

Cobb Irvin Shrewsbury

**Back Home: Being the Narrative  
of Judge Priest and His  
People**



**Irvin Cobb**

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*Back Home: Being the Narrative of Judge Priest and His People:*

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**Cobb Irvin S.**  
**Irvin Shrewsbury**  
**Back Home: Being the**  
**Narrative of Judge**  
**Priest and His People**

**PREFACE**

AFTER I came North to live it seemed to me, as probably it has seemed to many Southern born men and women that the Southerner of fiction as met with in the North was generally just that – fiction – and nothing else; that in the main he was a figment of the drama and of the story book; a type that had no just claim on existence and yet a type that was currently accepted as a verity.

From well meaning persons who apparently wished to convey an implied compliment for the southern part of this republic I was forever hearing of “southern pride” and “hot southern blood” and “old southern families,” these matters being mentioned always with a special emphasis which seemed to betray a profound conviction on the part of the speakers that there was a certain physical, tangible, measurable distinction between,

say, the pride of a Southerner and the blood-temperature of a Southerner and the pride and blood heat of a man whose parents had chosen some other part of the United States as a suitable place for him to be born in. Had these persons spoken of things which I knew to be a part and parcel of the Southerner's nature – such things for example as his love for his own state and his honest veneration for the records made by men of southern birth and southern blood in the Civil War – I might have understood them. But seemingly they had never heard of those matters.

I also discovered or thought I discovered that as a rule the Southerner as seen on the stage or found between the covers of a book or a magazine was drawn from a more or less imaginary top stratum of southern life, or else from a bottom-most stratum – either he purported to be an elderly, un-reconstructed, high-tempered gentleman of highly aristocratic tendencies residing in a feudal state of shabby grandeur and proud poverty on a plantation gone to seed; or he purported to be a pure white of the poorest. With a few exceptions the playwright and the story writers were not taking into account sundry millions of southern born people who were neither venerable and fiery colonels with frayed wrist bands and limp collars, nor yet were they snuffdipping, ginseng-digging clay-eaters, but just such folk as allowing for certain temperamental differences – created by climate and soil and tradition and by two other main contributing causes: the ever-present race question and the still living and vivid memories of the great war – might be found

as numerously in Iowa or Indiana or any other long-settled, typically American commonwealth as in Tennessee or Georgia or Mississippi, having the same aspirations, the same blood in their veins, the same impulses and being prone under almost any conceivable condition to do the same thing in much the same way.

Viewing my own state and my own people across the perspective of time and distance I had the ambition to set down on paper, as faithfully as I might, a representation of those people as I knew them. By this I do not mean to declare that I sensed any audible and visible demand for such a piece of writing; so far as I know there has been no such demand. It was my own notion solely. I wanted, if I could to describe what I believed to be an average southern community so that others might see it as I had seen it. This book is the result of that desire.

For my material I draw upon the life of that community as I remembered it. Most of the characters that figure in the events hereinafter described were copies, to the best of my ability as a copyist, of real models; and for some of the events themselves there was in the first place a fairly substantial basis of fact.

Having such an aim I wrote what I conceived to be a series of pictures, out of the life of a town in the western part of Kentucky; that part of Kentucky which gave to the nation among others, Abraham Lincoln and Jefferson Davis. These, pictures fell into the form of inter-related stories, and as such were first printed in the *Saturday Evening Post*. They are now offered here as a whole.

**LSC**

*New York, November 1912*

# I. WORDS AND MUSIC

WHEN Breck Tandy killed a man he made a number of mistakes. In the first place, he killed the most popular man in Forked Deer County – the county clerk, a man named Abner J. Rankin. In the second place, he killed him with no witnesses present, so that it stood his word – and he a newcomer and a stranger – against the mute, eloquent accusation of a riddled dead man. And in the third place, he sent north of the Ohio River for a lawyer to defend him.

On the first Monday in June – Court Monday – the town filled up early. Before the field larks were out of the grass the farmers were tying their teams to the gnawed hitch-racks along the square. By nine o'clock the swapping ring below the wagonyard was swimming in red dust and clamorous with the chaffer of the horse-traders. In front of a vacant store the Ladies' Aid Society of Zion Baptist Church had a canvas sign out, announcing that an elegant dinner would be served for twenty-five cents from twelve to one, also ice cream and cake all day for fifteen cents.

The narrow wooden sidewalks began to creak and chum under the tread of many feet. A long-haired medicine doctor emerged from his frock-coat like a locust coming out of its shell, pushed his high hat off his forehead and ranged a guitar, sundry bottles of a potent mixture, his tooth-pulling forceps, and a trick-handkerchief upon the narrow shelf of his stand alongside the

Drummers' Home Hotel. In front of the little dingy tent of the Half Man and Half Horse a yellow negro sat on a split-bottom chair limbering up for a hard day. This yellow negro was an artist. He played a common twenty-cent mouth organ, using his left hand to slide it back and forth across his spread lips. The other hand held a pair of polished beef bones, such as end men wield, and about the wrist was buckled a broad leather strap with three big sleigh-bells riveted loosely to the leather, so that he could clap the bones and shake the bells with the same motion. He was a whole orchestra in himself. He could play on his mouth organ almost any tune you wanted, and with his bones and his bells to help out he could creditably imitate a church organ, a fife-and-drum corps, or, indeed, a full brass band. He had his chair tilted back until his woolly head dented a draggled banner depicting in five faded primary colors the physical attractions of the Half Man and Half Horse – Marvel of the Century – and he tested his mouth organ with short, mellow, tentative blasts as he waited until the Marvel and the Marvel's manager finished a belated breakfast within and the first ballyhoo could start. He was practicing the newest of the ragtime airs to get that far South. The name of it was The Georgia Camp-Meeting.

The town marshal in his shirt sleeves, with a big silver shield pinned to the breast of his unbuttoned blue waistcoat and a hickory stick with a crook handle for added emblem of authority, stalked the town drunkard, fair game at all seasons and especially on Court Monday. The town gallant whirled back and forth the

short hilly length of Main Street in his new side-bar buggy. A clustering group of negroes made a thick, black blob, like hiving bees, in front of a negro fishhouse, from which came the smell and sounds of perch and channel cat frying on spitting-hot skillets. High up on the squat cupola of the courthouse a red-headed woodpecker clung, barred in crimson, white, and blue-black, like a bit of living bunting, engaged in the hopeless task of trying to drill through the tin sheathing. The rolling rattle of his beak's tattoo came down sharply to the crowds below. Mourning doves called to one another in the trees round the red-brick courthouse, and at ten o'clock, when the sun was high and hot, the sheriff came out and, standing between two hollow white pillars, rapped upon one of them with a stick and called upon all witnesses and talesmen to come into court for the trial of John Breckinridge Tandy, charged with murder in the first degree, against the peace and dignity of the commonwealth of Tennessee and the statutes made and provided.

But this ceremonial by the sheriff was for form rather than effect, since the witnesses and the talesmen all sat in the circuit-court chamber along with as many of the population of Forked Deer County as could squeeze in there. Already the air of the crowded chamber was choky with heat and rancid with smell. Men were perched precariously in' the ledges of the windows. More men were ranged in rows along the plastered walls, dunking their heels against the cracked wooden baseboards. The two front rows of benches were full of women. For this was to be the big

case of the June term – a better show by long odds than the Half Man and Half Horse.

Inside the low railing that divided the room and on the side nearer the jury box were the forces of the defense. Under his skin the prisoner showed a sallow paleness born of his three months in the county jail. He was tall and dark and steady eyed, a young man, well under thirty. He gave no heed to those who sat in packed rows behind him, wishing him evil. He kept his head turned front, only bending it sometimes to whisper with one of his lawyers or one of his witnesses. Frequently, though, his hand went out in a protecting, reassuring way to touch his wife's brown hair or to rest a moment on her small shoulder. She was a plain, scared, shrinking little thing. The fingers of her thin hands were plaited desperately together in her lap. Already she was trembling. Once in a while she would raise her face, showing shallow brown eyes dilated with fright, and then sink her head again like a quail trying to hide. She looked pitiable and lonely.

The chief attorney for the defense was half turned from the small counsel table where he might study the faces of the crowd. He was from Middle Indiana, serving his second term in Congress. If his party held control of the state he would go to the Senate after the next election. He was an orator of parts and a pleader of almost a national reputation. He had manly grace and he was a fine, upstanding figure of a man, and before now he had wrung victories out of many difficult cases. But he chilled to his finger-nails with apprehensions of disaster as he glanced

searchingly about the close-packed room.

Wherever he looked he saw no friendliness at all. He could feel the hostility of that crowd as though it had substance and body.

It was a tangible thing; it was almost a physical thing. Why, you could almost put your hand out and touch it. It was everywhere there.

And it focussed and was summed up in the person of Aunt Tilly Haslett, rearing on the very front bench with her husband, Uncle Fayette, half hidden behind her vast and over-flowing bulk. Aunt Tilly made public opinion in Hyattsville. Indeed she was public opinion in that town. In her it had its up-comings and its out-flowings. She held herself bolt upright, filling out the front of her black bombazine basque until the buttons down its front strained at their buttonholes. With wide, deliberate strokes she fanned herself with a palm-leaf fan. The fan had an edging of black tape sewed round it – black tape signifying in that community age or mourning, or both. Her jaw was set like a steel latch, and her little gray eyes behind her steel-bowed specs were leveled with a baleful, condemning glare that included the strange lawyer, his client, his client's wife, and all that was his client's.

Congressman Durham looked and knew that his presence was an affront to Aunt Tilly and all those who sat with her; that his somewhat vivid tie, his silken shirt, his low tan shoes, his new suit of gray flannels – a masterpiece of the best tailor in Indianapolis – were as insults, added up and piled on, to this suspended, gingham-shirted constituency. Better than ever he

realized now the stark hopelessness of the task to which his hands were set. And he dreaded what was coming almost as much for himself as for the man he was hired to defend. But he was a trained veteran of courtroom campaigns, and there was a jauntily assumed confidence in his bearing as he swung himself about and made a brisk show of conferring with the local attorney who was to aid him in the choosing of the jurors and the questioning of the witnesses.

But it was real confidence and real jauntiness that radiated from the other wing of the inclosure, where the prosecutor sat with the assembled bar of Forked Deer County on his flanks, volunteers upon the favored side, lending to it the moral support of weight and numbers. Rankin, the dead man, having been a bachelor, State's Attorney Gilliam could bring no lorn widow and children to mourn before the jurors' eyes and win added sympathy for his cause. Lacking these most valued assets of a murder trial he supplied their places with the sisters of the dead man – two sparse-built elderly women in heavy black, with sweltering thick veils down over their faces. When the proper time came he would have them raise these veils and show their woeful faces, but now they sat shrouded all in crepe, fit figures of desolation and sorrow. He fussed about busily, fiddling the quill toothpick that hung perilously in the corner of his mouth and evening up the edges of a pile of law books with freckled calfskin covers. He was a lank, bony garfish of a man, with a white goatee aggressively protruding from his lower lip. He was a poor speaker

but mighty as a cross-examiner, and he was serving his first term and was a candidate for another. He wore the official garbing of special and extraordinary occasions – long black coat and limp white waistcoat and gray striped trousers, a trifle short in the legs. He felt the importance of his place here almost visibly – his figure swelled and expanded out his clothes.

“Look yonder at Tom Gilliam,” said Mr. Lukins, the grocer, in tones of whispered admiration to his next-elbow neighbor, “jest prunin’ and honin’ hisse’f to git at that there Tandy and his dude Yankee lawyer. If he don’t chaw both of ‘em up together I’ll be dad-burned.”

“You bet,” whispered back his neighbor – it was Aunt Tilly’s oldest son, Fayette, Junior – “it’s like Maw says – time’s come to teach them murderin’ Kintuckians they can’t be a-comin’ down here a-killin’ up people and not pay for it. I reckon, Mr. Lukins,” added Fayette, Junior, with a wriggle of pleased anticipation, “we shore are goin’ to see some carryin’s-on in this cotehouse today.”

Mr. Lukins’ reply was lost to history because just then the judge entered – an elderly, kindly-looking man – from his chambers in the rear, with the circuit-court clerk right behind him bearing large leather-clad books and sheaves of foolscap paper. Their coming made a bustle. Aunt Tilly squared herself forward, scrooging Uncle Fayette yet farther into the eclipse of her shapeless figure. The prisoner raised his head and eyed his judge. His wife looked only at the interlaced, weaving fingers in her lap.

The formalities of the opening of a term of court were mighty soon over; there was everywhere manifest a haste to get at the big thing. The clerk called the case of the Commonwealth versus Tandy. Both sides were ready. Through the local lawyer, delegated for these smaller purposes, the accused man pleaded not guilty. The clerk spun the jury wheel, which was a painted wooden drum on a creaking wooden axle, and drew forth a slip of paper with the name of a talesman written upon it and read aloud:

“Isom W. Tolliver.”

In an hour the jury was complete: two townsmen, a clerk and a telegraph operator, and ten men from the country – farmers mainly and one blacksmith and one horse-trader. Three of the panel who owned up frankly to a fixed bias had been let go by consent of both sides. Three more were sure they could give the defendant a fair trial, but those three the local lawyer had challenged peremptorily. The others were accepted as they came. The foreman was a brownskinned, sparrowhawk-looking old man, with a smoldering brown eye. He had spare, knotted hands, like talons, and the right one was marred and twisted, with a sprayed bluish scar in the midst of the crippled knuckles like the mark of an old gunshot wound. Juror No. 4 was a stodgy old man, a small planter from the back part of the county, who fanned himself steadily with a brown-varnished straw hat. No. 7 was even older, a white-whiskered patriarch on crutches. The twelfth juror was the oldest of the twelve – he looked to be almost

seventy, but he went into the box after he had sworn that his sight and hearing and general health were good and that he still could do his ten hours a day at his blacksmith shop. This jurymen chewed tobacco without pause. Twice after he took his seat at the bade end of the double line he tried for a wooden cuspidor ten feet away. Both were creditable attempts, but he missed each time. Seeing the look of gathering distress in his eyes the sheriff brought the cuspidor nearer, and thereafter No. 12 was content, chewing steadily like some bearded contemplative ruminant and listening attentively to the evidence, meanwhile scratching a very wiry head of whity-red hair with a thumbnail that through some injury had taken on the appearance of a very thick, very black Brazil nut. This scratching made a raspy, filing sound that after a while got on Congressman Durham's nerves.

It was late in the afternoon when the prosecution rested its case and court adjourned until the following morning. The state's attorney had not had so very much evidence to offer, really – the testimony of one who heard the single shot and ran in at Rankin's door to find Rankin upon the floor, about dead, with a pistol, unfired, in his hand and Tandy standing against the wall with a pistol, fired, in his; the constable to whom Tandy surrendered; the physician who examined the body; the persons who knew of the quarrel between Tandy and Rankin growing out of a land deal into which they had gone partners – not much, but enough for Gilliam's purposes. Once in the midst of examining a witness the state's attorney, seemingly by accident, let his look fall upon

the two black-robed, silent figures at his side, and as though overcome by the sudden realization of a great grief, he faltered and stopped dead and sank down. It was an old trick, but well done, and a little humming murmur like a breeze coming through treetops swept the audience.

Durham was sick in his soul as he came away.

In his mind there stood the picture of a little, scared woman's drawn, drenched face. She had started crying before the last juror was chosen and thereafter all day, at half-minute intervals, the big, hard sobs racked her. As Durham came down the steps he had almost to shove his way through a knot of natives outside the doors. They grudged him the path they made for him, and as he showed them his back he heard a snicker and some one said a thing that cut him where he was already bruised – in his egotism. But he gave no heed to the words. What was the use?

At the Drummers' Home Hotel a darky waiter sustained a profound shock when the imported lawyer declined the fried beefsteak with fried potatoes and also the fried ham and eggs. Mastering his surprise the waiter offered to try to get the Northern gentleman a fried pork chop and some fried June apples, but Durham only wanted a glass of milk for his supper. He drank it and smoked a cigar, and about dusk he went upstairs to his room. There he found assembled the forlorn rank and file of the defense, the local lawyer and three character witnesses – prominent citizens from Tandy's home town who were to testify to his good repute in the place where he was born and

reared. These would be the only witnesses, except Tandy himself, that Durham meant to call. One of them was a bustling little man named Felsburg, a clothing merchant, and one was Colonel Quigley, a banker and an ex-mayor, and the third was a Judge Priest, who sat on a circuit-court bench back in Kentucky. In contrast to his size, which was considerable, this Judge Priest had a voice that was high and whiny. He also had the trick, common to many men in politics in his part of the South, of being purposely ungrammatical at times.

This mannerism led a lot of people into thinking that the judge must be an uneducated man – until they heard him charging a jury or reading one of his rulings. The judge had other peculiarities. In conversation he nearly always called men younger than himself, son. He drank a little bit too much sometimes; and nobody had ever beaten him for any office he coveted. Durham didn't know what to make of this old judge – sometimes he seemed simple-minded to the point of childishness almost.

The others were gathered about a table by a lighted kerosene lamp, but the old judge sat at an open window with his low-quarter shoes off and his white-socked feet propped against the ledge. He was industriously stoking at a home-made corncob pipe. He pursed up his mouth, pulling at the long cane stem of his pipe with little audible sucks. From the rocky little street below the clatter of departing farm teams came up to him. The Indian medicine doctor was taking down his big white umbrella and

packing up his regalia. The late canvas habitat of the Half Man and Half Horse had been struck and was gone, leaving only the pole-holes in the turf and a trodden space to show where it had stood. Court would go on all week, but Court Monday was over and for another month the town would doze along peacefully.

Durham slumped himself into a chair that screeched protestingly in all its infirm joints. The heart was gone clean out of him.

“I don’t understand these people at all,” he confessed. “We’re beating against a stone wall with our bare hands.”

“If it should be money now that you’re needing, Mister Durham,” spoke up Felsburg, “that boy Tandy’s father was my very good friend when I first walked into that town with a peddling pack on my back, and if it should be money – ?”

“It isn’t money, Mr. Felsburg,” said Durham. “If I didn’t get a cent for my services I’d still fight this case out to the aid for the sake of that game boy and that poor little mite of a wife of his. It isn’t money or the lack of it – it’s the damned hate they’ve built up here against the man. Why, you could cut it off in chunks – the prejudice that there was in that courthouse today.”

“Son,” put in Judge Priest in his high, weedy voice, “I reckon maybe you’re right. I’ve been projectin’ around cotehouses a good many years, and I’ve taken notice that when a jury look at a prisoner all the time and never look at his women folks it’s a monstrous bad sign. And that’s the way it was all day today.”

“The judge will be fair – he always is,” said Hightower, the

local lawyer, “and of course Gilliam is only doing his duty. Those jurors are as good solid men as you can find in this country anywhere. But they can’t help being prejudiced. Human nature’s not strong enough to stand out against the feeling that’s grown up round here against Tandy since he shot Ab Rankin.”

“Son,” said Judge Priest, still with his eyes on the darkening square below, “about how many of them jurors would you say are old soldiers?”

“Four or five that I know of,” said Hightower – “and maybe more. It’s hard to find a man over fifty years old in this section that didn’t see active service in the Big War.”

“Ah, hah,” assented Judge Priest with a squeaky little grunt. “That foreman now – he looked like he might of seen some fightin’?”

“Four years of it,” said Hightower. “He came out a captain in the cavalry.”

“Ah, hah.” Judge Priest sucked at his pipe. “Herman,” he J wheezed back over his shoulder to Felsburg, “did you notice a tall sort of a saddle-colored darky playing a juice harp in front of that there sideshow as we came along up? I reckon that nigger could play almost any tune you’d a mind to hear him play?”

At a time like this Durham was distinctly not interested in the versatilities of strange negroes in this corner of the world. He kept silent, shrugging his shoulders petulantly.

“I wonder now is that nigger left town yet?” mused the old judge half to himself.

“I saw him just a while ago going down toward the depot,” volunteered Hightower. “There’s a train out of here for Memphis at 8:50. It’s about twenty minutes of that now.”

“Ah, hah, jest about,” assented the judge. When the judge said “Ah, hah!” like that it sounded like the striking of a fiddle-bow across a fiddle’s tautened E-string.

“Well, boys,” he went on, “we’ve all got to do the best we can for Breck Tandy, ain’t we? Say, son” – this was aimed at Durham – “I’d like mightily for you to put me on the stand the last one tomorrow. You wait until you’re through with Herman and Colonel Quigley here, before you call me. And if I should seem to ramble somewhat in giving my testimony – why, son, you just let me ramble, will you? I know these people down here better maybe than you do – and if I should seem inclined to ramble, just let me go ahead and don’t stop me, please?”

“Judge Priest,” said Durham tartly, “if you think it could possibly do any good, ramble all you like.”

“Much obliged,” said the old judge, and he struggled into his low-quarter shoes and stood up, dusting the tobacco fluff off himself.

“Herman have you got any loose change about you?”

Felsburg nodded and reached into his pocket. The judge made a discriminating selection of silver and bills from the handful that the merchant extended to him across the table.

“I’ll take about ten dollars,” he said. “I didn’t come down here with more than enough to jest about buy my railroad ticket and

pay my bill at this here tavern, and I might want a sweetenin' dram or somethin'."

He pouched his loan and crossed the room. "Boys," he said, "I think I'll be knockin' round a little before I turn in. Herman, I may stop by your room a minute as I come back in. You boys better turn in early and git yourselves a good night's sleep. We are all liable to be purty tolerable busy tomorrow."

After he was outside he put his head back in the door and said to Durham:

"Remember, son, I may ramble."

Durham nodded shortly, being somewhat put out by the vagaries of a mind that could concern itself with trivial things on the imminent eve of a crisis.

As the judge creaked ponderously along the hall and down the stairs those he had left behind heard him whistling a tune to himself, making false starts at the air and halting often to correct his meter. It was an unknown tune to them all, but to Felsburg, the oldest of the four, it brought a vague, unplaced memory.

The old judge was whistling when he reached the street. He stood there a minute until he had mastered the time to his own satisfaction, and then, still whistling, he shuffled along the uneven board pavement, which, after rippling up and down like a broken-backed snake, dipped downward to a little railroad station at the foot of the street.

In the morning nearly half the town – the white half – came to the trial, and enough of the black half to put a dark hem,

like a mourning border, across the back width of the courtroom. Except that Main Street now drowsed in the heat where yesterday it had buzzed, this day might have been the day before. Again the resolute woodpecker drove his bloodied head with unimpaired energy against the tin sheathing up above. It was his third summer for that same cupola and the tin was pocked with little dents for three feet up and down. The mourning doves still pitched their lamenting note back and forth across the courthouse yard; and in the dewberry patch at the bottom of Aunt Tilly Haslett's garden down by the creek the meadow larks strutted in buff and yellow, with crescent-shaped gorgets of black at their throats, like Old Continentals, sending their dear-piped warning of "Laziness g'wine kill you!" in at the open windows of the steamy, smelly courtroom.

The defense lost no time getting under headway. As his main witness Durham called the prisoner to testify in his own behalf. Tandy gave his version of the killing with a frankness and directness that would have carried conviction to auditors more even-minded in their sympathies. He had gone to Rankin's office in the hope of bringing on a peaceful settlement of their quarrel. Rankin had flared up; had cursed him and advanced on him, making threats. Both of them reached for their guns then. Rankin's was the first out, but he fired first – that was all there was to it. Gilliam shone at cross-examination; he went at Tandy savagely, taking hold like a snapping turtle and hanging on like one.

He made Tandy admit over and over again that he carried a pistol habitually. In a community where a third of the male adult population went armed this admission was nevertheless taken as plain evidence of a nature bloody-minded and desperate. It would have been just as bad for Tandy if he said he armed himself especially for his visit to Rankin – to these listeners that could have meant nothing else but a deliberate, murderous intention. Either way Gilliam had him, and he sweated in his eagerness to bring out the significance of the point. A sinister little murmuring sound,<sup>4</sup> vibrant with menace, went purring from bench to bench when Tandy told about his pistol-carrying habit.

The cross-examination dragged along for hours. The recess for dinner interrupted it; then it went on again, Gilliam worrying at Tandy, goading at him, catching him up and twisting his words. Tandy would not be shaken, but twice under the manhandling he lost his temper and lashed back at Gilliam, which was precisely what Gilliam most desired. A flary fiery man, prone to violent outbursts – that was the inference he could draw from these blaze-ups.

It was getting on toward five o'clock before Gilliam finally let his bedeviled enemy quit the witness-stand and go back to his place between his wife and his lawyer. As for Durham, he had little more to offer. He called on Mr. Felsburg, and Mr. Felsburg gave Tandy a good name as man and boy in his home town. He called on Banker Quigley, who did the same thing in different words. For these character witnesses State's Attorney Gilliam

had few questions. The case was as good as won now, he figured; he could taste already his victory over the famous lawyer from up North, and he was greedy to hurry it forward.

The hot round hub of a sun had wheeled low enough to dart its thin red spokes in through the westerly windows when Durham called his last witness. As Judge Priest settled himself solidly in the witness chair with the deliberation of age and the heft of flesh, the leveled rays caught him full and lit up his round pink face, with the short white-bleached beard below it and the bald white-bleached forehead above. Durham eyed him half doubtfully. He looked the image of a scatter-witted old man, who would potter and philander round a long time before he ever came to the point of anything. So he appeared to the others there, too. But what Durham did not sense was that the homely simplicity of the old man was of a piece with the picture of the courtroom, that he would seem to these watching, hostile people one of their own kind, and that they would give to him in all likelihood a sympathy and understanding that had been denied the clothing merchant and the broadclothed banker.

He wore a black alpaca coat that slanted upon him in deep, longitudinal folds, and the front skirts of it were twisted and pulled downward until they dangled in long, wrinkly black teats. His shapeless gray trousers were short for him and fitted his pudgy legs closely. Below them dangled a pair of stout ankles encased in white cotton socks and ending in low-quarter black shoes. His shirt was clean but wrinkled countlessly over his front.

The gnawed and blackened end of a cane pipestem stood out of his breast pocket, rising like a frosted weed stalk.

He settled himself back in the capacious oak chair, balanced upon his knees a white straw hat with a string band round the crown and waited for the question.

“What is your name?” asked Durham. “William Pitman Priest.”

Even the voice somehow seemed to fit the setting. Its high nasal note had a sort of whimsical appeal to it.

“When and where were you born?”

“In Calloway County, Kintucky, July 27, 1889.”

“What is your profession or business?”

“I am an attorney-at-law.”

“What position if any do you hold in your native state?”

“I am presidin’ judge of the first judicial district of the state of Kintucky.”

“And have you been so long?”

“For the past sixteen years.”

“When were you admitted to the bar?”

“In 1860.”

“And you have ever since been engaged, I take it, either in the practice of the law before the bar or in its administration from the bench?”

“Exceptin’ for the four years from April, 1861, to June, 1866.”

Up until now Durham had been sparring, trying to fathom the probable trend of the old judge’s expected meanderings. But in

the answer to the last question he thought he caught the cue and, though none save those two knew it, thereafter it was the witness who led and the questioner who followed his lead blindly.

“And where were you during those four years?”

“I was engaged, suh, in takin’ part in the war.”

“The War of the Rebellion?”

“No, suh,” the old man corrected him gently but with firmness, “the War for the Southern Confederacy.”

There was a least bit of a stir at this. Aunt Tilly’s tape-edged palmleaf blade hovered a brief second in the wide regular arc of its sweep and the foreman of the jury involuntarily ducked his head, as if in affiance of an indubitable fact.

“Ahem!” said Durham, still feeling his way, although now he saw the path more clearly. “And on which side were you engaged?”

“I was a private soldier in the Southern army,” the old judge answered him, and as he spoke he straightened up. “Yes, suh,” he repeated, “for four years I was a private soldier in the late Southern Confederacy. Part of the time I was down here in this very country,” he went on as though he had just recalled that part of it. “Why, in the summer of ‘64 I was right here in this town. And until yistiddy I hadn’t been back since.”

He turned to the trial judge and spoke to him with a tone and manner half apologetic, half confidential.

“Your Honor,” he said, “I am a judge myself, occupyin’ in my home state a position very similar to the one which you fill here,

and whilst I realize, none better, that this ain't all accordin' to the rules of evidence as laid down in the books, yet when I git to thinkin' about them old soldierin' times I find I am inclined to sort of reminiscence round a little. And I trust your Honor will pardon me if I should seem to ramble slightly?"

His tone was more than apologetic and more than confidential. It was winning. The judge upon the bench was a veteran himself. He looked toward the prosecutor.

"Has the state's attorney any objection to this line of testimony?" he asked, smiling a little.

Certainly Gilliam had no fear that this honest-appearing old man's wanderings could damage a case already as good as won. He smiled back indulgently and waved his arm with a gesture that was compounded of equal parts of toleration and patience, with a top-dressing of contempt. "I fail," said Gilliam, "to see wherein the military history and achievements of this worthy gentleman can possibly affect the issue of the homicide of Abner J. Rankin. But," he added magnanimously, "if the defense chooses to encumber the record with matters so trifling and irrelevant I surely will make no objection now or hereafter."

"The witness may proceed," said the judge. "Well, really, Your Honor, I didn't have so very much to say," confessed Judge Priest, "and I didn't expect there'd be any to-do made over it. What I was trying to git at was that cornin' down here to testify in this case sort of brought back them old days to my mind. As I git along more in years – " he was looking toward the jurors now

– “I find that I live more and more in the past.”

As though he had put a question to them several of the jurors gravely inclined their heads. The busy cud of Juror No. 12 moved just a trifle slower in its travels from the right side of the jaw to the left and back again. “Yes, suh,” he said musingly, “I got up early this mornin’ at the tavern where I’m stoppin’ and took a walk through your thrivin’ little city.” This was rambling with a vengeance, thought the puzzled Durham. “I walked down here to a bridge over a little creek and back again. It reminded me mightily of that other time when I passed through this town – in ‘64 – just about this season of the year – and it was hot early today just as it was that other time – and the dew was thick on the grass, the same as ‘twas then.”

He halted a moment.

“Of course your town didn’t look the same this mornin’ as it did that other mornin’. It seemed like to me there are twicet as many houses here now as there used to be – it’s got to be quite a little city.”

Mr. Lukins, the grocer, nodded silent approval of this utterance, Mr. Lukins having but newly completed and moved into a two-story brick store building with a tin cornice and an outside staircase.

“Yes, suh, your town has grown mightily, but” – and the whiny, humorous voice grew apologetic again – “but your roads are purty much the same as they were in ‘64 – hilly in places – and kind of rocky.”

Durham found himself sitting still, listening hard. Everybody else was listening too. Suddenly it struck Durham, almost like a blow, that this simple old man had somehow laid a sort of spell upon them all. The flattening sunrays made a kind of pink glow about the old judge's face, touching gently his bald head and his white whiskers. He droned on:

“I remember about those roads particularly well, because that time when I marched through here in ‘64 my feet was about out of my shoes and them flints cut ‘em up some. Some of the boys, I recollect, left bloody prints in the dust behind ‘em. But shucks – it wouldn’t a-made no real difference if we’d wore the bottoms plum off our feet! We’d a-kept on goin’. We’d a-gone anywhere – or tried to – behind old Bedford Forrest.”

Aunt Tilly’s palmleaf halted in air and the twelfth juror’s faithful quid froze in his cheek and stuck there like a small wen. Except for a general hunching forward of shoulders and heads there was no movement anywhere and no sound except the voice of the witness:

“Old Bedford Forrest hisself was leadin’ us, and so naturally we just went along with him, shoes or no shoes. There was a regiment of Northern troops – Yankees – marchin’ on this town that mornin’, and it seemed the word had traveled ahead of ‘em that they was aimin’ to burn it down.

“Probably it wasn’t true. When we got to know them Yankees better afterward we found out that there really wasn’t no difference, to speak of, between the run of us and the run of

them. Probably it wasn't so at all. But in them days the people was prone to believe 'most anything – about Yankees – and the word was that they was cornin' across country, a-burnin' and cuttin' and slashin,' and the people here thought they was going to be burned out of house and home. So old Bedford Forrest he marched all night with a battalion of us – four companies – Kintuckians and Tennesseeans mostly, with a sprinklin' of boys from Mississippi and Arkansas – some of us ridin' and some walkin' afoot, like me – we didn't always have horses enough to go round that last year. And somehow we got here before they did. It was a close race though between us – them a-comin' down from the North and us a-comin' up from the other way. We met 'em down there by that little branch just below where your present railroad depot is. There wasn't no depot there then, but the branch looks just the same now as it did then – and the bridge too. I walked across't it this mornin' to see. Yes, suh, right there was where we met 'em. And there was a right smart fight.

“Yes, suh, there was a right smart fight for about twenty minutes – or maybe twenty-five – and then we had breakfast.”

He had been smiling gently as he went along. Now he broke into a throaty little chuckle.

“Yes, suh, it all come back to me this mornin' – every little bit of it – the breakfast and all. I didn't have much breakfast, though, as I recall – none of us did – probably just corn pone and branch water to wash it down with.”

And he wiped his mouth with the back of his hand as though

the taste of the gritty cornmeal cakes was still there.

There was another little pause here; the witness seemed to be through. Durham's crisp question cut the silence like a gash with a knife.

"Judge Priest, do you know the defendant at the bar, and if so, how well do you know him?"

"I was just comin' to that," he answered with simplicity, "and I'm obliged to you for puttin' me back on the track. Oh, I know the defendant at the bar mighty well – as well as anybody on earth ever did know him, I reckon, unless 'twas his own maw and paw. I've known him, in fact, from the time he was born – and a gentler, better-disposed boy never grew up in our town. His nature seemed almost too sweet for a boy – more like a girl's – but as a grown man he was always manly, and honest, and fair – and not quarrelsome. Oh, yes, I know him. I knew his father and his mother before him. It's a funny thing too – comin' up this way – but I remember that his paw was marchin' right alongside of me the day we came through here in '64. He was wounded, his paw was, right at the edge of that little creek down yonder. He was wounded in the shoulder – and he never did entirely git over it."

Again he stopped dead short, and he lifted his hand and tugged at the lobe of his right ear absently. Simultaneously Mr. Felsburg, who was sitting close to a window beyond the jury box, was also seized with nervousness, for he jerked out a handkerchief and with it mopped his brow so vigorously that, to one standing outside, it might have seemed that the handkerchief was actually

being waved about as a signal.

Instantly then there broke upon the pause that still endured a sudden burst of music, a rollicking, jingling air. It was only a twenty-cent touth organ, three sleigh bells, and a pair of the rib bones of a beef-cow being played all at once by a saddle-colored negro man but it sounded for all the world like a fife-and-drum corps:

If you want to have a good time,  
If you want to have a good time,  
If you want to have a good time,  
If you want to ketch the devil —  
Jine the cavalree!

To some who heard it now the time was strange; these were the younger ones. But to those older men and those older women the first jubilant bars rolled back the years like a scroll.

If you want to have a good time,  
If yu want to have a good time,  
If you want to have a good time,  
If you want to ride with Bedford —  
Jine the cavalree!

The sound swelled and rippled and rose through the windows — the marching song of the Southern trooper — Forrest's men, and Morgan's, and Jeb Stuart's and Joe Wheeler's. It had in it

the jingle of saber chains, the creak of sweaty saddle-girths, the nimble clunk of hurrying hoofs. It had in it the clanging memories of a cause and a time that would live with these people as long as they lived and their children lived and their children's children. It had in it the one sure call to the emotions and the sentiments of these people.

And it rose and rose and then as the unseen minstrel went slouching down Main Street, toward the depot and the creek it sank lower and became a thin thread of sound and then a broken thread of sound and then it died out altogether and once more there was silence in the court house of Forked Deer County.

Strangely enough not one listener had come to the windows to look out. The interruption from without had seemed part and parcel of what went on within. None faced to the rear, every one faced to the front.

There was Mr. Lukins now. As Mr. Lukins got upon his feet he said to himself in a tone of feeling that he be dad-fetched. But immediately changing his mind he stated that he would preferably be dad-blamed, and as he moved toward the bar rail one overhearing him might have gathered from remarks let fall that Mr. Lukins was going somewhere with the intention of being extensively dad-burned. But for all these threats Mr. Lukins didn't go anywhere, except as near the railing as he could press.

Nearly everybody else was standing up too. The state's attorney was on his feet with the rest, seemingly for the purpose

of making some protest.

Had any one looked they might have seen that the ember in the smoldering eye of the old foreman had blazed up to a brown fire; that Juror No. 4, with utter disregard for expense, was biting segments out of the brim of his new brown-varnished straw hat, that No. 7 had dropped his crutches on the floor, and that no one, not even their owner, had heard them fall; that all the jurors were half out of their chairs. But no one saw these things, for at this moment there rose up Aunt Tilly Haslett, a dominant figure, her huge wide bade blocking the view of three or four immediately behind her.

Uncle Fayette laid a timid detaining hand upon her and seemed to be saying something protestingly.

“Turn loose of me, Fate Haslett!” she commanded. “Ain’t you ashamed of yourse’f, to be tryin’ to hold me back when you know how my only dear brother died a-followin’ after General Nathan Bedford Forrest. Turn loose of me!”

She flirted her great arm and Uncle Fayette spun flutteringly into the mass behind. The sheriff barred her way at the gate of the bar.

“Mizz Haslett,” he implored, “please, Mizz Haslett – you must keep order in the cote.” Aunt Tilly halted in her onward move, head up high and elbows out, and through her specs, blazing like burning-glasses, she fixed on him a look that instantly charred that, unhappy official into a burning red ruin of his own self-importance.

“Keep it yourse’f, High Sheriff Washington Nash, Esquire,” she bade him; “that’s whut you git paid good money for doin’. And git out of my way! I’m a-goin’ in there to that pore little lonesome thing settin’ there all by herself, and there ain’t nobody goin’ to hinder me neither!”

The sheriff shrunk aside; perhaps it would be better to say he evaporated aside. And public opinion, reorganized and made over but still incarnate in Aunt Tilly Haslett, swept past the rail and settled like a billowing black cloud into a chair that the local attorney for the defense vacated just in time to save himself the inconvenience of having it snatched bodily from under him.

“There, honey,” said Aunt Tilly crooningly as she gathered the forlorn little figure of the prisoner’s wife in her arms like a child and mothered her up to her ample bombazined bosom, “there now, honey, you jest cry on me.”

Then Aunt Tilly looked up and her specs were all blurry and wet. But she waved her palmleaf fan as though it had been the baton of a marshal.

“Now, Jedge,” she said, addressing the bench, “and you other gentlemen – you kin go ahead now.”

The state’s attorney had meant evidently to make some sort of an objection, for he was upon his feet through all this scene. But he looked back before he spoke and what he saw kept him from speaking. I believe I stated earlier that he was a candidate for rejection. So he settled back down in his chair and stretched out his legs and buried his chin in the top of his limp white

waistcoat in an attitude that he had once seen in a picture entitled, "Napoleon Bonaparte at St. Helena."

"You may resume, Judge Priest," said the trial judge in a voice that was not entirely free from huskiness, although its owner had been clearing it steadily for some moments.

"Thank you kindly, suh, but I was about through anyhow," answered the witness with a bow, and for all his homeliness there was dignity and stateliness in it. "I merely wanted to say for the sake of completin' the record, so to speak, that on the occasion referred to them Yankees did not cross that bridge." With the air of tendering and receiving congratulations Mr. Lukins turned to his nearest neighbor and shook hands with him warmly.

The witness got up somewhat stiffly, once more becoming a commonplace old man in a wrinkled black alpaca coat, and made his way back to his vacant place, now in the shadow of Aunt Tilly Haslett's form. As he passed along the front of the jury-box the foreman's crippled right hand came up in a sort of a clumsy salute, and the juror at the other end of the rear row – No. 12, the oldest juror – leaned forward as if to speak to him, but remembered in time where his present duty lay. The old judge kept on until he came to Durham's side, and he whispered to him: "Son, they've quit lookin' at him and they're all a-lookin' at her. Son, rest your case." Durham came out of a maze.

"Your Honor," he said as he rose, "the defense rests."

The jury were out only six minutes. Mr. Lukins insisted that it was only five minutes and a half, and added that he'd be dad-

rotted if it was a second longer than that.

As the lately accused Tandy came out of the courthouse with his imported lawyer – Aunt Tilly bringing up the rear with his trembling, weeping, happy little wife – friendly hands were outstretched to clasp his and a whiskered old gentleman with a thumbnail like a Brazil nut grabbed at his arm.

“Whichaway did Billy Priest go?” he demanded – “little old Fightin’ Billy – whar did he go to? Soon as he started in talkin’ I placed him. Whar is he?”

Walking side by side, Tandy and Durham came down the steps into the soft June night, and Tandy took a long, deep breath into his lungs.

“Mr. Durham,” he said, “I owe a great deal to you.”

“How’s that?” said Durham.

Just ahead of them, centered in a shaft of light from the window of the barroom of the Drummers’ Home Hotel, stood Judge Priest. The old judge had been drinking. The pink of his face was a trifle more pronounced, the high whine in his voice a trifle weedier, as he counted one by one certain pieces of silver into the wide-open palm of a saddle-colored negro.

“How’s that?” said Durham. “I say I owe everything in the world to you,” repeated Tandy.

“No,” said Durham, “what you owe me is the fee you agreed to pay me for defending you. There’s the man you’re looking for.”

And he pointed to the old judge.

## II. THE COUNTY TROT

SATURDAY was the last day of the county fair and the day of the County Trot. It was also Veterans' Day, when the old soldiers were the guests of honor of the management, and likewise Ladies' Day, which meant that all white females of whatever age were admitted free. So naturally, in view of all these things, the biggest day of fair week was Saturday.

The fair grounds lay in a hickory flat a mile out of town, and the tall scaly barks grew so close to the fence that they poked their limbs over its top and shed down nuts upon the track. The fence had been whitewashed once, back in the days of its youth when Hector was a pup; but Hec was an old dog now and the rains of years had washed the fence to a misty gray, so that in the dusk the long, warped panels stood up in rows, palely luminous – like the highshouldered ghosts of a fence. And the rust had run down from the eaten-out nail-holes until each plank had two staring marks in its face – like rheumy, bleared eyes. The ancient grandstand was of wood too, and had lain outdoors in all weathers until its rheumatic rafters groaned and creaked when the wind blew.

Back of the grandstand stood Floral Hall and Agricultural Hall. Except for their names and their flagstuffs you might have taken them for two rather hastily built and long-neglected bams. Up the track to the north were the rows of stables that were

empty, odorous little cubicles for fifty-one weeks of the year, but now – for this one week – alive with darky stable hands and horses; and all the good savors of woodfires, clean hay, and turned-up turf were commingled there.

The fair had ideal weather for its windup. No frost had fallen yet, but in the air there were signs and portents of its coming. The long yellow leaves of the hickories had begun to curl up as if to hold the dying warmth of the sap to the last; and once in a while an ash flamed red like a signal fire to give warning for Indian summer, when all the woods would blaze in warpaints before huddling down for the winter under their tufted, ragged tawnies and browns – like buffalo robes on the shoulders of chilled warriors. The first flights of the wild geese were going over, their V's pointed to the Gulf; and that huckstering little bird of the dead treetops, which the negroes call the sweet-potato bird – maybe it's a pewee, with an acquired Southern accent – was calling his mythical wares at the front door of every woodpecker's hole. The woods were perfumy with ripening wild grapes and pawpaws, and from the orchards came rich winy smells where the windfalls lay in heaps and cider mills gushed under the trees; and on the roof of the smokehouse the pared, sliced fruit was drying out yellow and leathery in the sun and looking – a little way off – like countless ears all turned to listen for the same thing.

Saturday, by sunup, the fair grounds were astir. Undershirted concessionaries and privilege people emerged from their canvas

sleeping quarters to sniff at a the tantalizing smell that floated across to them from certain narrow trenches dug in the ground. That smell, just by itself, was one square meal and an incentive to another; for these trenches were full of live red hickory coals; and above them, on greenwood stakes that were stretched across, a shoat and a whole sheep, and a rosary of young squirrels impaled in a string, had been all night barbecuing. Uncle Isom Woolfolk was in charge here – mightily and solely in charge – Uncle Isom Woolfolk, no less, official purveyor to the whole county at fish fries or camp breakfasts, secretary of the Republican County Committee, high in his church and his lodges and the best barbecue cook in seven states. He bellowed frequent and contradictory orders to two negro women of his household who were arranging clean white clothes on board trestles; and constantly he went from shoat to sheep and from sheep to squirrels, basting them with a rag wrapped about a stick and dipped into a potent sauce of his own private making. Red pepper and sweet vinegar were two of its main constituents, though, and in turn he painted each carcass as daintily as an artist retouching the miniature of his lady fair, so that under his hand the crackling meatskins sizzled and smoked, and a yellowish glaze like a veneer spread over their surfaces. His white chin-beard waggled with importance and the artistic temperament.

Before Uncle Isom had his barbecue off the fire the crowds were pouring in, coming from the town afoot, and in buggies and hacks, and from the country in farm wagons that held families,

from grandsire to baby in arms, all riding in kitchen chairs, with bedquilt lap robes. At noon a thin trickle of martial music came down the pike; and pretty soon then the veterans, forty or fifty of them, marched in, two by two, some in their reunion gray and some in their best Sunday blacks. At the head of the limping line of old men was a fife-and-drum corps – two sons of veterans at the drums and Corporal Harrison Treese, sometime bugler of Terry’s Cavalry, with his fife half buried in his whiskers, ripping the high notes out of *The Girl I Left Behind Me*. Near the tail of the procession was Sergeant Jimmy Bagby, late of King’s Hellhounds. Back in war times that organization had borne a more official and a less sanguinary title; but you would never have guessed this, overhearing Sergeant Jimmy Bagby’s conversation.

The sergeant wore a little skirtless jacket, absurdly high-collared, faded to all colors and falling to pieces with age. Three tarnished buttons and a rag of rotted braid still dung to its front. Probably it had fitted the sergeant well in the days when he was a slim and limber young partisan ranger; but now the peaked little tail showed halfway up his back where his suspenders forked, and his white-shirted paunch jutted out in front like a big cotton pod bursting out of a gray-brown boll. The sergeant wore his jacket on all occasions of high military and civic state – that, and a gangrened leather cartridge-box bouncing up and down on his plump hip – and over his shoulder the musket he had carried to war and back home again, an ancient Springfield with a stock like a log butt and a hammer like a mule’s ear, its barrel merely

a streak of rust.

He walked side by side with his closest personal friend and bitterest political foe, Major Ashcroft, late of the Ninth Michigan Volunteers – walking so close to him that the button of the Loyal Legion in the major’s left-hand lapel almost touched the bronze Southern Cross pinned high up on the right breast of the sergeant’s flaring jacket.

From time to time the sergeant, addressing the comrades ahead of him, would poke the major in the side and call out:

“Boys, I’ve took the first prisoner – this here pizen Yank is my meat!”

And the imperturbable major would invariably retort:

“Yes, and along about dark the prisoner will have to be loading you into a hack and sending you home – the same as he always does.” Thereupon a cackling laugh would run up the double line from its foot to its head.

The local band, up in its coop on the warped gray roof of the grandstand, blared out Dixie, and the crowd cheered louder than ever as the uneven column of old soldiers swung stiffly down the walkway fronting the grandstand and halted at the word – and then, at another word, disbanded and melted away into individuals and groups. Soon the veterans, with their womenfolks, were scattered all over the grounds, elbowing a way through the narrow aisles of Floral Hall to see the oil paintings and the prize cakes and preserves, and the different patterns of home-made rag quilts – Hen-and-Chickens and Lone Star and

Log Cabin – or crowding about the showpens where young calves lowed vainly for parental attention and a Berkshire boar, so long of body and so vast of bulk that he only needed to shed his legs to be a captive balloon, was shoving his snout through a crack in his pen and begging for goodies. And in Agricultural Hall were water-melons like green boulders, and stalks of corn fourteen feet long, and saffron blades of prize-winning tobacco, and families of chickens unhappily domiciled in wooden coops. The bray of sideshow barkers, and the squeak of toy balloons, and the barnyard sounds from the tied-up, penned-up farm creatures, went up to the treetops in a medley that drove the birds scurrying over the fence and into the quieter woods. And in every handy spot under a tree basket dinners were spread, and family groups ate cold fried chicken and lemon meringue pie, picnic fashion, upon the grass.

In the middle of this a cracked bugle sounded and there was a rush to the grandstand. Almost instantly its rattling gray boards clamored under the heels of a multitude. About the stall of the one lone bookmaker a small crowd, made up altogether of men, eddied and swirled. There were men in that group, strict church members, who would not touch a playing card or a fiddle – playthings of the devil by the word of their strict orthodoxy; who wouldn't let their children dance any dance except a square dance or go to any parties except play parties, and some of them had never seen the inside of a theater or a circus tent. But they came each year to the county fair; and if they bet on the horses it was

their own private affair.

So, at the blare of that leaky bugle, Floral Hall and the cattlepens were on the moment deserted and lonely. The Berkshire boar returned to his wallow, and a young Jersey bullock, with a warm red coat and a temper of the same shade, was left shaking his head and snorting angrily as he tried vainly to dislodge a blue ribbon that was knotted about one of his short, curving black horns. Had he been a second prizewinner instead of a first, that ribbon would have been a red ribbon and there is no telling what might have happened.

The first race was a half-mile dash for running horses. There were four horses entered for it and three of the four jockeys wore regular jockey outfits, with loose blouses and top boots and long-peaked caps; but the fourth jockey was an imp-black stable boy, wearing a cotton shirt and the ruins of an old pair of pants. The brimless wreck of a straw hat was clamped down tight on his wool like a cup. He be-straddled a sweaty little red gelding named Flitterfoot, and Flitterfoot was the only local entry, and was an added starter, and a forlorn hope in the betting.

While these four running horses were dancing a fretful schottische round at the half-mile post, and the starter, old man Thad Jacobson, was bellowing at the riders and slashing a black-snake whip round the shins of their impatient mounts, a slim black figure wormed a way under the arms and past the short ribs of a few belated betters yet lingering about the bookmaker's block. This intruder handled himself so deftly and so nimbly

as not to jostle by one hair's breadth the dignity of any white gentleman there present, yet was steadily making progress all the while and in ample time getting down a certain sum of money on Flitterfoot to win at odds.

"Ain't that your nigger boy Jeff?" inquired Doctor Lake of Judge Priest, as the new comer, still boring deftly, emerged from the group and with a last muttered "Scuse me, boss – please, suh – scuse me!" darted away toward the head of the stretch, where others of his race were draping themselves over the top rail of the fence in black festoons.

"Yes, I suppose 'tis – probably," said Judge Priest in that high singsong of his. "That black scoundrel of mine is liable to be everywhere – except when you want him, and then he's not anywhere. That must be Jeff, I reckon." And the old judge chuckled indulgently in appreciation of Jeff's manifold talents.

During the parade of the veterans that day Judge Priest, as commandant of the camp, had led the march just behind the fife and drums and just ahead of the color-bearer carrying the silken flag; and all the way out from town Jeff, his manservant, valet, and guardian, had marched a pace to his right. Jeff's own private and personal convictions – convictions which no white man would ever know by word of mouth from Jeff anyhow —

were not with the late cause which those elderly men in gray represented. Jeff's political feelings, if any such he had, would be sure to lean away from them; but it was a chance to march with music – and Jeff had marched, his head up and his feet cutting

scallops and double-shuffles in the dust.

Judge Priest's Jeff was a small, jet-black person, swift in his gait and wise in his generation. He kept his wool cropped close and made the part in it with a razor. By some subtle art of his own he could fall heir to somebody else's old clothes and, wearing them, make them look newer and better than when they were new. Overcome by the specious wiles of Jeff some white gentleman of his acquaintance would bestow upon him a garment that seemed shabby to the point of open shame and a public scandal. Jeff would retire for a season with a pressing iron and a bottle of cleansing fluid, and presently that garment would come forth, having undergone a glorious resurrection. Seeing it, then, the former proprietor would repent his generosity and wonder what ever possessed him to part with apparel so splendid.

For this special and gala occasion Jim wore a blue-serge coat that had been given to him in consideration of certain acts of office-tending by Attorney Clay Saunders. Attorney Clay Saunders weighed two hundred and fifty pounds. If he weighed an ounce, and Jeff would never see one hundred and twenty-five; but the blue serge was draped upon Jeff's frame with just the fashionable looseness. The sleeves, though a trifle long, hung most beautifully. Jeff's trousers were of a light and pearly gray, and had been the property originally of Mr. Otter-buck, cashier at the bank, who was built long and rangy; whereas Jeff was distinctly short and ducklike. Yet these same trousers, pressed now until you could have peeled peaches with their creases and

turned up at the bottoms to a rakish and sporty length, looked as if they might have been specially coopered to Jeff's legs by a skilled tailor.

This was Judge Priest's Jeff, whose feet would fit anybody's shoes and whose head would fit anybody's hat. Having got his money safely down on Flitterfoot to win, Jeff was presently choking a post far up the homestretch. With a final crack of the starter's coiling blacksnake and a mounting scroll of dust, the runners were off on their half-mile dash. While the horses were still spattering through the dust on the far side of the course from him Jeff began encouraging his choice by speech.

"Come on, you little red hoss!" he said in a low, confidential tone. "I asks you lak a gen'leman to come on and win all that money fur me. Come on, you little red hoss – you ain't half runnin'! little red hoss" – his voice sank to a note of passionate pleading – "whut is detainin' you?"

Perhaps even that many years back, when it had just been discovered, there was something to this new theory of thought transference. As if Jeff's tense whispers were reaching to him across two hundred yards of track and open field Flitterfoot opened up a gap between his lathered flanks and the rest of them. The others, in a confused group, scrambled and hinged out with their hoofs; but Flitterfoot turned into a long red elastic rubber band, stretching himself out to twice his honest length and then snapping back again to half. High up on his shoulder the ragged black stable boy hung, with his knees under his chin and his

shoulders hunched as though squaring off to do a little flying himself. Twenty long yards ahead of the nearest contender, Flitterfoot scooted over the line a winner. Once across, he expeditiously bucked the crouching small incumbrance off his withers and, with the bridle dangling, bounced riderless back to his stable; while above the roar from the grandstand rose the triumphant remark of Jeff: "Ain't he a regular runnin' and a-jumpin' fool!"

The really important business of the day to most, however, centered about the harness events, which was only natural, this being an end of the state where they raised the standard breeds as distinguished from the section whence came the thoroughbreds. A running race might do for an appetizer, like a toddy before dinner; but the big interest would focus in the two-twenty pace and the free-for-all consolation, and finally would culminate in the County Trot – open only to horses bred and owned in the county and carrying with it a purse of two thousand dollars – big money for that country – and a dented and tarnished silver trophy that was nearly fifty years old, and valued accordingly.

After the half-mile dash and before the first heat of the two-twenty pace there was a balloon ascension and parachute drop. Judge Priest's Jeff was everywhere that things were happening. He did two men's part in holding the bulging bag down to earth until the spangled aeronaut yelled out for everybody to let go. When the man dropped, away over by the back fence, Jeff was first on the spot to brush him off and to inquire in a voice of

respectful solicitude how he was feeling, now that he'd come down. Up in the grandstand, Mrs. Major Joe Sam Covington, who was stout and wore a cameo breastpin as big as a coffee saucer at her throat, expressed to nobody in particular a desire for a glass of cool water; and almost instantly, it seemed, Judge Priest's Jeff was at her side bowing low and ceremoniously with a brimming dipper in one hand and an itch for the coming tip in the other. When the veterans adjourned back behind Floral Hall for a watermelon cutting, Jeff, grinning and obsequious, arrived at exactly the properly timed moment to receive a whole butt-end of red-hearted, green-rinded lusciousness for his own. Taking the opportunity of a crowded minute about Uncle Isom Woolfolk's barbecued meat stand he bought extensively, and paid for what he bought with a lead half dollar that he had been saving for months against just such a golden chance – a half dollar so palpably leaden that Uncle Isom, discovering it half an hour later, was thrown into a state of intense rage, followed by a period of settled melancholy, coupled with general suspicion of all mankind. Most especially, though, Judge Priest's Jeff concerned himself with the running of the County Trot, being minded to turn his earlier winnings over and over again.

From the outset Jeff, like most of the fair crowd, had favored Van Wallace's black mare, Minnie May, against the only other entry for the race, Jackson Berry's big roan trotting stallion, Blandville Boy. The judgment of the multitude stood up, too, for the first two heats of the County Trot, alternating in between

heats of the two-twenty pace and the free-for-all, were won handily by the smooth-gaited mare. Blandville Boy was feeling his oats and his grooming, and he broke badly each time, for all the hobble harness of leather that was buckled over and under him. Nearly everybody was now betting on Minnie May to take the third and the decisive heat.

Waiting for it, the crowd spread over the grounds, leaving wide patches of the grandstand empty. The sideshows and the medicine venders enjoyed heavy patronage, and once more the stalled ox and the fatted pig were surrounded by admiring groups. There was a thick jam about the crowning artistic gem of Floral Hall – a crazy quilt with eight thousand different pieces of silk in it, mainly of acutely jarring shades, so that the whole was a thing calculated to blind the eye and benumb the mind.

The city marshal forcibly calmed down certain exhilarated young bucks from the country – they would be sure to fire off their pistols and yell into every dooryard as they tore home that night, careening in their dusty buggies; but now they were made to restrain themselves. Bananas and cocoanuts advanced steadily in price as the visible supply shrank. There is a type of Southern countryman who, coming to town for a circus day or a fair, first eats extensively of bananas – red bananas preferred; and then, when the raw edge of his hunger is abated, he buys a cocoanut and, after punching out one of its eyes and drinking the sweet milky whey, cracks the shell apart and gorges on the white meat. By now the grass was cumbered with many shattered cocoanut

shells, like broken shards; and banana peels, both red and yellow, lay wilted and limp everywhere in the litter underfoot.

The steam Flyin' Jinny – it would be a carousel farther North – ground unendingly, loaded to its gunwales with family groups. Crap games started in remote spots and fights broke out. In a far shadow of the fence behind the stables one darky with brass knuckles felled another, then broke and ran. He scuttled over the fence like a fox squirrel, with a bullet from a constable's big blue-barreled revolver spitting into the paling six indies below him as he scaled the top and lit flying on the other side. Sergeant Jimmy Bagby, dragging his Springfield by the barrel, began a long story touching on what he once heard General Buckner say to General Breckinridge, went to sleep in the middle of it, enjoyed a refreshing nap of twenty minutes, woke up with a start and resumed the anecdote at the exact point where he left off – “An' 'en General Breckinridge he says to General Buckner, he says, ‘General – ”

But Judge Priest's Jeff disentangled himself from the center of things, and took a quiet walk up toward the stables to see what might be seen and to hear what might be heard, as befitting one who was speculating heavily and needed all available information to guide him. What he saw was Van Wallace, owner of the mare, and Jackson Berry, owner of the studhorse, slipping furtively into an empty feed-shed. As they vanished within Van Wallace looked about him cautiously, but Jeff had already dived to shelter alongside the shed and was squatting on a pile of stable scrapings,

where a swarm of flies flickered above an empty pint flask and watermelon rinds were curling up and drying in the sun like old shoesoles. Jeff had seen something. Now he applied his ear to a crack between the planks of the feedshed and heard something.

For two minutes the supposed rivals confabbed busily in the shelter of a broken hay-rack. Then, suddenly taking alarm without cause, they both poked their heads out at the door and looked about them searchingly – right and left. There wasn't time for Jeff to get away. He only had a second's or two seconds' warning; but all the conspirators saw as they issued forth from the scene of their intrigue was a small darky in clothes much too large for him lying alongside the shed in a sprawled huddle, with one loose sleeve over his face and one black forefinger shoved like a snake's head down the neck of a flat pocket-flask. Above this figure the flies were buzzing in a greedy cloud.

“Just some nigger full of gin that fell down there to sleep it off,” said Van Wallace. And he would have gone on; but Berry, who was a tall red-faced, horsy man – a blusterer on the surface and a born coward inside – booted the sleeper in the ribs with his toe.

“Here, boy!” he commanded. “Wake up here!” And he nudged him again hard.

The negro only flinched from the kicks, then rolled farther over on his side and mumbled through a snore.

“Couldn't hear it thunder,” said Berry reassured. “Well, let's get away from here.”

“You bet!” said Van Wallace fervently. “No use takin’ chances by bein’ caught talkin’ together. Anyhow, they’ll be ringin’ the startin’ bell in a minute or two.”

“Don’t forget, now!” counseled Berry as Wallace started off, making by a roundabout and devious way for his own stable, where Minnie May, hitched to her sulky and with her legs bandaged, was being walked back and forth by a stable boy.

“Don’t you worry; I won’t!” said Wallace; and Berry grinned joyously and vanished in the opposite direction, behind the handy feedshed.

On the instant that both of them disappeared Judge Priest’s Jeff rose to his feet, magically changing from a drunken ducky to an alert and flying black Mercury. His feet hardly hit the high places as he streaked it for the grandstand – looking for Judge Priest as hard as he could look.

Nearly there he ran into Captain Buck Owings. Captain Buck Owings was a quiet, grayish man, who from time to time in the course of a busy life as a steamboat pilot and master had had occasion to shoot at or into divers persons. Captain Buck Owings had a magnificent capacity for attending strictly to his own business and not allowing anybody else to attend to it. He was commonly classified as dangerous when irritated – and tolerably easy to irritate.

“Cap’n Buck! Cap’n Buck!” sputtered Jeff, so excited that he stuttered. “P-please, suh, is you seen my boss – Jedge Priest? I suttinly must see him right away. This here next heat is goin’ to

be thro wed.”

It was rarely that Captain Buck Owings raised his voice above a low, deliberate drawl. He raised it a trifle now.

“What’s that, boy?” he demanded. “Who’s goin’ to throw this race?”

He caught up with Jeff and hurried along by him, Jeff explaining what he knew in half a dozen panted sentences. As Captain Buck Owings’ mind took in the situation, Captain Buck Owings’ gray eyes began to flicker a little.

Nowhere in sight was there any one who looked like the judge. Indeed, there were few persons at all to be seen on the scarred green turf across which they sped and those few were hurrying to join the crowds that packed thick upon the seats of the grandstand, and thicker along the infield fence and the homestretch. Somewhere beyond, the stable bell jangled. The little betting ring was empty almost and the lone bookmaker was turning his blackboard down.

His customary luck served Jeff in this crisis, however. From beneath a cuddy under the grandstand that bore a blue board lettered with the word “Refreshments” appeared the large, slow-moving form of the old judge. He was wiping his mouth with an enormous handkerchief as he headed deliberately for the infield fence. His venerable and benevolent pink face shone afar and Jeff literally flung himself at him.

“Oh, Jedge!” he yelled. “Oh, Jedge; please, suh, wait jes’ a minute!”

In some respects Judge Priest might be said to resemble Kipling's East Indian elephant. He was large as to bulk and conservative as to his bodily movements; he never seemed to hurry, and yet when he set out to arrive at a given place in a given time he would be there in due season. He faced about and propelled himself toward the queerly matched pair approaching him with such haste.

As they met, Captain Buck Owings began to speak and his voice was back again at its level monotone, except that it had a little steaming sound in it, as though Captain Buck Owings were beginning to seethe and simmer gently somewhere down inside of himself.

"Judge Priest, suh," said Captain Buck, "it looks like there'd be some tall swindlin' done round here soon unless we can stop it. This boy of yours heard something. Jeff tell the judge what you heard just now." And Jeff told, the words bubbling out of him in a stream:

"It's done all fixed up betwixt them w'ite gen'lemen. That there Mr. Jackson Berry he's been tormentin' the stallion ontwell he break and lose the fust two heats. Now, w'en the money is all on the mare, they goin' to turn round and do it the other way. Over on the backstretch that Mr. Van Wallace he's goin' to spite and tease Minnie May ontwell she go all to pieces, so the stallion'll be jest natchelly bound to win; an' 'en they'll split up the money amongst 'em!"

"Ah-hah!" said Judge Priest; "the infernal scoundrels!" Even

in this emergency his manner of speaking was almost deliberate; but he glanced toward the bookmaker's block and made as if to go toward it.

"That there Yankee bookmaker gen'leman he's into it too," added Jeff. "I p'intedly heard 'em both mention his name."

"I might speak a few words in a kind of a warnin' way to those two," purred Captain Buck Owings. "I've got a right smart money adventured on this trottin' race myself." And he turned toward the track.

"Too late for that either, son," said the old judge, pointing. "Look yonder!"

A joyful rumble was beginning to thunder from the grandstand. The constables had cleared the track, and from up beyond came the glint of the flashing sulky-spokes as the two conspirators wheeled about to score down and be off.

"Then I think maybe I'll have to attend to 'em personally after the race," said Captain Buck Owings in a resigned tone.

"Son," counseled Judge Priest, "I'd hate mightily to see you brought up for trial before me for shootin' a rascal – especially after the mischief was done. I'd hate that mightily – I would so."

"But, Judge," protested Captain Buck Owings, "I may have to do it! It oughter be done. Nearly everybody here has bet on Minnie May. It's plain robbin' and stealin'!"

"That's so," assented the judge as Jeff danced a dog of excitement just behind him – "that's so. It's bad enough for those two to be robbin' their own fellow-citizens; but it's mainly the

shame on our county fair I'm thinkin' of." The old judge had been a director and a stockholder of the County Jockey Club for twenty years or more. Until now its record had been clean. "Tryin' to declare the result off afterward wouldn't do much good. It would be the word of three white men against a nigger – and nobody would believe the nigger," added Captain Buck Owings, finishing the sentence for him.

"And the scandal would remain jest the same," bemoaned the old judge. "Buck, my son, unless we could do something before the race it looks like it's hopeless. Ah!"

The roar from the grandstand above their heads deepened, then broke up into babblings and exclamations. The two trotters had swung past the mark, but Minnie May had slipped a length ahead at the tape and the judges had sent them back again. There would be a minute or two more of grace anyhow. The eyes of all three followed the nodding heads of the horses back up the stretch. Then Judge Priest, still watching, reached out for Jeff and dragged him round in front of him, dangling in his grip like a hooked black eel.

"Jeff, don't I see a gate up yonder in the track fence right at the first turn?" he asked.

"Yas, suh," said Jeff eagerly. "'Tain't locked neither. I come through it myse'f today. It opens on to a little road whut leads out past the stables to the big pike. I kin –"

The old judge dropped his wriggling servitor and had Captain Buck Owings by the shoulder with one hand and was pointing

with the other up the track, and was speaking, explaining something or other in a voice unusually brisk for him.

“See yonder, son!” he was saying. “The big oak on the inside – and the gate is jest across from it!”

Comprehension lit up the steamboat captain’s face, but the light went out as he slapped his hand back to his hip pocket – and slapped it flat.

“I knew I’d forgot something!” he lamented, despairingly. “Needin’ one worse than I ever did in my whole life – and then I leave mine home in my other pants!”

He shot the judge a look. The judge shook his head.

“Son,” he said, “the circuit judge of the first judicial district of Kintucky don’t tote such things.”

Captain Buck Owings raised a clenched fist to the blue sky above and swore impotently. For the third time the grandstand crowd was starting its roar. Judge Priest’s head began to waggle with little sidewise motions.

Sergeant Jimmy Bagby, late of King’s Hell hounds, rambled with weaving indirectness round the corner of the grandstand not twenty feet from them. His gangrened cartridge-box was trying to climb up over his left shoulder from behind, his eyes were heavy with a warm and comforting drowsiness, and his Springfield’s iron butt-plate was scurrying up the dust a yard behind him as he hauled the musket along by the muzzle.

The judge saw him first; but, even as he spoke and pointed, Captain Buck Owings caught the meaning and jumped. There

was a swirl of arms and legs as they struck, and Sergeant Jimmy Bagby, sorely shocked, staggered back against the wall with a loud grunt of surprise and indignation.

Half a second later, side by side, Captain Buck Owings and Judge Priest's Jeff sped northward across the earth, and Sergeant Jimmy Bagby staggered toward the only comforter near at hand, with his two empty arms upraised. Filled with a great and sudden sense of loss he fell upon Judge Priest's neck, almost bearing his commander down by the weight of his grief.

"Carried her four years!" he exclaimed piteously; "four endurin' years, Judge, and not a single dam' Yankee ever laid his hand on her! Carried her ever since, and nobody ever dared to touch her! And now to lose her this away!"

His voice, which had risen to a bleat, sank to a sob and he wept unrestrainedly on the old judge's shoulder. It looked as though these two old men were wrestling together, catch-as-catch-can.

The judge tried to shake his distressed friend off, but the sergeant clung fast. Over the bent shoulders of the other the judge saw the wheels flash by, going south, horses and drivers evened up. The "Go!" of the starting judge was instantly caught up by five hundred spectators and swallowed in a crackling yell. Oblivious of all these things the sergeant raised his sorrowing head and a melancholy satisfaction shone through his tears.

"I lost her," he said; "but, by gum, Judge, it took all four of 'em to git her away from me, didn't it?"

None, perhaps, in all that crowd except old Judge Priest saw

the two fleeting figures speeding north. All other eyes there were turned to the south, where the county's rival trotters swung round the first turn, traveling together like teammates. None marked Captain Buck Owings as, strangely cumbered, he scuttled across the track from the outer side to the inner and dived like a rabbit under the fence at the head of the homestretch, where a big oak tree with a three-foot bole cast its lengthening shadows across the course. None marked Judge Priest's Jeff coiling down like a black-snake behind an unlatched wooden gate almost opposite where the tree stood.

None marked these things, because at this moment something direful happened. Minnie May, the favorite, was breaking badly on the back length. Almost up on her hindlegs she lunged out ahead of her with her forefeet, like a boxer. That far away it looked to the grandstand crowds as though Van Wallace had lost his head entirely. One instant he was savagely lashing the mare along the flanks, the next he was pulling her until he was stretched out flat on his back, with his head back between the painted sulky wheels. And Blandville Boy, steady as a clock, was drawing ahead and making a long gap between them.

Blandville Boy came on grandly – far ahead at the half; still farther ahead nearing the three-quarters. All need for breaking her gait being now over, crafty Van Wallace had steadied the mare and again she trotted perfectly – trotted fast too; but the mischief was done and she was hopelessly out of it, being sure to be beaten and lucky if she saved being distanced.

The whole thing had worked beautifully, without a hitch. This thought was singing high in Jackson Berry's mind as he steered the stud-horse past the three-quarter post and saw just beyond the last turn the straightaway of the homestretch, opening up empty and white ahead of him. And then, seventy-five yards away, he beheld a most horrifying apparition!

Against a big oak at the inner-track fence, sheltered from the view of all behind, but in full sight of the turn, stood Captain Buck Owings, drawing down on him with a huge and hideous firearm. How was Jackson Berry, thus rudely jarred from pleasing prospects, to know that Sergeant Jimmy Bagby's old Springfield musket hadn't been fired since Appomattox – that its lode was a solid mass of corroded metal, its stock worm-eaten walnut and its barrel choked up thick with forty years of rust! All Jackson Berry knew was that the fearsome muzzle of an awful weapon was following him as he moved down toward it and that behind the tall mule's ear of a hammer and the brass guard of the trigger he saw the cold, forbidding gray of Captain Buck Owings' face and the colder, more forbidding, even grayer eye of Captain Buck Owings – a man known to be dangerous when irritated – and tolerably easy to irritate!

Before that menacing aim and posture Jackson Berry's flesh turned to wine jelly and quivered on his bones. His eyes bulged out on his cheeks and his cheeks went white to match his eyes. Had it not been for the stallion's stern between them, his knees would have knocked together. Involuntarily he drew back on the

reins, hauling in desperately until Blandville Boy's jaws were pulled apart like the red painted mouth of a hobby-horse and his forelegs sawed the air. The horse was fighting to keep on to the nearing finish, but the man could feel the slugs of lead in his flinching body.

And then – and then – fifty scant feet ahead of him and a scunter twenty above where the armed madman stood – a wide gate flew open; and, as this gap of salvation broke into the line of the encompassing fence, the welcome clarion of Judge Priest's Jeff rose in a shriek: "This way out, boss – this way out!"

It was a time for quick thinking; and to persons as totally, wholly scared as Jackson Berry was, thinking comes wondrous easy. One despairing half-glance he threw upon the goal just ahead of him and the other half on that unwavering rifle-muzzle, now looming so dose that he could catch the glint of its sights. Throwing himself far back in his reeling sulky Jackson Berry gave a desperate yank on the lines that lifted the sorely pestered stallion clear out of his stride, then sawed on the right-hand rein until he swung the horse's head through the opening, grazing one wheel against a gatepost – and was gone past the whooping Jeff, lickety-split, down the dirt road, through the dust and out on the big road toward town.

Jeff slammed the gate shut and vanished instantly. Captain Buck Owings dropped his weapon into the long, rank grass and slid round the tree-trunk. And half a minute later Van Wallace, all discomfited and puzzled, with all his fine hopes dished and

dashed, sorely against his own will jogged Minnie May a winner past a grandstand that recovered from its dumb astonishment in ample time to rise and yell its approval of the result.

Judge Priest being a childless widower of many years' standing, his household was administered for him by Jeff as general manager, and by Aunt Dilsey Turner as kitchen goddess. Between them the old judge fared well and they fared better. Aunt Dilsey was a master hand at a cookstove; but she went home at night, no matter what the state of the weather, wearing one of those long, wide capes – dolmans, I think they used to call them – that hung dear down to the knees, hiding the wearer's hands and whatsoever the hands might be carrying.

It was a fad of Aunt Dilsey's to bring one covered splint basket and one close-mouthed tin bucket with her when she came to work in the morning, and to take both of them away with her – under her dolman cape – at night; and in her cabin on Plunkett's Hill she had a large family of her own and two paying boarders, all of whom had the appearance of being well nourished. If you, reader, are Southern-born, these seemingly trivial details may convey a meaning to your understanding.

So Aunt Dilsey Turner looked after the judge's wants from the big old kitchen that was detached from the rest of the rambling white house, and Jeff had the run of his sideboard, his tobacco caddy, and his wardrobe. The judge was kept comfortable and they were kept happy, each respecting the other's property rights.

It was nine o'clock in the evening of the last day of the county

fair. The judge, mellowly comfortable in his shirtsleeves, reclined in a big easy rocking-chair in his sitting room. There was a small fire of hickory wood in the fireplace and the little flames bickered together and the embers popped as they charred a dimmer red. The old judge was smoking his homemade corncob pipe with the long cane stem, and sending smoke wreaths aloft to shred away like cobweb skeins against the dingy ceiling.

“Jeff!” he called to a black shadow fidgeting about in the background.

“Yas, suh, Jedge; right yere!”

“Jeff, if your discernin’ taste in handmade sour-mash whisky has permitted any of that last batch of liquor I bought to remain in the demijohn, I wish you’d mix me up a little toddy.”

Jeff snickered and mixed the toddy, mixing it more hurriedly than common, because he was anxious to be gone. It was Saturday night – a night dedicated by long usage to his people; and in Jeff’s pocket was more ready money than his pocket had ever held before at any one time. Moreover, in the interval between dusk and dark, Jeff’s wardrobe had been most grandly garnished. Above Mr. Clay Saunders’ former blue serge coat a crimson necktie burned like a beacon, and below the creased legs of Mr. Otterbuck’s late pearl-gray trousers now appeared a pair of new patent-leather shoes with pointed toes turned up at the ends like sleigh-runners and cloth uppers in the effective colors of the Douglas plaid and rows of 24-point white pearl buttons.

Assuredly Jeff was anxious to be on his way. He placed

the filled toddy glass at the old judge's elbow and sought unostentatiously to withdraw himself.

"Jeff!" said the judge.

"Yas, suh."

"I believe Mr. Jackson Berry did not see fit to return to the fair grounds this evenin' and protest the result of the third heat?"

"No, suh," said Jeff; "frum whut I heared some of the w'ite folks sayin', he driv right straight home and went to bed and had a sort of a chill."

"Ah-hah!" said the judge, sipping reflectively. Jeff fidgeted and drew nearer a halfopen window, listening out into the maple-lined street. Two blocks down the street he could hear the colored brass band playing in front of the Colored Odd Fellows Hall for a "festibul."

"Jeff," said Judge Priest musingly, "violence or a show of violence is always to be deplored." Jeff had only a hazy idea of what the old judge meant by that, but in all his professional life Jeff had never intentionally disagreed in conversation with any white adult – let alone a generous employer. So:

"Yas, suh," assented Jeff promptly; "it suttinly is."

"But there are times and places," went on the old judge, "when it is necessary."

"Yas, suh," said Jeff, catching the drift – "lak at a racetrack!"

"Ah-hah! Quite so," said Judge Priest, nodding. "And, Jeff, did it ever occur to you that there are better ways of killin' a cat than by chokin' him with butter?"

“Indeed yas, suh,” said Jeff. “Sometimes you kin do it best with one of these yere ole rusty Confedrit guns!”

At that precise moment, in a little house on the next street, Sergeant Jimmy Bagby’s family, having prevailed upon him to remove his shoes and his cartridge-belt before retiring, were severally engaged in an attempt to dissuade him from a firmly expressed purpose of taking his Springfield musket to bed with him.

### **III. FIVE HUNDRED DOLLARS REWARD**

WE had a feud once down in our country, not one of those sanguinary feuds of the mountains involving a whole district and forcing constant enlargements of hillside burying grounds, nor yet a feud handed down as a deadly legacy from one generation to another until its origin is forgotten and its legatees only know how they hate without knowing why, but a shabby, small neighborhood vendetta affecting but two families only, and those in a far corner of the county – the Flemings and the Faxons.

Nevertheless, this feud, such as it was, persisted in a sluggish intermittent kind of a way for twenty years or so. It started in a dispute over a line boundary away back in War Times when a Faxon shot a Fleming and was in turn shot by another Fleming; and it lasted until the Faxons tired of fence-corner, briar-patch warfare and moved down into Tennessee, all but one branch of them, who came into town and settled there, leaving the Flemings dominant in the Gum Spring precinct. So the feud ceased to be an institution after that and became a memory, living only in certain smouldering animosities which manifested themselves at local elections and the like, until it flared up momentarily in the taking-off of old Ranee Fleming at the hands of young Jim Faxon; and then it died, and died for good.

It is the manner of the taking-off of this one of the Flemings that makes material for the story I am telling here. By all accounts it would appear that the Faxons had been rather a weak-spined race who fought mostly on the defensive and were lacking in that malignant persistency that made old Ranee Fleming's name one to scare bad children with in the unsettled days following the Surrender. I remember how we boys used to watch him, half-fearsomely and half-admiringly, when he came to town on a Court Monday or on a Saturday and swaggered about, unkempt and mud-crusted and frequently half drunk. Late in the afternoon he would mount unsteadily to the tilted seat of his spring wagon and go back home to the Gum Spring country lashing at his team until they danced with terror and splitting the big road wide open through the middle. And that night at the places where the older men congregated there would be tales to tell of those troubled mid-sixties when old Ranee had worn the turn-coat of a guerilla, preying first on one side and then on the other.

Now young Jim Faxon, last male survivor of his clan, and direct in the line of the original fighting Faxons, was a different sort of person altogether, a quiet, undersized, decent-spoken young chap who minded well his own business, which was keeping a truck stand on the Market. He lived with his aunt, old Miss Puss Whitley – certain women were still called Miss in our town even though they had been married for twenty years and widowed for as many more, as was the case in this instance – and he was her main support and stand-by. It was common rumor that

when young Jim came of age and had a little money laid by on his own account, he meant to marry the little Hardin girl – Emmy Hardin – and this was a romance that nearly everybody in town knew about and favored most heartily. She was his distant cousin and an orphan, and she lived with Miss Puss too. Sometimes in good weather she would come in with him and help out at the truck stand. She was a little quail-like creature, quick in her movements and shy as a bunny, with pretty irregular features and a skin so clear and white that when she blushed, which was a hundred times a day, the color would drench her face to the temples and make her prettier than ever. All of Jim's regular customers approved his choice of a sweetheart and wished him mighty well. He was regarded as about the pick of the thinned-out Faxon breed.

For the years that young Jim was growing up, his tribal enemy left him alone. Perhaps old Raneer regarded the lank sapling of a boy as being not worth even the attention of an insult. Probably in crowds they had rubbed elbows a dozen times with no engendering of friction. But when young Jim had passed his twentieth birthday and was almost a man grown, then all without warning Raneer Fleming set to work, with malice aforethought, to pick a quarrel with him. It was as deliberate and as brutal as anything could be. Of a sudden, it seemed, the torrents of long-submerged hate came spuming up from some deep back eddy in his muddled, fuddled old mind, making an evil whirlpool of passion.

It was on a Saturday afternoon in November that old Ranee came, boiling with his venom, to spew it out on the son of his dead and gone enemy. It happened on the market, and if old Ranee aimed to add brim measure to the humiliation of the boy, not in a year of choosing could he have picked fitter time and place. The green grocer wasn't known then; everybody went to market in person on week day mornings and particularly everybody went of a Saturday afternoon. In the market square, town aristocrat and town commoner met on the same footing, a market basket over every arm, with this distinction only: – that ordinary folk toted their loaded baskets back home and the well-to-do paid to have theirs sent. There were at least twenty darkies who picked up a living by packing market baskets home. They all had their regular patrons and regarded them with jealous, proprietary eyes. You took a customer away from a basket ducky and you had him to fight.

There is a new market house now on the site of the old one, a pretentious affair of brick with concrete floors and screened window openings and provision for steam heat in the winter; but then, and for many years before that, the market was a decrepit shed-like thing, closed in the middle and open at the ends, with a shingled roof that sagged in on itself and had hollows in it like the sunken jaws of a toothless old hag; and there were cracks in the side walls that you could throw a dog through, almost. In the middle, under half-way shelter, were the stalls of the butchers, which were handed down from father to son so that one stall

would remain in a family for generations; and here one bought the beef steaks of the period – long bib-shaped segments of pale red meat, cut miraculously long and marvelously thin, almost like apron patterns. This thinness facilitated the beating process – the cooks would pound them with tools devised for that purpose – and then they were fried through and through and drenched with a thick flour gravy. Such was the accustomed way of treating a beef steak. Persons with good teeth could eat them so, and for the others the brown flour gravy provided a sustenance. But the spring chickens were marvels for plumpness and freshness and cheapness; and in the early spring the smoked hog jowls hung in rows, fairly begging people to carry them off and boil them with salad greens; and in the fall when the hog killing season was at hand, the country sausage and the chines and backbones and spare ribs made racks of richness upon the worn marble slabs.

Up at the far end of the square beyond the shed eaves stood the public scales, and around it hay growers and cord wood choppers and Old Man Brimm, the official charcoal burner of the county, waited for trade alongside their highpiled wagons. Next to them was the appointed place of the fish hucksters, which was an odorous place, where channel cats and river perch and lake crappies were piled on the benches, some still alive and feebly flapping. The darkies were sure to be thickest here. There was an unsung but none the less authentic affinity existing between a fresh-caught catfish and an old negro man.

Down at the other end was the domain of the gardeners and the

truck patch people – an unwritten law as old as the market itself ordained these apportionments of space – and here you might find in their seasons all manner of edibles, wild and tame. The country boys and girls ranged the woods and the fields for sellable things, to go along with the product of orchard and garden and berry patch. In the spring, when herb teas and home-brewed tonics were needed for the thinning of the blood, there would be yellow-red sassafras root tied up in fragrant, pungent bunches, all ready for steeping; and strings of fresh-shot robins for potpies were displayed side by side with clumps of turnip-greens and mustard greens. And in summer there would be all manner of wild berries and heaps of the sickish-smelling May apples; and later, after the first light frost, ripe pawpaws and baskets of wild fox grapes, like blue shoe buttons; and then later on, scaly-bark hickory nuts and fresh-brewed persimmon beer in kegs, and piggins and crocks of the real lye hominy, with the big blue grains of the corn all as smoke like slaking lime, and birds – which meant quail always – and rabbits, stretched out stark and stiff, and the native red-skinned yams, and often possums, alive and “suited” in small wooden cages, or else dead and dressed, with the dark kidney-fat coating their immodestly exposed interiors.

As I was saying, it was on a Saturday in November and getting along toward Thanksgiving when old Ranee Fleming came to the market to shame young Jim Faxon before the crowd. And when he came, you could tell by his look and by the way he shouldered through the press of people between the double rows of stands

that all the soured animosities of his nature had swelled to bursting under the yeasty ferment of an unstable, hair-triggered temper.

The liquor he had drunk might have had something to do with it too. He came up with a barely perceptible lurch in his gait and stopped at the Faxon stall, which was the third from the lower end of the shed. With his head down between his shoulders and his legs spraddled he began staring into the face of young Jim.

Deadly offense can be carried just as well in a look as in the spoken word, if you only know how to do it – and Rane Fleming knew.

There was outright obscenity in his glower.

Instantly it seemed, everybody in that whole end of the market square sensed what was impending. Sellers and buyers ceased trafficking and faced all the same way. Those in the rear were standing on tiptoe the better to see over the heads of those nearer to these two blood enemies. Some climbed upon the wheel hubs of the wagons that were backed up in rows alongside the open shed and balanced themselves there. The silence grew electric and tingled with the feeling of a coming clash.

Young Jim wanted no trouble, that was plain enough to be seen. The first darting realization that his tribal foe had forced a meeting on him seemed to leave him dazed, and at a loss for the proper course to follow. He bent his face away from the blasphemous insistent – glare of the old man and made a poor pretense at straightening up his wares upon the bench in front

of him; but his hands trembled so he overturned a little wooden measure that held a nickel's worth of dried lady-peas. The little round peas rolled along a sunken place in the wood and began spattering off in a steady stream, like buck-shot spilling from a canister. A dark red flush came up the back of the boy's neck. He was only twenty, anyhow, and those who looked on were sorry for him and for his youth and helplessness and glad that little Emmy Hardin, his sweetheart, wasn't there.

It was a long half minute that old Ranee, without speaking, stood there, soaking his soul in the sight of a Faxon's discomfiture, and when he spoke he grated the words as though he had grit in his mouth.

"Looky here you," he ordered, and the boy, as though forced to obey by a will stronger than his own, lifted his head and looked at him.

"Mister Fleming," he answered, "what – what is it you want with me – Mister Fleming?"

"Mister Fleming – Mister Fleming," mimicked the older man, catching at his words, "Mister Fleming, huh? Well, you know mighty good and well, I reckon, whut it is I want with you. I want to see if you're as white-livered as the rest of your low-flung, hound-dawg, chicken-hearted breed used to be. And I reckon you are.

"Mister Fleming, huh? Well, from now on that's whut it better be and don't you fail to call me by them entitlements either. The next time I come by I reckon you better take off your hat to me

too. Do you hear me, plain, whut I'm a-sayin'? You – ”

He called him the unforgivable, unatonable name – the fighting word, than which, by the standards of that community and those people, no blow with a clenched fist could be in one twentieth part so grievous an injury; yes, it was worse than a hundred blows of a fist. So at that, the onlookers gave back a little, making way for the expected rush and grapple. But there was no forward rush by the younger man, no grapple with the older.

Young Jim Faxon took it – he just stood and took it without a word or a step. Old Rane looked at him and laughed out his contempt in a derisive chuckle and then he turned and slouched off, without looking back, as though he disdained to watch for a rear attack from so puny and spineless an enemy. It all started and happened and was over with in a minute or less. The last of the spilt lady peas were still spattering down upon the rough bricks of the market and running away and hiding themselves in cracks. Young Jim, his head on his breast and his shamed eyes looking down at nothing, was fumbling again with his wares and Rane Fleming's hunching shoulders were vanishing at the end of the shed.

People talked about it that night and for days after. It was not a thing to forget – a man near grown who lacked the sand to resent that insult. A fist fight might have been forgotten, even a fist fight between these two heritors of a feud instinct, but not this. Some of the younger fellows didn't see, they said, how Jim

Faxon could hold his head up again and look people in the eye. And Jim didn't hold his head up – not as high as he had held it before this happened. Broody-eyed and glum and tight-lipped, he tended Miss Puss Whitley's truck patch and brought his products to market every morning. He had always been quiet and sparing of speech; now he was quiet to the point almost of dumbness.

A month and more went by, and old Ranee didn't ride in from Gum Spring, and then the Christmas came. Christmas Day fell on a Monday so that the Christmas itself properly started on the Saturday before. It was a warm and a green Christmas as most of them are in that climate, mild enough at midday for folks to sit on their front porches and just cold enough at night to beard the grass with a silver-gray frost rime. Languid looking house flies crawled out in the afternoons and cleaned their gummy wings while they sunned themselves on the southern sides of stables. The Christmas feeling was in the air. At the wharfboat lay the Clyde, deep laden for her annual jug-trip, with thousands of bottles and jugs and demi-johns consigned to the dry towns up the river. There was a big sidewalk trade going on in fire crackers and rockets, the Christinas and not the Fourth being the time for squibbing of crackers in the South, the market, though, was the busiest place of all. It fairly milled with people. Every huckster needed four hands, and still he wouldn't have had enough.

Jimmy Faxon had little Emmy Hardin helping him through the hours when the pressure was greatest and the customers came fastest. She kept close to him, with little nestling motions, and

yet there was something protecting in her attitude, as though she would stand between him and any danger, or any criticism. The looks she darted at him were fairly caressing. Through the jam appeared Rane Fleming, elbowing his way roughly. His face above his straggly whiskers was red with temper and with liquor. His cotton shirt was open at the throat so that his hairy chest showed. His shapeless gray jeans trousers – gray originally but now faded and stained to a mud color – were both beltless and suspenderless, and were girthed tightly about his middle by the strap at the back. From much ramming of his hands into the pockets, they were now crowded down far upon his hips, showing an unwontedly long expanse of shirt; and this gave to him an abnormally short-legged, long-waisted look.

A lot of those little fuzzy parasitic pods called beggarlice were stuck thick upon his bagged knees – so thick they formed irregular patterns in grayish green. He wore no coat nor waistcoat, but an old mud-stiffened overcoat was swung over his shoulders with the arms tied loosely around his neck and the skirts dangling in folds behind him; and cuckleburr clung to a tear in the lining. He was a fit model of unclean and unwholesome ferocity.

Before young Jim or little Emmy Hardin saw him, he was right up on them; only the width of the bench separated him from them. He leaned across it and called Jim that name again and slapped him in the face with a wide-armed sweeping stroke of his open hand. The boy flinched back from the coming blow so that

only the ends of old Ranee's flailing fingers touched his cheek, but the intent was there. Before the eyes of his sweetheart, he had been slapped in the face. The girl gave a startled choking gasp and tried to put her arms about young Jim. He shook her off.

Well content with his work, old Ranee fell back, all the time watching young Jim. People gave way for him involuntarily. When he was clear of the shed he turned and made for one of the saloons that lined the square on its western side. He had a choice of several such places; the whole row was given over to saloons, barring only a couple of cheap john clothing stores and a harness store, and two or three small dingy pawn shops. Pistol stores these last were, in the vernacular of the darkies, being so called because the owners always kept revolvers and spring-back knives on display in the show windows, along with battered musical instruments and cheap watches.

The spectators followed old Ranee's figure with their eyes until the swinging doors of the nearest bar room closed behind him. When they looked back again toward Stall No. 3 young Jim was gone too. He had vanished silently; and Emmy Hardin was alone, with her face buried in her arms and her arms stretched across the counter, weeping as though she would never leave off.

From the next stall there came to her, comfortingly, a middle aged market woman, a motherly figure in a gray shawl with puckered and broad red hands. She lifted Emmy up and led her away, calling out to her nearest neighbor to watch her stall and the Faxon stall until she got back.

“There’s liable to be trouble,” she added, speaking in a side whisper so the sobbing girl wouldn’t hear what she said.

“I reckon not,” said the man. “It looks to me like Jimmy Faxon is plumb cowed down and ‘feared of that there old bush whacker – it looks like he ain’t got the spirit of a rabbit left in him. But you take her on away somewheres, Mizz Futrell – me and my boys will ‘tend stand for both of you, and you needn’t worry.”

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