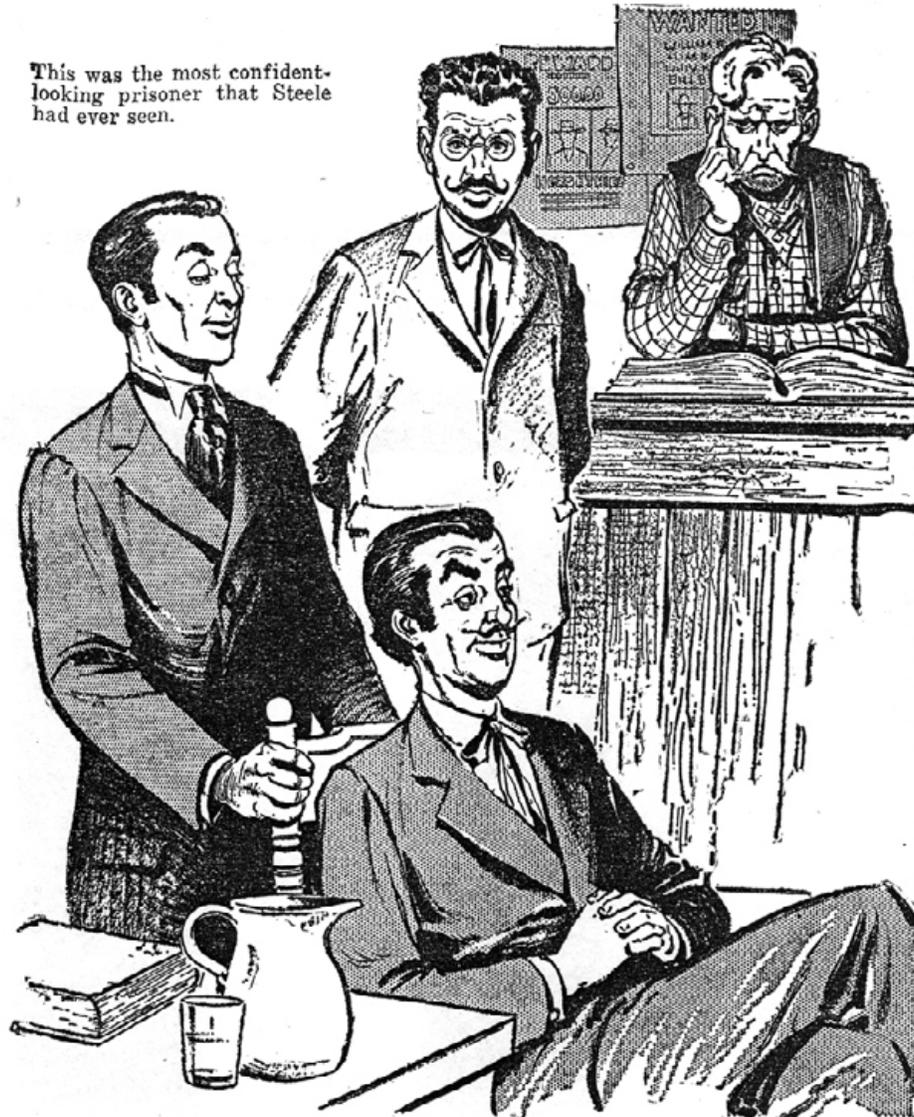


Be-consarned if these lawyers weren't forever dragging up fancy-sounding Latin terms instead of talking in plain English. This here *aller sans jour* – it sure sounded sneaky; and the worst was that it looked as if a killer was going to be acquitted, because even Judge Steele realized that the evidence they had on hand against him was shaky, to say the most...



This was the most confident-looking prisoner that Steele had ever seen.

## ALLER SANS JOUR

*Judge Steele story*  
by LON WILLIAMS

**J**UDGE WARDLOW STEELE eased onto his judicial chair with a premonition that he was about to be licked. In a courtroom crowded with Flat Creek's mongrel citizenry his blue, savage eyes sought an old friend, Vigilante Chief

Bill Hacker, whose crusade for law and order in a lawless, roaring gold-rush town had contributed most to establishment of this clumsy court.

His Honor's roving eyes did not find what they sought. Yet Vigies along the

walls assured him that his old friends were still around, that Bill Hacker had not withdrawn what he had often called his moral support of legal and orderly justice.

Steele tugged at his straw-colored mustache and nodded to his right. "Sheriff, call court."

Big Jerd Buckalew rose and pounded with his forty-five. "Court's now in session. Don't let your doubts change you to a corpse."

Steele glanced at another court official. "Skiffy, call fust case."

Clerk James Skiffington rose, specter-like. His voice was harsh and terrifying. "People *versus* Hardy Fingerstall, alias Lord Bolingbroke. Charge, first-degree murder."

Steele glared down at a bench reserved for scoundrels about to set out upon a one-way journey. There sat as confident and arrogant a red-nosed rascal as had ever sat before a bar of justice. He was distinguished looking, of elegant proportions, dark, smooth-faced except for an up-curving mustache, with long hair and a broad, intellectual forehead. Greatness and dignity undoubtedly had been his birthright, but pale, gray-green eyes by their shifty queerness suggested why he had missed his manifest destiny.

In glaring at him, Steele felt impelled to growl, as one huge canine at sight of another of like size. "Murder, eh? Be-consarned if you oughtn't go somewhars and get a pay-job murdering important people. You're wasting your talents hyar in Flat Creek. You got a lawyer?"

A lean, tall gentleman in black suit, white vest and black tie got up, his dark hair exquisitely parted and brushed, his smooth face calm and unworried. "I am his lawyer, your honor. French Demeree."

Steele had seen him there beside Fingerstall, had derived momentary tight-jawed satisfaction from ignoring him.

"Yeah, Demeree from Tennessee. Be-consarned if we wouldn't have a heap less trouble hanging these murdering varmint, if you'd go back whar you come from."

Demeree nodded leisurely, "I regard your wish as a compliment, your honor."

"Well, by thunder, it ain't meant for one." Steele swung left. "Whar's our man?"

A stocky redhead with noble brow and enlightened demeanor got up. "Wade Claybrook, your honor. Prosecuting attorney."

Steele contemplated his man Claybrook with mixed hope and doubt. "Now, Wade, we've got a big-size walrus to be hung this time. All we need to hang him is a stout rope from Sheriff Buckalew and a stout heart from you. Is your pulse beating like a strikin'-hammer?"

"Your honor," said Claybrook with quiet fervor, "justice is not a matter of passion, but of deliberate application of law to facts. If evidence establishes this defendant's guilt, I am confident there will be tree limbs strong enough to support his weight, and hearts stout enough to string him up."

"Mightily spoken, Claybrook," declared Steele, hope descending and doubt ascending on his mental seesaw. He was thinking what a fine thing it would be, if Claybrook got some passion into his sense of justice. He glared at Hardy Fingerstall. "All right, you scarlet-snouted hippopotamus, what's your plea?"

Demeree answered, "Defendant's plea is not guilty, your honor."

"So you mean to make a fight of it, eh? And if you can find some tricky loophole, you'll drag him through it. Well, by thunder, you'll have to drag mighty hard. Bucky, panel a jury."

Buckalew jerked his head. "Call names, Skiffy."

SKIFFINGTON called names, and there was a tug between Demeree and Claybrook as to who should sit in Judgment. It ended with twelve honorable citizens—too consarned honorable, in Steele’s opinion—sitting in various attitudes of open-mindedness and calm resolution.

“Witnesses come and be sworn,” Steele shouted, disappointment lending brittleness to his speech.

Several men legged and scrounged forward and held up their right hands before Skiffington. Seconds later they were herded into a back room. In Steele’s opinion, they had looked more like clowns than ordinary humans. Fugitives from some disreputable circus, he figured.

“Call fust witness, Claybrook.”

Claybrook nodded to a deputy sheriff. “Call Ridsen Mulaly.”

Mulaly was brought in. He wore red trousers, a blue shirt and shiny black shoes. He was thin, of medium stature, shifty-eyed, and yellow-haired.

“Your name?” demanded Claybrook.

Mulaly replied in a foreign accent, “My name is Ridsen Hullahup Malaly. My parents was born in Hungary, but come to this country when young. I was born myself in Syracuse, New York, and worked in a salt factory there until I was twenty. My name at that time was Ridseniski Hullahahopf Mulaliviv, but I shortened it when I was a man in my own right.”

“Very interesting,” sneered Claybrook. “What business do you follow in Flat Creek?”

“At one time I was an entertainer in Lord Bolingbroke’s medicine show. But when he discovered that gold-diggers was too healthy to buy his magic potions, he gave up medicine business, which left me and his other entertainers to shift for ourselves.”

“And what kind of shifty business are you in now?”

Steele leaned forward. “See hyar, Claybrook, is he our witness, or Demeree’s?”

“He is ours, your honor.”

“Then I suggest you treat him as ours and quit insulting him.”

“Very well, your honor.” Claybrook eyed Mulaly sourly. “When you refer to Lord Bolingbroke, do you mean defendant Hardy Fingerstall?”

Mulaly pointed his thumb at Fingerstall. “I mean him.”

Claybrook lowered his head and stared upward at Mulaly. “What business did Bolingbroke take up after he dropped his medicine show?”

“He took up swindling.”

Demeree rose. “Defendant objects to that answer. It is not permissible to impeach this defendant’s character; all that is here at issue is whether or not defendant is guilty of murder.”

Steele glanced at his jurors, saw them nod unconsciously in agreement with Demeree. Be-consarned, that was what came of having civilized men on juries. “Objection sustained, by thunder.”

CLAYBROOK resumed his questioning. “Mr. Mulaly, did defendant Bolingbroke offer to take you back into his employment?”

“Demeree, set down,” Steele growled as Demeree started to get up.

“Yes, your honor,” said Demeree, “but Mr. Claybrook should not ask leading questions.”

“Mr. Demeree is right, your honor,” said Claybrook.

“No, he ain’t right; you stick to that question, Claybrook.”

Claybrook nodded at Mulaly. “Answer it.”

“That is true, sir. His Highness, Lord

Bolingbroke, offered to take all of his old crowd into his confidence and give them cooperative shares in his swindling enterprises.”

“Were you acquainted with an old prospector named Wes Tinker?”

Mulaly nodded. “But he was best known as Old Putty.”

“Did any of Lord Bolingbroke’s projected enterprises have anything to do with Old Putty?”

Demeree eased up. “Your honor, defendant most humbly objects.”

Steele’s mood worsened. “Consarn you, Demeree, your objections are nuisances, whether presented humbly or otherwise. But what’s your trouble?”

Claybrook intervened. “Your honor, I can take care of Mr. Demeree’s objection.”

“But he’s not stated his objection.”

“If your honor please,” said Demeree with a lift of his dark eyebrows, “in view of Mr. Claybrook’s commendable attitude, I withdraw my objection.”

“Now, Mr. Mulaly,” Claybrook resumed quickly, “was Bolingbroke acquainted with Old Putty?”

“Indeed, sir. They got along handsomely together.”

“Please explain that statement, sir.”

Demeree rose. “Your honor, this Mulaly’s statement was not responsive to any question and should be stricken, not explained.”

“Statement stricken,” growled Steele. “But I’m be-consarned if I know what good that does. They still got along handsomely. Go ahead, Claybrook.”

Claybrook glared at his witness. “You say Bolingbroke and Putty were acquainted with each other?”

“Yes.”

“Describe that acquaintanceship.”

“It was most friendly and confidential, sir. You see, Old Putty told Lord

Bolingbroke he’d discovered cinnabar in a cave on Todoro Mountain. His Lordship then projected a scheme.

That was to organize a corporation, its incorporators to be Bolingbroke, Thadeus Oakleaf, Grubbinhoe Goozby, Little Eddie Openpoke, myself, and Old Putty. His Lordship drew up papers, which wasn’t a corporation paper at all, but a deed.”

“Object!” cried Demeree. “This is wholly irrelevant and highly prejudicial.”

“Demeree,” stormed Steele, “prejudicial is right. When we aim to do hyar is throw in enough prejudice against this schemer to hang him. Of course it’s prejudicial. So is anything else that proves him a rascal and a murderer.”

Claybrook intervened. “Your honor, what this testimony is intended to elicit is a *motive* for murder. Mr. Demeree knows that motive is always relevant. What defendant did—”

“Object,” said Demeree. “Mr. Claybrook is not a witness.”

“What defendant did,” said Claybrook stubbornly, “was in pursuit of his motive. If he had a motive for murder, that motive becomes circumstantial evidence against him.”

“But, your honor,” Demeree persisted, “what this back-stabber is saying points toward a swindle, not toward murder. I move his entire testimony be stricken.”

“Now, see hyar, Demeree, you’ve said about enough.”

“Sorry, your honor.” Demeree looked hurt and sat down.

“Proceed, Claybrook.”

Claybrook studied a moment. “No more questions, your honor.”

**D**EMEREE got up. “I’d like to ask this red-trousered monkey a question, your honor.”

“Ask him, Demeree.”

Demeree came round. “Risdenki

Hullahopoff, you mentioned some papers that turned out to be a deed?"

"I did, sir."

"Was that a deed to Old Putty's cinnabar claim?"

"It was."

"To whom was it deeded?"

"To Lord Bolingbroke."

"And you were not included in it?"

"I was not."

"So you were good and sore at His Lordship, weren't you?"

"I was angry with him, if that is what you mean."

"That is what I mean," said Demeree. He returned to his place and sat down.

Claybrook nodded to a deputy. "Call Thadeus Oakleaf."

Mulaly was taken out and Oakleaf brought in. Oakleaf was small, slender, with bright young eyes set in an old face.

"Your name?" said Claybrook.

"Thadeus Oakleaf, sir."

"Is that your true name?"

"My true name, sir, was Sigfried Sondersted Swienhausen. I changed my name because young chittlewits back in Ohio called me Pigpen. Another reason was, there was a rosy-cheeked girl—"

"You may omit that," said Claybrook. "Tell what you know about Hardy Fingerstall."

"You mean His Lordship there?"

"Yes."

Demeree got up. "If your honor please, I'm confident a biography of His Lordship would be interesting, but I suggest Mr. Oakleaf's testimony be confined within more reasonable limits. "

A glance warned Judge Steele to go easy with Demeree. Some cultured-looking, smiling jurors were patently on Demeree's side. "Sustained, Demeree."

Claybrook sighed. "Your honor, by long and tedious methods, I should at last arrive at asking this witness what he

knows about a scheme concocted by defendant Fingerstall to swindle a dirty, bearded little prospector called Old Putty. Must I take that route, or may I ask what he knows about that infamous scheme?"

"By thunder, Claybrook, just ask him what he knows about this murder."

Claybrook glared at Oakleaf. "Sir, His Lordship, Bolingbroke, is on trial here, charged with having murdered one Wes Tinker, more commonly known as Old Putty. Relate all facts within your knowledge which tend to connect Bolingbroke with that murder."

Demeree arose quietly. "If your honor please, we have now arrived at a crucial point in this trial. Mr. Claybrook has referred to *that murder*, as if it had been conceded that a murder was committed. Defendant concedes nothing, and I would like to call to this jury's attention a most fatal defect in Mr. Claybrook's case—namely, that no murder has been proved, and no body has been found. In this case, there is no *corpus delicti*. I'll admit that *corpus delicti* does not necessarily refer to a human corpse, as handy as that is when murder is suspected. However, I repeat, that no one can be convicted of murder before there is proof that the alleged victim is, in fact, dead—and that death was not due to other causes. Defendant raises no objection to having this trial proceed, but the absence of *corpus delicti* should not be lost sight of."

**H**ERE WAS what Steele had been dreading. He searched again for his old friend and legal adviser, Bill Hacker. But Hacker was not in sight. "Proceed, Claybrook."

Claybrook nodded at Oakleaf. "Proceed, sir."

Oakleaf considered where to begin. "Well, as matters turned out, it was Bolingbroke's scheme to swindle Old

Putty out of his cinnabar. His Lordship roped us—that is, his old medicine-show cronies—in by promising we'd all share equal. But he gets Old Putty to sign a deed, which deeds his cinnabar claim to Lord Bolingbroke. We're having a meeting down in Bolingbroke's tent one morning, and Bolingbroke says—

“Object to what somebody said,” protested Demeree. “Hearsay is not admissible.”

“See hyar, Demeree, you ought to know better'n that by now. What a murderer said before he killed somebody is admissible to show malice, motive, or intent.”

“All right, if that's what it shows,” Demeree conceded and sat down.

“Go ahead, Oakleaf,” said Claybrook.

“Bolingbroke says to Old Putty, ‘Putty,’ says he, ‘now that we're all united in our common enterprise, I'd like you to take me up to Todoro Mountain. I want to see that cinnabar cave so I'll know what engineering problems must be overcome in order to make us all rich.’ And Old Putty says, says he, ‘I'll take you there, I will, indeed now. But I won't take these other fellers,’ says he. ‘Not until things get going good. But I'll take you, M'Lord. I wouldn't trust just anybody, but I trust you, indeed I do now.’ So off they went, and not since then have I laid eyes on Old Putty.”

“No more questions,” said Claybrook.

“I'd like to ask Pigpen a question,” said Demeree.

Steele acquiesced reluctantly. “Ask him.”

Demeree came round. “Now, Herr Swienhausen, alias Oakleaf, you expected to have your name in that deed from Old Putty, didn't you?”

“I certainly did, sir.”

“And when you learned His Lordship had tricked you, you were angry with him,

weren't you?”

“I was so mad I could have cut his throat.”

“Figuratively speaking, you are cutting his throat now, aren't you?”

“I'd like to know that to be true, sir.”

“That's all,” said Demeree.

Claybrook arose. “Call Mr. Goozby.”

Oakleaf was superseded by a rough-featured young man in boots, blue trousers and red shirt.

“Your name?” asked Claybrook.

“Goozby.”

“Your full name?”

“Archer Gruving Hogarth Goozby.”

“But usually called Grubbinhoe Goozby?”

“Yes.”

“Are you a musician?”

Demeree objected. “These leading questions, your honor, should not be indulged in so freely. Defendant objects.”

CLAYBROOK proceeded with a frown. “What instrument do you play?”

“Banjer.”

“Where are you from?”

“I'm from Renfro Valley, Cumberland Mountains, East Tennessee.”

Demeree got up. “Your honor, permit me to welcome a kinsman to Flat Creek.”

Steele glowered angrily. “Demeree, you connivin' stinker, both of you fugitives from Tennessee would look better going than coming.” He swung on Claybrook. “Mr. Prosecutor, get down to nut-crackin', and don't be dragging scandal into this court.”

Claybrook looked through his eyebrows at Goozby. “Were you associated with defendant Hardy Fingerstall, better known as Lord Bolingbroke?”

“I was one of his musicians.”

“Oh, he had others?”

“Yes, sir; he had Ridsen Mulaly, Thadeus Oakleaf and Little Eddie Openpoke.”

“Wasn’t His Lordship a musician?”

“He was a slight-of-hand artist and ventriloquist.”

Demeree got up quietly. “Your honor, this undoubtedly is quite enlightening, but equally immaterial. I suggest that Mr. Claybrook ask him if he, too, got left out of Old Putty’s deed.”

Claybrook nodded at Goozby.

“Did you?”

“I did.”

“Were you present when that deed was signed by Old Putty?”

“Yes.”

“After it was signed, were you present when Bolingbroke left to go with Putty to Todoro Mountain?”

“Yes.”

“Did Bolingbroke make any remark within your hearing that indicated his reason for going alone with Putty?”

“Object to that,” shouted Demeree. “That’s a leading question; moreover, it calls for hearsay evidence. On top of that, it calls for a conclusion.”

Steele leaned forward angrily. “Answer that question, banjer-picker.”

Goozby turned toward Steele, a fearless twinkle in his mild blue eyes. “I’ll answer it, Judge. His lordship winked at me and whispered, ‘Don’t be surprised if I come back alone.’ ”

Demeree was still up. “Your honor, I move that all testimony presented in this trial be ordered stricken and disregarded by our jurors. All of these men were associates of defendant. It is not permissible to convict an accused on uncorroborated testimony of accomplices.”

“Consarn you, Demeree, why don’t you wait till Claybrook has finished, then

make your motion. Maybe he’s got corroborating testimony.”

“Yes, your honor,” said Demeree. “Maybe he’s got a *corpus delicti*, also, but if so he’s keeping it well hidden.”

“Your honor,” said Claybrook, “I object to Mr. Demeree’s grandstanding. All of his remarks are clearly designed merely for jury consumption.”

“That is an utterly unjustifiable statement,” Demeree retorted furiously. “Merely because we have an honorable and intelligent jury is no reason for Mr. Claybrook’s resort to base and groundless aspersions aimed at his opposing attorney. He is trying to make out a case of guilt by reliance on witnesses obviously hostile to defendant, and themselves guilty of heinous skullduggery and fraud. More, also, he is trying to make out a case of murder when he was not shown—and in all probability cannot show—that anybody has been murdered.”

“Your honor,” retorted Claybrook, “Mr. Demeree’s desperation lends ample color of guilty fear to every remark he has made. He knows he is defending a vicious and cold-blooded killer; and if defendant’s former associates have turned against him, it speaks to their honor and decency and should be their introduction to lives of usefulness and good citizenship.”

STEELE enjoyed Claybrook’s comeback, but he wanted no more from Demeree. “You lawyers slack down. Got any more questions, Claybrook?”

“No more, your honor.”

“Demeree?”

“If your honor please, I would not care to impugn motives of such honorable citizens as these; let him be excused.”

“Next witness, Claybrook.”

Claybrook nodded. “Call Edward Openpoke.”

Goozby was taken out and a small, friendly man of about thirty was brought in and seated. He had on yellow trousers, pink silk shirt and a soft, flowery bow tie.

"Your name?" asked Claybrook.

"Openpoke. Edward Openpoke, better knowed as Little Eddie."

"Where are you from?"

"Now, see hyar, Claybrook. You quit asking witnesses whar they come from."

Claybrook looked down his nose at his witness. "Openpoke, were you present when a prospector called Old Putty signed a deed to a cinnabar claim?"

"You bet I was. That swindlin' Lord Bolingbroke told us we was all jinin' up to be a corporation. That was to be a paper for Old Putty's use in putting in his cinnabar claim. Contribution to capital, His Lordship called it. Our part was to be money. We was all going to pitch in and mine cinnabar and first thing we knowed we'd all be rich.

"But after all was signed up and His Lordship and Old Putty had lit out, our bull-fiddle player, Riz Mulaly, using one of his stage tongues, says to us, 'Do you know sompdings? Dot vont no copperation. Dot vas a deet, and it vas all made to Von Hardy Fingerstaldt.' When Mulaly told us that, a spark would've set us off like kegs of powder. But that swindler wasn't as smart as he thought he was. 'Uh-huh,' says I, 'you fellers just lay low and I'll foller Old Putty and His Lordship.' And that's exactly what I done."

"To where did you follow them?"

"I follered 'em clean up into them snowy cliffs of Todoro Mountain. I seed 'em go inter that cinnabar cave, too, and I also seed 'em come out. And that ain't all. No-siree."

"What else did you see?"

"I seed 'em walk along right close to where I was hidin'. His Lordship had an

arm across Old Putty's shoulders and he was sayin', 'Well, my old friend, you've sure got cinnabar. Enough cinnabar to make us both rich. From now on you'll have nothin' to worry about. Your troubles are over.' Then he pointed out inter space and said, 'Look yanner on top of that peak. What do you see?' And while Old Putty was starin' out yanner, His Lordship caught him by his neck and his britches, lifted him up high and threwed him over a pressepps."

Claybrook nodded approvingly. "How deep was that precipice?"

"It was a thousand feet down, if a inch."

"What did His Lordship do then?"

"He dusted off his hands and headed back toward Flat Creek, smilin' to hisself as he went."

"What did you do?"

"I took a look in that cave. And cinnabar—it was there, yes-siree."

"Then what did you do?"

"I took a look over that press-epps."

"Did you see a dead body below?"

"No, sir. Too far down for that."

"What did you do next?"

"I fotch word to Sheriff Buckalew."

Claybrook sat down. "No more questions."

Steele glared at Demeree. "Cross-examine."

**D**EMEREE came round. He stood close to Little Eddie Openpoke. "So you looked over a precipice, did you?"

Openpoke slid down in his chair and made himself smaller. "Yes, sir."

"At what point did you look over?"

"I looked where His Lordship throwed Old Putty over."

"But before you looked, you went into that cave, didn't you?"

"Yes."

"In there you saw cinnabar, didn't

you?"

"You bet I did. Worlds of it."

"Right excited, weren't you?"

"Couldn't hardly breathe, I was so excited."

"Then you aren't sure, are you, that you looked where Old Putty was thrown over?"

"I was purty excited. I reckon I could've been a right smart piece from there."

"That's all," said Demeree. He returned to his seat.

Steele was boiling inside. Here was a murderer who was going to slip through his fingers, and there was no way to stop it. He turned to his last—and forlorn—hope. "Claybrook, whar's that dead body?"

Claybrook rose gloomily. "I don't know, your honor. Search has been going on for a month now, but I'd say, after its having been thrown over a thousand-foot precipice, it's lying out there. In Todoró's icy cold, it would continue well preserved, if not devoured by wolves or grizzly bears."

Demeree sprang up. "Mr. Claybrook has no right to draw conclusions like that, your honor. For all he knows, Old Putty could have hung on a snag, landed on a ledge or in a treetop. Old Putty may be alive; and if he is, no murder has been committed."

"Any more witnesses, Claybrook."

"No, your honor."

"Demeree?"

"No, your honor."

Both lawyers sat down.

Steele tugged distressfully at his mustache. His eyes roved, but in vain. His old friend Bill Hacker had played him false. There'd never be a time when he needed a legal adviser worse than he needed one now. He hesitated, considered

ordering a continuance, fought back tempestuous waves of wrath.

Finally he gave in, jerked his head violently. "You jurors clear out and, by thunder, use some horse sense."

They filed out and were gone almost a minute.

Then distant hoofbeats sounded, drew rapidly nearer. They ended in a cloud of dust that rolled in upon spectators.

Twelve jurors, unaware of events outside, filed in and one of their number, a well-dressed, honest-browed gentleman, remained standing. "Sorry, Judge, but we had to find him not guilty."

FROM FLAT CREEK'S street a dusty, dismounted rider leaped in. "Hold it, Judge; we've got something coming."

Judge Steele lunged up, his fury breaking its bounds. "Bill Hacker, consarn you, come up hyar."

A big six-footer, square-shouldered, black-haired, dark-eyed, and wearing a close-cut mustache and twin sixguns, strode dustily forward. He stepped up beside Steele and both sat down. "Are we too late, Wardlow?"

Steele was not thinking about time. "Bill Hacker, I've been needin' you. Have you forgot that you was goin' to stick around? Well, by thunder, you was needed at this trial like you was never needed before."

Other hoofbeats sounded distantly and came on speedily. Another dust cloud poured in. A huge deputy followed by one less huge strode in. They were carrying a dead body, which they brought forward and dropped unceremoniously.

Steele watched them wipe their faces of dust. "Dan Trehwhitt, it's about time you showed up with a *corpus delicti*."

Trehwhitt thumbed over his right shoulder. "Another man comin', Judge."

A third deputy came in, lugging a heavy flat rock. He brought it forward, lifted it with Trehwitt's help, and laid it on Steele's desk.

"That's it, Judge," said Trehwitt. "Pore old Putty landed on a ledge. He come to his senses and scratched that message. When he'd finished, he slid it over. We found it and read its scratchin'. After that, we knowed where to look, and shore enough up there hundreds of feet on that ledge we found his dead body."

Steele read silently: *This is from me—Wes Tinker. I'm up here. Bollibrok throwed me over.*

Steele lifted his eyes and said coldly, "Demeree, thar's your *corpus delicti*."

Demeree had already got up. He said with strained, half-ashamed steadiness, "Yes, your honor, but it has come too late."

"What do you mean, Demeree?"

"Your honor, you may not have heard, for there was distraction outside, but your jury has returned a verdict of not guilty."

Claybrook, too, had got up. "Your honor, what Mr. Demeree has just stated, is true."

Steele's face perspired. An ordeal had shaped itself, bitter and repulsive. He sensed its outrageous presence. "You're a learned lawyer, Mr. Claybrook; what do we do now?"

Claybrook replied without apparent feeling, "Your honor, our Anglo-Saxon, Norman-French ancestors and founders of our law had a term for it. They would have adjudged this defendant *aller sans jour*, which means *to go without day*. That, in plain language, means that he is to go free. That must be your judgment, too, for it is so provided in our Constitution."

Steele swung round. "Bill, what in tarnation does he mean?"

"Mr. Claybrook is right, Wardlow," Hacker said dispassionately. "This

defendant has been tried for first-degree murder and found not guilty. Another trial for murder would be double jeopardy, and that may not be."

"Do you mean we've got to turn that murderer loose, right when we've got final and conclusive proof of his guilt?"

"If you would proceed according to law, yes."

"Be-consarned if I ever heard of anything so stupid! Bill, that just goes to show I ain't fit to be a judge. If it was left to me and what I figure ought to be done, we'd hang that catamount, regardless."

HACKER squeezed Steele's knee. "You're a fine judge, Wardlow, and just what we need in Flat Creek. I share your feelings completely. But this is what is meant by legal and orderly justice; we take its bitter with its sweet. That's part of our price for freedom. But, be assured, Fingerstall will live uneasily and imagine a thousand deaths. Let me explain what I mean." Hacker lowered his voice until only Steele heard what he said.

"Fair enough," Steele commented at last. Hacker stepped down and Steele faced forward. "Demeree, you and Claybrook set down. Bucky, have your men form an out-passage and line on each side of it. This murderer is going to be turned loose."

Deputies cleared an aisle and formed their lines. Hacker's Vigies lined up with them.

Steele glared at Fingerstall. "All right you murderin' scoundrel, get set to walk out of hyar. But you walk as I say walk. Skiffington is going to count time. With every fifth second you, Fingerstall, will take one step. If you obey instructions, you will not be touched; if you disobey, Bill Hacker's Vigies will hang you. Make it out of hyar as you're told, and you're free. Are you ready, Skiffy?"

Skiffington rose and held his watch.

Fingerstall got up, pale, perspiring. He took his position unsteadily, his stance imperfect, marked by tremors.

Skiffington screeched, "One!"

Fingerstall took a step. He almost fell.

Five seconds later Skiffington screeched again. "Two!"

His Lordship stepped again.

Every eye present was upon him; every eye formed an indelible image of his perspiring, horrified face.

"Three!" He stepped again, staggered against a deputy-sheriff, who offered no assistance.

"Four!"

Fingerstall did not move. Ahead of him, a few steps from liberty, stood Bill Hacker's Vigie lieutenant, Lige Winton, a black-bearded giant. Winton had a rope over his left arm and appeared to be waiting.

"Four!" Skiffy shouted again.

Fingerstall trembled. His legs would not respond. He screamed, "No! No! Get him out of there. Get him out."

Skiffington screamed, "Four!"

Fingerstall took a step and fell. He crawled and jabbered unintelligibly.

Steele caught Dan Trehitt's eye. "Heave him out, Dan, and let him go."

Trehitt responded with pleasure, and Fingerstall was heaved end-over-end into Flat Creek's dust and grime.

Steele shouted in a thunderous voice, "Let no man disgrace this court, nor dishonor himself, by doing violence to that mangy outcast. Now get out quietly."

He sat down and watched them go, jurors and all. They were orderly and overawed into silence. In that orderliness and quietness Steele beheld outlines of a great vision, for a moment understood vaguely what Claybrook had meant when he said that justice was not a matter of passion, but of deliberate application of law to facts. Orderly justice in Flat Creek, though clumsy and at times disappointing, would survive its mistakes.

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