

The Hypotheses of Failure

By O. HENRY

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LAWYER GOOCH bestowed his undivided attention upon the engrossing arts of his profession. But one flight of fancy did he allow his mind to entertain. He was fond of likening his suite of rooms to the bottom of a ship. The rooms were three in number, with a door opening from one to another. These doors could also be closed.

"Ships," Lawyer Gooch would say, "are constructed for safety, with separate, water-tight compartments in their bottoms. If one compartment springs a leak it fills with water; but the good ship goes on unhurt. Were it not for the separating bulkheads one leak would sink the vessel. Now it often happens that while I am occupied with clients other clients with conflicting interests call. With the assistance of Archibald—an office boy with a future—I cause the dangerous influx to be diverted into separate compartments, while I sound with my legal plummet the depth of each. If necessary, they may be baled out into the hallway and permitted to escape by way of the stairs, which we may term the lee scuppers. Thus the good ship of business is kept afloat; whereas if the element that supports her were allowed to mingle freely in her hold we might be swamped—ha, ha, ha!"

The law is dry. Good jokes are few. Surely it might be permitted Lawyer Gooch to mitigate the bore of briefs, the tedium of torts and the prosiness of processes with even so light a levy upon the good property of humor!

Lawyer Gooch's practise leaned largely to the settlement of marital infidelities. Did matrimony languish through complications, he mediated, soothed and arbitrated. Did it suffer from implications, he readjusted, defended and championed. Did it arrive at the extremity of duplications, he always got light sentences for his clients.

But not always was Lawyer Gooch the keen, armed, wily, belligerent, ready with his two-edged sword to lop off the shackles of Hymen. He had been known to build up instead of demolishing, to reunite instead of severing, to lead erring and foolish ones back into the fold instead of scattering the flock. Often had he by his eloquent and moving appeals sent husband and wife, weeping, back into each other's arms. Frequently he had coached childlike so successfully that, at the psychological moment (and at a given signal) the plaintive pipe of "Papa, won't you tum home adain to me and muvver?" had won the day and upheld the pillars of a tottering home.

Unprejudiced persons admitted that Lawyer Gooch received as big fees from these re-yoked clients as would have been paid him had the cases been contested in court. Prejudiced ones intimated that his fees were doubled, because the penitent couples always came back later for the divorce, anyhow.

There came a season in June when the legal ship of Lawyer Gooch (to borrow his own figure) was nearly becalmed. The divorce mill grinds slowly in June. It is the month of Cupid and Hymen.

Lawyer Gooch, then, sat idle in the middle room of his clientless suite. A small anteroom connected—or rather separated—this apartment from the hallway. Here was stationed Archibald, who wrested from visitors their cards or oral nomenclature which he bore to his master while they waited. Suddenly, on this day, there came a great knocking at the outermost door.

Archibald, opening it, was thrust aside as superfluous by the visitor, who, without due reverence, at once penetrated to the office of lawyer Gooch and threw himself with good-natured insolence into a comfortable chair facing that gentleman.

"You are Phineas C. Gooch, attorney-at-law?" said the visitor, his tone of voice and inflection making his words at once a question, an assertion and an accusation.

Before committing himself by a reply, the lawyer estimated his possible client in one of his brief but shrewd and calculating glances.

The man was of the emphatic type—large-sized, active, bold and debonaire in demeanor, vain beyond a doubt, slightly swaggering, ready and at ease. He was well clothed, but with a shade too much ornamentation. He was seeking a lawyer; but if the fact would seem to saddle him with troubles they were not patent in his beaming eyes and courageous air.

"My name is Gooch," at length the lawyer admitted. Upon pressure he would also have confessed to the Phineas C. But he did not consider it good practise to volunteer information. "I did not receive your card," he continued, by way of rebuke, "so I—"

"I know you didn't," remarked the visitor, coolly; "and you won't just yet. Light up!" He threw a leg over an arm chair, and tossed a handful of rich-bued cigars upon the table. Lawyer Gooch knew the brand. He thawed just enough to accept the invitation to smoke.

"You are a divorce lawyer," said the cardless visitor. This time there was no interrogation in his voice. Nor did his words constitute a simple assertion. They formed charge—a de-

claration—as one would say to a dog: "You are a dog." Lawyer Gooch was silent under the imputation.

"You handle," continued the visitor, "all the various ramifications of bust-up connubiality. You are a surgeon, you might say, who extracts Cupid's darts when he shoots 'em into the wrong parties. You furnish patent, incandescent lights for premises where the torch of Hymen has burned so low you can't light a cigar at it. Am I right, Mr. Gooch?"

"I have undertaken cases," said the lawyer, guardedly, "in the line to which your figurative speech seems to refer. Do you wish to consult me professionally, Mr. —?" The lawyer paused, with significance.

"Not yet," said the other, with an arch wave of his cigar, "not just yet. Let us approach the subject with the caution that should have been used in the original act that makes this pow-wow necessary. There exists a matrimonial jumble to be straightened out. But before I give you names I want your honest—well, anyhow, your professional opinion on the merits of the mix-up. I want you to size up the catastrophe—abstractly—you understand? I'm Mr. Nobody; and I've got a story to tell you. Then you say what's what. Do you get my wire-ness?"

"You want to state a hypothetical case?" suggested Lawyer Gooch.

"That's the word I was after. 'Apothecary' was the best shot I could make at it in my mind. The hypothetical goes. I'll state the case. Suppose there's a woman—a deuced fine-looking woman—who has run away from her husband and home? She's badly mashed on another man who went to her town to work up some real estate business. Now, we may as well call this woman's husband Thomas R. Billings, for that's his name. I'm giving you straight tips on the cognomens. The Lothario chap is Henry K. Jessup. The Billingses lived in a little town called Susansville—a good many miles from here. Now, Jessup leaves Susansville two weeks ago. The next day Mrs. Billings follows him. She's dead gone on this man Jessup; you can bet your law library on that."

Lawyer Gooch's client said this with such unctuous satisfaction that even the callous lawyer experienced a slight ripple of repulsion. He now saw clearly in his fatuous visitor the conceit of the lady-killer, the egotistic complacency of the successful trifler.

"Now," continued the visitor, "suppose this Mrs. Billings wasn't happy at home? We'll say she and her husband didn't see worth a cent. They've got incompatibility to burn. The things she likes Billings wouldn't have as a gift with trading stamps. It's Tabby and Rover with them all the time. She's an educated woman in science and culture, and she reads things out loud at meetings. Billings is not so. He don't appreciate progress and obelisks and ethics, and things of that sort. Old Billings is simply a blink when it comes to such things. The lady is out-and-out above his class. Now, lawyer, don't it look like a fair equalization of rights and wrongs that a woman like that should be allowed to throw down Billings and take the man that can appreciate her?"

"Incompatibility," said Lawyer Gooch, "is undoubtedly the source of much marital discord and unhappiness. Where it is positively proven, divorce would seem to be the equitable remedy. Are you—excuse me—is this man Jessup one to whom the lady may safely trust her future?"

"Oh, you can bet on Jessup," said the client, with a confident wag of his head. "Jessup's all right. He'll do the square thing. Why, he left Susansville just to keep people from talking about Mrs. Billings. But she followed him up, and now, of course, he'll stick to her. When she gets a divorce, all legal and proper, Jessup will do the proper thing."

"And now," said Lawyer Gooch, "continuing the hypothesis, if you prefer, and supposing that my services should be desired in the case, what—?" The client rose impulsively to his feet.

"Oh, dang the hypothetical business," he exclaimed, impatiently. "Let's let her drop, and get down to straight talk. You ought to know who I am by this time. I want that woman to have her divorce. I'll pay for it. The day you set Mrs. Billings free I'll pay you five hundred dollars."

Lawyer Gooch's client banged his fist upon the table to punctuate his generosity.

"If that is the case—" began the lawyer.

"Lady to see you, sir," bawled Archibald, bouncing in from his anteroom. He had orders to always announce immediately any client that might come. There was no sense in turning business away.

Lawyer Gooch took client number one by the arm and led him suavely into one of the adjoining rooms. "Favor me by remaining here a few minutes, sir," he said. "I will return and resume our consultation with the least possible delay. I am rather expecting a visit from a very wealthy old lady in connection with a will. I will not keep you waiting long."

The breezy gentleman seated himself with obliging acquiescence, and took up a magazine. The lawyer returned to the middle office, carefully closing behind him the connecting door.

"Show the lady in, Archibald," he said to the office boy, who was awaiting the order.

A tall lady, of commanding presence and sternly handsome, entered the room. She wore robes—robes; not clothes—ample and fluent. In her eye could be perceived the lambent flame of green and soul. In her hand was a green bag of the capacity of a bushel, and an umbrella that also seemed to wear a robe, ample and fluent. She accepted a chair.

"Are you Mr. Phineas C. Gooch, the lawyer?" she asked, in formal and unconvincing tones.

"I am," answered Lawyer Gooch, without circumlocution. He never circumlocuted when dealing with a woman. Women circumlocute. Time is wasted when both sides in a debate employ the same tactics.

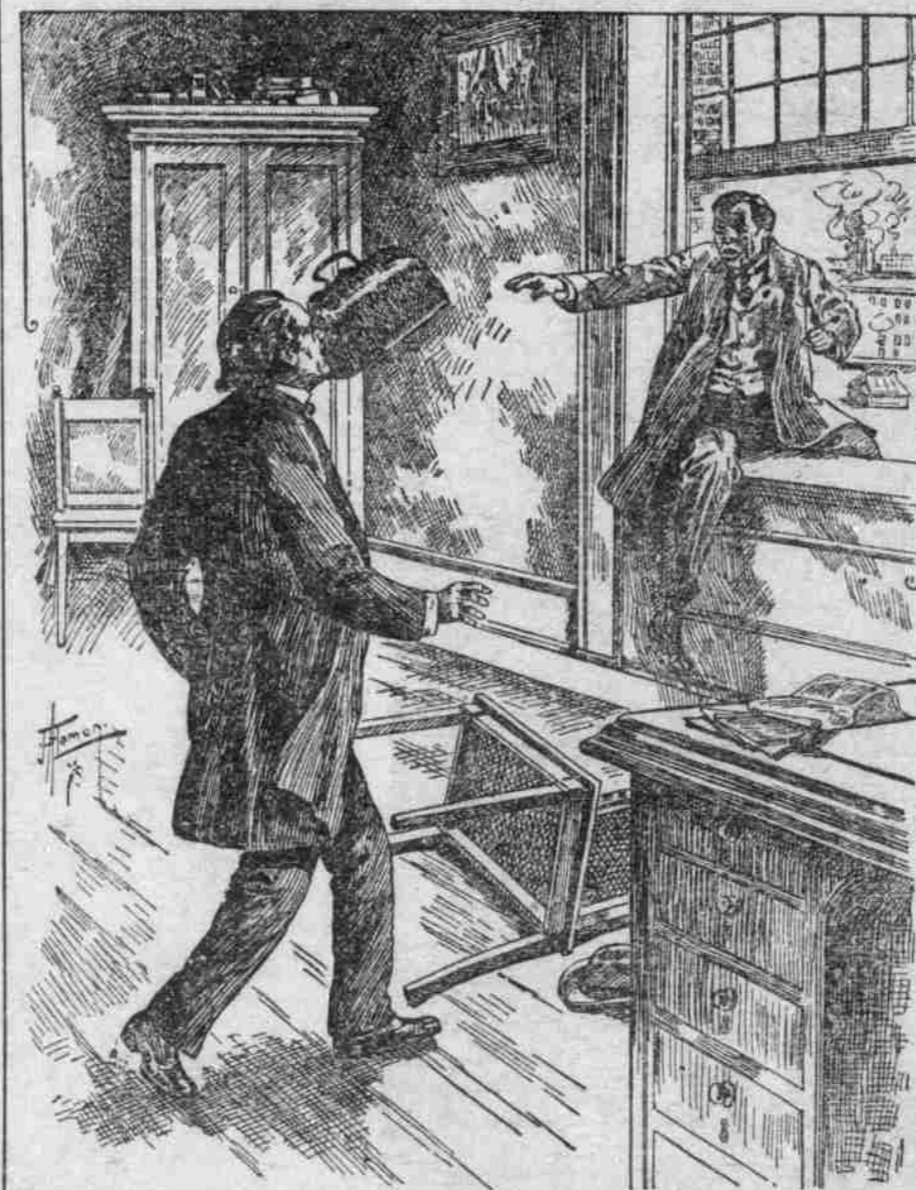
"As a lawyer, sir," began the lady, "you may have acquired some knowledge of the human heart. Do you believe that the pusillanimous and petty conventions of our artificial social life should stand as an obstacle in the way of a noble and affectionate heart when it finds its true mate among the miserable and worthless wretches in the world that are called men?"

"Madam," said Lawyer Gooch, in the tone that he used in curbing his female clients, "this is an office for conducting the practise of law. I am a lawyer, and not a philosopher, nor the editor of an 'Answers to the Love-orn' column of a newspaper. I have other clients waiting. I will ask you to kindly come to the point."

"Well, you needn't get so stiff around the gills about it," said the lady, with a snap of her luminous eyes and a startling gyration of her umbrella. "Business is what I've come for. I want your opinion in the matter of a suit for divorce, as the vulgar would call it, but which is really only the readjustment of the false and ignoble conditions that the short-sighted laws of man have interposed between a loving—"

"I beg your pardon, madam," interrupted Lawyer Gooch, with some impatience, "for reminding you again that this is a law office. Perhaps Mrs. Wilcox—"

"Mrs. Wilcox is all right," cut in the lady, with a hint of asperity. "And so is Tolstol, and Mrs. Gertrude Atherton, and Omar Khayyam, and Mr. Ed-



HE HURLED HIS SATCHEL WITH FURY AT THE LAWYER'S HEAD.

ward Bok. I've read 'em all. I would like to discuss with you the divine right of the soul as opposed to the freedom-destroying restrictions of a bigoted and narrow-minded society. But I will proceed to business. I would prefer to lay the matter before you in an impersonal way until you pass upon its merits. That is, to describe it as a supposable instance, without—"

"You wish to state a hypothetical case?" said Lawyer Gooch.

"I was going to say that," said the lady, sharply. "Now, suppose there is a woman who is all soul and heart and aspirations for a complete existence. This woman has a husband who is far below her in intellect, in taste—in everything. Bah! he is a brute. He despises literature. He sneers at the lofty thoughts of the world's great thinkers. He thinks only of real estate and such sordid things. He is no mate for a woman with soul. We will say that this unfortunate wife one day meets with her ideal—a man with brain and heart and force. She loves him. Although this man feels the thrill of a new-found affinity he is too noble, too honorable to declare himself. He flies from the presence of his beloved. She flies after him, trampling, with superb indifference upon the fetters with which an unenlightened social system would bind her. Now, what will a divorce cost? Eliza Ann Timmins, the poetess of Sycamore Gap, got one for three hundred and forty dollars. Can I—I mean can this lady I speak of get one that cheap?"

"Madam," said Lawyer Gooch, "your last two or three sentences delight me with their intelligence and clearness. Can we not now abandon the hypothetical, and come down to names and business?"

"I should say so," exclaimed the

lady, adopting the practical with admirable readiness. "Thomas R. Billings is the name of the low brute who stands between the happiness of his legal—his legal, but not his spiritual—wife and Henry K. Jessup, the noble man whom nature intended for her mate. I," concluded the client with an air of dramatic revelation, "am Mrs. Billings!"

"Gentlemen to see you, sir," shouted Archibald, invading the room almost at a handspring. Lawyer Gooch arose from his chair.

"Mrs. Billings," he said, courteously, "allow me to conduct you into the adjoining office apartment for a few minutes. I am expecting a very wealthy old gentleman on business connected with a will. In a very short while I will join you, and continue our consultation."

With his accustomed chivalrous manner Lawyer Gooch ushered his soulful client into the remaining unoccupied room, and came out, closing the door with circumspection.

The next visitor introduced by Archibald was a thin, nervous, irritable-looking man of middle age, with a worried and apprehensive expression of countenance. He carried in one hand a small satchel, which he set down upon the floor beside the chair which the lawyer placed for him. His clothing was of good quality, but it was worn without regard to neatness or style, and appeared to be covered with the dust of travel.

"You make a specialty of divorce cases," he said, in an agitated but businesslike tone.

"I may say," began Lawyer Gooch, "that my practise has not altogether avoided—"

"I know you do," interrupted client number three. "You needn't tell me. I've heard all about you. I have a case to lay before you without necessarily disclosing any connection that I might have with it—that is—"

"You wish," said Lawyer Gooch, "to state a hypothetical case."

"You may call it that. I am a plain man of business. I will be as brief as possible. We will first take up the hypothetical woman. We will say she is married ungenerally in many ways she is a superior woman. Physically she is considered to be handsome. She is devoted to what she calls literature—poetry and prose, and such

is I who am the sufferer in this sad affair—the names you shall have—Thomas R. Billings and wife—and Henry K. Jessup, the man with whom she is infatuated."

Client number three laid his hand upon Mr. Gooch's arm. Deep emotion was written upon his careworn face. "For heaven's sake," he said, fervently, "help me in this hour of trouble. Seek out Mrs. Billings, and persuade her to abandon this distressing pursuit of her lamentable folly. Tell her, Mr. Gooch, that her husband is willing to receive her back to his heart and home—promise her anything that will induce her to return. I have heard of your success in these matters. Mrs. Billings cannot be very far away. I am worn out with travel and weariness. Twice during the pursuit I saw her, but various circumstances prevented our having an interview. Will you undertake this mission for me, Mr. Gooch, and earn my everlasting gratitude?"

"It is true," said Lawyer Gooch, frowning slightly at the other's last words, but immediately calling up an expression of virtuous benevolence, "that on a number of occasions I have been successful in persuading couples who sought the severing of their matrimonial bonds to think better of their rash intentions and return to their homes reconciled. But I assure you that the work is often exceedingly difficult. The amount of argument, perseverance, and, if I may be allowed to say it, eloquence that it requires would astonish you. But this is a case in which my sympathies would be wholly enlisted. I feel deeply for you, sir, and I would be most happy to see husband and wife reunited. But my time," concluded the lawyer, looking at his watch as if suddenly reminded of the fact, "is valuable."

"I am aware of that," said the client, "and if you will take the case and persuade Mrs. Billings to return home and leave the man alone that she is following—on that day I will pay you the sum of one thousand dollars. I have made a little money in real estate during the recent boom in Susansville, and I will not begrudge that amount."

"Retain your seat for a few moments, please," said Lawyer Gooch, arising, and again consulting his watch. "I have another client waiting in an adjoining room whom I had very nearly forgotten. I will return in the briefest possible space."

The situation was now one that fully satisfied Lawyer Gooch's love of intricacy and complication. He revealed in cases that presented such subtle problems and possibilities. It pleased him to think that he was master of the happiness and fate of the three individuals who sat, unconscious of one another's presence, within his reach. His old figure of the ship glided into his mind. But now the figure failed, for to have filled every compartment of an actual vessel would have been to endanger her safety; while here, with his compartments full, his ship of affairs could but sail on to the advantageous port of a fine, fat fee. The thing for him to do, of course, was to wring the best bargain he could from some one of his anxious cargo.

First he called to the office boy: "Lock the outer door, Archibald, and admit no one." Then he moved, with long, silent strides into the room in which client number one waited. That gentleman sat, patiently scanning the pictures in the magazine, with a cigar in his mouth and his feet upon a table.

"Well," he remarked, cheerfully, as the lawyer entered, "have you made up your mind? Does five hundred dollars go for getting the fair lady a divorce?"

"You mean that as a retainer?" asked Lawyer Gooch, softly interrogative.

"Hey? No; for the whole job. It's enough, ain't it?"

"My fee," said Lawyer Gooch, "would be one thousand five hundred dollars. Five hundred dollars down, and the remainder upon issuance of the divorce."

A loud whistle came from client number one. His feet descended to the floor.

"Guess we can't close the deal," he said arising. "I cleaned up five hundred dollars in a little real estate dicker down in Susansville. I'd do anything I could to free the lady, but it out-sizes my pile."

"Could you stand one thousand two hundred dollars?" asked the lawyer, insinuatingly.

"Five hundred is my limit, I tell you. Guess I'll have to hunt up a cheaper lawyer." The client put on his hat.

"Out this way, please," said Lawyer Gooch, opening the door that led into the hallway.

As the gentleman flowed out of the compartment and down the stairs, Lawyer Gooch smiled to himself. "Exit Mr. Jessup," he murmured, as he fingered the Henry Clay tuft of hair at his ear. "And now for the forsaken husband." He returned to the middle office, and assumed a businesslike manner.

"I understand," he said to client number three, "that you agree to pay one thousand dollars if I bring about, or am instrumental in bringing about, the return of Mrs. Billings to her home, and her abandonment of her infatuated pursuit of the man for whom she has conceived such a violent fancy. Also that the case is now unreservedly in my hands on that basis. Is that correct?"

"Entirely," said the other, eagerly. "And I can produce the cash any time at two hours' notice."

Lawyer Gooch stood up at his full height. His thin figure seemed to expand. His thumbs sought the armholes of his vest. Upon his face was the look of sympathetic benignity that he always wore during such undertakings.

"Then, sir," he said in kindly tones, "I think I can promise you an early re-

lief from your troubles. I have that much confidence in my powers of argument and persuasion, in the natural impulses of the human heart toward good, and in the strong influence of a husband's unflinching love. Mrs. Billings, sir, is here—in that room—the lawyer's long arm pointed to the door. "I will call her in at once; and our united pleadings—"

Lawyer Gooch paused, for client number three had leaped from his chair as if propelled by steel springs, and clutched his satchel.

"What the devil," he exclaimed, harshly, "do you mean? That woman is here! I thought I shook her off forty miles back!"

He ran to the open window, looked out below, and threw one leg over the sill.

"Stop!" cried Lawyer Gooch, in amazement. "What would you do? Come, Mr. Billings, and face your erring but innocent wife. Our combined entreaties cannot fail to—"

"Billings!" shouted the now thoroughly moved client; "Th' Billings you, you old idiot!"

Turning, he hurled his satchel with fury at the lawyer's head. It struck that astounded peacemaker between the eyes, causing him to stagger backward a pace or two. When Lawyer Gooch recovered his wits he saw that his client had disappeared. Rushing to the window, he leaned out, and saw the recreant gathering himself up from the top of a shed upon which he had dropped from the second-story window. Without stopping to collect his hat he then plunged downward the remaining ten feet to the alley, up which he flew with prodigious celerity until the surrounding building swallowed him up from view.

Lawyer Gooch passed his hand tremblingly across his brow. It was an habitual act with him, serving to clear his thoughts. Perhaps also it now seemed to soothe the spot where a very hard alligator-hide satchel had struck.

The satchel lay upon the floor, wide open, with its contents spilled about. Mechanically Lawyer Gooch stooped to gather up the articles. The first was a collar; and the omniscient eye of the man of law perceived, wonderingly, the initials H. K. J. marked upon it. Then came a comb, a brush, a folded map and a piece of soap. Lastly, a handful of old business letters, addressed—every one of them—to "Henry K. Jessup, Esq."

Lawyer Gooch closed the satchel, and set it upon the table. He hesitated for a moment, and then put on his hat and walked into the office boy's anteroom.

"Archibald," he said, mildly, as he opened the hall door, "I am going around to the supreme court rooms. In five minutes you may step into the inner office, and inform the lady who is waiting there that—here Lawyer Gooch made use of the vernacular—"that there's nothing doing."

A Puzzled Pupil.

The saying "Set a thief to catch a thief" is not always a safe one to follow. It seems strange that a man afflicted with color-blindness himself should attempt to detect that fault in another, but Frank T. Bullen met with such a case in his own personal experience which he relates in "Men of the Merchant Service," and which came near putting a serious check to his ambition. Mr. Bullen was being tutored to pass an examination for a second mate's certificate.

One of the last things my crammer did was to test me for color-blindness. It was the first time I had ever heard of such a thing. When he first held up the little squares of colored glass I answered promptly, having a very acute sense of color. To my amazement he soon slammed the glass in the box and exclaimed, "You are absolutely color-blind. What do you mean by inventing names for the glasses? There are only two colors here, red and green; all the rest are white and black."

I selected a bright gamboge and asked him what color that was.

"Green," he answered.

Then I held up a brilliant purple.

"Green also."

I felt there was a blunder somewhere, but I had learned not to argue, so I said, resignedly, "Well, I suppose I'll have to take my chances." But I felt very uncomfortable.

The next morning I went to the Board of Trade office. There sat a gentleman with some strips of colored glass! My blood ran cold; if my eyes were wrong my career would be stopped.

Bearing in mind what the crammer had said, I began describing the various shades the examiner held up before me as red or green, as they were nearest one or the other. I thought the gentleman looked at me queerly, but he said nothing until I called a vivid magenta "red." Then he said:

"I never met a more complete case of color blindness."

Desperate, I implored him to listen while I told him of my lesson. His face darkened. Turning to the box, he said:

"Suppose you tell me just what you think, without reference to Mr. So-and-so."

I did, and my sight was pronounced perfect.—Youths' Companion.

High Priced Art.

The indignant citizen was treating his mind.

"You want 50 cents for admission to this motion picture show, do you?" he exclaimed. "That's an infernal outrage!"

"Look here, mister," said the man in the box office, "this is no ordinary entertainment. These pictures cost a small fortune. They show two men taking dinner together. One of them is eating a porterhouse steak and the other is getting away with a plate of bacon and eggs."