

A "Judge Steele" Story

by Lon Williams

A Matter of Venue



Judge Steele was in rare good humor—so much that he sustained French Demeree's objection; the attorney continued the questioning, in a sort of dazed fashion . . .

It was these danged technicalities in the law that made Judge Wardlow Steele curse the day he took to the bench, and yearn for Vigilante justice!

JUDGE Wardlow Steele strode heavily and grouchily into a crowded courtroom and slid onto his split-log bench. A puncheon table in front of him received his sixgun, as part of his ritual of opening court. His blue eyes, savage and remorseless, swept his audience, a motley throng of blackbeards, frost-eyes, cutthroats, and bums. Be-consarned if he could figure how Flat Creek citizens ever

got it in their stubborn heads that a law-court was better than Vigilante procedure. And why they ever thought Steele was cut out for a judge, puzzled him even more. But he'd been hornswoggled into it and, by thunder, he'd stick it out if he had to hang every thievin', murderin' coyote from Red Gulch to Powder River.

He nodded at Sheriff Jerd Buckalew. "All right, Bucky."

Raw-boned, poker-faced Buckalew pounded with his .45. "Court's now in session; anybody stickin' his' neck out will get it chopped off."

Judge Steele spat into his sandbox. "Clerk, call fust case."

A tall, skinny scarecrow got up and steadied his long fingers on a paper. "People versus Tollett Billings, alias Nevada Bill; and Gilbert, alias Wolf Riner. Charge, first degree murder."

Judge Steele looked down at a couple of lean, hard-eyed scoundrels of about thirty years, sandy-haired and stubble-mugged. "Murder, eh? Trouble with horned toads like you fellers is, you ain't got no imagination. Didn't figure we'd hang you, did you? Well, by thunder, just stick around a while and see. You got a lawyer?"

A tall, sharp-faced character in scissor-tail coat and overworked white vest stood up. "I represent these gentlemen, your honor."

Judge Steele agitated his straw-colored mustache in scorn. "Ah, we have Mr. French Demeree with us—the gent who came from Tennessee for his health a fortune." He sniffed. "Too bad your health didn't give out before you got here." He glanced left. "Whar's our lawyer?"

A chunky hardcase with red hair got up. "Prosecutor Wade Claybrook, your honor."

"Well, Wade, I hope you got your mind made up to help do some hangin'."

"If your honor please, I expect to proceed in accord with legal and constitutional principles."

Judge Steele spat in disgust. "I was afeerd of that. But anyhow what's fust, Mr. Prosecutor?"

"State your reason, Demeree."

"Prisoners should plead," said Claybrook, resuming his seat.

Judge Steele glared at Billings and

Riner. Meanness stuck out all over them. "All right, you skunks, plead."

French Demeree got up. "Defendants plead not guilty."

"They always do," growled Judge Steele. "Even if we saw 'em walkin' up and down town, murderin' people right and left, we'd still have to prove 'em guilty. Well, by thunder, this is one time it ought to be easy. Call a jury, Skiffy."

"Hank Mallicoat!" shouted Skiffington.

A bearded gold-digger shoved his way up and sat down.

Demeree arose. "Challenge him for cause, your honor."

"State your reason, Demeree." "He is not *bonus, propus, et legalis homo, omni exceptione major*, as required by law."

Judge Steele felt his eyes get hot, and breath shot out of his nostrils in a puff. "Demeree, what in tarnation are you sayin'?"

Demeree swallowed. "Prospective juror has expressed an opinion that these gentlemen ought to be hung."

"Well, blow me, anybody who had a different opinion would be an imbecile. Objection overruled. Skiffy, call next man."

"But, your honor—" shouted Demeree.

"I said overruled. And just between you and me, Demeree, you're getting off to a bad start."

"Doug Bennington!" Skiffington shouted.

A lanky, hard-jawed miner reported forward and sat by Hank Mallicoat.

"Object to him, your honor," said Demeree. "He was a special deputy, and was present when these gentlemen were arrested."

Judge Steele leaned forward and propped his chin on his knuckles. His temper was getting frayed. "Demeree, if you can't think of a better objection than

that, you set down and stay set. Bennington is exactly what we need on this jury. Next man, Skiffy.”

“Colfax Billings!” A lean, foxy-looking hombra rose sullenly and came forward.

Judge Steel stared at Wade Claybrook. “Any objections?”

Claybrook got up. “I object, your honor; he’s a cousin to defendant Nevada Bill.”

Demeree popped up. “No proof of that, your honor.”

JUDGE STEELE leveled his eyes at Colfax Billings. “You can answer that, and you’d better answer it straight.”

Colfax Billings lifted his sharp chin. “I’m his cousin, and proud of it.”

Judge Steele grunted. “You may be sorry you said that; get off that juror’s bench.” He nodded to Sheriff Buckalew. “Jerd, have him throwed out.”

Billings had a side-gun, but he didn’t draw. A couple of deputies seized him, took his gun, crow-hopped him out, and flipped him into a somersault.

Demeree, regarding atmosphere and tempers as getting dangerous, raised no more objections as to jurors. Shortly, twelve men looked down from their elevated puncheons, faces hard and impassive. Judge Steele looked them over. A good jury, he figured; at least seven Vigies among ‘em. “All right, Mr. Prosecutor, call your witnesses.”

Claybrook got up and read a list. “Panthea, alias Pansy Sanderlin; Sneed Granville, alias Slick-finger Granny; Deputy Dan Trehwitt. Correction, your honor—Sneed Granville will not be called.”

“Demeree, you got anybody gigged up for your side?”

“No witnesses, your honor.”

Claybrook’s witnesses stood up and were sworn. Panthea Sanderlin obeyed a nod from Claybrook, advanced, and sat on a nail keg reserved for witnesses. Trehwitt sauntered into a back room.

“Your name, please?” Claybrook asked, looking at Panthea.

She was a slim blonde of about twenty-five, dressed in pink silk, with frills and ruffles. A red jewel sparkled from one ear, a blue from its opposite. A gold chain ornamented her curving neck. From its front hung an emerald of extravagant dimensions. One blemish marred her lovely, doll-face—a dark spot, slightly swollen, above her left eye. She looked pale, and her pretty fingers twisted and pulled at a lace handkerchief. “My name is Miss Panthea Sanderlin,” she said in a clear, high voice.

“What is your occupation?”

Judge Steele tapped lightly with his sixgun. “Now, see here, Claybrook, you don’t need to go into that; people’s occupations are their own business, so long as they’re legal.”

“Thank you Judge,” said Miss Sanderlin.

Claybrook tugged at his collar. “Miss Sanderlin, take a look at those two prisoners. Have you ever seen them before?”

“I have.”

“Where?”

“Well, they chased our stagecoach and shot—”

Demeree sprang up. “Object, your honor. Answer is not responsive to question.”

“That’s correct, your honor,” Claybrook interposed quickly.

“You’re mighty quick to agree,” growled Judge Steele. “I reckon you call that proceedin’ accordin’ to legal and constitutional principles. Why don’t you

men just shut up and let this lady tell her story?"

Panthea fanned herself with a delicate hand. "Judge, I wonder if I could have a small drink? I feel faint."

"Certainly," Judge Steele replied. "Bucky, pass over that glass. Who's got a bottle?"

"I prefer Scotch, if you don't mind," said Panthea.

A deputy sheriff promptly supplied her wants. "Here you are, Miss. Flat Creek's best."

"Thank you, sir; you're so nice." She poured half a glass and sipped lightly.

"Now, lady," said Judge Steele, "we got a couple of varmints on trial here for murder. You just go ahead now, and tell us all you know about it."

PANTHEA looked languidly at Judge Steele, then shifted her attention to Sneed Granville. Granville was sitting just back at Claybrook, a bandage around his head showing a pink spot. He looked every inch a gambler—black suit; thin, black mustache; diamond shirt studs; and swarthy, poker face. His right eyelid pulsed, but nothing else about him moved.

"All right," said Panthea Sanderlin, "I'll tell you all about it." She took another sip of liquor. "I was a passenger on Hugh Laminack's stagecoach out of Cosby Gap last Saturday. Hugh Laminack was its driver, you know. Most people called him Hugh Limberneck, though I don't know why; do you, Judge?"

"I have no idear," said Judge Steele.

"Well, Mr. Laminack had a guard up beside him. His name was Reece Towlan, or Reece Towhead; some called him one thing, some another. And there were two passengers besides me—Mr. Granville back there was one. He doesn't remember anything about those murders, because he got hurt right as things were starting to get

hot. Our other passenger was poor Mr. Oxby. Fiddlin' Rufe, he was called. He had his fiddle with him, too, and wanted to play it before we even got started."

"If your honor please," said Claybrook, "all this is beside—"

"Now, see here, Wade Claybrook—"

"All right, your honor."

"Proceed, lady."

Miss Sanderlin took a sip of whiskey. "As I was saying, we were about ready to pull out of Cosby, when Mr. Granville called up to Mr. Laminack and said—"

Demeree shouted as he rose, "Objection, your honor. She can't tell what somebody said."

"Why can't she?"

"It's hearsay."

"Claybrook, ain't you got no answer to that?"

"He's right your honor."

Judge Steele pulled his brows together. "Look here, Claybrook, are you on his side, or on our side? Well, it draws no water with me either way. Lady, you go on and tell what happened, as well as what was said."

"Thank you, Judge. You know, I think you're a fine person. Well, as I was saying, Mr. Granville wanted to know why we were pulling out thirty minutes early, and Mr. Laminack explained that it was orders. But do you know why, Judge? It was because of all that gold that was being shipped out of Cosby. Twenty thousand dollars. That early start was to confuse anybody who might have been thinking of a robbery."

"Now, your honor," said Demeree, "a witness is not permitted to indulge in suppositions and conclusions."

"Demeree," said Judge Steele, his voice drawn to a wire edge, "for once I'm going to sustain your objection. Now, lady, will you just tell us what happened, and we'll let our jury draw a conclusion as

to what robbers you're talkin' about."

PANTHEA emptied her glass and filled it part-way again. "Now, let's see. We left Cosby right after breakfast and traveled eastward through Cosby Gap. It's a long, winding road, and Mr. Laminack let his horses take their time. He was a good driver and his four big, black horses were spirited, but never unruly. Well, Mr. Oxby got out his fiddle and started to play it, but Mr. Granville said—that is, Mr. Granville made him stop. It was because Mr. Oxby, Fiddlin' Rufe, that is, had been drinking, and he was a little off-key—especially on high notes.

"It was ten miles to Ditney Junction, where we made our first stop. Lost some time there, on account of Mr. Granville got detained by friends, and Mr. Laminack waited, though not without a few hard words about it."

Claybrook jumped up. "If your honor please, I'd like to know who those friends were."

"So would I," said Panthea Sanderlin, "but I don't know. Mr. Granville has lots of friends; it could have been anybody." She cast a dreamy look at Judge Steele. "Shall I proceed?"

"Certainly."

"Let's see. What was I telling, anyhow? Oh, yes. About those men there, who chased our stagecoach. Well, out of Ditney Junction there's a long, winding road up Hardluck Ridge, down again, then up again. They hit us on Mallaby Hill."

"Who hit you?" asked Claybrook.

"Why, those men there."

"What do you mean by saying they 'hit' you?"

"Well, just before we reached Echo Pass, Mr. Laminack saw them riding down fast from a north trail, meaning to hem us there."

"Object," said Demeree. "Witness

can't draw conclusions."

Judge Steele spat in his sandbox. "That's right, lady; our jury will draw that conclusion for us. You just tell what happened."

"All right, Judge. Now, Mr. Laminack was a fine driver, or did I tell you already? Well, he was spunky, too. He yelled down and said—"

"Objection," shouted Demeree.

"He warned us," said Panthea, "that he meant to make a run for it. So he swung his whip and yelled. Those fine horses leaped against their traces and swung into Echo Pass full tilt. Shooting commenced then, and it sounded like a thousand running horses and ten hundreds of guns banging. And to cap it all, poor Mr. Oxby commenced to play his fiddle. He was pretty drunk by then—but he could play, drunk or sober, and he played and played. Everything together was most awful; horses tearing around curves; stagecoach rumbling; guns roaring; and echoes making everything sound a million times more terrible than it was. Poor Mr. Oxby began singing, too, and every now and then he shouted, 'Glory be!' and 'Halleluliah!'

"Then all of a sudden his fiddle clattered down, and poor Mr. Oxby slumped down after it, a hole through his poor head. Then we were out of Echo Pass onto Mallaby Hill. Ever been to Mallaby Hill, Judge?"

Judge Steele shook his head. "Proceed, lady."

"You ought to go to Mallaby Hill sometime," said Panthea. "It's a high, windy place, level for miles and miles—except for little dips and queer heaps of stones, now and then. It's a place where horses can run, and Mr. Laminack put them to it. Those badmen came right on, too, their bullets whistling close. Poor Mr. Towlan, lying above us, let go every so

often with a rifle. It wasn't much you could see, looking back, for dust rolled up and poured westward. Now and then a robber's head could be seen, rocking up and down, one second clear of dust, then disappearing. Mr. Towlan banged away, then he yelled, 'I got one of them—'

"Never mind what he called them," said Judge Steele. "Any name's too good for such likes as they are."

MISS PANTHEA SANDERLIN stole a glance toward Sneed Granville, whose right eyelid flickered downward. "Ahead of us was that huge tower of a place called Buffalo Head Rock. It must have been three or four miles we'd come on Mallaby Hill, when that rock loomed up ahead. Poor Mr. Towlan had quit shooting. Mr. Laminack was still yelling and swinging his whip but his horses were tiring. It was then those two robbers closed in, one on each side of us.

"All of a sudden poor Mr. Laminack quit yelling, and then I had a feeling that our horses were running free. Sure enough, I looked out and saw lines dragging, and there was Mr. Laminack, lying back, an arm hanging down. There, too, was one of Mr. Towlan's legs hanging over. It was nearly another mile, though, before those bandits got our horses stopped and one of them came back to look for gold. He didn't find it, however, for coming over a rise were a dozen riders. You should have seen those robbers clearing out of there then, swearing like everything, and those fresh riders thundering in to chase them ragged. I guess I sort of fainted, too, because I'd been bumped and maybe scared. See that bump on my forehead, Judge? Then, too, there was poor Mr. Oxby—"

"That's all right," said Judge Steele. He glanced at Prosecutor Claybrook. "Any questions, Wade?"

"No questions."

Demeree got up with an air of confidence. "I'd like to cross-examine, if your honor please."

Judge Steele leaned back. "Your privilege, Demeree." This case, he thought, was going fine. Lawyers hadn't been a pain, like they usually were. When things moved along like they ought to, he didn't mind being a judge.

Lawyer Demeree hid his thin hands behind his back. He looked at Panthea. "You say your name is Miss Pansy Sanderlin?"

"Panthea is rightly my name." She glanced at Sneed Granville and added, "My close friends call me Pansy."

Demeree appeared to study. "Let's see now. Miss Pansy, you said that Reece Towlan quit shooting and Hugh Laminack ceased driving." He lifted his eyebrows. "Is that right?"

"You heard her," snapped Judge Steele, impatient suddenly. "Why have her repeat it?"

"For an extremely important reason, your honor."

"It better be important. That's no occasion here for nonsense."

"Now, Miss Pansy," Demeree resumed. "You said you put your head out and saw Laminack's arm and Towlan's leg hanging down. Is that right?"

"It is."

"You said you were then near Buffalo Head Rock. Is that right?"

Panthea glanced at Sneed Granville. Granville's right eyelid lowered.

"That's right," said Panthea.

"Another question," said Demeree. "You put your head out, you said. Was that before you passed Buffalo Head Rock, or after?"

Panthea stole a look at Sneed Granville. Sneed's lips moved as if saying "Before". Panthea looked at Demeree. "It

was before we passed Buffalo Head Rock.”

Demeree nodded gratefully. “Thank you, Miss Pansy.” He put back his thin shoulders then and gave Judge Steele a determined look. “Your honor, I move this indictment be squashed and also that these defendants be set free.”

Judge Steele was up like a steeltrap. “By thunders, Demeree, I’d been thinking we’d get through one case without your makin’ a monkey of yourself. What do you mean by making such a dang-fool motion as that? Do you mean to stand there and tell me you’re asking me to turn them murderin’ polecats loose? Well, do you?”

“I certainly do, your honor.”

“Of all scummy nerve and lowborn gall! Sheriff, I don’t know how much longer I can put up with that axe-faced stinker.”

“Want ‘im heaved out?”

JUDGE STEELE jerked at his mustache with both hands. He looked over his tense, silent spectators, searching for a certain six-footer with fierce black eyes and short, black mustache. Where in tarnation was that Bill Hacker? His anger was rising to a point where he wasn’t going to be able to control it much longer, without help.

Prosecutor Claybrook eased up. “You might let Mr. Demeree state his reasons, your honor.”

“Reason? Whar in tarnation could thar be any reasons for turnin’ a couple of murderin’, thievin’ varmints loose on society? But, by thunder, I’ll let him give his reasons; maybe we’re about to see a miracle.”

Demeree kept a placid face. “Case was brought in wrong venue, your honor.”

“What in thunderation do you mean by that?”

Wade Claybrook got up slowly. “I can explain that, your honor.”

Judge Steele eyed him coldly. “Wade Claybrook, I can see it in your sneakin’ countenance; you’re about to take sides with that axe-faced Demeree again. You was elected prosecutor because we needed a lawyer on our side. But, blow me, if you ain’t been on Demeree’s side—”

“I’m sorry if your honor thinks so, but law is law. What I mean to say is this: our Grainger county line runs through Buffalo Head Rock. Since it is clear from this lady’s testimony that Laminack and Towlan were killed in Rumsey County, defendants cannot legally be tried in our county, a county in which they committed no crime. That’s what Mr. Demeree means by venue being wrong. In other words, we have no choice but to—”

“Don’t say it,” Judge Steele shouted. “And don’t tell me we can’t legally try a couple of lowdown murderers we’ve got here in our court. A murder is a murder, by thunder, and a hangrope is a hangrope. You lawyers have got more stupid idears than any class of humans on earth. If you think I’m goin’ to let them scoundrels loose, you got another think comin’ Sheriff—” Judge Steele looked down at Sheriff Buckalew, but as he did so his eyes fell upon a square-shouldered six-footer with dark, cold eyes and a couple of sixguns. “Ah!” Judge Steele exclaimed with relief. “Bill Hacker, come up here.”

“Coming, Judge,” said Hacker. He stepped up beside his harassed friend and sat down. “Have a seat, Wardlow, and let’s see what’s wrong.”

Judge Steele sat down. “Them snivelin’, worm-eaten, ox-brained lawyers have got me whupped again, Bill. You made a mistake when you got me elected judge. Besides, we ought to stuck to Vigilante; that way we wouldn’t have to bother with such tommyrot as lawyers.”

"Sometimes I think you're right, Ward," said Bill. "But maybe things will work out. What you mostly need is a little moral support here and there. It's not your fault that things get snarled; you're a fine judge. It's these lawyers who hobble things, but they're a necessary evil, I suppose. Now, let's see. It was a matter of venue, I believe."

"Yeah, whatever that is."

"It's not what it sometimes looks like, Ward. I've been standing back out of sight, but keeping an open eye. That dude down there with a bandage around his head has been giving signs to this lady, advising her what to testify."

Judge Steele's eyes bore down with uncommon savagery. "Sneed Granville, eh? He wasn't supposed to know anything about this. Claimed he was hit by a bullet fust off and couldn't remember nothin'. Maybe he's in cahoots with them two foul-smellin' billygoats."

"Anyhow, he's a well-known character, Ward. Called Slick-finger Granny where he's best known." Bill Hacker nodded at a black-whiskered giant who stood with several other hard-faced gold-miners in a semicircle back of Sneed Granville. "Lige, take that bandage off his head."

Blackbeard snatched it off quicker than lightning, and there was no sign of a bullet scar. "Look at his head, Bill. Clean as a whistle."

But with equal speed, Granville was on his feet, facing rear, derringer in hand. "Stand where you are," he snapped viciously. "First one to move will get a bullet in his heart."

Bill Hacker eased down. "Hold everything, Ward." He drew a sixgun and held it at hip level. "You're covered, Slick-finger Granny. Just reach, because if you don't—"

Granville's hands went up. Hacker's men disarmed him and dragged him out, Bill following.

IN A COUPLE of minutes Hacker was back beside Judge Steele. "Now, Wardlow, ask Miss Sanderlin if she'd like to try again."

"Lady," said Judge Steele, twisting round, "was it before or after you reached Buffalo Head Rock that you poked your head out?"

Panthea took a sip from her glass. "I'll tell it straight, Judge. It was *after*. In fact, it was almost a mile after we'd passed. Until then, Mr. Laminack had been whooping and cracking his whip."

Wade Claybrook got up. "Your honor, this woman has been guilty of perjury because of what she previously swore; I suggest she be held for prosecution."

Judge Steele glared at Claybrook. "You don't say! Well, you're mighty late comin' up with somethin' smart. I suggest you set down." He turned to Miss Sanderlin. "Lady, you're excused. And thank you kindly."

Panthea needed a little steadyin', and a deputy offered his services.

"Now, I'm all right," she told him cheerfully. "But thanks."

Judge Steele swung round again. "Claybrook, we don't need no more witnesses. You jurors high-tail it into that back room and meet yourselves comin' back with a verdict."

They filed out, attended by a deputy. They turned around and came back in.

"All right, gentlemen?"

Juror Hank Mallicoat rose. "First degree murder."

Judge Steele swung again. "Bill, where'd your men hang Sneed Granville?"

"From that pine tree behind Carriger's livery barn."

“Bucky, hang them two skunks there too.”

Judge Steele got lip and holstered his sixgun. He drew a sleeve across his face. After a troubled moment, he said, “I’ve got to quit tryin’ to be something I ain’t cut out fer. You ought to been judge, Bill; you’ve got education—sense as well.”

Hacker filled his pipe with tobacco crumbs and fired up. “No, Wardlow. We made a good selection—best possible. You’re a fine judge, in fad, none better. All you need is patience, and maybe a bit of moral support in pinches.”

“You mean to say we won’t ever go back to Vigilante?”

“That’s right, Wardlow, even if we do have to put up with characters like Claybrook and Demeree. Men before us have tried it both ways, and they’ve found it better this way.”

Wardlow Steele sleeved his face again. “All right, ‘Bill, I’ll stick; I’ll stick because I sort of understand what it is you see, Bill—a town, peaceful, built on law and order. It’s wuth it, too, even if we do have to look at bug-eyed dead men in our dreams. Reckon there’d be just as many of ‘em if we stuck to Vigie methods—and, who knows, we might even get excited and hang some poor cuss who didn’t do nothin’!”

