



Old Criminal Judge Wright was forgetful—but he still remembered how to pin down a killer!

Detective Scott struck Delancey full in the face, and the man pitched head-first through the window

ONE TRIAL LESS

By TED COUGHLAN

WAYNE WRIGHT, old Judge of the Criminal Court in Miami, Florida, stood irresolute before the ornate door of the automatic elevator in the foyer of his apartment hotel. He pressed the "down" button with his stubby, gnarled finger and glanced at his watch without seeing it.

"I can't remember for the life of me," he thought with weary annoyance. "Was I supposed to meet them in Room Eleven-thirty at twelve o'clock, or Room Twelve-hundred at eleven-thirty?"

As a judge, an officer of the local rationing board, and member of the Civilian Defense Corps, Judge Wright had too many things to think of at one time. Margaret Sinclair, his efficient young secretary, kept track of all his appointments, and she had reminded him of this one.

He was selling the building. His appointment with his attorney and the prospective purchaser at either eleven-thirty or noon was to close the sale, which would enable him to retire to his beloved

rose farm.

Again he looked at his watch. The elevator door opened and a heavy-set, gray-haired man stepped out. He was Harold Jackson, the lessee of the apartment hotel. His shrewd black eyes took in the Judge's indecision.

"What's worrying you, Judge?" he asked in a loud, hearty voice, "You look lost."

Judge Wright impatiently shook his bushy white head.

"Good morning, Jackson. I was just wondering . . . have you seen either Caldwell or Barnes this morning? I have an appointment with them."

"They're both waiting for you in 'Eleven-thirty'. I took Caldwell up some time ago."

"Thank you, Jackson. How is everything?"

Jackson shrugged his broad shoulders. His voice grew less cordial, as he complained:

"I'm sure sorry you didn't give me another chance to take up that option. I really wanted to buy this building before my lease expires. I suppose it's too late now?"

"That's what I came to see my son-in-law about. Alexander Barnes is my attorney now, you know. If Mr. Caldwell buys the property, I'll see that you get your option money back." The Judge's kindly blue eyes twinkled benevolently.

"I'd rather have the building," Jackson grumbled, as the judge stepped into the automatic elevator.

The door to Eleven-thirty was unlatched. Pushing it open, he looked at the familiar furnishings. Absent-mindedly he recognized the heavy desk, littered with law books, as his own. This was the suite he reserved for himself as a refuge when he became too weary, after a strenuous day in court, to make the long trip to his

country home.

HE TOOK off his shapeless Panama, and dropped it on the desk, then started toward the studio couch near the window, to rest a few minutes.

Rubbing his veined hand across his tired eyes, he moved toward the large brown couch, then stopped and stared. Two men seated on it, held stiff, unnatural poses. They were leaning toward one another, their heads lolling rather than resting halfway down the back cushions, their legs stretched awkwardly and too rigidly forward.

The judge's stubby fingers fumbled in his breast pocket. He found his glass case, snapped it open, put his thick-lensed pince-nez to his eyes, and peered again at the stiffening bodies of his son-in-law Alexander Barnes, and Joseph Caldwell, president of the Caldwell Realty Company.

There was a dark hole in the center of Caldwell's forehead. A smear of dried blood stained his too-white face.

Horrified, Wright looked closer. Was Barnes also . . . yes, a bullet hole yawned in his right temple! His hand, dangling over the edge of the couch, gripped an automatic revolver.

Judge Wright stumbled toward his desk and groped for the telephone. He dialed a number with palsied fingers. When Margaret's voice answered him, he realized that he had automatically called his office instead of Police Headquarters. His secretary spoke to him three times before he asked her to put the call through for him, then he dropped the receiver and slumped unconscious, his head resting on the edge of the desk. . . .

Reviving slowly, Judge Wright heard an excited babel of voices in the room. He looked up into the anxious, lean face of Inspector Holland, head of the Homicide

Bureau. His face, at first a blur, gradually took on shape. He recognized the full, petulant mouth, snub nose, deep-set gray eyes and high, sloping forehead of the detective. Passing his hand over his eyes again, the judge sat upright.

“What’s happened, Inspector?” he asked.

Holland shrugged his massive shoulders.

“Don’t you remember calling me about this?” His square, hairy hand pointed to the sinister couch.

Still dazed, the judge looked around the familiar room. The place was now crowded with uniformed policemen. He met the compassionate and frightened glance of a slim blonde whom he recognized as his secretary, and he saw the superintendent of the building, a red-headed man in blue serge, its janitor, and Jackson.

Sudden, shocked remembrance returned to the judge. He hesitated, torn between the desire to go to his bereaved child and the necessity of assisting the police. He steadied himself.

“I remember now, Inspector,” he said. “What do you make of it?”

“Obviously murder and suicide. How did you happen to discover it?”

The judge stood up shakily, and walked toward the two bodies. He looked at them for a long time, before answering.

“I had an appointment with them at noon,” he said. “When I walked into the room they sat exactly as you found them. I called my office instead of you—from force of habit, I guess—then went out like a light. It’s a common occurrence with—a shock, and out I go. The old ticker isn’t what it used to be. Has the M.E. been here yet?”

Holland shook his head.

“He’s on the way. His verdict will only be a formality. I can’t understand why

your son-in-law killed Caldwell and himself. Can you throw any light on it?”

Judge Wright sorrowfully shook his grizzled head.

“No. If it were the other way around, perhaps I might.”

He leaned over the bodies again, examining them more closely. When he stood up, he was shaking his head slowly and thoughtfully.

“I’m sorry to make it harder for you, Inspector—but, but it’s double murder. Alexander wouldn’t and couldn’t possibly have killed Caldwell.”

The inspector jumped.

“What? You don’t know what you’re talking about, Judge. Why, just look! The only fingerprints on the gun are Barnes’. He certainly shot himself after murdering Caldwell.”

“One the face of it, yes. But look again. Alexander has been dead much longer than Caldwell. I’m not a physician, but even I see that.”

While the inspector was verifying the judge’s diagnosis, Margaret Sinclair unscrewed the cap of a bottle, spilled a capsule into the palm of her hand, and imperatively handed it to her employer. His face twisted into a grimace, and he turned his head away.

“Come now, Your Honor, you know you must take it.”

“My dear, this is no time for pills.” Judge Wright made a wry face. “Why did you come over here, Margaret? Is there anybody in the office? Have you called Mrs. Barnes?”

“Of course. Here, take your pill. You know you need one any time you have an attack.” The corners of her mouth were turned up in a half-smile, but her large, speckled hazel eyes held a concerned look, and a tiny frown furrowed her smooth, high forehead.

“Please, Your Honor!” she insisted.

WITH an exasperated sigh, the judge picked up the pill, and obediently swallowed it. She smiled at him as if he were a small boy who had done his mother's bidding without too much quibbling.

Inspector Holland pointed his stubby finger toward the taller policeman.

"Mulligan," he ordered, "find out if any other tenants heard the shots! And, Scott,"—he indicated a plainclothes man—"you take those people into the next room and keep them there until I send for them."

"All of them, Inspector?" the detective looked bewildered.

"No, numbskull. Those four." Holland pointed to the three men and the girl, then suddenly asked the superintendent of the building, who had been standing moodily in a corner: "Who are you?"

"Paul Delancey, superintendent of the building. You sent for Mr. Jackson and me."

Holland nodded, looking at the janitor.

"And you're Cox. All right, take them out, Scott."

Before they left the room, the judge suggested:

"Margaret is an excellent stenographer, Inspector. You can use her until your own man arrives."

"Okay. You stay here, Miss Sinclair. Got your note-book with you?"

"Of course." Trying to act composed, Margaret sat down in the desk chair, her pencil poised over the open pad. "Do you want me to take down everything, Inspector, or just your questions and the answers?"

"Everything." Holland's frown changed to a semblance of a smile as he looked the girl over for the first time. "First of all, where were you when the murders were committed?"

"I haven't the faintest idea, Inspector,

unless you tell me when they happened."

"Never mind. I just wanted to see if you had a head on your shoulders."

Appeased, the girl transcribed the question and answer. When she had finished, Holland asked the judge:

"How long do you think Barnes has been dead?"

Wright's bushy gray eyebrows met over his Roman nose.

"About three hours. Caldwell must have been shot just before I came into the room. His body is still warm. Why hasn't the doctor shown up? He can tell you much better. I never finished my pre-medical course."

"He's on the way. How well did you know both men, Judge?"

"Hmm . . . I bounced Barnes on my knee." The old man's eyes grew moist. "He's been my personal attorney ever since he married my daughter. I hardly knew Caldwell before he tried to buy the building."

"Do you know anyone who would want to kill them?"

"Alexander being a criminal lawyer, had plenty of enemies—half the present and recent occupants of the State prison. I don't know about Caldwell."

"You're a lot of help, I must say." Holland chewed thoughtfully on the end of a pencil, then blurted out: "You've probably learned more about criminals through trials than I have by catching them. What do you suggest?"

"About the only thing I've learned by listening to the evidence on both sides of murder trials is what not to do when you kill a man. Right now, I don't think of anything the murderer overlooked."

Mulligan barged in and slammed the door behind him.

"Not a one of them heard a thing, Inspector," he announced loudly. "And I ain't surprised, with so many of them

bombers flying around.”

“Go into the next room and tell Scott to send Mr. Delancey in,” Holland said contemptuously. “Then telephone Headquarters and find out what’s keeping the M.E.”

Mulligan left, chastised. In a few seconds, his bull-like voice was heard from the next room.

“Inspector, come in here! They’re all dead!”

With a muffled oath, Holland left the room, followed by the judge and Margaret.

Next door, they found Mulligan ruefully biting his nails and staring at three men lying huddled in a corner. Holland rushed toward them, knelt down for a moment, then swore again.

“Get out of here and find the doctor!” he bellowed. “They’re only stunned. Have him drop whatever he’s doing and come over. Hey, where’s Jackson?”

HOLLAND poured a drink from his pocket flask and poured it down Scott’s throat. The bulky plainclothesman spluttered, then opened his eyes. Groggily, he sat up, supporting himself against the wall.

“What’s been going on in here?” Holland demanded. “I leave you to watch three unarmed men, and—”

“Honest, Inspector, I don’t get it. I went out for only a minute. Mr. Jackson wanted to go to his room and get himself some cigars. Just to make sure, I called downstairs to the cop on the door to see to it that he don’t try to leave the building. I seen him to the elevator, and soon’s it started up, I come back here. Soon’s I opened the door, something slugged me. Next thing I knows you’re pouring that drink down my throat.”

He looked longingly at the flask, but Holland ignored the unspoken plea.

“Who hit you?”

“Sure, I wish I knew.” The Homicide man’s heavy eyebrows met in a frown over his bulbous red nose. “It could have been either of them, then again—” He glanced toward the now stirring victims. “Maybe he can tell you more,” he suggested lamely, as the door swung open again, and Jackson walked in.

Holland pounced on him.

“Where have you been?”

Jackson stared unbelievably at the janitor and Delancey. They were showing signs of returning consciousness. He shook his graying head.

“Up to my room for a cigar. Scott allowed me to leave here for a few minutes.”

Judge Wright’s sensitive nostrils contracted as he sniffed several times.

“I wonder why Mr. Jackson isn’t smoking,” he suggested, in his mildest, voice. “It seems to me, if he wanted a cigar that badly he would have one lighted.”

Holland looked quickly at Jackson’s breast pocket. It was flat and empty. There was a challenge in his voice as he demanded:

“Well, where is the stogy you went for?”

Jackson’s broad shoulders sagged slightly. His voice dropped, as he admitted:

“I didn’t even look for a cigar, Inspector. I have an accountant working down in the office. I wanted to see him, and also to call up my attorney.”

“What do you need an attorney for? Nobody’s charged you with anything—yet.” It was impossible to miss the significant pause Holland made.

The corners of the judge’s rather small mouth rose ever so slightly.

“I think I can answer that, Inspector,” he answered for Jackson. “Correct me if I’m wrong, Jackson, but didn’t you tell

your attorney to put in a bid for this building? Now that Caldwell is dead?"

Jackson nodded his head emphatically.

"I didn't want to bother you, Judge, but you know I was sore about losing my option before."

Holland was not through with Jackson.

"Why do you have an accountant going over the books now?" he asked. "It's not the end of the year."

"My lease is about out," Jackson answered promptly, "and I want a check on everything before the judge sells the building. I'm glad I thought of it, too. The accountant says that Delancey was taking me for a ride. He ain't sure for how much, until he gets through."

Holland's glance shifted from Jackson to Delancey and back again. Then he saw that the janitor had come to.

"What happened, Cox?" he asked.

The janitor shrugged his heavy square shoulders. He rubbed the top of his touseled head with his none too clean, rough hand.

"That's what I'd like to know, I was sitting over there, waiting for you to get through, when all of a sudden it felt like the ceiling caved in on me, and out I went."

"Did you see Mr. Jackson leave the room?"

"Sure, he went out with the Headquarters' man. I didn't see neither of them come back, though."

Judge Wright was listening to the questioning, while slowly wandering around the room, examining it minutely. He stopped long enough to help the building superintendent off the floor, then walked toward the window and stared out thoughtfully. When the Inspector spoke to Delancey, the Judge turned and listened.

"Well, what can you tell me about the attack?" was Holland's first question.

"Nothing more than the others, but—but—" Delancey stopped, and glared at Jackson. "I was sitting with my back to the door. I heard a thud, and started to turn around, but before I could make out what was going on, I was struck down myself. I wouldn't be sure, but—" Again he stopped, this time significantly.

THE judge spoke up, as if addressing a hesitant witness. His voice had a sharp edge to it.

"Why don't you say what you're thinking, Mr. Delancey? It's plain to me that you are under the impression that your employer knows something about the assault."

Delancey shook the dust off his sharply pressed trousers, and wiped his face with a handkerchief. His well-modulated voice was still hesitant.

"I'm not certain of it, Your Honor—that is, not certain enough to accuse him directly. But he appears to be the only one of the four of us who escaped unhurt."

Jackson flared up. His full face reddened.

"Why, you—" he shouted and swore vehemently. "You know I left the room before you got slugged."

Holland let them argue for a while, then stepped between them.

"Did you see Cox get hit?" he asked Delancey.

"No," Delancey again insinuated, "but I still think Jackson knows more than he admits. He could have slugged your policeman out in the hall, then come in here quietly and knocked both of us out. The thud I heard must have been Cox falling."

Jackson's bulk lunged at the superintendent. The Inspector pulled him away, told him to keep quiet, and listened as Delancey continued.

“He is sore at me. He blames me for queering his chance to buy this building. With this present real estate boom on, he’d do anything to get it.”

“Why, you—you cursed swindler! What are you trying to do? Make the inspector think that I killed them?”

This time Delancey flared up. He snatched up a chair and threw it quickly at Jackson. It missed him, and crashed against the wall.

“You’re a fine one to accuse me of anything!” he snarled in a coldly furious voice. “Why don’t you admit that you killed them, instead of trying to blacken my reputation to cover yourself up?”

Inspector Holland had trouble separating the two men. He dragged Jackson away by the arm and pushed Delancey into a chair.

“That’ll be enough from both of you!” he snapped. “You, Jackson, tell me where you spent the morning.”

The answer came fast and pat.

“In my office with the accountant. I only left long enough to have a cup of coffee.”

Judge Wright’s mild voice contrasted with Jackson’s bellow.

“Is that where I saw you going?”

“Where and when did you see him, Judge?” Holland turned sharply toward Wright.

“He was coming out of the elevator as I entered the building. He told me that he had admitted Mr. Caldwell to my room.”

“Then he’s going down to Headquarters for questioning.” The inspector turned to Scott, the plainclothesman. “Have him booked for investigation! Let him get away and I’ll have your head.”

The detective handcuffed Jackson and hurried out, anxious to avoid any further threats. Holland shook his head wearily.

“Where did you spend the morning?”

he asked Delancey.

“I’ve been busy ever since eight o’clock. This is the first of the month. I have been collecting rents, showing apartments and checking up.”

“Did you leave the building at any time?”

“Yes, about ten-thirty I went to the bank to make a deposit.”

“Do you have the slip to prove it?”

“Of course.” Delancey handed it to the inspector.

“Hmm . . . this doesn’t prove *you* were at the bank.”

“I don’t understand you, Inspector. Surely you wouldn’t suspect me.”

“I do. Especially if what Jackson charges is true. I suspect everybody until I find out who did it.”

Holland turned as the door opened and a short, slim elderly man, carrying a doctor’s bag, walked into the room.

“Well, what’s your rush, Holland?” he drawled.

“Oh, so you finally woke up, Pearson,” the inspector said sarcastically, pointing to Delancey and Cox. “Look them over. They got slugged.”

DR. PEARSON examined both men’s heads, dived into his bag, brought out a bottle of iodine, swabbed their injuries, and dismissed them.

“Superficial cuts,” he said. “Neither of you were hit hard enough to swat a fly. Take an aspirin each and go back to work.” He looked around the room. “Well, where are they, Holland?”

“In the next room. Let me know when they were killed, then you can cart them off to the morgue.”

As Pearson was leaving the room, Judge Wright asked hesitantly:

“Doctor?”

“What is it, Your Honor?”

The judge waited until he heard the

elevator door click.

"Were either Cox or Delancey hit hard enough to make them lose consciousness for a few minutes?"

"I can't answer that truthfully without a more detailed examination, but Cox was apparently hit the harder. The same blow, which would kill one man wouldn't even stun another. It depends to a great extent on the thickness of the individual's skull, his general condition."

He launched into a technical explanation which none of his listeners understood. Noticing the blank expression on their faces, he broke off in the middle of his clinical discourse, and left the room.

"Rats!" Holland's biting words followed him.

"Call those men back, please," Judge Wright said, and his even voice held a slight edge of excitement, "and have the doctor examine them more thoroughly, as soon as he is through with the bodies."

"Why?" Holland stopped staring out through the window. "What difference does the thickness of their skulls make?"

"Please do, Inspector," the judge insisted. "I assure you that it will help clear up this case."

"It seems to be cleared up. Jackson will tell the whole truth in a hurry, when I crack down on him."

Judge Wright wagged his head.

"If he knows it," he said cryptically. "If you want to be sure of a conviction, you'd better listen to me." He walked over to the window and pointed. "Did you notice this before, Inspector?"

"What?"

"A brand new sash cord." Wright fingered the rope.

"Sure. What about it? Cox must have replaced the old frayed one. He's a good janitor."

"Yes, but why did he leave the window closed? He knows I'm a fresh air

fiend."

The judge raised the sash. As soon as his hand left it, the frame slammed down again. He pulled on the cord, and it came loose.

He peered closer. The end, which should have been tied to the sash weight, had been cut away. Holland also examined the cord then anxiously looked toward the elevator. He saw the indicator moving upward and waited until it stopped. Officer Mulligan, a smile of satisfaction on his flushed face, followed Delancey and Cox out.

The inspector herded them into the apartment and slammed the door in Mulligan's face. Inside, he took Cox by the arm and led him toward the window.

"When did you put in that cord?" he asked.

The janitor's bushy eyebrows went up.

"Yesterday. I didn't want to wait until the old one broke."

"Why didn't you finish the job?" Holland pointed to the cut end of the cord.

"I fixed it right, opened the window, and went about me other jobs."

"Do you have a knife, Superintendent?" Judge Wright asked Delancey pointedly.

Delancey's slim, long-fingered hand went toward his trouser pocket. He kept it there when he saw the door open and Detective Scott return with Jackson. Dr. Pearson also walked in.

"Caldwell was killed around eleven-thirty to noon," the M. E. reported to the inspector. "Barnes has been dead since about ten o'clock. Can I send for the wagon?"

"First take another look at those men. I want to know exactly how hard they were hit."

Pearson motioned to the detective to sit down. When Scott took off his hat, the doctor examined his head painstakingly. In

answer to the judge's inquiring look, he explained:

"He got a nasty bump. Enough to knock him out for a minute or two." He reached into his bag, and took out a bottle. "Here, take one of those, then go home and take it easy for a day or two. All right, Cox." He motioned the sullen janitor to sit down.

"Aw, I'm all right," Cox said shamefacedly, as he put on his hat.

Delancey stopped glaring at Jackson long enough to say to Cox:

"Well, what are you scared of? Maybe I was wrong after all, and you—"

BEFORE he could finish, Cox jumped at him. He swung both fists, and connected. Delancey staggered and bumped into Jackson. All at once, they were engaged in a fierce free-for-all fight. Both the inspector and the judge tried to separate them.

The judge stumbled, tripped over the M. E.'s bag, and fell to the floor, taking Pearson with him. Before he could rise, he heard the sound of breaking glass, and looked toward the window.

Delancey appeared bent on pushing the inspector through the narrow window frame. He had one hand on the Homicide man's shoulder, and was trying to force him through the opening. Jackson's manacled hands were holding his other arm.

Holland braced the lower part of his body against the window ledge. He kicked upward savagely, missed Delancey, and caught Jackson in the stomach. The blow knocked the wind out of the man, and forced him to relax his grip on Delancey's arm.

Detective Scott, who was looking on amazed, apparently unable to coordinate his movements quickly enough to help his superior officer, sprang to life. He grabbed

the inspector's arm and pulled him to safety, then swung a hamlike fist, and struck Delancey full in the face.

The building superintendent staggered, made a half turn then pitched head-first through the window.

The sudden silence in the room was shattered by a piercing scream. The doctor, Holland and Cox rushed toward the broken window. Judge Wright paid no attention to them. Picking himself off the floor, he went slowly over to Margaret, and patted her trembling shoulder.

"Who needs a pill now?" he asked.

Margaret Sinclair tried to avert her eyes, but they remained riveted on the broken glass. She gasped with amazement, when she heard Holland's voice.

"Hey, Scott, give me a hand."

The bulky detective leaned out the window, then stepped over the ledge and disappeared. In a second, his head reappeared, then his shoulders. The girl gasped again when she saw him shove Delancey into the room.

"It's all right, my dear," Judge Wright soothed her. "He only fell three feet. Don't you remember the balcony outside?"

Dr. Pearson, seeing that Delancey was conscious, resumed his examination of the janitor's head. After looking him over, he motioned to the superintendent to come over.

"I'll get my own doctor to look me over," Delancey objected.

"Is that so?" Holland forced him into the chair. "You do as Pearson says."

"It's no longer important, Inspector," the judge intervened. "Just ask him one question."

"You ask it," Holland growled, "I'm listening."

The judge pursed his thin lips, sighed, then took the plunge.

"Will you tell the inspector why you knew no more about the attack than Scott

or Cox?"

"Because I didn't."

"Then how did you know what they told me?" Holland roared at him. "You were still unconscious when I questioned them. Or were you? Go ahead, Doctor—take another look at that head of his!"

Dr. Pearson bent over Delancey. Judge Wright beckoned Holland to the window, raised the lower frame, and pointed to its bottom.

"Is that hair red?" he asked agitatedly.

Holland saw the light. He yelped and pounced on Delancey, but the doctor waved him aside.

"This wound could not cause unconsciousness," he announced. "It's a mere scratch."

"So when they left the room," Holland's voice rose in accusation, "you knocked out Cox, waited for that dumb Scott to come back and slugged him. You cut the cord on the window sash, carefully let it drop on your head, and faked unconsciousness, to make me think that Jackson did it!"

"Jackson did it!" Delancey reasserted.

"How could he slug all three of you?"

Judge Wright called his secretary.

"Come, my dear, we must go and comfort my daughter. Now that the inspector can prove that Delancey dropped the window on his red head after hitting Cox and the Homicide detective. I'm sure he has ways of getting a confession from him."

"You're right about that, Judge. But—his motive?"

AGAIN Judge Wright sighed, exasperated. He indicated Jackson.

"He can explain it to you. What more do you want from me? I found the victims, I caught your criminal, and showed you how to convict him. Aren't you satisfied?"

Jackson held out his still manacled hands to the judge.

"Thank you, Your Honor! My auditor swears that Delancey was embezzling funds, so the inspector will be satisfied. Delancey queered my first deal for the building, because he wanted it for himself. It'll be a gold mine, with the housing shortage. He bumped off Caldwell to keep him from buying it."

"That was after my poor son-in-law had confronted him with an earlier audit," Judge Wright interrupted. All the suppressed weariness and heartbreak looked out now from his sunken eyes, as he forced himself to continue. "Delancey could see no other way out. He killed my son-in-law, then when Caldwell found him, he committed the second murder. He thought he was clever enough to get the police to arrest Jackson for the double killings." He pressed his hands to his palpitating heart. "It's just as well that I'll have to disqualify myself. It will be one trial less before I can retire."

Delancey sank into the nearest chair, and glared at the judge as he wearily left the apartment. Inspector Holland removed the handcuffs from Jackson, and put them on Delancey's limp wrists.

His scowl changed to a compassionate smile, when he heard Miss Sinclair insist:

"Your pill. Judge! You've had too much excitement for one day."