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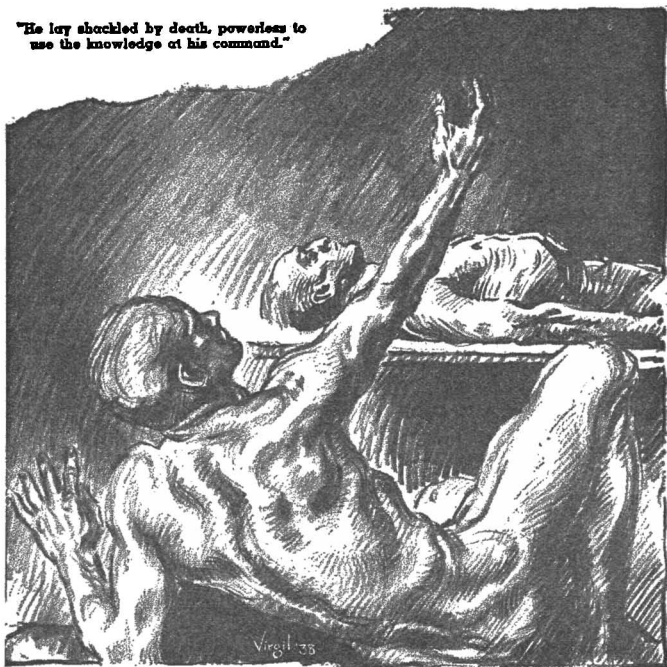
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WEIRD TALES ISSUED 1st OF EACH MONTH

"He lay shackled by death, powerless to use the knowledge at his command."



The Defense Rests

By JULIUS LONG

The weird story of a heartless criminal lawyer who nevertheless wanted to acquit his own murderer

JASON SANDERS sat impassively while the twelve jurors filed importantly into the box. Out of the corner of his wizened little eyes he regarded with derisive contempt the perspiring individual who cowered beside him. The individual perspired because upon the

verdict of the jury hinged his life. He cowered because he was guilty. Jason Sanders enjoyed a mental laugh. It was a foregone conclusion that his client would not fry in the electric chair. No jury had ever sentenced a man to death in a scant half-hour. So a pleasant sense

of triumph was delightfully intermingled with Jason Sanders' enjoyment of his client's anxiety.

Crowded in the doorway nearest the telephones were a group of newspaper men ready to turn and run at a moment's notice. They watched Jason Sanders.

"He doesn't give a damn," whispered one.

"He knows damn' well what it's going to be," said another.

"He doesn't care—he's been paid," was the significant statement of a third, under whose dissipated eyes bulged pockets of cynicism.

The jurymen subsided heavily into their chairs, and the room became soundless save for a few whispers of the newspaper men. A bailiff eyed them ominously, and they quieted. All eyes were now turned on the foreman of the jury.

The judge eyed the foreman wearily. "Gentlemen, have you reached a verdict?"

The foreman rose. "Yes, Your Honor we have."

"You may hand it to the clerk."

The foreman produced a folded sheet of paper and proffered it to the clerk, who carried it to the bench. The judge accepted the sheet, glanced over it, frowned and returned it to the clerk.

"The defendant will rise while the clerk reads the verdict of the jury."

His cheeks streaming with perspiration, the defendant rose. The clerk cleared his throat and began to read in an unpleasant tenor.

"We, the jury, being duly impaneled and sworn, do find the defendant, Louis Padullo, not guilty as charged in the indictment."

The clerk folded the sheet and gave it to an assistant. The judge threw up his hands and discharged the jury.

THE freed man sank limply into his chair. Sanders stood up, straightened his tie and gazed across the room at Roberts, the district attorney, who sat immobile, his reddened face in his hands. Beside him sat a pallid, sickly youth, who glared at Sanders with burning eyes. Sanders shrugged and moved away.

"Better luck next time," he called to Roberts.

Roberts sprang to his feet, reached Sanders in three long strides and shook his finger under his nose.

"Sanders," he exploded, "I want to tell you that in all my years at the bar I've never seen such palpably manufactured evidence, so many paid perjurers in one case!"

"It is so nice," cooed Sanders, "to know that your experience has been broadened."

"Sanders," Roberts fairly shouted, "you are a disgrace to the bar!"

"I'm not a poor loser," returned Sanders icily.

Roberts seemed about to hurl another denunciation, then he stopped short and said in a deliberate, even tone:

"Let me tell you something, Sanders. There will be one murderer you won't get off, and that will be your own! Mark my words."

Sanders dropped his mask of indifference and eyed the district attorney interestedly.

"Is that a threat?"

"No. I'm simply telling you. Some day, somewhere, someone is going to give you your just deserts. And whoever it is, you won't be there to defend him."

Sanders stared quizzically into Roberts' eyes, then laughed in his face and sauntered away.

"He's probably right," he muttered under his breath, "and that's one case I can't win."

THE newspaper men ganged him. He was photographed—alone. His client was forgotten. He rather enjoyed having his picture in the papers. He made a good picture, looked precisely what a great criminal lawyer is supposed to look like. He was fifty, and he showed it, but not a few of the youthful reporters about him would have given up their youth for that distinguished countenance. Such a man as Sanders would have to be very shrewd to live up to his face.

"A statement to the press, Mr. Sanders?"

The newspaper men fawned. Sanders' brow wrinkled slightly as he drew upon the reservoir of his memory for another of his well rehearsed bits of impromptu wit.

"My distinguished opponent, District Attorney Roberts," he said lightly, "has hinted rather bluntly that in the conduct of this case I have not had justice on my side. You may say to the imbeciles who read your newspapers that any man may go ahead when he is sure he is right, but it takes a good lawyer to go ahead when he's sure he's wrong."

With that off his chest, Jason Sanders walked away.

The several persons who made obsequious way for him as he entered the elevator strained their ears to make out his mumbling. They failed. They would doubtless have succeeded had they been close by when District Attorney Roberts announced so heatedly: "There will be one murderer you won't get off, and that will be your own!" For it was this that Jason Sanders repeated as he rode downstairs.

Outside, his chauffeur awaited him, smiling broadly. The chauffeur shared vicariously the celebrity of his employer and felt a personal triumph in this latest victory.

"Great goin', boss!"

Sanders tried deperately not to show his pleasure at this very sincere flattery. It irked him to know that he was really fond of this big fellow. All his life he had tried to care as little about as few people as possible. Whenever he began to love his fellow men he knew he was drunk and went home to bed. Nevertheless he beamed. He would have to give the chauffeur an extra day off.

He had placed one foot on the running-board of his limousine when he felt a hand upon his sleeve. He turned quickly with annoyance.

His features relaxed with recognition. The thin, tapering fingers that clutched his arm were those of the fallow, sickly youth who had sat all through the trial with the district attorney.

"Hello, Costello," said Sanders patiently. "What can I do for you?"

Costello did not answer. He withdrew his hand and thrust it into an outside coat pocket. When it was withdrawn it contained a small single-shot pistol of foreign make. The little barrel was pointed directly at Sanders' heart.

With his arm Sanders carelessly restrained his chauffeur, who had made a vigorous movement forward.

"Here, here, Costello!" he said indulgently. "This is no way for you to behave! I've only done my duty for my client. You say he killed your sister. The jury has just said he didn't. That's that. So put away that toy pistol and shake hands."

Costello's lips quivered slightly as he watched Sanders extend his hand. Then he shot Sanders through the heart.

LYING alone in that strange room, Sanders was in a panic. How long he had been there he did not know. He had awakened a few minutes ago and tried to sit up. But he had been unable to do so. At first he had not been seriously per-

turbed. No doubt he was still numb with sleep. Within a few moments all his muscles would be thoroughly awake, and he would be able to rise.

But seconds accumulated into minutes, and Sanders rapidly lost his confidence. Obviously something very strange was the matter with him. He had never been like this before. His head was perfectly clear. Yet his body remained numb, and his muscles would not respond to his commands.

He had stared at one particular spot of ceiling many minutes before he became aware that he could stare at that spot and no other. He could not, try as he might, change the focus of his eyes. He could not even flicker his eyelashes. He must lie there, immobile, staring fixedly at that one spot of strange ceiling.

Realization of this drove him into a rage. No prisoner bound fast by his most hated enemy could have been more angered by his predicament.

Then, after a few seconds of this futile rage, Sanders controlled himself, called his reason to his rescue. He began to think, to trace his movements backward.

A blinding flash. A sallow, sickly face. "So put away that toy" . . . "I've only done my duty" . . . "Here, here, Costello!"

So he had been shot! That little fool, Costello, had really fired that tiny pistol. Sanders would have laughed, only his frozen muscles would not evoke laughter. He felt not the least anger toward Costello. Being quite without a sense of justice, he had no excuse to bear malice.

He forgot Costello at once, thought only of his present disconcerting state. Obviously the bullet from Costello's little gun had struck a vital spot in his nervous system and left him paralyzed. Despair staggered him. Would he be like this always, a paralytic charge? Perhaps not. Maybe he was only temporarily

stunned. But he must know the truth at once.

Certainly there was a doctor or a nurse close by, for this strange room must be the room of a hospital. So Sanders decided at once to call out.

But his lips did not move. His tongue lay immobile in his mouth. Again he became enraged. How was he to let anyone know that he had returned to consciousness? Why was no one about to look after him? A fine hospital this! Didn't the staff know any better than to leave alone a man so critically injured?

Again and again, he tried to utter a cry for help. If only he could move his lips ever so little! But they were numb, incapable of motion. He could only lie there and wait.

HE DID not have to wait long. Footsteps sounded in the corridor, and voices murmured. Probably a doctor and a nurse, Sanders decided. For a moment he endured agony, fearful lest they would go by the door of his room. Heaven be thanked! They were coming in.

But the two who had entered did not approach him. They crossed the room and halted. Sanders tried to face them, but his neck remained rigid, his eyes refused to remove their focus from that spot of ceiling. He heard a familiar rasping. One of the newcomers was dialing a number at the telephone close by.

"Hello," said a coldly professional voice. "This is Doctor Asman. We're all through now, and you can come for the body any time. It's in the general receiving room, third from the left." A pause. "Very good. Either Gowan or I will be here—probably both."

The receiver clattered in the hook.

Sanders was puzzled. He knew Doctor Asman well. Asman was superintendent of the city morgue.

"Shouldn't we close his eyes?" asked a second voice.

Sanders knew that voice, too. It was the voice of young Gowans, Asman's assistant.

"It makes no difference," Asman replied. "The undertaker will take care of that when he comes."

"But," insisted Gowans, "rigor mortis might set in by that time."

"I don't think so. He's been here only two hours. The undertaker will arrive within an hour. There's plenty of time."

"Maybe, but Sanders had worked hard all day. When a man talks a jury out of burning a rat like Padullo, he uses up a lot of energy. And such enervation would bring on rigor mortis plenty fast."

"Well, let's have a look at him."

The two men approached.

Sanders lay dazed. He wasn't in a hospital. He was in the morgue. And these men thought he was dead!

He, Sanders, dead? Impossible! He must show them that he was alive. Anything would do—the flutter of an eyelash, the twitching of his fingers—anything. In a panic he exerted all his will to make some small movement. He tried to form words with his lips, to double his fingers. But this was quite impossible—it was as if he had forgotten how to move.

He had a picture of himself lying there—naked, of course. So many times he had come here to look indifferently at the white bodies of the victims of the murderers he had been employed to defend. This thought, at the same time horrifying, was in one respect encouraging. Any movement that he might make would be noticed. He tried again. This time he would move his toes—certainly it would not be asking too much, just to wiggle his toes. Yet they did not move. Sanders struggled now, not to convince

Asman and Gowans that he was alive, but to convince himself.

The two physicians were feeling of his body now. He could not feel their hands, but he could catch part of their movements as they came within the range of his eyes. Now Asman was chucking him under the chin.

"See how readily his mouth closes? Look at this."

And Sanders' gaze swept the ceiling and came to rest on a shrouded figure close by as his head was turned. He could catch a glimpse of another white object beyond. "Third from the left." That was he, Sanders. He pictured himself as he must be, lying there, one member of a row of corpses. One of the corpses? Sanders was now taking this for granted.

"I'll admit he's in pretty good shape right now, but you wait a few minutes. I've seen it happen too often. When a man's as mentally and physically exhausted as Sanders was when he was killed, rigor mortis is bound to come fast—and violently."

"But not that fast. The undertaker will be here in plenty of time. He should congratulate himself on this job. Very neat; no mess. Did you ever see a cleaner hole? Right through the heart. Sanders was dead before he hit the ground."

"Yes. He still looks surprised."

"Even so, his face is still intelligent. A wonderful brain there, strong, wilful."

"Yes," conceded Gowans, "but it doesn't mean a thing now. He'll never have another murderer acquitted. He's fooled his last jury."

Asman sighed.

"The Costello boy killed the only lawyer in town who could get him off. I understand he's hired Billy Williams to defend him. Well, Billy's a bright young fellow, but he's no Jason Sanders."

"I'm afraid not. You know, I'd kind of like to see the Costello kid get off. If

the newspaper stories are true, he didn't kill Sanders for having Padullo acquitted, but because of the mud he threw at his sister during the trial."

"Well, that's all in the game. The only way Sanders could get Padullo a Chinaman's chance was to make the jury lose sympathy for the girl. When they found out she was ten times as bad as the man that murdered her, they didn't feel a grudge against him."

"But was she?"

"Probably not. The Costello kid says all the evidence against her character was trumped up. He worshipped the girl, thought she was an angel. So he plugged Sanders."

"And now he'll burn for it."

"I suppose. Still, if Billy Williams can prove that Sanders' witnesses perjured themselves to ruin the girl's name, no jury in the world would convict the boy."

"But how's he going to do it? Sanders was no fool. He wasn't the kind to leave loose ends for the grievance committee of the bar association to pick up. He'd played this game a hundred times before. He once told me that a murderer had one foot out of his cell when it could be shown that he was no worse than his victim. Said that was always the first thing he tried to do."

"There's something in what you say," conceded Asman. "Take this case, now. D'you know what Sanders would do if he was defending Costello? He'd dig up a lot of witnesses that would convince a jury that he—Sanders, I mean—deserved killing. He'd show how he'd coached all his witnesses in the Padullo case to lie on the stand. There must be somebody somewhere who could tell the truth—but only Sanders knows where."

"Well," said Gowans with a chuckle, "you can't expect Sanders to get his own murderer off."

"No," Asman agreed. "That's a little

too much even for Sanders. Well, let's get out of here. We've got work to do."

Asman started away. Before Gowans left he moved surreptitiously toward Sanders. Suddenly Sanders saw no more. Gowans had closed his eyes. Then both Asman and Gowans were gone.

SANDERS made no effort to call after them. He understood the futility of that now. He was dead. A realist, he could no longer hope. He could only lie there and think.

The whole content of his thinking was strangely reoriented. All his life his thought had been focused exclusively on himself. Absolute, unqualified selfishness—that was his ethics. If he inadvertently committed an unselfish act, that was cause for remorse, for an aching conscience. That was weakness, inexcusable weakness. On this ethical basis he had lived all the mature years of his life.

But Jason Sanders was gone now, dead. No longer could he scheme cunningly for his personal advancement. His little ambitions struck him as trifling, utterly unimportant. He found it impossible to think of Jason Sanders save in the third person, objectively and impersonally. He was merely one of many faces that crowded his memory.

Of these faces only one stood out clearly, in bold relief. That was the sallow face of the boy, Costello. And he was inclined to think kindly of Costello, pityingly. The youth had been a fool. He had committed his crime openly in the sight of many men. He had killed to avenge a wrong, and for that he was to die.

The two physicians had reasoned well. Despite the legal talents of Billy Williams, he could not hope to untangle the maze of perjury that had successfully blasted the reputation of Maria Costello. It was true that there existed a key wit-

ness who could conclusively prove this perjury, but only he, Sanders, knew his name or where to find him. Place him on the stand, and the world would know to what inexcusable lengths Sanders had gone to save his client. The last shred of sympathy for him would be gone. But only Sanders could locate this witness, and he was dead.

As from the dim and remote past he recalled the gloating words of the district attorney, Roberts: "There will be one murderer you won't get off, and that will be your own!" And Jason Sanders would gladly have sacrificed all his famous courtroom triumphs if only he could gain the acquittal of Costello, his murderer.

This, he reflected bitterly, would be a very simple thing to do—if he were alive. But he lay shackled by death, powerless to use the knowledge at his command. Mechanically he planned the conduct of the case for the defense. He marshaled his facts, formulated his questions, summoned witnesses available only to himself. At length the horrible irony of the situation weighed unendurably upon him and caused him to end this futile planning.

If only he could somehow communicate with Billy Williams, give him a few names and addresses! Given this information, Williams' whole case would unfold of itself and lie snugly in his lap. . . . The telephone close by. If only—

Then it happened, quickly and without warning. Sanders was quite unprepared. It seemed that the chains which had held him were smashed into bits. He bounded from the table, staggered on his feet. His eyes burst open, stared at the telephone on the wall. Without an instant's hesitancy he lunged forward and clasped the mouthpiece of the phone. Impelled by one fixed idea, he jerked the receiver from the hook, began frantically to dial.

DOCTOR ASMAN stared at Billy Williams with perplexity.

"I'm sure you must be mistaken. Gowans and I have been right beside this phone for the last three-quarters of an hour. I assure you that we haven't once touched it. And no one has been inside this office except ourselves."

Williams shrugged. "But I tell you I had the call traced. Whoever called left the receiver off the hook, and tracing was easy. They told me at the exchange that the call was made at the city morgue."

Both Asman and Gowans gave Williams a deprecating look.

"After all, was the call so important?"

"I don't know yet. Whoever called gave me a whole list of names and addresses. I took them down just in case. I'd just been hired to defend Costello, you know, and I had a hunch this had something to do with it."

"You didn't recognize the voice?"

"No. Never heard a voice even remotely like it."

The three men sat silently, puzzled. Gowans suddenly looked up at his superior.

"Say, what about that phone in the receiving-room?"

Asman cut him off short. "Nonsense. I've had my eye on that room ever since we left it. I've been on the lookout for the undertaker."

Williams looked interested. "Is that the only other phone in the place?"

Both Asman and Gowans nodded. The next instant they froze in their chairs as a horrible, weird wailing sounded throughout the morgue. Williams bounded to his feet.

"My God! What's that?"

Asman and Gowans rose shakily. The wailing, which continued as loud and as terrifying as ever, came from the receiving-room.

"Come on," snapped Asman, and he walked stolidly from the office. Shakily Gowans and Williams followed at his heels.

The three men halted in the doorway of the receiving-room. Slowly their glazed eyes lost their fear, and their tense features relaxed into a grin. The weird wailing, which still continued, came from the receiver of the telephone. The exchange had put on the howler to give warning that the receiver was off the hook.

Gowans stepped quickly forward, then stopped short, uttering an exclamation.

He turned to Asman and pointed at the thing at his feet.

"See! I told you so! Rigor mortis! I told you it would be premature—and violent. See—Sanders jumped clear off the table and almost to the phone. I wonder what——"

He stared at the receiver, which hung suspended from its cord.

Billy Williams, too, was staring at the receiver and at the doubled figure of Jason Sanders on the floor. Suddenly he turned on his heel and walked briskly outside to his car. He had to find out about those names and addresses at once. It couldn't be, but——
