

THE VINDICATION OF EAST.

By FRANK NEILSON.



LD Stephen Lee entered the dingy office of Clinton East, and hurled this thunder-bolt at the young lawyer:

"Git your hat, young man, and come with me. Old Phillips had a tech of paralysis last night. He's wuss skeered than hurt, but he's got to ease up. He'll have to have help in Fred's case, and he wants you. Come on; he's waitin' fer us now."

Mechanically, doubting his senses, East walked at Lee's side along the streets of the country town. For two weary years he had starved and struggled here, had watched litigants pass his door to patronize old Phillips, until he saw no course to pursue but to return to his eastern home, where he could at least eke out a livelihood.

His one consolation for the wasted years was the thought that he had won the love of Ethel Lee, and that consolation was weakened by the fact that her father, the wealthiest farmer in the county, had refused his consent to a marriage. Even when the shock of Fred Lee's arrest had come, old Stephen Lee, disregarding the entreaties of Ethel, had refused to allow East to assist in the defense, had turned his back upon him with the remark that he did not "keer to have Phillips hampered by a young sprig with nothin' in the world

but a sheep-skin." Little wonder that East was dumbfounded when this summons came, that he was asking himself as he strode along at Stephen Lee's side if the tide had turned at last.

Phillips, in gown and slippers, seated in an easy chair near a window, silently motioned his callers to chairs. An anxious expression was on his wrinkled face as he slowly adjusted his glasses to his hooked nose and turned his shrewd gray eyes toward his young competitor.

"I presume," he said in a low voice, "that Mr. Lee has informed you why I have sent for you. I have had a warning. The time has come to me, as it must come to all, when I must yield the right of way to younger and more vigorous rivals. I do not complain. I have fought a good fight and I have conquered. Those who have entered the race against me have fallen by the wayside. Now, at sixty-one, I am wealthy. I can afford to rest.

"I have chosen you, because I know you have ability, courage and thoroughness. Don't interrupt me. I am overtaxing my present strength, and must finish. I make you this proposition: Under my direction you will at once take charge of the Lee case and will perform all of the work of preparation that yet remains to be done. I shall be able, I think, to assist in the trial of the case—my last case. If you meet my expectations you will assume

control of my business, subject to my advice and counsel. Your interest will be one fourth of all old business, one half of all new. As soon as you have all matters well in hand I shall go abroad, for an indefinite time. Five years after my departure the business becomes entirely yours. Do you accept?"

"I certainly do, sir," said East, huskily, "and I wish to—"

"Yes, yes, I understand. But your work will speak louder than your thanks. And now, good-morning, gentlemen. Return, both of you, in the morning. There are some points in young Lee's case that I wish to discuss with both of you."

At the gate, Lee faced East and said, "Well, I'm surprised, and I reckon you are. And I want to say to you that if you think I have ever disliked you, you are mistaken. But the man that gits my daughter must first show that he kin provide for her. You may have talent, but you can't eat talent; you must know how to market it, to cash it in. Now, I don't want no rush about this marriage, but I'll say this much: "If you git Fred clear, and if this here deal with Phillips pans out all right, you'll not find me in the way."

Left alone, Clinton wanted to throw his hat in the air and give one good, old-fashioned, hearty college yell. But he didn't. He hurried to his office, hurled his hat into a corner, half spoke, half shouted, "At last," and then sat down to think it all over. After which, of course, he went to tell Ethel.

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It was the night before the trial of Fred Lee. Every necessary preparation for the defense had been made, and Clinton was enjoying that feeling of satisfaction that follows work well done. Now, before seeking sleep, he sat in his office building castles in Spain, basking in sweet antici-

pation. The click of a crutch upon the deserted street rudely recalled him to earth.

"That's Joe," exclaimed East. "What can he want here at this time of night?" The crippled boy entered, hobbled to a seat, and sat there in silence, with bowed head.

"Well, Joe, what is it?" Clinton finally asked, kindly. More than once had he assisted the parentless lad, whose maimed body, quick intelligence and quiet manner appealed strongly to the young lawyer's sympathy.

Without raising his head the boy answered, almost whispered, "Mr. East, you will hate me, but I can't keep it any longer, I must—tell the prosecutor—that—I saw it."

"Saw what, Joe?" Clinton was wondering if the boy had gone daft.

Slowly the cripple raised his face, turned his terrified eyes upon East, and answered, shuddering:

"The murder! I saw Fred Lee kill Bill Thurber! I can't keep the secret any longer. I am on my way to tell the prosecutor—but I wanted to tell you first."

Into his chair East sank, stunned, helpless, limp. Strange buzzing sounds rang in his ears. The room seemed whirling 'round. In a moment he regained possession of his faculties. Then followed desperate thoughts. This boy, sole witness of the awful deed, was in his power, would listen to his counsel. Before morning he could be taken far away and Fred would be safe. He glanced about him to see that windows and doors were tightly closed. Then he leaned forward and said, "Go on, Joe. Tell me what you saw."

Slowly, with faltering voice, the boy told his dreadful story; told how, while fishing in the river, he had heard angry voices, had seen Thurber and young Lee

appear on the bluff that overhung the stream, had witnessed Lee strike down his fleeing victim with a weapon which, with the body of the murdered man, he cast into the river.

"I never meant to tell," the boy cried, "You've been kind to me, and I knew 'twould break Miss Lee's heart. But last night for the third time I saw my mother in my dreams, and she said to me, 'Joey, you must tell.' And she leaned over me and kissed me like she used to do. And all day she has seemed near me, pushing me on. O, Mr. East, tell me what to do—tell me what is right. It seems awful to let a murderer go just because you have been kind to me. But I will do what you say. I know you will not tell me wrong."

Joe was on the floor now, sobbing, his head upon Clinton's knees. East's face was very white as he stooped and gently lifted the little cripple into a chair. With bowed head, his hands opening and clinching convulsively, he paced up and down the little office. The boy huddled in the chair, watched him silent and terror-stricken.

To and fro East strode, many times seeing two visions; one of peace and love and happiness, a united family, fame and wealth, the realization of all his hopes and dreams; the other a vision of sorrow, unfathomable, unutterable, a murderer's gibbet, a family broken and eternally disgraced, failure, a miserable future, the loss of everything his heart held dear.

Through both pictures came glimpses of Ethel's face, her dark eyes looking into his with abhorrence and reproach. But back of all he saw a bruised and swollen form, its sightless eyes turned toward the stars, its lips gasping as the turbid waters hurried it onward, "Honor or Love? Which shall it be? Choose quickly."

Fiercely he turned upon the shrinking watcher and hissed, "Why did you come to me? What devil sent you here? Then he opened the door and said "Go!"

As the boy hobbled out into the darkness of the night he raised his white and tear-stained face toward his only friend. Clinton, looking down into it, saw something that caused him to say, gently, "Forgive me. You are right. Tell all—and May God help us."

Then leaning on the old desk, he pillowed his head on his arms and listened to the sound of the crutch, each stroke a knell of hope, until he heard it no more. Morning had dawned when he arose, murmuring wearily, "I must tell Phillips."

"Why, God bless me, sir, (which was not exactly the objurgation Phillips used) if I ever heard of such imbecility. Do you know, sir," he roared, "are you capable of comprehending, what you have done?"

"I think I comprehend exactly what I have done; more thoroughly, perhaps, than anyone else concerned," Clinton replied.

"You do, eh?" snarled the enraged old lawyer. Allow me to venture the opinion that young Lee's comprehension of the result of your action will be much more thorough than yours when he feels the pressure of the knot under his ear. We would have cleared him; the evidence was purely circumstantial, and weak at that. The devil himself can't save him now."

"Perhaps some less intimate acquaintance of yours can," retorted East, losing his temper. "Doubtless my code of legal ethics differs from yours. I have not been in practice long enough to forget my oath. Generally, a lawyer's first duty is to his client, but under such circumstances as these that duty is due the State and the community. The true lawyer will fur-

ther justice, not obstruct it. I would not search for evidence to use against a client, but when the evidence presents itself I shall not be guilty of suppressing it. What talent I have is for sale; my integrity is not."

"My scrupulous young friend," said Phillips, cynically, "you have much to learn, so much that I shall not undertake the task of instructing you. You will remember that the proposition I made you was conditional. You have broken the condition, and I now withdraw the proposition. But I trust that your wonderful sense of duty will bind you to remain in the case until the jury returns its verdict of murder in the first degree. Considering my condition, and your familiarity with the details of the case, you certainly owe that much to our client."

"I shall fight to the last," Clinton answered. "As for the withdrawal of your offer, you have but anticipated my action. Nothing could induce me to remain here after this trial is over."

"I would think not," sneered Phillips. "You could not be expected to face either the father whose son you have betrayed or the sister whose brother you have murdered. You—"

East, livid with rage, had clutched the old lawyer's throat.

"John Phillips," he panted, "do you want me to choke the life from your miserable carcass? If you had one spark of honor in your despicable nature you would not add to my agony. I am losing more than life. Sit down there and listen to what I say."

Released from that vigorous grasp, Phillips sank down in his chair, sputtering and cowed. East continued:

"You must go immediately and break this news to—Ethel. Conceal nothing. I bear the blame. I shall save Fred Lee,

perhaps not from imprisonment, but from—the gallows. With all your craft and experience you can't do that. And then I shall leave this place forever."

Then he turned and left Phillips alone.

Despite the cold, raw weather and the steady down-pour of rain the court room was crowded with curious auditors; even halls and windows were filled by a gaping, eager mass of humanity.

When East entered the room the jury had been selected and sworn, and Phillips was listening intently to the prosecutor's statement of the case. At the old lawyer's side sat Stephen Lee and the accused, and a slight, veiled figure that caused East's heart to leap. As he took his seat at the table he met the scowls of father and son, and the latter, leaning forward, muttered, "Clinton East, if I get out of this, I'll get even with you."

Taking no notice of the threat, Clinton turned his attention to the jury. The master hand of Phillips was seen there. All were comparatively young, and appeared sympathetic and impressionable, and East, well knowing wherein his sole hope lay, was encouraged. Once he offered a suggestion to Phillips and was promptly snubbed.

When the State's attorney had finished, Phillip's, to East's surprise, at once made his statement to the jury. Though brief, it was strong as could have been expected under the circumstances, and at its close Clinton realized more than ever before how desperate were his client's chances.

The State, relying chiefly upon Joe's testimony, offered but few witnesses, and they were subjected to a most searching cross-examination by Phillips. Joe was racked, threatened, bullied and denounced, until Clinton's heart ached. But the crippled boy could not be shaken nor confused, and when the State rested, its testi-

mony, though small in volume, presented no weak points; it was conclusive and unimpeachable. All necessary and material facts stood out in bold relief to point the path to the gallows.

For the defense, young Lee himself was the chief and almost the only witness. To East it was apparent that Phillips had carefully coached him for the occasion. He firmly denied having been with Thurber on that fatal day, and he was cool and unshaken under the fire of a severe and skillful cross-examination. His story was a plausible one, and without Joe's testimony was sufficient to raise a "reasonable doubt" and bring an acquittal.

The prosecuting attorney made a vigorous and able argument, and Phillips followed with an address that evoked East's genuine admiration. It was a profound and valuable lesson to the young barrister to see and hear that old gladiator upon such an occasion. How clearly and forcibly he presented every favorable circumstance, however slight; how carefully and cunningly he avoided every dangerous point that could be safely omitted, and when avoidance was impolitic, how skillfully he handled, tossed and juggled the dangerous fact, how masterfully he twisted it to the prisoner's advantage. How subtle his reasoning, how plausible his theories, how ingenious his explanations, how well-hidden his fallacies. His whole effort was directed toward the production in the mind of one or more of the jurors of a "reasonable doubt," that salvation of many a guilty wretch, and when he at length resumed his seat, trembling and exhausted, it seemed to many that he must have succeeded.

But he himself was not deceived. He could read too well the living page before him. He knew that powerful as his speech had been, the crippled boy, cower-

ing in the corner, had made a stronger one; he knew and had recognized the unmistakable accents of truth, and he knew that the jury admired the lawyer but believed the boy.

"East," he whispered, wiping his perspiring face, "I have failed. You must save this man. Get a life sentence and there may be a chance for a pardon some time. If you think you can't do that we may as well let the State close."

For one moment, as the young and untried barrister arose and advanced toward the jury, his courage almost failed him. His head swam, his knees trembled, and he saw as through a mist the half-sneering features of the prosecuting attorney, the scowling faces of the two Lees, the calm, impassive countenance of the judge, and the crowding mass of expectant auditors.

Then, by a mighty effort, he riveted his attention on the twelve men before him, those dread arbiters who held life and death in their keeping. Here was the mighty, mysterious instrument whose mystic chords he must sweep with deft and skillful hand, must attune to harmony that they might sound a strain in unison with the passion surging within his own bosom. It was the grandest, the sublimest, the most difficult of instruments that the young, untrained musician reached tremblingly forth to touch; it was the Creator's own. Harmony meant happiness, and discord death.

In low and hesitating accents he began his task. Gradually his voice grew stronger, his thoughts came faster and more clearly, his words followed more easily and eloquently. His was a plea for mercy, simple, yet strong, passionate and pathetic. There was no attempt at labored argument, no display of learning save that gleaned from Nature's open book. He talked at the jurors, not over

them, and they understood and followed him.

He appealed to them as fathers, brothers, sons, to their home life and home ties. Skillfully and touchingly he depicted the early life and environments of the accused, his rearing under the stern rule of an exacting father, deprived from infancy of a mother's love and teaching. Fervently he pictured the interweaving of the lives of the brother and sister, their mutual affection, their dependence upon one another in all the trials of their motherless existence.

Vividly he portrayed the many noble traits and generous characteristics of the accused, his blameless life up to that time when, thrown unguarded and uncounseled among evil and vicious associates, he fell a victim to the demon of drink. He declared that the object of all penal laws was reformation, not vindictive vengeance.

He dwelt upon the punishment already inflicted by the ordeal, insisting that the object of the law had been accomplished, and that the fearful lesson had started the feet of the unfortunate prisoner upon the pathway of the right, never to leave it. With powerful effect he contrasted the desolation and grief with the joy and thanksgiving that would follow their verdict as it might be rendered.

He pleaded for the sake of that young girl whose faithful, sisterly love had clung so devotedly to its object for so many years, through so many trials; that sister who had labored so unceasingly to lift him, her only brother, from the depths into which evil and malicious hands had dragged him; that sister whose own life, perhaps, hung upon the verdict. He pleaded for that mercy that they themselves would ask for their loved ones; that

forgiveness sanctioned and sanctified by Him whose mission was mercy.

When he had ended no sound broke the silence save the young sister's stifled sobs and the wailing of the storm without. Judge and jury, audience and attorneys were silent and motionless, and tears other than those of weak woman's were there.

Exhausted, and unwilling to witness Ethel's grief, Clinton quietly left the court room as the prosecutor arose to deliver his closing argument. As he passed out he overheard a threat made by one of young Lee's associates. He turned back and beckoned Joe to follow him. "Come with me," he said, "your life is in danger."

Together they went to East's little office, and from its window silently watched the lights that soon glimmered from the jury room through the fast gathering gloom of the night. Far into the night they waited, watching those ominous lights dancing and twinkling as though in mockery of their hopes. Through the darkness and the storm sounds of foot-steps came and went, and echoes of many voices arose and died away. Day dawned at last. The storm had passed, and still those fateful lights glared like the eyes of mocking demons.

Suddenly they vanished, and soon, from the court-house door, emerged a group of men, talking and gesticulating excitedly. Eagerly East went forth and questioned them.

Five years! It was a triumph—and his the victory! Would not they, would not she, relent? With returning hope Clinton re-entered the office, and for the first time noticed on his desk a tiny package, placed there, doubtless, during his presence at the trial. He tore it open, and a jeweled circlet of gold rolled forth.

There was no other message. None other was needed.

Haughtily, with swelling heart, he turned to toss it into the fire. Then the old spirit of patience and determination returned. He would triumph again, as he had triumphed yesterday. He understood thoroughly the young girl's nature, her sense of justice and her love of truth. He seized a pen and wrote:

"Ethel:—I have but done my duty. You, yourself, would not have me do otherwise. Some day you will see this as I do. Knowing this, I cannot accept your message as final. When that day comes return the ring as I now return it, and I shall understand."

CLINTON EAST."

That day an east-bound train, with clanging bell and screaming whistle, sped toward the roar and bustle of a great city, carrying Clinton East and crippled Joe.

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Clinton East, attorney and counsellor at law, is opening his morning mail. A few wrinkles and a sprinkling of gray hairs denote care and toil, rather than age. His fortunes have changed more than his appearance, if we may judge from the commodious offices and ample library, so different from the dingy den and few books of former years.

Joe, from his desk in the next room, watches his benefactor with anxious and affectionate eyes. He alone suspects, aye, knows what sorrow gnaws at his friend's

heart, knows that his cheerfulness and gaiety is assumed, knows that he must, in time, break down under the labor in which he seeks forgetfulness of vanished dreams.

As he watches, he sees Clinton open a small packet, sees him spring to his feet, pale and trembling, staring first at the letter in his hand, then at a gleaming circlet of gold that has rolled from the packet. Then he hears East's voice ring out with the genuine, cheery ring of old days.

"Joe, I go west on the next train. Read this. I can trust you. Good-bye, my boy, and good luck until I return." Then he was gone, and this is what Joe read:

Baltimore, Md.

"Mr. Clinton East:

"Dear Sir—I am going to get even with you, as I promised almost five years ago. I can say, as my father, too, would say, were he alive, that you were right. To-day I stand at my sister's side, a man, cured of all the old vices, ready to face the world anew. I hope to once more meet you here at the old home. As for Ethel, she sends—what you will find inclosed.

"Your debtor,

FRED LEE."

Through the dust and smoke of the busy city the morning sunlight forced its way to gleam in golden radiance across the cripple's face as he knelt in silent, tearful praise to the Giver of all good.

