



Joe carried him through the smoke

NEW YEAR'S PARDON

By JOHNSTON McCULLY

When Joe Leake wins a pardon from the Big House, he plans to get a new tenant for his cell—but quick!

SOME of the inmates of the Big House had been assigned to do a paint job in a cell block. The storeroom at the end of the corridor had been unlocked and opened, and supplies were being taken out. The storeroom was almost filled with paints, oil, turpentine, brushes and other things highly inflammable.

Joe Leake had been assigned to the work squad. Silently, working slowly but with precision, he carried buckets of paint

and tins of turpentine out into the corridor. His muscles moved to the necessary task without conscious command of his mind. That mind had wandered far away and there concentrated on the past. It was a habit Joe Leake's mind had.

Seven years! For that length of time he had been behind huge gray walls and cold steel bars. His life had been ordered by rules. He ate the food given him, without the right of selection. He went to his bunk

and got up on signal. He did the things he was told to do. He had reached the point where he had no will of his own, because having a will like that was useless—he was not allowed to exercise it.

Long ago, he had become like a human machine, moving around the little world of the prison. But they could not prevent him thinking. Long hours in the sleepless nights, he stretched out on his bunk and thought.

Seven years! Three more to go, even with time off for good behavior. And for a crime he had not committed.

Being honest with himself, Joe Leake admitted that he had done things meriting incarceration. He had walked the crooked path. But this thing for which they had imprisoned him he had not done.

Matty Bander had made a fall guy out of him. He had always admired Matty as a gang leader. He had served Matty with enthusiasm and taken the crumbs of small change Matty had tossed to him from a table of plenty.

Then there had come a time when disaster threatened Matty Bander and the boys. Carelessness had brought the cops down upon them. Joe Leake realized how a quick frame had been arranged with himself as the victim.

He had been arrested. At the trial, Matty and the boys did not come to his rescue, though they did furnish a second rate mouthpiece—with orders to play the game so Joe Leake would be convicted. Joe knew Matty had engineered the frame and could have saved him. But Matty was more concerned in saving himself.

So Joe had come to the Big House. Thousands of times he had promised himself that if Matty was still alive when he got out, he would deal with Matty. He did not expect the D.A. to listen to him. He had no real evidence. But he could remove Matty from the world in a violent manner, and then take his final dose of medicine for

the act.

Now, he kept on carrying paint and helping open the cans. He passed Eddie Howsen several times, and glanced at him. Eddie had worked for Matty, too. Eddie had been caught through his own carelessness and sent up for ten years. He had served two.

THOSE two years had made Eddie Howsen stir crazy. The guards were always watching him carefully, expecting him to break at any moment and become violently insane. Eddie had fits of weeping at night, Joe had heard. He would stand for an hour at a time and stare at the wall which kept him a prisoner. Eddie was in a bad way.

The guards were urging speed in the work. Joe Leake saw Eddie back in a corner of the storeroom, getting out turpentine and heaps of rags. Joe carried out more buckets of paint, left them at the far end of the corridor, where men were opening some of them, and hurried back to the storeroom for the last lot.

Joe was eager to get at the painting. He could work and think at the same time. He could think of Matty Bander and his wrongs and live over again the scene he would stage when he got out and met Matty face to face. He prayed that Matty would live long enough.

He heard a strange sort of cackling sound come from Eddie Howsen and glanced his way quickly. But Eddie was only bending over, lifting cans and bundles of rags.

Then there came a flash of flame. With the cunning often shown by a man in his mental condition, Eddie had got possession of a couple of matches. The first he struck did the work.

There was an immediate inferno which spread with a rapidity almost unbelievable. Men shouted, guards came running, and an

alarm sounded from the cell block.

Joe Leake had turned back quickly. Four men besides Eddie would be trapped in the end of the storeroom with raging flames and black smoke between them and the only exit.

Just inside the door of the storeroom was a chemical fire extinguisher. Joe acted swiftly. He got the extinguisher off its hook, upended it and opened the little nozzle. He began spraying the chemicals at the base of the flames, as he had been taught to do.

More guards and the prison fire brigade came hurrying to the storeroom.

Joe Leake had emptied the extinguisher, and had done his work well. He had checked the raging flames. And now that help was at hand, he held his breath, charged through the smoke, found Eddie unconscious, and half carried, half pulled him back and to safety.

Joe was working now like a man in a frenzy, only half realizing what he was doing. Despite the warning yells of the guards, he charged through the thick smoke again and pulled another unconscious man to safety. He got the third man, and two guards got through and rescued the last. And Joe Leake sank unconscious just outside the door of the storeroom.

When he regained consciousness, he was on a cot in the prison hospital, half his body wrapped in medicated bandages. The prison doctor and the warden were beside his bed.

"You'll be all right," the doctor assured him. "Some pretty bad burns, and you drank a lot of that stinking smoke, but you'll come through."

"Fine thing you did, Joe," the friendly warden told him. "Those four men would have died but for you. Your act won't be forgotten."

They gave Joe a hypo, and he slept. When he was conscious again and had been fed, he found that Eddie Howsen was in the

next cot. Eddie had been burned badly, and the foul smoke had ruined lungs already worthless.

The following day, Joe Leake was moved to the upper end of the hospital ward, for his burns were healing nicely and he would be out of the hospital in a few days.

FROM the upper end the following day he watched a scene of activity around Eddie Howsen's cot. The warden was there with the prison doctor, two guards and a stenographer. They spent some time around the cot, and Joe could see the stenographer making notes. Then they went away, and a nurse drew a screen around the cot. Joe knew what that meant.

Poor Eddie was dying. Soon he would have his release from prison. He wouldn't be stir happy any more.

Joe asked the nurse about all the men who had been rescued from the fire. All except Eddie would live, the nurse told him.

Joe slept well that night, and when he awoke in the morning he saw that Eddie was no longer on the cot. He had died during the night, and the body had been removed for burial in the prison cemetery.

They kept Joe in the hospital for ten days longer, then returned him to his cell. The old deadly prison routine began again. Joe did his work mechanically, and thought of Matty Bander and what he would do to him when he got out.

Then came a late afternoon when a guard came to conduct him to the warden's office. Joe was rather surprised. He tried to think of some rule he might have broken, but could not remember any.

With the warden was a gray-haired dignified man who had an official air about him. Joe learned he was chairman of the prison board.

"Joe, the Governor has granted you a New Year's pardon, and the prison board

has agreed," the warden told him. "First, for your fine acts at the time of the fire in the storeroom, when you used the extinguisher and held the flames in check until the fire brigade got to the spot, and afterward at the risk of your own life saved the trapped men."

Joe didn't reply with words. Acting slightly bewildered, he merely nodded.

"Also, Eddie Howsen made a long statement before he died. He knew you had risked your life to save him, and said he wanted to help you all he could. His statement leads us to the belief that you were framed at the time of your arrest, that you were sent here deliberately to save another man."

Joe spoke for the first time. "That's the truth, warden, so help me!"

"If so, you may be cleared and the guilty man punished. But the police and district attorney must have more than the statement of Eddie Howsen made on his death bed. The defense might lead the jury to believe that Eddie gave a false statement in an effort to help you, because you saved him in the storeroom. And his mental state at the time he made the statement may influence the jury also."

"I understand, sir," Joe said.

"You'll be released the morning of the last day of the year, Joe. We'll have you measured for some good clothes, instead of the usual prison suit. Have you any money at all?"

"I've got a little in a bank in the city," Joe told him. "It's been there since I was put away."

"When you're released, Joe, we'll have two members of the police department here. One will be Detective Captain Tim Argyle. The other will be Sergeant Mike Flannery."

Joe's eyes blazed. "He arrested me. He lied on the stand. Didn't care what happened to me, long as he got credit."

"Hold it, Joe!" the warden warned. "Flannery will be working on your side this time. He's under Cap'n Argyle now. And it may interest you to know that they're after Matty Bander, and they're determined to get him. Bander has dodged punishment for years."

"Always framin' some other man," Joe said. "I'll 'tend to Matty Bander. I'll be rememberin' the seven years I've been here."

"Cool down, Joe. Maybe you could get at Matty Bander and blast the life out of him. Then we'd probably have you back here, either as a lifer or to do the hot squat."

"I wouldn't care!"

"Be smart, Joe. Be as smart as Matty Bander would be. If you got at him and killed him, it'd be the end for Matty Bander and mean a life term or execution for you. You've suffered being here for seven years, especially if you know your own innocence. Make Matty Bander suffer the same."

"How you mean?" Joe asked.

"I've had a report on Bander. He lives in a big apartment that's furnished in the best of everything. He has fine food prepared by a special chef, and a cellar of fine liquors. He likes fine clothes, likes to go out in public places and be a show-off."

"That's Matty, all right!"

"Suppose, Joe, he was where you've been for seven years? Can't you see how he'd suffer? He'd have to follow the prison routine, eat prison fare, wear prison clothes. No fine food, fancy clothes and expensive wines. No chance to strut around and show off. He'd suffer ten times as much as you ever suffered here. That'd be worse than shooting him down."

"Yeah," Joe whispered. "Yeah."

"So you help the cops get the goods on Matty Bander, Joe. They're probably making their plans now. We'll turn you loose on the last day of the year, Joe. And

your pardon won't be made public until New Year's Day."

JOE LEAKE'S last night in prison was a sleepless one. They had removed him from the cell block to a special room. Throughout the night, he was thinking of the city and his old haunts, wondering what had been changed, and how.

He wondered how it would feel to be free again, to go to bed and get up when he pleased, eat what he pleased and when, be free from restraint. He was as excited as a boy making his first journey away from home.

When he was taken to the warden's office to be processed out of the prison, he found Captain Argyle, chief of the city's detective force, and Detective Sergeant Mike Flannery waiting for him.

"Hello, Joe!" Captain Argyle greeted. "I'm mighty glad you're being released. We've got work to do together. If all Eddie Howsen told on his death bed is true—and we have an idea it is—somebody else is due for a bad time, most of which will be spent behind these walls."

"Yeah," Joe muttered. His new suit was a good one, but it felt stiff. So did the new shirt, the shoes. The hat he had tried on felt uncomfortable. But Joe knew he soon would grow used to them.

Mike Flannery stepped forward and extended his hand.

"Hello, Joe," he said. "Shake?"

Joe hesitated, glanced at the warden to find the latter looking straight at him.

"Might as well," Joe said, and gave his hand to the detective sergeant.

"You want to understand, Joe, that I thought I was doin' my duty and nothin' else," Flannery told him. "We knew you'd worked for Matty Bander at times. Your record wasn't clear, boy. But I want you to know I'm glad to help get the other guy now, if you're really innocent and was

framed to save him."

"So you don't believe it?" Joe asked.

"We went through Eddie Howsen's statement a hundred times, Joe. What he said checks with some stuff we knew. We went through all the old files and records of your case, dug them up out of the dust, lookin' for a weak spot. And we think we've found some, Joe."

"Let's get started," Captain Argyle said.

The warden shook hands with Joe and wished him luck, then Joe found himself in a car, sitting between Argyle and Flannery. He saw the big gates opened, and then he was outside for the first time in seven years.

He drank deeply of the air that swept into the car through a window that had been opened a crack. The car carried them rapidly along the road to the city.

"We're doing it this way, Joe, instead of running in on a train," Argyle explained, "because we wanted a chance to discuss the case with you before you get to town."

"Yeah," Joe muttered.

"We've got a place for you to live, and you'll be guarded well till our plan either works or fails. Tomorrow is New Year's Day. A list of the new year's pardons will be printed in the papers. Matty Bander will be told of your release, and maybe will be expecting you to pay him a visit."

Mike Flannery chimed in. "He'll be sittin' in his fancy apartment with half a dozen trigger men around him, in case you go there with blood in your eye and a gun in your shoulder pit," the sergeant said.

All the way to the city, Captain Argyle talked and explained what had been planned, and Flannery tossed in a word now and then. Joe Leake tried to concentrate on what they were saying. But he couldn't help watching through the window as the car sped along the highway, looking at wide open country, at small towns through which they went. He was commencing to realize that prison walls did not hem him in now,

that he was free.

WHEN they got into the city, Joe felt at home. The old sights and sounds and smells!

"We'll take you to the room we rented for you, Joe," Captain Argyle said. "One of our men is planted in a room across the hall. There's a handy back entrance to the place. A man will tail you when you go out and see you're not mishandled, in case Matty Bander has learned of your release already and has some idea of fixing you so you can't talk."

"Okay," Joe said.

"Here's some money. You won't be able to draw any of your own from the bank until day after tomorrow. Try to act natural, now, and carry out the plans as I outlined 'em. If there's anything you don't understand, contact me through Headquarters."

The car slid to a stop at the curb. Joe looked out. They were in a section of the city where rents were modest, but it was a decent, fairly clean section, not a district of underworld hangouts.

A man wandered out to the car as Argyle opened the door. He was introduced to Joe as the officer who lived across the hall. He took Joe inside and introduced him to the landlady of the building.

Joe rested in his room until dark, then went out to enjoy the bright lights, to eat at a restaurant, and to watch the gay New Year's Eve crowds heading for cafes and restaurants and theatres.

His heart glowed. But in the background of his mind was always the sordid thought of Matty Bander and the wrong he had done. He would see Matty tomorrow, if possible.

He knew the detective assigned to the task was tailing him as he prowled around town, and, as ordered, gave him no attention. It was almost midnight when he

went home; and standing at the open window despite the cold night air which carried a sting, he listened to the tumult as the Old Year died.

He slept well that night. New Year's Day dawned clear and bright, but a little colder. Joe bundled up well and walked down the street to the first decent restaurant. He ate a hearty breakfast, deliberately choosing dishes he hadn't been served in prison. He bought a couple of newspapers and returned to his room.

On an inside page of the first through which he glanced, he found a list of the New Year's pardons and paroles and read through the list slowly. He knew some of the men. But in that paper and the other, the headlines stressed the fact that he, Joe Leake, had been released because of his heroism during the fire in the prison storeroom. Since Matty Bander always had a man check through the newspapers every day, Joe knew Matty would soon be apprised of his release, if he hadn't been already.

In the middle of the afternoon, Joe left the rooming house again and engaged a taxi, taking plenty of time about it so he could be followed by the plainclothes man. He rode to the part of the city where Matty Bander had his rather luxurious apartment.

Leaving the taxi two blocks from the building, he walked the remainder of the way, and went into the ornate lobby of the big apartment house. Guest telephones were on a shelf in a corner, and Joe Leake went directly to one and asked to be connected with Matty Bander's apartment.

He got the connection at once. A male voice he did not recognize demanded his identity. Joe gave it and was told to wait a minute. Joe waited for as much as two minutes. Then the voice came on the line again and told him to come up.

As he had done often in another apartment house where Matty Bander had

lived seven years before, Joe went to the elevator and ascended to the sixth floor. He walked slowly along a deeply-carpeted hall and touched the button on the proper door. The door was opened immediately.

Joe saw a small entrance hall. Two men were waiting for him there. They were strangers to Joe.

"Maybe I'm wrong," Joe said. "I was lookin' for Matty Bander's place."

"This is it," one man informed him, as the other closed the door and sprung the lock.

The two closed in on Joe swiftly, and frisked him in the way of experts at such work.

"All right. So you're clean," one of them said. "Come with us. We'll take you to Matty."

The living room was huge. Matty sat on a divan against one wall. There was a long table heaped high with food, and another fitted up like a bar. Several men were in the room. Joe knew about half of them. Of course, he told himself, Matty would have picked up new men during seven years, to replace those who had been sent up the river or removed because they had become dangerous.

"Well, well, if it isn't old Joe Leake, alive and in the flesh!" Matty exclaimed. "Quite a hero, I understand. A New Year's pardon, and all that."

MATTY was fatter, Joe noticed. His face was round and pink. He was dressed fastidiously. Joe felt the other men in the room were ready to blast him if he made a wrong move, and swear afterward that he had come into the place and made a murderous attack on Matty. They might even plant a gun on him, with his fingerprints on it.

"Hello, Matty," Joe said. He tried to keep his hate out of both his face and his voice.

"You came at a good time, Joe," Matty said. "New Year's Day. Open house. Help yourself to eats and drinks, then come over here and we'll have a talk. Was it pretty tough up the river?"

"Sometimes," Joe acknowledged.

He made himself a highball at the table and picked up a turkey sandwich. As he strolled back toward the divan where Matty Bander was sitting, he was thinking of the instructions Captain Argyle and Sergeant Flannery had given him, what they had told him to say, how to build up to the climax.

Joe took a bite of the sandwich and a gulp of the highball and sat in an easy chair a few feet from Matty. The other men in the room had relaxed, but Joe knew they would be watching him carefully every moment.

"Well, Joe, so you're out," Matty said.

"Yeah. I shouldn't have been in there," Joe replied. "I didn't have anything to do with that payroll robbery they sent me up for, Matty, and you know it. You had some other men workin' on that."

"That's right," Matty agreed, without hesitation. "How they ever happened to grab you off, I don't know. That was a close one, Joe. Somebody made a mistake, but he paid for it. I couldn't come forward and do much without walking into trouble myself. But I got you a mouthpiece."

"He wasn't much good," Joe said.

"Honestly, Joe," Matty told him. "I thought you'd beat the rap easily. I thought if they handed you anything, it'd be no more than eighteen months on general principles. How was I to know the judge would get tough?"

"I suppose you couldn't know," Joe said. "That payroll robbery netted you and the gang more'n a hundred thousand, accordin' to the papers."

"That's right—and they never recovered a cent of it," Matty confessed.

"Honest, Matty, under the circumstances, me takin' the rap for you and

all that, and me spendin' seven years in the Big House on account of it . . . honest, Matty, I think you should do somethin' for me."

"I intend to, Joe. I'm no ungrateful rat." Matty Bander pulled from an inside pocket a wallet stuffed with currency, and few of the bills were of small denomination. He extracted some of the bills.

"Here's a couple of thousand, Joe," he said, tossing over the currency. "That'll keep you going until something can be planned. That won't take long."

"Will you take me in on somethin' good, Matty?"

"Sure, Joe. You've got it coming to you. I'll check you in on something that'll mean a big haul. Easy job and big profits. How's that?"

"That'll be fine, Matty."

"What happened when you got out, Joe?"

"Cap Argyle and Sergeant Flannery—the cops who put the nippers on me—met me at the prison. Brought me to town in a car. Tried to pump me, but I played stir dumb. Reckon they gave me up as a bad job."

"They'll keep their eyes on you, Joe. Don't you have to report?"

"Sure not. I got a full pardon, not a parole."

He had told the truth about his trip from the prison. For he wasn't sure but what Matty Bander had been having his exit from the place watched. Matty might even have had a man trailing him. If so, Matty knew now that he had told the truth.

"Where did you hole in, Joe?" Matty asked.

This might be another trap. Matty gave the correct address and even the room number.

"The cops dropped me there," Joe explained. "I wasn't sure where to go. Things change a lot in seven years. Soon as

I know a safe place to go, Matty, I'll slip out some dark night and make the move without the cops knowin'."

"Good boy!" Matty praised. "I'll get you a place. You phone me in a couple of days, Joe. Better eat and drink some more now."

Joe put into a pocket the money Matty had given him, got up and went to the table where the sandwiches were stacked. He made himself a new highball, too. The manner of the others in the room had changed swiftly. Matty probably had signaled that Joe was all right.

He remained for an hour, and then said he'd better be going. He got away without having to shake hands with Matty. Joe guessed he would be followed, both by the policeman assigned the job and by one or more of Matty's men.

It was almost dusk when he left Matty's place. He got a taxi and had himself driven directly to the place where he had the room. When he got there, he locked the door. Then he drew a couple of deep breaths and gave a sigh of relief. He had been under a terrific strain. If he had said or done a wrong thing, he never would have lived to see this room again.

THE morning papers carried a sensational story—how Matty Bander and a dozen of his men had been rounded up, while others had fled the city and were being sought. The police finally had absolute proof of Matty Bander's criminal career, and a confession that had reached them over a dictograph wire. For months, the police had been working on the case, the report said. Matty Bander was being held without bail until a further investigation.

Joe got his breakfast and returned to his room. A police car came and picked him up and took him to Headquarters. He went into a room where Argyle and Flannery were waiting.

"Everything went off as we hoped it would, Joe," Captain Argyle said. "You got him to say just the right things. We got every word of it, with two stenographers on the job. We have reputable witnesses to his confession. We grabbed all the men who were in the apartment with him, picking them up all over town, and from a couple learned of others. It'll be a clean wipe up of the Matty Bander gang, Joe."

"I'm glad," Joe said.

"You've nothing to fear from them, Joe. We'll keep watch and see you're not bothered. Most of them won't be able to make bail. The D. A. will throw every obstacle he can in the way of the gang. He hasn't forgotten they made a fool of him for a long time. Now, Joe, for the climax."

A couple of uniformed officers were in the room with Argyle and Flannery. The captain ordered one to get Matty. He brought him to the room within a short time.

Matty made a pretense of surprise when he saw Joe.

"Why, it's, Joe Leake!" he said. "I knew you years ago. Where have you been, Joe?"

"Where you sent me, Matty—in the Big House," Joe said.

"What do you mean? I sent you?"

"Stop trying to fake it, Matty," Captain Argyle ordered. "Speak your piece, Joe."

Joe Leake took a step forward. "Matty, you made me take the rap for you on that payroll robbery," he said. "Seven tough years I went through. When I learned they were goin' to pardon me, I swore I'd meet you and shoot you down like a dog. I'd been promisin' myself I'd do that all the time I was in stir. But I changed my mind."

"What's all this rot?" Bander raged.

"Shut up and listen," Argyle said.

"The warden gave me a different idea," Joe continued. "It was a good idea. You'd

suffer a lot more, he told me, if you had to live in the Big House for a bunch of years. No fancy food or fine drinks or soft livin'. No swell clothes. You'll just be a rat of a convict like the other rats. Year after year. Maybe you'll go stir crazy, like poor Eddie Howsen did. Matty, it was Eddie's deathbed statement that started all this. Then, I helped Captain Argyle—"

"I'll say he did," Argyle told Matty. "He went to your place yesterday and acted and talked just as we instructed him. He coaxed you into that confession, Matty, and we got it all over the dictograph. You're done, Matty. We've connected up the links, and now we've got a strong chain."

Matty Bander had a spasm of cursing. His face grew almost purple with his rage, and finally he sat down, trembling.

"Day after day, year after year, Matty, you'll pay for what you did to me and others like me," Joe told him. "You'll pay for Eddie Howsen. You won't make a move without bein' ordered to do it. Some of your food won't be fancy, Matty. But it'll keep life in your body. Years and years—"

"Stop it!" Matty screeched.

Captain Argyle made a gesture, and the uniformed officers took Matty Bander away.

"You take a little trip, Joe. Go somewhere and rest," Argyle instructed. "Keep in touch with me. After Matty and his men are safely jugged, we'll help you find an honest job somewhere. Thanks for your help, Joe. You've done the public a service."

Joe carried that thought with him as he left Headquarters. He straightened his shoulders and started walking toward a taxi stand. He was trying to decide where to take his vacation.