

Statement of Gabriel Foot, Highwayman

By Quiller-Couch

The jury re-entered the court after half an hour's consultation.

It all comes back to me as vividly as though stood in the dock at this very moment. The dense fog that hung over the well of the court; the barristers' wigs that bobbed up through it, and were drowned again in that seething cauldron; the rays of the guttering candles (for the murder-trial had lasted far into the evening) that loomed through it and wore a sickly halo; the red robes and red face of my lord judge opposite that stared through it and outshone the candles; the black crowd around, seen mistily; the voice of the usher calling "Silence!"; the shuffling of the jurymen's feet; the pallor on their faces as I leant forward and tried to read the verdict on them; the very smell of the place, compounded of fog, gaol-fever, the close air, and the dinners eaten earlier in the day by the crowd—all this strikes home upon me as sharply as it then did, after the numb apathy of waiting.

As the jury huddled into their places I stole a look at my counsel. He paused for a moment from his task of trimming a quill, shot a quick glance at the foreman's face, and then went on cutting as coolly as ever.

"Gentlemen of the jury"—it was the judge's voice—"are you agreed upon your verdict?"

"We are."

"Do you find the prisoner guilty or not guilty?"

"Not guilty."

It must have been full a minute, as I leant back clutching the rail in front of me, before I saw anything but the bleared eyes of the candles, or heard anything but a hoarse murmur from the crowd. But as soon as the court ceased to heave, and I could stare about me, I looked towards my counsel again.

He was still shaping his pen. He made no motion to come forward and shake hands over my acquittal, for which he had worked untiringly all day. He did not even offer to speak. He just looked up, nodded carelessly, and turned to his junior beside him; but in that glance I had read something which turned my heart cold, then sick, within me, and from that moment my hatred of the man was as deep as hell.

In the fog outside I got clear of the gaping crowd, but the chill of the night after that heated court pierced my very bones. I had on the clothes I had been taken in. It was June then, and now it was late in October. I remember that on the day when they caught me I wore my coat open for coolness. Four months and a half had gone out of my life. Well, I had money enough in my pocket to get a greatcoat; but I must put something warm inside me first, to get out the chill that cursed lawyer had laid on my heart.

I had purposely chosen the by-lanes of the town, but I remembered a certain tavern—the "Lamb and Flag"—which lay down a side alley. Presently the light from its windows struck across the street, ahead. I pushed open the door and entered.

The small bar was full of people newly come from the court, and discussing the trial in all its bearings. In the babel I heard a dozen different opinions given in as many seconds. and learnt enough, too, to make me content with the jury I had had. But the warmth of the place was pleasant, and I elbowed my way forward to the counter.

There was a woman standing by the door as I entered, who looked curiously at me for a moment, then turned to nudge a man at her side, and whisper. The whisper grew as I pressed forward, and before I could reach the counter a hand was laid on my shoulder from behind. I turned.

“Well?” said I.

It was a heavy-looking drover that had touched me.

“Are you the chap that was tried to-day for murder of Jeweller Todd?” he asked

“Well?” said I again, but I could see the crowd falling back, as if I was a leper, at his question.

“Well? ’T aint well then, as I reckon, to be making so free with respectable folk.”

There was a murmur of assent from the mouths turned towards me. The landlord came forward from behind the bar. I was acquitted,” I urged defiantly.

“Ac-quitted!” said he, with big scorn in the syllables. “Hear im now—‘ac-quitted!’ Landlord, is this a respectable house?”

The landlord gave his verdict.

“H’out yer goes, and damn yer impudence!” I looked round, but their faces were all dead against me.

“H’out yer goes!” repeated the landlord. “And think yerself lucky it aint worse,” added the drover.

With no further defence I slunk out into the night once more.

A small crowd of children (Heaven knows whence or how they gathered) followed me up the court and out into the street. Their numbers swelled as I went on, and some began to hoot and pelt me; but when I gained the top of the hill, and a lonelier district, I turned and struck among them with my stick. It did my heart good to hear their screams.

After that I was let alone, and tramped forward past the scattered houses, towards the open country and the moors. Up here there was scarcely any fog, but I could see it, by the rising moon, hanging like a shroud over the town below. The next town was near upon twelve miles off, but I do not remember that I thought of getting so far. I could not have thought at all, in fact, or I should hardly have taken the high-road upon which the jeweller had been stopped and murdered.

There was a shrewd wind blowing, and I shivered all over; but the cold at my heart was worse, and my hate of the man who had set it there grew with every step. I thought of the four months and more which parted the two lives of Gabriel Foot, and what I should make of the new one. I had my chance again—a chance gained for me beyond hope by that counsel but for whom I should be sleeping to-night in the condemned cell; a chance, and a good chance, but for that same cursed lawyer. Ugh! how cold it was, and how I hated *him* for it!

There was a little whitewashed cottage on the edge of the moorland just after the hedge-rows ceased—the last house before the barren heath began, standing a full three hundred yards from any other dwelling. Its front faced the road, and at the back an outhouse and a wretched garden jutted out on the waste land. There was a light in each of its windows to-night, and as I passed down the road I heard the dismal music of a flute.

Perhaps it was this that jogged my thoughts and woke them up to my present pass. At any rate, I had not gone more than twenty yards before I turned and made for the door. The people might give me a night’s lodging in the outhouse; at any rate, they would not refuse a crust to stay the fast which I had not broken since the morning. I tapped gently with my knuckles on the door, and listened.

I waited five minutes, and no one answered. The flute still continued its melancholy tune; it was evidently in the hands of a learner, for the air (a dispiriting one enough at the best) kept breaking off suddenly and repeating itself. But the performer had patience, and the sound never

ceased for more than two seconds at a time. Besides this, nothing could be heard. The blinds were drawn in all the windows. The glow of the candles through them was cheerful enough, but nothing could be seen of the house inside. I knocked a second time, and a third, with the same result. Finally, tired of this, I pushed open the low gate which led into the garden behind, and stole round to the back of the cottage.

Here, too, the window on the ground floor was lit up behind its blinds, but that of the room above was shuttered. There was a hole in the shutter, however, where a knot of the wood had fallen out, and a thin shaft of light stretched across the blackness and buried itself in a ragged yew-tree at the end of the garden. From the loudness of the sounds I judged this to be the room where the flute-playing was going on. The crackling of my footsteps on the thin soil did not disturb the performer, so I gathered a handful of earth and pitched it up against the pane. The flute stopped for a minute or so, but just as I was expecting to see the shutter open, went on again: this time the air was "Pretty Polly Oliver."

I crept back again, and began to hammer more loudly at the door. "Come," said I, "whoever this may be inside, I'll see for myself at any rate," and with that I lifted the latch and gave the door a heavy kick. It flew open quite easily (it had not even been locked), and I found myself in a low kitchen. The room was empty, but the relics of supper lay on the deal table, and the remains of what must have been a noble fire were still smouldering on the hearthstone. A crazy, rusty blunderbuss hung over the fireplace. This, with a couple of rough chairs, a broken bacon-rack, and a small side-table, completed the furniture of the place. No; for as I sat down to make a meal off the remnants of supper, something lying on the lime-ash floor beneath this side-table caught my eye. I stepped forward and picked it up.

It was a barrister's wig.

"This is a queer business," thought I; and I laid it on the table opposite me as I went on with my supper. It was a "gossan" wig, as we call it in our parts; a wig grown yellow and rusty with age and wear. It looked so sly and wicked as it lay there, and brought back the events of the day so sharply that a queer dread took me of being discovered with it. I pulled out my pistol, loaded it (they had given me back both the powder and pistol found on me when I was taken), and laid it beside my plate. This done, I went on with my supper—it was an excellent cold capon—and all the time the flute up-stairs kept toot-tootling without stopping, except to change the tune. It gave me "Hearts of Oak," "Why, Soldiers, why?" "Like Hermit Poor," and "Come, Lasses and Lads," before I had fairly cleared the dish.

"And now," thought I, "I have had a good supper; but there are still three things to be done. In the first place I want drink, in the second I want a bed, and in the third I want to thank this kind person, whoever he is, for his hospitality. I'm not going to begin life No. 2 with housebreaking."

I rose, slipped the pistol into my tail-pocket, and followed the sound up the ramshackle stairs. My footsteps made such a racket on their old timbers as fairly to frighten me, but it never disturbed the flute-player. He had harked back again to "Like Hermit Poor" by this time, and the dolefulness of it was fit to make the dead cry out, but he went whining on until I reached the head of the stairs and struck a rousing knock on the door.

The playing stopped. "Come in," said a cheery voice; but it gave me no cheerfulness. Instead of that, it sent all the comfort of my supper clean out of me, as I opened the door and saw *him* sitting there.

There he was, the man who had saved my neck that day, and whom most I hated in the world, sitting before a snug fire, with his flute on his knee, a glass of port wine at his elbow, and

looking so comfortable, with that knowing light in his grey eyes, that I could have killed him where he sat.

“Oh, it’s you, is it?” he said, just the very least bit surprised and no more. “Come in.

I stood in the doorway hesitating.

“Don’t stay letting in that monstrous draught, man; but sit down. You’ll find the bottle on the table and a glass on the shelf.”

I poured out a glassful and drank it off. The stuff was rare (I can remember its trick on the tongue to this day), but somehow it did not drive the cold out of my heart. I took another glass, and sat sipping it and staring from the fire to my companion.

He had taken up the flute again, and was blowing a few deep notes out of it, thoughtfully enough. He was a small, squarely-built man, with a sharp ruddy face like a frozen pippin, heavy grey eyebrows, and a mouth like a trap when it was not pursed up for that everlasting flute. As he sat there with his wig off, the crown of his bald head was fringed with an obstinate-looking patch of hair, the colour of a badger’s. My amazement at finding him here at this hour, and alone, was lost in my hatred of the man as I saw the depths of complacent knowledge in his face. I felt that I must kill him sooner or later, and the sooner the better.

Presently he laid down his flute again and spoke:—

“I scarcely expected you.”

I grunted something in answer.

“But I might have known something was up, if I’d only paid attention to my flute. It and I are not in harmony to-night. It doesn’t like the secrets I’ve been blowing into it; it has heard a lot of queer things in its time, but it’s an innocent-minded flute for all that, and I’m afraid that what I’ve told it to-night is a point beyond what it’s prepared to go.”

“I take it, it knows a damned deal too much,” growled I.

He looked at me sharply for an instant, rose, whistled a bar or two of “Like Hermit Poor,” reached down a couple of clay pipes from the shelf, filled one for himself and gravely handed the other with the tobacco to me.

“Beyond what it is prepared to go,” he echoed quietly, sinking back in his chair and puffing at the pipe. “It’s a nice point that we have been discussing together, my flute and I, and I won’t say but that I’ve got the worst of it. By the way, what do you mean to do now that you have a fresh start?”

Now I had not tasted tobacco for over four months, and its effect upon my wits was surprising. It seemed to oil my thoughts till they worked without a hitch, and I saw my plan of action marked out quite plainly before me.

“Do you want to know the first step of all?” I asked.

“To be sure; the first step at any rate determines the direction.”

“Well then,” said I, very steadily, and staring into his face, “the first step of all is that I am going to kill you.”

“H’m,” said he after a bit, and I declare that not so much as an eyelash of the man shook, “I thought as much. I guessed *that* when you came into the room. And what next?”

“Time enough then to think of ‘what next,’ ” I answered; for though I was set upon blowing his brains out, I longed for him to blaze out into a passion and warm up my blood for the job.

“Pardon me,” he said, as coolly as might be, “that would be the very worst time to think of it. For, just consider: in the first place you will already be committed to your way of life, and secondly, if I know anything about you, you would be far too much flurried for any thought worth the name.”

There was a twinkle of frosty humour in his eye as he said this, and in the silence which followed I could hear him chuckling to himself, and tasting the words over again as though they were good wine. I sat fingering my pistol and waiting for him to speak again. When he did so, it was with another dry chuckle and a long puff of tobacco smoke.

“As you say, I know a deal too much. Shall I tell you how much?”

“Yes, you may if you’ll be quick about it.”

“Very well, then, I will. Do you mind passing the bottle? Thank you. I probably know not only too much, but a deal more than you guess. First let us take the case for the Crown. The jeweller is travelling by coach at night over the moors. He has one postillion only, Roger Tallis by name, and by character shady. The jeweller has money (he was a niggardly fool to take only one postillion), and carries a diamond of great, or rather of an enormous and notable value (he was a bigger fool to take this). In the dark morning two horses come galloping back, frightened and streaming with sweat. A search party goes out, finds the coach upset by the Four Holed Cross, the jeweller lying beside it with a couple of pistol bullets in him, and the money, the diamond, and Roger Tallis—nowhere. So much for the murdered man. Two or three days after, you, Gabriel Foot, by character also shady, and known to be a friend of Roger Tallis, are whispered to have a suspicious amount of money about you, also blood-stains on your coat. It further leaks out that you were travelling on the moors afoot on the night in question, and that your pistols are soiled with powder. Case for the Crown closes. Have I stated it correctly?”

I nodded; he took a sip or two at his wine, laid down his pipe as if the tobacco spoiled the taste of it, took another sip, and continued:—

“Case for the defence. That Roger Tallis had decamped, that no diamond has been found on you (or anywhere), and lastly that the bullets in the jeweller’s body do not fit your pistols, but came from a larger pair. Not very much of a case, perhaps, but this last is a strong point.”

“Well?” I asked, as he paused.

“Now then for the facts of the case. Would you oblige me by casting a look over there in the corner?”

“I see nothing but a pickaxe and shovel”

“Ha! very good; ‘nothing but a pickaxe and shovel’ Well, to resume: facts of the case—Roger Tallis murders the jeweller, and you murder Roger Tallis; after that, as you say, ‘nothing but a pickaxe and shovel.’ ”

And with this, as I am a living sinner, the rosy-faced old boy took up his flute and blew a stave or two of “Come, Lasses and Lads.”

“Did you dig him up?” I muttered hoarsely; and although deathly cold I could feel a drop of sweat trickling down my forehead and into my eye.

“What, before the trial? My good sir, you have a fair, a very fair, aptitude for crime, but believe me, you have much to learn both of legal etiquette and of a lawyer’s conscience. And for the first time since I came in I saw something like indignation on his ruddy face.

“Now,” he continued, “I either know too much or not enough. Obviously I know enough for you to wish, and perhaps wisely, to kill me. The question is, whether I know enough to make it worth your while to spare me. I think I do; but that is for you to decide. If I put you to-night, and in half an hour’s time, in possession of property worth ten thousand pounds, will that content you?”

“Come, come,” I said, “you need not try to fool me, nor think I am going to let you out of my sight.”

“You misunderstand. I desire neither; I only wish a bargain. I am ready to pledge you my word to make no attempt to escape before you are in possession of that property, and to offer no resistance to your shooting me in case you fail to obtain it, provided on the other hand you pledge your word to spare my life should you succeed within half an hour. And, my dear sir, considering the relative value of your word and mine, I think it must be confessed you have the better of the bargain.”

I thought for a moment. “Very well then,” said I, “so be it; but if you fail—”

“I know what happens,” replied he.

With that he blew a note or two on his flute, took it to pieces, and carefully bestowed it in the tails of his coat. I put away my pistol in mine.

“Do you mind shouldering that spade and pickaxe, and following me?” he asked. I took them up in silence. He drained his glass and on his hat.

“Now I think we are ready. Stop a moment.”

He reached across for the glass which I had emptied, took it up gingerly between thumb and forefinger, and tossed it with a crash on to the hearthstone. He then did the same to my pipe, after first snapping the stem into halves. This done, he blew out one candle, and with great gravity led the way down the staircase. I shouldered the tools and followed, while my heart hated him with a fiercer spite than ever.

We passed down the crazy stairs and through the kitchen. The candles were still burning there. As my companion glanced at the supper-table, “H’m,” he said, “not a bad beginning of a new leaf. My friend, I will allow you exactly twelve months in which to get hanged.”

I made no answer, and we stepped out into the night. The moon was now up, and the high-road stretched like a white ribbon into the gloom. The cold wind bore up a few heavy clouds from the north-west, but for the most part we could see easily enough. We trudged side by side along the road in silence, except that I could hear my companion every now and then whistling softly to himself.

As we drew near to the Four Holed Cross and the scene of the murder I confess to an uneasy feeling and a desire to get past the place with all speed. But the lawyer stopped by the very spot where the coach was overturned, and held up a finger as if to call attention. It was a favourite trick of his with the jury.

“This was where the jeweller lay. Some fifteen yards off there was another pool of blood. Now the jeweller must have dropped instantly for he was shot through the heart. Yet no one doubted but that the other pool of blood was his. Fools!”

With this he turned off the road at right angles, and began to strike rapidly across the moor. At first I thought he was trying to escape me, but he allowed me to catch him up readily enough, and then I knew the point for which he was making. I followed doggedly. Clouds began to gather over the moon’s face, and every now and then I stumbled heavily on the uneven ground; but he moved along nimbly enough, and even cried “Shoo!” in a sprightly voice when a startled plover flew up before his feet. Presently, after we had gone about five hundred yards on the heath, the ground broke away into a little hollow, where a rough track led down to the Lime Kilns and the thinly wooded stream that washed the valley below. We followed this track for ten minutes or so, and presently the masonry of the disused kilns peered out, white in the moonlight, from between the trees.

There were three of these kilns standing close together beside the path; but my companion without hesitation pulled up almost beneath the very arch of the first, peered about, examined the ground narrowly, and then motioned to me.

“Dig here.”

“If we both know well enough what is underneath, what is the use of digging?”

“I very much doubt if we do,” said he. “You had better dig.”

I can feel the chill creeping down my back as I write of it; but at the time, though I well knew the grisly sight which I was to discover, I dug away steadily enough. The man who had surprised my secret set himself down on a dark bank of ferns at about ten paces’ distance, and began to whistle softly, though I could see his fingers fumbling with his coat-tails as though they itched to be at the flute again.

The moon’s rays shone fitfully upon the white face of the kiln, and lit up my work. The little stream rushed noisily below. And so, with this hateful man watching, I laid bare the lime-burnt remains of the comrade whom, almost five months before, I had murdered and buried there. How I had then cursed my luck because forced to hide his corpse away before I could return and search for the diamond I had failed to find upon his body! But as I tossed the earth and lime aside, and discovered my handiwork, the moon’s rays were suddenly caught and reflected from within the pit, and I fell forward with a short gasp of delight.

For there, kindled into quick shafts and points of colour—violet, green, yellow, and fieriest red—lay the missing diamond among Roger’s bones. As I clutched the gem a black shadow fell between the moon and me. I looked up. My companion was standing over me, with the twinkle still in his eye and the flute in his hand.

“You were a fool not to guess that he had swallowed it. I hope you are satisfied with the bargain. As we are not, I trust, likely to meet again in this world, I will here bid you *Adieu*, though possibly that is scarcely the word to use. But there is one thing I wish to tell you. I owe you a debt to-night for having prevented me from committing a crime. You saw that I had the spade and pickaxe ready in the cottage. Well, I confess I lusted for that gem. I was arguing out the case with my flute when you came in.”

“If,” said I, “you wish a share—”

“Another word,” he interrupted very gravely, “and I shall be forced to think that you insult me. As it is, I am grateful to you for supporting my flute’s advice at an opportune moment. I will now leave you. Two hours ago I was in a fair way of becoming a criminal I owe it to you, and to my flute, that I am still merely a lawyer. Farewell!”

With that he turned on his heel and was gone with a swinging stride up the path and across the moor. His figure stood out upon the sky-line for a moment, and then vanished. But I could hear for some time the tootle-tootle of his flute in the distance, and it struck me that its note was unusually sprightly and clear.