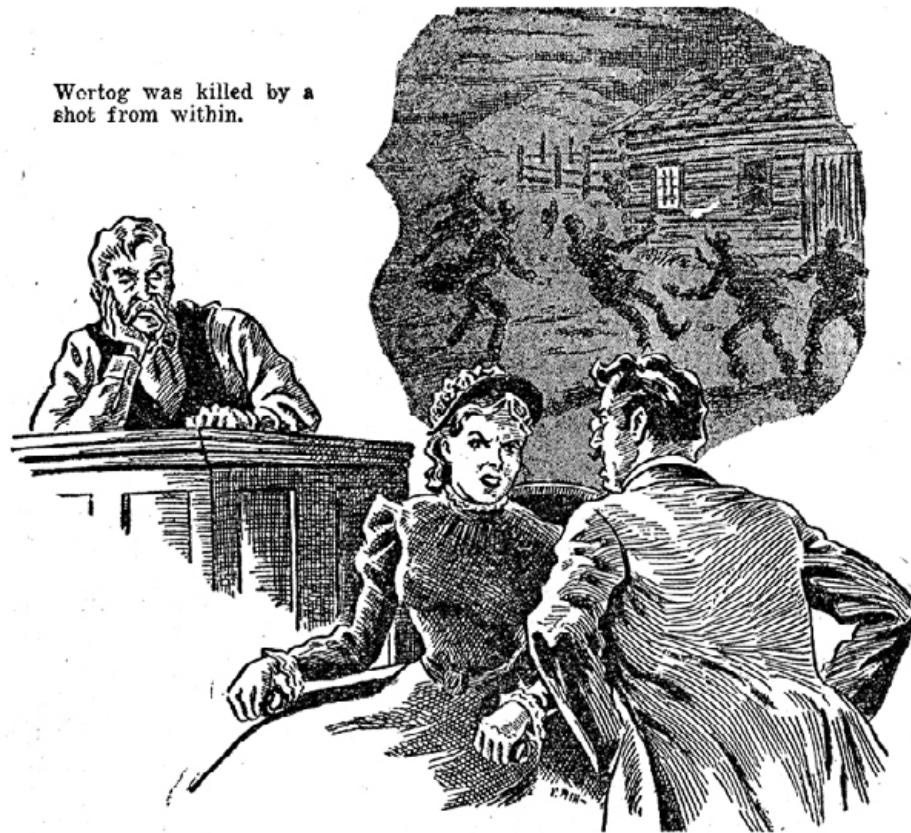


DEATH'S SERENADE

Judge Steele Story
by Lon Williams



What had happened to prosecuting, attorney Wade Claybrook, Judge Steele wanted to know. Why here this consarned lawyer, supposed to be on the side of justice, was doing his dangest to discredit his own best witness. How did you get to hang a murderer that way?

BE-CONSARNED if murder wasn't a peculiar thing, Judge Steele thought. It was more than a killing. It was an expression of thought, of human feelings—with hate, greed, vengeance, love, spite, and frustration, all cooked together in a stew of death. Then, too, when a man was up for murder of some scoundrel who had deserved to be killed, justice had to be mighty hard-hearted in order to exact a life for a life.

But in Judge Wardlow Steele's opinion, there was another side to it. Good

riddance in one case might not be good riddance in another. Moreover, when one scoundrel killed another scoundrel, society was better off not by being grateful to one, but by getting rid of both.

Now in proper fighting mood, he nodded his shaggy, sandy head. "Sheriff, call court."

Big Sheriff Jerd Buckalew pounded with his forty-five. "Court's now in session. Keep your faces straight if you want 'em to stay pretty."

Steele waited until Flat Creek's

mongrel crowd of spectators had settled down, then gave his head another jerk. "Name it, Skiffy."

Clerk James Skiffington rose, a spectral landmark by one of life's highways of doom. "People *versus* Yaddin Aldshodt, alias Yaddy Half-shot," he screeched loudly. "Charge, first-degree murder."

Stirred to intensified savagery by renewed thoughts of murder, Steele lowered his attention to a bench reserved for murdering rascals. There sat a sharp-faced, infuriatingly carefree dude of about forty; he wore a tight-fitting checkered suit, and his countenance reflected deep-set meanness, as well as mocking indifference.

"Murder, eh?" Steele snarled at him. "You won't be feeling so free and easy when a hangrope starts slipping down over your ears. Whar's your lawyer?"

An elegant character, with golden hair and a vandyke beard of like color, got up. He was wearing dark-gray trousers and a black coat with long, narrow tails. Though a reed stiffened by age, he impressed as one who might still sway with changing winds. "May it please your honor," he said in a high-pitched, initially confident voice, "I am this gentleman's lawyer; Bertrand Segartree is my name, sir. I am a duly licensed attorney, experienced in practice before state, federal and territorial courts throughout this entire nation, with many important appearances in England and Continental Europe." Segartree lowered his voice and drew in his chin. "And may I say, sir, that in no court, high or low, here or abroad, have I ever before heard a judge address a defendant as a murderer before said defendant has had his trial. And may I say further—"

"You've said enough," Steele cut in sharply, with vengeful and unforgiving spirit. "You may discover you've said too

much." He swung left. "Whar's our man?"

A stocky, good-looking redhead got up. "Wade Claybrook, sir. Prosecuting attorney. And may I add that no lawyer's education—including that of Mr. Segartree—can be rated as complete until its possessor has practiced his profession in this honorable court."

Steele eyed his man Claybrook suspiciously. "Wade, just what do you mean by that?"

Segartree haughtily interposed an answer. "If you honor please, I'm sure Mr. Claybrook means to say that this honorable court is *sui generis* among institution of justice; that it is without parallel and without similitude in history, past, present, or to come."

"I suggest that Mr. Segartree speak for himself," said Claybrook. "With his vast experience, he should be able to do that quite well."

"I can, sir," retorted Segartree. "And while I am speaking, I can offer Mr. Claybrook some suggestion on court propriety."

"**T**HAT'S ENOUGH, Cedartree," snapped Steele. "You're just like all other consarned lawyers who puff and blow around hyar, so full of yourself that you'd bust if you couldn't talk."

"Begging your pardon, sir, my name is Segartree, not Cedartree."

"Which suggests another particular item that has theretofore been missing in Mr. Segartree's education," remarked Claybrook sarcastically. "In England and Continental Europe he may have been known as Honorable Mr. Segartree, whereas in Flat Creek he's lucky if he doesn't turn out to be plain Mr. Wiffletree."

"I resent that, sir," Segartree shouted indignantly.

"Which resentment, I respectfully

assert, is entirely useless and impotent," responded Claybrook.

"I ought to slap your insolent face, sir," raged Segartree.

"That's enough, by thunder. We've got a hanging to attend to hyar; you lawyers can do your fighting outside." Steele glared down at defendant Aldshodt. "All right, you smirking baboon, what's your plea?"

"May it please your honor," said Segartree, "despite your honor's prejudicial declarations of guilt, this gentleman's plea is not guilty. And may I add, sir, that he stands innocent until proved guilty beyond a reasonable doubt."

"Panel a jury, Bucky. We'll see if he's innocent or not."

In short order Flat Creek's remorseless mill was ready to begin the grinding.

Wade Claybrook, his composure again normal, nodded at a deputy. "Call Frau Engel."

A pretty, pudgy-faced, heavy-bosomed lady of about thirty was escorted in and seated as a witness. She was garishly dressed, with gold rings dangling from her small ears and a necklace of gold and rubies falling to a point between her white breasts.

Claybrook eyed her with frigid disapproval. "You are Mrs. Fredericka Engel?"

She raised her blonde eyebrows, gave Claybrook a coquettish smile and answered with a slightly Germanic accent, "That is right, Mr. Claybrook."

"Where do you live?"

Undisturbed by Claybrook's brusqueness, she answered, "I have my own private little cottage."

"Are you a widow?"

"Well, at present, yes."

"You speak with confidence, don't you?"

"Now see hyar, Claybrook," growled

Steele. "You ask this lady what is proper, and don't get impertinent."

Claybrook contemplated Frau Engel with signs of bitter dislike. "Are you acquainted with defendant Yadkin Aldshodt?"

Freddie looked down at defendant with a hurt, regretful expression. "Yes, I know Mr. Aldshodt."

"Was he at your cabin last Saturday night about ten o'clock?"

"Mr. Claybrook, I prefer not to answer that."

"Lady," warned Steele, "what you prefer has got nothing to do with it."

"Was he there?" asked Claybrook.

"Well, yes, he was," Freddie answered nervously.

"What occurred during his visit?"

Bertrand Segartree popped up. "If your honor please, an answer to that question could include matters of intimacy which a lady should not be required to disclose. I suggest that Mr. Claybrook confine his questions to what is specific and relevant."

Claybrook looked up and gave his mouth a twitch. "In addition to being an attorney of vast experience, Mr. Segartree, I fear, is also a man of considerable evil-mindedness. For Frau Engel's benefit, perhaps he would like to state whether he himself is married or single."

"That is none of your business, sir," shouted Segartree.

"It was a suggestion for Frau Engel's benefit, not my own."

Mrs. Engel turned her lovely blue eyes toward Segartree. They were filled both with interest and with sweet enchantment.

"Well," said Segartree haltingly, "while I fail to see its materiality, it does happen that I am a widower."

BEFORE Steele could express his rising anger, Claybrook returned his attention to Mrs. Engel. His face twisted

with amused malice. He said, "Mrs. Engel, do you regard defendant Aldshodt as your best friend?"

Freddie's sympathy for her recent lover had taken a sudden turn. A new prospect had appeared, namely, a gentleman with a golden vandyke. She glanced indifferently at Aldshodt. "No," she answered, "I can't say I regarded Mr. Aldshodt as my best friend, or even as a friend at all. He treated me with proper respect, however; I can say that much for him."

"Respect?"

"Yes, respect."

Claybrook burned with contempt. "Do all of your gentlemen friends treat you with respect?"

"I object to that cowardly insinuation," shouted Segartree. "Mr. Claybrook, maliciously and without warrant, is offering to insult this fine lady. I demand that he confine his questions to what is relevant."

Steele was amazed at Segartree's vigorous charge to Frau Engel's defense, as if *he* suddenly had become her best friend and his client's worst enemy. "Wade," Steele said angrily, "get on with this trial before you make a traitor out of Half-shot's lawyer."

"Mrs. Engel," said Claybrook with scornful indifference to feelings, "did anything more than ordinary occur at your cabin last Saturday night about ten o'clock?"

"That depends on what you mean by ordinary."

"What would you consider as ordinary?"

"Lady," snapped Steele, "what happened at your cabin?"

"A man was killed there, if that's what you mean," she replied with equal snappishness.

"Ah, indeed?" said Claybrook. "Who

was killed?"

"A man named Uhland Wortog."

Claybrook cast a sly glance toward lawyer Segartree. "Was Wortog one of your best friends, Mrs. Engel?"

"He certainly was not."

"But you had been married to him, had you not?"

"Well—"

"Well what?"

"Well, unfortunately, yes."

"Why unfortunately?"

"Because he was a no-good bum."

"Counting Mr. Wart-hog, how many husbands have you had?"

"His name was not Wart-hog; it was Wortog."

"How many husbands did you say you've had?"

"I didn't say."

Segartree had eased up. "If your honor please, it is considered ethically improper for a lawyer to embarrass or harass his own witness. For him to subject a lady to insult and insinuation is ungentlemanly, as well as unethical. Defendant objects to such distasteful behavior."

"I can't see why *defendant* would object to that, by thunder," said Steele. "Cedartree, whose side are you on, anyhow?"

"My name is Segartree, if your honor please."

CLAYBROOK proceeded, "Now, Mrs. Engel, please relate under what circumstances Mr. Wart-hog was killed."

"His name was Wortog," Frau Engel responded stormily. "How many times must I tell you that?"

"Who killed Mr. Wortog?"

"I won't tell you."

"Lady," said Steele, "answer that question or, by thunder, I'll have you soaked in horse slobbers."

Freddie fidgeted in silence.

"Answer my question," Claybrook demanded.

Freddie twisted but at last glanced coolly at defendant. "Yadkin Aldshodt killed him, that's who."

"Relate how it happened."

Freddie assumed an air of sweet innocence. "All right, if I must, I will tell you. Mr. Aldshodt had dropped by for a friendly visit, as respectable men were occasionally permitted to do. We were having cake and coffee in front of my fire, when those men around a campfire outside commenced whooping and singing their rowdy songs. It got so noisy Mr. Aldshodt and I couldn't hear each other talking. Finally Mr. Aldshodt got up, poked his head out and told them to stop."

"What else did he tell them?" Claybrook asked with a curled lip.

Fredericka had become fluent, even enthusiastic. "He told them they were a bunch of lousy swine, that they couldn't sing fit for a barroom, and that if they didn't quit and leave he'd start shooting."

"He did?"

"Yes, he did."

"Did they leave?"

"No, they didn't leave."

"Did he start shooting?"

"He certainly did."

"How many times did he shoot?"

"He shot once."

"Only once?"

"That's what I said."

"Did he kill anybody?"

"He certainly did."

"Who?"

"He killed Uhland Wortog."

"Why didn't he keep on shooting? Others were present, were they not?"

Segartree got up. "Object, sir," he shouted. "Mr. Claybrook is calling for a conclusion. A witness may not be required to draw conclusions."

"Now, see hyar, Cedartree, maybe it's

a conclusion and maybe it ain't. Why should a murderin' monkey single out one man, then quit? Lady, answer that question."

"Well," she said glibly, "when he shot Uhland Wortog, there was nobody left to shoot at. Everybody ran off."

"Are you sure?" asked Claybrook.

"Of course I'm sure," stormed Freddie. "Do you think I would lie?"

"Well, would you?"

SEGARTREE was up again, his golden whiskers at a high angle. "Your honor, I fail to comprehend why Mr. Claybrook persists in persecuting his own witness."

"Well, by thunder, you and I can keep each other company. I don't comprehend it myself."

"Perhaps Mr. Claybrook can explain."

"Perhaps Mr. Claybrook didn't want to explain. You sit down."

Claybrook arched his eyebrows at Freddie. "Mrs. Engel, what kind of gun did Mr. Aldshodt use?"

"He used one of those six-time shooters."

"And shot only once?"

"That's what I said, isn't it?"

"Yes, that's what you said." Claybrook sat down abruptly. "No more questions."

Golden Whiskers got up and came round. "If your honor please, I should like to ask this beautiful lady a few questions."

"I regret to say it, but it's your privilege, Sugartree."

"Segartree, if your honor please."

"Whatever kind of tree, cross-examine your witness."

Segartree admired Frau Engel's charms a moment then asked, "My dear Mrs. Engel, had this embarrassing conduct by serenaders ever occurred before?"

Claybrook got up. "Now, if your honor please, Mr. Segartree should not ask questions of a lady which might embarrass

her.”

“Consarn you, Claybrook, what do you mean by talking out of turn like that?”

“He has not shown wherein his insinuating question is relevant,” Claybrook replied.

“May it please your honor,” Segartree said warmly, “it is always relevant to show whether or not provocation for an act existed.”

“But,” said Claybrook, “what may have provoked *Frau Engel* is not material; or is it?”

“What you mean, sir?”

“Of course,” said Claybrook, “if music was an inseparable part of Mrs. Engel’s love life—”

“Object to that dastardly insinuation,” stormed Segartree. “Why Mr. Claybrook insists upon tormenting and insulting his own witness is quite beyond my comprehension. He should protect her good name. He should defend and uphold her credibility, not seek to destroy it. He should—”

“Sugartree,” Steele cut in angrily, “get on with your questions, Be-consarned if we haven’t wasted enough time for two hangings.”

Segartree started to say that his name was not Sugartree but upon second thought changed his mind. “My dear Mrs. Engel, had serenaders annoyed you on former occasions?”

“Oh, there’d been harmless little pranks. But nothing annoying, I assure you.”

“This singing last Saturday night, did you consider that as annoying?”

“Well, yes. Really, it was somewhat rowdy. I’d say that Mr. Aldshodt was absolutely right in objecting to it.”

“Was it Uhland Wortog who, in a general sense, instigated these little pranks you mentioned?”

“Now how could she know that?” said

Claybrook without rising.

“Do you know, my dear?” asked Segartree.

“Yes. Yes, it was. Uhlie had sent me word that if I refused to take him back he’d see to it that no other man enjoyed my company.”

“Ah, indeed?”

“Exactly. When I’d married Ernest Engel, Uhlie bragged that I might as well have killed Mr. Engel, because Mr. Engel wouldn’t live long anyhow.”

“Did he?”

“Did he what?”

“Did he live long?”

“One week. He was found dead under a cliff.”

“Murdered?”

“He could’ve fallen off.”

“Could he also have been pushed off?”

CLAYBROOK eased up with a sour look. “Now, your honor, Mr. Segartree should not ask for conclusions like that. How could this witness know how Ernest Engel came by his death—unless she was there when he was pushed?”

“Sir!” stormed Segartree. “I mean, if your honor please, that is another vile and rascally insinuation. If Mr. Claybrook had any reason to believe this good woman murdered her late husband, why did he not have her indicted?”

“It’s an idea,” said Claybrook. “We might still get round to it.”

“Wade, consarn it, set down; Singletree, get on with your questions.”

Golden Whiskers regarded Steele with seething anger. “My name, sir, is Segartree.”

“All right, Segartree, make some progress.”

Segartree’s anger had made him forget any further questions he might have had in mind. He returned to his seat and sat

down.

Claybrook nodded at a deputy. "Call Moses Markley."

Markley was about thirty, thin-faced, bright-eyed, but with an expression otherwise noncommittal.

"Your, name, sir?" asked Claybrook.

"Moses Markley."

"Better known as Mose Malarkey?"

Markley's eyebrows went up. "Wouldn't be surprised."

"You are known hereabouts as something of a prankster, are you not?"

"I enjoy a good joke, yes, sir."

"You enjoy playing jokes on other people, too, do you not?"

"Harmless jokes, yes, sir."

"Are you acquainted with a lady named Fredericka Engel?"

"I am, sir."

"Ever play any jokes on her?"

"Some."

"For instance?"

"Well, one night Uhland Wart-hog was complaining about her having company, and wishing he could think of something to do to make her miserable."

"Did you help him think of something?"

"Sort of."

"What did you do?"

"Well, me and Frantz Toeboldt and Uhlie, both of 'em former husbands of Freddie, along with four or five others, went out to her cabin. It was a cold night and smoke was coming out of her chimney."

"Yes? Proceed."

"Well, it was that night we poked a live goose down her chimney."

"What happened then?"

"It smoked 'em out."

"Smoked who out?"

"Freddie and her gentleman friend."

"Who was that gentleman friend?"

"That night it was Grady Sheeptongue."

"Sheeptongue?"

"Yeah. Grady Sheeptongue."

"How were they dressed when you smoked them out?"

"I object, your honor," fumed Segartree. "I am unable to understand why Mr. Claybrook is so determined to slander a good woman's reputation. This is especially perplexing, inasmuch as he called her as his own witness."

"If your honor please," said Claybrook, "my answer is that a good woman's reputation is not being slandered." He nodded Markley. "You heard my question."

"Claybrook," Steele cut in angrily, "you keep your questions respectable. Frau Engel's reputation is not an issue hyar."

CLAYBROOK glanced coldly at Steele but, upon a moment's thought, left what was in his mind unexpressed. He looked at Markley. "Mr. Malarkey, did you help Uhland Wart-hog play any other pranks on Uhland's ex-wife?"

"Not exactly helped, no, sir. I was with Uhlie and others a few nights when we done some singing. I'm not sure, but I think it was Uhlie who set off a blast one night."

"Blast?"

"Yes, sir. A blast of giant powder. It blew her door in."

"Did she have company that night?"

"Yes, sir."

"Who was he?"

"That night it was Cold Potato."

"Cold Potato?"

"Not rightly, no. He was another one of them Krauts who lived in that part of Flat Creek called Dutchman's Corner. Real name was Hans Koldpotathold."

"What happened after that powder blast?"

"Well, Cold Potato come out like a rabbit from a burning brushpile."

"How was he dressed?"

"Object," Segartree shouted. "There's been enough of this malicious slander."

"I withdraw that question," Claybrook responded quickly. "Mr. Malarkey, were there any other pranks?"

"Yes, sir, a good many."

"For instance?"

"Well, I was there another night. We was serenading with songs, as usual. Might say here that Uhlie Warthog always furnished whiskey for these serenades. Fact is, that's how he got us together. Whiskey. We had our campfire, as usual. Then somebody thought of fastening a lighted candle to Freddie's door. Idea was to see who could shoot off its wick. Took a lot of shooting; some bullets went through, of course, but didn't hit nobody."

"Did you do any shooting?"

"No, I'm glad to say, I did not."

"Did anybody come out?"

"Yes, sir."

"Who was it?"

"That night it was Saltpin Jorey."

Segartree got up, somewhat subdued in his enthusiasms. "May it please your honor, this impertinent narrative has gone far enough. Defendant most respectfully objects. All this has no bearing whatsoever."

Steele repressed his inclination to squelch Segartree. "Claybrook, how much more of this horseplay have you got?"

"May it please your honor, I think it could be continued for a week," Claybrook answered soberly.

"Well, be-consarned, what it's going to do is something else. What are you trying to prove, anyhow?"

CLAYBROOK'S expression was that of one who intended to tell only a half-truth. "If your honor please," he said, "it seems rather noteworthy that defendant Half-shot has not been mentioned as having been Frau Engel's lover on any of these occasions. It might be quite material, also, to show how he happened to be in that amorous role last Saturday night—though not on other occasions."

"Your honor," objected Segartree, "Mr. Claybrook has presented no proof that defendant Aldshodt was not present on other provocative occasions. He has merely offered that conclusion as his own gratuitous assertion. For all that has been shown, it might as well be concluded that defendant was driven to desperation by a series of episodes which in themselves were little short of attempts at murder."

"If your honor please," replied Claybrook, "my answer to Mr. Segartree's complaint about absence of proof is simply this: I have not finished."

"Then finish," Steele demanded. "Get somebody in hyar that knows something about this murder."

"May it please your honor, this witness knows something about it."

"Then worm it out of him."

Claybrook gave his witness a sympathetic look. "Mr. Malarkey, on last Saturday night, were you present while Frau Engel and her lover were being serenaded with music?"

"Yes, sir."

"How many others were present?"

"Five."

"Any ex-husband, other than Wart-hog?"

"Yes, sir, a man named Hawfield."

"Where were you when Wart-hog was shot?"

"I was there, singing alongside them others."

"You had a bright fire going?"

"Yes, sir."

"Could you tell one man from another?"

"Easy."

"You were how far from Fredericka's cabin?"

"About twenty feet."

"Where was Wart-hog standing?"

"Sort of out front of me and Tobias Ringbolt."

"In light or shadow?"

"Light."

"When Wart-hog was shot, what did you do?"

"First thing was to drop down to see if Wart-hog was bad hurt."

"What did your companions do?"

"Somebody yelled, 'Yaddy Half-shot, you've killed Wart-hog.' "

"What did Half-shot say?"

"Object to that question," shouted Segartree. "It calls for hearsay, and hearsay evidence is not admissible."

"In Mr. Segartree's world-wide experience," returned Claybrook, "he should have learned that what a man says when he has just killed somebody is admissible as showing his act, his intent and his motive. As *res gestae* evidence, it is always admissible."

"Whatever it's called, it's admissible, by thunder. Go ahead, Wade."

"I save exception," declared Segartree.

"What in tarnation for?" demanded Steele.

"For my conscience's sake, if nothing else, sir."

"Well, save as many exceptions as you like. Your conscience is all that will get any good out of it."

CLAYBROOK nodded at Malarkey. "What did Half-shot say?"

"When he'd been told he'd killed Wart-hog, he said, 'Well, what do you think he was shot for?' "

"Did he shoot at anybody else?"

"No, sir."

"What did you do next?"

"We picked up Wart-hog and carried him to town. Turned his body over to Sheriff Buckalew."

Claybrook eased down. "No more questions."

"Cedartree," Steele asked, "want to cross-examine this witness?"

"I do, sir," Segartree replied sulkily. He came round and fixed hard eyes on Markley. "Sir, did you see anybody in that cabin?"

"Uh—. No, not exactly."

"What do you mean, not exactly?"

"Well, not at all, I guess."

"You guess?"

"I mean a shot came from Freddie's cabin."

"Did you see who did that shooting?"

"Come to think of it, I didn't."

Segartree cast a malevolent glance at Judge Steele. "That is all, sir." *That*, thought Steele uneasily, is *enough*. *Be-consarned if old Cedartree hasn't shot a hole in Claybrook's case that won't be easy to mend.*

Claybrook, nevertheless, was unperturbed. He nodded at a deputy. "Call Iver Enquist."

Enquist looked to be about twenty-three, wore a thin mustache and was neatly dressed in black suit, white shirt and bow tie. His shirt studs sparkled with red light. He was what Steele regarded as a smoothy, but who momentarily was uncertain of what his behavior should be.

"Your name?" said Claybrook crisply.

"Iver Enquist, sir."

"Where do you work?"

"I'm a card-dealer at Cooksy Blair's saloon—that among other things."

"Do you sometimes eavesdrop?"

"Certainly not."

"You merely overhear conversations,

is that it?"

"That's it."

"Are you acquainted with Yadkin Aldshodt, sometimes known as Yaddy Half-shot?"

"I am."

"Do you like him?"

"No." Enquist spread his eyes and gulped. "What was that question?"

"Never mind." said Claybrook. "Where does Half-shot work?"

"He used to work for Cooksy Blair."

"Used to?"

"Yes."

"When did he quit?"

"About two weeks ago."

"What was his business?"

"He was a professional card-player. Cooksy Blair had him hired. One-hair Tobin gave him tip-offs as to who had money, more money than sense was Tobin's way of putting it."

"What was Uhland Wortog's reputation as to having more money than sense?"

"*That* was his reputation," replied Enquist.

"Did he play cards with Yadkin Aldshodt?"

"He did."

"Who won?"

"Surprising as it may seem, Wortog won. He won so many games, Cooksy was almost cleaned out; that's why he fired Aldshodt."

SEGARTREE got up. "If your honor please, defendant objects to all this irrelevant testimony as to what goes on at one of Flat Creek's many infamous saloons. Mr. Claybrook reminds me of a rancher who drives his cattle to market, one steer at a time. It wouldn't be such an inconvenient method if it didn't involve so many miles and so many steers. If Mr. Claybrook would only explain why this

testimony is relevant, he might be entitled to a little forbearance; but this rambling into fields of impertinent sin and wickedness is most wearisome, indeed."

"Cedartree, set down," said Steele. "Wade, what are you trying to do?"

"If your honor please," Claybrook replied patiently, "you may recall that Mr. Segartree said something about provocation. In fact, he made quite a point of it, as I recollect. His point was, that Half-shot had provocation for shooting into a bunch of serenaders at a campfire in front of Frau Engel's cabin. Well, sir, he *did* have provocation, but that provocation was more deep-seated than any resentment at a drunken serenade. Wart-hog beat Half-shot at his own game of crooked card-playing. Half-shot got fired by reason thereof. Now, if your honor please—"

"All right, Wade. Go ahead."

"Thank you, your honor," said Claybrook. He eyed his witness again. "Mr. Enquist, did you happen to overhear defendant Half-shot in conversation with one Eric Basket last Saturday forenoon?"

"Now, sir," said Enquist, "you're asking me a question I can't answer. I work for Cooksy Blair. I hear many things. You'd be surprised at what all I do hear. But I work under a strict code of honor, sir; that code does not permit me to repeat what I hear. How you happened to get word I had heard a conversation between Aldshodt and Eric Basket I have no way of knowing. But whatever I may have heard was confidential, and I am not permitted to repeat it to anyone."

"You're not?"

"No, sir."

"Are you sure of that?"

"Absolutely sure."

Steele leaned slightly to his left and glared down at Iver Enquist. "Young man, nobody else has ever refused to answer what was asked him in this court. Do you

think you'd like to be fust?"

Enquist twisted in his chair. "Sir, I know what I can tell and what I can't."

"Maybe you just think you do?"

"What do you mean?"

"I mean we got special ropes for hanging people who don't answer questions put by Mr. Claybrook. Bucky, you got one of them ropes handy?"

Sheriff Buckalew reached down and lifted a length of hemp. "Got it right here, Judge. Always keep it handy."

Segartree had eased up cautiously. "Defendant has an objection, your honor. This witness has been asked to relate a conversation he presumably overheard. As I have heretofore declared, hearsay evidence, such as a conversation, is not admissible."

"Cedartree, are you advising this witness to disobey court orders?"

"Well, no, your honor, but I'm objecting to his *having* to obey such orders."

"He don't have to answer. He's got a choice of answering or being hung." He glared at Enquist. "Make up your mind."

Enquist swallowed with difficulty. "All right, I'll testify."

"Then," said Claybrook, "relate what you heard in that conversation between Aldshodt and Basket."

ENQUIST swallowed again. "Well, it had to do with Uhlie Wortog and a woman named Engel, Freddie Engel as I recall. Aldshodt said, 'This fellow Wortog has crossed me up one time too many. He beat me out of a good mining location in Lower Sarlay. He outbid me at a saloon close-out. He played dumb and suckered me into a card game that cost me my job. I'm going to get even.' "

"Go ahead," Claybrook prompted.

"Next," said Enquist, "he gave out with some more grievances he had against

Wortog. Then Basket said, 'What do you want me to do?' And Aldshodt said, 'I want you to make an engagement for me with Freddie Engel. Do you know her?' "

" 'Who don't?' said Basket. 'When do you want this engagement?' "

" 'Tonight,' said Aldshodt. 'If you succeed in making it, then I want you to whisper it to Uhlie Wart-hog. It's a well-known fact that every time Freddie Engel has a gentleman caller this ex-husband Wart-hog gets up a serenade party. If I have an engagement with Mrs. Engel for tonight I, too, want a serenade party, and I want Uhlie Wart-hog to be in it. Do you get me, Basket?' Basket said he did, and pretty soon he sneaked out."

"Did you see Basket when he returned?"

"Yes."

"What was his report?"

"I wasn't close enough to hear it."

"Did you see Half-shot nodding his head?"

"Object, sir," shouted Segartree. "That's a leading question."

"Did you see Basket and Half-shot in conversation?" Claybrook asked before Judge Steele could intervene.

"I did."

"Did you see bodily motion, facial expression or gesture from either of them?"

"Yes."

"What was it?"

"I saw Aldshodt nodding his head."

"Anything else?"

"He also grinned."

Claybrook sat down. "That's all, your honor. No more questions. No more witnesses."

Steele inquired impatiently, "Cedartree, do you want to cross-examine this witness?"

Segartree conferred with his client then got up and came round. "Yes, your honor,

but only briefly." He elevated his vandyke toward Enquist. "Sir, did defendant Aldshodt ever win money from you at a game of cards?"

"What's that got to do with it?" Enquist replied angrily.

"See hyar, Enquist, *you* don't ask questions in this court; you *answer* 'em," Steele warned angrily.

Enquist twisted uneasily. "Well, yes, he has won money from me a few times."

"Heavily or lightly?"

ENQUIST squirmed. "Won all I had."

"When was that?"

"A few weeks ago."

"When Wortog and defendant played cards, did you deal for them?"

"What if I did or didn't?"

"Sir, you heard my question."

"All right, I did."

"You don't like defendant Aldshodt, do you?"

"No."

"You could have dealt crooked hands against him, couldn't you?"

"I could have, but I didn't."

"You didn't?"

"No."

"You, also, were in Frau Engel's cabin during one of those numerous serenades, were you not?"

"Now, look here, I'm not on trial for anything."

"Answer it, by thunder," Steele demanded heatedly.

"Well, yes, I was."

"Did you also come out?"

"Yes."

Yellow Whiskers glanced up, made a crooked face at Judge Steele and returned to his seat.

Steele held his temper. Lawyers were consarned nuisances, but he had to give them credit for being smart and persistent. He was beginning to feel worried, too.

Claybrook's case against Half-shot was beginning to look pretty sorry.

"You got any witnesses, Sugartree?" Steele asked.

Yellow Whiskers nodded at his client. "Defendant will testify in his own behalf, if your honor please."

"Let him be sworn."

Clerk Skiffington went through his rigmarole and Aldshodt ascended to speak his piece.

Segartree came round and stood in front of him. "You, of course, have heard all that has been testified to at this trial?"

"I have."

"Did you shoot Uhland Wortog?"

"No."

"You didn't?"

"I did not."

"Who did?"

"Fredericka Engel."

"Who?"

"Frau Engel."

"What do you mean, sir?"

"I mean what I say. It was Frau Engel that shot Uhlie Wart-hog."

"No more questions," said Segartree.

Claybrook had sat erect and opened his mouth in apparent astonishment. He got up. "Your honor, this is preposterous."

"What in tarnation is preposterous about it?"

"Well," Claybrook responded haltingly, "it's just—. It's just preposterous, that's all."

"Why don't you recall Frau Engel and let her swear him down?"

Claybrook nodded at defendant Aldshodt. "Get to your seat." He nodded at a deputy. "Bring back Frau Engel."

FREDDIE was brought in again and seated. She looked about uneasily, then stared hard at Claybrook. "What is this for?"

"You are to answer a few more

questions,” Claybrook told her.

“Well, what are they? I thought I’d told everything I knew about Uhland Wortog’s murder. What else do you want to know?”

“This,” Claybrook told her. “Did you shoot Uhlie Wart-hog?”

“Well, of course not. I told you who shot him. It was that—that man there.”

“What man?”

“Yadkin Aldshodt.”

“But Yadkin Aldshodt has just now told this court and jury that you shot Uhlie Wart-hog.”

Freddie gasped. Then she looked murderously at Aldshodt. “Why, you lying, stinking hyena! You promised you wouldn’t—.”

“And you,” Aldshodt flung back angrily, “promised you wouldn’t try to pack it on me.”

“Oh, you miserable pig!” cried Freddie. She got up and started to step down. “Let me get my hands on you. I’ll scratch your contemptible eyes out.”

“Set down!” growled Steele. When Freddie had eased down and turned frightened eyes in his direction, Steele demanded fiercely, “When did Half-shot promise he wouldn’t tell on you?”

“It was out at my place Saturday night. But it wasn’t no murder; Uhlie Wortog drove me to it. He’d aggravated me so much I could stand no more. When he and his stupid drunks started their yowling in front of my door, I got so mad I said I’d put a stop to that. I grabbed my rifle, took a peep out to see where Uhlie was standing, and then I let him have it.”

“And when did Half-shot promise he wouldn’t tell on you?”

“It was after I put my gun and started to worry about what I’d done. That lying

sneak told me to quit worrying. ‘If anybody gets curious,’ he says, ‘I’ll tell ‘em I done it. And if anybody asks you, you can tell ‘em I done it.’ Oh, I wish I could tear him limb from limb.”

“Don’t be too hard on poor old Half-shot,” said Steele with mock sorrow. “Half-shot meant well. It sort of upset him when he saw a hangrope dangling before his face. Maybe his lawyer, too, had a change of heart. A man’s heart is a fickle thing, you know. Get out of hyar now.”

Freddie stepped down. As she made her way past Half-shot she spit on him. “You stinking liar!” she fumed. She glared contemptuously at Segartree. “You, too, you stupid old yellow-whiskered billygoat.”

When she had gone out, Steele gave his head a left-sided jerk. “You jurors fetch in a verdict of not guilty.”

Later, when only a few individuals were left indoors, he beckoned to Sheriff Buckalew.

“What is it, Judge?” Buckalew asked.

“Bucky, give Fredericka twenty-four hours’ start before you try to catch her. I’ve got no stomach for hanging women.”

He slid down and tramped off toward his little cubby-hole office in back. He saw at last what had happened. No witness had known for sure who had shot Wart-hog. By indicting Half-shot, and using Frau Engel as a witness against him, Claybrook had learned what he needed to know. He had to admit that for once Wade Claybrook had behaved brilliantly; in fact, he had shown downright genius. Yet he’d played a dangerous game, by thunder. It could’ve hanged an innocent man.

