

THE GUILTY MAN



TEMPLE BAILEY

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THE GUILTY MAN

By Temple Bailey

ALL the cares of a crowded week dropped from Mark Blair's shoulders as the lady of his heart came down the rose-bordered path to meet him.

"Your train was late," she said; "I have been waiting and waiting —."

He bent over her hand, but he did not kiss her, because of the man with his bag and the man with the lawn-mower, and Marion's father and mother, who were smiling at him from the doorway; but after dinner when the lawn-mower was still, and the man with the bag was unpacking Blair's things in the west room, and Marion's father and mother had gone in to escape the night air, and they were alone on the porch in the fragrant darkness, he made up for the omission of the afternoon.

"It is such a different world out here," he said, leaning back in his chair. "In town it is all bang and bustle and glare and problems, but when it gets very bad I think of the coolness and the moonlight—and you, and it rests me a lot."

She reached out her hand to him and silence fell between them. After a while Mark said: "I've had an awful week, Marion, but I'm going to get him off."

She leaned forward eagerly. "Levine?"

"Yes. They can't produce any evidence that I can't meet. It's a great case, Marion. If I win it, my reputation is established."

She smiled at him, inattentively; then looked across the sleeping garden to where the jagged line of the dark hills cut into the silver sky.

He watched her with jealous eyes.

"What are you thinking of?" he demanded. "I don't believe you care whether I win a reputation or not——"

"Oh, yes, I do." She laughed a little, and came and stood behind his chair, touching his crisp curls with her slender fingers.

Thrilled by her caress he sat very still. Even after their six months' engagement he could not accept her affection as a matter of course. There had been so many years of unloved boyhood; so many fighting years when every hand had seemed raised against him. Like most self-made men he was not

humble, rating his worth by the things he had attained; but when he thought of her beauty, of her graciousness, of her infinite condescension in linking her future with his, his soul knelt at her feet.

“Oh, yes, I do,” she repeated. “I do want you to be the greatest criminal lawyer of our time. But I was thinking of the man. How glad he will be!”

Blair stirred restlessly. “He’s a cowardly little creature, Marion. But I’m sorry for him. I shouldn’t like to see him hanged.”

“Of course not. It isn’t as if he were guilty.”

“Guilty!” He echoed the word; then shifted his position so that he could look up into her face. “Suppose he were, Marion? You wouldn’t want him to be hanged?”

“Oh, no”—she shivered a little—“oh, no. But then, you wouldn’t be defending him if he were guilty, Mark.”

“Why not?” sharply.

“It wouldn’t be right.”

“Every man has a right to get off if he can.”

“Oh, but not to get off just because his lawyer is shrewd enough to hoodwink a jury and to suppress evidence. I haven’t much use for that kind of lawyer, Mark.”

He laughed a trifle awkwardly. “Oh, well, that is the way reputations are made nowadays. The man of ideals fails where the man of ingenuity wins.”

“Oh,” she said impetuously, “I don’t like that view of it; I don’t like to hear you say such things, Mark.”

As she stood there in the moonlight with that troubled look on her face, he found himself wishing that his soul might be bared before her. It seemed to him that he would like to stand face to face with her sharpest judgment, to see himself by the light of her unsullied conscience.

He stood up, breathing quickly. “Levine is guilty,” was his bald statement.

“Mark!”

“Yes.”

“And you are defending him?” Her voice was very low, her hand was on her heart.

“What else could I do? He begged me to take the case, and then I got the

truth out of him. There isn't a shadow of doubt in my mind about his guilt. But I am going to get him off." His tone was slightly defiant.

"And defeat the ends of justice?"

It was not pleasant to note the scorn in her voice. He took a quick step toward her, but she drew back. The action stabbed him. He had valued infinitely the few precious privileges she had granted him, and never before had he been repulsed.

Not an arm's reach apart, but divided immeasurably by his confession, they stood there in the moonlight. Blair was the first to break the heavy silence.

"I need not have told you," he said. "It is, after all, a thing that a man has no right to tell—even to his wife. But our love is the one perfect thing in my imperfect life; Marion, between you and me there shall be no barrier of deceit. You have a right to know me as I am."

As their eyes met, deep looked into deep.

"I did not think you would compromise with conscience," she faltered, then came to him, sobbing, "Oh, Mark, Mark!"

After a while she whispered tremulously, "I'm glad you told me," but when he tried to marshal his arguments she grew very pale and held up her hand. "Don't, don't! It is all wrong somewhere," and then he knew that though he had held her by the force of his love, he had fallen from his high estate.

That night he could not sleep. He thought of his pinched childhood; of his boyish dreams of great deeds and gentle achievements; of his early entrance into the world of greed and sordidness; of the immediate revelation that money was the ruling power, and that honor in business was a thing to be relegated to a romantic past; of his gradual acceptance of selfish standards; of the burial of his ideals.

And then he had met Marion and had found her the embodiment of all that he had lost. He had loved her and had been loved in return, and it had been a new earth and a new heaven.

As the night waned he got up and dressed and went out into the garden. The east was rosy with the dawn and the air held the fragrance of the Springtime. He drew long, deep breaths. He felt within him the resurrection of the high thoughts of boyhood. Thank God, the past had belonged to him, alone. The future should be Marion's.

Later in the week, amid the dry-as-dust surroundings of his office, he had to admit that his action looked quixotic. Row after row of calf-bound books

stared him in the face and challenged him to view the case in its legal aspect. He went over and stood by the window. Beyond the skyscrapers, beyond the flaring signs and grimy chimneys, he caught the flash of the shining river. Today it seemed to take on an allegorical significance. Beyond the sordidness of everyday experience there were waters wide and deep and clear on which he and Marion would sail to the land of the ideal.

Marion! He must write and tell her that he had given up the case.

And, even as he thought of her, she came. It was the first time that she had visited his office, and it seemed to fit into his mood that she should come now all in white, with a rose in her belt. He would show her the shining river and tell her. . . . But as she raised her veil he saw that she had been crying.

“What is it?” he asked solicitously.

She was so shaken that she could not speak at once, but after a moment she said, shuddering, “I’ve seen Levine’s mother.”

He stared at her, not comprehending.

“She came to me—she said that you were going to give up the case, that she had heard that I was going to marry you. She begged me to use my influence. She said they would hang him. She said that he was innocent—she begged me on her knees—it was awful——!”

“It is infamous to drag you into it,” he said angrily.

“Oh, no!” she protested. “She is his mother, and she loves him.” She reached out her hands to him. “You must save him, Mark, you must, you must _____”

He took her hands and stood looking down at her. For a moment he lost the clearness of his spiritual vision.

“You said it was wrong,” he began, but she stopped him, nervously.

“Oh, I know I did. I don’t know now whether it is right to defend him. But I can’t let him be hanged. I should see him in my dreams. I should feel like a murderer. And then, his mother! Oh, Mark!” She was sobbing uncontrollably, with her face hidden in her hands.

“Hush!” he cried, and stood looking down at her.

“Let us be reasonable,” he said at last, and drew out a big leather-covered chair and put her into it.

But she would not be reasonable; there was only one course, and he must take it. She would never be happy if he did not.

After a while she reproached him. "I am asking you to do it for my sake."

"But it was a brutal murder. His wife, poor little soul, was as innocent as a baby. What right have I to defame her memory in order to get him off? Most of my cases are like a game. I must make certain moves to defeat my opponent, and when I checkmate I forget all about the moral aspect. But the other night you made me think, Marion."

She twisted her slender fingers together, nervously. "Surely he will be a better man after this—he has had such a lesson."

Blair knew that Levine would not be a better man. He would be forever a menace to society with his bestial instincts, his degenerate impulses. But Marion could not know that. She had lived her white life in a country garden among the roses!

He smiled at her the illumined smile that he seemed always to reserve for her.

"You must think me awfully inconsistent," she faltered.

"It is because your sympathy is stronger than your sense of justice. It is because you are a loving woman, Marion."

"And you will, Mark?"

"I cannot tell you yet."

That afternoon he went to see Levine. He wanted to be sure that he was making no mistake. The desperate, white-faced criminal groveled at his feet. "You've got to! You've got to get me off!" he whimpered.

Looking at him, Blair felt a little sick. That human nature should have in it so much of the beast! After all, why shouldn't Levine be killed? One killed a jackal or a hyena without compunction. Why not this thing on the floor?

"You're going back on me," Levine flung out, as he saw no sign of softening on the lawyer's face. "You've gone back on me, and I call it a dirty trick."

"Get up," Blair said shortly. Then, as the criminal got on his feet and dropped, shaking, on the bench, he had a sudden revulsion of feeling. "Poor fellow!" he said.

Levine looked up with a gleam of hope. "You're going to get me off?" he asked.

"No."

“Damn you!” the murderer said between set teeth; with his fingers kneading his knees tensely, he went on: “I won’t let them hang me. I’ll kill myself.”

“I’m not the only lawyer in the world, Levine. Of course it will go out to the world that you have dismissed me. And someone else will help you out.”

“They can’t get me off, and you know it. You’re the slickest one of the lot, and that’s what’s the matter with you. If I had a million you’d be sweating night and day to keep me from the gallows.”

Out of the mouth of this mean man had come Blair’s arraignment. He was “the slickest one of the lot.”

That was what the world said of him. That was the pinnacle he had reached after years of climbing!

Six months later Levine was condemned to be “hanged by the neck until dead.” Blair, with the vision of the shivering wretch haunting him, went that evening to Marion. The wind was moaning among the dead leaves of the garden, and as he reached the porch the rain came down in a cold drizzle.

He found Levine’s mother with Marion in the dim old parlor. The old woman was weeping, amid a torrent of words. “He has murdered my son,” Blair heard her say. “Don’t marry him, miss, don’t, don’t——”

“Hush!” Marion said. “He thinks he is doing what is right.” But her tone wavered.

Blair stepped across the room and confronted them.

“Go home,” he said to the old woman steadily, though his eyes were stormy; “go home and pray for your son.”

But she cursed him with her shaking hands beating the air, until at last Marion shrank away. “Please, please,” she said faintly, and this time Blair’s command allowed no refusal, and the witch-like creature left them.

“Poor thing, oh, poor thing!” Marion said, and watched her from the window, as she went away in the wind and rain; but Blair flung out: “Levine would not have been where he is today if it had not been for her. All that he is she has made him. She is a bad old woman, Marion.”

“But she is his mother——”

“Yes, yes,” he agreed, and stood leaning against the mantel, his eyes fixed

somberly on the flickering fire.

Marion sat in the shadows on the opposite side of the fireplace. The pale tints of her gown melted into the grayness of the twilight.

“You still blame me?” Blair questioned heavily.

“Oh, I don’t know, I don’t know. It’s the awfulness of it.” She reached out her hand to touch the bell. “Don’t let us talk of it. We will have some tea and the lights. I can see horrors in the dark.”

He interposed quickly: “I don’t want lights, Marion. I want to talk to you now. To have it out.”

The weariness of his voice, the despondent droop of his figure, seemed to come upon her with something of a shock.

“Mark—what is the matter?”

“Everything.” He looked down at her, and his face softened. “This thing has come between us, Marion.”

“Oh, no, no!” she protested.

“But I know that it has,” he insisted, with a kind of quiet despair. “Since I refused to represent Levine you have shut me out of your inner life. You have tried to act the same, but you haven’t felt the same. You think me hard—unfeeling, and I can’t stand it any longer, Marion.”

He brought the words out with a force that startled her.

“I knew if Levine were guilty you would feel that I might have saved him, and yet if I had saved him, it would have been the beginning of my eternal degradation, Marion.”

“But why?”

“Because before that night, when you brought me face to face with myself, I had been unconsciously going down. I had been winning notoriety and calling it fame, and I hadn’t stopped to think whether I was doing it honestly or dishonestly. But that night——”

He stopped as the memory of it surged over him.

“That night,” he went on presently, with a break in his voice, “I saw myself as you wanted me to be—as I ought to be—as I might be, by the grace of God, Marion.”

She sat motionless, but the laces of her gown rose and fell as her breath came quickly.

“And then you were swayed to an opposite view by your sympathy for the man, and for a time I hesitated. I don’t know that I want you to understand how I fought the world before I met you—it isn’t a pleasant story—but I did want you to hold out your hand to me and help me. I wanted you to lead me, and you would not.”

The silence that fell between them was on her part the silence of stricken revelation.

“And so I have had to decide it alone. I have lost money, I have lost business, because it would again soil my hands. I have stood the jeers of my colleagues. I have stood your withdrawal.”

Her hand went out toward him, but he continued, unheeding:

“And that is not all. I have known that I could save a man from death, and I have not done it because at last I know that there must be law in the world, and that there must be justice; that the wicked must suffer for the good of the race, and that the man who, for his own ends, defeats the ends of law and justice and order or who stands before a jury and pleads a lie is a guilty man—as guilty as the murderer who stands in the dock.”

His head was up and he seemed to throw down the gauntlet to the world. Faintly it came to her that he had climbed above her and had reached the heights alone.

“That morning in the garden,” he went on, more quietly, “I said that my future should be yours; afterwards, in my office, I looked out on the shining river and said it again; but now I know that what I do I must do, not because of you, but because it is right for me to do it—and if you cannot understand, why, then, why, then——”

His voice died away into silence.

Outside, the wind moaned and shrieked. The clamor seemed to intensify the stillness of the room. Blair broke it sharply.

“Well,” he said, “if Levine hangs, what then?”

“Don’t,” she said intensely, “don’t let us think of him—now.”

And as she lifted her face to him, softened by a new humility, his heart leaped with the knowledge that the barrier was down, and that between them henceforth there could be no shadow of misunderstanding.



THE END

TRANSCRIBER NOTES

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Punctuation has been maintained except where obvious printer errors occur.

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[The end of *The Guilty Man* by Temple Bailey]