

AND SATAN CAME ALSO

"Judge Steele" Story

by Lon Williams



"Bill, these lawyers have got me whupped to rags. . . . You ought to have been judge, 'cause you're educated. I'm so ignorant, I don't know my way home."

The more experience he got, the surer Judge Steele became that he didn't belong on the bench. And here was a murderer before him—but Defense Attorney Demeree was so positive he'd acquit the scoundrel that he didn't challenge a single juror!

JUDGE WARDLOW STEELE mounted his judicial rostrum and eased onto a split-log bench, worn slick already by frequent use. He laid his six-gun on a puncheon table before him and for several seconds contemplated it through savage blue eyes. He had not yet reached a conviction whether his clumsy court of law and justice, or gunpowder, was to be final arbiter of criminal destinies at Flat Creek. Lately he'd begun to see things as his friend Bill Hacker saw them; that is, as a slow, yet inevitable transition from Vigilante

methods to orderly administration of law. But at his last two court sessions his faith had sustained jolting setbacks; his jury had acquitted a pale-eyed lobo accused of stage robbery on Emory Road and a squint-eyed coyote accused of horse stealing at Cold Spring Junction. Glib witnesses established a convincing alibi in each case, hence he could not censure his jurors. But if looks and past history meant anything, those two scoundrels should've been hung on general principles.

Judge Steele gave his straw-colored mustache a

couple of jerks in opposite directions. "All right, Sheriff, call court."

Sheriff Jerd Buckalew, tall, rawboned and pokerfaced, hammered with his .45 on an inverted cracker barrel. "Court's now in session. Anybody disturbin' same will find hisself tied in a knot." A dozen hard-faced deputies standing back of him nodded in indication that Bucky's words constituted no idle threat.

Judge Steele delayed further action, while his eyes made a roving courtroom survey. As usual, here was a crowd of grimy, black-whiskered gold diggers and a scattering of bleary-eyed sots, cutthroats, drifters, and bums. This time he observed a peculiar and somewhat distinguished looking goat whose face had just recently become familiar. Name was Flem Fergusson. But who was he? He had thick gray hair, a graying mustache trimmed to a point, sharp eyes, an arrogant demeanor, and an air of unlimited self-confidence.

Here, thought Judge Steele, is something as different as a black sheep. What this Flem Fergusson is up to is anybody's guess, but it is as sure as shootin' he's come to Flat Creek for an evil purpose. Back in his hostile, turbulent mind, Judge Steele retained a vague memory. It was about a good man who went forth to sow wheat, when Old Horny came also, and sowed thistle seeds. This sharp-whiskered, insolent, self-confident goat sitting back there made him think of that old story. Also, Judge Steele felt an itching which made him rub his neck, and small voices, whispering out of long-past years of hard experience, told him he was in for trouble.

Well, trouble let it be. He leaned over his sandbox and spat. "Skiffy, call fust case."

Clerk James Skiffington creaked and stretched his thin body and its ill-fitting garments upward and steadied nervous fingers on a sheet of paper. His voice was crisp and cold. "Dockney Waddell, alias Dock Waddle, alias Waddle Duck. Charge, first degree murder."

Judge Steele looked down to where prisoners customarily sat. His gaze rested upon a thick-necked, flat-faced, sandy-haired, insolent-eyed scoundrel who looked like he could have murdered his grandma without batting a blinker.

"Murder, eh? You didn't know we hang murderers in these parts, I reckon. Well, sir, you're about to git educated. What's your plea?"

A tall, axe-faced character in scissor-tail coat

and dirty white vest stood up. "I'm his attorney, your honor. French Demeree, from—"

"Yeah," snarled Judge Steele, "French Demeree from Tennessee. Are you sure you didn't leave that state just two hops ahead of a deputy sheriff?"

"Came west for health and fortune, if your honor please."

Judge Steele's nostrils dilated. "I presume you refer to your own health; you're not makin' it healthy for anybody else. What's your plea?"

"Not guilty," Demeree said, and sat down.

"Not guilty!" Judge Steele scoffed angrily. "You mean he's guilty, but we've got to prove it before we can hang him. Well, we can shore do it. Whar's our man?"

A chunky redhead rose with an air of assurance. "Wade Claybrook, your honor; prosecuting attorney."

"Humph!" Judge Steele grunted. Recent experience had inspired in him an unhealthy contempt for Wade Claybrook. "Prosecuting attorney! It's a misnomer, if you ask me. You look like a cannon, but you go off like a popgun. Suppose, for a change, you pitch in and help us rid society of one of its obvious misfits." He glanced down at Sheriff Buckalew. "Panel a jury, Sheriff."

BUCKALEW handed over a list, and as Clerk Skiffington called names, men came forward one by one and took their elevated seats, long-beards and short-beards, rock-jaws and iron-jaws. "A good jury," Judge Steele figured, as he looked them over. He wondered why Demeree hadn't objected; at least five of them were Vigies. But Demeree was mysteriously content. Which could mean but one thing; old Axe-face had a trick up his sleeve. As Judge Steele wondered what that trick could be, Demeree turned for an exchange of glances with Flem Fergusson. So Demeree was in cahoots with Fergusson, was he?

Judge Steele felt his blood pressure rise suddenly. "Witnesses be sworn!"

Four witnesses came forward, a short gold digger, Deputy Sheriff Dan Trehwitt, and a couple of middle-aged varmints who made Judge Steele think of pickpockets. All were sworn and herded off to a witness room.

With a suspicious eye on Flem Fergusson, Judge Steele snapped, "Call fust, witness!"

Prosecutor Claybrook got up. "Howard, alias Brass-knucks, Toomey."

Toomey was ushered in by a deputy and seated on a nail keg reserved for witnesses. He was a tough, gray-eyed miner in his late thirties, determined, but honest looking.

"Your name?" asked Claybrook.

Judge Steele interposed angrily, "I thought you knewed his name."

"All right, your honor. Now, Brass-knucks Toomey, did you or did you not ride by Sam Proudfit, or Dough-belly Proudfit's shack on Sunday morning, last?"

"That's right."

"Thunderation!" exclaimed Judge Steele. "What kind of an answer is that? Did you ride by Dough-belly Proudfit's shack last Sunday morning, or didn't you?"

"That's right, I did."

"Then give an answer that makes sense next time."

"Did you, or did you not hear strange sounds emanating from Proudfit's shack?"

"Yes, sir."

"Consarn it!" Judge Steele roared. "Did you, or didn't you?"

"I did."

Judge Steele leaned on his puncheon table. "Mr. Claybrook, won't you please show just a little bit of sense? Ask him one question at a time, and quit this double-barreled business."

Demeree got up. "I object to that question anyhow, your honor. It's leading."

"What do you mean, it's leading?"

"Because it suggests its own answer, your honor. He should ask witness what happened."

"All right, witness," said Judge Steele, "tell what happened."

"Glad to," said Brass-knucks. "Me and Sam, Dough-belly, that is, had claims side by side in Smalley Gulch. Good diggin's, too. We got suspicious somebody was claim-jumpin' at night, workin' our gold. So we made a trade; I'd watch one night, Dough-belly'd watch next. We both worked all day Saturday, then Saturday night was my night to watch. Sure enough—"

Claybrook got up. "Now, if your honor please, all that's got no bearing on this case. I suggest—"

Judge Steele relaxed. "You ask him then, Mr. Prosecutor."

"Brass-knucks," said Claybrook, "tell what you heard as you rode by Dough-belly's shack Sunday morning."

"I heard groans. You see, I wasn't ridin' by; I was ridin' up. After I'd caught that night-prowler workin' Dough-belly's claim and banged his head with a shovel and got him safe tied, I rode in to get hold of Sheriff Buckalew. Only Dan Trehwitt and another was to be found at Flat Creek jail, so me and Trehwitt went back to drag in this sneak-thief. It wasn't just me who stopped at Dough-belly's; it was me and Trehwitt both. And we had this sneak-thief slung over my horse, because Trehwitt is a big, heavy man, and this sneak—"

Demeree got up. "Your Honor, I don't see what all this has got to do with anything."

Judge Steele's mustache wormed with sarcasm. "Mr. Demeree, are you intimatin' that this court is responsible for your lack of comprehension?"

"No, your Honor."

"That's fine, so set down. Proceed, Mr. Witness."

"Well, me and Trehwitt was bringin' this thievin' skunk in to jail, and we figured it'd be good news to Dough-belly if we rode by his place and showed him what we'd got. But when we stopped by Dough-belly's door and yelled, all we heard in answer was groans. Deputy Trehwitt said—"

"Object to what anybody said," shouted Demeree.

"Just tell what happened," said Judge Steele.

"We got off our horses, leavin' them standin' with that claim-jumpin' polecat still slung over my horse, and went in to see what was wrong with Dough-belly. You see, Dough-belly had panned out plenty of dust, and a lot of that he'd traded for gold money. Wouldn't trust nobody, such as a bank, or Wells-Fargo. Had his gold buried somewhere. Told me he had ten thousand in gold coin, mostly double eagles, besides what dust he had. Figured to go back East after another six months. Only last week he said to me—"

"Object," shouted Demeree.

Claybrook got up. "I object, too, your Honor. All this is irrelevant and immaterial."

Judge Steele controlled his temper with difficulty. "If this court didn't have to be bothered with lawyers, it might get somewhere. Objections overruled. Proceed, Mr. Witness."

Brass-knucks Toomey resumed his story. "Well, when me and Deputy Trehwitt got off our horses, Trehwitt banged on Dough-belly's door. Nobody answered, only that groan again. Trehwitt says,

‘Come on, Brass-knucks, they’s somethin’ wrong.’ And was they! There was Dough-belly, layin’ flat on his back, his shoes off, and blood all around. He’d been knifed, blood had run out of his mouth and nose, and his nose was still blowin’ red blubbers. And that ain’t half of it. All his toenails had been pulled out, and three of his fingernails. Somebody had come to rob him and couldn’t find—”

Demeree sprang up. “Object, your Honor. Witness is not allowed to draw conclusions.”

“Objection sustained,” said Judge Steele. “It’s plain some flat-faced hyena had tortured Dough-belly into tellin’ where his gold was hid.”

“That was what I was coming to,” said Brass-knucks Toomey.

“We’ll just pass over that,” said Judge Steele. “What else did you see that proves hangin’ is too good for some varmints?”

“It wasn’t so much what we saw,” said Toomey. “It was what Dough-belly said.”

Demeree got up. “Object to what anybody said.”

Judge Steele leaned forward. For once he felt confident. “Demeree, we’ve been through this question before. Dying declarations are admissible in evidence.”

“No proof that Dough-belly was dying. That wouldn’t be enough anyhow. It’d have to appear that he knew he was dying.”

“Was Dough-belly dying?” asked Claybrook.

“He died while we was there,” said Toomey. “We stayed about twenty minutes.”

“Did Dough-belly know he was dying?” asked Claybrook.

“Now, your Honor,” said Demeree, “witness should not be permitted to draw conclusions.”

Judge Steele looked at Wade Claybrook. “Mr. Prosecutor, what’s your answer to that?”

Claybrook lifted his chin. “Mr. Demeree is right, your Honor.”

JUDGE STEELE put his hands down and wiped them on his knees. “I figured you’d lay down and purr like a tabby-cat. Be-consarned if you couldn’t at least call Axe-face a liar, or a buzzard, or something, once in a while. Looks like you’re on his side anyhow. But never mind; what we want to know is, did Dough-belly know he was dyin’. Can you tell us how to find out, Mr. Prosecutor?”

“No, your Honor, except by asking Brass-knucks Toomey.”

“Then ask him.”

“Brass-knucks, did Dough-belly talk any to you and Trewhitt?”

Demeree objected. “Now, your Honor, he’s fixing to ask what Dough-belly said, and he can’t tell that, because it’d be hearsay. I object.”

“Mr. Claybrook,” said Judge Steele, “you go on with your fixin’. We’re goin’ to find what this witness knows, accordin’ to law, or otherwise.”

“Did Dough-belly talk?” asked Claybrook.

“Yes,” replied Brass-knucks.

“What did he say?”

“Object!” shouted Demeree.

“Now, see here,” said Judge Steele to Claybrook. “You’ve got to prove Dough-belly knowed he was dyin’, before you can ask what he said.”

Claybrook swabbed his face. “What was Dough-belly doing?”

“He was a-layin’ there flat on his back, kind of jabberin’. ‘One finger,’ he jabbered.”

“Now,” said Demeree, “he can’t tell what somebody said by referring to it as jabbering.”

Judge Steele nodded at Claybrook. “It’s your problem, Mr. Prosecutor. Go ahead and find out from this witness if Dough-belly knowed he was dyin’.”

Claybrook looked at Toomey. “Did he talk any more?”

Toomey shook his head. “Just them two words. Said ‘em over and over.”

“That’s all,” said Claybrook, swabbing his face and sitting down.

“No cross-examination,” said Demeree. He waited until Toomey had gone out, then said, “Your Honor, I move that testimony as to what Dough-belly said be stricken. Jury should not consider it, because it was not shown to have been a dying declaration.”

Judge Steele tossed a knowing look to his left. “We’ll let our jury decide whether or not it was a dyin’ declaration. Another thing.” He glared at defendant Dockney Waddell. “Hold your hands up thar.”

Demeree sprang up. “Your Honor, under our constitution an accused person may not be required to give evidence against himself.”

Claybrook got up. “That’s correct, your Honor.”

Judge Steele was too mad to speak for seconds. Then he gritted, “All right, by thunder, but if I was on a jury and a murderin’ skunk refused to show

his hands, I'd figure he had a reason. Next witness!"

Claybrook nodded at a deputy. "Call Deputy Trehwitt."

Judge Steele cast a quick look at Flem Fergusson. *That sharp-whiskered billy goat is as satisfied with himself as if a dancin' beauty had just called him handsome. It makes a feller mad, just lookin' at 'im,* thought Judge Steele.

DEPUTY TREWHITT came in and sat down. Time was consumed while Claybrook spread down an assortment of objects on a puncheon. They consisted of a box of gold coins, ten small heavy bags commonly used for gold dust, a pair of bloody wire snips, and a bloody knife.

"Mr. Trehwitt," said Claybrook, "do you recognize these articles?"

"I ought to; I got 'em out of Waddle Duck's shack. Them nippers had a bloody toenail stickin' to 'em, Waddle Duck had blood all over his sleeves, and that knife—"

"Your Honor, I object!" shouted Demeree. "That is not admissible evidence. It was obtained by illegal search of a man's home. In this country, a man's house is his castle. Our constitution requires a search warrant—"

"Did you have a search warrant?" asked Claybrook.

Dan Trehwitt shook his head. "Never heard of such a thing."

Claybrook looked embarrassed. "Your Honor, I'm afraid Mr. Demeree is right. I assumed Trehwitt had a search warrant."

"Never had nothin'," said Trehwitt. "I just kicked his door off its hinges and walked in. Didn't take me long to dig up that stuff either—"

"Object!" Demeree shouted. "Witness should wait until questioned."

Judge Steele got up, as mad as he'd ever been in his stormy life. "I've had all of this I can swaller. A man's house is his castle, but it can also be a den of thieves and scoundrels. Here we've got a flat-faced hippopotamus on trial for bloody murder, and here we've got two witnesses who know enough about it to put his thick, ox-neck in a noose, but Axe-face Demeree says we can't do anything about it. Not only that, but Me-too Tabby-cat Claybrook chimes in and says Demeree is right. But, blow me, we've still got our hooks in Flat-face Waddle Duck, and we'll hang him, by one route or another. What's

botherin' me right now is whether we should hang Claybrook and Demeree along with 'im. I never was a believer in this court business anyhow. It's turned out to be—"

He stopped. His eyes lost some of their savage fury. They had fallen upon a big six-footer with dark eyes, black, close-cut mustache, and a pair of six-guns. "Bill Hacker, come up here."

Hacker jerked himself alert. "Coming, Judge." He posted a group of men as door guards and came forward.

Judge Steele took his seat as Bill Hacker slid up beside him. "Bill, these lawyers have got me whupped to rags. You know I wasn't cut out for this job anyhow. You ought to been judge, 'cause you're educated. I'm so ignorant I don't know my way home."

"You're a fine judge," said Hacker. He beamed his dark, drilling eyes at that sharp-whiskered goat Judge Steele had been watching. Then he whispered to Judge Steele. "Wardlow, I'm interested in that cocky newcomer down there. Name's Fleming Fergusson. Flem-flam Fergusson he's called by thieving dogs around Flat Creek. I've been hearing some peculiar things about him, too. He's got a new trade. For a share of their loot, he keeps robbers from getting hung. Does it by hiring witnesses to swear lies. That explains why those two varmints were acquitted last week."

Judge Steele's jaws hardened. "Scum of damnation! I knowed thar was somethin' rotten."

Hacker patted his knee. "I suggest we let Demeree put on his witnesses and we'll see what happens."

Judge Steele swung toward Claybrook. "You got any more witnesses?"

"No, your Honor."

"Demeree, you got any witnesses?"

"That I have, your Honor."

"Call 'em."

Demeree nodded. "Call Hice Presswood."

"Ask him," said Hacker, "what he expects to prove by Presswood."

Judge Steele stared at Demeree. "What do you figure to prove by this scum you're callin'?"

"I expect to prove that defendant, Mr. Waddell, was in Cosby from Friday of last week until Sunday evening, hence could not have murdered Dough-belly Proudfit on Saturday night."

"Prove it."

Presswood was brought in. He was a narrow-

faced fox, between thirty and forty.

Demeree asked, "Do you know defendant, Dockney Waddell?"

"Sure do."

"Had any recent association with him?"

"Sure have."

"What?"

"Rode horseback with him to Cosby last Friday. Stayed with him in Cosby over Saturday and Saturday night, and rode back with him on Sunday."

"That's all," said Demeree. He turned toward Claybrook.

"No questions," said Claybrook.

"Call Wilkes Happell next."

Wilkes Happell, a slim redhead, came in and sat down.

Demeree asked. "Do you know defendant, Dockney Waddell?"

"Sure do."

"Had any recent association with him?"

"Sure have."

"What?"

"Rode horseback with him to Cosby last Friday. Stayed with him in Cosby through Saturday and Saturday night, and rode back with him on Sunday."

"That's all," said Demeree.

"No questions," said Claybrook.

Bill Hacker leaned close. "Wardlow, hold your hooks in this witness, and have Presswood kept in back. We'll ask this punk a few more questions."

"Bucky," Judge Steele said to Sheriff Buckalew, "make sure that Presswood skunk don't hear nothin' this lyin' monkey over here says."

Buckalew beckoned a deputy and whispered a few words.

FROM A CORNER of his eye, Judge Steele noted that Billygoat Fergusson had slid forward on his puncheon and assumed an alert attitude.

"Now, Bill," Judge Steele whispered, "what is it?"

"Have that lying dog describe Duck Waddle's horse."

Judge Steele nodded and swung round. "So your name is Wilkes Happell, eh?"

Happell glanced at Flem Fergusson. "Sure is."

"Now, just keep your eyes on me," said Judge Steele. "Did Waddle Duck ride a horse or a mule to

Cosby Gap? I said keep your eyes on me, you forked-tongue stinker. If you don't, I'll have a blinder put on you."

"It was a horse."

"What kind of horse?"

"A—uh—a bay."

"Dark or light?"

"Dark."

"Any markin's?"

"Don't remember any."

"Now, see here, you fabricatin' polecat, don't tell me you rode beside that horse for thirty miles on Friday and another thirty miles on Sunday and didn't see no markin's."

"Well—"

"Keep your eyes this way, you lop-eared, lyin' yaller dog."

"He had a star on his face."

"Then it was a horse, and not a mare?"

"Well, yes."

"Any foot markin's?"

"Uh—yeah. Right front foot was white."

"Had one glass eye, too, didn't he?"

"No. Sure didn't have no glass eye."

Judge Steele nodded to Buckalew. Happell was hustled out and Presswood brought in. Judge Steele resumed his questioning.

"So your name is Hice Presswood, eh?"

"Sure is."

"You say you rode to Cosby and back with Waddle Duck?"

Presswood glanced at Flem-flam Fergusson, who nodded.

"Sure did," said Presswood.

"Did Waddle Duck ride a horse or a mule to Cosby Gap?"

Presswood glanced at Fergusson.

"A horse."

"Sure it wasn't a mare?"

Presswood again glanced at Fergusson.

"It was a horse."

"What color?"

Judge Steele saw Fergusson close his eyes.

"Dark," said Presswood.

"Any markin's?"

Judge Steele saw Fergusson scratch his forehead.

"Had a star in its forehead," said Presswood.

Judge Steele said, "Now, keep your eyes on me while you answer this one. Any foot markin's on that horse?"

Presswood flushed. "I—uh—I don't remember."

Judge Steele got up, his anger boiling. "You said you rode to Cosby Gap and back with that flat-faced Waddle Duck. Yet you didn't notice any foot markin's on his horse. Keep lookin' this way, you pink-eyed snake. What foot markin's did that horse have?"

"None. Feet was black."

"Was he a black horse?"

"Black as midnight."

"Had a glass eye, too, didn't he?"

"Yeah, sure did."

"Now then," said Judge Steele icily, "an honest answer to this question may save your neck. How much did Flem-flam Fergusson pay you to swear these lies?"

"Fifty dollars. No, I mean—"

Judge Steele felt a pull on his coattail. He sat down. Bill Hacker nodded forward.

Flem Fergusson was moving at a fast walk, heading out. He was almost far enough to jump and run, when five strong men squeezed him. It was done so quietly there was hardly a sound.

"I'll be right back," said Hacker. He eased down and out. In a couple of minutes he was back. "Now, Wardlow," he said, "about that search without a search warrant. Sometimes it's all right to search without a warrant; sometimes it isn't. Depends on how hot a scent an officer is on. But let's just have a verdict and say nothing more about it. We're rid of Flem-flam for keeps. That's something gained, even if we fail here."

Judge Steele swung left. "All right, jurors, you've seen what you've seen, and you've heard what you've heard. Let's have a verdict."

They filed out and were back in five minutes. A tall, iron-jawed miner remained standing.

"What is it, Stanton?" asked Judge Steele.

"Guilty," replied juror Stanton. "First degree murder."

Judge Steele nodded to Sheriff Buckalew. "Hang that Waddle Duck, Bucky, and have your deputies hold Presswood and Happell in jail. We'll have more to say about them."

WHEN EVERYBODY else was out witnessing a hanging, Judge Steele and Bill Hacker put themselves at ease.

"Bill," said Steele, "if I didn't have you to call on in a pinch, them lawyers would drive me cuckoo. Who in tarnation ever said we had to have lawyers anyhow?"

Hacker filled his pipe with tobacco crumbs and struck a match. "It's something that grew up with courts, Wardlow. They're part of it, like fleas are part of a dog, I reckon."

Judge Steele got up and holstered his six-gun. "Well, consarn it, if you want my opinion, it's about time somebody was inventin' a flea-killer. We wasn't bothered with lawyers when we followed Vigilante ways, and it was a heap simpler."

Hacker smoked enjoyably and slid down onto his feet. "You got to be patient, Wardlow. You're a fine judge—best there is. With just a mite of moral support now and then, you'll have things running as smoothly as a watch."

Wardlow Steele knew it wasn't so, and so did Bill Hacker. But, by thunder, that didn't mean that murderin' polecats wouldn't keep on gettin' their necks stretched.



Another fascinating character from the pen of Lon Williams, author of the "Judge Steele" stories, appears in each issue of REAL WESTERN STORIES.

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