

The question was – would the jury be swayed by sentiment or the needs of justice in this case?



Stinchbuck told how Banderlee had found his wife and Longbridge.

THE UNWRITTEN LAW

by LON WILLIAMS

WARDLOW STEELE was worried as he took his seat as Flat Creek's reluctant judge. From comments he'd overheard, a murder trial was pending which involved something old, yet for him something new. To be invoked was what barbarous men called *unwritten law*.

Inwardly he had his doubts. Outwardly he was a judge, committed to that hard

principle which lawyers called *lex talionis*—law of retaliation. When one man murdered another, this principle required that he himself be murdered; it was eye for eye, tooth for tooth. Brutal and ruthless though it was, it had lifted Flat Creek's roaring community from anarchy and chaos, had established fearful respect for law and government. Law, as thus conceived and born, had to be upheld.

In that spirit he nodded briskly, "Sheriff, call court."

Tall, raw-boned Sheriff Jerd Buckalew pounded with his forty-five. "Court's now in session. There's heaps of people present, but there'll be heaps fewer if you make trouble."

Steele nodded again. "Call it, Skiffy."

Clerk James Skiffington, spectral in his slender, loose-garmented height, screeched loudly, "People *versus* Arnost Banderlee. Charge, first-degree murder."

Steele lowered his gaze to a bench reserved for men of wicked propensities whose inclinations had unexpectedly ensnared them. One was caught there now. But he was different from most of his unfortunate predecessors; this defendant was handsome. Upon his head and face stood quality, and quiet culture; also there were traces of adversity, spurs left by injured pride, deep imprints of cruel experience. Before he realized what was happening to him, Steele was unsteadied by a swift onset of respect and compassion.

He rallied quickly, however, and snarled vengefully, "Murder, eh? Beconsarned if murder don't turn up in surprising places. But no matter whar it turns up, it's murder, by thunder. You got a lawyer?"

He had expected to be confronted by slim, elegant Axe-face Demeree from Tennessee. Instead, a great awkward composite of flesh and bone rose ponderously and lifted a benign and humble face. "I represent this gentleman, your honor, Halcyon Cabbage is my name. I'm an attorney of sorts, recently arrived in your fair city."

Whatever Cabbage's thoughts might have been, he concealed them in words that were both sad and lonely. Steele disliked him instinctively, as he disliked most all lawyers. Nevertheless, here was

one with an enchanting voice, sonorous, grand, eloquent with pathos. Though warned he had met his match, he refused to admit it even to himself.

"You can call it a fair city, if you like. To me it's everything except a fair city; it's a great stinkhole of grime, swindling and murder. What you lawyers have done to improve it wouldn't bat a gnat's eye." He swung left. "Whar's our man?"

A stocky redhead got up, intellectual and solemn. "Wade Claybrook, your honor. Prosecuting attorney."

STEELE regarded him with respect, but misgiving. In his opinion, what Flat Creek needed in its prosecuting attorney was somebody with a head full of brass-knucks and blood-thirsty determination. Claybrook was too honorable, too reserved and mysterious.

"Well, Wade," Steele said, already half-angry, "I hope you're as gifted at hanging gentlemen as you are at stringing up pug-uglies."

"If your honor please," Claybrook responded coldly, "there is but one definition of murder, and it fits all alike. I trust that is what you mean."

"Exactly," retorted Steele. "What I also mean is, we don't want nobody drawing distinctions between a tight fit and a loose fit." He glared at Arnost Banderlee. "All right, you murderin' catamount, whar's your plea?"

Halcyon Cabbage rose slowly and with heart-touching awkwardness. "Defendant pleads not guilty, your honor."

"They usually do," declared Steele; "panel a jury, Bucky."

A few minutes later, when all was in readiness for proof, Claybrook rose and nodded to a deputy-sheriff. "Call Gardenia Banderlee."

A woman, twenty-two or twenty-three years of age, was ushered in and politely

seated. Chestnut-brown hair, shortened to shoulder length and topped by a small green hat, fell in waves behind her head. Her eyes, set wide apart and as dark as violets, were lustrous gems of mystery. Her frightened expression, heavy lips, entrancing profile of face and figure, gave her that siren quality so nearly equivalent to death that cautious men would have preferred merely to look—and live.

Claybrook, apparently indifferent to her beauty, eyed her casually. “Your name, please?”

“Gardenia Banderlee,” she replied, her voice soft and low, yet falling distinctly upon a sea of silence.

“What relation are you to defendant Arnost Banderlee?”

“Arnie is my husband.”

Halcyon Cabbage labored up and said almost penitently, “If your honor please, her statement that she is defendant’s wife disqualifies her as a witness. Accordingly, defendant most humbly objects.”

Steele had been confronted by a situation like this before. “Claybrook,” he said with rising anger, “you knowed this woman couldn’t testify against defendant. Why in tarnation did you have her summoned?”

Claybrook stood his ground. “May it please your honor, it is defendant’s privilege to object, if he wishes to; otherwise, who has any right to say she cannot testify?”

“I’m asking *you*, by thunder.”

Jurors were paying no attention to either Steele or Claybrook. Their eyes were upon Gardenia, their thoughts no doubt astray in Elysian fields.

Claybrook gave them a quick glance, possibly intended as a suggestion to Steele, possibly in satisfaction of some expectation known only to himself. “If your honor please, your prosecuting attorney had hoped that this enchantress

could explain why she should have played helpless before a great lover’s advances and so lured him to his destruction.”

“Consarn you, Claybrook, you don’t know nothing about women, still less about men.” He gave his head a jerk. “Take a look at them goggle-eyed jurors; what do you figure they’re saying to themselves?”

Attorney Cabbage interposed an answer. “If I may have your honor’s indulgence, it is my surmise that our worthy jurors are thinking thoughts common to universal man—namely, that a man’s mate is more precious to him than life; moreover, that his right to defend his possession transcends all contrariwise suggestions.”

“Now see hyar, Cabbage,” Steel returned fiercely, “you stick to facts. Murder is murder, whether garbed in rags or in ribbons.”

“May it please your honor,” said Cabbage, “words are mere vehicles of such thoughts as lack wings and spirit. Men cannot see what is invisible; nor can they hear what makes no sound. Yet in their minds they create images of utmost beauty; they hear voices more potent of meaning than anything said by mortal man. Where shoutings cease and printed pages end, justice as it lives in human hearts makes itself known. Not as men *say* it is, but as its fair image is revealed to men with courage to defend what they rightfully regard as their own.”

“That’s enough,” snapped Steele with a start, aware that he had almost succumbed to this lawyer’s enchanting voice. He glanced sharply to his right. “Bucky, show this lady to a seat.”

GARDENIA rose and, with that frightened look unabated, glanced pleadingly at Steele. “Sir, may I sit by my husband?”

“No, by thunder; you had no business being brought in hyar, anyhow.”

Suddenly she screened herself behind woman’s most protective shield—deep hurt and shining tears. As gently as possible, two deputies assisted her down; and as gently, she allowed herself to be led to a seat where jurors could no longer see her.

Claybrook, apparently indifferent as to whether he had behaved wisely or unwisely, nodded to a deputy. “Call Miss Kava Knapp.”

Kava created a mild stir when she was brought in and seated. Weight and voluptuousness suggested her age as above twenty-five. Her broad hat, its brim fastened up in front by a jewel and weighted down behind by an immense plume, covered her flaming head. Yet this extravaganza concealed nothing of a bold and cynical face.

She glanced archly at Claybrook and smiled.

Claybrook’s face tightened. “What is your name?”

“Mr. Claybrook, you should know that my name is Kava Knapp.” Her voice was strong, of contralto depths, filled with a hoyden’s brashness and scorn.

Claybrook’s response was equally bold and scornful. “Miss Knapp, I believe those in show business who regard you conservatively, sometimes call you Miss Cat Knapp?”

“That is quite correct, Mr. Claybrook; but, pray, let us not indulge ourselves in irrelevant personalities. I gathered from our one preliminary interview that you expected me to narrate affairs at McGuldy’s *Golden Palace* which might have been considered conducive to murder. Or do I presume too much?”

“Anything you do is too much, I suspect,” replied Claybrook; “it will be sufficient if you answer my questions.”

“Do tell!”

Steele leaned forward as onlookers smiled. “One laugh out of you owl-eyed gold-diggers and, by thunder, we’ll clear this court room.”

Nobody laughed.

Claybrook glared at Kava Knapp. “Were you acquainted with our late lamented Mr. Wigworth Longbridge?”

“Naturally,” Kava replied loftily. “Wiggy was leading man in all of our theatrical performances.” She sighed. “And such a lover!”

A sneer spread upon Claybrook’s lips. “I’m sure you would relish an opportunity to discourse on your private life, Miss Knapp, but it happens to have no bearing here. You are also acquainted with defendant Arnost Banderlee?”

“Of course; Arnie writes and directs all of our plays. He used to be leading man, as well, but an injury disabled his left arm. You can well imagine, Mr. Claybrook, how unconvincing a man with a stiff arm would be as a lover.”

“If you please, I’m not concerned with imaginative matters,” said Claybrook. “Who was leading lady in your theatricals?”

“Well!” exclaimed Kava. “As if you didn’t know!”

“I’m asking you.”

“Well, of course it was Denia Banderlee. Could you imagine dear hubby writing plays, managing and directing their production and making *me* leading lady?”

“EVEN IF functioning extravagantly, my imagination could hardly run so wild as that,” replied Claybrook. “When did Wigworth Longbridge join your theatrical troupe?”

“About six months ago—in St. Louis. His troupe had just completed its engagement there and was breaking up.

Arnie Banderlee had seen Wiggy's performances and liked his style. So, what did he do but invite him to join us?"

"What did he do? Well, murdered him, perhaps," Claybrook suggested.

"Which was one murder short of what he should've committed," returned Kava.

Claybrook regarded her with sudden weariness. "That will be all."

Kava gave a start. "Do you mean I'm not permitted to tell what I know about all that sensational scandal? Why—"

"I said that was all," snapped Claybrook.

Steele regarded his prosecuting attorney as something incomprehensible. Here was a witness who could have told much more; yet, for reasons known only to Claybrook, her testimony was suddenly cut off. Puzzled, he tossed a discouraging glance at Cabbage. "Want to cross-examine?"

Cabbage pulled himself up slowly. "One or two questions, if your honor please."

"All right, Cabbage."

With awkwardness, and such consummate loneliness as to suggest that he, too, might have been an actor in this drama of life and death, Cabbage lifted his sad eyes toward Kava Knapp. "My inquiry no doubt is entirely superfluous, for I know its answer can only be yes—but it's this. Did our late Mr. Longbridge ever disclose to you his admiration for your remarkable beauty?"

Kava's lips parted. "Why, Mr. Cabbage, how you talk! But, really, he did; and more. I'm sure we'd have been married, had not Denia Banderlee—"

"That, of course, explains much," Cabbage interrupted. "We have just had a brief glimpse of Mrs. Banderlee, and can well understand why men's hearts should turn to her with desire and longing."

"Humph!" sniffed Kava. "What's she

got that I haven't got?"

"For one thing," Cabbage replied calmly, "she has a devoted and loyal husband. That, of course, is not to say that you do not deserve one, also; and when you find one—as you certainly will—I trust he will hold you as securely within his protection and love as a husband should."

Claybrook rose with a show of disapproval. "Now, your honor, this is no time for defense counsel to be making a jury speech. If he wants to cross-examine, well and good; otherwise, he should withhold comment."

"I stand corrected," said Cabbage. "No more questions."

Claybrook nodded, and Kava Knapp was replaced by a male witness. He was homely, suggesting that he had been selected as an actor for purposes of contrast and natural aptitude in villainy. His eyes were small, his head blocky and covered by tangled black hair.

"What is your name?" Claybrook asked curtly.

"Crum Puig."

"An actor?"

"Yes."

"Ask him what he knows about this murder," Steele cut in impatiently.

CLAYBROOK stared at Steele as if he'd have liked to choke him. "If your honor please, that was my immediate and entire purpose."

Instead of being offended at Claybrook's bluntness, Steele liked it. "Go right ahead, Wade."

Claybrook leveled his eyes at Crum Puig. "Were you associated in theatricals with defendant Arnost Banderlee and Wigworth Longbridge?"

"I was, sir; I played secondary parts in all of Mr. Banderlee's productions."

"Then you had opportunities to

observe acts of hostility that occurred between defendant and Longbridge?"

"What I was a witness to consisted principally of disapproving looks. On one occasion, I did hear Arnost Banderlee caution Longbridge against too much realism in his love scenes with Mrs. Banderlee."

"Were you a witness to any offstage love scenes between Longbridge and Mrs. Banderlee?"

"Regretfully, I must answer yes."

"Do you know whether defendant was aware of such scenes?"

"He witnessed one, and was told of others."

"What action, if any, did he take against this candidate for his wife's affections?"

"Arnost terminated Longbridge's employment."

"Then what happened?"

"Longbridge left."

"Was there any parting scene between him and Mrs. Banderlee?"

"I don't know."

"Did you see Longbridge depart?"

"I saw him enter Kanaka Bowen's stagecoach, bound for Cosby."

"What was bound for Cosby?"

"Kanaka's stage."

"Did you again see Wigworth Longbridge?"

"I identified his dead body in Upper Sarlay Gulch."

"That's all," Claybrook announced abruptly and sat down.

Halcyon Cabbage shook his head.

"Next witness," clipped Steele. "Seems we're getting nowhar in a hurry."

Claybrook nodded. "Call Hansard Stinchbuck."

Stinchbuck appeared with a friendly smile on an old face. He was stooped, gray, toothless, and rheumy-eyed.

"You are Hansard Stinchbuck?" asked

Claybrook.

"I am, sir."

"Sometimes called Stinkbucket?"

Stinchbuck chuckled. "Most always, sir."

"What is your occupation?"

"I'm handy man at McGuldy's. You see, I used to be an actor; but now—Well, I manage scenery, curtain boys, stage property, and helpers. During performances I remain backstage. When everybody's gone, I close up dressing rooms, lock doors and windows, blowout lamps, and sort of imagine I'm still a part of things. Once an actor, always an actor, at least in a man's dreams."

Claybrook nodded without expression. "Backstage, do you ever observe what actors do, hear what they say?"

"I'm not one to pry into other people's business, sir."

"That's not what I asked you."

Stinchbuck glanced at defendant Banderlee; he looked at Claybrook. "I'm sorry, sir, but Arnost Banderlee is my friend. What goes on at McGuldy's is not my business."

Steele grew hot, but withheld his strong hand. Presently, at least, this was Claybrook's problem.

Claybrook eyed his witness frigidly. "You have recently admitted that you are usually called Stinkbucket; what else are you called?"

"I'm properly called Mr. Stinchbuck."

"And you are sometimes improperly called Mr. Snoop, are you not?"

"Well, I'm not snoop, regardless of what I'm called."

HALCYON CABBAGE rose slowly. "Your honor, may I suggest that Mr. Stinchbuck answer Mr. Claybrook's questions. Though his answers may be painful to defendant, I'm sure Mr. Banderlee will accept them with an

honorable man's complete understanding."

"I assure your honor," said Claybrook, "that Mr. Cabbage's suggestion was not needed; Mr. Snoop would have answered anyhow."

"By thunder, you said it, Wade. Any witness in this court as thinks he don't have to answer questions will get his neck stretched."

Claybrook resumed his examination. "Mr. Snoop, are you convinced?"

"Convinced of what, sir?"

"That answering questions is presently your business?"

"I reckon so; I've got two viewpoints on it, and they both say so."

"To our question then," said Claybrook. "Backstage, did you ever see Wigworth Longbridge and Gardenia Banderlee engaged in love scenes which were no part of their stage performance?"

"I did."

"Did you hear Longbridge ask Mrs. Banderlee to go away with him?"

"Several times."

"Did she agree to go?"

"Can't say that she did exactly. If you know women, they don't come right out with a flat yes or no."

"They don't?"

"No, sir, they don't."

"How and what did she answer?"

"Now, sir, I'm no good at acting anymore. If I was an actor, I wouldn't be a woman actor. I can tell you *what* she said, but not *how* she said it."

"What did she say?"

"Well, after that last show Wiggy was in, he waited for her backstage. I was putting a screen back there, when I heard them in a dim corner. Wiggy says, 'My love, I can wait no longer. We must leave tonight.' And she says, 'Oh, Wiggy, darling, I can't. Oh, I can't.' 'Which meant,' says he, 'that you don't love me. You've been leading me on to think you

care. You've let me go mad. It's come to this at last—I can't live without you.' 'Oh, please, please,' says she. He holds her in his arms, tries to kiss her."

"Yes?" said Claybrook.

"She keeps saying, 'I can't, I can't. Please, I wish you'd go away.' And he says, 'I'm going away. We're both going away.' He was some lover, that Wiggy, on stage or off. He was handsome. Anything he wanted in his voice, he could put it there. When he talked love, it sounded like love."

"What was said?" Claybrook prompted.

"She kept saying, 'I can't, I can't.' Finally he said, 'Then I must go alone. I can't stay here any longer and not have you as my own. Must I—must I say farewell?' When he put it up to her like that, she gave a different answer. 'Oh, darling, darling, I can't let you go.' She snuggled up to him then. When he kissed her, she dropped her head on his shoulder and sobbed, 'Oh, Wiggy, darling, I can't let you go. I can't, I can't.' That was how Arnost Banderlee found them. He'd been listening behind some scenery."

"Proceed," said Claybrook.

"What else do you want to know?"

"Describe defendant's behavior."

STINCHBUCK glanced at Banderlee and his lawyer.

Cabbage got up. "Your honor, this witness need not be hesitant. May I suggest that he answer freely and completely."

"You can suggest it," replied Steele, "but it ain't necessary. We'll get it out of him completely, even if not freely."

Claybrook was waiting. "All right, Mr. Stinchbuck?"

"How would you have behaved, Mr. Claybrook?"

"I'm asking you, sir."

“Well, Mr. Banderlee didn’t do much or say much. He was standing right close before they discovered him. Mrs. Banderlee quickly drew away from Wiggy. That left Wiggy alone and sort of confused. He looked angry, too. ‘Well, Banderlee,’ says Wiggy, ‘you have a way of showing up unexpectedly. I suppose you are now about to enact a scene of your own.’”

“Mr. Banderlee shakes his head slowly and says, ‘No, Longbridge. A scene awaits you, however. If my wife goes away with you, you will unknowingly journey with death; be assured that I will kill you. Meanwhile, you are henceforth on your own.’”

“Wiggy takes that with surprise. ‘You mean I’m fired?’ ‘You’re fired,’ says Arnie. Mrs. Banderlee had already gone to her dressing room; Arnie went after her. Later I heard them quarreling, though it was mostly weeping on her part.”

“We shall forego details as to their quarrel,” said Claybrook. “Before Longbridge left Flat Creek, did he leave any message for Mrs. Banderlee?”

“He did, sir.”

“What was it?”

“A letter.”

“What did it contain?”

“Now see here, Mr. Claybrook, it was not a letter to me; it was a letter to her.”

“All right, what about it?”

“Now, sir, you’re asking me about something that’s entirely private.”

“You refuse to answer?”

“Yes, sir, I do.”

Judge Steele made a growling noise. “What’s that you said?”

“I said that letter concerned people’s private lives. It was not a letter to me; it was to her.”

“Consarn you, Stinkbucket, do you know what was in that letter?”

“How would I know?”

“Do you know?”

Stinchbuck looked scared. He gulped. “Well, Judge, it’s no fault of mine that I happened to read it. But I did read it, I confess.”

“What was in it?” asked Claybrook. .

“It was a farewell message from Wiggy. It said, ‘Gardenia, my everlasting love, I’m leaving never to be seen again until Judgment day. Yet there must be one last farewell. A carriage will be waiting for you just back of McGuldy’s. If you love me, please drive to Upper Sarlay Gulch on Cosby Road. Even yet we may be together until death. I shall have a campfire burning, so you will know where to find me. It will symbolize my love, except that mine shall never go out. Come, my darling.’ That was his letter.

“I had seen Arnost come from her dressing room. From his resolute coldness, I knew something had touched him deeply. When I went into her room later, there was that letter, lying on a table. Judge me as you will; I read it.”

“We shall leave judgment to your conscience,” said Claybrook. “Did you see Mrs. Banderlee that evening?”

“I saw her slipping out by a side door. She was wearing a kind of cap, or hood, and a long cloak; she made for that carriage, mentioned in Wiggy’s letter.”

“Did you follow her?”

“Well, now, that’s right personal, don’t you think?”

“You heard my question.”

“I didn’t have to follow; I was already outside. I’d seen Arnost slip out a moment before, and I was worried about him.”

“Yes?”

“She was about to get in to drive away, when Arnost, almost hidden by darkness, confronted her. She gave a little startled cry and stood there, as if frozen. Arnost took off her hood and cloak, put them on himself and drove away.”

“All right,” said Claybrook. “No more questions.”

STEELE nodded at Halcyon Cabbage. “Want to cross-examine?”

Cabbage managed to get up. “If your honor please, this has no great relevancy; but it would be of some interest to know what Mrs. Banderlee did when her husband drove away.”

Stinchbuck’s face lengthened. “What did she *do*? What *could* she do? Poor child, she sat down on a rock and cried.”

Cabbage resumed his seat.

Steele tightened with wrath. “Consarn you, Cabbage, what’s that kind of evidence got to do with anything?”

As if pained in doing so, Cabbage got up again. “If your honor please, a woman’s heart is a story in itself, a song of loneliness today where yesterday sounded a rhapsody of love, whether in gladness or sorrow bearing forever a tender resonance of helplessness and longing for man’s protecting strength. Gardenia Banderlee was a woman. Not just any woman, but a reincarnation of womankind, hence bewildered, dependent blindly upon love for guidance, reacting as one enchanted in answer to its call. What has that to do with anything? It has enough to explain why a man who has pledged himself to protect her with his life should embark upon a journey to destroy that which would have lured her to destruction.”

“Now, your honor,” said Claybrook, “Mr. Cabbage is trying to justify murder in advance of proof that murder was committed. I suggest he wait until his eloquence is more timely.”

Steele pulled himself from webs of strange enchantment. “By thunder, Claybrook, you’re right; call your next witness.”

Claybrook nodded at a deputy. “Call

Dombock Gruber.”

A mangy looking compound of dirt, rags and whiskers was brought in. He sat where he was told to sit and fixed Claybrook with dark eyes set back in regions of obscurity.

“You are Dombock Gruber?”

“Yep.”

“What is your business?”

“Prospector.”

“Sleep out at night?”

“Yep.”

“Where did you make camp on Thursday night of last week?”

“In Upper Sarlay Gulch, close to where it’s crossed by Cosby Road.”

“Relate what occurred while you were there that night.”

“It’s a tale soon told,” said Gruber. “I’d just kicked out my fire and wrapped myself in my blanket, when along comes Kanaka Bowen’s stagecoach bound for Cosby and, be-swiggers, it stops there at Sarlay and a man sets himself down in my neighborhood and right away kindles a fire. I says to myself, ‘Bok Goober, something’s afoot here as sure as pyrite ain’t gold.’ Right I am, too, for about two hours later a carriage comes from toward Flat Creek. This rig stops in Sarlay, and what do I say to myself then? ‘Well, well,’ I says, ‘it looks like my good-lookin’ lobo is about to have a visitor, a female, too, so to speak.’

“In less time than it takes to tell it, they’ve flinged theirselves into each other’s arms and a scream disturbs my peaceful precincts that you could’ve mistook for a cougar’s love call. That ends matters pronto. My visitor in his she-wolf’s clothes heads back toward Flat Creek and leaves my neighbor lying dead right acrost his own campfire. All this time I’m staying out of sight, but now I says to myself, ‘Bok Goober, it’s time you made camp in distant parts,’ which is exactly

what I does.”

Claybrook turned and sat down. “That’s all, your honor.”

Halcyon Cabbage shook his head to indicate he did not wish to cross-examine.

“Next witness, Claybrook.”

Claybrook nodded. “Jessamine Acorn.”

A WOMAN of thirty-odd years, strong physique, and hard face was ushered in. She took her seat and turned hostile eyes toward Claybrook.

“You are Jessamine Acorn?”

“I am, sir.”

“You are one of defendant Banderlee’s troupe of entertainers?”

“Yes.”

“Has it been within your knowledge that defendant has a stiff left arm?”

“It has been within my knowledge that he *once* had a stiff left arm; there’s no such disability in it now.”

“How do you know?”

“I have seen him using it. Continuously and—I suppose he thought secretly—he has worked with it in an effort at restoration. That he has succeeded, I know. My eyes do not deceive me.”

Steele leaned forward uneasily. This kind of proof he regarded as an anticlimax, and useless. “Claybrook, what’s defendant’s left arm got to do with murder?”

“If your honor please,” replied Claybrook, “that his left arm had become useful again confirms Bok Goober’s account of that deadly embrace he witnessed in Upper Sarlay Gulch. It also discloses something sinister in defendant’s character, which suggests a life of deception and hidden motive.”

“You said it, brother,” Jessamine Acorn commented without warning or invitation.

Claybrook turned on her in surprise.

“Who asked you to say anything?”

“Nobody,” replied Jessamine, “but in case you’d like to know, there’s plenty I can say. If you care for my opinion—”

“I don’t care for your opinion,” said Claybrook sharply; “no more questions.”

Attorney Cabbage got up laboriously. “May it please your honor, I should like to cross-examine this kind lady.”

“Now, see hyar, Cabbage, we don’t want no sentiment sloshed into this trial. Murder is murder, by thunder; you let it stand for what it is.”

“Your humble servant would not do otherwise, may it please your honor,” Cabbage responded apologetically. “Your words of wisdom deserve inscription upon walls of justice everywhere. When a deed has been done, let it stand for what it is.” He turned to face Jessamine Acorn. “So now,” he said with subtle eloquence, “an injured arm has been lifted at destiny’s crossroads. Will you, good lady, please relate where and how Mr. Banderlee sustained an injury to his arm?”

Claybrook started up. “Now, your honor—”

“Set down, Wade,” Steele cut him off savagely. “I figured you’d made a mistake in not quitting when you’d proved murder. If a stiff arm’s got anything to do with events, by thunder, let it all be shown. Go ahead, Cabbage.”

Cabbage nodded at Jessamine. “You may answer, please.”

“I don’t see what difference that makes, about where he got his arm hurt, or how he got it hurt. It wasn’t hurt when he murdered Wigworth Longbridge.”

BEFORE Steele could bring his wrath to bear upon Jessamine, Cabbage had nodded. “Your reasoning is quite understandable, Miss Acorn. Though we do so reluctantly, there are times when we

must speak against our better judgment. When Mr. Banderlee sustained his injury, he was on a Missouri River steamboat, inland bound, I believe?"

"He was."

"You were there, also?"

"His whole troupe were there."

"On this voyage Mr. Banderlee received an arrow into his arm; is it not true?"

"It is."

"Will you now be so gracious as to explain in detail?"

"No details to it; we were attacked by Indians, some on shore, some in war canoes. Most of us found shelter behind freight boxes or in cabins, but some got caught in jams. Gardenia Banderlee was left exposed to arrows. A flight of them came sailing in. To save her from being hit, Arnost Banderlee, her husband, threw himself in front of her."

"And received an arrow in his arm?" Cabbage prompted.

"Yes."

"Was your steamboat boarded?"

"Several redskins got aboard, yes, sir."

"Mr. Banderlee, of course, could do nothing to help repel them?"

"He was hurt, but he shot two Indians with his derringier and cut one's head open with an axe."

"Our late lamented Wigworth Longbridge no doubt behaved valiantly?"

Jessamine did not answer.

"Your silence," said Cabbage, "suggests that Longbridge may not have been so brave?"

"You catch on quick," said Jessamine; "Wiggy was hiding behind a row of barrels."

Cabbage turned his face benignly up to Judge Steele. "Your honor, our departed Casanova wrote a letter, as heretofore shown, announcing that he was departing

animo non revertendi, which is to say, *with a mind never to return*. His words were prophetic; this defendant who truly loved his wife helped Longbridge to make good that prophecy. As your honor has so nobly said, let it stand for what it is."

Cabbage seated himself unostentatiously and began casually to place papers into his brief case.

Steele glared at him, but received no responsive eye. He turned to his hardened jurors and gave his head a vigorous jerk. "Get out of hyar and use some common sense."

They filed out and after several minutes returned. Their foreman, a lanky, bearded gold-digger, remained standing. "Mighty sorry, Judge, but we had to find him not guilty."

Steele stared at them in tight silence. Some of them shrank into their chairs. One of them said, "Sorry, Judge."

Steele exploded at last. "By thunder, you don't have to apologize for being idiots." He turned away from them in scorn and muttered angrily, "When jurors let sentiment rule their judgment, we get a brand of justice that belongs in a consarned lunatic asylum. Court's dismissed."

He sat still and sullenly watched men and women depart. Banderlee was surrounded by men who shook his hand. Women hugged him; several pretty ones kissed him.

Steele took it bitterly, but with vague hints of understanding. Possibly justice was not wholly exemplification of *lex talionis*—eye for eye, life for life. He could not put his thoughts into words, as Halcyon Cabbage could, but there were imponderables which made justice a thing inseparable from life.

His anger abated, left him feeling humble.