

his trial for the murder of your wife for the first time the whole sordid, adulterous, two-timing story comes out. Then, while you are still reeling from this cruel succession of emotional blows this same young man suddenly rises in the witness stand and points his ^{straight} finger at you and tries to blame the whole ghastly tragedy on you."

Gene Canda took several quick steps toward the jury box and widened his hands and lowered his voice. "Ask yourselves this one question," he said. "Would not the shock and terrible disillusion of hearing such a fantastic charge, on top of all the rest, drive you fleeing from the very sight and presence of the ungrateful person who made it?"

If I had not been so busily scribbling rebuttal notes

I would have been tempted to ~~rise~~ and applaud this cornily resourceful explanation to the jury about why they should shrug off and forget the absence of Jason Spurrier. In fact so plausible did he make it sound that it occurred to me that Gene Canda might wake up one morning wearing the ^{neglected} mantle of the late grand-standing Amos Crocker if he didn't watch out...

"Suppose you let this man go?" Gene Canda asked the jury. "Aren't you telling this community, the state, and indeed the ^{whole} nation that there is a brand new way ^{abroad in the land} ~~to beat a murder rap~~ to beat a murder rap? And how do you work it? Easy. All you got to do is to tell the cops when they gather you in that while you're really awfully sorry ^{for what happened} you simply just can't seem to remember a thing. Then, when that story gets

a little too thin to sell you suddenly recall just enough
to blame it ^{all} on the murder victim's spouse"--he snapped his
fingers--"just like that!"

He returned to his table not to sit down but to take
another swig of water while he let this last pitch sink
in. Jurors never like to look stupid and silly, if they
can avoid it, and his foregoing argument, stripped of all
its rhetorical bunting, boiled down to this: "See how
^{goddam} silly you'll look, folks, if you let this lying bastard
off?" Perhaps I recognized the symptoms ^{myself} because I'd so
often used the strategy myself.

As I sat pondering my past sashays into the heady
realm of high ^{flown} courtroom rhetoric I heard Gene Canda
gravely saying "Finally, ladies and gentlemen, please do

not regard this trial as a personal contest between Mr. Biegler and me" and I knew that he had launched another shrewd jury stratagem I had also used, that of putting the jury on its honor as a kind of lone protector of the public weal against the assaults of the hordes of unsocial and eccentric individuals prowling ~~in~~ society's midst. This not only gave the prosecution a strong advantage in a close case, I knew, but had the further advantage of removing the case from the teetering narrow competitive level of wrangling civil litigants; it not only put the jurors on their honor but also on the spot.

"My job is not to convict this man at any cost," he ran on in this lofty Socratic vein,"but only to present to you the evidence of a grave act of violence for your

decision. It is you who have the responsibility, not me;
my work is done and my salary will go on, whether win or
lose this ~~isolated~~ case. So please do not for one moment
think you must do anything for me or for the office I repre-
sent." He clapped his chest ^{and bowed his head.} "I am merely your agent,
your humble servant, if you will, whose only duty and
privilege is to bring these grave matters to your attention."

It was a powerful sobering argument, not least of all
because it contained more than a little truth, and as Gene
Canda ran on in this modest self-abasing vein I thought of
how dangerously close to demagoguery all jury argument can
sometimes get, especially when it contains its appealing
grain of truth.

"All his bullshit aside," Parnell had recently declaimed

with ~~his~~ characteristic genteel restraint, "your really
successful demagogue succeeds because he contrives to salt
his rantings with enough truth to silence and petrify his
opponents. Behold George Wallace." Truth, Parnell went
on to explain, was used by the demagogue largely as a tool
toward victory not as a ^{necessary} probing scalpel in ^{any} ^{handy} detached
search for enlightenment.

From my own past youthful excesses in jury argument
I could see that Eugene Canda, an essentially decent and
fair-minded young lawyer, was skating dangerously close to
the brink of courtroom demogoguery, just as from my own
rueful experience I also knew that what he was really tell-
ing the jury was how desperately he wanted to win.

"A savage act of violence has occurred in this county,"

Gene Canda was saying in a lowered sombre tone of voice, *his hands widened. if misguided*

"A helpless woman has been strangled to death in the bedroom of her home." He turned and pointed at a pale and staring Randall Kirk. "And beyond the shadow of any doubt that act was done by that man," he continued, still pointing.

He turned and glanced at the courtroom clock. "While you have an undeniable duty to the defendant to weigh his story well and fairly and to give him the benefit of every reasonable doubt, you also carry a heavy responsibility as the sole representatives of public law and order in this case and owe a grave duty to the people of this commonwealth not lightly to let an admitted savage act of violence in our

midst go unpunished." He wagged his head. "That way, my friends, lies jungle darkness and ultimate chaos." He again glanced at the clock. "I thank you," he abruptly concluded, retiring to his table and flopping down in his chair and whipping out his breast-pocket handkerchief and

wearily blotting himself, a moving ^{portrait} ~~feature~~ of the exhausted public servant.

There it was, I saw; the final act of this shrewd "law and order" jury strategy ^{was} ~~and~~ always pointedly to fail to ask for a conviction, thus further ^{putting} ~~put~~ the jury on its honor. Judge Maitland nodded down at me and I took a quick deep breath as I arose and grabbed up my notebook and moved up before the sober and waiting jurors.

Chapter 45

"Ladies and gentlemen," I began, "while it is normally the sole province of the trial judge to advise you on the law of the case and for us lawyers at this stage of the trial to modestly confine our comments to the facts, my opponent has chosen in his argument to so far ignore or else becloud the legal issues ~~of this case~~ that I find I am forced to touch upon them, however briefly, before I can go on to discuss anything else."

I glanced at my notes and pressed forward. "For many centuries in Anglo-American law the basic elements of all grave criminal offenses such as murder were that in order for the People to convict a person of such an offense it had to show three things: first, that a criminal act was committed, second, that it was committed by the accused and,

third, that the act was committed by him with conscious criminal intent."

I reached into my coat and pulled out our copy of the criminal information filed against Kirk. "This ancient formula has been defined in many plain and fancy ways, but always it boils down to three essential requirements: one, a criminal act, two, performed by the accused, three, with the requisite criminal intent.

"That was the law many centuries ago and it is still the law today, this very moment, now, in this courtroom, in the ~~very~~ case before us. Hence it is that the People's information filed against Randall Kirk, already referred to by Judge Maitland during the selection of the jury, significantly concludes with these ancient words, and I

quote, 'feloneously, wilfully and of his malice aforethought

did kill and murder one Constance Farrow Spurrier.' "

I put the information away and again faced the jury.

"Whether criminal guilt in cases of this kind should require

these three basic elements may be an arguable philosophical

proposition, granted, but its long acceptance in the Judeo-

Christian legal ethic is beyond dispute. This brings me to

the heart and guts of this case."

I again glanced at my notes and doggedly pushed on.

"That a violent homicide was committed here and that the

killing was performed by the accused, Randall Kirk--the

first two elements I've just referred to--are now beyond

^{all}dispute." I glanced back at Gene Canda. "As our zealous

young prosecutor has so tersely and eloquently stated,

there is not only no longer any reasonable doubt but no

doubt at all as to who did what to whom.

"But powerful and indeed overwhelming as the People's proofs were on these first two elements," I continued, "the prosecution has offered not one shred of proof on the presence or lack of the requisite criminal intent—that is, the third element of which I speak. Now I am not necessarily blaming the People for this lack of proof, and indeed I concede that if Randall Kirk had not recovered his memory and testified the People's proofs on the first two elements taken along with certain legal presumptions, might well have proved sufficient to convict him. I say this because there is another ancient ~~legal~~ ^{in the law} maxim that says that in the absence of proof to the contrary people are presumed to intend that natural consequences of their acts."

I paused and again glanced back at Gene Canda. "But there is one thing I do blame the People for and it is this: for ignoring rather than exploring these crucial legal issues I have just touched upon and for failing to face up to the weaknesses as well as the ^{admitted} strengths of the case it so cornily claims it doesn't give a damn whether it wins and lastly for attempting to evade or hide these vital issues behind a flag-waving star-spangled appeal to good old law and order."

I walked back to my table to confirm the fact that the Sheriff's water was as tepid as I remembered--neither he nor it failed me--and also to allow time to let my own little darts sink in. I wasn't so much trying to show off my knowledge of criminal law and at the same time

spout a little high-sounding legal philosophy as to somehow jolt the jury into facing up to the real issues of our case, so far barely touched on.

"Though my brother Canda tries to demean and ridicule the defendant's story," I ran on, once again back before the jury, "the solemn fact is that his testimony is the only evidence in this entire case bearing on this vital third element I have just spoken of, namely, the question of his intent or lack of it. I shall not attempt to repeat my client's story but in and by it he sets up a defense long known in Anglo-American law as that of unconsciousness—though one would never ^{have} ~~faintly~~ ^{ed} suspect it from anything my brother has said.

"In his argument the prosecutor has instead implied that if you acquit the defendant on his story in this case you will somehow be indulging in a wildly irresponsible act and be allowing a unique new method of beating a murder rap, as he so elegantly put it. This is not so, and his implication to the contrary is a perversion of the true state of the law.

"The fact is that the defense of unconsciousness in English law goes back so far that it predates the keeping of any written legal reports. The fact is that one of that country's earliest reported cases goes back nearly to our own Revolution. The fact is that our own first American case--and still a leading one--allowing the defense of unconsciousness goes back to 1879, nearly a century ago.

allowing the defense

The fact is that today a growing number of our states also allow the defense by statutory enactment. The fact is that the model penal code sponsored by the cautious and conservative American Law Institute not only provides for and allows the defense of unconsciousness but specifically includes that form induced by involuntary hypnosis. The fact is that such unconscious defendants are not punished for their crimes for much the same reason that insane defendants aren't—namely, because, putting it in the idiom of the street, they didn't mean to be mean.

"Let me repeat," I said after again consulting my notes, "the only proof we have in this case bearing on the third element tends to negate the presence of sufficient or indeed any criminal intent necessary to warrant a conviction at your

hands. True, my brother ridicules my client's story and correctly points out that no one has appeared here to support it. But who else could have supported it? If Doctor Salter had dared try to give his opinion as to whether Kirk's story was true or false Mr. Canda would have been the first to leap up and boom his objections and, I must concede, would properly have been sustained. But by the same token, let me remind you, no one here has refuted or denied Kirk's story—and this, people, brings me down to the missing Jason Spurrier, whose absence my brother Canda, with sound intuition, correctly guesses I intend to heavily dwell upon.

"Where is the elusive Jason Spurrier?" I pressed on, raising my voice. "My brother Canda has invited you to ask

yourselves a flock of ^{searching} questions when you retire so I'll add
a few. And like him I too will invite you to put your-
selves in Jason Spurrier's place. ^{look,} If there were a grain
of truth in Kirk's story who else but Jason Spurrier could
shed further light on it and possibly even explain it away?
But where is Jason Spurrier? And if instead Kirk's story
were the outright bold lie my brother so blithely implies
why would Jason Spurrier not have clamored to take the
stand to defend his honor by promptly denying and blasting
it? Does ~~one~~ ^{an innocent man} run away from a charge which boils down to
that of plotting to kill one's own wife and imprison her
lover? Finally, would any ^{truly} innocent man both act and fail
to act as Jason Spurrier has done in this case?

"But you need not dwell in the speculative realm of
rhetorical questioning. Simply take the People's case as

it stands. My brother ~~foxily~~ implies that Mr. Spurrier has already denied this charge but once again this is a slick perversion of the law and a hammy sweeping of blinding oratorical dust into your eyes. Why? Because under our legal system probative testimony that you may legally consider in your jury room--as I'm sure the Judge will tell you--is not that which is cursed and shouted from our courtroom doors as the witness is fleeing the place but is testimony soberly delivered under oath under strict judicially-refereed rules of evidence. Moreover if Jason Spurrier had been sworn and denied this story--as only he could--his denial would also have been subject to the same probing ~~and~~ *the defendant* ~~even nagging~~ cross-examination that Kirk's story got this morning from our zealous prosecutor. Finally, under our legal system the witness's testimony would have been subject

to the pains and penalties of perjury--which, remember, Spurrier's shouted denial also isn't."

I then briefly reviewed some of the questions I would have liked to ask Spurrier if he had appeared and then had myself a final gulp of water and faced the jury for my closing pitch. "You will recall," I said, "that during the voir dire examination all of you said that you understood the legal doctrines of presumption of innocence and reasonable doubt and promised to apply them to the trial of this case if you were chosen.

"Now is the time to remember and keep that promise for here again briefly is the situation you face. The People have charged Kirk in a case that contains three basic elements. They have proven two, conceded, but failed utterly on the third, which the defendant has refuted under oath.

But there is even more than that. The People have also failed to produce the one known witness who might have refuted or at least cast some doubts on Kirk's story. Why they have failed to produce Jason Spurrier I really cannot say or guess but that is really not my concern or yours. And in any case this People's failure cannot be blamed on Kirk, as the prosecutor has boldly tried to do.

"Finally, if the People do not produce this denial of Kirk's story here--which they have notably failed to do--is not a reasonable doubt thereby raised in your minds as to his guilt? And if such a doubt exists and stays with you mustn't you under our law as well as in good conscience vote to acquit?" I glanced at the clock. "Thank you," I abruptly concluded, turning away and wearily sitting down.

"Mr. Canda?" Judge Maitland inquired.

"The People waive any closing argument," Eugene Canda half rose and tersely announced.

"Members of the jury," Judge Maitland began, "it now becomes my duty to tell you the law you may apply to the facts in this case, as you may find them," and as he droned on I listened in a kind of fatigued daze to hear some faint clue that he might be going to instruct the jury that it could consider and apply our defense of unconsciousness in this strange case.

Chapter 46

Professional boxers, I vaguely recalled reading somewhere, sometimes secrete so much adrenalin during a hard fight that when the thing is over, ~~whether~~ win or lose, they are gripped by such a sudden bone-weary sense of fatigue that all they want to do is crawl away to some quiet corner and sleep and sleep. Judge Maitland's voice, as he droned ~~away on~~ his jury charge, kept coming ^{at} me in ebbing and surging waves, as through a curtain of aural smog, and I ~~was~~ wondered dreamily whether the same feeling of letdown didn't also afflict trial lawyers although, ~~they~~ ^{they} more discreetly tilted only ^{with} words...

"A reasonable doubt, then," I heard the Judge saying, groggily shaking myself awake like a ^{nodding} drunk in a bus depot, "is a fair doubt growing out of all the testimony in the case. It is not an imaginary doubt or a possible doubt but one based

on reason and common sense, such a doubt as shall leave you, after a careful examination of all the evidence, in such a state that you cannot lean back and say to yourself that you have an abiding conviction to a moral certainty of the truth of the charge made here against the respondent, as I have just explained that charge."

The Judge paused and had himself a tinkly sip of ice water--a judge's ^{drinking} water is never tepid--and deftly dried his moustache with a single swift back and forward movement of ~~his~~ ^{one} hand. "All of which brings me..." he droned on, and once again his voice faded into a soothing rhetorical hum until I felt a pressure on my knee and smiled gratefully at my client for so thoughtfully prodding his drugged lawyer awake.

"The defendant claims that at the time of the alleged

offense he was in a state of unconsciousness due in turn to
a state of hallucination induced by involuntary hypnosis at
the hands of another," I heard the Judge saying and this
made me sit bolt upright for I now knew I would soon learn
whether he was going to accept or reject our theory of
defense. ^{novel}
^{novel} ~~novel~~ ^{novel} in Michigan, that is.

"This is a defense that is recognized under our law,"

I next heard him saying, "for one of the important inci-
dents of legal responsibility for crime in our society is
that the defendant must have his wits about him, that is,
must be aware of and intend what he is doing. Therefore I
charge you," he ran on as I looked vainly around for Parnell
to bestow a congratulatory grin on the old boy for this
thrilling word for word repetition of the crucial requested
instruction he had drawn, ^{himself} "that if you should find that the
[^]

defendant was unconscious at the time of the fatal encounter, or if a reasonable doubt remains in your minds on that score then, in either case, you should acquit him on the grounds of unconsciousness."

The Judge looked up from his notes and spoke directly to the jury. "In considering and weighing the defendant's story I also charge you that it has not been denied or rebutted by any probative evidence at this trial that you are at liberty to consider," I was thrilled to hear him saying, which was a lovely instruction we had not even asked so for the simple reason that Parnell and I had no possible way of envisioning its propriety until Doc had recovered Randall Kirk's memory and Jason Spurrier had ~~taken~~ his ~~powder~~ following his shouted denial.

made dramatic episodes
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Once again his voice trailed away, this time possibly due to an excess of euphoria on my part, and once again my client nudged and prodded me awake just in time to see the Judge closing his leather instruction portfolio, which experience told me meant that except for a few legal odds and ends his charge was nearing the end.

"Though I have ^{just} explained and defined the various grades of offenses included in the charge of murder and also the various guilty verdicts you may reach," he was saying without notes in a sort of final clean-up instruction, "I further charge you that you cannot find this man guilty of

anything should you also find him to have been involuntarily unconscious at the time of the alleged offense, as I have defined that state."

Once again I craned around and scanned the tense and crowded courtroom for the missing Parnell to see if he was present and hearing the encouraging charge that meant that now we had at least a fighting chance to win. But still I couldn't find him and for the first time felt a sudden pang of concern over the old boy. Where on earth was he? What ^{real} ^{could be} ^{this} was keeping him away from ~~that~~ ^{a thing} vital portion of the trial—the Judge's charge—~~that~~ I knew he was dying to hear?

"Upon retiring to your jury room," the Judge was saying, "your first duty will be to choose one of your number as a foreman." He smiled faintly. "Perhaps in these days of ^{such} ^{profound} ~~deep~~ feminine soul-searching I should hastily add that your

foreman may be a woman. In any case your foreman, male or female, will announce your verdict." He looked out at the clock and then down at the poised and waiting Clovis Pidgeon and said "Swear an officer."

This was ^{one of} Clovis's final act^s of the trial, and he outdid even himself as he tremulously swore the deputized lady jury attendant in words that were ancient when Sir Thomas Malory was a child. "You do solemnly swear," he throbbingly intoned, "that you will, to the utmost of your ability, ^{help} ~~help~~ the persons sworn as jurors in this trial in some private and convenient place, without meat or drink, except water, unless ordered by the court; that you will suffer no communication, orally or otherwise, to be made to them; that you will not communicate with them yourself, orally or otherwise, unless ordered by the court; and that you will not, until

they have rendered their verdict, communicate to anyone the state of their deliberations or the verdict they may have agreed upon, so help you God."

"I do," the lady said, turning and beckoning the awed jurors to follow her to their room, she leading the way as sedately as a brood hen.

"Parnell," I again asked myself as the line of jurors straggled out a rear door, a few furtively looking back, "where in hell are you, old man?" As the heavy mahogany door breathed shut behind the last juror I continued in the same vein. "Wherefore art thou, too, Lady Axholm?" I ran on, resuscitating a favorite Shakespearian gambit recalled from Eng. Lit. "Ah, and thou, too, Jason the Gentle?"

"Please recess the court," the Judge was saying to the

Sheriff, who popped up and gavelled the crowded courtroom
to its feet, shouting through the shuffling whispering din
"This Honorable Court is recessed until the verdict of the
jury or the further order of the court," pounding his gavel
with all the ardor of a ~~malleting~~ circus roustabout driving
home a tent stake.

Chapter 47

The jury got the case that Monday afternoon at 3:55 and the Sheriff, after I had wished my client good luck and thanked him for keeping me awake, took Randall Kirk back to jail to await the verdict from the solace of his cell. Then I stashed my papers away for the last time and dragged myself out to our conference room to join the waiting Maida and Hugh Salter on the lone jury vigil, in its uncertainty in both length and outcome like no other vigil on earth or possibly elsewhere. Once there I all but fell asleep before they had finished congratulating me on my jury argument.

"Powerful argument," Hugh Salter said tersely. "Not too long," a quality he also preserved, I wryly noted, when bestowing his rare compliments.

"I don't see how they can possibly convict him of anything," Maida loyally chimed in, "after the way you explained it."

"Resourceful ^{juries} ~~jurors~~ have vast capacities for ^{handing out} ~~giving~~ surprises," I said, yawning prodigiously. "Only wish you two ^{sitting on this one.} ~~ones~~ were ^{sprawled out} ~~on it~~. With that my head sagged down upon my ~~sprawling~~ arms on the conference table and in nothing flat I was fast asleep in my chair dreaming ~~that~~ I was

fishing the old Picnic Table bend on the Big Escanaba and, ^{with the easy fantasy of dreams,} already tied on to a rod-bending ~~grip~~ ~~of~~ ~~all~~ trout...

"Wake up, wake up, the jury's coming out," I heard someone saying as they shook me awake, and I looked up ^{to see} ~~and saw~~ Maida pushing a steaming cup of black coffee at me. "Sheriff just said the jury's coming out," she said. "Here, get this ^{looked in and} ~~in~~ ^{into} you so you can at least stay awake to hear the verdict. You've been snoring like a bunkhouse full of drunken lumberjacks after ^{payday} ~~payday~~ ~~long~~."

"What time is it?" I said, sitting up and ~~dutifully~~
taking an indiscreet swig of coffee and scalding my tongue. ^{dutifully}

"Exactly five minutes to five," Maida said.

"Incredible," I said. "Must mean ~~a conviction to~~
^{bad news, for them}
~~come~~ ^{coming} out so fast. Where's Doc?"

"Gone over to the jail to see if he can get some sort
of line on what's happened to Parnell. Doc's getting
worried."

"So am I," I said, pushing my chair back and lurching
to my feet. "Let's go out ~~and~~ and face the music."

Everyone but Kirk was in his place in the still-
crowded courtroom when I got there, and as I took my seat
at the defense table the Sheriff delivered my pale and
drawn-looking client into a chair beside me.

"What do you think?" he leaned over and whispered ^{behind his hand.}

"I don't," I whispered back. ~~"Guessing what a jury's~~ *"Chronic jury-guessers
old debaters and
up to is like trying to pick Derby winners."*
~~end to sleep in mind up sleeping in~~ *popcorn.*

The Judge nodded at the Sheriff who disappeared out
the jury door and presently the heavy door reopened and the
jury matron appeared followed by a woman juror and then by
the eleven remaining jurors *solemnly filing in like* marching ~~slowly like~~ mourners
in a single straggly line. My heart leapt or sank or
whatever it is dismayed hearts do when I recognized the
lead woman juror immediately behind the matron. It was
none other than the one juror I had seriously debated
excusing, the sister of the defaulter who'd been convicted
after a knockdown trial back when I'd been DA ~~and~~ *and* her posi-
tion in the line ~~told me she was already the jury foreman.~~ *telling ahead she'd already been chosen*

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Half shooing and half herding her charges, the matron managed to maneuver the jurors into a sort of ragged half-moon formation between the Judge's bench and our counsel tables. The Judge looked down to see that the court stenographer was ready and then he addressed the lady juror foreman.

"The bailiff tells me that the jury has a request to make," the Judge said. "What is your request?"

"Yes, Your Honor," the woman said in a shrill tension-strained feminine voice. "We'd like you to please repeat your jury instruction on the difference between first and second-degree murder."

My heart really sank this time for this was akin to a hopeful supplicant at the gates of heaven learning that the celestial jury was so far debating only whether he

should be consigned to the intermediate or bottommost pits of hell. I glanced at my client and saw that he'd also got the point for he ~~was sitting~~ ^{sat} tense and still with his eyes winced shut, slowly shaking his head.

"Very well," the Judge said, reaching for his instruction portfolio, finding his place and clearing his throat and then beginning to read, again carefully defining and explaining the difference between first and second degree murder--lack of premeditation in the latter--and, for good measure, again defining manslaughter as a killing without either premeditation or malice. He closed his portfolio and looked up. "Is that what you wanted?" he inquired.

"Yes, Your Honor," the foreman said.

"Anything else?"

"No thank you, Your Honor," the lady said.

"You may ~~now~~ again retire, then, and resume your deliberations," the Judge said, and when the jury had ~~again~~ filed out and the court had ^{once} ~~been~~ recessed I dragged myself back to the conference room and there found Doc.

"Any word on Parnell?" I inquired.

"Very little," Doc said, gloomily shaking his head. "I did learn that one of the jailers ^{heard that someone had seen} ~~thinks he saw~~ him take [^] off from the jail parking lot in a car driven by [^] ~~another~~ ^{some younger} man."

"Well at least the old boy's not alone," I said, sighing and walking over to the window and staring out at the big glittering lake. "I wish I felt as good about the outcome of Kirk's case."

"Don't crepe-hang," Maida said, looking up from her knitting. "Everything will turn out all right."

"Yeah," I said from the window. "Already the jury's given us high hopes for winning a triumphant verdict of second-degree murder, ^{possibly} ^{if we're lucky.}"

"Think I'll go for a little walk," Doc said, rising and padding ^{his way} toward the door, ~~and~~ when he'd left the morbid vigil ^{jury} resumed amidst the rhythmic grasshopper click ^{ring} of Maida's ~~busy~~ ^{knitting} needles.

Six o'clock came and then seven without any word from the jury except ^{the news} that they'd been served supper in their room. ~~and~~ ^{then}, sharp at 7:45, the Sheriff popped his head in our door and barked "Jury's reached a verdict" and popped it out again.

"What you betting, Maida?" I said as we hurried toward the courtroom.

"That everything'll turn out all right," she said,
calmly stuffing her knitting away in ~~a vast cloth~~ ^{what looked like a duffel} bag.

The courtroom this time was half empty and deathly
still, bathed in an eerie coppery glow from the old-fashioned
serpent-headed brass chandeliers ^g that had taken the com-
bined efforts of both the ~~state~~ ^{county} and local historical
~~societies~~ ^{societies} to save from the march of progress ^g, and also from
the myriad tiny Christmassy-looking light bulbs that
encircled the ~~round~~ ^{courtroom} skylight. Kirk was already at our
table when I joined him, looking rather like a man about
to face a firing squad, and I had the impulse to tell him,
but did not, to buck up and remember that Michigan no
longer had capital punishment.

The Judge nodded; the Sheriff disappeared; the mahogany

jury door breathed open, and this time the jury, ^{already} ~~knowing~~ ^{having learned}
the ropes, filed in and formed its own ^{rugged} semicircle, still
ironically led by the only juror I'd wanted to dismiss
from the entire panel.

"Mr. Clerk," the Judge said.

Clovis Trepannier arose and and faced the jurors in
his final big scene, his ^{ringing} high tenor seeming to echo back
upon itself in the half-empty chamber. "Members of the
jury," he intoned, "have you agreed upon a verdict and,
if so, who will speak for you?"

"We have," my ~~corona~~ lady juror said, taking a
step forward. "I am the forewoman."

"What is your verdict?"

"We find the defendant," the lady said ^{passing and} ~~decisively~~ ^{taking a deep}
^{breath} "not guilty by reason of unconsciousness."

A sort of stifled sighing gasp swept the courtroom which the Judge ^{swiftly} quelled with his poised gavel as Clovis quickly pushed on. "Members of the jury," he said, "listen to your verdict as recorded: You do say upon your oaths that you do find the defendant not guilty of murder by reason of unconsciousness? So say you, lady foreman? So say you all, members of the jury?"

There was a general nodding and mumbled rumble of assent from all twelve jurors as the Judge gavelled for quiet. "Ladies and gentlemen," he said ^{to the jurors}, "I thank you for your loyal and attentive service in a difficult and unusual case. You have deported yourselves well in one of the highest and gravest of duties and privileges of citizens in a democracy." He half smiled. "As a reward for your ^{I shall award you a brief vacation --} diligence you will be excused until tomorrow morning at

nine o'clock." He looked out at the courtroom clock. "This court is adjourned, then, until tomorrow morning at nine.

Umm

shark :))
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The jurors filed out their door, the lead lady looking back and, I swear, smiling at me before she finally disappeared ~~from sight~~. I stood there staring after her and pondering the crazy unpredictable chanciness of our ancient jury system, wondering whether it wasn't much like what Churchill had once said about democracy: the worst system ~~of government~~ ever invented—except all the others.

faults and for all its hazards
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possible
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My client awoke me from my civic reveries by wordlessly wringing my hand; then Eugene Canda gamely came over and added his hand-squeezing congratulations; and then some other people from out in the milling courtroom until I

came
^

flashed and pawed away at me
^

grabbed up my briefcase and took off, motioning Kirk to follow me. Instead he stood there looking blankly uncertain and vaguely shaking his head.

"Follow me, Kirk" I said. "We can ~~go~~ get your jail stuff later."

"But the Sheriff—" Kirk said, glancing anxiously over at that worthy. "Will he let me?"

"You're a free man, Kirk," I said, wrenched by this sudden unveiling of what imprisonment, however short, can do to crush hope and maim the spirit of men, "and with luck, you'll never ^{again} in this incarnation ever have to wait on or heed that man, ~~again~~. Come, let's go see Doc Salter, the man who really cracked ^{your} ~~this~~ case."

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really
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"Yes, yes, I'd like to," Kirk said, still uncertainly,
finally following after me taking one ~~final~~ ^{last} fearful glance
at Matthew P. Wallenstein, who was already out in back
court ~~basily~~ mingling with the thinning crowd, pumping ^{insidly}
hands and slapping backs and figuratively passing out ^{whole} cartons
of campaign matches.

I opened the door to our conference room and shoed
Kirk in ahead of me, and then I saw a beaming Parnell
sitting between Maida and Hugh Salter, busily jabbering
away. Then, looking further, my head did a sort of double
take. ~~Sitting~~ sitting directly across from them was young Gary
Kallio, my favorite jailer, and next to him--of all
people--none other than ^{the missing} Viola Axholm herself.

"Where you been, old man?" I said to Parnell.

Chapter 48

"Congratulations, partner, on the splendid jury argument I hear you gave," Parnell said, coolly ignoring my question, "and also on the grand sled-length verdict of acquittal you just won."

"We won," I said, fluttering my eyelashes, "as our dependably modest athletic heroes, still damp from victory, invariably say on TV."

"Ah yes," Parnell said, playing along. "And if the sport is a solo one, like boxing or tennis or golf, then they ^{resourcefully} insist upon sharing their triumph with trainers, coaches or God." He squeezed one eye shut and wagged his head. "T'is a touching spectacle."

"Where you been?" I repeated, not to be diverted by the old boy, at the same time staring helplessly at Viola

Axholm, who sat clutching what looked like an old canvas-bound bookkeeping ledger across her breast with both sinewy arms as though she feared someone might snatch it ^{away} from her.

"Though regrettably I missed your jury argument,"

Parnell ran on, "I did get back in time to catch the

gratifying jury verdict. It rounded out a rather full day."

"Where you been?" I doggedly repeated, knowing/his
stalling tactics that he ^{must} surely ^{have} ^{some} ^{scoop} to unveil.

"Though I do wish I could have gotten back sooner so
I could have relieved your mind by telling you that you
could not possibly have lost ^{the} ~~this~~ case in the long run
whatever verdict this ~~present~~ jury might have reached."

"For God's sake," I pleaded, all but dropping on my
knees in an attitude of prayer, "please tell me what you're
driving at?"

"Because even if the jury had convicted Randall Kirk
of murder in the first degree," the old boy imperturbably
ran on, "the defense would undoubtedly have been granted a
motion for a new trial on the grounds of newly discovered
evidence."

I turned and appealed to Maida and Hugh Salter. "Please tell me where the old boy's been and what he's driving at."

I begged. "I've had about all the suspense one guy can stand for one weekend."

"He won't tell us either," Maida said, pouting and shaking her head. "First he said he was waiting for you to show up before telling his story but now that you're here he's still talking in riddles."

maddening

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I wearily sank to a chair directly across the table from Parnell and, pointing an accusing finger at him like Amos Crocker used to at hostile witnesses on cross-examination, tried to pin the old boy down. "Parnell, please tell me why the defense would undoubtedly have been granted a motion for a new trial on the grounds of newly discovered evidence," I repeated, feeling like the straight man in an

old vaudeville act, "regardless of the goddam jury verdict?"

"Well, it's a long story, boy," Parnell said, "and in order to avoid repeating it--and also because they should surely be among the first to know--I suggest that His Honor Judge Maitland ^{along with} ~~and~~ the prosecutor and also the sheriff ~~should~~ be invited to join us to hear it."

"By all means," I said, rising and hurrying toward the door, "knowing how modestly my partner shuns the spotlight I'll quick go round up the judge and the others so he won't be forced to rebask in it."

"Well, I'll probably have to repeat it at the inquest anyway," he said enigmatically as I hurried away.

"It all happened this way," Parnell began after a rather mystified Judge Maitland and Gene Canda and the Sheriff had joined us around the conference table. "When

Jason Spurrier took off from the courtroom this forenoon
I hurried out of rear short-cut door to ^{try to} see which way he
went."

"Did you see?" I said, gently prodding him.

"His fancy foreign car was just roaring out the jail
driveway when I got ^{out} there, so when I ran into young Gary
Kallio here--who'd also been up in court and figured the
same thing--I asked him to grab a sheriff's department
squad car and follow him." Parnell paused and blinked
modestly. "I jumped in the front seat beside him sort of
figuring he might need a little legal counsel."

"But what right had you or anyone to pursue Jason
Spurrier?" I put in.

"Well, partner, not only had the man just committed
an open contempt of court," Parnell said, "but he'd also

just committed the misdemeanor of cussin' in public in the presence of an officer--Gary here--which, as I'm sure in all the excitement you only temporarily overlooked, gave that officer, even without a warrant, the right to pursue and arrest him."

"Doctrine of hot pursuit," Gene Canda murmured and Parnell beamed when Judge Maitland thoughtfully nodded in agreement.

"Our pusuit was delayed somewhat when, at the entrance to Jason Spurrier's woods property, we found the elaborate steel gate securely chained and locked," Parnell ran on, glancing at the Sheriff. "But I must say, Sheriff, that your young Gary Kallio is a most resourceful officer," and the old boy then went into a long-winded account of precisely

how the young man circumvented the locked gate, something involving, I gathered vaguely, either the hinges or maybe it was the ~~thing~~ post...

"Parnell," Hugh Salter ^g broke in softly as Parnell rambled on and on, "please get us away from that goddam gate, old friend, and for God's sake cut out the rhetorical ~~and~~ underbrush and ^{quit stalling and} tell us what ~~it~~ happened."

"That's easy, Hugh," Parnell said. "When we got to the Spurrier lodge we discovered that Jason Spurrier had just committed suicide, [,] moreover, had been holding Mrs. Axholm prisoner ever since she disappeared." He looked across the table at Gary Kallio. "You tell 'em, son,"

he said. "I seem to suffer from the common ~~legal~~ malady ^{of the legal profession --} acute verbal repetit//is."

^{do} "Yes, tell us, young man," Judge Maitland said, turning to the young jailer.

"Well, Judge," Gary Kallio began, "actually the suicide seems to have coincided with the arrival of our squad car at the main lodge."

"Why do you say that?"

"Well, when we'd parked directly behind Mr. Spurrier's foreign sports car, already parked on the circular driveway, I'd barely stepped out of the squad car and taken a few steps toward the front door when I heard three quick shots, and" --he paused and spread his hands-- "and, as Mister Parnell here put it at the time, presto, the colorful career of Jason Spurrier was finally over."

"Wasn't the front door locked?" I inquired, visions of illegal search and seizure dancing through my head.

"Well, yes," Gary Kallio admitted.

"Then how'd you get in?"

"Well, I'd had some ^{basic} training in getting past house locks, too," Gary Kallio said, flushing slightly, "so it wasn't long before we got it open."

"In nothing flat," Parnell murmured, turning to the Sheriff. "Tremendously resourceful young man you got there, Sheriff," he ran on. "Really oughtn't to be wastin' him as night ~~jailer~~ ^{duty}."

"I'll think about that," the Sheriff said sagely.

"But what right did you men have to bust in?" I pressed, pushing my point.

"Suspicion of the commission of a felony," Parnell said.

"What felony? I thought you just said it was suicide?"

"I seem to recall from law-school days that at common law and under many modern statutes both suicide and attempted suicide are indictable criminal offenses," the old boy glibly

replied, "though just how one goes about prosecuting a successful suicide does stimulate the imagination ^{well} a bit, don't you think?"

"I think at common law escheat and forfeiture were possibly involved," Judge Maitland observed.

"Possibly, Judge," Parnell ran on, "and surely holding Mrs. Axholm a prisoner was also some kind of grave offense, don't you think?"

"Tell us about that," the Judge said, adroitly ducking any further curbstone opinions on the doings of Parnell and Gary Kallio.

"You tell 'em, Gary," Parnell said. "That story's so incredible it'd take me days to tell."

"Well, first I covered the body with a ~~light~~ blanket," Gary Kallio began.

"Where was the body?" Gene Canda put in, preparing for the forth coming inquest he now knew would be inevitable.

"Lying on the bare floor right near the front door. In fact we had to push it a little in order to get the door open."

"Any evidence of the suicide weapon?"

"Yes, he was still holding a .38 calibre cylinder-action belly gun in his right hand—he glanced at Judge Maitland—"that's cop's lingo, Your Honor, for a snub-nosed pistol—but, like they told us at a recent cop's seminar, I didn't disturb it though I did remove the note so it wouldn't get lost."

"What note?" the Judge said, I thought a little groggily over the hectic pace of developments.

"The suicide note," Gary Kallio said, reaching in his

shirt pocket and producing a piece of folded note stationery.

"Here it is, written on his own fancy stationery with his initials on it in gold lettering."

"Please read it," the Judge said.

"Well, he musta wrote it in one big hurry it's such a scrawl, but I'll try," and peering and squinting, he slowly began to read: " 'Sorry it all had to turn out this way but at least I'll be remembered as one of the few people in all the world who ^{was} effected the commission of a major crime solely by hypnotic suggestion, and also, so far as I can learn, the only person who ever triggered the actual commission over the telephone. J. Spurrier."

"Well, well," Judge Maitland said, shaking his head.

"Does anyone here know Jason Spurrier's hand writing?"

"I do," Randall Kirk said quietly.

"Then please look over the note and give us your best offhand guess."

Randall Kirk scanned the note carefully and looked up.

"Well?" said the Judge.

"No doubt about it," he said. "Jason Spurrier's handwriting is--was--as distinctive as it was inimitable, and this is surely his."

"Carry on, young man," the Judge said turning back to Gary Kallio.

"Well after that, at Mr. Parnell's suggestion, we decided to look around a little. Right off the front hall there was a long living room or den that seemed just lined with books, most of them either about music or else psychology ^{including} ~~and~~ this here hypnotism stuff." He gestured at Parnell. "Them subjects is not quite down my alley but

Mister Parnell began looking them over and ~~he~~ said he never seen nothing like it."

"Yes, Judge," Parnell said, taking over. "I thought my friend Hugh Salter here had a splendid private library of books on hypnosis but this man Spurrier had shelves and shelves of 'em, many of them in foreign languages I couldn't even guess at." He sighed. "And this library of his is as long as a bowling alley, with books covering both walls and a vast stone fireplace at one end and, believe it or not, a pipe organ at the other."

Hugh Salter stirred and spoke. "Did you recognize any of the books on hypnosis?" he inquired.

"Yes, Hugh," Parnell ran on. "And when I spotted that book by LeCron with that special article in it by Paul Young you recently spoke about—"

"You mean the one about the possible induction ^{of} crime
~~through~~ ^{by} hypnosis?"

"Yes, Hugh, so I pulled down the book and it popped
open at the very Paul Young article--very much underlined,
I may add--the place marked by a folded paper which turned
out to be the will."

"What will?" Judge Maitland said, I thought ^{this time definitely} a little
weakly.

"Constance Spurrier's will leaving everything to Jason."

"Well I'm damned," His Honor said, quickly igniting his
briar pipe.

"Why hadn't he filed the will for probate?" the Sheriff
put in.

"Probably waiting for the trial to get over and to see
Randall Kirk safe in prison," Parnell said. "While our

Michigan statutes do require the custodian of a will to file it in probate court upon death of the testator, no penalty is provided in the absence of a special court order, and the cases, as I recall, hold that the latest will prevails at any time before final distribution."

"Won't it anyway?" the Sheriff said. "I mean, won't all the swag finally go to Jason's own relations?"

"Not a chance," Parnell said.

"Why not?"

"Yes, why not, Parn?" I put in.

"For ^{at least} two reasons," Parnell said, holding up two fingers and ticking them off. "First, because any beneficiary under a will who murders his testator cannot take under the will under the doctrine of an old New York case, I forget the name."

"That's the 1889 case of Riggs versus Palmer," Judge Maitland said.

"Right, Judge, it comes back to me now," Parnell said.

"Second, because even without the murder the will could doubtless be negated anyway on the grounds of undue influence."

"How could you ever possibly prove that?" I said.

"By Jason Spurrier's journal, written in his own hand, which contains a blow-by-blow account of how he got his wife Constance to will everything to him while she was under his hypnotic domination."

"What journal?" I said weakly.

"The one Mrs. Axholm's holding," Parnell said. "And since she's the one that found it she'd better tell about

it." He gestured ^{grandly} at the lady. "If you please, Mrs. Axholm."

Still clutching the book she carried she looked anxiously at Judge Maitland. "Is it all right, Judge?"

"By all means, Madam," the Judge ~~said~~ *all but whispered.*

Chapter 49

"Well I knew all along," she began, glancing at Randall Kirk, "that Randall could never in his right mind have killed poor Constance."

"What made you think that?" the Judge asked, gently prodding her.

"Because they were too much in love," she said simply and yet with a kind of feminine finality that seemed to discourage argument or appeal.

"Go on," the Judge said, deciding not to ~~cause and~~ probe the chemistry of love.

"For a time I half thought it might have been her poor alcoholic brother who might have done it," she continued, giving me a quick tight-lipped glance, "because they

frequently quarrelled over estate money and he was there that
night before Randall ^{arrived}. But when the trial began and
progressed and it looked more and more that Randall had
~~actually~~ done it I began to suspect that in some way, I knew
not how, Jason Spurrier ^{must have} had a hand in it."

Whether the rumors about Viola Axholm being an over-
sexed neurotic were true or not, as I listened to her talk
it came over me that she was also an intelligent, determined
and considerably perceptive woman, and I pondered the ~~per-~~
~~sistent~~ futility of trying to ~~put people in rigid~~ personality
strait-jackets merely from knowing ~~or hearing about~~ a few ^{of a person's}
~~of their~~ traits.

"What made you suspect Jason Spurrier?" the Judge said,
still quietly prompting her.

~~pretty well~~
"Well I naturally knew what was going on between Randall
and Constance," she said, ~~coloring a little,~~
to ~~conclude~~ ^{guess} that Jason Spurrier might wish to ~~harm~~ both of
them if he knew half ~~of~~ what I knew."

"Go on."

"So when he left recently on an eastern trip, or where-
ever he went, I resolved to go look around his fishing
lodge to see what I could see."

"were you familiar with the place?"

~~E~~ ^{there,}
"I had never been ~~in the place,~~" she said, shaking her
head. "Nor, so far as I am aware, ever had his wife"—she
smiled frostily—"which made the prospect all the more
intriguing."

"Go on."

"After the long dusty walk out there I found the place
locked and deserted ^{for} and I recalled that he'd rarely ^{ever} asked
anyone out there and ^{even} had his help in only by the day?"

"How did you manage to get in?"

"Through a window, sir."

"You mean you found one unlocked?"

"No," she answered steadily with her frosty smile,
"but I've been a housekeeper for many years, during which
I naturally learned a lot about ^{windows and} window latches."

"Go on," the Judge said, not pausing to delve into
what seemed an obvious ^{illegal} breaking and entering by this deter-
mined woman.

"Once inside I was amazed at the size and luxuriousness
of the place, and when I began looking around the first

thing I ran across only seemed to confirm my suspicions."

"What was that?"

"All those books on hypnotism you've just heard about.

While I still had no notion that a hypnotist could persuade

his subject to ^{harm or even} kill a third person I immediately felt he'd

somehow used it on Randall." She glanced down at the led-

ger she was still clasping. "When, shortly after, I ran

into this my suspicions were ^{all too richly} confirmed."

"What is it?"

"Jason Spurrier's daily journal," she said, thrusting

it at the startled Judge who ^{grasping it gingerly} quickly passed it on to Hugh

Salter, who intently began reading it.

"How did it confirm your suspicions?" the Judge prompted.

"Because in it, in great detail and in his own hand-

writing, he tells how by using hypnosis he got Miss Constance to make a new will leaving everything to him, and then the genesis and patient execution of his plan to get Randall by the same means to do away with Constance, thus at one stroke getting rid of both and gaining the Farrow fortune."

"Anything else?"

"Yes, in it he more recently tells of how he accelerated his plans because of his growing concern that the new will might be deemed automatically revoked when the pending divorce between him and Constance went through."

somehow
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"Hm," Judge Maitland said, stroking his sparse beard.

"How do you account for so quickly finding such a damning document in a house you'd never visited before?"

"Because I was looking for it," Viola Axholm answered

as though this should explain everything.

"But how did you know about it?"

"Because several times ^{while still} ~~when~~ he lived at the island home I came upon him writing in such a ledger. Each time he would stop writing and quickly close the journal until I'd left, but I knew what to look for."

"But how could you so readily find such an important and damning document?"

"By looking in the least obvious place, sir," she said, again as though this explained everything.

"But how?" the Judge persisted, his voice grown a trifle strident, and I could see that ^{now} the pace was ^{really} beginning to tell.

"By looking on the open unlocked shelves of his library,
which I carefully cased--as they used to say on TV--until I
saw a tall pile of similar ledgers on ~~the~~ top shelf."

"Yes?"

"So I moved the library ladder over there and climbed
up and began looking through all these ledgers, one at a
time. All the top ledgers ~~were~~ scrapbooks of newspaper and
magazine articles mostly about musical events--it seems
when he was ~~a young man~~ he occasionally reviewed operatic
and symphonic performances for a now defunct New York news-
paper."

"Yes?"

"Then on the very bottom I found it." She smiled her
frosty smile. "Perhaps this avid amateur student of psy-
chology thought this was the safest place to hide his

journal"--her ^{prand} smile almost became warm--"but an even ranker amateur contrived to find it."

"How were you able to retain this journal if, as I gather, Jason Spurrier returned suddenly and found you on the premises?"

"Because," she answered primly, "using a little more amateur psychology I had ^{carefully} re-hidden it before he ^{ever} caught me."

Hugh Salter glanced up from his absorbed reading of Jason Spurrier's journal. "And her doing so probably saved her life, Judge," he said.

"How so, Hugh?"

"Because when Jason caught her and ^{also} discovered his journal was missing he then knew she knew."

"Wouldn't that be all the more reason for him to dispatch her?"

"No, Frank, though not because he wasn't capable of
it ~~and~~ ^{or} didn't want to but rather because he didn't dare."

"Why not?"

"Because he couldn't afford to and thus risk exposure
until he'd recovered his missing journal. In other words,
her finding and re-hiding his journal probably saved her
life and his failing to recover it prolonged it until the
final showdown."

"What showdown?"

"Probably when the trial was over and Kirk was con-
victed, since he couldn't hold her hostage forever." He
^{sighed and} spread his hands. "But when Kirk popped his own bombshell

story in court this morning it all became too much." He

turned to Viola Axholm. "I'm intrigued, Mrs. Axholm," he

said. "Where did you manage to so successfully re-hide the journal?"

"More psychology, Doctor," she said. "I figured Jason Spurrier would be far too upset to play his organ so I hid it there."

"Where there?"

"Under a still larger volume of old English madrigals standing open on his organ music rack."

The pace was getting to His Honor and he suddenly got up and ~~paced~~ ^{walked} up and down, nervously re-stoking his briar. Once he had the smudge going he stopped and spoke to the prosecutor and sheriff. "I think we've heard quite enough for one day, men," he said. "Anyway I want you to get word to the medical examiner at once and help him set up the autopsy and a full-dress inquest."

"Yes, Judge," the two answered in a chorus.

The Judge sighed and gave Hugh Salter a puzzled look.

"One of the many things that puzzle me in this strange case, Hugh, is why Jason Spurrier would have kept such a damning journal at all. Why would such a man not only risk exposing himself but ~~do so~~ ^{have done so} in his own handwriting?"

"Ego," Hugh Salter said, shaking his head, "the one ^{human} pervasive persistent/trait that keeps the world going round—even if occasionally the wrong way. Any man who could concieve much less carry out this daring plan simply had to be brilliant to the point of madness. Such a person couldn't ^{possibly} entertain the notion that he might ever get caught." He sighed. "Actually he might still have brought it off if he hadn't overplayed his hand."

hell," Gene Canda said after a spell, smiling wanly, "though I can't say I'm disappointed ~~that~~ I've mercifully been spared that ~~horrible~~ decision."

"Yes, I suppose, Gene," Parnell ran on. "And at least now none of us will be waking up in the night haunted by the spectre of an ^{awful} ~~attention~~ suspicion."

"Suspicion?"

"Yes, the horrible suspicion that young Kirk here might—just might, I say—have framed Jason by his ^{dramatic} accusation. How the hell would ^{a truly} ~~an~~ innocent man ^{ever} defend himself against such a charge?"

"I dunno, Parn," the young prosecutor said, wagging his head, "but ^{since you asked} I've got a question of my own I'm panting to ask."

"Shoot, son."

"How and where did you ever find Mrs. Axholm?"

"In an old-fashioned dirt vegetable cellar--we called 'em root cellars when I was a kid--dug out of the solid earth right under the main living room."

"How did you ever find it?"

"Because sharp-eared Gary here kept hearing a steady dull thumping under us--like those old underground iron ore mining blasts--which turned out to be Mrs. Axholm here hitting her cribbed ceiling with a cedar support beam she'd somehow wrested free."

"C'mon boys," the Judge said, herding his boys out the door. "You can get all the gory details at the inquest." He turned and spoke to the rest of us. "As for you, ladies and gentlemen, thank you for inviting us and good evening."

Chapter 50

As if by common consent our motley group headed for the Halfway House to hold a little ^{victory} dinner celebration with appropriate refreshments. During the evening Parnell, ^{now} fully wound up and running, regaled us with even more details of his adventurous day and was in fact so carried away ^{by it all that} he drank three bottles of cherry pop, in which heady beverage he was finally joined by a gradually relaxing Viola Axholm.

It was ^{past} ~~after~~ midnight when Maida and I found ourselves alone in my car approaching the outskirts of Chippewa.

"Well, everything turned out all right, Paul," Maida said, yawning and stretching and then nestling closer against me.

"Yes, Maida," I said. "Just like in the moon-pitchers."

~~He~~, After riding in silence for a spell, I added. "Do you think you're too tired for us to catch a final night-cap at your apartment?"

"No, Paul," she said, "but I've got ^{a better} ~~another~~ idea."

"What's that?"

"Let's ~~go~~ have it at your house?"

"Why?"

"Well," she said, moving closer, "ever since I was a little girl I've wanted to see and visit that old place."

We rode along in silence. "How about it?" she said.

"Fine, fine," I said and then, after more silence adding: "How'd you like to live there?"

"The idea's intriguing," she said.

"Well?"

"But I'm wondering if we should risk endangering the fun we're having by embalming it in a marriage contract. You yourself have often said that the biggest enemy of romance is matrimony."

"Hm," I said, swinging into my darkened tree-lined driveway. "You may have a point there--let's go fix that drink and talk it over."

relax and
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"Let's" Maida said, and so we did.