

There were plenty of witnesses to the fact that Pug Wallet had been violently attacked by the late Little Willie Chumby. But had Pug really killed Little Willie in self defense?

# KILL OR BE KILLED

*Judge Steele Story*

by LON WILLIAMS

**W**ARDLOW STEELE, judge of Flat Creek's dreaded criminal court, leaned on his elbows and scowled at a room filled with that gold-rush community's mongrel, tough breed. Among them were citizens who believed in orderly justice as a substitute for vigilante's swift and terrifying judgments.

Vigies were here, too, determined that orderly justice should function; at any rate, that justice should prevail. As for Judge Steele himself, he had found Vigie methods more to his liking. In this court of law—cluttered by lawyers and their endless rules of procedure and evidence—he regarded himself as a gross misfit. In his opinion, too, hanging of murderers was such uphill business as to make law itself look like a transgressor against criminals.

Yet, be-consarned, if this brand of justice was what people wanted, he'd give it to 'em, by thunder. He gave his straw-colored mustache a couple of tugs and nodded to his right. "Sheriff call court."

Sheriff Jerd Buckalew rose, tall and rugged. "Court's now in session; it'll do your health good if you take my word for it."

Plenty of armed deputies stood ready to back up his warning.



Steele nodded again. "Skiffy, call fust case."

Clerk James Skiffington rose, tall and thin, and adjusted his iron-rimmed spectacles. "People *versus* Pug Wallet, otherwise known as Flat-nose, Horse-mouth and Dog Wallet. Charge, first-degree murder."

Steele glared down at a puncheon dedicated to lost souls faced with their final jump-off. There sat about as mean looking gorilla as he'd ever seen; he was curly-haired, flat-nosed, wide-lipped, bull-necked—with a pious expression as incongruous as a wagging tail on a sheep-killing dog.

"Murder, eh? Why didn't you just hang yourself fust off? Doing it this way puts people to a heap of unnecessary trouble. You got a lawyer?"

A slim, thin-faced gentleman, immaculately dressed in black suit, white vest and four-in-hand necktie got up. His face was clean-shaved, his thick black hair meticulously parted and brushed. He lifted his eyebrows at Steele. "I am his lawyer, your honor. French Demeree."

Steele sniffed in distaste. Here was a very special reason why justice was hard

to come by. "Yeah," he snarled. "Demeree from Tennessee. Demeree, in what jungle did you capture this ape?"

Demeree's expression was untroubled. "If your honor please, this gentleman is jungle-bred only in one particular, which shall be stated in due time. Otherwise he has walked most uprightly, has fallen upon this evil day through no fault of his own."

Steele snorted in scorn. "Demeree, maybe with your fancy words you can talk wings onto that critter. If you do, he still won't be no hummingbird." He swung left. "Whar's our man?"

A stocky redhead with excellent face and noble bearing got up. "Wade Claybrook, your honor. Prosecuting attorney."

STEELE contemplated his prosecutor with hopes that experience had too often proved forlorn. Claybrook was scholarly, dignified and honorable; in Steele's opinion, those qualities were excellent—but insufficient. What Flat Creek needed for its prosecuting attorney, according to his figuring, was a man-eating tiger.

But Steele offered encouragement. "Wade, would pulling handfuls of feathers from a buzzard appeal to your sense of duty right now?"

Claybrook did not smile. "If your honor please, my sense of duty is directed against birds of prey, not against scavengers. Even so, my zeal as a huntsman is tempered by fairness; I would regard it as no victory, if an innocent man suffered from any valor which I might possess."

"Humph!" Steele grunted in disgust. "That's about what I expected." He glared down at Pug Wallet. "All right, you unsavory monkey, what's your plea?"

Demeree had remained standing. "If your honor please, defendant pleads not

guilty, by reason of self-defense."

"So that's whar your client is jungle-bred, eh?" scoffed Steele.

"It is, your honor," said Demeree. "This right of self-defense is as old as man; it extends beyond man to all forms of life. It is so completely and universally recognized, as to rate as a fundamental law of nature."

That was a hard knock, yet one that should have been foreseen. Steele hit back nevertheless. "Demeree, before this trial's over you may hear of other fundamentals. What are you going to do when one runs head-on into another?"

"If I may say so, your honor," Demeree replied suavely, "fundamentals are never in conflict. Each supplements or is supplemented by another, so that all taken together constitute one harmonious whole. It is fundamental that a man may preserve his life against one who would wrongfully deprive him of it; to further preserve that life, it is fundamental that he may eat, breathe and enjoy a free and unimpaired existence."

Steele turned hopefully to Claybrook. "Wade, what have you got to say?"

"I suggest, your honor, that a jury be empaneled," Claybrook replied with dignity.

Steele's expectation ended in sudden anger. "Claybrook, I don't know how this court would ever get along without you. Jurors come and be sworn."

Twelve nondescript citizens, as their names were called, scrouged forward. They lifted their right hands, swore truth to find and a true verdict to render, and sat down.

"Witnesses next," Steele snapped.

Another group of rough and uncouth characters scrouged forward; they were promptly sworn and herded to a back room.

Steele tossed Claybrook a hard look.

“All right, Mr. Prosecutor, start your meat grinder.”

Claybrook put his shoulders back and addressed a deputy-sheriff. “Call Square Tolley.”

A shriveled potato of about thirty-five years was brought in and seated. His iron-gray hair was plastered tight; he had thin lips, a sharp nose and big ears. His dark eyes sparkled with intelligence; his expression was that of a happy man. “Yes, sir,” he said.

“Yes, sir, what?” said Claybrook.

“Nothing at all, sir. I just said yes-sir.”

**I**N STEELE’S opinion, Wade Claybrook could beat anybody that ever lived at antagonizing his own witnesses. Though impatience was stirring, he withheld comment.

Claybrook said, “What is your name?”

“Tolley is my name. Square Tolley.”

“Sometimes called Equal Dimensions?”

“Yes, sir; that, among other things.”

“What other things?”

Demeree eased up. “If your honor please, this man’s qualifications do not depend upon diversity of nomenclature. His name is ‘Square’ which, considering his physiognomy, is an obvious misnomer. Yet if he knows any thing—which I doubt—he can tell it, though he’s called Cubical, Spherical, or Square-on-the-hypotenuse.”

Steele’s face tightened. Consarn this Demeree! But Claybrook was about as impossible. “Wade, ask your witness what he knows about this murder.”

Claybrook flushed, but controlled his anger. “Mr. Tolley, do you know defendant Pug Wallet?”

“Yes, sir; I know him when I see him. Can’t say I’ve seen him a heap, though; he ain’t a man I like to look at.”

“I object,” Demeree protested warmly.

“This problem in geometry was not asked to disclose his secret aversions.”

Claybrook eyed his witness coolly. “Just answer my questions, sir. Where were you last Saturday night between eight and nine o’clock?”

“I was at Cooksy Blair’s saloon, where a good many other men were likewise to be found—some drunk, some sober, some betwixt and between.”

“To which class did you belong?”

“You can say I was among them as had just recently wet their whistles.”

“Did you know Little Willie Chumby?”

“Oh, sure; knowed him well. Mostly he was called Willie Wart. He was a banty rooster from Arkansas. Owned a gold-mining claim in Old Humbug Gulch; right good claim, too. Men as passed it up, now wish they hadn’t. Little Willie was offered—”

“Just a minute!” Claybrook cut in sharply. “Will you answer my questions and leave off your excursions into history?”

Square Tolley smiled cheerfully. “Yes, sir, be most obliged to.”

“Between eight and nine last Saturday night, was Little Willie at Cooksy Blair’s saloon?”

“Ah, now you’re getting warm,” declared Tolley; “he sure was there, and so was Pug Wallet. You should’ve seen ‘em; what a show they put on! Why, before—”

“Sir!” Claybrook scolded angrily. “Again I say, will you just answer my questions.”

“He said he would,” Demeree prompted, easing up. “If your honor will permit my saying so, this Euclidean theorem is doing right well. If Mr. Claybrook will remain silent, it won’t be long before Euclid can say, *Quod est demonstrandum*, or, in translation, *that which was to be proved*. Anyhow, why

pull back on a winning horse?"

"If your honor please," said Claybrook indignantly, "Mr. Demeree will render this court a better service by keeping quiet. I know how to question a witness."

Steele picked up his gavel. "Be-consarned if you lawyers can't kill more time than a couple of tobacco-chewing loafers. Claybrook, get on with your questions."

CLAYBROOK glared through his eyebrows at Tolley. "Did you see Wallet kill Little Willie Chumby?"

"Now you're getting hot," replied Tolley. "That's exactly what I saw; Wallet shot him dead, he did. Just whipped out his gun and shot him right down dead."

"Under what circumstances?"

"You mean how it all started?"

"Yes."

"Well, sir, it started like a firecracker."

"Yes?"

"Yes, sir. First thing anybody knowed, Willie Wart took a running-jump and rammed his head into Pug's stomach."

"Where did this happen?"

"At Cooksy's. They was both standing at Cooksy's bar, having drinks; that's where it started. All of a sudden, Little Willie puts down his empty glass and turns himself into a billygoat, so to speak. When his head hits Pug's stomach, it looks like it goes clean through to Pug's backbone. Hurts, too; Pug lets out a scream and flips a backward summersault. While he's down, Little Willie jumps into his middle with both feet, kicks his chin and bangs his fists into Pug's face. Pug rolls, gets up and tries to get away. He can't, though; everybody's gathered round, and trying to get out is like trying to run through a rock wall. Meanwhile, Willie comes at him from behind; trips him up; lands on him with his feet again; and beats his face with

his fists. Pug rolls from under, manages to grab a chair, which he smashes to pieces, but misses Little Willie.

"After that, Willie uses his billygoat head-ram again. Pug grunts and turns another backward summersault. This time he gets up and runs. There's a stairway going up from Cooksy's barroom; Pug takes to that, but Little Willie chases—gets ahead of him, turns and, drives both feet into Pug's stomach. Pug folds into a ball and rolls like a pumpkin down them stairs. Willie's right after him, too.

"But this time Willie don't jump into Pug's middle with his feet. He grabs a post from that busted chair. 'Now,' says Willie, 'this is where I beat your brains out.' Pug is down, flat on his back, with a cut lip, bloody nose, bruised chin, and blue spots on his face. One eye is about swelled shut, and here comes Willie Wart with that club drawn back to slam his brains out. That's when Pug whips out his gun and shoots Little Willie—yes, sir, shoots him dead."

Demeree rose quietly. "If your honor please, defendant at this time moves for a directed verdict of not guilty. One could hardly imagine a clearer case of self-defense than is shown here."

"Demeree," replied Steel, "you seem mighty anxious to call off this dog fight; what's your hurry?"

"I'm a busy man, your honor," said Demeree with a lift of his eyebrows.

"By thunder, Demeree, you're excused to go about your business any time you choose; but thar's plenty yet to be said about that flat-nosed baboon settin' thar by you. What does self-defense mean anyhow?"

"It means, your honor, that a man has a right to defend himself against another who seeks to take his life. If in defending himself he kills his assailant, that killing is justified."

CLAYBROOK intervened impatiently. "Now, your honor, Mr. Demeree—as usual—is seeking to clinch his case while matters look most favorable to his client. Moreover, with customary artistry of misstatement he has misinformed your honor as to what constitutes self-defense."

"I object," stormed Demeree. "According to his habit—when Mr. Claybrook has no case—he becomes abusive, impugns motives, and questions his opponent's honesty. Here was a man flat on his back, virtually helpless; and approaching was an assailant armed with a deadly weapon and an avowed purpose to beat out his brains. If killing in self-defense was not justified in that situation, it could never be justified."

Claybrook responded stubbornly. "One who kills another must have apprehended imminent death, or great bodily harm from that other, and—"

"That situation existed here," said Demeree.

"Please let me finish," Claybrook retorted angrily.

"You are finished," Demeree said with a sarcastic smile, "certainly your case against defendant is finished."

"Consarn you, Demeree," said Steele, "you keep out of this until it's your turn to speak. Go ahead, Claybrook: What is self-defense?"

"If your honor please," said Claybrook, "I'm not through questioning this witness."

"Then question him, by thunder. If you can't answer my question, then do something else by all means; if we didn't have to be bothered with consarned lawyers, this court might get somewhars."

Claybrook lowered his head and stared through his eyebrows. "Mr. Tolley, how big was Willie Chumby?"

"How big?"

"That's what I asked you."

"Well, sir, it depends on whether he was drunk or sober."

"Don't talk nonsense; I asked you a simple question."

"Did you ask me how big was Willie Wart?"

"You heard me."

Demeree got up. "If your honor please, what was Mr. Claybrook's question?"

Steele's nostrils dilated dangerously. "Demeree, set down."

Demeree eased down.

Square Tolley blinked at Claybrook. "I believe you asked how big was Little Willie?"

"I did, sir," snapped Claybrook.

"Well, I'll tell you how it was, Mr. Claybrook," said Tolley. "When Willie Wart was cold sober, he weighed ninety-nine pounds; when he'd had one glass of whiskey, he was as big as a horse. Howling-dog drunk, he was as big as all outdoors."

"Explain what you mean," Claybrook demanded curtly.

Tolley's lips made a quarter-moon, points upward. "Well, sir, Little Willie had plenty of strut, drunk or sober. But when he was sober, he never bothered nobody; never had a fight, so far as I know. But half-lit by liquor, he would've took on a room full of wildcats; whiskey made him forget he was such a runt, made him act big and talk big."

"Was he half-lit when he rammed his head into Pug Wallet?"

"Object," shouted Demeree; "that's calling for a conclusion."

"Mr. Demeree is right," said Claybrook.

"Wade, don't ever admit that Demeree is right," fumed Steele; "stick to your ground. Be-consarned if you don't bluff too easy."

Claybrook replied indignantly, "If your honor please, I think I know what I'm

doing.”

“Fine!” exclaimed Steele. “For a minute thar, I wasn’t sure.”

CLAYBROOK’S jaw muscles knotted; however, he saved his wrath. “Mr. Tolley, who was first up for a drink—Little Willie or Pug Wallet?”

“Now, I’m glad you asked me that,” said Tolley. “It was Little Willie; he’d had one glass of whiskey before Pug showed up. Then, when Pug stepped up and said to One-hair Tobin, Whiskey, and I mean whiskey,’ Little Willie turned for a look. It was like touching off a steel trap; Little Willie whirled, screamed, lowered his head and shot forward like something heaved off a mountain.”

“And Pug turned a backward summersault?”

“Indeed, he did.”

“How big is Pug Wallet?”

“How big?”

“Yes, how big?”

“Well, there he is; why don’t you look?”

“I’m asking you.”

Tolley looked at Wallet, met a stare full of menace. “I don’t know how big he is. Looks purty good size to me.”

“How tall would you say he is?”

Tolley looked again. Pug’s expression was saying, *I’ll kill you for this*. Tolley swallowed and looked at Claybrook. “I don’t know how tall he is; I’d guess him to be about ten feet.”

“Why do you guess that?”

Demeree got up promptly, “If your honor please—as I mentioned heretofore—when Mr. Claybrook sees himself losing his case, he becomes abusive. Right now he’s about to abuse his own witness. Tolley’s been a good witness, too; I should’ve had him on my side.”

Steele glanced sourly at Claybrook.

“Wade, proceed.”

Claybrook glared at Tolley. “I asked you a question.”

“I’ve forgot what it was.”

“Why did you guess that Pug Wallet is ten feet tall?”

“Because you asked me.”

“I didn’t ask you to guess ten feet.”

“But you asked me to guess.”

“All right, all right,” said Claybrook; “how much does Wallet weigh?”

“I don’t know.”

“Then guess.”

Tolley looked at Wallet, who stared back carnivorously. Tolley swallowed and looked back at Claybrook. “I guess he’d weigh a right smart.”

“About how much?”

“I’d guess about four hundred pounds. Maybe more.”

Claybrook sat down. “That’s all, your honor.”

Steele glanced at Demeree. “Want to cross-examine?”

Demeree got up. “No, your honor; I believe defendant is willing to admit that Mr. Tolley has spoken truthfully in every detail—except as to height and weight. Mr. Tolley obviously is not an expert in weight and measures. That point seems quite unimportant, however.”

Steele turned to Claybrook. “Call your next witness.”

Claybrook rose. “Your honor, I have no more witnesses.”

Steele leaned forward. “What in tarnation do you mean by that? Square Tolley said that saloon was full of men.”

“Yes, your honor,” Claybrook returned casually. “It just happens that Mr. Demeree had them all subpoenaed as defense witnesses. How he happened to overlook Square Tolley is something of a mystery; he got everybody else.”

DEMEREER was up. "Defense counsel considered it sagacious to leave one small morsel for Mr. Claybrook."

"Mr. Demeree's sagacity is excelled only by his perspicacity," said Claybrook with angry sarcasm. "If he can now explain why a man ten feet tall and weighing four hundred pounds had to shoot a runt of ninety-nine pounds in order to keep from being killed, he will go down in history as a genius."

"Mr. Tolley has explained that fully and completely," retorted Demeree; "accordingly, I shall not find it necessary to call any witnesses."

"Yes, you will, by thunder, or I'll call 'em for you," roared Steele.

"But, your honor; defendant is not required to offer proof; that was, and is, Mr. Claybrook's burden."

"Consarn you, Demeree, you can't corner every witness in town and shut off testimony like that. Call your fust witness."

Demeree nodded at his client. Pug Wallet rose, came up and sat as a witness for himself.

Clerk Skiffington rose. "Stand up and be sworn."

Wallet stared. "Huh?"

"Stand up," rasped Skiffington.

"You heard him," said Steele savagely.

Wallet stood.

"Hold up your hand," said Skiffington.

Wallet obeyed.

"Swear - tell - truth - whole - truth - num - but - truth?"

"Sure," said Wallet.

"So help you, you'd better do it, too," Skiffington added and sat down.

Wallet eased down.

Demeree arched his eyebrows. "Mr. Wallet, you have just heard Mr. Tolley's testimony, have you not?"

"Yes, sir, and he told it exactly like it was, word for word."

"How tall are you, Mr. Wallet?"

"I'm fourteen hands high."

"How many feet would that be?"

"I don't know; I was never measured in feet—only with horse measure."

"How much do you weigh?"

"I reckon about a hundred and thirty."

"That's all," said Demeree.

Steele glanced at Claybrook. "Cross-examine him, Wade."

"No questions," responded Claybrook.

"What do you mean, no questions?"

"I mean I do not intend to cross-examine."

"You mean to say you'll let this hyena get away with perjury?"

Claybrook squared his shoulders valiantly. "If your honor please, it is apparent to everyone present that Pug Wallet is over six feet tall, weighs at least two hundred pounds, and has as much muscle as a bull buffalo."

"All right, Wade." Steele glared at Demeree: "Call your next liar."

Demeree waited until Wallet had returned to his seat, then addressed a deputy. "Call Goof Wadkin."

Wadkin was a lean, impudent whiskey-head of about forty. His hair was sparse and gray, his face lined with red streaks.

"Your name?" asked Demeree.

"Wadkin," replied Goof.

"Mr. Wadkin; were you at Cooksy Blair's saloon last Saturday night when defendant had an encounter with one Will Chumby?"

"Yes, sir, Mr. Demeree. I sure was. I was standing at Cooksy's bar right beside Chumby; saw everything that happened."

"What *did* happen?"

STEELE listened with angry attention while Wadkin related a story substantially identical with that related by Square Tolley.

“Your witness,” Demeree said to Claybrook.

“No questions,” said Claybrook.

“No, hold on thar,” Steele roared with fury. “Claybrook, if you’ve got no questions, I’ve got some.”

“If your honor please,” said Demeree, “this is highly improper. Flat Creek citizens elected a prosecuting attorney; they also elected a judge. These two offices are not interchangeable; each has its own duties. Defendant objects to your taking sides in this trial.”

“And well he might by thunder,” Steele returned furiously; “you set down thar, Demeree.”

“But, sir—”

Demeree saw deputies headed his way; he sat down.

Claybrook got up. “If your honor please, Mr. Demeree is entirely correct. A defendant is entitled to a fair and impartial trial; it is not proper—”

“Set down, Claybrook.”

Claybrook crimped his lips and sat down.

Steele turned his eyes savagely upon Goof Wadkin. “Now, see hyar; we’ve got more hangropes than one, and we’re ready to use as many as necessary. One false statement out of you, and I’ll call up a bunch of Vigies. This is a law court, but nobody’s going to make a monkey of it. Can you hear good?”

Goof looked scared. “Yes, sir, Judge. I can hear as good as anybody.”

“All right, answer my questions. So you was standing beside Little Willie, was you?”

“Yes, sir.”

“How long had you been standing thar?”

Goof swallowed and looked more scared. “About five minutes.”

“Had you been talking to Little Willie?”

“No, sir; not a word.”

Steele’s eyes grew hard and fixed.

Goof looked at Steele. He paled and gulped. “Well, Judge, maybe I did say a word or two.”

“Just what did you say?”

Goof cast about for some means of escape. He saw none. He twisted, squirmed, looked panicky. “Judge, have I got to tell that?”

“You’ve got a choice,” replied Steele. “When you’re asked questions in this court, either you answer ‘em or you hang; take your choice.”

“Well, now, Judge, this ain’t what I was supposed to do.”

“You’re wasting mighty precious time, Wadkin.”

“I told Little Willie what Pug said about him.”

“What did Pug say?”

“Pug said, ‘You tell that little wart on a dog that I said he’s a skunk. You tell him I said he’s a thief. You tell him I said he’s an egg-sucking hound and too stupid to know a rotten egg from a good one.’ And that’s what I told him.”

“Why did Pug want you to tell him that?”

**G**OOF LOOKED about uneasily. He avoided Wallet’s eyes as something poison. “Judge, it all goes back a spell. Pug and Little Willie owned adjoining claims; they had a boundary dispute, and a committee stepped in to settle it. This committee reported that Pug was trying to steal part of Little Willie’s claim. Pug had to get off, but he said he’d settle with Little Willie, if both lived long enough.”

“Keep talking,” said Steele.

Goof thought it over, decided he’d gone too far to retreat. “All right, Judge, I reckon I might as well; it was a follow-up of that boundary dispute. Last Saturday night, Pug says to me, says he, ‘Look here,



Goof, I want you to do me a favor.’ ‘All right, Pug,’ I says, ‘what is it?’ Pugs says, ‘I’ve got it all figured out.’

Wallet surged up. “That’s a lie. I never said nothin’ to that old sot; anything he done was his own dirty scheme.”

Steele lowered his eyes to Wallet. “Do you want to set down, or do you want somebody to set you down?”

Demeree pulled Wallet’s sleeve. “Sit down, Pug.”

Wallet eased down.

Steele returned his attention to Goof Wadkin. “Pug told you he had it all figured out, eh? Now go on from there.” Wadkin twisted but responded. “I says to Pug, ‘What have you got figured out?’ And Pug says, ‘I want you to go into Cooksy’s and stand beside Willie Wart. After he’s about half stewed, I want you to tell him something.’ Pug told me what he wanted me to tell Little Willie, and that’s what I told him, just like I said before.”

“Did he tell you why he wanted you to tell that to Little Willie?”

Demeree got up. “If your honor please, it is plain what this is leading up to. It is my duty as an attorney to advise this witness that he cannot be required to make statements that will incriminate himself. His right against self-incrimination is guaranteed by our constitution. It is one of our oldest rights, brought to America by

our forefathers and jealously guarded by them at every turn. *Nemo tenetur seipsum accusare*. Which means that no man shall be required to give evidence against himself.”

Steele relaxed momentarily. “All right, Claybrook, we’ve run into a constitutional squall; lend a hand.”

Claybrook got up reluctantly and with difficulty put aside his peevishness. “Your honor, that privilege Mr. Demeree spoke of is a strictly personal one. Goof Wadkin can claim it if he wants to; Mr. Demeree cannot claim it for him.”

“I did not undertake to claim it for him,” retorted Demeree; “I merely sought to advise him of his rights.”

“All right,” said Steele. “You gentlemen be seated.” He turned to Wadkin. “My question was, did Horsemouth Wallet tell you *why* he wanted you to carry those insults to Little Willie?”

Goof had discovered a source of courage. “Now, look here, Judge, I got my constitutional rights, you know.”

Steele nodded. “They’re fully recognized.”

“Well, now, it’s like this, Judge; I don’t want to tell nothin’ that’ll get me into no trouble.”

“You don’t have to.”

“All right,” then. I won’t answer.”

Steele’s nostrils spread; his eyebrows lifted. “You won’t?”

Goof shook his head. “No, Judge, I sure won’t if I don’t have to.”

“What is it you won’t answer?”

“I won’t answer nothin’ that’ll make me out no criminal.”

“Do you mean to say you was mixed up in this murder.”

“No, sir, Judge; no, sir.”

“Then why don’t you answer my question?”

“It’s my constitutional right.”

STEELE tugged at his mustache. "All right, Goof, I'll have to turn you over to Mr. Claybrook. I can wade whar water's only belly-deep; anything deeper strangles me. Claybrook, you're a scholar. Take over."

Claybrook got up and glared at Goof. "Are you trying to protect yourself, or Pug Wallet?"

"I don't have to answer; it might get me into trouble."

"You're already in trouble," declared Claybrook. "If you clam up here, at next grand jury meeting you'll be indicted as an accessory to murder. Pug Wallet wanted you to be a talebearer because he wanted Little Willie to start a fight, didn't he?"

"Yes," said Goof nervously; "that's exactly what Pug wanted."

"He told you so, didn't he?"

"Yes."

Demeree shouted his protest. "I object. This witness is being intimidated."

"Demeree," said Steele, "you're exactly right. For all practical purposes, this witness is a-straddle of a horse with a rope around his neck; and he got it thar by being a skunk and a lowdown liar. Now, you set down and quit worrying about him."

Demeree sat down in angry frustration.

Claybrook pursued his triumphant course. "Goof, you knew, didn't you, if Little Willie jumped on Pug Wallet, that Wallet meant to kill him?"

"Yes, sir; that's exactly what Pug said he meant to do."

"And all that turning summersaults and rolling down stairs was to make it look good, wasn't it?"

"That's exactly what Pug said he aimed to do. He aimed to fall down, if Willie Wart hit him; he meant to beg for

help. He meant to bust up a chair so Willie could get his hands on a club and come at him when he was down. That's when Pug meant to shoot him."

"He told you all that, did he?"

"That's exactly what he told me. He also told me that all I had to do was to put them insults in Willie's ear."

Claybrook nodded and studied briefly. Then he wrinkled his forehead. "Goof, have you got anything that ties you hand and foot to Flat Creek?"

Goof looked surprised. "Why, no, sir, not a thing."

"Do you think that by tomorrow you could be a right far piece from Flat Creek?"

"Huh? You mean—"

"You're not under indictment yet," said Claybrook; "nobody's going to arrest you until there's an indictment."

"You mean I can go now."

Claybrook glanced up for a sign.

Steele nodded approval, never before had he been so proud of his man Claybrook.

"You can go," Claybrook said to Goof.

Goof sought his way out. Faces of spectators had grins on them, but Goof looked neither to right nor to left. Nor did he look back when open air had received him.

Steele arched his brows at Demeree.

"Any more witnesses?"

"No, your honor, not if I can help it. I'm sorry I had to call that one."

Steele nodded at his jurors.

They filed out. Two minutes later they were back. A solemn-faced gold-digger remained standing. "Guilty, Judge. First-degree murder."

★