The Judge's Fall

By Will Payne

One Saved His Daughter's Life; One Faced the Gallows; Were They the Same? What Would You Have Done?

WHEN the lean, gray police inspector was shown into Judge Westcott's study the judge was slowly pacing the floor, his head bent and his hands clasped behind his back like a man with a deep problem on his mind.

The two servants of the law had often met and the quality of their relationship was indicated by the lighting of the judge's face and the heartiness of his tone as he exclaimed:

"Thank you for coming, Cassidy."

Gripping the inspector's hand, he paused an instant, so to speak, before the plunge; then hurried on:

"I'm in a fearful difficulty and I don't know a person in the world to turn to except you. I know I can trust you"—he smiled slightly as though in apology for a high-flown speech—"with my honor, for it amounts to that. I'm about to do something that a judge has no business to do—interfere in the trial of a case in my court." Still holding Cassidy's hand, the judge's face settled into a graver mask and he added, a bit lower: "If it seems that I have made a mistake, I shall resign from the bench."

That was a momentous declaration. He was then fifty-one and had sat on the bench eight years, yet he never took his seat there without some sense of the old, high tradition attaching to that solemn office—without a little feeling that he was stepping in rank with all those who from the beginning had slowly evolved civil order through the reign of law.

When he began studying law he had wished to be a judge. Most of his sprightly and forward looking young friends at the law school considered that an eccentric ambition, because a capable lawyer could make far more money at the bar. Yet Wolcott's ambition was to be a judge. The money mattered comparatively little, for he could expect a modest competence from his father.

Later on, when he married, it mattered still less, for his wife brought another modest competence. The appointments of this pleasant study and even Wolcott's clothes suggested a man who had always been able to be fastidious about his surroundings. Certainly he had been fastidious about his judgeship.

Releasing the inspector's hand, he took off his eyeglasses and said:

"It's quite a story; sit down."

The gray inspector, eyeing his host with a friendly shrewdness, had to wait a long moment for the beginning of the story. Cassidy had not been able to be fastidious about his surroundings. In childhood and youth, grub, fuel and something in the nature of clothes had been the main considerations of the household. It was his opinion that the man who sat pondering on the other side of the grate—in such well-fitting clothes, gold-rimmed eyeglasses poised between thumb and finger, with a thin, tanned, yet scholarly face barred by a neatly trimmed grayish mustache—was an aristocrat at heart. But Cassidy liked him not the less for that—having lived beyond most illusions and prejudices.

"Four years ago last June," Judge Wolcott began thoughtfully, "my daughter and I went up to my summer place at Pentonac." With a quick smile he interpolated, "You've met Betty," as though merely having met Betty explained a great deal.

And Cassidy smiled also as he nodded. Merely taking one good, full look at Judge Wolcott's only daughter explained a great deal.

"If you happen to remember," the judge went on, "that was an uncommonly hot June. Betty and I went up alone, earlier than usual. My wife was coming later. Betty was 17 that June."

As the judge looked back at it another interpolation of a domestic character seemed necessary and his smile broadened into a slight chuckle.

"Since the girl was knee high my wife had cherished a suspicion that Betty and I weren't to be trusted very much together. She was rather dubious about letting us go up to Pentonac without any grown-up, competent person to look after us. . . . ."

But at that point all suggestion of humor faded out and the judge's thin face darkened.

"The Lake Michigan water is cold up there, you know, all summer. Although June has been hot, the water was too cold for me; but Betty went in, being a first rate swimmer. The last day of June was lowering. After lunch I set off for a tramp through the woods. I'd got lost in the woods up there a couple of times, for I haven't much sense of direction, so I carried a pocket compass. Well, I roamed around a good part of the afternoon. I saw the weather was getting thicker, but paid little attention. Then one of those sudden fogs shut down. If I hadn't had the compass I shouldn't have been able to get home. I got back to the house. I thought, afterward, that I must have been back half an hour or so when a stupid fellow whom I had employed as chore man at the place came up to tell me that Betty ought to be found.

"This blockhead had seen her go down to our little bathhouse on the beach and come out of it in a bathing suit and go into the lake. He hadn't much sense of the time—whether she'd been in the lake one hour or two hours or even more. But the fog had shut down and she hadn't come back."

The judge's eyes were on the rug, as though he would spare Cassidy all he could and still tell the necessary facts.

"I told this fellow to run to the neighbors and give the alarm. I ran to the beach and jumped in a rowboat and pushed off. The girl was a good swimmer, you know, and venturesome—and heedless; only 17. I thought she'd struck out into the lake and the fog had caught her, so she couldn't see where she was or in what direction to go in order to make shore. The water was cold. She'd have to keep on swimming or she'd soon be numb.

"As I mentioned, I got lost in the woods a couple of times. That's disagreeable enough, you know—walking and walking and not knowing whether you're going toward home or away from it. But that was in daylight on dry ground. At worst I could just sit down and shout every once in a while and no doubt I'd be found in the course of a few hours. This other was different, you see; out in the lake; obliged to keep on swimming. . . . In that icy water even a vigorous girl could hardly last over two hours." The judge sighed and drew his hand absently across his brow.

"I rowed out—shouting and rowing a few strokes and shouting again. After a little I turned south. There was no reason for it, because she might have gone in any direction. But I turned south, rowing and shouting."

The judge then looked up, very gravely, at his visitor, and explained: "There was no reason in anything, Cassidy. I could see maybe five or six rods from the boat in every direction. There was a terrible fantasy in my mind—the fantasy that she was only a little beyond that fog curtain—eight or ten rods off over there or over there—giving up, you see; exhausted, sinking—and looking for me to come and save her as she sank. There was that terrible fantasy in my mind. There was no reason in anything I did."

The judge wet his lips and Cassidy noticed that the slim hand on the arm of the chair trembled a little.

"I'm sorry to drag out this grewsome stuff, Cassidy," he apologized; "but it's necessary that you know how I felt. I kept shouting and presently I was answered in a man's voice. I rowed toward the sound, shouting and getting answered and looking over my shoulder to see ahead. After a little, a bit of sandy beach came out through the fog and I saw a man dragging a girl up out of the water. She was senseless. When I got there the man was already chafing her limbs—trying to revive her. I fell to helping him, not knowing whether she was dead or alive.

"You can imagine my state of mind, and that's my only excuse for not finding out more about the man. He was a stocky, muscular chap—around 40, I should say. I got the impression of his broad, flat face and curious sort of bald eyes—hardly any eyebrows, you know. When we said anything it was mostly about Betty—the means of reviving her. But it came out some way or other, as we worked over her, that he'd gone in for a little dip near shore, not meaning to go out more than a few rods on account of the fog, and he heard a woman's faint cry for help, and struck out to find her and finally did find her—'mighty near all in,' he said. How he ever got her to shore through the fog I don't know. But he did. I saw that he was a man of little education. He said he must 'keep a-hollerin',' for there was an automobile road a short distance back from the beach and we might get a car to take her home in. Of course, the vital thing was to get her to warmth and a stimulant as soon as possible.

"Two cars going in opposite directions came along about the same time. One belonged to a neighbor of mine. The men took off their coats to wrap round Betty and we got the blanket out of the car to swath her in and carried her to the car. She was showing signs of life then and I was in a desperate hurry. But I didn't altogether forget the rescuer. I turned from the car, meaning to say a word of thanks and get his name. But he'd already got in the other car and was going south. I thought surely I could find him later by inquiring at the small resorts there—Warrener's and Pint Point—but I stuck close to Betty for 24 hours and when I went to find the man, although I inquired very diligently for several days running, I could get no clew to him whatever. It seemed as though he had just vanished with the fog. I've gone about with that debt on my mind ever since."

The inspector nodded sympathetically.

"That was four years ago last June," the judge repeated. "A week ago yesterday the case of People versus Midden came on for trial before me. I'm near-sighted, you know. When I take off my eyeglasses the courtroom is just a blur—even the faces closest up in the bar are indistinct. I knew it would take a day at least to get a jury in this Midden case, so I sat back with my eyeglasses off, taking it as easy as I could. Finally I put on my glasses to look at my watch and see if it wasn't about time to adjourn. I happened to glance down at the defendant, Midden, and my heart fairly jumped out of my body—the same stocky, muscular build, you know, and broad, flat face and hardly any eyebrows.

"I thought surely it was the man who had rescued my daughter. But as I stared at him it seemed that it wasn't quite the same face. I was uncertain. I called him up to the bench, and, near at hand, looking with all my might, I couldn't be certain whether it was the man or not. So I questioned him as to where he had been on the last day of June four years ago. He said he had been on duty here in Chicago and that he'd never been near Pentonoc in his life. After I had questioned him a little I felt perfectly sure it was not the same man.

"Of course, if it had been the same man I should have refused to hear the case. I couldn't sit in judgment on a man whose life was at stake, if that man had risked his life to save my daughter. I should have transferred the case to another judge. But as it wasn't the same man, there seemed nothing more to say. The two men were extraordinarily alike. I've thought since that very likely they are brothers."

The judge looked inquiringly at the inspector, who replied, "I've never heard of Midden having a brother. He may have one, but I doubt it."

"A striking resemblance, at any rate," the judge commented; and went on with his statement: "As it wasn't the same man, there was no reason why I shouldn't hear the case; and I have been hearing it."

He paused there, frowning, rubbed his brow, and looked over at the police officer with a baffled sort of smile, at once humorous and regretful, and confessed:

"But, deuce take it, Cassidy, I can't get that other man out of my mind! Somewhere or other, you see, there's a man just like this one on trial before me—stocky, flat-faced, of very limited education, occupying a rather humble position in society, and by no means over bright. I've watched Midden closely, and whatever else may be said about him he's a rather dull, slow-minded man."

The inspector nodded and said, "Exactly!"

"Somewhere," the judge repeated, "there's a man just like him who heard a girl's faint cry for help and struck out into the fog. It took nerve to do that, Cassidy, when he'd lose the shore line in one minute, and if he lost his sense of direction it would be just touch and go whether he ever got back—to say nothing of being encumbered with a helpless girl. It took courage to do that—and the girl was my daughter. I can't get it out of my mind."

Cassidy plucked at his grizzled mustache, looking thoughtful and sympathetic.

"It's true," Judge Wolcott went on, "that I never tried another case as I've tried this one—hanging on every word, fairly as though my own life were at stake, and watching every face and gesture. You see, I take off my glasses and the courtroom immediately blurs as though a fog had settled down in it. I can't get that out of my head, either—a poor devil down there below me swimming in that fog without any shore line."

"YOU KNOW AS WELL AS I DO THAT THAT'S NOT JUDICIAL. IT'S NOT WHAT'S EXPECTED OF ME, OR REQUIRED OF ME."

The judge frowned and then shook his head as he passed judgment on himself, with severity:

"You know as well as I do that that's not judicial. It's not what's expected of me, or required of me. I'm required to sit back with a perfectly neutral mind—a perfectly detached umpire, to see that neither side infringes the rules, and then to let prosecution and defense fight it out between themselves. I don't say that any court of review can find any prejudice in my rulings. I'll defy any appellate court to do it. But it's true my mind hasn't been judicial. . . ."

The judge mused a moment and in a further perplexity exclaimed:

"I don't know why Midden got Simeon Crews to defend him. Crews always struck me as something of a blockhead—stubborn, hidebound sort of a chap. But again, that's none of my business. If a defendant chooses a lawyer who doesn't fight his case properly that may be a misfortune for the defendant, but it's no affair of the court."

"I don't know why or how Midden got Crews," said the inspector, looking rather embarrassed. "Maybe we ought to have done more for Midden than we have—but I don't know exactly what more we could have done. . . . Probably you can see the boat this case puts us in—I mean the police department. Here's a policeman—been on the force 13 years—accused of murder; about as dirty a murder as a man could be accused of, too. Of course, we looked into it. It struck me that the evidence against him was about as conclusive as circumstantial evidence ever could be. Naturally that reflects on the whole department—puts us in bad; especially as the state's attorney's got it in for us just now anyway. Probably it's only natural under the circumstances for us to feel sort of sore at Midden and to want to wash our hands of him as much as we can. We couldn't very well lay ourselves open to the charge of trying to shield a murderer because he wore a police uniform."

"Certainly, I see all that," the judge returned heartily. "But the result is that Midden's been sort of shunted off to fend for himself—alone in the fog, we might say."

"Midden's been on the force 13 years," the inspector commented; "but he never—well, made much of an impression. There's nothing against him except that one time, three years ago, when he was accused of treating a prisoner brutally. He did beat the fellow up, and there may be some doubt as to whether it was strictly necessary. At the time I gave him the benefit of the doubt because his record was clean up to then. I'd give him the benefit of the doubt now. But, of course, the prosecution is making the most of that charge of brutality against him. Except that, there's nothing in the record against him, but there's nothing in particular for him either—just a slow-going, stick-in-the mud, treadmill sort that made no particular impression on anybody. It's true, though, that when I heard of this murder charge, and before I saw all the evidence, I believed him innocent. It didn't seem to me that Midden was a man who'd possibly do that—a rather dull, simple-minded man, as you say, but no more a man who'd kill a woman than I am. That was the way it struck me at first. But when I saw the evidence, it looked different."

Judge Wolcott got up, standing by the grate, like a man coming to the crux of a matter, and said:

"Well, now let's look over that evidence again. Nine years ago Patrolman Midden's wife died. They had no children. He saw a lodging advertised on Duquoin street, only five blocks from the police station—convenient for him. He looked it up and took the lodging—in a three-story brick flat building owned by Mrs. Cruger. She's 20 years older than Midden, childless, with no relatives except a niece in Indiana with whom she is on bad terms. It's clear enough from what has been said at the trial that Mrs. Cruger was a crabbed and tight-fisted person who had very little to do with her tenants except collect the rent and refuse to make repairs. She doesn't lodge in the three-story brick flat building, but in a story-and-half frame cottage which her husband built 30 years before, on the other end of the lot, facing Kress street. You can go into the cottage by the front door from Kress street, or from the back door you can step into the back door of the lower floor of the flat building.

"Most likely Midden's blue uniform first attracted Mrs. Cruger's attention. Probably the idea of having that symbol of authority about the place appealed to her. Maybe she had an idea that an officer of the law must be more trustworthy than ordinary tenants. It's plain enough that she was of an extremely saving turn of mind. Gradually she got Midden to do little errands and attend to little matters about the place for her, for which she paid him nothing. The prosecution says that by these means Midden was worming himself into her confidence. It's just as easy to say he was merely good-natured.

"The upper half story of the little cottage consists of two bedrooms, with a small hall between them. Mrs. Cruger occupied one of them. Five or six years ago Midden took the other one. He says she asked him to—feeling safer with him across the hall, especially as there was sometimes quite a bit of rent money in her possession over night. Even then she had begun to be afflicted with rheumatism. That affliction slowly grew upon her. In time there were periods when she kept to her room for a week or more; and in time Midden came to be a sort of unacknowledged, uncompensated agent for her, attending to various matters, even occasionally collecting rents for her and taking the money to the bank.

"Of course, the prosecution has given the most sinister possible cast to all this, even to suggesting dull, flat-faced Midden in the role of Don Juan; but the most impartial judge in the world would have to dismiss that as mere advocate's suggestion, unsupported by any evidence. The widow knew her state of health was precarious. Dr. Ferguson had spoken to her about a danger to her heart through the progress of her ailment. Three years ago she made a will leaving $5000 to the niece in Indiana and the remainder of her estate to Timothy Midden. Besides this flat building and cottage she owned some other realty. The estate is said to be worth about $70,000.

"There is no doubt about her mental competence at the time she made th's will or about her deliberate intention. She even gave the will to Midden for safekeeping. Naturally that will bulk large in the trial, but it seems pretty clear from all the testimony about her that this crabbed widow—who had a certain biting and acrid humor—didn't care a rap for a human being unless it was Timothy Midden. Most people care something for somebody. That she had a sort of foster-motherly fondnses for Midden and would rather he had her money than anybody else looks probable enough to me.

"But then, about six weeks before her death, a daughter of this Indiana niece—a young woman whom Mrs. Cruger had never before seen—came to call on her. Undoubtedly this new relative struck a dormant chord in the widow's breast. She thought it over for some time and decided to change her will. The defense admits that. Midden says she talked it over with him, her idea being to leave this girl $10,000. He says he didn't oppose it, but told her he thought that would be right. The thrifty soul had paid a lawyer $10 to draw the original w'll. She didn't propose to pay another $10 to have another will drawn. She proposed, instead, to write out a new paragraph to be inserted in the original will, then have it all copied anew and executed in the same form as at first.

"When she gave Midden the will for safekeeping he had put it in a big envelope and handed it to the desk sergeant at the Duquoin street police station to be put in the station vault. So Midden got the original will from the desk sergeant and took it to the widow. On the second day following he left the police station as usual about 4:30 and walked around to the office of Dr. Ferguson on Lithcombe street. The young woman—Dr. Ferguson's office attendant—says he seemed nervous. He waited a few minutes in the office to see the doctor, but, as the doctor was still engaged, he left word that the doctor was not to call on Mrs. Cruger that day or again until he was sent for.

"For ten days the widow had been bed-bound or chair-bound in her room and Dr. Ferguson had been calling on her daily between 5 and 6 o'clock, for he considered her condition rather critical. Midden says that Mrs. Cruger had been finding fault with the doctor for coming so often—doing her no good and wasting her money. He says that when he stepped into the widow's room that morning to see how she was and whether anything was wanted she felt no better and was more exasperated than ever at the doctor—instructing Midden positively to tell the doctor not to come to see her again until she sent for him.

"Now, Midden says he was disturbed about that, for he thought she ought to have the doctor. So he was in two minds as to whether to carry out her instructions or not. But, finally, since she had positively ordered it, on leaving the station he did go around to the doctor's. But he felt disturbed about it, and if there was any nervousness in his manner the disturbance accounted for it. Midden says he left the doctor's office meaning to go directly to the cottage; but the tire of a passing automobile blew out with a loud report and he just stood on the sidewalk watching the man change the tire. The man had some difficulty doing it. The operation may have taken near half an hour."

The judge studied the rug a moment, and pinched his chin and gave a little sigh.

"If we take that to be true," he went on, "we've got to admit that it was awfully unlucky for Midden. It was a fine autumn day, inviting one to loaf a bit. Midden was just off duty for the day. He had that doubt and affliction in his mind regarding the doctor's call. Say he was rather out of patience with the widow for insisting that the doctor shouldn't call, and consequently a bit loath to see her—inclined to put that off a little. Being a rather dull, slow-minded man, he just stands and mechanically watches a chauffeur change a tire, and although he must have stood there at least 20 minutes, he can give only a general description of the car, and, on cross-examination, has to admit that he didn't even look at the license plate. We've got to put it about that way if we take Midden's statement to be true. . . .

"Dr. Ferguson is a man of very decided views and very decided character. There isn't the least doubt in his mind that Widow Cruger needs medical attendance and that she's going to have it whether she says so or not. Not long after Midden left the office he gets the widow's message; but when he starts out to make half a dozen neighborhood calls, winding up the day's work, the first place he goes to is the cottage on Duquoin street. He stumps upstairs, pushes open the widow's bedroom door and finds her dead in her chair with Timothy Midden on his knees examining the contents of a green iron box. The room is heated by a small cast-iron stove. Ferguson sees at once that the widow has been killed by a single smashing blow from the stove poker. . . .

"Midden says that after watching the man change the tire he went to the cottage, climbed the stairs, opened the widow's door as usual without knocking, and found her dead in her chair. Seeing, fairly at a glance, that she was dead, he looked around for clews and immediately noticed that the green iron box in which her papers were kept had been pulled out from under her bed and then thrust back so carelessly that a corner of it still stuck out. With a notion of getting a clew, and to see if anything had been taken, he pulled the box out and was looking at its contents when Dr. Ferguson stepped in—which, he thinks, wasn't over two or three minutes after he himself entered the room. We must admit the prosecution's point that, under circumstances such as Midden alleges, it was his first duty to notify the police, and that, being a policeman, he must have known this. Yet because he was a policeman the first thing that occurred to him may very well have been to look for a clew to the murder. Isn't that so?"

The inspector rubbed his chin a moment, and replied quizzically:

"Well, judge, I discovered a long while ago that this impartiality which you gentlemen on the bench talk about is a pretty hard state of mind to get into and keep in. You're mighty apt to form a belief one way or the other. If you believe the man's guilty, circumstances will look guilty; but if you believe he's innocent the same circumstances will look innocent."

"That's true," the judge admitted; "and in this case, long before the trial, nearly everybody believed Midden was guilty. There was the motive—she'd willed him $65,000 or so, and she was going to change the will, certainly reducing his inheritance, perhaps cutting it off altogether, as the prosecution intimates. There was the insinuation all through of a man taking advantage of a woman—worming himself into her confidence, and all that. He did tell Dr. Ferguson not to call that day. There was the brutal character of the murder—a smash over the head with a heavy poker. There was Midden examining her papers when the doctor stepped in, and the woman not yet cold. I've no doubt that, while I should have tried to rule fairly, I myself should have believed him guilty, and all those circumstances would have looked convincing to me."

"But there's that woman's testimony—the lodger—what's-her-name," Cassidy reminded him.

"Exactly. I was coming to that," Judge Wolcott replied. "Her name is Miss Juliet Everden. For about two years she's been a lodger in the brick flat building—a sub-tenant, renting a bedroom from Mrs. Dilsy, who rents a flat. She was one of the few women in the place—almost the only one apparently—who had managed to strike up some sort of sociable relationship with Mrs. Cruger. At least she had visited Mrs. Cruger in her room quite a number of times—a dozen or more, she thinks—in the last year. Her testimony tells heavily against Midden on two points. First, she says that on this fatal day—not long after coming in from luncheon—she went back to the cottage to see how the widow was getting along, and found her sitting in her cushioned rocking chair, and sat down and talked with her 15 or 20 minutes. She says very positively that, in talking about her bodily conditions, Mrs. Cruger mentioned that she was expecting Dr. Ferguson to call between 5 and 6 that afternoon. That tells heavily against Midden—leaving no other impression than that he told the doctor not to call for a purpose of his own. Miss Everden also says that several days before, when she visited Mrs. Cruger, some money lay in the widow's lap. A tenant had just been in and paid some rent.

"She says Mrs. Cruger, being chair-bound, asked her to pull the green iron box from beneath the bed and set it up on the bed beside the widow's rocking chair, so the widow could get at it. Miss Everden did so, she says, and stepped back a little way, standing by the foot of the bed, while the widow opened the box and put the rent money in it. Miss Everden says that from where she stood she could see into the box quite clearly when it was opened, and she saw 'a great deal' of money. That's the way she described it—'a great deal.' She wouldn't try to guess how many dollars, but she says there were 'two or three stacks,' or 'packages,' of bank notes.

"That testimony also tells against Midden. He insists that the widow never kept 'a great deal' of money in the box—never more than a hundred dollars or so; possibly two hundred at most. He says that when more than a hundred dollars or so accumulated in the box she sent it to the bank. She kept no regular set of books—only loose memoranda of the amount of rent due her. There's no way of checking up and finding out definitely how much cash she might have had on hand.

"A minute or two after Dr. Ferguson stepped in and found the widow dead, Midden said he'd go and notify the police, and left the room. What or how much he might have taken out of the box and put into his pockets before the doctor entered is an open question. But it is true that no money whatever was found in the box when the police examined it, and by Midden's own account there should have been some money there. Of course, the theory of the prosecution is that, in addition to getting the widow's real estate by killing her before she could change her will, Midden robbed her iron box of 'a great deal' of ready cash."

"You'll have to admit, judge," Cassidy remarked, with a touch of reluctance, "that Midden's either guilty or blamed unlucky."

"I do admit it," said the judge. "In all this evidence there's really just one point in his favor. That's those gas and electric light receipts."

The inspector nodded. Two days after the murder a package of receipted gas bills and one package of receipted electric light bills had been found in a receptacle for waste paper in Unity park, about half a mile from the Duquoin-street premises. Usually only discarded newspapers, candy boxes, popcorn bags and like crumpled litter was thrown into these receptacles. In emptying this particular one, a park workman had chanced to notice two neat-looking bundles of colored papers. Looking more closely, he saw they were gas and electric light bills running in the name of the Widow Cruger. As the widow's murder was then the current sensation, the workman turned the papers over to the police.

The defense was using them to strengthen its theory that someone unknown had entered the cottage shortly before Midden came home, killed the widow and hastily rifled her strong box. Discovering afterward that these receipted bills were worthless, the murderer had thrown them away in the first convenient place—namely, the waste-paper receptacle in the park. But Midden had been at large for 24 hours after the murder. The prosecution contended that he himself threw the bills into the receptacle in order to confuse the police—having cunningly taken the bills out of the widow's box for that very purpose.

"That's the one point in his favor," Judge Wolcott repeated. "Why should anybody have taken those worthless old gas and electric light bills? The prosecution's theory would make Midden altogether too cunning. Why should anybody have taken them—especially anybody with a murder fresh on his hands, and no time to waste on superfluous actions?

The inspector shook his head.

"Well, I should have shaken my head, too," said the judge; "but I'm near-sighted myself. The gas bills are light green; the electric light bills light yellow. Take off my glasses and put those two bundles a dozen feet away and I couldn't tell, to save me, whether they were old bills or bank notes. Now, Miss Everden says she saw, in the widow's box, two or three bundles of bank notes. What she saw was those canceled bills, fastened in bundles with rubber bands."

Perceiving where that led, Inspector Cassidy looked up at the judge with a certain uneasiness, and began tugging at his gray mustache.

"I know, Cassidy," said the judge quickly. "I know how that strikes you—as a very far-fetched, dubious theory, which I have concocted because I'm bound to have some theory that exculpates Midden. I dare say, if I were in your shoes, it would strike me that way. But, I assure you, you're wrong. I've bored and bored at this case with every faculty I've got. Remember, I've had the training of a judge, and not a little experience in weighing evidence. Believe me, Cassidy," he added earnestly, "I'm not the man to shut my eyes and just romance myself into a theory. I've bored at it with all my might. . . .

"This Miss Everden, now—she gave her age as 21, but charity itself would add ten years to that. She says she is a teacher of music, and no doubt she is; but it is clear enough that she isn't prospering much in it. Crews only went so far as to bring out incidentally that she had once played the piano for a very poor sort of cabaret. If he had gone further he would no doubt have disclosed a woman in poor luck, living precariously—much to be pitied, in so far, no doubt. That's stamped on her. . . .

"And something else, Cassidy, or I'm no judge. An unusually tall, thin woman, you know, with sharp features, as though they'd all been whittled to a point. Have you noticed her eyes—so restless they fairly give one the fidgets? And her thin, restless hands. All that spells wrecked nerves—a proper subject for a hospital or sanitarium, no doubt; but without the money to go to one. And that peculiar pallid deadness of her skin? That looks like drugs."

The inspector was frowning, and he cut in impatiently:

"Of course, I saw all that, judge. I talked with her twice directly after the murder. I've noticed her since. I saw all that you say. But, great scot, you can't accuse a woman of murder because she's poor and living hand-to-mouth, and her nerves are all shot up, and she probably takes

(Concluded on Page 7.)