

Judge Steele thought he knew the lawyer breed, but this Newt Salamander was a new one. If he got the accused acquitted, Salamander would receive a half interest in Larkspur Larkin's mine. If Larkin were convicted and hanged, the lawyer would get the whole mine. And another surprise awaited the salty jurist.



THE SUBSTITUTE

by LON WILLIAMS

WARDLOW STEELE, Flat Creek's relentless criminal judge, lowered himself onto his judicial bench in readiness for a new day's grim and deadly business. Spectators saw

him as a sturdily constructed miner with thick, sandy hair and blue eyes filled with savagery and ruthless determination. From his viewpoint, those crowded spectators were savages, too, held in restraint mainly

by respect for swift and inexorable justice.

For a moment he tugged at his straw-colored mustache, then nodded sharply. "Sheriff, call court."

Big, poker-faced Jerd Buckalew, himself a symbol of doom, hammered with his forty-five. "Court's now in session. Keep your mouths shut, or you might swallow a deputy-sheriff's foot."

Steele, cognizant of force as law's ultimate decree, observed with satisfaction that smirks quickly vanished. He nodded again, "Skiffy, call fust case."

As part and parcel of this tense, expectant atmosphere, Clerk James Skiffington arose, tall and spectral, and screeched, "People versus Lancelot J. Larkin, alias Larkspur Larkin. Charge, first-degree murder."

After a brief stillness, Steele's eyes lowered to a puncheon reserved for hangrope candidates. There sat a forty-year-old, burned-out ape of skin and bones, red-eyed, with red-streaked nose and face and a surly, defiant expression.

"Murder, eh?" Steele growled. "How many barrels of whiskey did it take to nerve you up for murder?" He waited vainly for an answer, then stormed furiously, "Who did you murder, anyhow?"

Larkspur Larkin snarled back, "I don't require liquor in me, if I want to kill somebody. As to who I murdered, my answer, suh, is nobody."

Steele's nostrils spread with indignation. "Then why in tarnation do you suppose we're holding court hyar?"

Larkin sneered quietly. "Suh, why people do such things, I can't figure. You find a dead man; right away you grab another man and kill him. You call that justice, and everybody's satisfied. Why? You tell me."

Steele repressed sarcasm. Even a near-corpse who could talk back deserved some respect. He demanded fiercely,

nevertheless, "You got a lawyer?"

Surprise hit him as a slender, well-dressed, middle-aged stranger arose leisurely and drawled, in queer accents, "May it please you honor, I represent this gentleman."

"Is that so?" queried Steele. "Don't tell me you've scrouged our regular defense lawyer, French Demeree, off his roosting place?"

"May it please this honorable court, Mr. Demeree requested that I defend this case in his stead, as his services are engaged elsewhere. He assured me that your honor would grant me this privilege."

Steele sniffed. "Too bad Demeree ain't permanently engaged elsewhar. Anyhow, who in tarnation are you?"

"My name, sir, is Newt Salamander."

"Humph!" Steele grunted. "Strikes me that's a most appropriate name for a lawyer. Whar you from?"

Salamander turned his head slightly and looked from beneath an arched left eyebrow. "I was born in Yorkshire, England, sir, and was educated at Oxford and at Middle Temple, London."

"Be-consarned, I thought I smelled the blood of an Englishman. What are you doing hyar in Flat Creek?"

"I'm here principally in behalf of certain English gold-mining interests, may it please your honor, known as Consolidated Empire Refining Companies, Limited."

IN SPITE of his inherent and acquired aversion for lawyers, Steele was impressed. "Yet you mean to say you'd stand thar and waste your talents on that collection of rags and bones?"

Salamander inclined his head toward Larkspur Larkin for a moment then straightened quietly. "May it please your honor, though this defendant is little more than a breathing scarecrow in his own

proper person, he nevertheless personifies that vast body of innocence which in all ages has suffered so much from an unjust world."

Steele grunted in disgust. "By thunder, if innocence is as sorry as that baboon, it ought to suffer. But naturally he's paying you a handsome fee?"

"Yes, your honor," replied Salamander, "he has entered into a contract with Mr. Demeree and me. If he is acquitted, we are to receive a one-half interest in his mining claim."

"And if he's hung, by thunder?"

"In that event, Mr. Demeree and I shall receive as our stipend his entire claim."

Steele settled into brief, smoldering silence. Then he muttered angrily, "Be-consarned if it didn't take two smart lawyers to put over a trade like that." His eyes settled upon Larkin. "Larkspur, you're as good as hung." He swung left. "Whar's our man?"

A stocky redhead with intellectual face and benign expression got up. "Wade Claybrook, your honor. Prosecuting attorney."

"Don't tell me, Claybrook, that you share this Englishman's high-minded regard for rags and bones?"

"May it please your honor," said Claybrook placidly, "I'm proud to admit that I do. Within those rags abide more than bones. Creation has placed therein a pulse and a soul, and endowed them with that incomparable fullness called life. We take from a man that divine gift not because we have a right to take it, but because, by his transgression, he has forfeited his right to keep it. He pays not because of us, but because Justice claims her forfeiture."

Steele crimped his lips in scorn. "I should've knowed better." He swung right. "All right, you dried-up worm, what's your plea?"

"His plea is not guilty, your honor," said Salamander.

"Panel a jury, Bucky."

When jurors had been chosen and witnesses sworn, Steele growled at Claybrook, "Call your fust witness."

Claybrook nodded at a deputy. "Call Boaz Welfare."

An overstuffed, conceited roly-poly came up and sat down. He looked along his nose at Claybrook. "All right, sir."

Claybrook scowled. "All right, what?"

"I said all right. What I meant was, what do you want to know?"

"Suppose you wait until you're asked," Claybrook suggested. "What is your name?"

"My name is Boaz Welfare. I am coroner of Flat Creek. In my official capacity, and in response to notice from a certain citizen of this community, I betook myself on Wednesday night of last week to a certain spot in Pinchpenny Gulch—namely, a shack owned by one Ezekiel Slamouth. Said Ezekiel Slamouth, a gold-digger thereabouts, is that same citizen who had informed me a corpse lay just outside his shack, which body had indications of having become such by reason of foul play, and under such circumstances as to suggest murder. Accordingly, as was my duty as coroner of Flat Creek—"

NEWT SALAMANDER had eased up. He objected in a calm, drawling voice, "If your honor please, this witness was merely asked to state his name, not to dissertate upon his exemplary behavior. Defendant most respectfully objects."

"I am quite in accord with Mr. Salamander," said Claybrook.

"Now, see hyar, Claybrook," Steele demanded furiously. "If you agree with that, why in tarnation did you call this windbag as a witness?"

"If your honor please," Claybrook

replied, with temper, "though it was done with great reluctance, I had this man summoned as a means of establishing a *corpus delicti*. Before a defendant can be convicted of murder, it must first appear that a murder has been committed."

"Then ask him if a murder was committed."

Claybrook and Welfare glared at each other a cool, mutually hostile moment. Claybrook then asked spitefully, "You are sometimes called General Welfare, are you not?"

"Now see here," fumed Welfare, "what I'm sometimes called has nothing to do with this case. You want to know whether a murder had been committed, don't you? Then why don't you ask me?"

"All right," said Claybrook, "*had* a murder been committed?"

"Yes."

"How do you know?"

"Sir, as was my duty as coroner of Flat Creek—"

"I said, *how* do you know a murder had been committed?"

"My jury said so."

"What evidence suggested that verdict?"

"This corpse had been shot."

"Before it was dead, or afterwards?"

"Before, of course."

"Why are you so positive?"

"It had bled."

"Very much?"

"Certainly."

"Was this corpse identified as that of anybody in particular?"

"It certainly was."

"Whose was it?"

"It was that of Gideon Ironwelder, a very likable and well known young blacksmith of Flat Creek."

"That's all," said Claybrook. "Cross-examine."

Salamander got up with apparent unconcern. "May it please this honorable court, only for purposes of additional identification, I should like to ask, your witness but one question. Was this late-lamented Ironwelder married or single?"

"Now just what's that got to do with anything?" puffed Welfare.

Steele snapped sharply, "Answer that question."

Welfare glared at Salamander sulkily. "So far as I know, he was single."

Salamander eased down. "That is all, your honor."

Steele was both disappointed and pleased. Despite his dislike of Lawyer Demeree, he had to admit that Demeree had fire and fight in him; this drawling Salamander had neither. Well, by thunder, this ought to be an easy victory for Claybrook, as well as a speedy hanging for Larkspur Larkin.

"Claybrook, call your next witness."

Claybrook nodded again. "Call Kelso McCoy."

A HARD-LOOKING, sandy-haired character of twenty-five was ushered in and seated. His recent shave had left bloody spots.

"What is your name?" asked Claybrook.

"Kelso McCoy."

"Sometimes called Pine-knot McCoy?"

"Sometimes."

Steele leaned forward. "See hyar, Claybrook, what do you expect to prove by this witness?"

"Sir," said Claybrook, "I expect to prove that defendant Larkin had made threats to kill Gideon Ironwelder."

"Then leave off your preliminaries and prove it."

Claybrook looked through his eyebrows at McCoy. "All right, Pine-knot,

did you hear Larkin threaten to kill Ironwelder?"

"I heard him make a brag along that line, sir."

"Explain."

Salamander eased up. "May it please your honor, if Mr. Claybrook, intends to withdraw all restraint and permit his witness to roam at will, defendant is obliged to object."

Steele's blood pressure mounted. "Now, see hyar, Salamander, you wait till you're spurred before you kick yourself out of harness. Go ahead, Pine-knot."

"Well, sir," said Pine-knot, "two nights before this murder—"

"Defendant objects," said Salamander. "It is a jury prerogative to state whether or not there was a murder."

"All right then," said Pine-knot, "two nights before Gid Ironwelder was killed—"

"But, sir, defendant objects to that, also," declared Salamander. "For all this witness knows, Ironwelder may have committed suicide."

Steele glared at Claybrook. "Wade, I'm afraid I've underestimated this lawyer's ability to be a nuisance. Why don't you put him in his place?"

Claybrook replied with dignity, "If your honor please, Mr. Salamander is entirely correct."

"Now see hyar, by thunder, no lawyer is ever entirely correct. But if he is, you don't have to agree with him."

"May it please this honorable court," said Salamander with a slight lift of one eyebrow, "Mr. Claybrook is to be commended for his professional discernment and unimpeachable ethics. He does himself great credit."

"In my opinion," Steele snarled, "you're both a disgrace to humankind."

Without warning, witness Pine-knot stepped down and started to leave. "I don't think I belong in this courthouse; I was

supposed to tell about threats, but all I do is listen."

"Fetch him back, Bucky," growled Steele. "A witness don't leave this court room until he's told to."

Deputies summarily assisted Pine-knot back into his chair.

Claybrook looked him over doubtfully. "Pine-knot, what did you hear defendant say?"

Steele scowled at Salamander, who was about to object again. "Set down thar."

"But, sir—"

"Set down."

Salamander eased down. "But it will be hearsay evidence, if your honor please."

"When you've been around hyar a while, you'll larn better'n object on that account. Answer Claybrook's question, McCoy."

Pine-knot took a general look around—at jurors, spectators, deputies, and Judge Steele. "What I heard Larkspur say was down at Cooksy Blair's saloon."

Claybrook snarled at him. "I didn't ask you *where* he said anything. I asked you *what* he said."

"All right then," stormed Pine-knot. "This here Larkspur Larkin come staggering into Cooksy Blair's saloon and One-hair Tobin says to him—"

SALAMANDER half-rose. "May it please your honor, nobody asked this fragment of a turpentine tree what One-hair Tobin said. He should answer questions, not volunteer information. Defendant respectfully objects."

Claybrook's face was tight. "I object, too." He glared at Pine-knot. "Again I ask you, sir, what did defendant say?"

Pine-knot stared belligerently at Claybrook. "All right, I'll tell you. Larkspur slapped his hand against his coat and—"

"You were going to relate what

Larkspur *said*, not what he *did*," Claybrook reminded him tartly.

Pine-knot glared with fury. "Sir, Larkspur said, 'I've got something under this coat which says a man's going to die.'"

"It took you a long time to answer a simple question," Claybrook commented frigidly. "What did Larkspur have under his coat?"

"He didn't say."

"He didn't?"

"No."

Claybrook flared angrily, "Sir, may I remind you of a statement you made in my office as to what—"

"Now, if your honor please," said Salamander, rising casually, "it is most distasteful, this having to correct my fraternal brother. But Mr. Claybrook knows—or in common fealty to his profession ought to know—that a party may not impeach his own witness."

"Sir," retorted Claybrook, "I may and can refresh this man's memory. That, I beg to remind you, is not impeachment."

Steele's fury mounted. "Be-consarned if lawyers can't waste more time than a stopped clock. Claybrook, ask your man what he knows about this murder."

Claybrook glared at Pine-knot. "Did you see Larkspur again that night?"

"No, but I saw him two nights later."

"Where?"

"At Cooksy Blair's saloon."

"What did he again say?"

"Well, he come in about midnight—"

"I didn't ask you to state when he came in."

Pine-knot's muscles tightened. "All right, I'll tell you. Larkin said, 'Well, gents, I told you a man was going to die, and I told you right.' But at that time of night most everybody was pretty well stewed, so—"

"Did Larkin say who had died?"

"No."

"Nor whom he had killed?"

"No."

"That's all." Claybrook tossed a hostile glance at Salamander and sat down.

Salamander arose and eyed Pine-knot indifferently. "Mr. McCoy, did you later hear a rumor that one Gideon Ironwelder had died that same night?"

"I did."

"Did you hear of anybody-else's having died that same night?"

"No, and I haven't heard of it to this day."

"You sound rather Biblical," Salamander commented archly.

"Biblical or not, I'm giving it to you straight."

Salamander lifted an eyebrow. "Most commendable, sir." He turned to Judge Steele. "That is all, your honor."

Steele was puzzled by this slow-talking Englishman. Was he smart? Or was he merely going through motions that meant nothing? "Call next witness, Claybrook."

A MIDDLE-AGER was ushered in and seated. He was slightly under six feet, loosely constructed, shifty eyed, with thick hair, rough face and large mouth.

"Now, Mr. Claybrook," Steele asked sarcastically, "I suppose, by this witness, you expect to lay in place another small stone in your edifice of murder?"

"Your honor, sir," retorted Claybrook, "I expect to prove whatever may be proved by this witness."

Show of fight by Claybrook was pleasant and reassuring. "Go right into him, Wade; let's get this hanging over with."

Claybrook eyed his witness coldly. "Your name, sir?"

"Ezekiel Slamouth."

"Where do you live?"

"I live out on my claim in Pinchpenny Gulch. Have a little shack out there, yes, sir. Live alone out there, except when some

neighbor drops in to pass a few quiet hours with me. Have some very good neighbors out in Pinchpenny; Also, now and then some friend from town—”

Salamander got up. “If your honor please, it’s taking this loose-lipped witness a long time to tell where he lives. I suggest he answer Mr. Claybrook’s questions and reserve his blarney for one of those neighborly visits he mentioned.”

Steele was looking at Ezekiel Slamouth. In his mind were vague stirrings of suspicion and distrust. Sometimes glib talk had revealing results, provided persons listening also did some thinking.

He scowled at Salamander. “When it’s your turn, Salamander, you can cross-examine this loose-tongued witness. Meanwhile, just listen.”

Claybrook resumed examination. “Mr. Slamouth, was Gideon Ironwelder one of your friends?”

“Yes, sir, he was. I’d say he was one of my best friends. In fact, there was such a bond of friendship between us that I meant to take him in as a partner. It was last Wednesday night that we—”

“Just answer my questions,” said Claybrook.

Steele leaned forward, his voice softly menacing. “Now, Wade, you’ve got a witness who’s fully capable of telling you a fine, windy story. Just let him blow right ahead; when he’s through you can come back for any detail he misses.” He nodded to Slamouth. “Tell what you know about this murder.”

Slamouth gathered confidence, leaned back, put his palms together, and cast his eyes upward. “Well, sir, it’s not a happy story, but I shall tell it, as justice requires. It was last Wednesday night that Ironwelder was up at my place to close this partnership deal. I’d seen him in town, but I had a few things to see to, so I says to Gid, I says, ‘Gid, you go on up to my place

and set down. Soon’s I make my rounds, I’ll cut across town and meet you in about an hour from right now.’

“Well, sir, that suited Gid. But before I got up to my shack, I heard a shot, and when I got there what do I find but Gid Ironwelder lying there dead? I reckon I’m a couple hundred yards off when I hear that shot, and something tells me right then that somebody has killed my friend?”

Steele tightened his lips skeptically. “Did that something tell you who’d done it?” he asked a moment later.

“Yes, sir, Judge, it did. What it actually told me was this. ‘Zeke, somebody has murdered your best friend. If you’ll hurry, you’ll see who done it, too.’ So I did hurry. And I did see a man. And him as I saw was—. Well, you know how it is when you see a man by moonlight, even by full moon. You can’t be absolutely sure, but I can say one thing. If it wasn’t Larkspur Larkin, I was mighty bad fooled.”

Steele nodded slowly and glanced at Claybrook. “More questions, Wade?”

Claybrook shook his head sulkily. “No.”

SALAMANDER had arisen. “May it please your honor, I should like to cross-examine this big-hearted witness.”

Steele welcomed Salamander’s request. “Your privilege, sir. Speaking of something telling somebody something, something tells me this witness is a lying scoundrel. Take his hide off, if you want to.”

“I don’t know what his hide would be worth, your honor,” Salamander responded dispassionately. “When you hang him, I’m sure he will make a better-looking corpse with his hide on.”

Claybrook got up. “Now, if your honor please, such remarks can have only one result, and that is its prejudicial influence on this jury’s thinking. A witness is entitled to be protected by your honor, not abused.”

“Any objection to having him abused by Mr. Salamander?”

“Mr. Salamander has a right to cross-examine him, and that is all.”

“All right, Salamander, cross-examine.”

Salamander came round casually. “Mr. Slamouth, I believe you said Gideon Ironwelder was your best friend?”

“Yes, sir, that’s what I said, and I’ll say it again.”

“Very well, say it again.”

“I don’t know what you mean.”

“Say it again. Was Ironwelder your best friend?”

“He certainly was. Yes, sir.”

“Then why did you want him killed?”

Slamouth started. His eyes rounded. “I didn’t want him killed, sir.”

“Then why did you kill him?”

“I didn’t.”

Salamander pinched his chin and gave Slamouth a sidelong glance. “Must I prove it?”

“You can’t prove it, sir.”

“Want to bet on it?”

“No.”

Salamander lifted an eyebrow. “I believe your best friends call you Zeke Slackmouth, do they not?”

“Now look here, sir, I didn’t come here to be insulted.”

“Mr. Slamouth, other men than you have come for one purpose and been served by another. Don’t be surprised if it turns out that you came to hang an innocent man and, like Haman of old, are hanged yourself.”

“Now, your honor,” Claybrook objected, “cross-examination is supposed to cross. These remarks by Mr. Salamander are quite irrelevant. I object.”

“Claybrook, you’re overruled.”

Salamander continued, “Just now, if your honor please, I should like to test this man’s credibility. Mr. Claybrook will concede that to be permissible.”

“Test it, by thunder, whether Claybrook concedes or not.”

“Mr. Slamouth,” said Salamander, “you mentioned that you heard a shot; I believe?”

“I did, sir.”

“If I told you I’m prepared to prove that two shots were heard, what would you say?”

“I’d say whoever told you that is a liar. He might’ve heard a shot and its echo. That’s what I heard. In Pinchpenny Gulch, you can hear an echo any time you make a noise.”

“Is an echo always louder than that which caused it?”

“I can’t say about that.”

“In this instance, was it louder?”

“Maybe it was; I don’t know. I only know I heard a shot and its echo.”

SALAMANDER walked slowly back and forth, then stopped in front of Slamouth. “Now, Mr. Slamouth, if defendant Larkin murdered your friend Ironwelder, he must’ve had a motive for doing so. Do you know of any such motive?”

“He had plenty of motive. He’d hated Gid ever since they fell out over a wagon.”

“Since they fell out of a wagon?”

“Since they fell out *over* a wagon.”

“Oh, you mean they quarreled concerning a wagon?”

“That’s what I said.”

“What you actually said was, that they fell out over a wagon.”

“I think you’re trying to be smart.”

Steele had to bite his tongue to keep from chuckling. This Englishman was no slouch, by thunder.

Salamander squeezed his chin thoughtfully. “Now, Mr. Slamouth, I have another point. If I told you I’m prepared to prove that you did not like Ironwelder, but bitterly hated him, what would you say

about his being your best friend?"

"You can't prove any such nonsense."

"Can't I? I have three witnesses on tap who will readily swear to it. But let's begin with a certain fair one among them. Do you know a young lady named Miss Judy Callahan?"

"What's she got to do with this?"

"That's your question, Mr. Slackmouth."

"My name is not Slackmouth, sir."

"It should be."

"Well, all right, I do know Judy Callahan."

"Of course, Mr. Slamouth. Hereafter you can either speak truthfully, or perjure yourself; take your choice. You have been a candidate for Miss Callahan's affections, have you not?"

"I've been at *Tubnicky's Tavern*, where she waits on table."

"And you've tried to court her?"

"Well, who hasn't?"

"All right, who?"

"I don't know."

"You do know, however, that Gideon Ironwelder, also, was a candidate for Miss Callahan's affections?"

"I know no such thing."

"Must I prove that by Miss Callahan herself?"

Claybrook got up. "Now, your honor, this is not cross-examination. Mr. Salamander is trying to turn suspicion against this witness in order to save a murderer's neck; he knows he can't do that."

"I'm testing his credibility, your honor," retorted Salamander. "Mr. Claybrook knows that I *can do that*."

Steele jerked his head impatiently. "Set down, Wade."

Claybrook, chagrined, eased down.

Salamander returned to his questioning. "Mr. Slamouth, is it not true that you and Ironwelder were rivals for Miss Callahan's

affections?"

SLAMOUTH had taken thoughtful advantage of this interim. He said brightly, "I suppose I might as well admit it. Gid and I were rivals, that's true. But it was a friendly rivalry, I assure you."

Steele leaned forward, suspicion turning to vindictive anger. He restrained his impulse to speak.

"Now, Mr. Slamouth," Salamander was saying, "I have a third point."

Claybrook started to get up.

"Set down, Wade," Steele roared.

"My third point is this," said Salamander. "Mr. Slamouth, were you and Larkspur Larkin good friends?"

"None better."

"Isn't it true there existed another, possibly a more colorful rivalry, for a lady's affections?"

"What do you mean by that, sir?"

"Are you acquainted, Mr. Slamouth, with a lady named Little Mixie Pippin of Goochy Alley?"

"I am, sir, but in a most casual way."

"Casual?"

"That's what I said."

"Is it not true that a deadly rivalry existed between you and defendant Larkin for Miss Pippin's favors?"

"No! I deny that."

"I see." Salamander walked again. Again he confronted Slamouth. "Mr. Slamouth, among our legal maxims is one which says something about *locus poenitentiae*, or place of repentance. Would you like to repent at this point and testify truthfully?"

Claybrook got up angrily. "Your honor, this lawyer is abusing his privilege of cross-examination. He is trying to make it appear that Mr. Slamouth may have killed Ironwelder. He has no right to do that—on pretext of testing credibility, or otherwise."

"Set down, Wade; he can test

Slackmouth's credibility any way he wants to."

Salamander, unperturbed, continued. "Mr. Slamouth, have you repented of your falsehoods?"

Slamouth had gone into a sweat. "Yes," he said, "I've repented. I've decided to tell it all, let its chips fall where they may. There was rivalry, and it was not friendly. Last Wednesday in early evening I was told by different men—call them busybodies, if you like—that Larkspur Larkin bragged he meant to kill me that evening. Accordingly, I thought of a plan. I hunted up Gid Ironwelder and told him to go on up to my shack, like I've said. Because my shack was locked up, I knew he'd have to sit outside and wait for me. I knew, also, that by moonlight, Larkspur couldn't tell Gid from me. You know what happened. Larkspur shot Gid, thinking he was shooting me. That way, he rid me of a man I hated, and when you hang Larkspur I'll be rid of two men I hated."

Salamander lifted an eyebrow. "Is there anything else you'd like to say, Mr. Slamouth?"

"That's all."

"Nothing about an echo?"

"No."

"No more questions," said Salamander, "but I think that perhaps Mr. Slamouth should stick around; he may be wanted later."

"Take a seat down thar, Slackmouth," Steele ordered. "I agree with Mr. Salamander; you'll most likely be wanted for keeps." He glanced at Claybrook. "Call your next witness."

"I have no more witnesses, sir."

"Any witnesses, Salamander?"

"Yes, your honor, I have several though I think it will not be necessary to use all of them." He nodded at a deputy. "Please call Deputy Dan Trehwitt."

AN OFFICER almost seven feet tall, and weighing two hundred-fifty pounds, came in and seated himself as a witness. He drew a shovel-sized hand down his smooth face and glanced about casually.

Salamander strolled round and faced him. "Your name is Dan Trehwitt?"

"Yes, sir, it shore is."

"Setting preliminaries aside, did you investigate a certain killing in Pinchpenny Gulch, namely, that of one Gideon Ironwelder?"

"Shore did, Mr. Salamander."

"Please relate your findings."

"Well, sir, I was up in Scroggin's Cove last Wednesday night to arrest a troublemaker named Lansden Page, better knowed as Lion's-den Page. Scroggin's Cove is some ways this side of Pinchpenny. Well, sir, I was turning toward town with my prisoner when I heard two shots."

"Two?"

"Yes, sir, *two* shots."

"Are you sure one was not an echo?"

"Yes, sir, I shore am. First one went off with a pop, like one of them smoothbore pistols. Next one thundered like a forty-five."

Salamander reached under his coat and handed Trehwitt a pistol. "Do you recognize that popgun?"

"Shore do. That's what me and Deputy Gilpin took off of Larkspur Larkin when we arrested him down at Cooksy Blair's saloon Wednesday night, after he'd bragged about somebody bein' killed."

Salamander reached under his coat again and brought out a forty-five. This, too, he handed to Trehwitt. "Do you recognize that?"

"Shore do. That's what I found hid under a box in Zeke Slackmouth's shack this morning."

"Do these guns within your knowledge have any further history?"

"They shore do."

Salamander brought from a vest pocket what had been a spherical bullet. "Do you recognize that, sir?"

"Shore do. That's what I dug out of a plank of Slackmouth's shack. It was buried in a fresh hole close above a split-log outside bench. It's one of them round balls, like is used in smoothbore pistols."

Salamander produced another bullet, an oblong one. "Do you recognize that?"

"Yes, sir, Mr. Salamander. Me and undertaker Ab Wizlizhous, or Weaselhouse, dug that out of Gid Ironwelder's body. It's a forty-five bullet. No other bullet had touched Ironwelder. Way I figure—"

"Object!" shouted Claybrook. "A witness is not permitted to draw conclusions."

Judge Steele swung his head in surprise. "Claybrook, you still hyar?"

"I certainly am, sir."

"Well, by thunder, which side are you on?"

"If your honor please," said Salamander, "Mr. Claybrook, I fear, is on a fence and doesn't know which way to jump."

"I resent that," retorted Claybrook. "But regardless of which side I'm on—"

"Set down, Wade. Anything else, Salamander?"

"There is, of course, a conclusion to be drawn, sir."

"Go ahead and draw it," said Steele.

"Thank you, your honor." Salamander gestured toward defendant Larkin. "Undoubtedly Larkspur Larkin took a shot at Ironwelder with his smoothbore pistol. As certainly, Larkin missed him. But when Ironwelder jumped up and started to run for it, Slackmouth downed him with his forty-five."

SUDDENLY there was excitement and fleeting movement. Somebody yelled, "He's gittin' away, Judge."

Slamouth was halfway down an aisle, leaning forward and going fast. But then some Vigies seized him roughly. In a short time Slamouth was seated beside defendant Larkin.

Salamander drifted off and sat down.

Steele jerked his head over his left shoulder, "You jurors go out and fetch in a verdict of not guilty as to Larkspur."

They got up and filed out.

Claybrook rose sullenly. "Now, your honor, it is a well recognized principle of law that when two or more persons undertake to kill a man, both are guilty, though one misses his mark."

Steele's anger stirred dangerously. "Wade Claybrook, you knowed better than to say that. These two gun-handlers warn't pullin' double. Each was out to do his own killing. When one man shoots to kill another and misses him, thar ain't been no murder, by thunder."

Claybrook eased down.

Jurors filed in. One remained standing.

"Larkspur ain't guilty, Judge. Want our verdict on Slamouth?"

"No," replied Steele. "But Slackmouth's going to set right whar he's at. Presently thar'll be a grand jury indictment, a few remarks by lawyers, then a hanging. Court's in recess for one hour." Before stalking out to his back-room office, Steele took a sharp glance at Newt Salamander. There, in his opinion, was a lawyer from a country where law began. He was a man of honor, too. He'd won a half-interest in a mining claim, when he could more easily have had it all. That was ethics, by thunder.