

JUDGE STEELE STORY

by **LON WILLIAMS**



"Look, Judge, it's got a derringer in it; no wonder he didn't want to take his hat off."

KEY WITNESS

Judge Steele was beginning to wonder which was really worse - the culprits who came before him, or the lawyers who wrangled over them. Be-consarned if he wouldn't rather hang French Demeree and Wade Claybrook instead of the latest prisoner!

JUDGE WARDLOW STEELE mounted Flat Creek's judicial rostrum and sat down. As usual, he expected trouble, and there was a savage gleam in his blue eyes. Before him had assembled Flat Creek's worst—potential cutthroats, thieves, murderers, robbers, and nondescript tail-enders of a mighty gold rush, who were looking for any promising substitute for honest diggin's. Many of those undesirables were as yet undecided whether they had anything to fear from this clumsy, bumbling court of law. Judge

Steele could read that indecision in their contemptuous, surly eyes. Well, by thunder, he'd help 'em make up their minds.

"Sheriff, call court," he growled tigerishly, and gave his straw-colored mustache a jerk to left, then one to right.

Sheriff Jerd Buckalew, tall, rawboned and poker-faced, pounded an inverted barrel with his forty-five. "Court's now in session; any long-eared hooper as thinks it ain't, will get a knot tied in his tail."

Heavily-armed deputies, posted at

vantage points, hitched up their leaded gunbelts and nodded their accord., Hard-jawed vigilantes, stationed as doorkeepers and unofficial auxiliaries, dropped quietly-roving eyes here and there, silent reminders to badmen that, if they couldn't be handled by a court of law, there'd be other ways of meeting their needs.

Judge Steele nodded to Clerk James Skiffington. "Skiffy, call fust case."

Skiffington arose, tall, thin, and solemn-visaged. "People versus Andrew Hawk, alias Sparrow Hawk, alias Andy Sparhawk. Charge, first degree murder."

Steele looked down at a split-log bench reserved for men about to become corpses, and instantly he sensed grievous error. His gaze rested upon a harmless-looking young man whose thick black hair hung down to his left eye, a timid son of good blood who stared at his hands and nervously entwined his fingers, one with another.

"Murder, eh?" sniffed Judge Steele, watchful, hoping for signs of innocence.

Andy Sparhawk glanced up at Steele, fear in his mild blue eyes. He shook his head. "No, sir," he answered in a frightened, but respectful voice.

"What!" exclaimed Steele. "Not guilty, eh? Be-consarned, if you can prove that, you'll be one sound apple in a barrel of rots." His eyes rested for a moment upon a long, thin-faced, dark-haired gentleman in black coat, white vest and four-in-hand black necktie, who sat beside Sparhawk. "Well," he said, acid in his voice, "I see you've got a lawyer, Demeree from Tennessee." His lips curled in distaste. "Demeree, do you consider yourself in good health?"

French Demeree, frail Easterner who had come West for health and fortune, maintained an impassive face as he got up. "I was never in better health, your honor."

Steele, from a purely personal

viewpoint, regarded that as unfortunate. At his best, when ailing, Demeree was a serious obstacle to justice; in good health, he could be downright insufferable. Steele shifted his interest. "Whar's our man?"

A stocky redhead with intellectual face and noble countenance arose. "Wade Claybrook, your honor. Prosecuting attorney."

"Claybrook, how is your health?"

Claybrook's nostrils curled in disdain. "If your honor please, justice is not a matter of health, but an accumulation of facts superimposed upon legal principles."

Steele quietly tugged at his mustache. "Claybrook, be-consarned if we wouldn't get along a heap better if you'd put your mind to superimposin' ropes upon murderin' necks." He turned to Sparrow Hawk. "What's your plea?"

Demeree got up. "Not guilty, your honor."

"You got any facts you'd like to superimpose?"

"I should like to say, your honor, that it is quite unjust to hang a man who is innocent."

"Consarn you, Demeree, are you insinuatin' we've been hanging innocent men?"

"No, your honor; I merely intended to say that *this* man is innocent."

Claybrook eased up. "Now, your honor, counsel for defense should reserve his remarks. Besides, this procedure is wrong."

"That's enough, Claybrook," Steele cut in sharply; "you're about to say we're goin' nowhar backwards. Panel a jury, Bucky."

Sheriff Buckalew jerked his heat at Skiffington. "Call names, Skiffy."

SKIFFINGTON shouted names and twelve gold-diggers and Vigies came forward. When they were seated, Demeree

rose calmly. "Your honor, I object to that one called Mundy Welkin, alias Horsethief."

"Now, see hyar, Demeree, you got no right to bring up a man's past."

"It's not that, your honor; his having been a horse thief is not objected to. Objection is this: he happens to be a crony of one Weedy Cheever, a shady character Mr. Claybrook will rely on as his key witness. With a crooked witness to swear lies, and a crooked juror to pass on them, a fair trial would be impossible."

"I object to that," Claybrook snorted indignantly. "This is no time to impeach a witness. Moreover, Mr. Demeree has no way of knowing whom I intend to rely on as my chief witness; unless he has some other objection to Horsethief Welkin, he should be overruled."

"Then I use a peremptory challenge," said Demeree, anticipating an adverse ruling. "Mr. Claybrook, I perceive, is determined to be unreasonable, right or wrong."

Claybrook pinked. "I resent that remark. Truth is, I am both reasonable and right."

Claybrook's cocksureness irked Judge Steele. "Horsethief, come off of thar; Skiffy, call next name."

Skiffington called a name, and a Vigilante came forward to replace Welkin. This, in Steele's opinion, was a decided gain in behalf of justice.

"Witnesses come and be sworn."

Four came forward, all with their hats off except one. That one was a dudish looking slack-jaw, in brown-and-white striped suit and a round-topped hard hat.

Clerk James Skiffington stared at him, then shouted like a muleskinner, "Take off your hat!"

"Huh?"

"Weedy Cheever, you heard me. Take off your hat."

Cheever's eyes were wide at this unexpected turn. "What for?"

Steele nodded at Sheriff Buckalew, who nodded at his chief deputy.

Dan Trewhitt, almost seven feet tall, and weighing two hundred and fifty pounds, stepped out and lifted Weedy Cheever's hat. Trewhitt's eyes bugged. "Well, ain't that something! Look, Judge, it's got a derringer in it; no wonder he didn't want to take his hat off."

Steele glared at Claybrook. "So he's your main blow, is he? Well, by thunder, he's off to a bad start, if you ask me."

"Lup your right hands," snapped Skiffington. He mumbled his customary rigmarole and concluded, "Go to witness room."

HERE, JUDGE Steele figured, was a puzzler. What Claybrook was up to, was anybody's guess. It was Steele's guess that Claybrook meant to use a polecat to convict an unfortunate but well-meaning sheep-killin' dog, who probably hadn't even killed a sheep. Claybrook could be expected to fight, like a bulldog in a situation like that.

Claybrook stood in his number twelves. "Now, your honor, I have an opening statement in this case."

Demeree shot up. "He can leave that off, your honor. That has not been customary in this court, and it comes as a surprise; one in jeopardy of life or limb should not be subjected to surprises."

"Demeree," Steele agreed, "if Claybrook makes an opening statement, you can do likewise. Turnabout's fair play."

Claybrook flushed. "I object to that ruling."

"Objection overruled."

"Then I shall forego making an opening statement, if it means he is to have one, too."

Steele grunted at Claybrook's pettishness. "Call your fust witness, Mr. Prosecutor."

Claybrook's lower lip stuck out. "Call Dr. Saydam."

A man in a dirty white shirt and baggy black suit was brought in and seated as a witness. He had iron-gray hair, puffy eyes and a saggy, tired face.

Claybrook studied him with lowered head, his eyes showing white as he stared upward through his eyebrows. "Your name, please?"

"Dent Saydam, doctor of medicine, resident of Flat Creek, general practitioner and surgeon. I was called to have a look at a dead body—"

"Sir!" snapped Claybrook. "Will you wait until you are questioned?"

Demeree had risen. "I object to those statements anyhow, your honor. Witness was asked to state his name, not to give his life history."

Judge Steele restrained his impatience with difficulty. "Proceed, Claybrook."

Claybrook stared through his eyebrows. "You say you are a doctor?"

"I am."

"And you reside at Flat Creek?"

"I do."

"And you are a general practitioner and surgeon?"

"I am."

"Shortly after daybreak last Thursday, were you called to examine a body?"

"Yes, sir, for that purpose I was called to Dead-Crow Gulch. This body was identified to me as that of Galena Pollard."

"He can't do that, your honor," Demeree objected. "His remark is equivalent to saying that somebody said it was Galena Pollard's corpse he was looking at. He can't tell what somebody said; that's hearsay."

Steele held a tight line on his temper, but his blood pressure was rising.

"Proceed, Claybrook."

"Mr. Demeree is right," said Claybrook. "Identification is not what is sought of this witness. Dr. Saydam, did you examine this corpse in Dead-Crow Gulch?"

"I did."

"Relate what your examination disclosed."

"It disclosed a beat-up head, or rather a caved-in head. I'd say it had been hit a terrific wallop."

"Object," Demeree shouted. "He has not been asked to state his opinion. He can't do that anyhow, unless he's qualified as an expert on beat-up, or caved-in, heads."

Claybrook frowned at his witness. "Have you made a study of beat-up heads, Dr. Saydam?"

Dr. Saydam smiled and lowered his weary eyes. "Can't say that I have, no-sir."

"Then," said Claybrook sternly, "you do not regard yourself as an expert on that subject?"

"No."

Judge Steele boiled over. "Be-consarned if a man has to be an expert to figure what busted a pumpkin. Doc, what would you say caved in Galena Pollard's head?"

"Well, Judge, I'd say somebody hit him with a striking-hammer; one hard lick."

Steele nodded. "What part of his noggin?"

"Back part, Judge."

"By caved-in, what do you mean?"

Dr. Saydam drew long fingers across his mouth and grinned at Steele. "I mean it wasn't just dented, Judge. A segment of his cranial bone was drove in so deep that his brains was squooshed out."

Steele glanced at Claybrook. "Any more questions?"

Claybrook was pouting. "No, your

honor.”

“Demeree?”

DEMEREЕ got up, hands at his back. “Your honor, defendant admits that Galena Pollard was found with a stove-in head; also, that in all probability it was stove in by a single hard blow from a striking-hammer. Defendant, however, denies that he had any part in beating up Pollard’s head, or anybody-else’s head.”

Claybrook rose angrily. “Your honor, that last statement should be stricken. Mr. Demeree has no right to make a jury speech at this stage. His client has entered a plea of not guilty; that should be sufficient up to now.”

Demeree was still up. “If your honor please, Mr. Claybrook is quite right. I withdraw my whole speech as untimely, and I have no wish to cross-examine.”

Steele gave Demeree a narrow look. “You’re bein’ mighty polite, Demeree. Are you gittin’ ready to shoot somebody?”

“Figuratively speaking, yes, your honor.”

“I thought so,” Steele returned, menace in his voice. “Next witness, Claybrook.”

Claybrook nodded at a deputy. “Call Little David Dimmick.”

A small, slender wizened digger with shaved face was brought in.

“Your name?” said Claybrook.

“Little David Dimmick.”

“Also called Giant-killer Dimmick?”

“Yes, sir.”

“Did you, on last Thursday morning, pass through Dead-Crow Gulch?”

“That, I did, sir; I always go that way in going up to my diggings. It’s called Dead-Crow Gulch because a Crow Injun was found dead there, and nobody ever knowed who killed him.”

“Just answer my questions,” said Claybrook, giving Little David a hard look.

“Yes, sir.”

“In passing through Dead-Crow Gulch, what did you find?”

“I found a dead body in a cabin; you bet I did. Scared me spittleless, too.”

“Did you recognize that body?”

“Of course. I reckon everybody knowed queer old Galena Pollard.”

“Just answer my questions.”

“Yes, sir.”

“Was old Pollard thought to be rich?”

“Object to that,” said Demeree. He got up. “It could mean, was old Pollard thought to be rich by one man or by five thousand men. What Mr. Claybrook is trying to do is lead these honest jurors to believe that *my* client thought old Pollard was rich. Nobody knows what defendant thought, and I object to anybody’s trying to say what he thought, directly or indirectly.”

“Demeree,” said Steele, suppressing a stir of inward admiration for this axe-faced lawyer from Tennessee, “whoever murdered Galena Pollard had a reason for it. Pollard’s reputation for being rich, or poor, could make a heap of difference.”

“If your honor please,” said Claybrook, “I withdraw that question; Mr. Demeree is right.”

Steele closed both eyes tight and hard. Be-consarned if he didn’t think Claybrook ought to be hung. A judge couldn’t help a prosecutor who wouldn’t be helped. He opened his eyes. “All right, Claybrook, what else do you want to withdraw?”

“Nothing,” Claybrook replied petulantly. “And no more questions.”

“I have a question,” said Demeree. From where he stood, he asked, “So your name is Giant-killer Dimmick?”

“My real name is Little David Dimmick. People who think they’re being funny, call me Giant-killer Dimmick.”

Demeree nodded suavely. “Now, sir, I am not trying to be funny, but I would like

to know if you have killed any giants.”

A hush settled, then a roaring tempest of laughter broke. Judge Steele rose, fury in his face. He pounded hard, and silence fell.

He glared at French Demeree. “Demeree, you connivin’ stinker, I ought to have you throwed out for that.” He scowled at his audience. “One more unseemly exhibition, and I’ll clar this court room.”

Jurors bit their tongues to suppress heaving emotions. Sheriff Buckalew held a hand over his rough face.

Demeree was penitent. “Your honor, I humbly apologize; my breach of propriety will not be repeated.”

Steele was sour. “Apology accepted, Demeree. Claybrook, call next witness.”

“Call Jim, alias Idaho, Stanton.”

STANTON was brought in and seated. He was a stocky, black-whiskered gold-digger.

Claybrook squared himself. “Your name, sir?”

“Now, see hyar, Claybrook,” Steele interposed angrily, “ask him what he knows about this murder.”

Claybrook bent over and picked up a heavy object. He came round and handed it to Stanton. “Do you know what that is?”

“It’s a hammer.”

“What kind?”

“A striking-hammer.”

“What is it used for?”

“It’s used for driving steel, where you drill blasting holes.”

“Have you seen it before now?”

“Sure have.”

“Where?”

“I found it under Andy Sparhawk’s floor last Thursday. There was a heap of searching around for whatever was used for killing old Pollard, and that’s what I found.”

Demeree started to get up but eased back down, a vague hint of uneasiness in his behavior.

“What did you notice about that hammer?” Claybrook asked.

Idaho held it up to show its dark stain. “It had blood on it, and what looked like smears of brains. Sure was a mess.”

“That is all,” said Claybrook.

Steele scowled at Demeree. “Any questions?”

Demeree got up, glanced warily at Judge Steele, then shook his head as if to say he had questions but was afraid to ask them. “No questions, your honor.”

Judge Steele seethed inside. This Demeree from Tennessee wasn’t scared. He might be fooling spectators and jurors; he wasn’t fooling Wardlow Steele. Consarn him, he was up to some trick—as usual! “Call next witness, Claybrook.”

Claybrook nodded at a deputy-sheriff. “Call Sidway Cheever.”

Cheever was brought in. He had left his hat behind. Cheever was a dude without dudish good looks. His face was long, his chin protrusive, his gray-green eyes shifty. His mouth dropped open as he stared at grim, expectant faces.

“Your name?” said Claybrook.

“Sid Cheever.”

“Sometimes called Weedy Cheever?”

“Right.”

Demeree rose with a caution that could have been genuine. “Your honor, may I say a word?”

Reluctantly Judge Steele sank back and folded his arms. He sensed a crisis and conditioned his temper to get through it without a storm. “Have your say, Demeree.”

“Your honor, I take this step with utmost deference to court and jury, and everyone present who is interested in seeing justice done. If my client committed murder, I shall be first to admit

he should be punished. I do not believe he committed murder hence I crave your honor's indulgence while I undertake to prove my conviction right."

"Go ahead, Demeree."

Demeree addressed Wade Claybrook. "May I ask, Mr. Claybrook, if Cheever is your last witness?"

"He is, sir."

"Then, your honor, I move for a directed verdict of acquittal."

Judge Steele lunged forward. "Consarn you, Demeree, you've got more gall than an elephant's gall bladder. What in tarnation do you mean?"

Claybrook rose and squared his shoulders robustly. "Mr. Demeree is about to try some subtle piece of chicanery, your honor. He knows that I have an eyewitness to this murder and that if he can't snatch an acquittal at this point, his cause is hopelessly lost."

"Demeree," said Steele, "sometimes I give you credit for being smart, but right now I've got my doubts."

"I appreciate so much of your honor's remark as is complimentary," Demeree responded with dry graciousness. "I trust I may vanquish that part which is clothed in doubt."

"Suppose you try it, by thunder."

DEMEREES' eyebrows lifted in acceptance of his honor's challenge. "My point is this, if your honor please. Mr. Claybrook's evidence so far, and insofar as it proves my client's guilt, is exactly nil. No jury would convict defendant on this present record, which proves simply that poor old Pollard was killed, and that somebody found a bloody hammer."

"I have an eyewitness," Claybrook reminded him haughtily.

Demeree retained his poise. "This alleged eyewitness was more than a mere witness."

Claybrook broke in angrily. "I object. Mr. Demeree's trickery is becoming apparent; it's a scheme to rule out my main witness."

Demeree showed unsuspected temper. "I object to being accused of trickery," he came back hotly. "Mr. Claybrook has bellowed, pawed dirt and switched his tail, and now he's about to charge with head down and horns leading. But what he is trying to do is use a murderer to convict an innocent man."

"That's a perfidious falsehood," Claybrook shouted.

"Stop it," growled Steele. "Be-consarned if I don't have you lawyers put in jail for contempt of court. Claybrook, set down thar. I'm goin' to hear what Demeree's got to say; by thunder, I'm beginning to think he may have a point."

"I commend your honor for having a fine sense of justice," said Demeree, unsmiling. "I *do* have a point. It is common knowledge that Dead-Crow Gulch is a remote sort of place—defendant Hawk, since Pollard's death, being its only resident. If Weedy Cheever was there, he was where he had no business being, unless he was there for an evil purpose. And my charge is, that he was there either to murder poor old Pollard, or to help murder him. I therefore accuse him with having been either a murderer, or an accomplice in murder. If he alone murdered Pollard, he is a felon, infamous and incompetent to testify to any extent and on any subject. If he was an accomplice, his testimony standing alone will not convict, for it is a fundamental rule in our law that an accused may not be convicted on an accomplice's uncorroborated testimony. Accordingly, no matter what Weedy Cheever swears, it will be testimony without corroboration as to my client's guilt. In other words, there can be no lawful conviction of Andrew

Hawk, and a verdict of not guilty should now be directed.”

Claybrook wore a confident smirk. “Now, your honor, Mr. Demeree’s eloquence is not going to avail him anything. Mr. Cheever was neither principal nor accomplice in murder; he was merely an eyewitness. As such, his testimony will not require corroboration.” Claybrook faced his witness. “Mr. Cheever—”

Steele’s temper had grown hostile toward Claybrook. “Hold on thar, Mr. Prosecutor. You’re taking too much for granted. You’re assuming that I’m taking your word against Demeree’s. Well, by thunder, I’m not taking nobody’s word; what I want is proof. Demeree, go ahead.”

“I owe you my gratitude,” said Demeree. “Now, see hyar, Demeree, don’t insinuate that I’m doin’ you a favor. If your client’s guilty, he’ll be hung.”

Demeree’s voice was delicately spiced with sarcasm. “Your honor so seldom shows this humble servant any consideration,” he said quietly, “that I was momentarily overcome with appreciation. I apologize.”

Steele’s eyes got hot; he should have known better than give this bird any rope. “Demeree, get down to business.”

Demeree nodded and shifted his attention. “I would ask Mr. Claybrook another question. Sir, you concede, do you not, that an accused man has a constitutional right to be present at every stage of his trial?”

Claybrook had slumped into his chair. “I concede that, certainly.”

Demeree continued, but somewhat coolly, “You also concede, do you, that an accused man may absent himself during part of his trial, if he so desires?”

Claybrook got up sullenly. “Now, your honor, I’m not going to participate in Mr. Demeree’s monkey business. I don’t know

what he’s up to, but I warrant it’s nothing proper or acceptable. I object.”

Judge Steele felt an official affection toward his man Claybrook. He was reluctant to relinquish that affection. “See hyar, Wade, Demeree ain’t yet said what he’s up to.”

“I object anyhow, your honor.”

This was too much. “Well, by thunder, you can save your objection; Demeree, what’s your proposition?”

Demeree’s countenance was honesty itself. “If your honor please, I propose to send my client out while Weedy Cheever is testifying. Then I would have him testify in his own behalf, while Cheever is out. Our jury can then decide whether or not Cheever was an accomplice.”

Claybrook was indignant. “I object to that. Cheever is not on trial here. Mr. Demeree is trying to drag in a sideshow, and make a mockery of this proceeding.”

“You lawyers hold on,” said Steele. He got up and began a search. All this was beyond his depth. Be-consarned if he could understand why Flat Creek citizens ever made him a judge anyhow.

His roving eyes spotted a familiar figure. “Bill Hacker, come up hyar.”

“Coming, Judge,” responded a strong, but agreeable voice. A big six-footer with dark hair, close-cut mustache, mirthless dark eyes and twin sixguns strode forward. Affairs hung in abeyance until he had eased up and he and Steele were seated. “What’s wrong, Wardlow?”

Steele faced his friend and legal adviser moodily. “Bill, this water’s too deep for me, and I’m no good at swimming. What am I goin’ to do?”

HACKER gave his friend’s knee a friendly squeeze. “You’re doing fine, Wardlow, and you’re exactly right in giving Demeree a chance. For once he’s right. Our English forefathers laid it down

as law that an accused could not be convicted on the sole testimony of an accomplice; in our country, such testimony must be corroborated either by convincing circumstances, or by other witnesses. Also, it is well established that a man on trial has a right to be present, but may waive his right. So, let Demeree proceed.”

“But, Bill, if we turn him loose on Claybrook, old Axe-face will whup him.”

Hacker nodded. “Maybe he ought to, Wardlow. Claybrook is peculiar; he’s always at his best when he’s after some innocent neck.”

Steele faced front. “Demeree, send your man out.”

Demeree nodded to his client, and Sparhawk followed a deputy-sheriff to a back room. Demeree sat down and assumed his usual poker-player expression.

Claybrook sulked momentarily then faced his witness. “You say your name is Sid Cheever?”

“Said so,” Cheever replied nervously.

“Where do you live?”

“Mostly I stay in Norton’s Camp on Little Dog Branch.”

“Gold miner?”

“That’s me.”

“On last Wednesday night, did you come down to Flat Creek by way of Dead-Crow Gulch?”

“That,” said Demeree without rising, “is a leading question, but I let it pass.”

Steele gave him a bitter look. “You could have done that with your mouth shut, Demeree.”

“Cheever,” continued Claybrook, “give an account of your whereabouts last Wednesday night.”

“Sure will,” said Weedy, his early confidence shaken. “After I’d et, I says to myself, it’s about time I took a jaunt down to Flat Creek, and since I’m a-goin’

anyhow, I says, I reckon I might as well drop by and see my old friend Galena Pollard in Dead-Crow Gulch. Well, sir, that’s what I done. There was a pretty fair moon, and I could see to get about all right. And what I do see when I’m driftin’ along in Dead-Crow Gulch? Well, sir, I sees a man slippin’ along with a big hammer in his hands. What’s goin’ on here? says I to myself. I stops to see what’s up, and this here night-prowler slips into old Pollard’s cabin. Pretty soon I see a light in there, and I hurries up and takes a peep. In there is this here Andy Sparhawk with a hammer, and old Pollard is asleep on his bunk, face down. Sparhawk lifts his hammer, and wham! He hits old Pollard like somebody hammering a hog’s head at butcherin’ time. After that, Sparhawk lifts a floor board and takes up a heavy leather pouch, while over there on his bunk is old Pollard with a bashed head, and all bloody. I’m tellin’ you, when I sees all that, I pulls my freight, and I ain’t stopped shiverin’ yet.”

“Did you see anybody else in there?”

“Nobody but them two.”

“What did you do after leaving there?”

“Come on to Flat Creek and got drunk.”

“When did you report what you had seen?”

“Next morning. Told Deputy Dan Trewhitt.”

Claybrook sat down. “That is all.”

DEMEREE rose. “Your honor, I’d like to cross-examine this monkey-faced liar.”

Claybrook pounced up. “I object to that remark.”

“Set down, Claybrook.” Judge Steele glared at Demeree. “If you can prove Cheever a liar, Demeree, you’re welcome to do so.”

“I shall do so, your honor.” Demeree

came round and stood in front of Cheever.
 "So your name is Weedy Cheever, is it?"

"That's what I said."

"Were you ever called Windy Cheever?"

"Huh? No."

"Ever called Blow-hard Cheever?"

Cheever squirmed. "Now, look here, lawyer—"

"Answer my question," snapped Demeree.

"No," said Cheever. "I ain't never been called no sich."

"But you served a term in Missouri state prison as Ed Weedy, didn't you?"

Cheever's face perspired. "What are you askin' me all them questions fer?"

Claybrook got up sullenly. "I object, your honor; Demeree has got no right to drag this man's past in here."

"I have a right to test his veracity, your honor," said Demeree.

"Go ahead, Demeree," said Steele. "Prove him a monkey-faced liar, if you can."

Demeree faced Weedy Cheever with a boring eye. "Cheever, you say you were a good friend to old Pollard?"

"That's what I said; been friends a long time."

"Yet, when you saw a man with a hammer about to beat your friend's brains out, you didn't raise a squawk, did you?"

Cheever twisted and stared about uneasily. "Well, now, it all happened mighty quick."

"But you didn't squawk, did you?"

"Maybe I did; I don't know."

"You said you saw Andy Sparhawk in Pollard's cabin, didn't you?"

"I did, and I say it again."

"Did he enter by door or by window?"

"Door."

"Front door or back door?"

Cheever's look was suddenly wild.

"Answer," snapped Demeree.

"Back door."

"You also said you peeped in and saw Sparhawk kill Pollard, didn't you?"

"That's what I said."

"Did you peep in at a crack or a window?"

"A crack."

"Door crack, or crack between logs?"

"Between logs."

"And now, why did you hide that hammer under Andy Sparhawk's floor?"

"Because I—Now, look here, you dirty crook, I didn't hide no hammer."

Demeree backed away abruptly. "That's all, your honor."

Judge Steele nodded at a deputy. "Take him out."

"And bring in Sparhawk," said Demeree.

Cheever was replaced by defendant.

DEMEREE questioned his client.

"Where do you live, Andy?"

"In Dead-Crow Gulch, sir."

"Have a cabin there?"

"Yes."

"Who else has a cabin there?"

"Galena Pollard had one."

"Ever visit with Pollard?"

"Right regular."

"Ever spend a night with him?"

"Several nights last winter; he had a sick spell, and I took care of him."

"Did you take any particular note of his cabin as to condition of logs, chinking and daubing?"

"I put fresh dobbin' in for him last winter."

"Leave any cracks between logs?"

"No; made his cabin practically airtight."

"How many doors does that cabin have?"

"One."

"Front or back?"

"Front."

“Did you kill Galena Pollard?”

“Of course not; he was my friend.”

“Where were you last Wednesday night?”

“In bed. I was tired from a hard day and went to bed early.”

Demeree glanced at Claybrook. “You may cross-examine.”

Claybrook got up with a surly expression. “You and Mr. Demeree had rehearsed those questions and answers, hadn’t you?”

Demeree sprang up. “That is mean, cheap and contemptible. A truthful answer does not require rehearsal.”

“Demeree, you set down thar,” snarled Judge Steele; “you’ve had your turn.”

Demeree sat.

Claybrook stared through his eyebrows at Sparhawk. “When were you first informed that Galena Pollard had been murdered?”

“Thursday morning, when Deputy Trehwitt came to arrest me.”

“Didn’t you tell Trehwitt that you killed Pollard?”

“No.”

“Didn’t Trehwitt take you up to Pollard’s cabin and accuse you of murdering Pollard?”

“Yes.”

“And when you looked at Pollard’s bashed-in head, didn’t you break down and confess that you did it?”

“I did not.”

“Have you ever been convicted of a crime?”

“No.”

Bill Hacker pulled Judge Steele’s sleeve. “Claybrook is getting too far afield; we can end this trial in five minutes by using Trehwitt as a defense witness.”

Steele turned to Sparhawk. “Andy, take your old seat down thar by Demeree. Dan Trehwitt will be next witness.”

Claybrook shoved up furiously. “Now,

your honor, Trehwitt can’t qualify as a witness. He’s not been kept out, like those other witnesses, and as required by law.”

Steele turned to Hacker. “Bill, what in tarnation does he mean by that?”

“He means that Trehwitt has been here while others were testifying, hence knows what they said. An exclusion rule requires that all witnesses be kept out, but it is within your sound discretion, and you can let him testify if you deem that justice so requires.”

“Demeree,” said Steele, “you got any objection to Dan Trehwitt?”

“No, your honor; I regard him as unimpeachable.”

Trehwitt was sworn by Skiffington. He went round and sat down.

“Trehwitt,” said Steele, “how many doors in Galena Pollard’s cabin?”

“Just one, Judge.”

“Any cracks between logs?”

“No, sir, shore ain’t. That cabin’s as tight as a jug.”

“Did Sparhawk confess to you that he murdered Pollard?”

“Shore didn’t, Judge; he said he didn’t know nothin’ about who done it.”

Steele jerked his head. “Git off of thar, Dan.” He turned to Hacker. “Now what, Bill?”

“Ask your jury to bring in a verdict on whether Cheever was an accomplice, or not.”

Steele faced his jury. “Men, go out and fetch in an answer on this accomplice question.”

THEY FILED out and a couple of minutes later filed back in. A rough-hewn gold-digger remained standing. “He warn’t no accomplice, Judge.”

“He warn’t, eh?”

“No, Judge; we figure Cheever done that murder hisself.”

Claybrook arose with an air of

annoyance. "Your honor, Cheever has not been on trial for murder, hence no verdict on that can be legally rendered; it is Sparhawk who has been tried."

"All right, men," said Steele. "Fetch in a verdict on Sparhawk."

They filed out and back. Their foreman remained standing, as before. "He ain't guilty, Judge."

"Prisoner is dismissed," said Steele. He turned to Hacker. "What about Cheever, Bill? Can we try him now?"

Hacker started to answer, but stopped.

Dan Trewhitt had gone out and come back. "Judge, I've shore got bad news, and I reckon us deputies got only ourselves to blame."

"What in tarnation are you talkin' about?" Steele demanded savagely.

"Judge, I hate to say it, but that Cheever feller has ske-daddled. Climbed out through a window and lit a rag."

Steele tightened like a toad. "Be-consarned—"

Hacker stopped him. "Easy, Wardlow. My boys will fetch him back. That's why they stay around—to lend a bit of moral support now and then."

Steele nodded to Sheriff Buckalew. "Adjourn court, Bucky."

When, a few minutes later, Wardlow Steele and Bill Hacker were left to themselves, Hacker filled his pipe with tobacco crumbs and fired up. "Let's go, Wardlow."

Steele lingered. "One question, Bill. Why don't we get Demeree on our side? If we had him for prosecutor, and Claybrook as defense lawyer, we'd get somewhar."

"No, Wardlow." Hacker firmed his burning tobacco. "With Demeree on our side, we'd hang everybody, innocent and guilty alike."

Steele stepped down. "I guess you're right, Bill. Be-consarned if I ain't beginning to see things in a different light. Even a murderer is entitled to a fighting chance."

