the characters are drawn from life, according to the author, and the scenes are real. Although Chaloner modestly takes for himself the role of the hero he has taken into consideration all the persons who took an active part in having him declared insane. The story has to do with one Hugh Stutfield, of Virginia and New York, a millionaire, whose enemy and rival, James Lawless, conspires with his relatives to get him out of the way. How he manages to escape from the insane asylum and to keep his freedom, form important chapters in the play. In the same volume is also presented "The Hazard of the Die," a drama in three acts, and several sonnets and other compositions. The paper-covered volume is published by the Palmetto Press."

The Gazette, Worcester, Mass., July 23, 1915.

Robbery Under Law—By the author of "Scorpio." Palmetto Press, Roanoke Rapids, North Carolina. Price, bound in paper, 50 cents.

Many people remember the sensation which the publication of "The Quick or the Dead," written by Amelie Rives, created. It was the first of many subsequent novels which have pleased people who delighted in the sensational, in that variety of the sensational which bordered on the salacious and, written by an engaging young lady of Virginia the wonder grew, though the story, first appearing in Lippincott's Monthly, acquired an amazing sale. The next source of wonder was the marriage of Miss Rives to a member of a prominent New York family, John Armstrong Chaloner. Naturally the public was more than interested in the man, as it had been in the woman. Ere many years, the public was again in the condition of amazement when it appeared that Mr. Chaloner had been adjudged insane and had been committed to an asylum for that class of unfortunates in "Bloomingdale," New York. There he was confined four years and at last succeeded in making his escape. Naturally he cherished much animosity towards his relatives who had brought about his incarceration, and, as a means of setting himself right before the public, he wrote a play with the title given above, which he submitted to certain playwrights for their judgment and criticism. When the play is read one does not marvel that it was not considered adapted to the stage, at least as written, and to allow the public to judge for itself he puts the entire play into print. In this way, he brings to view a considerable part of his former life, especially the death of a certain man who, at the

time, was engaged in the somewhat reprehensible occupation of beating his wife. Mr. Chaloner claims that his relatives were anxious to secure his fortune, hence their part in the immurement. This volume of 350 pages contains, not alone the play, but several other literary efforts of the writer which, undoubtedly, will afford a deal of pleasure to seekers after the curious and strange in deed and thought. Mr. Chaloner includes in his volume, not only what he has himself written but, apparently, all that he can find of what others have written about him and his writings. As to the controversy, the *Gazette* has no disposition to take a part, though we are quite ready to assert that the walls of bedlam do not contain nor have they ever held any considerable portion of the really insane, the trouble being that, too often, the craziest are on the outside. Mr. Chaloner's book creates the impression of a man easily excited, ever ready to assert his opinions and to defend them, if necessary. All lovers of the curious in literature will desire a copy of "Robbery Under Law."

The News, Baltimore, Md., July 21, 1915.

John Armstrong Chaloner, he of "Who's Looney Now?" fame, has written a play "Robbery Under Law; or The Battle of the Millionaires" is its title, and it is in three acts, and three scenes.

"Robbery Under Law" has a mission, according to the author, "the object being to put before the papers the deadly disease eating the fiber of our body politic in vicious lunacy legislation obtaining in 40 per cent. of the States of the United States" is the way Chaloner puts it. In a lengthy prologue he explains that the characters of his play are sketched from the real, all except the heroine, and that most of the vivid scenes are pages from his own book of life. The play is lengthy, has a sensational plot, and lots of dialogue. Along with the play the reader gets more of the Chaloner plays, some poetry, personal letters, and so forth.

("Robbery Under Law," John Armstrong Chaloner. Palmetto Press, Roanoke Rapids, N. C., publisher.)

Denver, Colo., *Post*, July 25, 1915.

"WHO'S LOONEY NOW?" REAPPEARS.

Apropos of the interest taken in the case of Harry Thaw, who is just now very much in the public eye and who for a fortnight has been on the front page of nearly every newspaper of the country, is the case of John Armstrong Chaloner, of "Who's Looney Now?" celebrity.

The latter gentleman has written a long play and a thick book, both of which have been printed, and by the courtesy of the publishers have just reached the office of *The Denver Post*.

The Chaloner story is much older than the Thaw tale, but the present publication revives it and makes it a timely topic for discussion.

The purpose of the present book and the play, is a crusade to prove the sanity laws of a majority of the States are all wrong.

In this volume, which is only a fortnight old, Mr. Chaloner puts forth, admittedly founded on his own experience, his commitment to Bloomingdale, his escape and his finding of a refuge in Virginia, whose courts declared him sane.

Chaloner sets forth in a prologue he has "sacrificed the last eighteen years of his life" in the cause of lunacy reform. His play is entitled, "Robbery Under Law, or The Battle of the Millionaires."

His purpose, he says, is "to put before the public the deadly disease eating the fiber of our body politic in vicious Lunacy Legislation obtaining in 40 per cent. of the States of the United States as 'Damaged Goods,' put before the public the deadly disease eating the flesh of, alas! but too many of the peoples of the earth."

Chaloner's only successful composition heretofore was the phrase "Who's Looney Now?" written in a telegram to his brother, Bob Chanler, when the latter's romantic and marital experiences with Mlle. Lina Cavaliere became known.

Many readers of this page will recall the mysterious sensation occasioned years ago by the incarceration in Bloomingdale Asylum, in New York, and the subsequent escape of John Armstrong Chaloner, the wealthy Virginian and member of the New York bar.

For four months the friends of Mr. Chaloner supposed that he was away taking a trip for his health. For weeks after his escape and return to his State of Virginia, newspaper speculation was rife as to the causes which led up to the imprisonment. He was subsequently declared sane in an action tried in the courts of Virginia and was adjudged competent to manage his own affairs. Beyond the fact that he had brought actions against persons, however, the matter has since fallen away from public attention and has in many respects remained ever since a mystery.

Mr. Chaloner was especially known in the South by reason of his marriage to Amelie Rives, the brilliant Virginia novelist, whose book, "The Quick or the Dead," created a national furore at the time of its publication.

That story, as you may remember, tells the old love of a beautiful widow for her dead husband and her newer love for another man in the flesh.

Jock Dering, the hero, was Chaloner. This Chaloner was declared by the courts sane in one State and insane in another. He is cousin of the Astors, one time chum of the late Stanford White; lawyer, col-

lege graduate, student of psychics and, say, ex-husband of that brilliant woman, Amelie Rives, later the Princess Troubetzkoy.

His story is one of the most remarkable of modern times, and as printed in the New York papers at the time, from which the following facts are taken, reads like fiction. Here is a man of independent means, a man of affairs, a brilliant writer, an ardent sportsman, a clever raconteur, sent to Bloomingdale adjudged hopelessly insane—"progressive," the physicians called his case.

There he stays for nearly four years. He knows it is hopeless to protest. There he is, behind the bars, gone from the world forever. He dreams of freedom by night; by day he ponders over the problem of getting it. He knows that to be violent would see the end of his hopes; he acquiesces in everything his keepers order, without a word of protest. It is the careful working of a mind bent on accomplishing its object—freedom!

He waits his time. He gets the trust of everyone about him. He does meekly everything that he is bidden—everything except admit to the doctors that he is insane. He gets permission to take walks without a keeper. He makes his daily jaunts farther and farther away, deliberately practicing the art of covering great distances in a short time. He finds a postoffice where he may receive letters under an assumed name, because nothing may reach him at the asylum until it has been scrutinized. In this way he manages to borrow \$10—this man with an income of \$40,000 a year.

And now what does he do?

One day he does not return from his daily walk. No, he has walked well and far—he has taken a train to New York from an obscure railroad station miles distant from White Plains, where Bloomingdale now is. By nightfall he is safe in Philadelphia.

Does he go into paroxysms of impotent rage at those who incarcerated him, as do so many of the insane when they escape? Does he try to kill those whom he might imagine responsible for his sufferings? Does he break out in incoherent ravings against fancied evils?

No. He goes straightway to a sanitarium in Philadelphia. He states his case calmly to the physician in charge and asks to be put under scientific observation. After six months voluntary confinement there the physicians tell him that he is perfectly sane and has always been so. He is not even now content. He goes to another institution and goes through the same voluntary process all over again. Once more the physicians tell Mr. Chaloner he is well balanced. Then suddenly he appears at his old home, "Merry Mills," Cobham, Va., where he has stayed to this day, master of his estate, as at Roanoke Rapids, N. C.

After his discharge from the asylum Mr. Chaloner wrote a book. Not the book now before me, but one, at present, nearly ten years old. There he describes with bitterness the manner in which he was lured to Bloomingdale by Stanford White, who soon after was killed by Harry Thaw.

"I received a telegram from my friend, Stanford White, proposing to visit me in company with a mutual friend. As I was on rather unfriendly terms with Mr. White at the time, owing to an abusive letter he had recently written me, I did not look forward to a visit from him with pleasure. I therefore sent him a telegram to say that I was not well enough to see him. A few days later Mr. White walked in on me, in company with a physician. I shall not attempt to picture my surprise. Let it suffice to say that I was struck dumb.

"Mr. White hastily excused his intrusion and implored me to accompany him to New York for a 'plunge in the metropolitan whirl.' As I had some business which needed my attention in New York, I consented."

He was then hurried to Bloomingdale by White's aid and declared mad.

Chaloner thinks "the play's the thing," and that he can reach the public better through the stage than by literature. So he publishes the drama, and announces he will act in it. He has had considerable experience in histrionics during his early life.

Chaloner is the hero of his play, which is in three acts and three scenes, with a prologue and epilogue. His adventures, "the stirring cycle of events which for the past eighteen years has been whirling around the head of 'Who's Looney Now?'" center about the manly form of Hugh Stutfield, of Rokeby, Albermarle county, Va., "millionaire art patron and law writer." There are two other millionaires in the play who try to get Stutfield's money and so put him in the Fairdale asylum, and a man worth half a million. Mr. Chaloner says that it is a psychological play, he having been called a medium and of psychic temperament by the late Prof. William James.

He is determined to present his play—with himself in the lead. He expects to encounter difficulties, however.

"If we find the theater closed against us," he says, "for the same reason we find the newspapers—whatever that reason may be—we shall follow the example of Madame Bernhardt under the precise and identical circumstances, and act in a tent."

Then he puts his case, his ability and his purposes forth as follows:

Having a million and a half of property, we are in a fairly strong position as regards carrying out to the letter the above pushful program. The first question that will present itself to the reader will be "What kind of a fist can 'Who's Looney Now?' make at acting? Can he act?" To which we hasten to make answer, "'Who's Looney Now?' undoubtedly can act." Thus. In the first place, there is a good deal of heredity and environment at birth. Now "Who's Looney Now" came within one ace of being born on the stage—of being actually born on the boards! The remarkable facts are as follows, "Who's Looney Now's mamma was very fond of the theater. The night before "Who's Looney Now?" appeared in this world "Who's Looney Now's? mamma

was seized with a desire to attend a theatrical performance that was taking place on the next block from the house she was then visiting. This house was the town house of her grandfather, the late William B. Astor, in Lafayette place, New York, in the shadow of the Astor library. "Who's Looney Now's?" papa humored his wife's whim—it being the first time such a thing had occurred—"Who's Looney Now?" being the mamma's first-born—and accompanied his wife to the play-house and the best box therein. Before the play was over—to cut a long story short—"Who's Looney Now's?" mamma had to hurry home in order to avoid a most sensational denouement.

Under the circumstances aforesaid it should not be surprising to an open-minded reader that "Who's Looney Now?" has had from earliest childhood a penchant for the stage. Such being the fact, "Who's Looney Now?" has always carried it locked in the inmost recesses of his breast that—provided circumstances were favorable to such a sensational and unusual thing—he would one day go on the stage! With this secret intent he has always avoided strenuously taking an active part in that morgue for histrionic ability, "Private Theatricals." Two facts stand out in "Who's Looney Now's?" later years, indicating his ability to make good on the boards. The first fact indicates ability in said line. The second fact indicates serious study along and in said line. Fact number one is that "Who's Looney Now?" surprised and delighted his father—his mother being now dead—by taking first prize in declamation at a military academy, by name "St. John's School," Ossining-on-Hudson, New York, at the early age of thirteen—out of a school of seventy-five boys—many of whom were four or five years "Who's Looney Now's?" senior. Anyone who knows anything about acting knows it's harder to be interesting on a naked platform, against a whitewashed school room's wall, than surrounded by all the sensuousness and fairy glamor of the footlights.

Fact number two is that "Who's Looney Now?" devoted a whole winter while an undergraduate at Columbia university, in New York, to taking lessons in gesture and intonation, the use of the throat and lungs, from a professional in that line; whose business it was to train professional actors—that early day being long before dramatic academies—for fitting aspirants for the stage—had been dreamed of. "Who's Looney Now?" being a great admirer of Edwin Booth—whom he knew personally—and considering him the greatest actor of his day, if not of any day—spent about four nights out of each week during Booth's last and longest season at Booth's theater, at Twenty-third street and Sixth avenue—during the same year that he was studying elocution professionally—and also sent his dramatic instructor aforesaid to the same theater frequently—supplying the instructor with the necessary tickets. The next day "Who's Looney Now?" would read the soliloquies in "Hamlet" and "Richard III." to the instructor, rendering the same with as nearly the same tone, accent, and inflection as Booth had given them the night, or nights, before.

When to the above serious active work in the dramatic art is added the fact that, some years later, "Who's Looney Now?" carried his lares and penates to Paris and set them up in a house or private apartment of his own for five consecutive years, during which time there was hardly a week elapsed without his going to the *Théâtre Français* at least once, if not twice, as well as once or twice each week to some other of the leading French theaters, it becomes palpable to the poorest observation that "Who's Looney Now?" was "going some"—to theaters—to school. All this time "Who's Looney Now?" had the starry end in view, to—one of these days—provided always and only that Fate should be propitious—that circumstance should point the way to that rugged and daring path of toil and disappointment and severe work—the starry end in view to at the proper time—have a dash on the boards. And all this time therefore 'Who's Looney Now?' was watching Coquelin Ainé, or Coquelin Jeune, or Mounet-Sully at the *Français* for tips and points and what not, for his own particular use at the proper time—French dramatic art being as much at the top of all dramatic art to-day, as French painting and sculpture and architecture are at the topmost pinnacle of their respective branches of art to-day.

Therefore "Who's Looney Now?" would mount the stage with a far from unsophisticated attitude toward the stage. Now what would "Who's Looney Now?" be required to do in his initial step—the step that breaks the ice—le premier pas qui coute step—upon mounting the stage in "Robbery Under Law?" Why, nothing more difficult than copy the role he had created in real life—on the stage of the world—when he fought Gillard in the dining room at "Merry Mills" that March afternoon six years ago; or when he held up the doctors in his suite at the Hotel Kensington three times as many years ago; or later when he fought his strapping Irish keeper in his cell at "Bloomingdale" until the latter bellowed "Help" at the top of his powerful lungs seventeen years ago; or, lastly, when he escaped.

Chaloner, like Thaw, killed his man. But in the case of the former it was not the result of an unclean brawl, but in defense of a woman whose drunken husband was beating her and would have had her life had not Chaloner interfered, saved the wife and shot the man. This occurred in Virginia and a jury of substantial farmers wholly absolved Chaloner from blame in the tragedy; in fact, complimented him on his bravery in protecting a defenseless woman.

The main purpose of the Chaloner book is to supplement Charles Read's well-known novel, "Hard Cash," in an effort to prevent sane persons being locked up in asylums without proper process of law.

No doubt the law in many States is defective.

As was well said by one of our leading law journals not long ago, the fact that many mentally deranged persons are incapable of comprehending the nature of the steps taken to place them in custody, the custom has become prevalent that no process is needed to place them on trial as to their sanity.

It is to be remembered that in every State of the Union, and, in fact, in every country of the world, fraud has been perpetrated on men and women of means by greedy relatives and the unfortunate ones placed in asylums for no other purpose than to secure control of their property. And further it should be remembered that one once adjudged insane, if he cannot secure a hearing of his right to restoration through the influence of true friends, is forever barred of the right to be heard.

He has lost the standing of a citizen.

Mr. Chaloner, whether he be "queer" or not, is certainly mentally brilliant and in deadly earnest in all he does.

He must also have a generous heart, for to this day he pays his divorced wife, Amelie Rives that was, and now the Princess Troubetzkoy, \$3,000 a year as a pleasing remembrance of once happy days.

Naturally he is very bitter in his denunciation of New York society, which he maintains was instrumental in his downfall. In a series of published "sonnets," some of which are genuine poetry, he has this on the famous Horseshoe of the Metropolitan Opera House, New York, where the fashionable 400 gather in force, on Caruso nights especially.

He calls it "The Devil's Horseshoe," and describes the gracious company thus:

A fecund sight for a philosopher—

Rich as Golconda's mine in lessons rare—

That gem-bedizen'd "horseshoe" at th' opera,

Replete with costly hags and matrons fair!

His votaresses doth Mammon there array,

His Amazonian Phalanx dread to face!

To Mammon there do they their homage pay!

Spangl'd with jewels, satins, silks and lace,

Ghouls—when they speak one hears the grave-mole squeak—

Beldams whose slightest glance would fright a horse;

Ghouls—when they speak one hears the grave-mole squeak—

Their escorts parvenus of feature coarse,

A rich array of Luxury and Vice!

But, spite of them, the music's very nice.

It may be hoped that Mr. Chaloner's book, as well as his play, will have some good effect in awakening the public to that iniquitous system against which Charles Reade waged his long war in England.

Both the novelist in Europe and the aristocrat in America put the case strongly.

Their criticism of the practice of adjudging persons incompetent and depriving them of their liberties without due process of law is the theme well developed in this story.

It shows that people may still be incarcerated in insane asylums without notice and without an opportunity to be heard. Once in an

asylum a patient has little chance of any liberty; small protection against the keepers.

The lunacy laws of the world certainly need reform.

Philadelphia North American, July 29, 1915.

PLAY BY CHALONER.

John Armstrong Chaloner, who is sane in Virginia but crazy in New York, has gone into print again—this time with a play, "Robbery Under Law," printed by the Palmetto Press, in North Carolina. Following this is a blank verse three-act drama of the Roman Republic's last days, "The Hazard of the Die." Further on—about half of the book—is a rescript of most of the matters connected with Mr. Chaloner's invasion of the law's strong arm in New York.

The Journal, Milwaukee, Wis., July 31, 1915.

OUR LUNACY LAWS.

John Armstrong Chaloner has had some very unpleasant experiences. In "Robbery Under Law, or The Battle of the Millionaires," he makes his wrongs public. According to this story he was imprisoned for lunacy, although perfectly sane. This was done, he explains, by his brothers and sisters who thought thereby to obtain his share of his father's estate. There are many letters, essays and various writings included, by which he would prove his sanity. From his account it would appear that he had real cause for complaint. The avowed motive of Mr. Chaloner in making public his wrongs, is to bring about reforms in lunacy law that no one else may ever suffer what he has endured. Mr. Chaloner is a lawyer. He was married to Amelie Rives, and divorced from her previous to her marriage to Prince Troubetzkoy. Besides the play "Robbery Under Law" he publishes another, entitled "The Hazard of the Die." ("Robbery Under Law." Palmetto Press, Roanoke Rapids, North Carolina. 50 cents.)

The Detroit Free Press, Detroit, Mich.

"Robbery Under Law." By John Armstrong Chaloner. A play in three acts and three scenes, by the author of the famous inquiry, "Who's Looney Now?" Paper, octavo, pp. 240.

(Roanoke Rapids, N. C. Palmetto Press.)

Los Angeles Express, Los Angeles, Calif., August 7, 1915.

"ROBBERY UNDER LAW."

John Armstrong Chaloner has written a play—or more properly two of them, but it is the first which gives title to the book containing them.

"Robbery Under Law" is founded upon episodes in the author's career, including his confinement in, and escape from, "Bloomington" Asylum. Some may find in it an answer to Chaloner's famous query to his brother, Robert, upon the latter's marriage to an opera star.

The second is a three act play in blank verse, the setting being in the last days of the Roman Republic.

Then there are some other writings all of which combine to make a volume of formidable proportions.

The Evening Wisconsin, Milwaukee, Wis., August 10, 1915.

John Armstrong Chaloner continues his propoganda for reform of the lunacy laws. He has just issued from the Palmetto Press, Roanoke Rapids, N. C., a paper-covered book (50 cents) entitled "Robbery Under Law, or The Battle of the Millionaires," a play in three acts and three scenes treating of the adventures of the author of "Who's Looney Now?"

The Rochester Democrat, Rochester, New York, August 6, 1915.

John Armstrong Chaloner, author of "Scorpio" and of the noted phrase "Who's Looney Now?" and famous for his many years' fight after his escape from "Bloomington" asylum to prove himself sane, has written a new play entitled "Robbery Under Law." The piece has been created, he says "in order to serve as a sort of propoganda toward the cause of Lunacy Law reform, to which the writer has sacrificed the last eighteen years of his life, come March 13, 1915." A portrait bust of the author garbed as Napoleon 1st, with the line "Chaloner 1st; 1911, by Chiswell," is the frontispiece of this paper-covered volume. This prepares one for the great surprise that Chaloner himself is the hero of his play, the scenes of which are filled with episodes from his own stormy life. He is quite frank in admitting that parts of his play could be cut "without the least injury to the action, though not to the psychological value of it as a study in the very latest and furthest advanced realms of a mediumship. Since that is what I am—a medium—in the language of the late Professor William James, of Harvard." Chaloner has been generous, crowding another play entitled "The Hazard of the Die," and many newspaper clippings dealing

with his own case, into the new volume. Price, 50 cents net. Published by the Palmetto Press, Roanoke Rapids, N. C.

Utica Daily Press, Utica, New York, August 12, 1915.

"Robbery Under Law," by John Armstrong Chaloner. Published by The Palmetto Press, Roanoke Rapids, N. C. Price, 50 cents.

Boy, page Harry Kendall Thaw!

The man who immortalized himself with "Who's Looney Now?" once a husband of Amelle Rives, now Princess Troubetzkoy; adjudged insane in New York and sane in Virginia, has written the story of his own trials and tribulations in play form.

The play goes under the alias of "The Battle of the Millionaires," and is a thing fearful and wonderful to read. A wife-beater is killed in the first scene, and from then on, there is plenty of action, with the hero, Stutfield, who is, of course, none other than J. A. Chaloner. The acts and scenes of "Robbery Under Law" are acts and scenes from the author's life, dressed up a bit and adorned with some fearfully long speeches. The hero pulls one five pages long and never seems to notice it. A little later on, when he is incarcerated in an insane asylum by relatives who wish to get his money, he breaks into a letter nearly as long.

In the course of the play Mr. Chaloner gets a great deal off his chest concerning the Insanity Laws and the Courts; his hero always rises above the situations which confront him, and is a wonder at strangle-holds. Of course, Stutfield escapes from the asylum, binding and gagging his keeper, and leaving him with the capitalized remark "Who's Looney Now?" of which the author seems quite proud. He is assisted in his escape by the father of his beloved Viola and the whole thing draws to an end in absolute silence, for, while there is plenty of action in the last page and a half of the play, not a word is spoken. But there is plenty in the rest of the work to make up for it, and so the reader is not likely to regret this feature.

"The Hazard of the Die" is a play in three acts concerning the last days of the Roman Republic, and concerns the conspiracy of Catiline. It goes along pretty well until the denouement is reached, when the author apparently gets so excited over his theme that he relapses into prose and past tense until the hullabaloo is over, when he goes back to blank verse. The remainder of the book is hashed newspaper clippings concerning the troubles of the author, with some treatises of poetic writing thrown in for luck.

Houston Post, Houston, Texas, July 23, 1915.

THE PURSUIT CONTINUES.

The country had commenced to hope that the end of the Thaw case had been reached, but Albany dispatches state that the attorney general has ordered an investigation of the jury which recently declared Thaw sane, with a view to nullifying the action of Justice Hendrick's court and opening the entire question again.

This investigation comes about as the result of the garrulity of one of the jurors who declared in an interview last Sunday that the jury had disregarded Justice Hendrick's instruction that they must proceed upon the hypothesis that Thaw was insane when he was committed to Matteawan and then decide if he were sane at present.

Instead of observing this instruction this juror declared the jury concluded that Thaw had always been sane and that in killing White he had merely followed the "unwritten law," and ought to have been acquitted in the first trial.

The position of the attorney general is, therefore, that the jury's verdict was not legally reached as the jury had violated the court's instructions. Just how much is in this point is for the lawyers to thresh out, but as it was Justice Hendrick's decision that released Thaw and not the jury's, it is difficult to see how the judgment can be upset merely because of the mental attitude of the jurors in the jury room.

The justice was empowered to disregard the verdict of the jury. Had the jury found Thaw insane, the justice could have released him. Or he could have remanded Thaw to Matteawan regardless of its favorable verdict. As the jury was acting merely in an advisory capacity, its verdict was not vital.

The public had hoped that the State would not prosecute the appeal of which it gave notice, but if it does, and the decision of Justice Hendrick is set aside, there is no likelihood that Thaw would return to New York for another trial. His \$35,000 bond would be forfeited, but there is no way to extradite him, for he is charged with no crime in New York. *He would be in the same position that John Armstrong Chaloner is; legally insane in New York, but legally sane everywhere else.*

Unless for purposes of exploitation or revenge, there could be no reasonable motive for New York to wish to take Thaw from his native State or elsewhere and impound him in an institution for the criminal insane.

It is plain, however, that Thaw would be wise to give New York a wide berth, regardless of the result of the State's appeal. Were he to sojourn there again, his enemies might easily conspire to get him in the toils again and there is no reason to doubt that they would exhaust every resource to do so.

Pennsylvania is the safest place in the world for him, and the closer he sticks to his mother the better it will be for him.

Portland Evening Express, Portland, Maine, August 21, 1915.

"Robbery Under Law," by the author of "Scorpio," is a play by John Armstrong Chaloner, phrase-maker extraordinary and author of "Who's Looney Now?" intended to fight the lunacy laws of the various States. The play is founded on Chaloner's own adventures before and after his escape from "Bloomingdale." It will be remembered that Chaloner was adjudged insane under New York law but was cleared of the charge in Virginia. The writer says it is his intention to produce the play in all parts of the country and to accompany its production with lectures on the iniquity of the insanity laws. A picture of Chaloner in the dress of Napoleon forms the frontispiece. Published by The Palmetto Press, Roanoke Rapids, N. C.

The Sun, Baltimore, Md., August 1, 1915.

"Robbery Under Law, or The Battle of the Millionaires." By John Armstrong Chaloner. (Palmetto Press, Roanoke Rapids, N. C. Paper cover, pp. 240, 50 cents.) A play in three acts and three scenes, time, 1887, treating of the adventures of the author of "Who's Looney Now?"

The Scimitar, Memphis, Tenn., July 15, 1915.

From the Palmetto Press, Roanoke Rapids, N. C., comes a fat volume garnished in purple and gold, with two splashes of red across the front paper cover, the author of which is John Armstrong Chaloner, who startled the reading public some time ago by the famous query "Who's Looney Now?" During the course of his trial the other day Harry Thaw honored the Virginian by repeating the query. The volume contains a play called "Robbery Under Law" and another called "The Hazard of the Die," together with a vast amount of comments and correspondence that he has gathered up and assembled. In New York, if he should venture there, Chaloner would probably be called the brightest crazy man alive. In Virginia he is legally sane and certainly a most industrious writer and man of affairs. His play shows that his reading has been discursive and by no means desultory, and if he is a madman, then all the great writers can be convicted of the same charge. He certainly has imagination and inventive genius, and his workmanship shows a command of literary technique not to be despised. His gifts are eminently respectable, and he is fortunate in having the money to place himself before the public in spite of the Pharisees and the guardians of our literary morals."

The Age-Herald, Birmingham, Ala., September 5, 1915.

"ROBBERY UNDER LAW, OR THE BATTLE OF THE MILLIONAIRES." (A play in three acts and three scenes.) By John Armstrong Chaloner. The Palmetto Press, Roanoke Rapids, North Carolina.

John Armstrong Chaloner, author of "Scorpio," presents a play under the title of "Robbery Under Law, or the Battle of the Millionaires," which has attracted widespread attention.

Among other things—interesting things—about the play, is Mr. Chaloner's "prologue," which throws considerable light on the subject as follows:

"Since finishing the play, 'Robbery Under Law,' last fall, the undersigned has written another play found herewith, entitled, 'The Hazard of the Die,' a three act play in blank verse treating of the conspiracy of Catiline during the last days of the Roman Republic.

"A word of explanation is germane to the matter in hand. Upon finishing 'Robbery Under Law,' this last fall, the writer sent it to a friend—a lady—upon a large New York daily paper. She in turn sent it to another lady—a friend of hers—with the request that she bring the play to the attention of her friends—a large New York theatrical manager's play reader.

"In closing this introduction to an introduction—so to speak—it might be observed that the length of the first play—a thing which can be remedied by a blue pencil and judicious and experienced cutting, without in the least interfering with the action of the drama—the length has been retained—even added to—since the letter below was written—in order to serve as a sort of propaganda towards the cause of Lunacy Law reform, to which the writer has sacrificed the past eighteen years of his life—come March 13, 1915. All the characters—with the exception of the heroine's—which is entirely an imaginary one—having been photographed actually—so to speak—from life; and all the actions of the characters—bar the heroine's—having been practically copied from the court records as is indicated in the subjoined letter. To that end the writer has left his comments unpruned, upon the abominable laws, and the even more abominable administration of said laws, by the New York courts, both State and Federal, set forth in 'Robbery Under Law.'

"The object being to put before the papers the deadly disease eating the fibre of our body-politic in vicious Lunacy Legislation obtaining in 40 per cent. of the States of the United States as 'Damaged Goods' put before the papers and public the deadly disease eating the flesh of alas! but too many of the peoples of the earth."

Charles Reade's brilliant and powerful novel, "Very Hard Cash," of some 50 years ago, revolutionized the treatment of prisoners behind the bars of English insane asylums. It is far too much to expect the same result from "Robbery Under Law," but for what it is worth as a photographic exposition of cold, hard, every day facts, in our alleged humane and civilized and upright community of the United States, it is hereby launched upon the perilous seas of literature."

From the foregoing the object of the play may be deduced and the brilliant manner in which the author has handled the subject is in keeping with the other clever things he has written.

Decision of Judges Lacombe, Coxe and Noyes

162 Federal Reports, 19.

CHALONER vs. SHERMAN.

(Circuit Court of Appeals, Second Circuit.)

May 11, 1908.

No. 201.

In error to the Circuit Court of the United States for the Southern District of New York, W. D. Reed for plaintiff-in-error; Evarts, Choate and Sherman (J. H. Choate, Jr., and George L. Kobbe, of counsel), for defendant-in-error.

Before Lacombe, Coxe, and Noyes, Circuit Judges.

Noyes, Circuit Judge. "This appeal is from the denial of a petition for an auxiliary order in the nature of a writ of protection, in an action at law for conversion.

"The situation as disclosed by the record in the action and by the affidavits upon the petition may be thus briefly stated.

"(1) In 1897 the petitioner—being the plaintiff in said action—was adjudged insane by a justice of the Supreme Court of New York and ordered committed to Bloomingdale Asylum, an institution for the custody of the insane, to which he was duly taken and from which he escaped in 1900 and went to Virginia.

"(2) In 1899 an order was made by the Supreme Court of New York finding that the petitioner was of unsound mind, and appointing a committee of his person and property, which office is now held by the defendant in this action.

"(3) In 1901 upon an application made to the County Court of Albemarle County, Virginia, where the petitioner then resided, alleging that he had previously been adjudged insane in New York and praying for an examination as to his then condition, said court found that he was sane and capable of managing his affairs.

"(4) In 1904 the petitioner brought this action in the Circuit Court as a citizen of Virginia averring that he was sane, and had so been declared by the Virginia court and that said orders of the Supreme Court of New York and of the justice thereof were void for want of jurisdiction, and demanding damages from the defendant upon the theory that he had converted the property of the petitioner in his hands as committee.

"(5) The defendant in his answer, not only relied upon said New York orders, **but went further, and alleged that the plaintiff—the petitioner—was and had been in fact insane, and that the judgment of the Virginia Court was collusive and void.*

"(6) The time for the trial of said action approaching, the plaintiff filed the present petition, stating that his presence as a witness at the trial was imperatively required, but that, in case he returned to New York he was threatened with reincarceration in the asylum, notwithstanding the Virginia decree.

"He therefore prayed for an order protecting him while coming into the State of New York, attending the trial and returning.

"It is apparent from the record, that upon *the issues* as they stand, the attendance of the petitioner at the trial is necessary. His case cannot be presented without him. And it is also most probable that, if the petitioner return to New York without protection he will be apprehended and retaken to the asylum, as an escaped patient. Without relief he is in this predicament. He must abandon his action for the recovery of a *quarter† of a million dollars* in order to retain his freedom or must abandon his liberty in order to try his case. *The Constitution of the United States vests in its judicial department jurisdiction over controversies between citizens of different States.—The petitioner as a citizen of the State of Virginia in bringing his said suit in the Circuit Court‡ of the United States, was availing himself of a right founded upon this constitutional provision. And he came into that court with a decree of the court of the State of which he was a citizen, declaring his sanity.*

"*We cannot disregard that decree.* In considering it we do not ignore the orders of the courts of New York. Insanity is not necessarily permanent. For the purpose of this petition—laying aside jurisdictional questions—we may properly consider that the petitioner was insane when so declared in New York, but that he had recovered his sanity when he was declared sane in Virginia.

"The question, then, is whether a circuit court of the United States has power to protect a person in the situation of the petitioner while attending the trial of his cause therein. It is objected at the outset that the Circuit Court has no power to grant a protective order because it would have the effect of restraining proceedings in a State court. Sec. 720 of the Revised Statutes prohibits the granting of writs of injunction to stay proceedings in any court of a State, except when authorized in bankruptcy proceedings. But, assuming that the order at present prayed for would have injunctive effect, our attention has been directed to no proceeding pending in a State court which it would stay.

"It appears that ten years ago a judge of a State court signed an order committing the petitioner to an asylum, and that the order was complied with. It does not appear that those proceedings are still pending or that resort to them would be necessary to recommit the

*Italics ours.

†The sum technically sued for; in reality largely over a million.

‡†Since been changed to District Court.

petitioner to the asylum. The Statutes of New York apparently provide that patients escaping from insane hospitals may be returned by peace officers and by designated hospital attendants.

"No proceedings in court seem necessary or to be provided for. The only other proceedings in New York—those in which a committee was appointed—if still regarded as pending would not be stayed by a protecting order, because it was not the object of those proceedings to commit the petitioner to an asylum. He was already in one when they were instituted.

"The next objection is that the petitioner ought to apply to the courts of the State of New York for the rescission of the orders committing him to the asylum and appointing a committee of his person and property. We have not the slightest doubt that full justice would be done if the petitioner should submit himself to the jurisdiction of the State courts.

"But to assume that he was under any obligation to resort to them is to beg the whole question at issue. To say that the orders in question were valid and must stand until set aside by the tribunal which granted them is to assert that the petitioner has no cause of action in the Circuit Court. But he states a cause of action. He asserts that the orders were wholly void for want of jurisdiction. And if they were void, they were of no effect, and the petitioner had a right to assert their invalidity in any court.

"We now come to the broad question of the power of the Circuit Court to grant a protective writ.

"Such writs have been issued since early times to protect witnesses, and parties coming from one State into another to attend a trial from arrest and detention upon civil process. It is true that if the petitioner were retaken as an escaped insane patient, it would not be upon civil process. But whatever the form of the process—if any at all were necessary—the power exercised to retake him would be that of the police. With the exercise of the police power of a State a court of the United States should not lightly interfere. But we have no doubt of its right to interfere when necessary for the efficient exercise of its own jurisdiction and where the threatened act under the police power must rest for its justification upon the validity of the very matter which the court is called upon to determine.

"The petitioner was given the right under the laws of the United States to try his case in the courts of the United States. He is not permitted to exercise that full right, and the court in effect is not permitted to exercise its full jurisdiction, if, while attending the trial and perhaps before he can be heard, he may be seized and taken to an asylum—and so seized for the reason that he had been previously committed under an order which the petitioner in the very case was asserting to be wholly void. Under such extraordinary conditions, we think the Circuit Court had the power to grant the protective writ.

"Having determined the question of power, we come to the propriety of exercising it.

"Notwithstanding the fact that the petitioner is at liberty in other States, it is suggested that it would be unsafe for him to be brought to New York. If any danger were to be apprehended it would furnish a good reason for refusing the writ. There is, however, nothing in the record to indicate the probability of any such danger and the petitioner's prayer for relief is based upon the express condition that he remain in the custody of United States marshals during his entire sojourn in the State.

"For these reasons we think a writ of protection should issue if the pleadings in the case remain as they are. The defendant joins issue upon the fact of sanity after the New York orders were made, and also sets up that the Virginia decree was obtained by collusion and is void. With respect to these questions the presence of the petitioner upon the trial would be imperatively required. If, however, the defendant as a committee appointed by the Supreme Court of New York, stood squarely upon the decrees of that court as justifying his acts and asserted that such decrees while unreversed, constitute a complete defense regardless of the fact whether the petitioner had since recovered his sanity, the question upon the trial in the Circuit Court would simply relate to the validity of those decrees.

"That question would be principally a question of law. Practically the only facts involved would be as to notice given the petitioner—if notice is necessary—and perhaps as to his residence.

"With respect to these questions, the proof would necessarily be within narrow limits, and the petitioner's testimony, if required might be taken by deposition. Upon such issues we think the personal presence of the petitioner not so necessary that he should be granted the extraordinary relief prayed for here.

"The order of the Circuit court is reversed, with costs to the petitioner, and the matter is remanded to the court with instructions, in case the issues remain as at present, to issue a writ of protection to the petitioner prohibiting any person from apprehending or taking him for the purpose of returning him or committing him to an insane asylum while attending the trial of this said action and for such reasonable time before and after the trial as said court may determine is necessary for him to come into the State and return, provided that he shall submit himself during such time to the custody of one or more United States marshals, shall obey their directions and shall pay the expenses of their employment. *But that in case all the issues, except with respect to the validity and effect of the said orders of the Supreme Court of New York and of the justice thereof, be eliminated within sixty days, then said writ of protection do not issue.*"†

†Said issues remain in statu quo.

What the Law Reviews Have to Say about "The Lunacy Law of the World."

By John Armstrong Chaloner, A. B., A. M., Member of the Bar.

NORTHEASTERN REPORTER.

St. Paul, Minn., July, 1907.

"The Palmetto Press, Roanoke Rapids, N. C., has printed a book on 'The Lunacy Law of the World,' by John Armstrong Chaloner, of the same place. It is an examination of the laws of the States and Territories, and of the Six Great Powers of Europe, on this subject, and is in terms a very severe arraignment of most of them. *It would appear that the iniquitous system against which Charles Reade waged war has by no means disappeared.* People may still be incarcerated in insane asylums without notice, and without an opportunity to be heard, either in person or by attorney and once in an asylum, a patient has little protection against the keepers. They may be wise, and kind, but the instances of cruelty which occasionally reach the public indicate that this is not a safe assumption. *Mr. Chaloner holds a brief for the accused, and puts his case very strongly, but, in view of the cases he cites, it would be impossible to state the matter too strongly.* He says:

"A survey of the field of Lunacy legislation the world over presents to-day an appalling spectacle. It affords, to put it mildly, the strongest card in favor of anarchy—of no law—ever laid upon the table of world-politics and throws into lamentable relief the fact that in about forty per cent. of the States and Territories of the United States neither the Bench—with many honourable exceptions—the Bar nor the Legislature, can be entrusted with safeguarding that fundamental principle of liberty, the absolute rights of the individual."

"The book should awaken public interest in an important matter."

THE OHIO LAW BULLETIN.

Norwalk, Ohio, July 29, 1907.

Chaloner, Lunacy Law of the World.

"A criticism of the practice of adjudging persons incompetent and depriving them of their liberties without due process of law, fortified by decisions of the courts, is the theme upon which the author has developed this interesting and instructive work. The lunacy law of all the States of the Union and six of the Great Powers of Europe are

reviewed, and surprising as it may seem, nearly half of the States and Great Britain fail to require notice of the inquisition to be given the alleged lunatic or incompetent; twenty-four of the States and Germany and Great Britain fail to afford him opportunity to appear and be heard. *The author makes it conclusively appear that there is needed revision of these laws.* Edited by John Armstrong Chaloner, counsellor at law. Published by the Palmetto Press, Roanoke Rapids, N. C.

THE OKLAHOMA LAW JOURNAL.

Guthrie, Oklahoma, September, 1907.

"The Lunacy Law of the World,

By John Armstrong Chaloner.

Published by the Palmetto Press,

Roanoke Rapids, N. C.

This is a volume of nearly four hundred pages, well printed, but bound in paper covers—a point always detrimental to the sale as well as the dignity of a law book. *However, when the contents are carefully read and reflected upon, it is found one of the best and most needed books that has appeared for many years.*

The subject of Lunacy Law in spite of all the legislation we have had in other departments, has received little attention. *In fact, it is little better than when Charles Reade wrote his book, entitled 'Hard Cash.'* From the fact that many mentally deranged persons are incapable of comprehending the nature of the steps taken to place them in custody, the custom has become prevalent that no process is needed to place them on trial as to their sanity. It is to be remembered that in every State of the Union and in fact, in every country of the world, fraud has been perpetrated on men and women of means by greedy relatives and the unfortunate ones placed in asylums for no other purpose than to secure control of their property. And further it should be remembered that one once adjudged insane if he cannot secure a hearing of his right to restoration through the influence of true friends he is forever barred of the right to be heard. He has lost the standing of a citizen. *There is much in Mr. Chaloner's book that should be well studied by every lawyer and legislator as to what should be done to secure the constitutional rights of every one alleged to be of unsound mind.* The book carefully goes over the law of lunacy in the forty-five States and Territories as well as that of the leading nations of Europe."

LANCASTER LAW REVIEW.

Lancaster, Pa., September 30, 1907.

"The Lunacy Law of the World,

By John Armstrong Chaloner, Counsellor at Law.

Palmetto Press, Roanoke Rapids, N. C.

The work is a review of the lunacy laws of the States and Territories of this country together with those of Great Britain, France, Italy, Germany, Austria and Russia, with a view of showing their defects—mainly in regard to affording proper protection to the alleged lunatic.

To those of us who have been accustomed to look with complacency on our lunacy laws, remembering how lunatics were thrown into dungeons and chained and tortured but a short time ago, this book brings home some startling truths. It shows clearly the dangers of that class of legislation in force in England and many of our States (as our own Act of April 20, 1869, P. L., 78), which permits an alleged lunatic to be incarcerated upon the certificate of 'two or more reputable physicians.'

The author contends that in lunacy proceedings notice to the alleged lunatic ought to be absolutely essential and that the trial should be by jury in the presence of the alleged lunatic; that any other practice is a violation of his constitutional rights and dangerous, in that it might be used by designing relatives for fraudulent purposes.

The importance of a jury trial in such cases has been recognized by Judge Brewster in Com. ex rel. vs. Kirkbride, 2 Brewster, 402. The writ of habeas corpus is not a sufficient safeguard.

In setting forth the importance of allowing the alleged lunatic an opportunity to appear, the author says:

"The test of sanity is a mental test wholly within the power of the accused to accomplish and without any witnesses, professional or lay, to back him up. Suppose two paid experts in insanity in the pay of the other side, swear defendant's mind cannot tell what his past history has been—that said defendant's mind is a total blank upon the subject. Would that professional and paid for and interested oath stand against the defendant's refutation thereof by taking the stand and promptly and lucidly giving his past history, provided he were afforded his legal privilege of taking the stand in place of being kept away from court and having to allow his liberty and property to be perjured away from him in his enforced absence?" (Page 217.)

Collusion would be very difficult to prove. It has been held that no presumption arises from the fact that the parties certifying to the alleged lunacy were in fact mistaken. *Williams vs. Le Bar*, 114 Pa., 149.

The subject is an important and interesting one, and the book shows extensive and careful research. It is forcefully written and carries conviction."

LAW NOTES.

Northport, New York, September, 1907.

"The Lunacy Law of the World,

By John Armstrong Chaloner,

Palmetto Press, Roanoke Rapids, North Carolina.

The writer is assuredly earnest, . . . setting forth the unquestionable abuses to which the state of the lunacy law has given rise.

The exhaustiveness of his research into the question compels admiration; an author who can work through lunacy laws from the time of the Emperor Conrad down to the present."



John Armstrong Chaloner, Esq., of Virginia, who, apropos of Mr. Trevor's articles, said: "It is a splendid idea, and, so far as I know, absolutely original, to have men's wearing apparel treated by a gentleman and a litterateur."—*Vanity Fair*, New York, July, 1915.

Harper's Weekly, (New York), August 14, 1915,

PEN AND INKLINGS.

By Oliver Herford.

Who's Pantaloonny Now?

Disrespectfully dedicated to John Armstrong Chaloner, Esq.

Astride your charger (like Napoleon) seated,
Upon the world, this jewel you confer.
"How splendid to have men's attire treated
Sic by a gentleman and litterateur."

Ah me! Had Horace when his muse was flagging,
But given laughing Lalage a rest,
And kept Maecenas' pantaloons from bagging,
(Or whatever 'twas he wore below his vest.)

* * * * *

If Tommy Moore when not devoutly pressing
His suit in amorous rhyme, had pressed instead
His patrons' lordly "pants," it is past guessing
What titles had been showered on his head.

Had Bobby Burns renounced his Highland lassies,
And tuned his pipes to "Gentlemen's attire,"
He might in time have risen from the masses
And been addressed as Robert Burns, Esquire.

Come, Chaloner, confess like a good feller
By "Gentleman and litterateur" you meant
The literary style of the Best Seller
And the strictly pure refinement of the Gent.

DAVID-UP-TO-DATE

A SEQUENCE OF SIX DRAMATIC SONNETS

To Henry Brinsley.

I.

I am the modern David—*that 's* my claim.
Apply t'our lives the deadly parallel
And thou shalt see that sans the slightest blame
He was forced to run the gauntlet of black Hell!
Then song to him was given—Dívine gift!
With which to sing his woes and praise his God
With which to sing life's lute and her sad rift
With which to sing grim Saul—his iron rod!
T'Adullam's Cave he then was forced to flee
And gather there his future "Mighty Men"
In Adullam's Cave "The Merry Mills" ye see
And as he drew the sword, draw I the pen.
I call upon my God, Jehovah Jah!
The Súpreme Being! God the "Man of War!"

II.

The mighty Goliáth he first did slay—
That haughty formidable Philistine—
The boldest deed sun e'er shone on I say!
In days full modern or in days *prístíne*.
The modern Philistine's the Mad-House Trust
Which held me captive for four fetid years
Hoping thereby my courage could be crusht
Hoping my soul would drown herself in tears.
David then fled an exile from his home
And to save 's life did feign insanity
I to save mine to th' Sunny South have come
And tables turned! Courts *proved my* sanity!
I call upon my God Jehovah Jah!
"The God of Battles!" God the "Man of War!"

III.

Goliath, with the law as sling, I'll slay!
 And cut his head off, and stamp on the same.
 As fighting-dog I sure shall have my day—
Then from the world my meed of fame I'll claim!
 In His good time the Lord did conquer Saul—
 And that grand spirit nobly took his life
 Drowning his sorrows in a sea of gall
 Thus *baffling* Philistines o' th' fruits of strife!
 David then entered on his glorious wars!
 And—King of Israel—did rule the land.
 His glory mounts for aye unto the stars!
 His name's a household word on every hand!
 David, as God said, was a "man of blood"
So falls my pen on rogues with bloody thud!

IV.

As David drew the sword, draw I the pen
 Poet-pen-militant! *The pen of war!*
 And with its edge draw I the blood of men
 A *magic* edge that slays or near or far!
 Nought can escape me in the Universe!
 Kings, Potentates, and Princes—*Monarchs* all!
 For each a pit is digged within my verse
 For each is spread a winding-sheet—a pall.
 The rich and haughty are my chopping-block—
 The block on which my Headsman's axe doth strike—
 Their swollen heads and swollen guts I mock,
 My licitor's rods *scourge* fools whom I dislike!
 We crown ourselves THE KING OF WARLIKE VERSE
 And *smile* while hostile critics rave and curse.

V.

I haste to say some critics are my friends,
 A goodly roll of talent súpports me
 A goodly roll of critics back my ends
 A goodly roll my aim's pure ends do see.
 But Bushwhackér-Banditti of the Pen
 Blackguard Swashbucklers and Draw-Can-Sirs fell
 Who lick the boots of low-born rich-quick-men
 Anent my Muse the d—dest lies do tell!
 These paltry, petty, furtive human-lice
 These gray-back-body-lice that run so fast
 Unless one is upon them in a trice
 The day of reck'ning's gone! Its hour *full* past!
 Against these vermin do I detonate
 And jet pure vitriol both soon and late.

J. A. C., Richmond, Virginia, Jefferson's Birthday, 1915.

L'Envoi

VI.

We point unto our record quietly.
 The *Tribune* and the *World* admit by we
 The Kaiser and his crew entirely
 In purest vitriol deep souséd be.
 And other leading papers say the same
 Anent our modest book *Pieces of Eight*—
 North, South and West do frank admit naught's tame
 That therein pictures for said crew our hate.
 All frank admit that we possess the "punch"—
 The "punch" that lands the "knock-out" coveted—
 The "punch" which swift all consciousness doth crunch
 Pulverize and put out i' th' buffeted.
 T'all said distinguished judges of our "swat"
 We bow our compliments and doff our hat.

J. A. C., Richmond, Virginia, May 19, 1915.

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