

Five Fatal Words

by **Edgar Wallace, 1875-1932**

Published: 1915
in »Tit-Bit Novels«
George Newnes Ltd., London



A challenge story in which readers were asked to supply five words that would cause the prosecution in a train-robbery trial to lose its case.

SIR George Farringdon was arrested on January 31st, and England was incoherent.

There had been fourteen days' delirium following the train robbery, and the arrest of the baronet was a tax upon the nation's sanity. Connoisseurs in crime had come post-haste to London. Haverson Judd, who specialised in „hold-ups“, came from New York; Russia sent M. Menshikoff; France sent Lebel. From every capital of Europe arrived some detective of note and standing; but it was Judd who unravelled the mystery to the intense annoyance of Andrews and his

confrères at Scotland Yard. Yet the English police had made out an extraordinarily strong case against Farringdon; they had pieced the case together most cunningly. The story of the crime I need not relate at this stage. It will be sufficient to record a portion of the cross-examination. Though the trial is recorded in Ashton's *Modern Cases*, I am concerned less with the legal terminology of the indictment, or with the cited cases bearing upon the charge, than with the remarkable interruption by Mr. Haverson Judd of New York, „Well?“ There was triumph in the tone of the inquiry.

The English detective, with his broad, red face and his complacent smile, waited for the other's reluctant confession.

But the lean Yankee with the lazy eyes leant back and regarded his confrère through half-closed lids, an amused smile playing about the corners of his mouth.

„Well, sir?“ he repeated. „What do you expect me to say?“

The Englishman grinned and jingled the coins in his pocket with perfect self-satisfaction.

„I expect you to admit that our methods, old fashioned as you think they are, take a lot of beating...“

„In fact,“ said Haverson Judd, languidly, „that the man who robbed the specie car of the Continental express was Sir George Farringdon?“

„Exactly.“

The American detective bit the end of a cigar and lit it at leisure.

„I reply *No!*“ he said, after a pause, „I've said *No* all along, and I'm standing to it.“

The Englishman jerked his shoulder impatiently.

„It was Jimmy the Dope,“ said Judd, calmly. „There's no crook raised on this side who could organise a hold-up of that description.“ There was a touch of pride in his voice. „The man must have been raised America, trained in America—“

„Huh!“ Inspector Andrews could not refrain from this exhibition. „That's your confounded conceit.“

They stood in the vestibule. Aimless witnesses shuffled to and fro nervously. Now and then there whisked past a flying gown of a barrister, bewigged and anxious.

A uniformed officer came towards them, „Farringdon's in the witness box.“

Andrews whistled. „He's mad! His only chance lay in silence with Seton cross-examining. Come along, Judd.“

Judd, smoking—contrary to every regulation—in the sacred precincts, dropped his cigar, crushed it under his heel, and followed.

At the door into the court he laid his hand on Andrews' arm.

„Jimmy the Dope,“ he said laconically. „This old cross-examination makes no difference to my decision.“

A dull red bench ran the width of the court, and five solemn men sat listening. Under the great sword sat the Sherriff of the City. At the end of the row was an old, old man with a calm wise face.

His robes were of scarlet, a tightly-fitting wig covered his head; on his white hand was a ring with a great green stone. This was Mr Justice Grayham.

In the plain oak pulpit to his right stood the witness, tall, with weather-beaten face and steadfast grey eyes. A warder sat near him. Harold Seton, King's Counsel,

his silk gown hitched forward over his shoulder, faced him in the well of the court. When the two men entered a clear voice was raised.

„Your life has been an adventurous one, Sir George?“

The witness smiled faintly. The warder who sat by the chair looked on with a responsive grin, as though he had a claim to a share of the adventure.

„I will take you back over your early career,“ said counsel. „You were born in India?“

„Yes.“

„When you were four years of age your mother died?“

„Yes.“

„Your father took entire control of you?“

„Yes.“

„You had no nurse?“

„None.“

„And even at that age you accompanied your father on his hunting trips?“

„Yes.“

„He took charge of your education?“

„Yes.“

„He was an eccentric man?“

„Yes, I suppose you would call him such.“

„From India where did you go?“

„To Australia, South Africa, America.“

„Your father was passionately fond of hunting?“

„Yes.“

„And was killed by a lion in Somaliland?“

„Yes.“

„How old were you then?“

„Ten, I think.“

„Your father had a servant—a bodyguard, valet and companion—Simon Selby?“

„Yes.“

„Who assumed charge of you from your father’s death?“

„Yes.“

„In terms of your father’s will?“

„Yes: he was more than a servant—he was a friend of my father’s.“

„This Simon Selby, was he a well-educated man?“

„Yes; he spoke several languages.“

„And you completed your education under his tuition?“

„Yes.“

„You travelled all over the world. Did you come to England?“

„No, not till after Simon’s death, seven years ago.“

„You lived some time in the state of Washington?“

„Yes; and in Texas.“

„Did you ever meet a man named Jimmy the Dope?“

The witness did not reply for a moment, then:

„Yes,“ he answered slowly.

„You first met him in Seattle?“

„Yes.“

„He was a notoriously bad character—a train robber—was he not?“

„Yes.“—more slowly.

„Did you shelter him for six months in your house outside Tacoma?“

„Yes; but I did not know who he was.“

„Were not the newspapers filled with his exploits?“

„I believe they were.“

„With full descriptions of him?“

„I believe so.“

„And you did not realise that this guest of yours was a notorious criminal?“

„No.“

The examining counsel bent his brows on the witness, but the gaze was returned.

„The sherriff of the court had heard that you had a strange guest, and wrote to you asking you to vouch for him?“

Again the witness hesitated.

„Yes, he did.“

„And you did not reply?“

„No.“

„Why not?“

The witness shrugged his shoulders.

„I believed the man when he told me his eyes had been injured, and he could not go abroad in daylight.“

„But that does not answer my question. Why did you take no notice of the Sherriff's letter?“

„I don't know.“

Counsel searched amongst the papers on the desk before him. Then:

„Were you a rich man?“

„There was plenty of money at home if I wanted it.“

„That I know,“ said the lawyer, testily: "but for some reason or other you never drew upon the accumulated revenues of your English estate after Simon Selby's death. Had you plenty of money when Jimmy the Dope was your guest?“

Again the witness hesitated. „No,“ he said, at length.

The lawyer nodded, as though the reply had been in accordance with his information upon the subject.

„Now,“ he went on, „I am coming to the matter in relation to which you are charged. You returned to England three years ago?“

„Yes.“

„And took up your residence at Farrington Court?“

„Yes.“

„You brought with you an American named Jonas E. Smyles?“

„Yes.“

The lawyer paused: then he asked quietly:

„Smyles was dumb, was he not?“

The man in the box made no reply.

The question was repeated.

„Yes.“

„I put it to you that you specially chose him because he was dumb?“

No reply.

„I suggest you took special pains to discover in Chicago a secretary who was deprived of human speech. Do you deny that?“

„No.“

„What special reason had you?“

„I refuse to answer that question,“ the witness said, shortly.

The old judge leant forward and spoke gently.

„I think it would be wiser to answer; the jury are entitled to put an unfavourable construction upon your silence.“

The witness bowed slightly.

„I had a secret to keep, my lord.“

„What was that secret?“ asked the barrister, sharply.

„I refuse to say.“

„I suggest that you had been guilty of some act in America of which you were ashamed; that you dealt by correspondence with matters that you did not wish to be blazoned abroad?“ accused counsel.

The man in the box shook his head.

„That is not so,“ he said simply.

„Your secretary is no longer with you?“

„No.“

„He has not returned to America?“

„No.“

„Do you know where he is?“

„Yes“—defiantly.

„Will you tell the Court?“

„No.“

„I suggest,“ said the lawyer, „that you arranged for this man to keep out of the way?“

„That is so,“ admitted the other, calmly.

„To preserve your secret?“

The witness nodded, and a thrill ran through the crowded court.

The cross-examiner went on:

„On the night of January 17th this year the KAISERIN GRETCHEN called at Dover, and specie was landed to the value of £150,000. This was placed in a special train, which started at once for London. Between Langley and Tonbridge someone showed a red light, and the cars were brought to a stand-still. The train was boarded by two masked men, two of the bullion guards were shot, the treasure car was uncoupled, and the engine-driver was forced to proceed. When assistance was procured the robbers had disappeared, and the money. Now, Sir George, do you remember that night?“

„Yes.“

„You have told us in your examination-in-chief that you had lent some man your motor car that afternoon?“

„Yes, I did.“

„Was it the man who is known as Jimmy the Dope?“

„Yes.“ The answer came without hesitation.

„Will you tell us by what extraordinary process of reasoning you came to lend a convicted train-robber your car?“

The prisoner frowned a little.

„I tell you I did not know he was a thief.“

„What!“ The King’s Counsel’s voice was stern. „Do you tell us on your oath that you did not know the character of this man?“

„I do.“

„Was not his conviction—subsequent to your entertaining him—public property in America?“

„I knew nothing about it,“ replied the witness, a little wearily.

„Will you swear that the Sherriff of Tacoma did not notify you of his arrest—that he did not inform you by telegram the day you arrived in New York from Tacoma that Jimmy the Dope had been arrested, and ask you to give evidence?“

There was no reply.

„I am going to prove,“ said counsel, addressing the jury, „that this telegram was received by the prisoner at Manhattan Hotel the day before he sailed for Europe. I am suggesting that he left the country sooner than give evidence against his friend. Now, sir, do you persist in saying you did not know the real character of Jimmy the Dope?“

„I still persist,“ said the witness, doggedly.

„I will not labour at a very obvious point,“ said counsel, dryly. „Well, this man, immediately after his release from jail, apparently set forth for England. He asked you to lend him your motor car—and you complied?“

„Yes. It was returned the next morning.“

„In person?“

„No. It was found outside the lodge gates.“

„Did you think that strange?“

„Yes; I thought it discourteous.“

A titter of laughter followed his simple statement.

„If I tell you that your motor car was used to carry away the gold from the robbed car, will you accept that suggestion?“

„It is quite feasible,“ said the witness coolly.

„If I tell you that certain track marks corresponding with the tyres of your car have been traced, will you agree that the feasibility is a certainty?“

A shrug of the shoulder was the answer.

„Your home is thirty miles away from the scene of the robbery?“

„Yes.“

„Are you aware how suspicion first fell upon you?“

„I am scarcely interested.“

The witness reached his hand out for a glass of water as he made his reply.

„You are aware that the number of your car was recognised in the early hours of the following morning?“

„I am informed so.“

„It was not actually traced until a fortnight later?“

„So I believe.“

„It was a fortnight after the theft that you first made your statement concerning Jimmy the Dope?“

„Yes.“

„For a fortnight you had been in possession of this knowledge—that a notorious train robber was in England; that he had been in your neighbourhood on the eve of the outrage—and yet you gave no information to the police?“

„Yes.“

„Perhaps,“ said counsel, with biting sarcasm, „you had not heard of the robbery?“

„I had not.“

Had a bomb exploded in court the sensation could not have been greater.

„You had not heard of a robbery that was the talk of the country?“

„That is so,“ confessed the man.

„Do you expect me to believe that?“ thundered the lawyer.

The witness smiled.

„I’m afraid I expect you to believe very little that I say,“ he admitted ruefully.

„On your oath, you had not read about this extraordinary affair that filled columns of the daily Press?“

„I had not.“

„Now, I want to ask you—“ began the lawyer, but his junior plucked his gown; there was a whispered consultation.

Then he rose and faced the witness with a grave face.

„I wish to impress upon you the seriousness of the questions I am putting to you,“ he said, quietly. „I have been informed that on the day following the robbery a full account of the affair was sent you by the chief constable of the county, in the hope that you, as a motorist, might be able to help trace the motor car; this letter was delivered to you. Do you still deny that you had learnt nothing of the robbery?“

The man gripped the ledge of the box before him, and the bulldog thrust of his under-jaw betrayed something of his emotions.

„I absolutely deny any knowledge,“ he said, loudly.

Again he met the challenge of the lawyer’s eyes unflinchingly.

„When you were arrested,“ counsel resumed, „A search was made in your house?“

„Yes.“

„Do you know,“ the lawyer spoke deliberately—„that twelve thousand pounds in gold were found?“

„Yes.“

„In gold—in specie?“

„Yes. I always keep large quantities of gold in the house.“

„Why?“

„For expenses.“

„But you have a bank?“

„I have not employed the bank since—“

„Ah!“

The examiner’s finger pointed at him.

„Since Jonas Smyles left you for his holiday?“

The witness drew a long breath.

„Yes, since Jonas left.“

„Since the custodian of your secret went away—taking his holiday at an opportune moment?“

Something amused the witness, for he smiled.

„The holiday was a genuine one,“ he said. „It coincided with this unfortunate affair.“

„When you were arrested did you see the reporter of the *Megaphone*?“

„He saw me.“

„Did he ask you to make a statement for his paper?“

„Yes.“ The eyes of the witness twinkled. „I said, *My statement to you is this—Jonas must not return!*“

„An extraordinary thing to say, was it not?“

„It was a brilliant idea,“ said the witness, coolly, „for my message was printed in the paper.“

„A brilliant idea, indeed!“ said the lawyer, with a touch of irony.

„Now,“ he continued, „I should like to ask you to inform the Court what explanation you can give to the presence of this huge sum of money in your home?“

„I have given the explanation.“

„That it was for current expenses?“

„Yes.“

„From what bank was it drawn?“

„A London bank?“

„Which London bank?“

„I refuse to state.“

„And you expect us to believe that?“

„No.“

„I suggest that it formed part of the proceeds of the robbery?“

„A contemptible suggestion,“ said the witness, showing sign of impatience—the first he had shown. „Why should I steal money? Why should I who have more money than I need, rob a bullion car?“

The two detectives heard, the one with growing satisfaction, the American with knit brows. It was when the lawyer had done with his next question that Mr Haverson Judd outraged the frigid propriety of an English court.

„I cannot answer why you should have done this. It is not for me to hazard an opinion,“ the lawyer was saying, „There are men who break the law out of sheer perversity, who rob because there is some unnatural kink in them. I would really rather you reconciled these statements of yours—how you came to harbour this train robber in America, why you swear you knew nothing of his character, what reason you have for saying you knew nothing of the train robbery, why you employed a dumb secretary, and stored huge sums of gold—“

„Stop, sir!“

It was the American, his eyes blazing with excitement, who sprang to his feet.

„I can answer you!“ he cried, and spoke five words:

„— — — — —“

They overlooked the breach of court etiquette.

No man called for silence. Judge, jury, lawyers, ushers, sat momentarily paralysed by the tense phrase, and the prisoner, with flushed face, nodded slowly to the judge.

„Yes, your lordship, that is true,“ he faltered. „I have been a vain fool to hide it—that is the explanation.“

The judge was skimming his notes. He finished and nodded.

„Very remarkable,“ he said. „There can be little doubt that the case for the prosecution has collapsed.“

„Of course it explains everything,“ said Judd, later. „Explains Jimmy the Dope—did I tell you the Liverpool police caught him this morning?—and why Farrington kept the money by him, drawing it in bulk from the bank, and why he swore he knew nothing of the robbery. It explains Simon Selby, too, and why Farrington, with his huge estates in England, was a poor man in America. But wasn't it extraordinary that I didn't get wise to the solution until the prosecution used that curious sentence, *really rather you reconciled*. Do you see the connection?“

[*Solution: „He can't read nor write.“*]
