

## Powell for the Defence

By Marvin Leslie Hayward

**R**EALLY," exclaimed Flora, "I don't see why you should be so disturbed by a mere question of money. It's not a matter of life and death you know."

Eric Blake plunged his hands into the pockets of his coat, walked across to the window, and gazed gloomily at the deserted street and the whirling flakes of snow.

"It's a matter of life and death to me," he declared, "when you remember that I have vowed that I will not ask you to marry me until I get the income, or until I am earning that much myself."

The girl came across the room and gazed half tenderly, half playfully at the gloomy young lawyer.

"A rash vow is better broken than kept," she averred softly.

"Don't look at me like that, little girl," breathed Blake, a glad light dispelling the cloud on his boyish brow, "or I'd be tempted to break my word. As it is the only thing that keeps me from doing so is the fact that you could have the benefit of the income right now if you'd accepted Powell."

Flora's hands stole up to his shoulders, giving him a playful shake.

"Don't mention that, again," she ordered, "and I positively forbid any more mercenary talk for the rest of the evening."

"As a last resort," declared Blake impulsively, "I'm going to see one more lawyer about it; for there's a fellow here in the city that I went to Law School with that's in a class by himself. He has an independent income, so don't have to practise law for money like the rest of us. He simply sits back in his luxurious office and sifts out the cases that please him, and he specializes on taking and winning cases that the other lawyers pronounce hopeless."

"Mercenary still," laughed Flora.

Gilbert Logan, "the dilettante lawyer," elevated his feet to the top of the desk in a most unprofessional manner, and blew a cloud of feathery smoke towards the ceiling.

"Fire away," he urged. "Interesting cases are few and far between in these degenerate days."

"You will remember that my parents died when I was about a year old. Uncle Bill, father's brother, brought me up and no parent could have treated me better than he did," began Eric Blake. "He put me through Law School, and planned to give me a good start in the legal profession."

"Did he forget about it?" asked Logan.

"Not at all," defended Blake; "but his wife had an orphan nephew on her side of the house, Joe Powell, and Uncle Bill used us both alike—put Joe through Law School too, and planned by his will to give each of us a good start."

"Have you got a copy of the will?" asked Logan eagerly.

Blake drew a folded document from his pocket.

"And whereas," he read, "my nephew Eric Blake, the only son of my beloved brother John, and Joseph Powell, the nephew of my dear deceased wife, have both resided with and been supported by me from an early age."

"And whereas said Eric Blake and Joseph Powell are both students at law, and it is my desire to give each of them a start in the legal profession."

"Now, therefore, I direct my executors and trustees aforesaid to pay to the said Joseph Powell, upon his admission to the practise of the law in the said Province of Ontario, the sum of \$5,000 annually until the said Joseph Powell shall have won his first contested case in any court of record in said Province of Ontario."

"And upon the failure of this bequest or upon the termination thereof by reason of said Joseph Powell having won his first case as aforesaid, then in such event I direct my said executors and trustees to pay to the said Eric Blake the sum of \$5,000 annually for a period of four years. Provided, however, that said Eric Blake shall have been duly admitted to practise in said Province as aforesaid; and provide also that said Joseph Powell and Eric Blake shall each continue as members of the said legal profession in said Province in good and regular standing."

"Rather a peculiar will," commented Logan.

"Uncle had some peculiar ideas," re-

plied Blake, "and he had it all fixed up in his own mind that Powell would be admitted a few years ahead of me, so that the \$5,000 a year would keep him on easy street till he had won his first case, by which time uncle figured Joe would have an established practise. Then, he counted on my being through about that time, and that the \$5,000 income would tide me over the lean years."

"Not a bad idea on paper," said Logan.

"That's right, and poor uncle always regarded it as a shining example of human foresight."

"And it didn't work out as he had planned?" queried Logan.

"No. And that's why I'm here."

"Give me the facts," urged Logan.

"A year after uncle died Powell was admitted to the bar and for a time everything worked out just as uncle had planned," Blake explained. "He opened an office in the Electric building; clients came in goodly numbers, and in a few months his office practise was fairly lucrative."

"Has he won his first case yet?" snapped Logan.

she liked, but that we would never enjoy a cent of uncle's money."

"Flora Grant," repeated Logan, "Isn't she Judge Grant's daughter?"

"Yes. And he's strong for me, too," averred Blake.

"Why don't the girl talk it over with the Judge, and see if he can't think of some scheme to floor Powell. He was counted the shrewdest lawyer in Ontario when he was at the bar."

"It would be no use," Blake replied.

"She mentioned it to him once, and he simply said that being on the bench he was of course absolutely impartial and had no personal interest whatever in such matters."

"Quite right," smiled Logan; but I'll think the matter over, and see if I can't stumble on some scheme to surprise Mr. Powell."

"I hope you do," said the hopeless Blake, and the conversation drifted into more personal channels, and varied reminiscences of their student days.

That evening Blake called to see Flora, and for the thousandth time he quoted his uncle's will, drew an alluring picture of the cosy home the additional income would provide, and expatiated on Powell's perfidy in holding the income.

"Have you counsel to defend you?" queried the Judge.

"No," was the sullen reply, "I ain't got no money, and law sharks don't work for nothin'."

"In that case it will be necessary in the interest of the due administration of justice for the court, to assign counsel to defend the prisoner," declared the Judge, glancing over the long array of legal talent before him.

The leaders of the bar heard the announcement with undisguised indifference, —the briefless juniors with a flutter of hope.

"Mr. Powell will kindly defend the prisoner," announced the Judge.

Powell rose to his feet, pale and agitated.

"But—but—I won't—I can't—other pressing engagements—beg to be excused," he stammered wildly.

"You are an officer of the court, and bound to obey the orders thereof," was the cold judicial reply. "Of course, you may refuse if you wish, but you do so on your own responsibility."

"I will act," he announced sullenly.

Blake who was in the court, saw the drift of affairs almost as soon as Powell, and when it dawned on him he hurried out to the attorney's room, sat down by the open fire, and mopped his brow.

"Holy Smoke," he muttered. "Who'd ever thought it?"

"It's no wonder he never tried any cases, if that's the best he can do," whispered one lawyer to another.

"The idea of falling down that way on his first case."

"Powell can't afford to win this case," was the cryptic reply.

"Don't know what you mean."

"I do; for I drew old John Blake's will."

The evidence was in. Powell went through the form of addressing the jury; then the crown counsel proceeded to demolish his stammering arguments with crushing sarcasm, and sat back to listen to the Judge's address to the jury with a sneering and satisfied smile.

The Judge's charge, while clear and colorless as usual, was strongly in favor of the accused, and he referred to point after point in the prisoner's favor that had been overlooked or beclouded in Powell's jumbled remarks. This occasioned no surprise, however. Even the crown counsel admitted to himself that the Judge was perfectly justified in view of Powell's blundering defence, and that the prisoner was only getting a fair deal after all.

While the jury were out Powell paced the long corridor in a perfect frenzy; and when they returned and announced that they found the prisoner "not guilty," he flung himself out of the court with an expression of baffled rage.

"That's the first lawyer that ever I saw get mad because he won," declared the reporter for the "Evening Mail."

Blake heard the announcement of the verdict in a sort of a dream. Then his mind cleared, and he dashed down the street and into Logan's office.

"Holy Smoke," he exclaimed. "You're certainly some lawyer for a dilettante. That cigar you smoked with Judge Grant did the trick."

"I am surprised that you should suggest such a thing," replied Logan coldly. "I would not think of presuming on my friendship with the Judge so far as to even mention such a matter."

That evening Blake called and told Flora the glorious news, not omitting the curious part in the combination of circumstances that had brought about Powell's sudden downfall.

"I knew papa would do something to make matters right when the proper time came," declared the delighted girl.

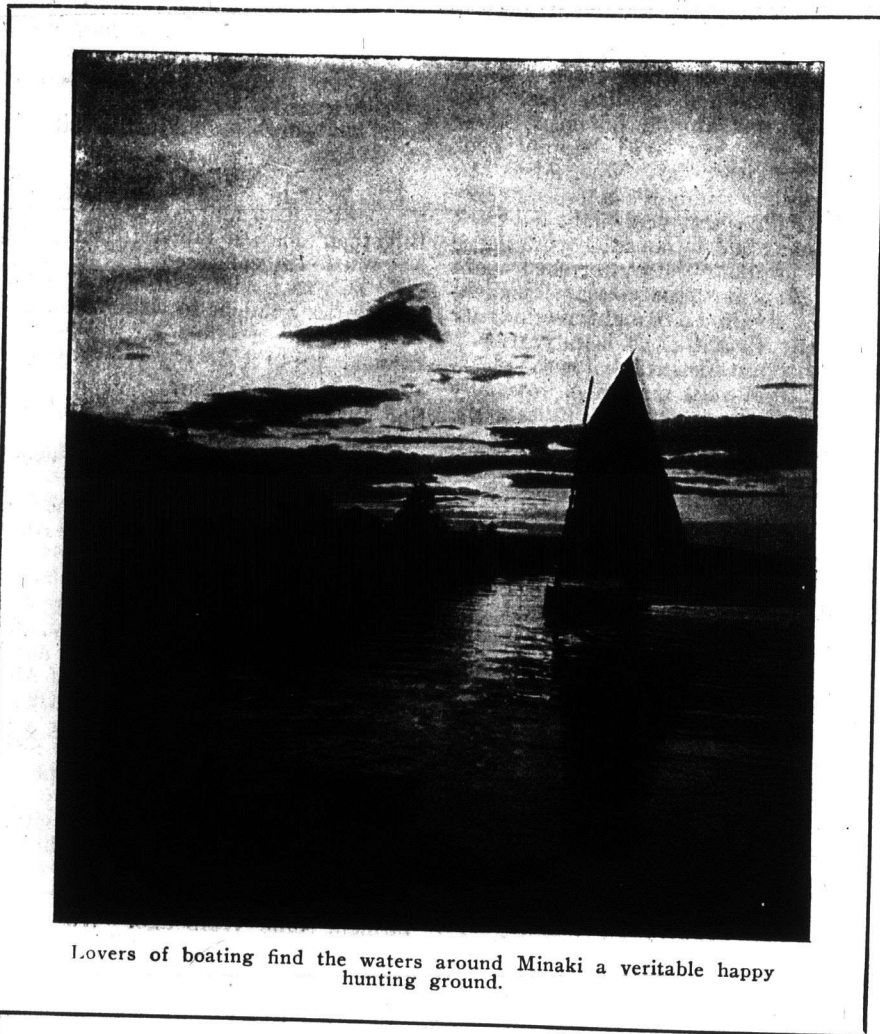
And when Blake had gone, after a delightful hour of castle building on the strength of an extra \$5,000 per year, she rushed into the library, radiant and happy.

"You're the best papa in all the world," she exclaimed, giving him a loving little hug, "and I knew you would make everything come out right in the end."

"As I told you before," was the stern reply, "I have absolutely no personal interest whatever in the various cases that come before me, and it merely happened that Mr. Powell was selected this morning."

But when Flora had gone the Judge lit a new cigar and picked up the evening paper.

"I've always maintained," he muttered, "that Logan has the keenest mind in Ontario to-day."



Lovers of boating find the waters around Minaki a veritable happy hunting ground.

"No, and more than that, he never intends to."

"How does he manage it?"

"Oh, that's easy enough," replied Blake. "He simply turns all his court work over to some other lawyer, and as long as he never tries a case he can never win one. So you see he's really in a position to hold the income indefinitely."

"And clear up some cash," suggested Logan.

"Sure. A quarter of the income pays a standing counsel to try all his cases and leaves him a tidy margin."

"Still, judging from past experience, I'm surprised that you should be so downcast over a mere matter of money," declared Logan. "I would imagine that under those circumstances you would merely buckle down to work a little harder and let the blamed 'shyster' keep the cash."

"And so I would if it were a mere matter of money," sighed Blake.

"Ah. A lady in the case?"

"Exactly. Powell and I both loved Flora Grant since we were in High School, and—"

"And Flora prefers you; but you won't ask her to marry you now because you haven't the extra income, interrupted Logan.

"Precisely, and I think that the knowledge of that fact is worth as much to Powell as the income itself. In fact he told Flora that she could marry me if

"It is certainly too bad," agreed the girl. "And you are sure there is no way out?"

"No. As I told you a few evenings ago, I've had the considered and expensive opinions of the best 'will-busters' in Ontario, and they all pronounce it hopeless—a 'legal accident,' Mr. Cartley K. C. called it."

"And papa will not discuss it with me at all," sighed Flora.

"But Logan that I was telling you about says he'll think it over," declared Blake with a ray of hope.

"Oh, yes," exclaimed Flora. "He's in the library now with papa."

"Logan," cried Blake.

"Yes. He and papa are great friends, and he often drops in to smoke a cigar in the evening. Papa says he is one of the brightest men he ever met."

The next day Judge Grant was presiding over the December sitting of the court; and the Grand Jury had found a "true bill" against Tony Adair, charged with burglary.

There was the usual flock of lawyers present, and Powell had just dropped in for a whispered consultation with the counsel who was to try a case for him in the Appeal Court that afternoon.

Adair was arraigned and pleaded "not guilty," and the crown attorney "moved for trial."