

## *Number Thirty-Nine*

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THE faint light of an early Summer dawn, more than a score of years ago, was just beginning to change the shadowy blackness of house and tree into gray outlines of even more weird and ghostly shape, as the door of a house in Frith street, New York, was softly opened from within, and a woman glided forth like a spirit, and, swiftly passing out, was almost in an instant lost to sight. If any lonely watcher at any window had seen her form, his recollection of it would have faded away as a dream fades before the light of a cloudless sunrise.

Slowly the gray sky melted into a paler gray; slowly the gray sky softened into pearly tints that in the far-off horizon were tinged with gold; slowly the golden halo stole all over the firmament, vanished into unfathomable depths of blue; and the great round sun, rising, flashed his beams from roof and steeple, then on inland stream and gay flowers, and it was day. The great city awoke. The footfall in the street ceased to echo, the distant tap of the patrol was heard no more. The rattle of cart and rail-car began to shake the air again, and the thousand sounds of city life rose up. Windows and doors began to teem with life, and everywhere there was the going forth of humanity to its pleasures or its toil.

Of all the busy thoroughfares in New York, Fifth street was one of the most busy, and the houses in it were generally pretty full of people. To this rule Number 39 was an exception. It was a small two-story building of brick, and had about it an old-fashioned, quiet look which distinguished it in a singular manner from its neighbors. The blinds, the curtains, and the whole aspect of the place, while not seeming in the least neglected, were indescribably forlorn. While the dwellings each side and facing it were cheerful with voices and home sounds, Number 39 was always silent. Of an evening a white hand might have been seen to move a window, or a flitting figure pass across, throwing its shadow upon a blind; but these not often. And all the people round about knew, though scarcely any had seen them, that an old French lady and her daughter lived there alone. None knew their history, but only that they had lived there alone these dozen years or more.

Why should a closed door look different at different times? I am sure I can't tell, but somehow I, who lived opposite to Number 39, found myself looking at Madame Herbert's closed door with a feeling which I could not define, but which affected me strangely. It was often not opened for days together, why should it have been so now? I knew the habits of the little family enough to be aware that neither of the two women would be likely to appear, but that they were invisible to-day, seemed something new and strange. I remarked this to my wife, who only laughed at me, and said that my lawyer's habits made me consider things that were neither singular nor suspicious just as if they made up points in a case. Of course, I could only laugh also, and soon I was snug in my office, down town, in the company of my law books and papers. Nor was it until I was home again after a hard day's work that the subject of Madame Herbert's door recurred to me. "All quiet opposite, of course," said I, as I sat down to dinner. "Perfectly," said my wife, "not a soul has been seen that I know of." "Oh, yes;" said one of the children, "there has been nobody there, but don't you remember, mamma, saying that you heard a dog

howl several times?” “And so I did,” said she, “but I had forgotten it—at all events, the soup is growing cold, Charles.” So the subject was dismissed again.

It was my habit in those days to read late at night, and I often sat up alone until long past midnight. On this particular evening I did so. At about eleven o'clock I finished my cigar and set to work, and was soon completely absorbed. But in an hour or so I became annoyed by a restless desire to escape from some sound, of what kind I hardly distinguished, and which at first I thought must be the wind whistling through some crevice or keyhole. As the night advanced the house seemed to become lonely. The curious sound became more distinct, and evidently came from outside. I threw up the window to listen, and then found that that dismallest of all sounds, the wail of a dog, proceeded from the closed and dark Number 39. A smothered wail, as though the animal was shut into some room. With an impatient exclamation I again resumed my reading. But I felt worried. Why should people keep howling dogs to be a nuisance to their neighbors? It really seemed as if I should never get through the brief in *Box versus Cox*, a case of disputed joint-tenancy. Then a luminous idea passed across my brain. I would smoke half a cigar on the stoop, and thus freshen myself up. Two minutes later I was standing before my open front door, all the better for the cool night air. Still the dog howled, and in a more dismal manner than ever. I began to form theories as to the cause, and by the time I had traced the sound of the policeman's heavy tread from half-a-dozen blocks off till he reached me, I had made up my mind to say a word or two on the matter. “Oh, it's you, Peters,” said I as I recognized the officer, a sergeant, whom I knew very well. “Anything new?”

“Nothing in our line,” he replied. “You are working late, as usual, sir?”

“Yes,” I said. “But I am horribly disturbed by a dog that seems shut in over the way.”

“Dog seems in trouble, don't he?” said Peters.

“House always shut up—queer people; old woman and girl live there by themselves.”

“Just so. French, I believe.”

“Yes. I don't know, but Peters, I can't help thinking there's something unusual that makes that dog so uneasy.”

Peters merely replied, “Shouldn't wonder,” and then slowly sauntered across the street, swinging his club by its string. He looked at the windows and tried those within reach, and then, mounting the steps, the door. To my surprise, he instantly knocked loudly at the latter with his club, and then pushed the door wide open, calling loudly on me as he did so.

Forgetting that I had but light slippers on, I immediately joined the officer. He was evidently excited; and as he pointed to the sill of the door his hand visibly trembled. I heard him ejaculate under his breath, “What a fool I was—what an everlasting fool!”

“What,” said I, “is the matter, Peters?”

“Matter enough,” he answered, “as you will soon learn. Last night I arrested a—well, a young woman, who was loitering in a very suspicious manner near this house. Her business she would not explain, and her whole appearance and agitated manner pointed to something very unusual. She wore a black dress of some woolen stuff, and the right arm of it was half torn away. Her hand bore marks of blood. We kept her for a few minutes, but there was no real evidence to justify detaining her, so she was let out. Now look at that step—*there* is blood; and look here; here on the floor is a piece of black stuff suddenly torn from a dress sleeve.”

“What of it—at all events, let us find out something more. Stay, I will get a light,” said I.

So I returned to my own house, and hastily dragging on my boots and seizing my hat, a lantern that I used to look to the house fastenings before going to bed, and a small but efficient revolver, rejoined Peters. He had, meanwhile, been joined by the patrolman on the beat, whom Peters desired to remain outside Number 39, and if we whistled, to rap for help.

Cautiously stepping into the dark passage, we nearly closed the door behind us and began our search. There were two rooms on the first floor, and we looked over them thoroughly. Next the basement, also of two rooms. But in neither of the four was there any unusual appearance of any kind. And then we resolved to go up stairs.

I am not a nervous man, I think, but there was something about those stairs that made me feel strange. I looked Peters in the face, and he me, as we placed our feet on the first step. We both knew some horror was in store for us. I saw in his eyes the strange dilation with which men gaze at a sudden accident. And the dog heard us too, for it began to yell frantically and to spring at a door as if it would tear it down. We knew that the room in which the dog was—a small hall bedroom—must contain *something*. But we searched all the upper portion of the house before that room. At last we stood before its closed and apparently locked door. “Shall we knock?” said I. “No matter, and less harm,” he answered, and he gave one solid blow upon the door that sounded like a thunder-clap as it echoed all over the house. The dog sank into instant silence.

“Take the light,” said Peters. I did so. He then put his left arm behind his back, and, so to speak, concentrating his whole weight and strength in his left shoulder, flung himself full against the door, and as it flew open, staggered almost headlong in.

What had we come to see? A room dabbled over—floor, walls, furniture—with blood. A dog with blazing eyes and bloody feet glaring from beneath a lounge. A bed unslept in, but bloody. And in a large and heavy chair, a woman bound hand and foot, and by cords passing round her body, with her head drooping forward upon her breast. And as we lifted her head we saw a hideous gash that had cut her throat from ear to ear.

A policeman is but a man. I have found some of the most humane men I ever knew among the force, and Peters was one of them. He was horrorstruck, and could not articulate a word. Pointing to the street and to his mouth, I knew that I was to do what he could not contract his lips to do—whistle to the patrolman in the street. I did so at once, and in another minute or two we were joined by two other officers.

I pass over what followed, briefly. The house was taken possession of by the police; the dog was carefully removed and secured; and in due time there came the inquest, with its inevitable verdict of “Willful murder by some person or persons unknown,” and private and public inquiries of the most searching description for the murderers. Money was the object of the crime, for a broken desk was found, and from a private record it was discovered that bank notes of a large amount had been kept in it, but were missing. As for the girl that had been arrested and set free, she was not heard of again, although all the resources of the police were taxed to the utmost to find her whereabouts. And the murder at Number 39 remained a mystery which it seemed would never be solved. The only relic of the case was the dog, which I took a fancy to, and brought to my house. Bob—that was the name I gave him—became quite a curiosity for a time, and was looked on as a historical character. This, too, soon died away. And when, five years later, I took a house several miles back of Jersey City, in one of the localities fast becoming popular, the terrible story of how our opposite neighbor died was very seldom thought of.

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My business increased. I was growing rich. Not rich in the post-war sense of this year of grace, eighteen hundred and sixty-six, but I had enough to keep me in a quiet way without more work if I chose to remain idle. We saw little company, and, except some occasional visit from a client, saw but few new faces at home. People did say I was getting fat, but that was calumny.

“Anybody been here to-day, Jackson?” This to my clerk, with me now, man and boy, for twenty years.

“Only one man; queer looking chap, Mr. Elder; looks like a returned digger, so something of that sort.”

“What does he want?” I asked.

“Some question about a California land claim, I think,” said Jackson; “but he will be here in half an hour to speak for himself.”

And in half an hour he came. Why Jackson should compare him to a digger, I could not for the life of me imagine. He was tall, well built, though rather slender; had black, curling, glossy hair, and full, dark beard, and his eyes were full of gentleness. There did not seem even the cool, ready tongue and iron watchfulness of expression that I have noticed about many who have made fortunes in a gold claim, and lost them again in the

gilded saloons of San Francisco. But there was a something—no matter; I will get on with the facts.

Mr. Layton—that was the gentleman's name—had, he told me, purchased, several years ago, certain California reservations, and paid for them in full. There were now claims advanced against him by the agents of certain Mexicans, and his object in visiting me was to have the title investigated, and, secondly, to hand over the whole property, without restrictions of any kind, to his wife. The total sum involved, or rather the total amount of his money and the value of the disputed property, would place his wife in possession at his death of over \$20,000. She was in the city, and if her presence was required, would be forthcoming; but, being of invalid habits, did not go abroad much.

I was, of course, ready enough to undertake the case, and took charge of the papers respecting it, and we parted with an offer on my part to make his visit as agreeable as possible. For the next few weeks I had frequent visits from Mr. Layton, and became quite upon companionable terms—so much so that on his last call I invited him to my house on the following Sunday, and requested him to bring his wife, which he promised to do.

I well remember that day. The morning had been showery, and the sky had since cleared; all the trees and grass were dressed in their brightest green, and from the cool earth perfumes floated up with that indescribable freshness only experienced after rain or at night. Punctual to their time my visitors appeared at the end of the lane leading to my house, and my wife and I went to meet them. Mr. Layton's pleasant manner made introductions unconstrained, and the lady with him had just the sort of winning manner that attracts women no less than men. She was a pale, slender person, of a very gentle aspect. There was in every gesture and word an appealing manner and tone which seemed to ask for kindness and affection. There was evidently a strong attachment between the husband and wife, and entire confidence, I judged, between them.

We have three children. They were upon a few hours' visit in the neighborhood, and so our day was a quiet one. Children are a little noisy sometimes, and I had not such strong nerves as I used to possess. And dinner passed over with the sort of peaceful ease that suits that meal best. A cigar on the lawn was quite in order afterward; and when the golden clouds began to rise in the west, as if to meet the setting sun in their embrace, a stroll to the river-side was equally desirable. We should probably meet our young ones, my wife said.

And so we did. It was not long before merry voices were heard ringing through the little patch of timber I called my wood, and mingled with them the joyous bark of a dog. Very soon the white dress of my little daughter began to glance among the trees, and a dark spot could be seen careening round in a circle like a mad creature. Then the whole group came running toward us, the children laden with flowers, and the dog's hair all flying in the wind.

“How happy you must be,” said Mrs. Layton to my wife; “we have no children, and—”

At that moment she stopped suddenly, and turning to my wife, said, hastily, “What a pretty dog—I had one once”—and then she stopped; for Bob—the same Bob that years before was taken from the house in Frith Street—rushed toward her, and began leaping up to her face as with the most extravagant joy. That was enough to startle me, but worse followed; for Bob suddenly caught sight of my new friend himself, and in quicker time than I can write the words, had sprung at his throat with the most savage yell that I ever heard from any animal, and literally bore him to the ground. I take credit to my self that I acted promptly and with calmness. Of course there was a mystery—*what* mystery, flashed across my mind like lightening; but what I thought and what I did are two different things. What I did was to drag the dog off, have him tied up at once, and apologize to the best of my ability for the strange attack, which I attributed, as plausibly as I could, to some offensive gesture, or other accidental circumstance, on the part of Mr. Layton. Fortunately, though my wife knew the history of the dog, no notion of the truth occurred to her. Layton himself was intensely agitated; his face was ghastly white; his wife was lost in astonishment, and evidently possessed no clue to the meaning of what had happened.

Never in my life did I feel so strangely as I did all the rest of that day. To continue all the cordial attentions proper to one’s guests while the mind is racked with even business anxieties, is bad enough, but now——

One thing was evident. I must allay all fears—can my readers doubt what fears?—that Layton may have conceived, and at the same time act out to the end the part I had to play in the retributive portion of the drama. I *did* act it out, as will be seen; and to this day I do not know whether I did aright or no. The first thing was to arrange a complete surveillance over Layton’s movements; and in order to effect this, I could think of no better way than to telegraph to Peters. To do this before night was impossible, for I felt Layton’s eye watched me as a cat watches a mouse. Nor could I possibly leave the house without exciting his suspicion. I managed the affair in a simple way, however, as luck would have it. One of my boys—a smart lad, who will make a name some day greater than his father, and in his father’s profession, too—is fond of drawing. I told him in the evening, as we were sitting round the stove, that I wanted to look at his last productions. He brought his portfolio to me, and I began to criticize its contents, and with a pencil in my hand. The work was faulty, I told him. There were errors that even I could detect and remedy. “Come here to a table, Charley,” said I, “and I will show you what I mean.” And I took the book to another part of the room. “Here,” said I, “look attentively at this,” and I wrote,

“I am going to write a private message to you on this drawing.”

“I see, father,” said my bright boy, “and I will follow your instructions.” I wrote again,

“Go to the telegraph office, and telegraph to the Broome Street Police Station for Peters, the detective; tell him to come directly, and with help enough to watch this house, and arrest man or woman leaving it to-night. Go quietly, Charley, and make no notice.”

“Oh, that’s easy enough,” said Charley. “I can very soon draw the lines in that way. This picture is too bad to show Mr. Layton, as I see now; he shall see others, though,” and he tore it up. The portfolio was duly admired by the visitors, and further public criticisms made by me, and finally Master Charley, with a demure countenance, marched out of the room with it.

We sat an hour or so, and then retired for the night. Charley came in to wish us *bon soir*, and gave me a little nod, which was what I wanted. And ten minutes afterward the echoes in the house had all died away, and the last chamber door was locked.

We had, soon after purchasing our house, built an extension at right angles with it; just like an L the whole building was. In this extension were three rooms—a basement, used for washing and the like, an office or study above it, which I used, and above that a bedroom, which, on this occasion, was occupied by our eldest daughter, who had given up her room situated immediately over my own in the main building, and the window of which opened into the back garden, to Mr. and Mrs. Layton. To the middle room I quietly repaired, telling my wife that I had work to do, and she, poor dear, little knowing what work that was, told me she should soon be asleep as with a kiss I left her. I took a light from our bedroom, and blew it out the instant I entered my sanctum, and locked the door inside—I hate squeaking locks; mine don’t squeak. Then I sat down by the window, on which the sill of which I laid a piece of ironmongery, which, small as it was, held six lives with its power. And I waited.

Waited till the moon, which set that night at twelve o’clock, had gone down to rise upon missions of sleepers on the other side of the world. Waited until everything above, below, around, seemed dark, and silent, and ghostly, as if I were shut into a vast grave.

There were but two ways of reaching my house at that time of night—now nearly two o’clock. One by horse or wagon, the other on foot. I thought I knew enough of Peters to be sure that no sound of hoof or wheel would come within my hearing through his agency, and I was nearly right; for it was but a muffled clatter that, just after the village clock struck two, seemed to echo faintly from some point a mile off, and beyond my “wood.” But, listening intently as I possibly could, I heard no more. And a half hour dragged wearily on.

“Hush!” my brain said to my heart. (I am not given to philosophy, reader, so don’t be alarmed by this expression; but it describes what I felt.) “Hush!” A creaking just outside my door, and the handle tried! It was locked, as I said before. A stealthy footstep that I rather felt than heard next made a board crack further along the hall, and I thought I heard something like a cautious hand trying the street-door fastenings. Another board cracked on the basement stairs; then on the main staircase of the house, and after that there was profound stillness again for a while. I was becoming horribly excited. To have a—well, no matter what—walking about one’s house like a ghost is bad enough, but when you are waiting for people to help you circumvent him, and cannot tell whether they are around you or——

“Hush!” again. A low whistle, so low that none but a listener could have caught it, came from the wood. It was repeated in four different directions, all within a very short distance of the house. My work so far, then, was done, and I need but be a spectator if I would, or might go to rest if I could rest. I chose the latter, and was soon in my own bedroom and snugly tucked up. I was not surprised to find that I could not sleep. All sorts of fancies would crowd into my brain—recollections of crimes which my profession made me familiar with; or hairbreadth escapes where in men scaled walls, climbed chimneys, forced open heavy guarded doors with a rusty nail and their bruised and bleeding fingers, let themselves down with their blanket and made off, muffling their jangling fetters with its torn strips. Then I fell to wondering whether any of *my* blankets would be torn up to make a rope of—it really seemed possible. There would be no harm in just taking a peep out of the window, at all events. The idea had no sooner crossed me than I thought I heard the window of Mr. Layton’s room, just over mine, you remember, very gently opened. The sort of shuffling against the front of the house was indistinctly heard, and next there glided slowly down past my window the figure of a man!

“By thunder! it’s coming now,” I said to myself, as I slid out of bed and began to dress as fast as I could. Not fast enough, though, for I was too late to see the end.

The figure glided slowly past my window, and almost instantly there arose strange men’s voices, and noises as of a violent struggle. “No, you don’t,” I heard one man say, and there was the dull thud of a blow. “Never, never,” said another voice, hoarse with passion or fear. “Never will I be taken alive.” “Look out, Jones, he has a pistol,” shouted another, and then added: “Fire at him if he lifts his arm.” But he did lift his arm, for, the moment after, a loud report seemed to shake the house, and the shrieks of frightened women echoed from roof to basement.

I was down stairs and upon the lawn before long, you may be sure, and then I saw at a glance how the whole case stood. There were four men, one of whom carried a dark lantern, which he turned to show something upon the ground. A man who was a man no more; a mere piece of dead flesh and blood. For Layton’s arm had lifted quickly and steadily toward his own life, and there he lay stone dead, with a bullet in his brain.

I really cannot describe what scenes of agony followed, nor need I. The case was one of suicide, which disposed of one horrible duty that I had undertaken, and he was peacefully buried in the cemetery near our house. The wife was for weeks like an insane woman, but we took care of her. She begged me to take all her papers and his and examine them, and I did so. Ah! she was an injured woman, as innocent as she had been wronged. For I found among Layton’s baggage a box of hers with letters in it and certain valuable papers that had belonged to the old lady at Number 39. They proved that the daughter, Emily was her name, had long been secretly engaged to Layton, and that, the mother being averse to any change in her daughter’s condition in life, they had agreed to a midnight flight. Emily left the house as I described at the beginning of this history, and as she did so, hurt her hand and tore her sleeve. She was arrested, and late in keeping her appointment; and Layton had gone to reconnoitre the house. Finding the door open and the old lady at home, the temptation arose to murder and rob her. Then he returned to the



meeting place and she was there. They fled together—he with his guilty secret, and she with the fullest trust in him. She never heard of the murder, never knew that her mother was dead, nor, for the two women for the two women had lived very unhappily together, did she care to inquire.

I never told her all I knew. Peters, my wife and I alone were in the secret. She settled down into a solitary life in a cottage near our house. We gave her Bob, and she never saw any connection between her husband's fate and the dog's behavior. She never knew of her mother's fate either, beyond that she was dead years ago, which I thought it best to tell her. And she simply faded from the earth like a morning mist. Gentle always, she watched the days come and go with a strange resignation. Sometimes she would speak of her dead husband. He was so good to her, she would say to us; so kind always; so generous to others; never harmed a creature, for he had a heart as warm as was his face honest and handsome.

All true. And yet he was a murderer. The contradictions in human nature often puzzle one. As a lawyer, I never trust to appearances or doubt the possible perversion of the brightest character. At all events, the old expression that So-and-so is an excellent person but has a spice of the devil in him, may contain a theory that when I have more time I will try to find out.

*The Galaxy* [New York, NY], 1866

*The Hartford Courant*, April 17, 1867—with the subtitle “Puzzling Contradictions of Human Nature”; this version omits the opening two paragraphs.