

# CONGRATULATIONS

By Chester T. Crowell

*In which the twenty-seventh assistant district attorney learns not to count his chickens too soon*

"CONGRATULATE me, Beaver!" Jimmy McCauley commanded with mock heroics as he dropped the telephone receiver into its accustomed berth and faced his astonished roommate.

"You see before you the twenty-seventh assistant district attorney. In other words, I have been promoted. I am now in the homicide division. And, what's more, I have a case."

"That's fine, Jimmy. So they finally gave it to you! Was that what the telephone call was about?"

"That's what it was about. Chief wants me to come right back to the office and interrogate a prospective defendant."

"And it's a murder case?"

"Yes."

"Did he tell you much about it? Is it going to be a good one?"

"I don't know. It happened just about an hour ago. It's a woman. I'll tell you all about it when I come in."

Jimmy McCauley and his friend Beaver had been classmates in law school, and now, launching their careers, they were roommates. By good luck and a thimbleful of family influence Jimmy had landed on the staff of the district attorney. By still better luck, having no influence, Beaver had stumbled upon a case during his first year out of college and thereafter managed to retain his independence, although by a precarious margin.

AFTER stepping with care out of the rheumatic courthouse elevator Jimmy glanced down the long corridor and observed that there was a reassuring light in his office. He walked briskly to the door, opened it, and said, "Good evening, Miss Bowman. Good evening, gentlemen." Miss Bowman smiled and handed him a brief typed memorandum. He read it; then, looking up, remarked, "You gentlemen are Officers Carr and Clancy?"

"Yes, sir"—in chorus.

"You were present and witnessed the homicide?"

"Yes, sir"—again in chorus.

Jimmy addressed his next question to Officer Clancy, "Briefly, what happened?"

"There was a jam of people at the corner, waiting for the traffic cop's whistle so they could cross," Clancy began. "Carr and I were in the crowd and close up to the curb. When the whistle blew the mob behind us shoved forward and pushed a woman off the curb and out in front of a truck that was just rounding the corner. She pitched forward, off balance. Her feet were still on the curb. Carr made a grab for her, but the woman in front of us got her. I grabbed this woman's shoulders to help her pull the other woman back. Instead of doing that, she pushed the other woman under the truck. The rest of it wasn't pretty. Have I told enough?"

"Are you sure she pushed the other woman?"



Mrs. Templeton looked at the telephone. "I can't—can't talk"

"Yes."

"Carr, what do you say?"

"No doubt about it at all," Carr replied promptly.

"Do you know any reason for her doing that?"

"No. The detectives haven't reported yet; they just got the case."

"All right. You gentlemen just be seated and after the defendant has made her statement we will see if there are any questions we wish to ask her." The officers nodded assent and pulled two chairs close together.

"Have you notified the warden that we are ready, Miss Bowman?" Jimmy asked.

"Yes, sir," and the stenographer proceeded with the sharpening of a sixth lead pencil. Jimmy looked at her approvingly. It was very comforting to have Miss Bowman with him on this first case. They had been working together ever since he had reached a position of sufficient dignity to be accorded stenographic assistance. Miss Bowman was about forty years of age, and Jim-

my sometimes suspected that there were not more than one or two abler attorneys in the department, although she, of course, was not admitted to the bar.

THE door opened, and a morose deputy warden in drab uniform escorted the defendant to a position in the center of the room, then silently departed. Jimmy rose, politely.

"You are Mrs. Frances Templeton?"

he asked.

"Yes, sir."

"My name is James McCauley, Mrs. Templeton. I am an assistant district attorney. I am informed that you wish to make a statement. Is that correct?"

"Yes, sir." And then for a moment they stood looking at each other appraisingly. If Jimmy had been somewhat older, he would have pronounced Mrs. Templeton beautiful. As it was, he decided that she must have been beautiful in her youth. He estimated her age at about thirty-six years. She was of medium height; brown eyes;

brown hair, very conservatively bobbed, and there was something about her dress, carriage and manner that told him she was accustomed to an office.

HER voice especially impressed Jimmy; it was calm and indicated strength. A woman with a voice like that, he judged, would not go to pieces easily. He drew up a chair, and she sat down.

"It is my duty to warn you, Mrs. Templeton, that any statement you make may be used as evidence against you," he said. Mrs. Templeton smiled. She liked this polite young man.

"I understand," she said firmly.

"What was the name of the woman who fell under the truck?" Jimmy began, as though she had already admitted knowing the name. It was a bold shot in the dark, but it went home.

"Mrs. Pickett," she replied.

"How long had you known Mrs. Pickett?"

"Fifteen years."

"And when did you first quarrel?" Another shot in the dark.

"We never have quarreled," Mrs. Templeton hastened to reply.

"But you were enemies?"

"I wouldn't say that, exactly."

"Perhaps you had better explain in your own way, Mrs. Templeton."

"Yes, I think so."

"Oh, by the way, Mrs. Templeton, are you employed?"

"Yes, by the Theodore Pickett Company."

"And the woman was Mrs. Theodore Pickett?"

"Yes."

"I know Mr. Pickett," Jimmy remarked, and Mrs. Templeton blushed. "Now just go ahead and make your statement in your own way," he added. "I suggest that you begin with your acquaintance and relations with Mr. and Mrs. Pickett."

"That's what I want to do." At this Officers Carr and Clancy, sitting in a far corner of the room, gasped. Miss Bowman bit her lip. Jimmy registered attention.

"I went to work as Theodore Pickett's stenographer fifteen years ago," Mrs. Templeton began. "My husband had just died and left me with two babies. There were two places offered to me, but I took the one with Mr. Pickett because he looked like a man who was going to get somewhere, and, then, he had just been married and was very much in love with his wife. The first time I saw him he talked about her more than he did about my job."

"You didn't know Mrs. Pickett at that time?" Jimmy interrupted.

"No, and not for a long time afterward, but I saw her just after I went to work. I knew who she was."

"Well, to your mind, what was the importance of the fact that he had just been married?"

"Why, I preferred to work with that kind of man. I had made up my mind never to marry again, myself, on account of the children. My marriage was very happy, and I didn't want to take a chance on a stepfather. Sometimes men in offices, you know, want to marry

the women they work with. And if the women don't want to marry it may become embarrassing. I thought it would be better to start with a man like Mr. Pickett. Now do you understand?"

"Yes, Mrs. Templeton; go on."

"Well, I wasn't very good at first, but Mr. Pickett was in love and kind to everybody, so it worked out just like I thought it would. I got a chance to study the business too. I like business. We were with Perkins & Lovejoy then, of course. That was before Mr. Pickett went into business for himself."

"And how long was it before you really met Mrs. Pickett?"

"About three and a half years."

"Well, suppose you tell about that?"

"Yes, sir. She came in one morning; she went into Mr. Pickett's private office and immediately began to scream."

"To scream?"

"Yes."

"Why did she do that?"

"Well, it seems that they had been having a lot of arguments about money and she had threatened to come to his office and make a scene if he didn't give her what she asked for. So she came and screamed."

"How do you know that that was the reason?"

"Everybody in the place heard what she said."

"And was that the first time you ever met her?"

"Yes."

"All right, Mrs. Templeton, go on."

"WELL, this scene made things pretty hard for Mr. Pickett because Perkins & Lovejoy had promised to make him a vice president and he had been trying to save some money to buy five shares of stock. It was a rule that a vice president had to have five shares. He finally got the shares, but they still didn't make him vice president."

"And did that make any difference to you, Mrs. Templeton?"

"Yes, I would have got a raise of two-fifty a week as a vice president's secretary."

"I see. Pardon my interruption."

"Well, about a year later, Mr. Pickett sued for legal separation. Perkins & Lovejoy told him that if he got clear of his domestic troubles they would make him a vice president. He didn't really want to sue, because he still loved his wife, but it seemed to be the only way for him to get anywhere, so he brought the suit. Mrs. Pickett won it, though, and then there was another scene in the office. She came in and said a lot of things about him."

"To whom?"

"To everybody."

"Did she address any of her remarks to you?"

"Not any more than to the others. She never paid any special attention to me."

"You don't think she was jealous of you?"

"No, she wasn't jealous of any other woman. Mr. Pickett was crazy about her. After that he resigned. He went with Ward & Tumulty. They offered him a

better salary, and he never would have been a vice president with Perkins & Lovejoy, anyway."

"Did you go with him?"

"Yes, I haven't worked for anybody else since my husband died."

"You and Mr. Pickett became very good friends?"

"In a business way, yes."

"Are you very fond of Mr. Pickett?"

"Of course; he's my bread and butter and my children's bread and butter and my mother-in-law's. She lives with me and takes care of the children. Of course I take an interest in him. Why shouldn't I?"

"All right, Mrs. Templeton. How long were you and Mr. Pickett with Ward & Tumulty?"

"Five years. He got to be sales manager there. Before that, though, he made pretty good commissions, and I think there must have been peace at home for a year or so. But after he got to be sales manager the trouble started again. It was the same old thing,

money. She would come in every once in a while and threaten to make a scene, but he got rid of her without any more screaming."

"Do you know this of your own knowledge, Mrs. Templeton?"

"Yes, certainly. I was present more than half the time. That is, I could hear them. It didn't make any difference to her who was standing around. Mr. Ward and Mr. Tumulty had a good deal of sympathy for Mr. Pickett, so they used to let him draw against his salary in these emergencies—that is, if he didn't have the money himself. Finally, though, she sued him for divorce, and that broke him up pretty badly."

"ARE you speaking of finances or his mental condition?" Jimmy asked.

"I am speaking of his nerves," Mrs. Templeton replied. "I had to handle practically all of his business for eight months. He was a wreck. But they finally patched the thing up somehow,

and the suit was dropped. I could handle his current business all right, but of course I couldn't get new business. You see, he was the sales manager, and during this time sales fell off and Ward & Tumulty were getting pretty sick of it. They had been sticking by him for a long time, waiting for him to straighten things out and they raised my wages too. I got five dollars a week more.

"But he could see that he was just about through there, so he began looking around for another opportunity. He had some very good friends among his customers, and a little group of them offered to set him up in business for himself. I don't think they knew anything at all about his domestic troubles. They just picked him for a winner and offered to finance him. He, of course, thought that would settle every problem he had in the world because all the rows seem to have been about money. I had a family to think about. So when he offered me sixty-five dollars a week I went with him.

"At first everything was fine. Mr. Pickett's arrangement with his stockholders gave him a paper salary of ten thousand a year; by that I mean he was to draw it whenever the business could afford to pay it. He had a block of stock too. But at the start he was to draw just enough to live on and let the unpaid salary accumulate to his credit.

"As a matter of fact, the office boy and I were the only ones who drew regular wages, but the prospects were excellent. Mr. Pickett was bringing in business, and I thought for a while that we really were going to establish the company."

"I thought the company *was* established," Jimmy interrupted. "It has been running for four or five years, and still is, isn't it?"

"THERE is still a sign on the door," Mrs. Templeton answered with a wry smile, "but I wouldn't say that the business is really established. It ought to have been, but it isn't."

"What happened?"

"Mrs. Pickett brought another suit for divorce. This time she stated, or her lawyer did, that Mr. Pickett was drawing a salary of ten thousand a year. He couldn't deny it in court—for business reasons, of course. So Mrs. Pickett got her divorce and alimony that Mr. Pickett couldn't pay."

"On what ground was the divorce granted?"

"Extreme cruelty and nonsupport."

"All right, Mrs. Templeton; go ahead."

"Well, he failed to pay the alimony, and Mrs. Pickett's lawyer had him sent to jail. He's in jail now. And, what's more, I don't see how he is ever going to get out, because he certainly can't pay. He hasn't got it."

"That problem is at an end, Mrs. Templeton," Jimmy remarked solemnly. "Mrs. Pickett is dead. There will be no more alimony for her."

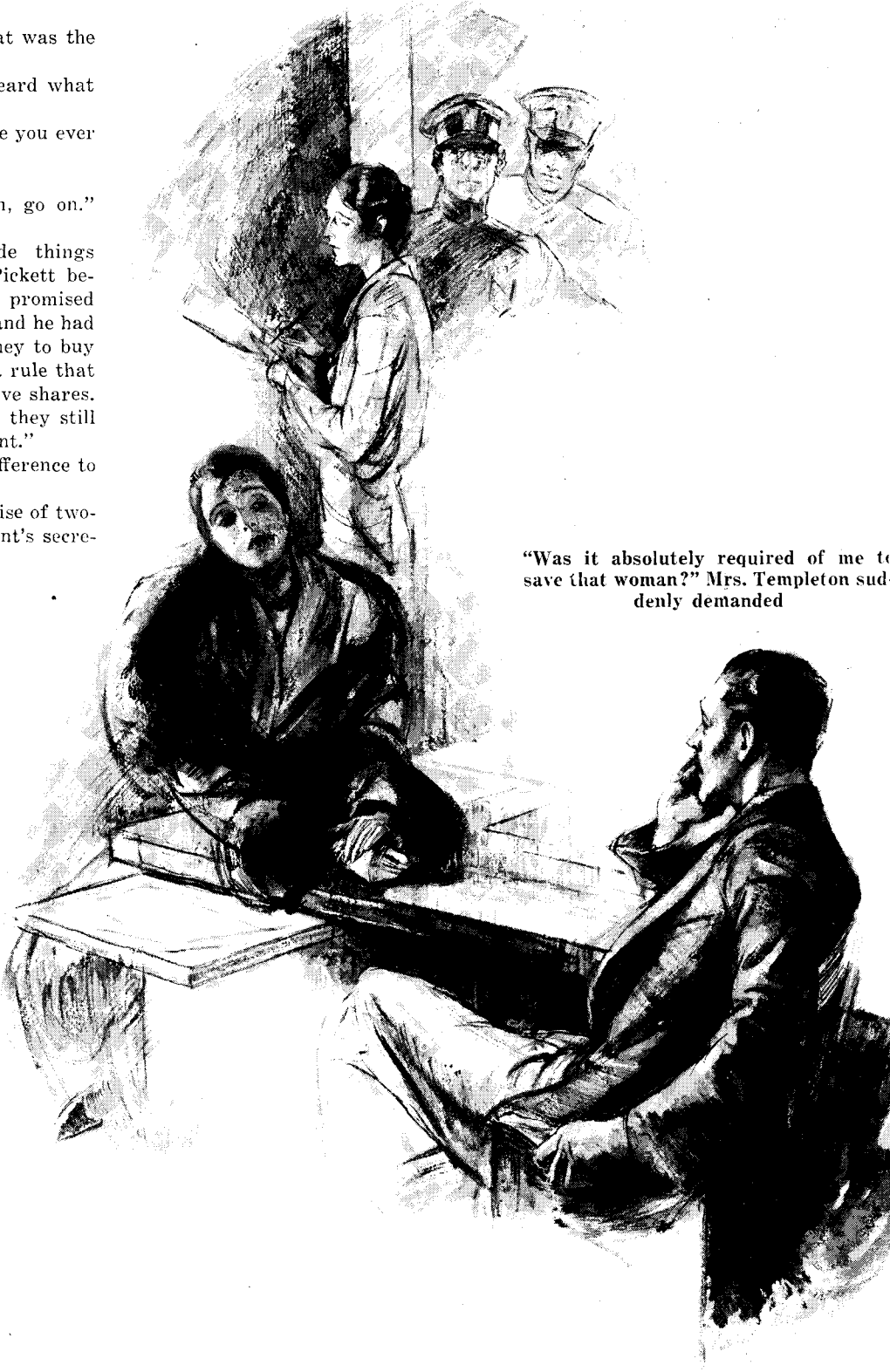
"You don't mean that they will let him out of jail, do you?"

"Yes, I should think that they probably will," Jimmy answered. "Hadn't that possibly occurred to you?"

"No, sir; it did not," Mrs. Templeton answered. "I don't see how they can let him out."

"Don't you know that death often cancels a debt or claim?"

"But he is in jail for contempt of court. He is (Continued on page 61)



"Was it absolutely required of me to save that woman?" Mrs. Templeton suddenly demanded



# The Thundering Herd

By John W. Heisman

*Football's steam-roller era was on. First Princeton gave us the V, which was bad enough. But then Harvard gave it wings and we had the flying wedge. Then came Pennsylvania's retort with the flying interference and guards back.*

*Of such ponderous days does John W. Heisman, the famous coach of Georgia Tech, Pennsylvania, Auburn and other team producers, write in his second article. In more than forty years of football he has seen it all*

AS FAR as we know, William Webb Ellis of Rugby, England, started it. In one of Rugby's ivy-clad halls there is a tablet hallowing his spectacular defiance of the rules of his distant day:

This Stone  
Commemorates the Exploit of  
William Webb Ellis  
Who with a Fine Disregard for the  
Rules of Football  
As Played in His Time  
First Took the Ball into His Arms and  
Ran with It  
Thus Originating the Distinctive Feature of  
The Rugby Game  
A. D. 1823

After him the deluge. Following in the train of Billy Ellis, over American fields, came a horde of youth paying splendid tribute to his daring. To be sure, they came far in his wake—Camp, Terry, McClung, Hinkley, Thorpe, Lamar, Lake, Ames, Heston, Hare. I mention too few.

Football carriers as great as they (or greater?) followed them in a generation. But to William Webb Ellis go the pioneer's laurels.



Heffelfinger of Yale comes through—as usual. He's wrecking the center of the line, his right arm extended toward his victim

All that he did was to surrender to that yearning that is the hottest desire of every true football player; that yearning to snatch the ball and race toward and across the enemy's goal line. The sensation that he sprang came to have many American cousins, one of the first of which was born on the afternoon of October 18, 1884.

Princeton and Pennsylvania were playing one of their early games. There was a fierce rivalry between them. Later, unhappily, it was to become too bitter. But on this afternoon the moment came when the ball was given by the Princeton quarterback to the great Henry Lamar, right halfback.

His great speed and dodging carried him 18 yards around his own end. No interference preceded him. None was permitted under the rules of his day.

## They'll Try Anything Once

On the next play, Princeton fumbled. Penn, smashing at Princeton's line and flanks, got nowhere. Penn punted and a Princeton man made a fair catch at mid-field.

Here Hodges, Princeton's quarter, is struck by inspiration. A dazzling idea, coming from heaven knows what or where, has seized him, and dancing in his excitement he calls Bird, his captain. Bird listens, grins and asks for time out and gets it. The entire Princeton team swarms around Hodges, who repeats his plan.

There is a vigorous nodding and a nervous rubbing of hands. Sure, they'll try anything once. If they can get away with it—

So Princeton elects a free kick which is their privilege inasmuch as the man who made the catch held one arm aloft as the ball descended toward him, thus serving notice upon Penn that he intended only to catch the ball and not try to advance it.

Penn scatters to await the free kick, its thin line 10 yards away from the ball. And then Penn is amazed to see ten of Princeton's men form a V with the point aimed at them. Between the two sides of the V is Baker, an even stronger runner than Lamar although not as elusive. At the point of the V is the Princeton center and the ball is at his feet.

The center picks up the ball and touches it to his toe—a "constructive" kick, satisfactory to the rule book. He passes it to Baker. Penn, fascinated, sees the V move toward her line with Baker within it, the ball under his arm.

The first mass play in American football is under way. . . .

That wild-goose formation, the famous V, plowed through Penn's thin line and the two sides of it maintained their alignment for 50 yards. A Penn player threw himself under the new car of Juggernaut, five yards from his own goal, wrecking it.

Hodge's inspiration was the forerun-

ner of the flying wedge, the secondary wedge, the revolving wedge and a wide variety of momentum plays for years to come. They were ponderous, but the game too was ponderous. Back in the thundering herd days when mass plays were legal, brute strength, even if heavy-footed, held the ascendancy over fleetness and rapidity of mind. We consistently travel lighter, faster and farther today.

## Flattery Does It

But the V's, the wedges, the guards-back tandems and all the rest of those crushers were deadly. The football casualty lists became long and saddening. Throughout the land there arose protests of many parents who had lusty sons in college. Professional humanitarians worked on college deans, some of whom capitulated and either abolished the game or threatened to.

Particularly did those parents who every September began fearing for the necks of their sons protest against the crushing qualities of the game, although there were many of them like Tim Barton's father.

I call him Tim Barton because he might object to the use here of his real name. He was one of Penn's great backs, not a Grange nor a Thorpe, but no list of first-class football stars would be quite complete without his name.

His father, who had never seen a game, was bitterly opposed to his playing but at the boy's long and almost tearful solicitation he consented to come out one afternoon before definitely prohibiting football.

We placed a chair on the sidelines for the old man and two of our most diplomatic students were appointed to sit at his sides during the game. They deftly filled the father's ears with nice words about his son and talked dark pictures of the calamity that would be Penn's were the university to be deprived of the boy's football services.

The old man was human. That a son of his should be so valiant, so valuable, so fleet, so strong was flattering. Was he not his father?

He arrived on the field sternly and impressively clad—frock coat, silk hat, striped trousers, white spats, square-toed patent leathers, gloves and gold-headed cane. His thin patrician face was flanked by whiskers, glossy and luxuriant. He was hardly seated when our cheer leader called for an ovation for Tim Barton. I think, too, that Barton père got a long "Ye-a-a-a-a-a."



The rib-crushing flying wedge. Simply the V with a flying start. Gangway! The flying wedge was invented by Lorin Deland of Harvard, right, who never played football

