

# An Instrument of the Law

By FRANK H. SWEET

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THAT an officer of the law could be wholly an instrument of execution was exemplified by Sheriff Turner. During twenty years of rounding up criminals of all sorts he had never once allowed personal feeling to interfere with duty. With him an order was not to be tampered with even in the mode of executing, and if he was susceptible of such official weaknesses as sympathy and indulgence they never appeared upon the surface. Moreover, he was a keen reader of faces and had a memory that was far reaching and retentive.

No it came about that the man who had Sheriff Turner on his trail had cause to fear, and if there were opportunity for doubling or twisting among the labyrinth of city buildings or fastnesses of deep forests he took advantage of it to the utmost and then counted himself a lucky man if he escaped.

The sheriff was in a river town working up an important case when the levee gave way and allowed the overcrowded waters of the Mississippi to leap forth in a wild, resistless flood. It did not matter that he was almost upon his quarry or that a few minutes would have ended a long three months' chase. The flood was not a respecter of law or of shrewdness and determination, and he was forced back, and the black waters rushed in between and bore away his success as easily as they had torn the mighty levee from its foundations and scattered it over the fertile fields of the sugar plantations.



HE CAUGHT GLIMPSES OF THE STRONG BEARDED FACE.

But more disastrous than flooded fields or thwarted law were the objects which the mad flood bore upon its surface or drew down from time to time in its turbulent depths. The fragment of a negro cabin, with perhaps half a dozen frightened faces peering from its unsubmerged angles, would whirl and eddy with the conflicting currents until some obstructing rock or tree would give it a violent jar, when one or all of the faces would disappear. Floating bits of wreckage of all kinds had their unwilling passengers, cats with big eyes and humped backs, domestic fowls craning their necks to keep above the surging water and even occasional farm animals, whose frantic struggles had gained them this temporary point of vantage. Sometimes a violent upheaval of the water would throw an object toward the surface, which would cause one to turn away with a shudder. Even the tossing bit of roof or whirling timber could offer no succor to that inanimate, hand clinched thing now.

Sheriff Turner saw one of these objects for a brief second as it was borne past him on the flood, and the sight drove away all self-consciousness. He was a strong man in other ways than his profession, and what was transpiring before his eyes made him hurl himself far out into the mad rush of waters and wreckage.

As he struggled back again toward land with his first prize from the flood he was conscious of another man battling near him on the same errand. Several times during the afternoon he noticed him taking women and children from rafts and tossing debris, plunging into seething whirlpools after exhausted unfortunates who had been torn from their hold and clambering up banks or upon secure masses of wreckage to leave his burdens in places of safety, staggering with weariness, but strong enough to plunge in again to the rescue of some one weaker than himself. Sheriff Turner only noticed him as their work brought them together. He was too busy himself for watching. But as the afternoon wore away, disclosing the man again and again, always risking his life, always steady, mechanical, self controlled, he began to wonder and admire, as one brave man will wonder at and admire another.

And with this admiration there presently began to mingle a curious sense of recognition. He only caught momentary glimpses of the strong, bearded face as the man rose from the water, with some one he had rescued or plunged back again to continue his

work, but these glimpses were enough. He never forgot a face, and this man had crossed his memory somewhere—he could not remember how or when or whether for good or bad, but it did not matter. It would all come to him when he had leisure to turn his mind back upon the past.

And it did. That night as he was lying on a cot in a small building on the very edge of the flood he sprang suddenly to his feet with a low exclamation of relief. He had lain down exhausted, but not to sleep. Now he was strong, with eyes flashing, but steady, and with lips close shut and stern. He was no longer the heroic man whose life was a free offering for others, but a Nemesis of the law, mechanical, implacable, just. It had come to him with a rush, as he had believed it would, and, though the strong bearded face had crossed his memory half a decade before and then only as one incident of a busy day, the scene returned to him now as clear cut and vivid as though he had but just come from the courtroom. There were the white haired judge upon his bench and the arguing lawyers and the prisoner, calm and collected, pleading guilty in a voice as clear and triumphant as though acknowledging a deed of duty or valor. The beard had been black and glossy then and the figure slighter and straighter, but the man was the same. He was as sure of it as he was that the sun would rise in the east and set in the west. And here he was in the same building, sleeping off the exhaustion of the day's battling with the flood. It was strange.

Sheriff Turner was a man of action. Ten years before he had had a warrant for this man's arrest; now he would take him officially as an escaped prisoner.

Leaving his room, he walked three doors down the hall and then rapped sharply. A wondering voice called, "Come in."

A dim light was burning, and as he crossed the room to the bedside Sheriff Turner looked at the man sharply. Yes, he had not been mistaken. A strong face like that was not often seen, and certainly was not to be forgotten.

"You are Clifford Waite?" he said. The man started, but did not answer. "Of Orange county, N. Y.," the sheriff went on quietly. "I arrest you for the murder of Pete Bolly, eleven years ago."

For a moment the man shivered as though struck by an icy blast, then his face grew calm and strong again as before.

"Yes, I am Clifford Waite of Orange county, N. Y.," he answered, raising himself to a sitting posture, "and I executed the miscreant Pete Bolly, whom a bribed jury turned loose upon the community eleven years ago. And moreover," looking the sheriff calmly in the face, "I consider it was a good gift to the state. People tell me I have done good work—I was told that yesterday—but none of it has been of such real benefit as ridding the country of such a villain as Pete Bolly. The law itself would have done it long before had it not been for his money. You know that. But of course," breaking off suddenly, "that does not affect my case."

"No, it does not affect your case," coldly. "You will please get ready as quickly and quietly as possible. A train leaves here at midnight. I do not wish to make a disturbance."

"I understand," dryly. "You fear I have so many friends here it might be difficult to take me away. I think you are right. However, I will go quietly. Now I am discovered it could only be a question of a few weeks at most. I have often had a desire to go back and try to clear myself at home. If it were not for my wife—"

"Your wife?" with some surprise.

"Yes, I came here without a dollar, and one of the merchants gave me a position as bookkeeper without even asking for references. Later I bought him out and put up a brick block. Five years ago I married his daughter. It will be hard for her," a slight break coming into his voice in spite of his self control. "She believes in me thor-



"YES, I AM CLIFFORD WAITE OF ORANGE COUNTY, N. Y."

oughly, and—and"— He turned abruptly, and Sheriff Turner, remembering the scenes of the turbulent flood, stretched out his hands under a sudden impulse, then remembered his office and was himself again.

"Come, we have no time to spare," he said harshly. "You must hurry."

As they passed down the corridor there came a sudden, dull roar, which caused them to exchange hurried glances. Then followed a hoarse cry from somewhere outside.

"The levee is down at Vitegal! Fly!

fly for your lives! The flood is on us again!"

"It is a pity you recognized me," the man said regretfully. "You and I could do more work here."

"Yes, we are needed here," the sheriff assented. He looked at his companion, and a flush of conscious shame mantled his face. Through all his years of office he could not remember such irresolution as had been his during the last half hour. Then he threw out his hands with a sudden gesture as though flinging consequences to the winds.

"Will you give me your word to come back when the flood subsides?" he demanded.

"Yes, if I am alive."

"Then we will go and do what we can. It we get through it all right we will meet here and go on to Orange county together. Now come."

The work was more dangerous than they had experienced during the day, for now it was too dark to see the black masses of wreckage until it was too late to avoid them. And the flood



"HE IS DEAD," SHE SAID SOFTLY.

lasted longer. All through the night they battled with the currents and all through the next day, and when at last the water began to subside it left Sheriff Turner bruised and helpless upon one of the banks, and beside him was the man he had recognized, his strong, bearded face now upturned to the sky, white and inanimate.

Presently came the sound of carriage wheels, and a woman hurried forward, clasping and unclasping her hands and sobbing to herself.

"He was so good to me," she moaned as she flung herself on her knees beside the silent form, "so good to me and to every one." Then she raised her head, and a new light came into her eyes.

"He is dead," she said softly, "but it has been good for me to have known him—good to have been his wife."

"And it has been good for me to have known him," said a voice near her. "He was a brave man."

She turned quickly and then came forward and held out her hand.

"Yes, he was a brave man," she said simply, "and you were with him. You are a brave man too. I am glad to meet you."

He took her hand almost reluctantly, and as he gazed up into her eyes and saw the great sorrow there he felt thankful it was the flood and not he that was responsible.

### Taking the Brecks Off by Law.

There is an act of parliament of George II. which clearly shows the attitude of the English mind toward the Scottish highlanders in the eighteenth century. In that act parliament solemnly ordained that "from and after the 1st day of August, 1747, no man or boy within that part of Great Britain called Scotland shall on any pretense whatever wear and put on the clothes commonly called highland clothes—that is to say, the plaid, phillibeg or little kilt, trowse, shoulder belt or any part whatsoever of what peculiarly belongs to the highland garb—and that no tartan or party colored plaid or stuff shall be used for greatcoats or upper coats." The act then went on to declare that if the smallest piece of tartan plaid could be detected among the garments of any highland man or boy he should suffer six months' imprisonment and for a second offense seven years' penal servitude. The oath of a single witness before a justice of the peace was enough to effect a conviction. This attempt to "take the brecks off a highlandman" by act of parliament grew immediately out of the terror inspired by the rebellion of 1745, but underlying and re-enforcing the panic stricken legislation there was the popular conviction that the Scottish mountaineers were inhabited by "black kneed" cattle thieves barely emerged from the cannibal state.—Macmillan's Magazine.

"I left home 'cause me wife made me work too hard."

"Wot'd youse hafter do?"

"Why, I had ter wind de eight day clock reg'lar!"—New York American.

### Should Not Have Hesitated.

A lawyer was talking about Ellhu Root's legal talent, says the Philadelphia Telegraph.

"He shone in a courtroom," said the lawyer. "From the beginning of his career he shone."

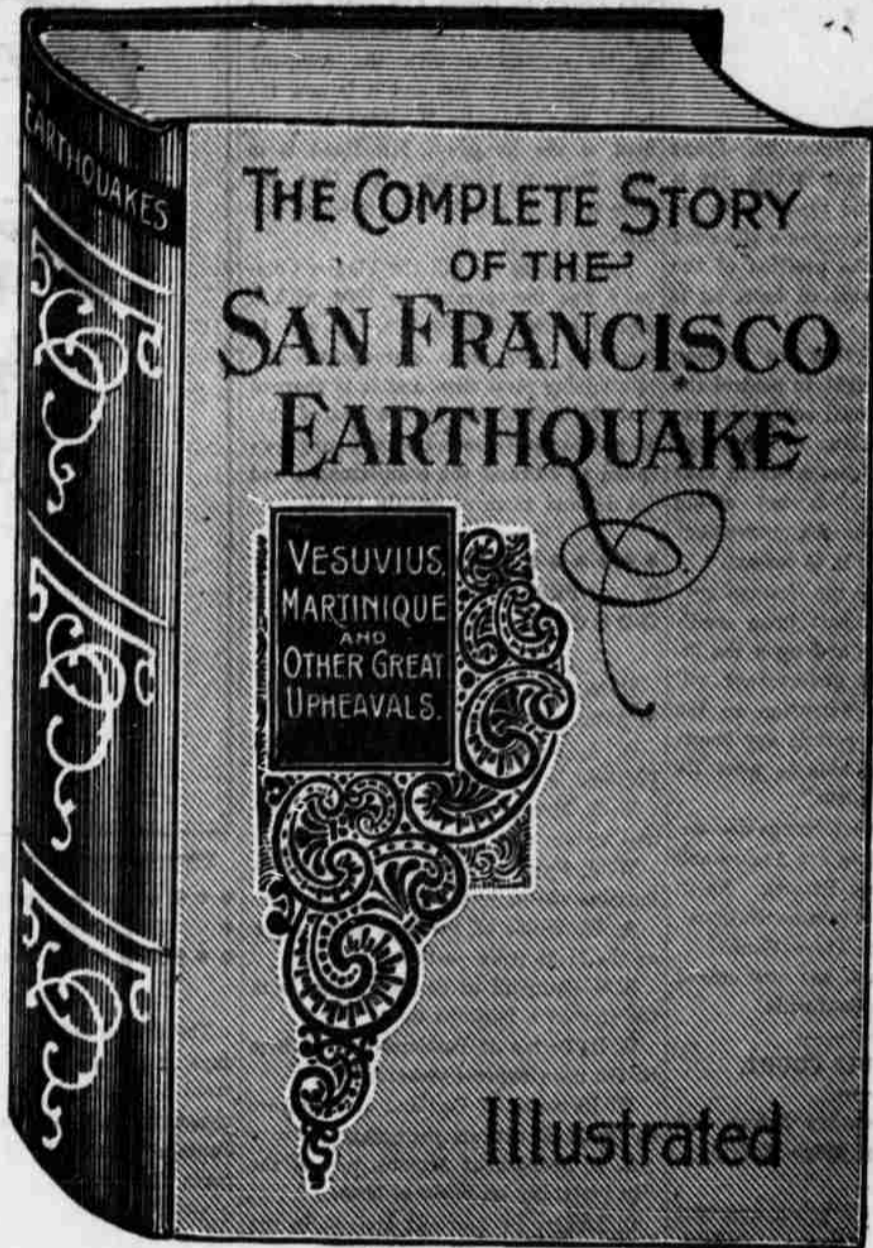
"He had a happy gift of humor too. One day he was cross examining a young woman."

"How old are you?" he said.

"The young woman hesitated.

"Don't hesitate," said Mr. Root. "The longer you hesitate the older you'll grow."

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