

# THE CONQUEST OF CANAAN

By BOOTH TARKINGTON,  
Author of "Cherry," "Monsieur Beaucaire," Etc.

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## CHAPTER XXII.

FROM within the glossy old walnut bar that ran from wall to wall the eyes of the lawyers and reporters wandered often to Ariel as she sat in the packed courtroom watching Loudon's fight for the life and liberty of Happy Fear. She had always three escorts, and, though she did not miss a session and the same three never failed to attend her, no whisper of scandal arose. But not upon them did the glances of the members of the bar and the journalists with tender frequency linger, nor were the younger members of these two professions all who gazed that way. Joe had fought out the selection of the jury with the prosecutor at great length and with infinite pains. It was not a young jury, and it stared at her.

The "court" wore a gray beard with which a flock of sparrows might have villaged a grove, and yet in spite of the vital necessity for watchfulness over this fighting case, it once needed to be stirred from a trance-like gaze in Miss Tabor's direction and aroused to the realization that it was there to "sit" and not to dream.

The August air was warm outside the windows, inviting to the open country, to swimming hole, to orchard reveries or shaded pool wherein to drop a meditative line. You would have thought no one could willingly coop himself in this hot room for three hours twice a day while lawyers wrangled, often unintelligibly, over the life of a dingy little creature like Happy Fear, yet the struggle to sweeter there was almost like a riot, and the bailiffs were busy men.

It was a fighting case throughout, fought to a finish on each tiny point as it came up, dragging, in the mere matter of time, interminably, yet the people of Canaan (not only those who succeeded in penetrating to the courtroom, but the others, who hung about the corridors or outside the building, and the great mass of stay at homes, who read the story in the Tocsin) found each moment of it enthralling enough. The state's attorney, fearful of losing so notorious a case and not underestimating his opponent, had modestly summoned others to his aid, and the attorney for the defense single handed faced "an army of legal talent such as seldom indeed had hollered at this bar," faced it good naturedly, an eyebrow crooked up and his head on one side most of the time, yet faced it indomitably. He had a certain careless and disarming smile when he lost a point, which carried off the defeat as of only humorous account and not at all part of the serious business in hand, and in his treatment of witnesses he was plausible, kindly, knowing that in this case he had no intending perjurer to entrap; brought into play the rare and delicate art of which he was a master, employing in his questions subtle suggestions and shadings of tone and manner and avoiding words of debatable and dangerous meanings—a fine craft, often attempted by blunderers to their own undoing, but which, practiced by Joseph Loudon, made inarticulate witnesses articulate to the precise effects which he desired. This he accomplished as much by the help of the continuous fire of objections from the other side as in spite of them. He was infinitely careful, asking never an ill advised question for the other side to use to his hurt and, though exhibiting only a pleasant easiness of manner, was electrically alert.

A hundred things had shown Ariel that the feeling of the place, influenced by "public sentiment" without, was subtly and profoundly hostile to Joe and his client. She read this in the spectators, in the jury, even in the judge, but it seemed to her that day by day the inimical spirit gradually faded inside the railing and also in those spectators who, like herself, were enabled by special favor to be present throughout the trial, and that now and then a kindlier sentiment began to be manifested. She was unaware how strongly she contributed to effect this herself not only through the glow of visible sympathy which radiated from her, but by a particular action. Claudine was called by the state and told as much of her story as the law permitted her to tell, interlarding her replies with fervent protestations, too quick to be prevented, that she "never meant to bring no trouble to Mr. Fear" and that she "did hate to have gentlemen starting things on her account." When the defense took this perturbed witness her interpolations became less frequent, and she described straightforwardly how she had found the pistol on the floor near the prostrate figure of Cory and hidden it in her own dress. The attorneys for the state listened with a somewhat cynical amusement to this portion of her testimony, believing it of no account, uncorroborated, and that, if necessary, the state could impeach the witness on the ground that it had been indispensable to produce her. She came down weeping from the stand, and the next witness not being immediately called, the

eyes of the jurymen naturally followed her as she passed to her seat, and they saw Ariel Tabor bow gravely to her across the railing. Now, a thousand things not set forth by legislatures, law men and judges affect a jury, and the slight salutation caused the members of this one to glance at one another, for it seemed to imply that the exquisite lady in white not only knew Claudine, but knew that she had spoken the truth. It was after this that a feeling favorable to the defense now and then noticeably manifested itself in the courtroom. Still, when the evidence for the state was all in the life of Happy Fear seemed to rest in a balance precarious indeed, and the little man, swallowing pitifully, looked at his attorney with the eyes of a sick dog.

Then Joe gave the prosecutors an illuminating and stunning surprise and, having offered in evidence the revolver found upon Claudine, produced as his first witness a pawnbroker of Denver, who identified the weapon as one he had sold to Cory, whom he had known very well. The second witness, also a stranger, had been even more intimately acquainted with the dead man, and there began to be an uneasy comprehension of what Joe had accomplished during that prolonged absence of his which had so nearly cost the life of the little mongrel, who was at present (most blissful Respectability!) a lively convalescent in Ariel's back yard. The second witness also identified the revolver, testifying that he had borrowed it from Cory in St. Louis to settle a question of marksmanship and that on his returning it to the owner the latter, then working his way eastward, had confided to him his intention of stopping in Canaan for the purpose of exercising its melancholy functions upon a man who had once "done him good" in that city.

By the time the witness had reached this point the prosecutor and his assistants were on their feet, excitedly shouting objections, which were promptly overruled. Taken unawares, they fought for time. Thunder was loosed—forensic bellowings. Everybody lost his temper—except Joe. And the examination of the witness proceeded. Cory, with that singular inspiration to confide in some one which is the characteristic and the undoing of his kind, had outlined his plan of operations to the witness with perfect clarity. He would first attempt, so he had declared, to incite an attack upon himself by playing upon the jealousy of his victim, having already made a tentative effort in that direction. Failing in this, he would fall back upon one of a dozen schemes (for he was ready in such matters, he bragged), the most likely of which would be to play the peacemaker. He would talk of his good intentions toward his enemy, speaking publicly of him in friendly and gentle ways, then, getting at him secretly, destroy him in such a fashion as to leave open for himself the kind gate of self defense. In brief, here was the whole tally of what had actually occurred, with the exception of the last account in the sequence which had proved that denials for which Cory had not arranged, and it fell from the lips of a witness whom the prosecution had no means of impeaching. When he left the stand, unshaken and undiscouraged after a frantic cross examination, Joe, turning to resume his seat, let his hand fall lightly for a second upon his client's shoulder.

That was the occasion of a demonstration which indicated a sentiment favorable to the defense (on the part of at least three of the spectators), and it was in the nature of such a hammering of canes upon the bare wooden floor as effectually stopped all other proceedings instantly. The indignant judge fixed the colonel, Peter Bradbury and Squire Buckalew with his glittering eye, yet the hammering continued unabated, and the offenders surely would have been conducted forth in ignominy had not gallantry prevailed, even in that formal place. The judge, reluctantly realizing that some latitude must be allowed to these aged enthusiasts, since they somehow seemed to belong to Miss Tabor, made his remarks general, with the time worn threat to clear the room, whereupon the loyal survivors of Eskew relapsed into unabashed silence.

It was now, as Joe had said, a clear enough case. Only the case itself, however, was clear, for, as he and his friends feared, the verdict might possibly be neither in accordance with the law, the facts nor the convictions of the jury. Eugene's defection had not altered the tone of the Tocsin.

All day long a crowd of men and boys hung about the corridors of the courthouse, about the square and the neighboring streets, and from these rose sadder murmurs, more and more ominous. The public sentiment of a community like Canaan can make itself felt inside a courtroom, and it was strongly exerted against Happy Fear. The Tocsin had always been a powerful agent; Judge Pike had increased its strength with a staff which was thoroughly efficient, alert and always able to strike center with the paper's readers, and in town and country it had absorbed the circulation of the other

local journals, which resisted reentry at times, but in the matter of the Cory murder had not dared to do anything except follow the Tocsin's lead. The Tocsin, having lit the fire, fed it—fed it saltpeter and sulphur—for now Martin Pike was fighting hard.

The farmers and people of the less urban parts of the country were accustomed to find their opinions upon the Tocsin. They regarded it as the single immutable rock of journalistic righteousness and wisdom in the world. Consequently, stirred by the outbursts of the paper, they came into Canaan in great numbers, and, though the pressure from the town itself was so strong that only a few of them managed to crowd into the courtroom, the others joined their voices to those sadder murmurs outdoors, which increased in loudness as the trial went on.

The Tocsin, however, was not having everything its own way. The volume of outcry against Happy Fear and his lawyer had diminished, it was noticed, in "very respectable quarters." The information imparted by Mike Sheehan to the politicians at Mr. Farbach's had been slowly seeping through the various social strata of the town, and, though at first incredulously rejected, it began to find acceptance. Upper Main street cooling appreciably in its acceptance of the Tocsin as the law and the prophets. There were even a few who dared to wonder in their hearts if there had not been a mistake about Joe Loudon, and, although Mrs. Flitcroft weakened not, the relatives of Squire Buckalew and of Peter Bradbury began to hold up their heads a little after having made home horrible for those gentlemen and reproached them with their conversion as the last word of gentle shame. In addition, the colonel's grandson and Mr. Bradbury's grandson had both mysteriously lent countenance to Joe, consorting with him openly, the former for his own purposes, the latter because he had cunningly discovered that it was a way to Miss Tabor's regard, which since her gentle rejection of him he had grown to believe, good youth, might be the pleasantest thing that could ever come to him. In short, the question had begun to thrive. Was it possible that Eskew Arp had not been insane after all?

The best of those who gathered ominously about the courthouse and its perils were the young farmers and field hands, artisans and clerks, one of the latter being a pimply faced young man (lately from the doctor's hands), who limped and would limp for the rest of his life, he who, of all men, held the memory of Eskew Arp in least respect and was burning to revenge himself upon the living.

The worst were of that mystifying, embryonic, semi-rowdy type, the American voyou, in the production of which Canaan and her sister towns everywhere over the country are prolific—the young man, youth, boy perhaps, creature of nameless age, whose clothes are like those of a brakeman out of work, but who is not a brakeman in or out of work; wearing the black soft hat tilted forward to shelter—as a counter does the contempt of a clerk—that expression which the face does not dare wear quite in the open, asserting the possession of supreme capacity in wit, strength, dexterity and amour; the dirty handkerchief under the collar, the short black coat, always double breasted; the eyelids sooty, one cheek always bulged, the forehead speckled, the lips cracked, horrible teeth and the affectation of possessing secret information upon all matters of the universe, above all, the instinct of finding the shortest way to any scene of official interest to the policeman, fireman or ambulance surgeon—a singular being, not professionally criminal, though historically rather than really, full of its own argot of brag, hysterical when crossed, timid through great ignorance and therefore dangerous. It furnishes not the leaders, but the mass of mobs, and it springs up at times of crisis from heaven knows where. You might have driven through all the streets of Canaan a week before the trial and have seen four or five such fellows, but from the day of its beginning the square was full of them, dingy shuttlecocks, batted up into view by the Tocsin.

They kept the air whirling with their noise. The news of that sitting which had caused the squire, Flitcroft and Peter Bradbury to risk the court's displeasure was greeted outside with loud and vehement disfavor, and when, at noon, the jurymen were marshaled out to cross the yard to the National House for dinner a large crowd followed and surrounded them until they reached the doors of the hotel. "Don't let Lawyer Loudon back outside you!" "Hang him!" "Tar and feathers fer ye if ye don't hang him!" These were the mildest threats, and Joe Loudon, watching from an upper window of the courthouse, observed with a troubled eye how certain of the jury shrank from the pressure of the throng, how the cheeks of others showed sudden pallor. Sometimes "public sentiment" has done evil things to those who have not shared it, and Joe knew how rare a thing is a jury which dares to stand square against a town like Canaan aroused.

The end of that afternoon's session saw another point marked for the defense. Joe had put the defendant on the stand, and the little man had proved an excellent witness. During his life he had been many things—many things disreputable; high standards were not brightly illumined for him in the beginning of the night march which his life had been. He had been a tramp, afterward a petty gambler, but his great motive had finally come to be the intention to do what Joe told him to do—that, and to keep Claudine as straight as he could. In a measure these were the two things that had brought him to the pass in which he now stood, his loyalty to Joe and his resentment of whatever tampered with Claudine's straightness. He was submissive to the consequences; he was still loyal. And now Joe asked him to tell "just what happened," and Happy obeyed with crystal clearness. Throughout the long, tricky cross examination he continued to tell "just what happened" with a plaintive truthfulness not to be imitated, and throughout it Joe guarded him from pitfalls (for lawyers in their search after truth are compelled by the exigencies of their profession to make pitfalls even for the honest) and gave him, by various devices, time to remember, though not to think, and made the words "come right" in his mouth, so that before the sitting was over a disquieting rumor ran through the waiting crowd in the corridors, across the square and over the town that the case was surely going "Louden's way." This was also the opinion of a looker-on in Canaan—a ferret faced counselor of corporations who, called to consultation with the eminent Buckalew (nephew of the squire), had afterward spent an hour in his company at the trial. "It's going that young fellow Loudon's way," said the stranger. "You say he's a shyster, but"—

"Well," admitted Buckalew, with some reluctance, "I don't mean that exactly. I've got an old uncle who seems lately to think he's a great man."

"I'll take your uncle's word for it," returned the other, smiling. "I think he'll go pretty far."

They had come to the flight of steps which descended to the yard, and the visitor, looking down upon the angry crowd, added, "if they don't kill him!"

Joe himself was anxious concerning no such matter. He shook hands with Happy at the end of the sitting, bidding him be of good cheer, and when the little man had marched away under a strong guard began to gather and sort his papers at a desk inside the bar. This took him perhaps five minutes, and when he had finished there were only three people left in the room—a clerk, a negro janitor with a broom and the darky friend who always hopefully accompanies a colored man holding high public office. These two approvingly greeted the young lawyer, the janitor handing him a note from Norbert Flitcroft and the friend mechanically "borrowing" a quarter from him as he opened the envelope.

"I'll be roun' yo' way to git a box o' se-gahs," laughed the friend, "soon ez de campaign open up good. Dey all goin' vote ye' way down on de levee bank, but dey sho' expects to git to smoke a little 'fo' leckshun day! We knows who's ow frien'!"

Norbert's missive was lengthy and absorbing. Joe went on his way, perusing it with profound attention, but as he descended the stairway to the floor below a loud burst of angry shouting outside the building caused him to hasten toward the big front doors which faced Main street. The doors opened upon an imposing vestibule, from which a handsome flight of stone steps, protected by a marble balustrade, led to the ground.

Standing at the top of these steps and leaning over the balustrade, he had a clear view of half the yard. No one was near him. Everybody was running in the opposite direction, toward that corner of the yard occupied by the jail, the crowd centering upon an agitated whirlpool of men which moved slowly toward a door in the high wall that inclosed the building, and Joe saw that Happy Fear's guards, conducting the prisoner back to his cell, were being jostled and rushed. The distance they had made was short, but as they reached the door the pressure upon them increased dangerously. Clubs rose in the air, bats flew, the whirlpool heaved tumultuously, and the steel door clanged.

Happy Fear was safe inside, but the jostlers were outside, baffled, ugly and stirred with the passion that changes a crowd into a mob.

Then some of them caught sight of Joe as he stood alone at the top of the steps, and a great shout of rage and exultation arose.

For a moment or two he did not see his danger. At the clang of the door his eyes, caught by the gleam of a wide white hat, had turned toward the street, and he was somewhat fixedly watching Mr. Ladew extricate Ariel and her aged and indignant escorts from an overflow of the crowd in which they had been caught. But a voice warned him, the wild piping of a newsboy who had climbed into a tree near by.

"Joe Loudon," he screamed, "look out!"

With a muffled roar the crowd surged back from the jail and turned toward the steps. "Tar and feather him!" "Take him over to the river and throw him in!" "Drown him!" "Hang him!"

Then a thing happened which was dramatic enough in its inception, but almost ludicrous in its effect. Joe walked quietly down the steps, and toward the advancing mob with his head cocked to one side, one eyebrow lifted and one corner of his mouth drawn down in a faintly distorted smile.

He went straight toward the yelling forerunners, with only a small bundle of papers in his hands, and then, while the nonpartisan spectators held their breath, expecting the shock of contact, straight on through them.

A number of the bulge cheeked formed of the scattering van of these forerunners, charging with hoarse and cruel shrieks of triumph. The first, apparently about to tear Joseph Loudon to

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pieces, changed countenance" at arm's length, swerved violently and with the loud cry, "Head him off!" dashed on up the stone steps. The man next behind him followed his lead, with the same shout, strategy and haste. Then the others of this advance attack, finding themselves confronting the quiet man, who kept his even pace and showed no intention of turning aside for them, turned suddenly aside for him and, taking the cue from the first, pursued their way, bellowing: "Head him off! Head him off!" until there were a dozen and more rowdyish men and youths upon the steps, their eyes blazing with fury, menacing Loudon's back with frightful gestures across the marble balustrade as they hysterically bleated the chorus, "Head him off!"

Whether or not Joe could have walked through the entire mob as he had walked through these is a matter for speculation. It was believed in Canaan that he could. Already a gust of mirth began to sweep over the sterner spirits as they paused to marvel no less at the disconcerting advance of the lawyer than at the spectacle presented by the intrepid daredevils upon the steps, a kind of lane actually opening before the young man as he walked steadily on. And when Mr. Sheehan, leading half a dozen huge men from the Farbach brewery, unceremoniously shouldered a way through the mob to Joe's side, reaching him where the press was thickest, it is a question if the services of his detachment were needed.

The laughter increased. It became voluminous. Homeric salvos shook the air. And never one of the fire eaters upon the steps lived long enough to live down the hateful cry of that day, "Head him off!" which was to become a catchword on the streets, a taunt more stinging than any devised by deliberate invention, an insult bitterer than the ancestral doubt, a fighting word and the great historical joke of Canaan, never omitted in after days when the tale was told how Joe Loudon took that short walk across the courthouse yard which made him mayor of Canaan.

(To Be Continued.)

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