

# WHY SMILEY SMOKES

By LEE BERTRAND

*A severe test for a lover, and the unhappy circumstance that proved a blessing in disguise in the moment of his undoing.*

“I WILL marry you, Chester, on one condition,” said Madge Darnton softly. “You will!” exclaimed Chester Smiley joyfully. “By Jove, Madge, you dear little girl, this is better than I dared hope for. I can’t begin to tell you how happy you have made me by those words.”

He jumped up impulsively from his chair and attempted to take her in his arms, but she laughingly waved him back.

“Not so fast. You must not do that, Chester, until we are engaged.”

“But I understand that we are engaged,” protested the young man. “Did you not just say—”

“I said that I would marry you on one condition, and I meant it. But you have not heard my condition yet. Perhaps you will not be so delighted when you know what it is. Possibly you will not care to marry me on those terms.”

I don’t care what condition you make,” he declared recklessly. “To win you I am willing to consent to anything.”

“I am not going to ask you to do anything,” said the girl with a smile. “I am going to ask you *not* to do something.”

“What is it?” he inquired eagerly.

“I am going to ask you not to smoke any more. I am going to ask you to give up pipes, cigars, and cigarettes—tobacco in any form, in fact. If you will do this I will marry you, otherwise my answer is ‘no.’”

“Pshaw!” exclaimed Smiley, and he looked at her in blank dismay. “I—I did not expect any such request as that, Madge. You know what an inveterate smoker I am. Won’t you please ask something else of me instead?”

“Those are my terms,” affirmed the girl. “It is for you to decide. Of course, if you prefer your horrid old pipe to marrying me there is nothing more to be said about the matter.”

“Of course I don’t. There is no comparison between the two,” he protested. “Don’t be foolish,

little girl. But why should you ask me to give up smoking? You have never objected to it before. The other day you said that you rather liked the smell of my old brier. What good would it do you if I gave it up? As Shakespeare says, ‘She who deprives me of my good tobacco robs me of that which benefits her not and leaves me poor indeed.’”

“Shakespeare did not say anything of the sort,” retorted Madge indignantly. “You are paraphrasing him shamefully. It is no use arguing about the matter, Chester. You have got to give up either tobacco or me. You can take your choice. I don’t mind admitting that I have no great antipathy for tobacco; but I cannot marry a man who is a slave to any habit. I want you to prove that you are strong enough to make this sacrifice. I don’t want a husband who is lacking in willpower.”

“All right,” said Smiley, with a sigh of regret. “If you insist I suppose I’ve got to do it. I am through with smoking from now on. Are we engaged, now that I have accepted your terms, and if so, may I—” He stepped toward her with eager, outstretched arms.

“Yes,” she whispered, with a most becoming blush. “I suppose we *are* engaged now, and—if you’ll be careful not to muss my hair—you may.”

And he did—not once, but several times. After all, it was worth giving up even tobacco for that rare privilege, he thought at the time.

But after he had left her and was walking briskly toward his bachelor apartment, he said to himself: “She is a dear little girl, but she certainly has asked an awful lot of me. I don’t know how I am going to get along without smoking. I have had the habit so long that it is going to be mighty difficult to give it up. I don’t see how I am going to do my work without my pipe to help out my thoughts. I don’t think it was quite fair or generous of her to insist upon it. I wonder what kind of a wife a girl who is so unreasonably

exacting would make?"

A line of Kipling arose in his mind: "A woman is only a woman, but a good cigar is a smoke." And, in his opinion, a brier pipe was even better than the best cigar.

But he sternly upbraided himself for allowing that ungallant sentiment to enter his head. Of course, as he had said to Madge, there was no comparison between herself and tobacco. He was a brute to weigh the two in the same balance.

For three days he conscientiously observed the pledge he had given. Not once did he indulge in tobacco of any sort.

He found that it was a terrible deprivation. Madge had been right in intimating that he was a slave to the habit. It needed all his will-power to withstand the craving.

It handicapped him greatly in his work, too. Without his lighted pipe between his teeth he found it difficult to think clearly or connectedly, and how can a young lawyer hope to succeed unless he can concentrate his thoughts?

On the fourth day he discovered that the yearning was more than he could combat. He was sitting alone in his office on the tenth floor of a Wall Street skyscraper with his beloved brier reposing in a drawer of his desk.

For a long time he sat there poring over some law books and trying to prepare an important brief. Somehow, he could not make any sense out of the words on the printed page. His brain refused to work.

Several times his hand reached toward the drawer in which his pipe and tobacco-pouch reposed. Several times he mastered himself by exercising all his will-power, and at last he yielded.

His hand pulled open the drawer and, before he scarcely realized what he was doing, the good old brier was between his teeth and he was striking a match on the sole of his shoe.

"After all," he muttered, "it was not fair for her to ask such a foolish sacrifice of me. As long as I refrain from smoking while in her presence she ought to be satisfied. What difference can it make to her if I smoke here in the seclusion of my own office? As for will-power—well, I have gone without tobacco for three days, and that's enough proof that I do possess strength of mind whenever I please to exert it."

He puffed away, and dense clouds of curling smoke floated over his desk. He breathed a sigh of ecstasy. His brain was much clearer now. The intricate phraseology of the law books which had baffled him before was now perfectly easy to comprehend.

He fell to work on the preparation of his brief, and was getting along famously, when suddenly the door of his office opened slowly and somebody stepped almost noiselessly into the room.

He glanced over his shoulders and, as he did so, his face turned pale and the pipe dropped from his teeth to the floor.

It was Madge Darnton. She stood there like a statue, her right hand still grasping the doorknob. There was a look of scorn and indignation in her eyes.

Smiley felt wretchedly uncomfortable. He tried to smile, but could not force his features into compliance. He tried to say something, but his tongue, usually so glib, refused to do him service. It was difficult to find anything to say under the painful circumstances.

At last Madge spoke. "Mr. Smiley," she said reproachfully. "I would not have believed this possible if I had not seen it with my own eyes."

"I am awfully sorry, Madge," he stammered. "Really I am. I don't know what to say to you. You've caught me red-handed, and it's no use trying to make excuses. I suppose. I promise you that it shall not happen again. I haven't smoked for three days, and it's awfully hard to break off a habit entirely right away, you know."

He spoke in a tone so pleading that a heart of stone might have been melted, but Madge was merciless.

"Pray do not make any further effort to conquer the habit on my account," she said witheringly. "I assure you that it will be quite unnecessary. Please pick up that pipe, Mr. Smiley, and resume your smoking. Do not let my presence interfere with your greatest pleasure."

"Don't talk in that manner, Madge," he entreated, "and, for Heaven's sake, don't call me Mr. Smiley. Be reasonable, girlie, and give me another chance."

She took from her finger the engagement ring he had given to her, and handed it to him without a word.

"You don't mean this?" he gasped. "You can't mean it. You're not going to break the engagement just because I've fallen down once. I give you my word of honor, Madge, that I'll never touch tobacco again."

"You made me that promise three days ago, and you've already broken it," she said. "I told you that I could not marry a man so lacking in will-power that he cannot conquer a habit. I am very sorry, but I must say goodbye—forever."

Before Smiley could speak the door of his office flew open and a messenger-boy rushed in. He handed over a yellow envelope.

Smiley tore it open and read :

Am locked up in Twentieth Street police station, charged with murder of old Elias. Of course am innocent. Come at once.

STEPHEN DARNTON.

The young lawyer's features assumed an expression of horrified astonishment, and an exclamation of alarm escaped him.

"Oh, what is it?" cried the girl fearfully. "What is the matter? Something terrible has happened. Tell me what it is. Chester?"

"It is nothing," he answered quickly. "Don't be alarmed, little girl. This telegram is from one of my clients, and merely relates to a business matter."

"No, it doesn't!" cried Madge. "Excuse me, Chester; but I could not help seeing over your shoulder that that telegram is signed with my brother's name. Something has happened to him. It is bad news. I can tell that from the expression on your face. Tell me what it is at once. Chester. Don't keep me in suspense."

"It is nothing to worry about," said Smiley, his face still pale. "Please do not distress yourself, little girl. Your brother is in a little trouble and needs my services in a professional capacity, that's all."

"Let me see that telegram," said the girl commandingly.

"I can't," he replied. "You must not ask it, Madge. It is a personal communication from your brother to me, and I am sure that he would not want you to see it. Besides, it would be a breach of professional ethics, you know, for a lawyer to discuss the affairs of his clients with a third party."

He attempted to speak banteringly, but she was not to be deceived by his forced smile.

"I want to see that telegram," she insisted. "Whatever it is I can bear it. I am not a child. My brother is in great trouble, and I must know what it is."

Smiley sighed and handed her the yellow sheet. After all, he reflected, she would have to know it sooner or later.

She read the message with horror.

"Arrested on a charge of murdering old Elias," she cried. "Mr. Elias is Stephen's employer, Good Heavens! How very terrible!"

"No, it isn't," said Smiley reassuringly. "Don't forget that he says in that telegram that he is innocent. That makes it unnecessary for us to worry. No doubt I shall be able to clear him without any difficulty. The police have made a stupid blunder, of course. They are always blundering."

"Oh, my poor brother!" moaned Madge. "You must go to him at once, Chester."

"Of course. I am going right away. You go home, little girl, and doubtless before many hours have passed I will bring your brother back to you."

"No. I am not going home," she declared firmly. "I am going to the police station with you. Perhaps I can do something to help, and at least I can comfort poor Stephen."

After some argument Smiley consented to her accompanying him.

At the station-house they would not let her see the prisoner, declaring that it was against the rules. Smiley, however, was allowed to visit the cell of the accused man; he, as the prisoner's lawyer, being a privileged person.

"You wait out here, girly," he whispered to Madge. "and I'll have a talk with him and tell you all about it. Keep up your courage. Everything will turn out all right."

Stephen Darnton, a good-looking young man whose face bore a remarkable resemblance to that of his pretty sister, was very glad to see Smiley.

"Hallo, old man!" he exclaimed, stretching out his hand through the bars. "I'm glad you got my telegram and responded so quickly. Isn't this a pretty mess to be in? Old Elias is dead—shot through the left breast—and they are trying to fasten the crime on me."

"Why do they accuse you, Stephen?" asked Smiley. "I suppose you were in the office when the thing occurred, eh?"

"No, I wasn't. That's the worst part of it. I had gone uptown on an errand for old Elias, and when I came back I was nabbed by the police. Elias had been discovered, stretched on the floor, with a thirty-eight caliber revolver close by him. He was still alive, but died before reaching the hospital without regaining consciousness."

"The revolver was there, eh?" exclaimed Smiley eagerly. "I am glad to hear that. Why are they so sure that he was murdered? It looks as if it may have been a case of suicide. Murderers don't generally leave their weapons behind them."

"The police thought it was a case of suicide first," said the accused man.

"What caused them to change their minds?"

"They discovered a note on his desk—an unfolded sheet of paper on which was written four words in old Elias's handwriting. That's why I am accused."

"Why, what were the four words he wrote?" asked the lawyer eagerly.

"*Darnton has done this!*" replied the other. "Is it any wonder they have arrested me on such evidence as that? I don't blame the police. Their theory is, of course, that, after being shot and mortally wounded, old Elias seized his pen and managed to write those damaging words before he lost consciousness. Queer, isn't it, that he should accuse me in this way when I am absolutely innocent?"

"Queer? I should say so!" declared Smiley. "I don't understand it. They've got a stronger case against you than I supposed."

He sighed as he thought of poor Madge waiting impatiently outside.

"Are you sure that that writing was his, Stephen?" he inquired after a few seconds' thought. "It may be a forgery, you know. The real murderer may have written it in order to fasten the crime on you."

"No; I am sure that it was his own handwriting," replied the prisoner with positiveness. "I know his penmanship too well to be mistaken. It wasn't a forgery, Chester; I am sure of that."

"Well, did old Elias have any bad feeling toward you, Stephen?"

"We were not on the very best of terms," admitted the other, "He and I were always quarreling. He was a mean, unpleasant sort of man to work for, you know. Yesterday we had some words, and I told him I was going to quit the job at the end of the week."

"Then perhaps he wrote that note implicating you in order to be revenged," suggested Smiley.

"It certainly looks that way," agreed the other. "Yet it is pretty hard to believe that any man—even a man who was as mean spirited as he was—would devote his last moments on earth to perpetrating such an injustice."

"That's so," remarked Smiley thoughtfully. "Well, keep up your courage, my boy. Of course I believe in your innocence, and I am going to get you out of this trouble."

"I rely on you," said Darnton with a brave smile. "I have great confidence in your legal ability, old man. Break the news gently to Madge, won't you? This will be a great blow to her, I fear. You know I am all she has in the world—except yourself."

Smiley nodded and went out to the front room of the station-house, where Madge awaited him.

"Well?" she inquired eagerly.

"He is all right, girly. He assures me that he is innocent, and he is not at all worried as to the outcome. Neither am I. Everything will be all right in the end."

Smiley noticed that the lieutenant behind the desk was affixing a small tag to a shining revolver.

"Is that the gun with which old Elias was shot?" he inquired of the policeman.

The latter nodded.

"Yes, this is *the* gun. I am tagging it for the district attorney's office. It will be an exhibit at the trial."

"May we look at it?" asked Smiley carelessly.

"Sure. I guess there ain't any harm in letting you do that," replied the good-natured lieutenant, handing the revolver over.

They examined it with great interest.

"What a horrible, deadly looking weapon!" exclaimed Madge with a shudder. "Be careful, Chester. If you handle it so carelessly, it may go off accidentally."

"Pooh! There's no danger of that," Smiley assured her. "The police have extracted all the bullets from it. See!"

He opened the revolver, in order to show her that there were no longer any cartridges in the cylinder. As he did so he became aware of something which caused him to give a gasp of excitement.

Shreds of some black substance were adhering to the chambers of the weapon. Some shreds of the same substance were also clinging to the hammer and trigger.

He examined these little black shreds intently. Then he closed the weapon and handed it back to the lieutenant without a word.

"Come on, dear, let us go," he said, turning to Madge.

"Where to?" she inquired. "What shall we do next, Chester?"

"You are going straight home," he announced in a tone of authority. "There is nothing you can do. I must ask you to excuse me from escorting you, though. I must visit the scene of the murder right away, before things are disturbed."

She nodded her acquiescence to this arrangement. He hailed a passing hansom, helped her in, and, promising to call on her that evening and report results, he proceeded on foot to the office of old Samuel Elias, which was situated near by.

Old Elias had been in the real estate business. His office was on the eleventh floor of an up-town office building. It consisted of one small room, which contained three desks—a mahogany roll-top, at which the murdered man had sat, and two flat-top oak desks at the other end of the room, where his two clerks, Stephen Darnton and a young man named Frank Bristol, worked.

Smiley found a uniformed policeman in charge of the office. The latter at first would not hear of the lawyer's entering, declaring that he had orders to prevent anybody from doing so.

Smiley mendaciously informed him that he was a newspaper reporter, and that he had come to the scene of the crime in search of local color, and after much argument the policeman finally allowed him to enter and "take a look around."

"You won't find anythin' worth while seein', though," the officer assured him. "The body has

been removed to the morgue, the gun has been taken to the station-house, and the note which the dead man left, accusin' that fellow Darnton, is also at the station. There's nothin' left here that has any bearin' on the crime."

"Where was that note found?" inquired Smiley.

"Over there on the blotting-pad of that roll-top desk. Old Elias was lyin' on the floor at the foot of the desk when we got here."

Smiley examined the roll-top. There was a mass of business papers in the pigeon-holes which he would have liked to peruse, but the policeman sternly forbade him to touch them.

"You can look around all you want," said the latter. "but you can't lay a hand on anything. I'm takin' enough chances as it is, letting you in here against orders."

Smiley found him obdurate on this point, and abandoned further argument. He noticed, however, that a one-page typewritten letter was lying on the blotting-pad.

This letter was written on one of old Elias's letter-heads, and was addressed to a man up-town. As it was lying face upward, he was able to read it without touching it, the policeman making no objection to this proceeding.

Smiley was disappointed at what he read. The letter proved to be a formal business communication referring to the renting of some property.

"Guess you won't find that of much value to you," remarked the policeman, grinning at Smiley's evident disappointment. "That there letter has no bearing on the case. That's why it was left behind by our men."

Smiley was inclined to agree with him. He made a mental note of two facts, however. One was that the letter was very badly typewritten; the other, that it bore no signature. Apparently, old Elias had been killed while about to sign it.

Smiley next turned his attention to the other desk in the room. On one of these was a typewriter.

"Whose desk was this?" he inquired of the policeman.

"I understand that Darnton, the fellow who did the shootin', used that desk," was the reply.

"And this other desk?" went on Smiley.

"That one was used by old Elias's other

clerk, a young chap named Bristol," said the policeman.

"Ah!" exclaimed Smiley excitedly. "The other clerk! That sounds promising. I wonder if Bristol murdered his employer?"

He uttered this thought aloud, and the policeman looked at him in astonishment.

"Of course, Bristol didn't do it," the man declared. "He wasn't here when the shootin' was done. We examined him, and found he told such a straight story that we decided there was no necessity to hold him. Besides, that note the dead man left tells who did the shootin' plain enough. The dead man's last act was to write them words accusing that feller Darnton."

"Yes, of course," assented Smiley.

As he spoke he suddenly noticed something lying on the floor near the roll-top desk, and he picked it up.

"What's that you've got there?" demanded the policeman, grabbing Smiley's wrist. "Didn't I tell you. not to touch anythin'?"

"Don't get excited, old fellow," replied Smiley coolly. "What I picked up was merely a package of paper matches. You can see for yourself."

He opened his hand and revealed a little book of paper matches with an advertisement printed on the cardboard covers—the kind that is given away by cigar stores, hotels, etc.

"You see, there is nothing important about this," went on Smiley. "These little books of matches are in general use throughout the world, so the finding of this package here doesn't mean anything in the way of a clue."

"What did you want to pick it up for then, when I told you not to touch anything?" growled the policeman.

"I wanted to get a light for my cigar," explained Smiley readily. "As a matter of fact, though, there isn't a solitary match left. See, it is only an empty case. I'll throw it down again, if you wish."

He opened the cardboard covers and demonstrated that he had spoken the truth. The matches had all been torn out of the book. He threw the empty package on the floor with an air of disgust.

"I'll give you a match if you want to light your cigar," said the good-natured policeman,

now completely reassured.

"Much obliged," rejoined Smiley; "but, on second thoughts, I don't think I'll smoke. I promised a certain party to cut out smoking. By the way, do *you* smoke, old man?"

"No, I don't," replied the policeman. "I can't stand tobacco."

Smiley seemed to derive considerable satisfaction from this reply. Even the policeman, who was none too observant, noticed the pleased look that came to his face, and wondered slightly as to the cause of it.

"Well, I guess I'll be going now," said Smiley. "I'm much obliged to you for your kindness, officer; but you were right in saying that there wasn't anything worth seeing here. I'm afraid I've wasted my time."

The policeman grinned at the young man's apparent disappointment; but, as a matter of fact, Smiley was not at all disappointed. He was very well pleased with the result of his visit, and after he had left the premises, and was out of range of the policeman's vision, he permitted his features to assume a smile of elation.

"It looks pretty good," he mused. "I am awfully glad I picked up that empty book of matches. If I have any kind of luck, that clue is going to prove of the utmost importance."

Although Smiley had thrown away the empty package of paper matches, he had not failed to make a mental note of the fact that the advertisement printed on the cardboard covers was the business card of the Hotel Glendale, Broadway and Eightieth Street. It was this fact which afforded him such great satisfaction.

From the scene of the murder he went directly back to the station-house, and had another interview with the prisoner, Stephen Darnton.

"I want to ask you one or two questions, old man; that's why I have returned," he explained. "In the first place, how about this fellow Bristol, your fellow clerk? Don't you think that he may have murdered old Elias, Stephen?"

"Oh, no. I am positive he had nothing to do with the crime," was the emphatic reply. "Bristol is a splendid fellow, Chester. He's one of these gentle sort of chaps who wouldn't hurt a fly. I've known him for years. Besides, he and old Elias were on the best of terms. The old man liked Bristol immensely, and Bristol actually thought a

lot of old Elias, despite the latter's meanness. It is no use suspecting him."

"Does Bristol smoke a pipe, Stephen?" went on the Lawyer.

"No, he doesn't use tobacco at all," was the reply.

"Then I agree with you that it is no use suspecting him. He didn't murder old Elias," declared Smiley. "By the way, was the old man himself a smoker?"

"No. He used to smoke years ago, but his doctors made him cut it out entirely. He had a weak heart, I believe."

"Humph! And you don't smoke either, do you, Steve?"

"No. I haven't touched tobacco for a year. Madge made me give up the habit. But what on earth are you trying to get at, Chet?"

"You'll learn later. There's just one more question I want to ask you, Steve. I've just come from old Elias's office, and I noticed a one-page typewritten letter lying on the desk. The letter was unsigned, and was addressed to a man uptown. It referred to the renting of some property. Do you happen to know anything about that letter?"

"Sure. I guess you refer to the letter addressed to Mr. Oliver Barclay, one of our clients. I wrote it myself on the typewriter this morning, and put it on the boss's desk so that he could sign it. But surely, old man, that unimportant letter can't have any bearing on this case."

"No, I suppose not," replied Smiley dryly. "You're not very proficient at the typewriter, are you, Steve?"

"No. I'm pretty poor at it. I've only been using a machine for a few weeks, you know, and can't turn out very good work yet. But what's the use of talking about such trivial matters, Chet, when I'm cooped up here, in danger of being condemned to death?"

Darnton spoke impatiently, and looked at his friend and lawyer reproachfully.

"You be patient, my boy," replied Smiley. "I think I'm going to get you out of here before many hours have passed. So long, now. Keep up your courage. I hope to nail the real murderer very soon."

He left the police station and hailed a hansom at the corner of the street.

"Drive to the Hotel Glendale as quickly as you can," he told the driver.

When he reached the hotel, Smiley went up to the desk and addressed the clerk.

"Where is your cigar-counter?" he inquired.

"At the end of the corridor, sir."

Smiley walked down the long lobby and stepped to the counter where cigars, cigarettes, and pipe tobacco were offered for sale to the patrons of the hotel.

On the counter was a brass tray filled with a heap of little books of paper matches. A sign fastened to the tray read: "Take one."

Smiley helped himself to a package, and noted that the cardboard cover bore the business card of the Hotel Glendale, which, of course, was to be expected.

"Do you keep Perique tobacco?" he inquired of the young man behind the counter.

"Yes, sir," was the reply.

"Let me have a tin, please."

The young man handed him a tiny sealed can.

"Fifty cents, please," he said.

"It is pretty expensive, isn't it?" remarked Smiley, paying the half-dollar.

"Yes, sir. Perique comes pretty high."

"Is it a strong tobacco?"

"One of the strongest there is," replied the clerk with a smile.

"I have never used it before," said Smiley. "Would you advise me to smoke it straight?"

"No. I would not, sir," answered the clerk emphatically. "Very few men use Perique straight. It isn't meant to be used that way, you know. It is used for blending with other tobaccos for flavoring purposes. If you attempted to smoke plain Perique, it would probably knock you out in a day or so."

He opened a can behind the counter, and handed it to Smiley.

"Smell how strong it is," he remarked.

The lawyer sniffed at the black, tightly packed contents of the tin.

"Phew! I should say it was strong!" he exclaimed. "The smell of it is almost enough to knock one down. I suppose nobody ever smokes it straight, eh?" he added carelessly.

"Oh, yes, sir, some men do; but there aren't many, of course. As I said before, the ordinary

smoker couldn't stand it. It would shatter his nerves in no time."

"Some men do, eh?" went on Smiley. "Have *you* any customers who smoke unadulterated Perique?"

"Yes, I know of one. A gentleman who is a regular guest at this hotel uses it straight all the time," said the clerk. "He must have a wonderful nervous system, eh?"

"I should say so. What is his name? Perhaps I know him."

"His name is Elias, and he has a room on the eighth floor," was the answer which almost took the lawyer's breath away.

"Elias!" he gasped. "Surely, not old Samuel Elias?"

"No. This gentleman's first name is Horace, and he isn't at all old," replied the clerk. "And, what's more, if he keeps on smoking straight Perique, I guess he never will be very old," and the fellow laughed loudly at his own witticism.

Smiley joined in the laugh.

"Do you know whether this fellow Elias carries his tobacco in a pouch or loose in his pocket?" he inquired.

"He carries it loose in his pocket," the clerk answered. "I know, because I was trying to sell him one of our new imported pouches the other day. and he told me that he didn't like a pouch because it was too much bother to carry one."

"I'm glad to hear that," said Smiley earnestly.

"How's that?" inquired the man behind the counter, puzzled by this strange remark.

But Smiley did not stop to offer any explanation. He walked hurriedly down the corridor to the elevators and stepped aboard one of the waiting cars.

"Eighth floor," he said to the operator.

Arrived at the eighth floor, he inquired of a hall-man the number of Mr. Elias's room.

The man told him, and he knocked at a closed door.

"Come in," cried a deep bass voice.

Smiley turned the handle and entered.

A tall young man, with a haggard, dissipated face, rose from a Morris chair to greet him. The young man's breath bore a strong odor of alcohol. A half-empty decanter, a siphon of seltzer, and a glass on a table near the Morris chair told why.

"Mr. Horace Elias?" inquired Smiley, carefully closing the door behind him.

"Yes, sir," was the reply. "Who are you, and what do you want?"

"I want you to tell me, Horace Elias," said Smiley quietly, "why you killed your relative, old Samuel Elias?"

At these words the man's face turned deathly pale, his lips twitched, and he staggered against the table, sending the decanter and the siphon of seltzer crashing to the floor.

"How do you know?" he stammered. "I mean, what do you mean by saying that I—"

He did not finish the sentence. His effort to assume an air of indignation failed miserably. He stood gazing at his accuser with a look of terror upon his dissipated features.

"It is no use attempting to deny it," said Smiley sternly. "We have got you dead to rights. Even if I had not been certain of your guilt before, your face and manner would betray you now."

The accused man sank weakly into a chair and covered his face with both his hands. Great despairing sobs came from him. He trembled in a manner that was pitiful to behold.

After a time, he managed to gain control of himself and turned to Smiley.

"Well, you've got me," he said brokenly. "I might as well make a clean breast of it. As you say, it's no use attempting to deny it.

"I killed him. I couldn't help it. I don't know that I am sorry, even now, that I did it. He was my uncle—I suppose you know that—and he was the meanest, crudest man that ever lived. He killed my mother, his own sister-in-law, by his diabolical cruelties, and he has made my life a misery ever since I was a kid.

"To-day I was desperate, and I went around to his office. We had a bitter quarrel, and I shot him. I left my revolver behind, hoping that the police would think it a case of suicide when the body was discovered; but it seems I was unlucky. Now, do with me as you will. I don't care much what happens. I suppose you are a policeman and are going to place me under arrest?"

Smiley did not enlighten him as to his identity.

"Get your hat," he said quietly, "and come with me to the station-house. I must do my duty and hand you over to the law."

The unfortunate man accompanied him without resistance, although it is doubtful whether he would have done so if he had known that his captor was not a policeman.

When they arrived at the station where Stephen Darnton was confined, Smiley led his prisoner up to the desk and said to the man in uniform seated behind it:

"Lieutenant, here is the real murderer of old Samuel Elias."

"What's that?" gasped the policeman incredulously. "Is this a joke?"

"Not by any means," replied the lawyer. "I am telling you the truth. If you don't believe me—ask him."

He pointed to the trembling man at his side.

"Yes. I am guilty of the murder," said the latter wearily. "Lock me up. I don't care what happens to me."

"Say, young feller," said the police lieutenant, after Horace Elias had been locked in a cell, "this is the most extraordinary thing I ever heard of in all my experience on the force. How the divvle did you do it—and so quick, too?"

"It was quite easy," replied Smiley. "It was simply a matter of putting two and two together. Anybody could have done it. I assure you."

"When you let me examine that revolver in here, a few hours ago. I noticed that some particles of black tobacco were adhering to the weapon, I know quite a little about tobacco, and I could tell at a glance that this particular tobacco was Perique—a tobacco much used to flavor other tobaccos."

"I knew, therefore, that this revolver had been carried by a man who also carried Perique loose in the same pocket."

"I went around to the scene of the murder, and was lucky enough to find an empty book of paper matches on the floor of the office. The cover bore the advertisement of the Hotel Glendale up-town."

"Here my luck served me in good stead. That empty match case might have been dropped there by somebody other than the murderer; but I assumed that there was a fair chance that the murderer had lit his pipe while in the room, and had carelessly thrown the empty matchbook away."

"I visited the hotel, and when I learned that there was a guest there who smoked Perique

tobacco straight, that he carried it loose in his coat-pocket, and that his name was Elias, I knew that I had the right man."

"That was marvelously good work, sir," said the policeman admiringly. "You really ought to be one of us. But," he added, with an expression of mystification on his face. "how about that note which the dead man left, accusing your client, Darnton, of the murder? Can you explain that?"

"I think I can," answered the other with a smile. "I don't think it is at all difficult to account for that note. Old Elias wrote: 'Darnton has done this'; but when he wrote those apparently incriminating words I don't think he referred to the shooting at all."

"What do you mean?" gasped the astonished policeman.

"Well, you see, old Samuel Elias had two clerks. One of them was my client, Darnton. and the other was a fellow named Bristol."

"Darnton had not yet fully mastered the art of typewriting, and when he attempted to write a business letter on the machine this morning the finished result was not very satisfactory."

"The thing was full of mistakes and misplaced letters; but, nevertheless, Darnton put it on his employer's desk for the latter to affix his signature. Old Elias was away at the time."

"Later, when Elias read that typewritten letter he noticed how badly it was done. He decided that it must be rewritten. Both his clerks were out; so he started to write on a piece of paper: 'Darnton has done this very badly. It must be done over again,' or something like that."

"I suppose he intended to pin this to the letter and leave it on the desk of his other clerk. His nephew came in while he was penning that memorandum, and before he could finish the sentence he had started to write. An argument ensued and old Elias was shot down, leaving that apparently incriminating note on his desk."

"Of course, this is only theory on my part. There is no means of proving it; but as soon as I saw that typewritten letter on his desk and noticed how badly it was done, I guessed what that note really meant."

"You're a wonder, my boy," said the police lieutenant with enthusiasm.

Of course young Stephen Darnton was set free before many hours had passed, and his sister

Madge was made perfectly happy.

"How can I ever thank you enough. Chester?" she said to Smiley, tears of gratitude in her pretty eyes.

"By taking back this little ring you so cruelly returned to me," said the lawyer eagerly. "If you will give me another chance, girlie, I will promise you never to touch tobacco again.

"And, after all," he added with a smile, "it was the fact that I was a smoker which enabled

me to get your brother free. If I had not known so much about tobaccos, I would not have noticed these shreds of Perique adhering to the revolver. We owe a whole lot to tobacco, you see."

"I should say so!" exclaimed Madge warmly. "I don't want you to give up smoking now, Chester. It was horrid of me to demand such a needless sacrifice. If you don't smoke a pipe continuously after we are married, I shall apply for a divorce."