

WEIRD TALES

The Unique Magazine

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*The Mysterious Midnight Visitor
Played An Important Part
in This Murder Trial*

PEOPLE VS. BLAND

By THEODORE SNOW WOOD

IN THE COURSE of my practise of law I have gained considerable reputation for my ability in the solution of mysteries; but, strange to say, the case which first brought me into public notice and laid the foundation for this reputation was one which caused me to lose confidence in my own powers.

Although, in the eyes of the public, the enigma contained therein was satisfactorily answered, the circumstances presented a riddle the key to which I have never found.



Some ten years ago, my partner and I, young "limbs of the law," occupied an office in one of those rare old buildings innocent of such frivolities as elevators and hall men. Our business office, though by courtesy designated in the plural on its gilt sign, consisted of one large, gloomy and weird old room located on the second floor and reached by a long flight of creaky stairs.

My partner was responsible for its selection; he was guided by the double theory that a certain amount of eccentricity was a valuable quality in a professional man and that the antiquated building might shed a sort of mellowness over our own young careers.

Mine has always been rather a sensitive nature, readily in sympathy with all beings, and, in consequence, just as readily put out of tune by a false note in my surroundings. It is doubtless for that reason that I have found my mind serves me to the best advantage during the hours around midnight. I have, at this period, a mental buoyancy and a sense of freedom from outside influences that come to me at no other time.

So it happened that on a summer's night, a decade passed, as the clock in the neighboring church boomed the hour of twelve, I was seated at a table in my office surrounded by books and deep in precedents. An unimportant case had wandered my way, and I was determined, by thorough preparation and careful handling, to make the smallness of the interest its least conspicuous feature.

The door stood ajar for ventilation, for the weather was warm; a single lamp stood at my elbow on the table, its rays, scarce penetrating to the corners of the room, making grotesque shadows among

the furniture—a collection of antiques as old-fashioned as the building itself.

I was deeply engrossed with the decision I was reading, and why I looked up I do not know, as I had heard no sound; but I raised my eyes from the book and was somewhat startled to see a man standing directly across the table from me.

A pair of keen dark eyes were set in a face of singular earnestness; the black hair above a high forehead was thinning; a small mustache surmounted a kindly mouth. Something about his appearance struck me as peculiar, yet what, for the life of me, I could not say.

"Well, sir, what can I do for you?" I asked.



In a voice very low, but clear and distinct, he replied:

"I desire to engage your services for the defense of my brother, Egbert Bland, charged with murder."

Perhaps I should have been surprised at this abrupt opening; perhaps I should have been in doubt as to his good faith—as to his sanity, even—but I was not. Why? Again, I do not know.

"Won't you take a chair?" I said.

He made a graceful gesture of refusal.

"His case will come up tomorrow," he continued. "I should like you to be in the court room at ten-thirty."

He then named the court at which I was to appear, adding, "You will be well repaid," and with a low bow, left the room.

I FOUND it impossible to continue my researches that night; I could not get my mind away from my midnight visitor.

The more I considered the incident the more astonishment I felt—not at his behavior, but at my own. Why had I received such a commission tendered in such a manner, as though it was quite an ordinary occurrence and without asking a single question?

The next morning in the bright light of day I almost felt disposed to regard the whole matter as the product of my imagination. Nevertheless, I resolved to keep the appointment.

As I entered the court room shortly after ten o'clock I was astonished to see in the prisoner's dock a man whom I at once recognized as my client from his resemblance to my visitor of the night before. There were the same keen eyes, the same earnest face and sensitive mouth; but the black hair was thick and wavy, and he wore no mustache.

All my previous speculations were immediately forgotten, and I was a little nettled to find that the accused man was provided with counsel and the proceedings already begun. I was pleased to note, however, that he was represented by Major Rankin, a lawyer of considerable experience, with whom I had a slight acquaintance.

"Good morning, Major," I said, as I slipped into a chair beside him; "there seems to have been a slight mistake on the part of somebody. I was engaged on this case last night by a relative of this man."

"All right, Mr. Trollusk," he said, with a friendly smile, "sit in and help. Glad to have you associated with me, and—our friend needs all the help he can get, I am afraid."

There was nothing to do except follow his suggestion, and I prepared to watch the case as it developed from the testimony, inwardly swearing at the stupidity of my client's brother in not giving me a better opportunity for preparation.

The tedious preliminaries were finally concluded and a jury selected, Major Rankin making every effort to secure twelve men of middle age who never had before served on a criminal case, evidently relying more on their sympathy than on the strength of the evidence he had to offer.

The prosecuting attorney, a methodical man, had arranged to present his witnesses in logical sequence and was considerably vexed, I discovered, to find that the witness with whom he desired to open—one Hiram Hankles—was confined to his room with a nervous attack and would not be permitted to appear until the following morning.

The first witness called, therefore, was an employe of a firm of lawyers, who said that on June 30th, at about four o'clock in the afternoon, he had taken to the office of Roy Bland (the murdered man) on the tenth floor of the Corporations Building, a package containing negotiable securities of considerable value, which Bland had just inherited from a distant relative, under a will drawn before the birth of Egbert Bland, the younger brother. No codicil had been found, and Egbert had no interest in the estate.

"Who were in the office at the time?" the witness was asked.

"Mr. Bland; his secretary, Mr. Hankles, and his brother."

"Please describe the office."

"The office consists of two rooms. The door of the outer office is directly opposite the elevator; the inner office is to the right as you enter, and is on the corner formed by the side hall which runs to the back of the building."

"Have you visited this office more than once?"

"Yes, several times."

"How many means of entrance has it?"

"Two; the main door opposite the elevator and a door in the inner office leading to the side hall. There are two other doors, one in each room, but both are closed by the furniture placed in front of them."

"Are the windows accessible from the outside?"

"No; they open on the court and there are no fire escapes near them."

"Who received the securities?"

"Mr. Roy Bland."

"What did he do with them?"

"He placed them in the safe in the inner office."

"Did he lock the safe?"

"Not while I was there."

"That is all."

Major Rankin, on cross examination, attempted to show that perfect good feeling existed between the two brothers, but the witness stated that he was in the office so short a time as not to be able to judge. The Major then asked:

"Could anyone enter the office without being seen from the elevator?"

"Yes, through the door opening on the side hall."

The witness was excused and an elevator operator of the Corporations Building took the stand. He testified that he had been running an elevator in that building for the past three years; that he knew all the tenants of the building; and that he was well acquainted with Roy Bland, who had occupied the same office for a number of years.

"Were you sufficiently acquainted with Mr. Bland to be able to identify him by his voice?"

"Yes; I have often talked with him."

"Have you ever seen his brother, the defendant?"

"Yes, he came to the building frequently to see his brother."

"Did he visit his brother on June 30th?"

"Yes."

"Was there any unusual circumstance connected with this visit?"

"They quarreled."

"Who quarreled?"

"The two brothers."

"How do you know?"

"I heard them. I stopped at the tenth floor going up, and I heard angry voices which I recognized as that of Mr. Bland and his brother."

"What were they saying?"

"I could not distinguish the words; I only know that they were speaking loudly and angrily. On the trip down Mr. Egbert Bland—"

"The defendant?"

"Yes, the gentleman there. He came out as I reached the tenth floor and slammed the door behind him and got in my car."

"Did he seem excited?"

"Yes."

"What time was this?"

"About half past four, I think. People were beginning to go home."

"When did Mr. Hankles leave the office?"

"At five minutes of five."

"How do you know the exact time?"

"He usually leaves just at five. I remember noticing the clock down stairs

and kidding him about quitting so early."

"Did he return?"

"I don't think so; I didn't see him."

"Can anyone reach the tenth floor from the street without passing the elevator?"

"No. The elevators are between the door and the stairways on the main floor."

"Until what time does the starter remain in the hall on the main floor?"

"About six o'clock; nearly all the tenants are out of the building by then."

"When do the elevator men quit?"

"All but one quit at six; he stays until seven."

"What happens then?"

"The night watchman comes on and locks the front door. He runs the elevator for anybody that wants to go up or down at night."

"Who was on duty between six and seven on June 30th?"

"I was."

"Did the defendant return to the building that day?"

"Yes."

As the witness spoke I heard the prisoner, who had sat with his head resting in his hands during the testimony, say softly to himself, "To apologize for my hasty temper, thank God!"

"At what time did he return?" continued the attorney.

"A few minutes after six."

"Was Roy Bland alive at that time?"

"He opened the door of his office just as my car reached his floor."

"Who else were in the building at that time?"

"A couple of girls on the eleventh floor."

"What employes of the building?"

"Only myself and the women who do the cleaning."

"After the defendant left, did you remain in the hall on the ground floor?"

"I left it once just before seven o'clock to get the two young ladies on the eleventh."

"Did any one else enter or leave the building?"

"No."

"How long did the defendant remain in his brother's office?"

"Fifteen or twenty minutes."

"Did you see Roy Bland in life afterward?"

"No."

Major Rankin then began the cross examination. I am a firm believer in the theory that a witness should never be cross examined without a definite pur-

pose, and this case did nothing to shake that belief.

The Major, evidently grasping at the proverbial straw, tried his utmost to entangle the witness and induce him to contradict himself, but without success; he stood the gruelling patiently and even seemed to wish he could say something favorable, all of which merely served to strengthen his testimony and leave an impression on the jury that was very bad for the prisoner.

MRS. SMALL, the woman who cleaned the offices on that floor, was then called to the stand. She stated that at about half past seven she had opened the door with her master key—she was positive that the door was locked—and had entered Mr. Bland's office and switched on the lights and found Mr. Bland lying dead in front of the open safe in the inner office.

On the floor beside him, she said, lay a large iron clock which usually stood upon the safe. The clock was still running, as she distinctly remembered hearing its ticking in the moment of silence that followed her startling discovery. She then called the night watchman and gave the alarm.

The rest of the testimony was corroborative of Mrs. Small and included that of the physician who had examined the body. In the opinion of the latter, death had been produced by a blow upon the head from some blunt instrument, probably the clock. The injury could not have been self-inflicted by accidentally pulling down the clock, said the doctor, as the height of the safe was not great enough.

The case was then adjourned to the following day and I had an opportunity of consulting with the client, to whom I was duly introduced by Major Rankin. My sympathy for him was very much increased by this interview. He seemed greatly distressed by the loss of his brother and as ignorant as to its cause as was I.

He had called on his brother, he said, on a matter of business, had disagreed with him, lost his temper and quarreled. Later he had returned and made his peace and they had parted in excellent spirits. His brother's inheritance had not been mentioned; he knew he would have received a fair share of it although he had not been mentioned in the will, as his brother, who had always been more successful in business than he, was very liberal with him.

I regretted exceedingly that I had not been engaged on the case before. Having at that time, as I before intimated, considerable faith in my ability to solve

such puzzles I wanted time to make my own investigation. Perhaps by working fast, I thought, I might learn enough to secure a new trial, and that might give me time to clear up the mystery. What a feather in my cap!

And how glad I would be to liberate this poor fellow, who I was sure was innocent and who seemed to be without money and without friends—except my visitor of the night before. And then I wondered why his brother had not been in the court room. In the excitement of the trial I had completely forgotten him.

So I pondered and dreamed on until midnight found me once more seated at my table in my dismal old office, in a silence broken only by the fluttering wings of a huge moth that had wandered in from the trees of the neighboring churchyard and with aimless energy was darting hither and thither about the room.

And once more I looked up and found my eccentric visitor standing before me.

BEFORE I could speak he addressed me; his voice was so low that I had to ask him to repeat his words before I understood that he was quoting a name.

"Miss Susie Elkins?" I responded inquiringly.

He nodded and motioned to a writing-pad on the table, from which I gathered that I was to take notes of what he would tell me. I took up a pencil and scribbled the name.

In making a dash at the end to represent a period—a habit with many who write rapidly—I broke the point of the pencil.

With a word of apology, I turned to a sharpener affixed to the wall, and ground a new point on the pencil.

When I again turned around I was astonished to find that I was alone!

I went to the door and looked into the hall, but my visitor was nowhere in sight. For a moment I was at a loss to account for his silent departure, but it occurred to me that the *whir* of the pencil sharpener might readily have prevented my hearing the creaking of the stairs.

But why should he have departed in such a manner?

The more I pondered over the case the more confused I felt over the whole mysterious affair. At last a very simple solution occurred to me: it was just a case of mistaken identity.

This man, my caller—whose resemblance to Egbert was remarkable—was the guilty man. He did not wish to see his brother convicted and was endeavoring to point a way to me to confuse the case and secure Egbert's acquittal, with-

out incriminating himself. Unquestionably, it was my duty to follow this plan.

I got up early the next morning and devoted two strenuous hours to following up my slender clue. At the end of that time I was in possession of information that I hoped at least might result in a disagreement of the jury.

I entered the court room just before the judge took his seat. Immediately after, the State's belated witness came into the room, leaning heavily on the arm of a companion and looking very feeble.

I leaned over and whispered to Major Rankin that I would like to conduct the case from this point. He graciously consented, thinking perhaps that I merely wanted to do something to show my connection with the case.

The witness was sworn and the direct examination began.

"What is your name?"

He cleared his throat and answered weakly:

"Hiram Hankles."

"Your occupation?"

"I was secretary to Mr. Roy Bland."

"Were you in the office of Mr. Bland on June 30th?"

"I was."

"State whether or not Mr. Bland received a package on that afternoon."

"He did."

"What was in it?"

"Negotiable securities."

"Did you see them?"

"I did. Mr. Bland examined them in my presence."

"What did he do with them?"

"Put them in the safe."

"Are you sure?"

"Absolutely."

"Did he lock the safe?"

"No."

"What time did you leave?"

"A little before five."

"What was Mr. Bland's custom about leaving the office for the day?"

"He usually remained a little while after five to read and sign the day's letters."

"Who were present when the securities were received?"

"Only his brother, Egbert Bland."

"A little louder, please; the jury can't hear you."

The witness repeated his statement.

"Did Egbert Bland see the securities?"

"Yes."

"Did he see them put away?"

"Yes."

"What was the attitude of the two brothers toward one another?"

"They quarreled violently."

"Before or after the package had been received?"

"After."

"What was the subject of the disagreement?"

"Money. Egbert Bland wanted my employer to furnish him with money to prosecute some scheme of his and was refused. Mr. Roy Bland said no man with any sense would undertake such a thing, and Egbert got mad; they exchanged several harsh remarks and Egbert left, slamming the door."

"What time was this?"

"About half past four."

"How long did you remain?"

"About twenty minutes."

"Did you leave Mr. Bland in the office?"

"Yes."

"Was the safe locked?"

"No."

"Were the securities then in the safe?"

"They were."

"When did you return to the office?"

"About nine that evening."

"Why?"

"I was sent for and informed that Mr. Bland had been found dead in the office."

"Were the securities in the safe when you returned?"

"No."

"Did you search the office?"

"Yes."

"Unsuccessfully?"

"Unsuccessfully."

The witness was then yielded to us. At a sign from me, Major Rankin said, "No questions."

The State rested, and I called my lone witness to the stand.

A BRIGHT-FACED young woman of twenty-five or thereabouts took the oath and announced her name was Susie Watson.

"Mrs. Watson," I asked, "were you in the Corporations Building on the thirtieth of June, last?"

"I was."

"In what connection?"

"I was a clerk in the office of the World Realty Company on the eleventh floor."

"Have you been there since?"

"No. I left my position to get married. I haven't been in the building since."

"Were you acquainted with the occupants of Mr. Bland's office?"

"Only with Mr. Hankles. He was a tenant of one of the World Company's houses."

"When did you learn of the death of Mr. Bland?"

"Today."

"How long had you been employed in that building?"

"Five years."

"Between six and seven o'clock, is it possible for anyone to enter or leave the building without being seen by the elevator men?"

"Oh, yes. When the one elevator running goes up they could use the stairs without being seen, because usually there is no one in the hall then."

"What time did you leave the building on June 30th?"

"I left the office at a quarter of seven. It was my last day there and I stayed late to finish up some work."

"How did you fix the time?"

"My sister, Jennie Elkins, had called for me. I remember that her watch had stopped and she set it by mine just as we rang for the elevator."

"Did you descend at once?"

"No. When the car came to our floor the scrub woman called down from the twelfth floor that she couldn't unlock a door. The man asked us to wait a minute and went up and opened it."

"How long did it take him?"

"Quite a while. Perhaps ten minutes."

"What did you do while you were waiting?"

"I went over to the stairway and leaned on the railing."

"What did you see there?"

"I saw Mr. Hankles walking down from the tenth floor."

"What was his appearance?"

The question was never answered, for just then Hankles gave a gasp and slid from his chair.

Several men sprang forward and lifted him to a table. A physician among the spectators tendered his services.

HANKLES revived sufficiently to admit taking the securities. He had been surprised by Bland, who he thought had left the building.

Bland had attacked him, and in defending himself Hankles had struck him with the clock. With almost his last breath, he named the location of the valuables.

The jury rendered its verdict without leaving the room, and Egbert Bland went forth into the sunlight, a free man.

In company with Major Rankin and myself, he went to the American Trust Company, and there in a safe deposit box he found the missing securities.

"Mr. Trollusk," he said, "I don't know how you learned what you did, nor even why you so fortunately came to my assistance; but I am happy to say that now I am able to compensate both Major Rankin and yourself, as I have no one to divide my little fortune with."

Astounded, I asked:

"But what about your other brother?"

He turned a puzzled face toward me.

"My other brother?" he repeated, "I never had but one brother."

Pride, affection and grief were plainly visible in his expressive face as he opened his watch and handed it to me.

The portrait contained in the case I instantly identified as that of my midnight visitor.