



The late Frog Croker had had a plan - a way to kill a man and not be blamed for it. But what of his sidekick, who shot in self-defense?

PARTICEPS CRIMINIS

JUDGE STEELE STORY
by Lon Williams

JUDGE WARDLOW STEELE entered Flat Creek's crowded, smelly courtroom with reluctance and misgiving, his thick, sandy hair half-heartedly combed and a frown on his rugged face. Being a judge had never been to his liking, and experience had added little to his pleasure or self-confidence. He

took his seat and, as usual, stared at a mongrel pack. Mongrels stared back at him, some with hostile looks, others with skepticism; but sheriff, deputies, clerk and Vigies were at their stations waiting, watching.

In response to a judicial nod, Sheriff Jerd Buckalew, tall, rawboned and poker-

faced, stood up and pounded for order. "Court's now in session. Keep quiet, or you'll be made quiet for permanent."

Deputies hitched up their gunbelts and nodded subconsciously.

Judge Steele found his courage. "Skiffy, call fust case."

Clerk James Skiffington, tall, thin and gloomy, scarecrowed up. His harsh, screeching voice dispelled any lurking notion that this might be anything but a deadly business. "People versus Woodyard, alias Chips, Gilmore. Charge, first degree murder."

Judge Steele looked down at a puncheon bench reserved for murderers on such special occasions as this. There sat a sorry, bleary-eyed, droopy-lipped assembly of human anatomy with about as much charm as a toad. "Murder, eh? You don't look to me like you've got enough git-up to murder a worm. You got a lawyer?"

A tall, sharp-faced character in black scissor-tail coat, white vest and black four-in-hand necktie got up, his black hair neatly combed and running down into abbreviated burnsides. "I am his lawyer, your honor. French Demeree."

Steele lost a fraction of his scanty assurance. "Yeah, Demeree from Tennessee. Well, Demeree, you've been mighty busy since you hit Flat Creek; if not health, certainly fortune must be yours."

"In reasonable quantity, yes, your honor," Demeree responded impassively.

Judge Steele felt sarcastic. "This murderer no doubt has paid you handsomely?"

"No, your honor," said Demeree. "This defendant is a poor man."

"Poor, eh?"

"Yes, sir, poorer than Lazarus."

Steele grunted. "How do you figure that, Demeree?"

"By one small margin, your honor," said Demeree, with a lift of his eyebrows. "Lazarus in all his poverty did have a dog. My client, if your honor please, doesn't even have a dog."

Steele felt himself tightening up. He should have known that if he locked horns with this axe-faced Demeree he'd likely come out second best. He swung left. "Whar's our lawyer?"

A stocky redhead with noble brow got up in a mood of disapproval. "Wade Claybrook, your honor. Prosecuting attorney."

Steele surveyed him dubiously. Nobility stood out on him like snow on a mountain peak. "Well, Claybrook, ain't you ashamed to be prosecuting a pore man like Mr. Demeree's client?"

Claybrook's reply quivered with eloquent reproach. "If your honor please, justice knows no distinctions, except as between guilt and innocence. It is evenhanded, devoid of humor, equally devoid of vindictiveness. It is an expression of law, and it sits in majesty not to be bent to accommodate changing winds of passion, but to bend those winds by its solid strength. Justice does not accommodate itself to men, but men must conform to justice, or suffer when they transgress."

Demeree cut in coldly, "If I may paraphrase Shakespeare, your honor, reason is an attribute of law, and earthly laws do then show most divine when mercy tempers justice. 'Tis said that mercy falleth as gentle rain from heaven, blessing him that gives and him that takes, and becomes a throned monarch better than his crown."

Judge Steele's voice was a growl. "That's enough, Demeree. Be-consarned, give you lawyers an inch and you'll take a mile." He glared at Chips Gilmore. "All right, you mangy polecat, what's your

plea?"

Demeree responded quietly, "Not guilty, your honor."

"Not guilty, eh? What in tarnation is he doin' hyar, if he ain't guilty?"

"I should say offhand, your honor, that he was brought here by mistake."

"Think you can prove that, eh?"

Demeree lifted his eyebrows. "If your honor please, I do not have to do that. An accused person is presumed innocent until proven guilty."

Steele frowned. "Demeree, do you mean to stand thar and say Claybrook has got to do everything by way of proving that coyote guilty?"

"I do, your honor."

"And you don't have to do nothin' at all?"

Demeree nodded. "That is correct, sir."

CLAYBROOK interposed learnedly, "It doesn't require much proof to overcome a presumption, your honor."

"Then overcome it, by thunder, and put Axe-face Demeree to work."

"I suggest that a jury be empaneled," Claybrook responded and sat down.

Demeree eased down beside his client.

Steele gave his straw-colored mustache a couple of vicious jerks, his blue eyes gleamed savagely. "What's been goin' on hyar anyhow? Bucky, panel a jury."

Sheriff Buckalew jerked his head at Clerk James Skiffington. "Call names, Skiffy."

Skiffington called twelve, and twelve assorted humans of rough and unsmiling countenance shoved and elbowed their way forward, seated themselves as jurors.

Steele glanced at Claybrook and Demeree. "Any objections?"

Claybrook shook his head. "No objections."

Demeree got up. "Defendant objects to

that flax-head, your honor; Ole Jensen, I believe he was called."

"Would've been disappointin' if you hadn't objected to somebody," said Steele. "But state it."

"He's not a citizen of our country," said Demeree.

"Now, see hyar, Demeree—"

Claybrook arose with an honorable expression. "Mr. Demeree is right, your honor; a defendant has a constitutional right to be tried by a jury of his peers."

"Peers?"

"Equals, your honor. Only a man's fellow-citizen is regarded in law as his equal."

Judge Steele drew a look of comparison between Ole Jensen and Chips Gilmore. He glared at Jensen. "Whar was you born?"

"Ja. I bane from Sveden."

"How long have you been in this country?"

"Ja. Ole Jensen. I bane from Sveden."

"When did you come to Flat Creek?"

"Ja. I bane Ole Jensen."

Steele nodded to Buckalew. "Take him off of thar, Bucky. We could excuse his bein' a furriner, but he ain't got good sense; besides, he don't know beans."

Buckalew nodded at a deputy, who walked over and crooked a finger at Juror Jensen. Jensen's face brightened with intelligence; sign language was his dish. He came down, smiling his pleasure, and was replaced by a grim-visaged Vigie.

Steele considered this swap a decided gain for his side.

"Witnesses come and be sworn."

They straggled forward, about a dozen, held up their hands to be sworn, and were herded to a back room.

"Call fust witness, Claybrook," said Steele. "Be-consarned if this ain't as draggy a trial as I ever saw."

"Call Spice Quibby," said Claybrook.

Quibby was brought in and seated.

Claybrook glared at him. "Your name, sir?"

Quibby was small and shriveled, and his manner of spreading his eyebrows upward and moving his mouth jerkily made him look like a monkey. "My name is Spice Quibby. Yes, sir, that's what it is—Spice Quibby."

"Sometimes called Nutmeg?"

"Yes, sir, sometimes called Nutmeg. Always been called that, more or less, from when I was a small boy, back in Indianny. Nutmeg Quibby."

"What kind of work are you engaged in?"

"Well, sir, I'm an odd-job man, so to speak. First one thing then another. I come West to find gold, but it was all spoke for before I skittered in. But I'll find it yet; wait till I get me a grubstake—"

DEMEREЕ eased up. "Your honor, all this Nutmeg palaver is quite favorable, but more or less irrelevant, I'd say."

"I agree," said Claybrook quickly. "Nutmeg, where were you working last Saturday?"

"I was working at Cooksy Blair's saloon; that's right, yes, sir."

"Was Matt Croker at Cooksy Blair's saloon that day?"

Demeree sprang up. "Object, your honor. That's a leading question. Furthermore, Matt Croker, being dead, and not killed by defendant, has nothing to do with this case."

"Now, your honor," said Claybrook, "Matt Croker figured materially in what happened in this case. What he did explains what Chips Gilmore did, and it all leads up to murder."

"That remark was highly improper, your honor," said Demeree. "It is defendant's position that no murder was

committed. What my client did, he did purely in self-defense. Proof will show—"

"Set down, Demeree," growled Steele. "We'll let proof do its own showing; proceed, Claybrook."

Claybrook glared at his witness. "Nutmeg, did you see Matt Croker at Cooksy Blair's saloon?"

"Do you mean did I see Frog Croker at Cooksy Blair's?"

"Yes."

"Yes, I certainly did. I was helping One-hair Tobin with drinks. You know One-hair Tobin, I reckon. He's as baldheaded as a onion, except he's got one hair that sticks right straight up; that's why he's called One-hair Tobin. But when he gets hot and excited, that one hair gets curly, like a pig's tail. Some folks says—"

"Now, see hyar," Steele growled savagely, "you stick to your nut-crackin'. Tell what you know about this murder."

Claybrook shot another question hurriedly. "What did Frog Croker do when he came into Cooksy Blair's saloon?"

Nutmeg glanced cautiously at Judge Steele, then at Claybrook. "What did he do? Why, I'll tell you what he did. He comes bargin' into Cooksy's saloon and whams down his money. 'Gimme a drink,' says he."

"Object," shouted Demeree. "This monkey can't tell what somebody said. Hearsay evidence is not admissible."

Steele retorted impatiently, "Demeree, you ought to know by now that what a man said before getting into trouble is admissible. It helps to show his motive for what he done."

"But, your honor, Frog Croker is dead. His motive may be material where he now stands in judgment; it can't be material here."

"Your honor," said Claybrook, "this crime was a crazy-quilt affair, and Frog Croker was an essential part of it. What he

said is material as showing what part he played, and why.”

Claybrook lowered his head and glared through his eyebrows. “Nutmeg, what else did Frog Croker say?”

Nutmeg gave his mouth a few jerks and spread his eyes. “I’ll tell you how it was now. It was Saturday, and that’s a busy day at Cooksy’s. Well, sir, I was just coming up for a tray of drinks, when this here Frog Croker comes bargin’ in, all flushed and mad. He whams down his money, and he says, says he, ‘Gimme a drink. And,’ says he, ‘I want what’ll make me drunkest quickest.’ One-hair Tobin gives him’ a hard look and says—”

“Object,” shouted Demeree, “One-hair Tobin’s got no more to do with this than Banquo’s ghost. What he said is pure hearsay. Object.”

“Now, your honor,” said Claybrook, exasperated, “I shall explain once more that this was all part of a pattern. A conversation doesn’t make much sense, if you hear only what one man said.”

CLAYBROOK faced his witness. “What did One-hair Tobin say to Frog Croker?”

Nutmeg blinked his eyes and got his thoughts together. “As I was saying, it was Saturday, and—”

“Answer my question,” snapped Claybrook. “When Croker asked for whiskey, what did One-hair say?”

Nutmeg stiffened. “Now you look here, Mr. Claybrook. Nobody said nothing about no whiskey. Frog Croker whammed down his money and he says, says he, ‘Gimme a drink. And,’ says he, ‘I want what’ll make me drunkest quickest.’ And One-hair says, says he, ‘That’ll be brandy.’ ‘Then,’ says Frog, ‘brandy it is.’”

“What else did Frog Croker say?”

“Nothing, sir. That’s all.”

Demeree rose slowly, but silently.

Nutmeg blinked his eyes. “Yes, sir, I’m sure. That’s all was said.”

Claybrook’s manner was accusing, angry. “Didn’t you tell Deputy Sheriff Dan Trehwitt that Frog Croker said he wanted to get drunk because he meant to kill a man?”

“Defendant objects,” said Demeree. “A party may not impeach his own witness; nothing is more elementary than that.”

“I am not trying to impeach him,” Claybrook responded heatedly. “I’m trying to get out of him what he knows.”

Demeree said, “Mr. Claybrook has asked this witness to tell what somebody said. He has told what that somebody said, and he has said that that was all that particular somebody said. Insisting that Nutmeg has omitted something is equivalent to accusing Nutmeg of having lied. If that is not impeaching a witness, I don’t know how one could be impeached.”

Claybrook stood his ground manfully. “Your honor, I have made no such accusation. It is possible Nutmeg has merely forgotten; my object was to refresh his memory.”

Steele was more and more proud of Claybrook. “Go ahead, Mr. Prosecutor. Refresh him.”

Claybrook glared at Nutmeg. “Did you not tell Deputy Sheriff Trehwitt that Frog Croker said he wanted to get drunk because he was going to kill a man?”

Nutmeg blinked, agitated his lips and looked peeved. “No, sir, I never said no such thing to nobody.”

Claybrook squared himself, eyed Nutmeg sharply. “You’ve been bought off, haven’t you?”

Demeree was indignant. “If your honor please, Mr. Claybrook knows he can’t treat his own witness like that. Heretofore, he has been quite honorable, legal and ethical. I must say, I’m surprised.”

Claybrook relented. "Mr. Demeree is entirely correct, your honor; I withdraw the accusation against Nutmeg and have no more questions."

Judge Steele had a surge in his brain. Be-consarned, every time he put his faith in Claybrook, he got let down. "By thunder, Claybrook, just because you've got no more questions don't mean this blinkin' ape is getting away with perjury." He glowered upon Nutmeg Quibby. "Now see hyar, Nutmeg. Dan Trehwitt is around hyar somewhars. When he comes up to testify, he'll be asked what was said to him. If his memory proves better than yours, you'll wind up with a rope around your skinny neck, and thar won't be nothin' under your feet but air." Steele returned his attention to Claybrook. "Now, Mr. Prosecutor, git under his mangy skin."

Demeree was still objecting. "If your honor, please, defense counsel objects. He does not consider it proper for court and prosecutor to combine forces like this. If Mr. Claybrook has no more questions—"

"But he *has* more questions; you're overruled, Demeree."

Demeree sat down reluctantly.

Claybrook had grown sulky. He said half-heartedly, "Nutmeg, do you remember anything else that was said?"

Nutmeg worked his lips like a monkey eating a banana, while his eyes darted about and blinked. At last he said, "Yes, sir, I been thinking about that. Seems now I do remember. Frog Croker did say something else."

"What did he say?"

"Why, he says, says he, 'Gimme a drink and,' says he, 'I want what'll make me drunkest quickest.' One-hair Tobin gives him a hard look and says, 'That'll be brandy.' And Frog says, says he, 'Then brandy it is.' One-hair sets him up a bottle and says, says One-hair, 'How come you want to get drunk so quick?' Frog says, 'I

aims to kill a man, that's how come.' And One-hair says, 'Who do you aim to kill?' And Frog says, 'I aims to kill Ebenezer Kneazer, that's who.' One-hair says, 'Why do you want to kill Ebenezer Kneazer?' And Frog says, 'Because I don't like him. I never have liked him, I don't like him now, and I never will like him. And I aims to kill him.'

"Then One-hair says, 'Why don't you like him?' And Frog says, 'I don't like him because he give me a quart of whiskey. He give me a quart of whiskey because he wanted me to git drunk. And he wanted me to git drunk so's he could beat me to that claim I was goin' to stake out in February Gulch. That's why I don't like him, and I aims to kill him.'

"So One-hair says, 'don't you know if you kill Eb Kneazer you'll be hung?' Frog says, 'No, I won't. I got a plan. Done my way, it won't be murder.' That's all I heard, because some loudmouth yells, 'Bring on them drinks, you loafing chimpanzee, before I beat your ears off,' which meant I had to get busy about my own affairs."

JUDGE STEELE relaxed in his chair and folded his arms. "That's better. What was needed, Mr. Prosecutor, was a mite of persuasion." He glanced at French Demeree. "Want to cross-examine?"

Demeree got up. "Your honor, I do not wish to cross-examine, but I would like to say this. Frog Croker is not on trial here; he can't be, because he is dead. His getting drunk and intending to kill somebody is wholly immaterial now. I ask that our jury be so instructed."

Judge Steele eyed Demeree as he sat down. This clever Demeree from Tennessee wasn't talking just to make noise. Consarn him, he had a reason for his chin-chin. Judge Steele tugged slowly at his mustache. "Demeree, I'm asking

you a question; if all this rigmarole has got nothing to do with anything, why do you kick so hard?"

Demeree rose again. "If your honor please, I object to it because of its capacity to confuse and mislead. It was not my humble client here who got drunk, intending to kill a man. That was old Frog Croker, a scoundrel who is already dead and gone; why not let him rest in peace?"

"Maybe he needs company, Demeree." Steele turned to Claybrook. He was still puzzled, suspicious. This Demeree was seldom to be trusted; when he was most insistent, he was to be trusted least. "Call next witness, Claybrook."

"Tobias Unmaker," said Claybrook.

Tobias Unmaker replaced Nutmeg Quibby. He was a sober-eyed gold-digger with long legs, a fresh shave, a patched face, and an indifferent attitude toward his surroundings.

"Your name?" said Claybrook.

"Tobe Unmaker, from Horse Mountain, Kentucky."

"You may omit personal and family history," said Claybrook. "Were you in Flat Creek last Saturday?"

"I was. Left my diggin's and come in to see a show. Not much of a show, though; just dog fights, a rope walker, and a few pickpockets."

"Did you see Matt Croker, sometimes called Frog Croker, that day?"

"I did. Saw him havin' trouble with Ebenezer Kneazer. I guess that's what you want to know, ain't it?"

"You don't have to guess, sir," said Claybrook. "I shall tell you in due time. Was Croker drunk or sober?"

"About half-shot, I'd say."

"Half-shot? What do you mean?"

"I mean he'd had enough to make him wobbly, but not yet a b'iled owl."

"And you also saw Ebenezer Kneazer?"

"I did. And if you'll just drop your lines and turn me loose, I'll plow out your new ground."

"What do you mean, sir?"

Judge Steele leaned forward and propped his jaw on one fist. "Mr. Prosecutor, if you don't know what that means, you ain't never et cornbread. Unmaker, tell about that trouble you saw Frog Croker having with Eb Kneazer. If you don't know what I mean, guess and go ahead. Claybrook, set down and rest."

Claybrook sat down heavily and stuck out his lower lip.

UNMAKER twisted round and glanced at Judge Steele. "Well, Judge, there was this Eb Kneazer alongside of me, both of us watchin' a dog fight, when up comes Frog Croker. He's got his right paw under his coat, like maybe he's got a gun hid there. A couple of big yellow dogs is goin' for each other, and Kneazer don't see Frog's left fist comes up under his chin, which puts him to lookin' up instead of down. He lands on his back, but he's up in three shakes. Croker spits at him when he's down and says—"

"Object," said Demeree. He was up and indignant. "I mean no respect to your honor, but this turning a Kentucky mule loose in a corn patch is highly irregular at best. When he starts telling what somebody said—"

Steele's words carried menace. "Demeree, you look mighty tired; maybe you'd better set down and rest, like your fraternal friend Claybrook."

Demeree eased down.

"All right, Tobe," said Steele.

Unmaker continued unperturbed. "As I was saying, Croker spits at Eb Kneazer and says, 'All right, you dirty scoundrel, here's where I feed you some lead. Right in your rotten middle.' Croker brings out a hawleg, but Kneazer is up and has a gun

in his hand. 'No you don't,' says he. 'You wasn't fast enough.'

"About that time here comes Chips Gilmore, waving his arms and shoutin', 'Here! Here! Don't do that, men. Don't do that.' He grabs Kneazer's wrist and shoves his gun up. Then he turns round to Croker and says, 'Frog, put your gun away. You might get yourself killed.'

"Croker, lookin' beat and sheepish, shoves his gun into its under-arm holster. 'Aw,' says he, 'I was only devilin' Eb. Me and Eb's friends. We been friends a long time. You know I wouldn't shoot my best friend, and he wouldn't shoot me.' Chips Gilmore says, 'Sure. Frog was just devilin'. Eb, can't you see he was just devilin'? You put up your gun and don't pay no attention to what a drunk man says.'

"Kneazer holsters his gun and says, 'All right, Chips. If Frog wants to be friends, I'm agreeable. If he wants to settle it with guns, I'm agreeable to that too.' Chips stays between 'em until guns are put away, then he leads Croker to one side. After a while things sort of quiet down. Them two yellow dogs have chewed each other's ears about off and a bulldog and a mastiff are brought in—"

Demeree started to get up, but decided against it.

"Proceed, Tobe," said Judge Steele.

Unmaker continued. "Well, soon as things get excitin' between them two fresh dogs, Croker eases round behind and comes at Eb Kneazer again. He has his gun nearly out, and already cocked. But Kneazer gets a glimpse of him and up comes Kneazer's gun. Here comes Chips Gilmore again, waving his arms and yelling, 'Here! Here! Don't do that, men. Don't do that.'

"Quicker'n scat, he grabs Kneazer's wrist and pushes it up. Then he turns round and says, 'Frog, didn't I tell you to

put up your gun? You keep up that sort of playin' and you'll get hurt.' 'Aw,' says Croker, 'I was only devilin' Eb. Why, me and Eb's friends. You know I wouldn't hurt my best friend.' And Eb Kneazer says—"

Claybrook got up, pouting and disgusted. "Now, your honor, this could go on *ad infinitum*."

Demeree, too, was up. "Your honor, that expresses my sentiment exactly. Not only could this go on *ad infinitum*; it could become *reductio ad absurdum*. It has already become *ad nauseam*. One thing, however, is perfectly clear; Mr. Claybrook has no case against my humble client. If your honor would like to dismiss—"

Judge Steele put his palms down flat. "We was makin' progress hyar until you lawyers got started again. Claybrook, what's on your mind?"

"If your honor please, I should like to question this witness."

"All right, question him."

DEMEREEREE sat down, and Claybrook stared through his eyebrows at Tobe Unmaker. "What were you doing while all that horseplay was going on?"

Unmaker replied calmly, "I was attendin' to my own business. Was right regular in my attendance too."

"Why didn't you step in and stop it?"

Judge Steele leaned forward and growled angrily, "Claybrook, set down thar. Be-consarned if you haven't swapped sides. This man's our witness; what do you mean by scolding him like that?"

Demeree had got up. "Your honor, if I may say so—"

"Demeree, you're overruled."

"But, your honor, I haven't said anything yet to be overruled."

"You're overruled in what you was fixin' to say."

"If your honor please, I merely desired

to commend Mr. Claybrook for his forthright honesty. My client should never have been indicted. It is perfectly apparent that he was honorable in all that he did; a peacemaker, if your honor please. If Mr. Claybrook did not realize that before having this man indicted, he certainly knows it now."

"With all due respect for Mr. Demeree," said Claybrook, "I prefer to speak for myself."

Anger was running Steele's blood pressure up. His voice was fierce and demanding. "All right, Claybrook, do some speakin'."

"I should like to question this witness."

"Question him."

Demeree sat down. Spectators sat forward. Some grinned, some frowned.

Claybrook glared up at Tobias Unmaker. "Was Ebenezer Kneazer also drinking?"

"I don't know."

"Was he drunk?"

"No."

"Were there any hard words between Kneazer and defendant Gilmore?"

Unmaker sank back in his chair. "Like I said, Mr. Claybrook, if you'll drop your plow lines and let me pull your plow, there won't even be no grubbin' left."

"I don't want you to pull my plow; I merely want you to answer my questions."

Judge Steele wiped sweat from his forehead. "Consarn you, Claybrook, you don't know a good witness when you've got one. You set down thar, and while you take a breathin' spell, this witness will get something done."

"If your honor—"

"I said set down." Steele jerked his head at Sheriff Buckalew. "Bucky, when I tell a man in this courtroom to set down, I don't like to tell him twice. Next time see that he sets."

Claybrook eased down, mad pouting.

Steele wiped sweat again and nodded at Unmaker. "All right, Mr. Witness, proceed."

Unmaker had remained quiet and unconcerned. He resumed casually, "As I was going to say, Eb Kneazer looks Chips Gilmore a sharp one and says, 'If Frog Croker is a friend of yours, you better take him home, or teach him a new game. You might not grab my wrist quick enough next time.'

"Chips Gilmore says, 'Why, Eb, you know you wouldn't shoot a drunk man.' 'How do you know I wouldn't?' says Kneazer. 'Why Eb, you know I wouldn't let you,' says Chips. 'It wouldn't be right. It'd haunt you as long as you lived. Put up your gun, now, Eb, and don't do nothin' rash.'

Frog says, 'Sure, Eb. I was only devilin'. See here? I'm puttin' my gun away.' Them fightin' dogs do a heap of growlin' and yelpin' along about then, and I don't hear what else is said, but I see Chips Gilmore and Croker walk away and puttin' their heads together. Kneazer has again holstered his gun. There ain't no more dog fights right then, so everybody drifts over to where a man in long drawers is walkin' a tight rope. He carries a long iron pipe to balance hisself with, and it looks easy. For him, that is. He bets five dollars a head can't nobody else walk it.

"But while bets are being made, this rope walker's crony takes a cap off one end of that pipe and slips a lot of lead balls in. So first man that tries ropewalking finds his balancing pipe getting heavy, first one end, then its other end, and first thing he knows its weight is all at one end, and down he comes.

"Well, while that's going on, here comes Frog Croker, staggering drunk, gun already out and pointed. 'Now, Ebenezer Kneazer, you thievin' skunk, I've got you to rights. Get ready to lay down and die.'

This time Chips Gilmore is too far away to run and grab Kneazer's wrist, but he pulls his own guns and yells, 'Here! Here! Don't do that.' But Croker is thumbing his gun, trying to cock it, and Chips is still yelling and rushing in. This time nobody grabs Kneazer's wrist, and it's too bad for Frog Croker. Kneazer lets him have it, an inch above his nose. After that, he turns his gun on Chips Gilmore. But he's too late. Chips blazes away, and Kneazer drops, deader'n four o'clock." Tobias Unmaker paused and glanced at Wade Claybrook. "That's it, Mr. Claybrook."

Judge Steele looked at Demeree. "Want to cross-examine?"

"No, your honor." Demeree rose confidently; "but I'd like to make a motion."

"Make it, Demeree."

Demeree nodded his thanks. "If your honor please, I move for a directed verdict of not guilty."

STEELE leaned forward, his fists tight; this Demeree had more nerve than a pack-train. "Didn't you hyar this witness swear that Chips Gilmore murdered Eb Kneazer?"

"I heard him swear that defendant Gilmore shot Eb Kneazer in self-defense, if your honor please."

Judge Steele got up. "Demeree, you connivin' stinker, whar was you raised at?"

"In Tennessee, your honor."

"Well, by thunder, ain't you men got no fightin' principles back thar in Tennessee?"

"Fighting principles originated in Tennessee, if your honor please," said Demeree haughtily. "One of those principles is, that a man has got a right to kill another man in defense of his own life. This witness testified that Ebenezer Kneazer turned his gun on Chips Gilmore,

and that he did so immediately after he had killed Frog Croker. Any man of reason would believe that Kneazer meant to kill Gilmore, also. Luckily, Gilmore shot first."

Steele crimped his lips. "He'd been luckier had he shot neither fust nor last. You got any witnesses, Demeree?"

"No, your honor, but I believe Mr. Claybrook has several."

"Mr. Claybrook," said Steele, "has decided he don't need no more witnesses."

"I agree with him, your honor; by his own witnesses he has demonstrated my client's innocence."

"You set down thar, Demeree."

"But, your honor—"

Two deputies moved toward him. Demeree sat down.

Steele tugged at his mustache a moment, then turned left. His voice had a dangerous sound. "If any of you jurors has got notions in your noggin as this hyar Demeree from Tennessee, you git rid of them notions. When a meddlin' skunk sides a murderin' crony, he stands in his crony's boots. Leastwise, that's law in Flat Creek. If Frog Croker would've been guilty of murder—which he would've been—then Chips Gilmore is guilty, too, by thunder. You jurors fetch in a verdict."

They went out, stayed long enough to elect a foreman, then filed back in. A thick-bearded gold-digger remained standing. "He's guilty, Judge; first degree murder."

"Fair enough," Steele growled. He swung toward Sheriff Buckalew. "Hang him, Bucky."

Steele tarried a while after all others had thundered out. For weeks now he had not seen his old Vigilante friend Bill Hacker. He had needed Bill's moral support; he needed it still. For a judge who lived and walked alone had strange and unwelcome company.