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**TROUBLE
SHOOTER**

**THE STORY OF
A Northwoods Prosecutor**

ROBERT TRAVER

NEW YORK · 1943

PUBLISHED BY THE VIKING PRESS

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TO
JUDGE BELDEN

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FOREWORD

EVERY COURT IN this broad land of ours has in attendance upon it an official who is variously called—among a number of sulphurous epithets—district attorney, state's attorney, prosecuting attorney, or just plain prosecutor. Whatever his name, his job is the same, and wherever he may be, he is regarded as just so much bad news by the defendant charged with crime. In most states he is elected by the people on a party ticket. He must be, therefore, first of all a lawyer, then a politician—though sometimes I am dubious about the validity of this sequence. Lastly, if he will be an able prosecutor and still stay in office, he must also be something of a student of black magic.

But magic or no magic, it is the prosecutor's duty to enforce observance of the criminal laws; to bring charges against those who break them; and, as a representative of the public, to proceed against these persons at their trials. Where he is elected by and for a county, as is generally the case, he is also its adviser and civil representative. But by far the most important of his duties are those he discharges in the field of criminal justice.

Many politically ambitious young lawyers have used the office of prosecutor as a steppingstone to what they conceive to be greater things. It should be observed, however, that this stone sometimes gets slippery in the cold autumnal electoral rains. Yet, if you will patriotically plow through the biographies of whole bargeloads of congressmen, senators, diplomats, governors, and judges, you will to a large

extent be reading the fate in store for many yearning young prosecutors if they don't watch out.

But whatever might lie ahead for our aging young prosecutor, whether elevation or oblivion, there can be no doubt that his prosecutor's job will be one of the most fascinating he will ever hold. There is perhaps no form of human endeavor that will bring him into more intimate contact with so large a cross section of humanity—a humanity usually laboring under the stress of powerful, elemental emotions.

The prosecutor in large urban areas, like movie prosecutors, is not typical of the county prosecutors of America. With his vast force of assistants, investigators, ballistic experts, technicians, detectives, informers, and common flatfoots, the big city prosecutor is more of an executive, kept busy planning and directing the energies of his aides. He seldom sees the garden run of his people. It is equally seldom that he appears in a courtroom, except, perhaps, as election day rolls around and—amidst the flare of exploding flashbulbs—he deems it expedient to genuflect briefly at the shrine of the great god Publicity. DISTRICT ATTORNEY IN COURT AS "PADDY THE PIG" PLEADS INNOCENT, the papers will shout.

Even his staff of assistants are experts, this group specializing in homicide cases, another studying that modern American contribution to sociological phenomena—the racket. And so it goes, up and down the scale, through robbery, gambling, theft, vice, arson, to the case of the hapless motorist who locks his Chevy by a hydrant during a four-alarm fire. The beguiling blonde out at the front desk is much more likely to know intimately her people and their

problems than is her boss, the well-guarded city prosecutor, who sits back there enshrined in his book-lined office.

Your prosecutor in the less populous areas must be something like the rural doctor—a “specialist” in all things. Seldom does he taste the heady wines of wide publicity, and often he is without any help, except that which fate and the whim of the voters may have dished up to him in that strange lottery called “running for Sheriff.” Happily, in many states the advent and steady growth of a trained state police is of tremendous aid to the rural prosecutor. Yet even today he must often gather his own evidence, track down his own witnesses, and in any event prepare his own cases and try them—sometimes without even the help of a real or apparent blonde at the front desk. He must stand ready to try cases ranging from neighborhood squabbles to first degree murders. Sometimes he would prefer the latter.

Contrary to the prevailing notion, however, a county prosecutor’s most intimate contacts with the people, his most genuinely moving experiences, do not always occur in the dramatic glare of the courtroom. For it is in his office that he gets really to know his people. To it, in an unending line, tramp the foolish and the wise, the fox and the lamb, the wronged and the wrongdoer, the arrogant and the bewildered, the informer and the reformer. And always, in every prosecutor’s office in America, there is the steady shuffle of the poor—the wretchedly, hopelessly poor. And what shall any man tell *them*? . . .

To all of these people his office becomes a clearinghouse for all sorts of real or imagined violations of the law. He is a keeper of the public conscience, a sort of father con-

fessor to his people, by popular wish-fulfillment the community symbol of the three wise monkeys.

In this book I propose to get one of these monkeys drunk, and tell you some of my experiences and observations as prosecutor, in court and out, over a period of ten years—two as assistant prosecutor and eight as head man. This is a long time for a prosecutor to remain in office, a “toe-stepping” job where the voters have ordained that the mortality rate shall be dismayingly high. By the time you read this book I may be devoting all my time to hunting and fishing.

There is much in the work of a prosecutor’s office that is unpleasant and ugly. Some of the incidents related in this book are far from reflecting the loftiest aspirations of man. The tolerant should try to understand that any truthful account of the work of a prosecutor cannot ignore these realities. And I have not done so. For that is the way it is.

If I have drawn any large conclusions from these exciting years of watching my fellow men in trouble and in suffering, then certainly the outstanding one is an abiding belief in the essential goodness and toughness of human nature. If I have not been compelled to learn that—humbly and irrevocably—then indeed I have wasted my time in an elegant course in despair.

•

TROUBLESHOOTER

•

HOMIE

THE RESTLESS BLUE deeps of the Straits of Mackinac join Lake Michigan with Lake Huron, and separate the upper peninsula from the lower or "mitten" peninsula of the state of Michigan. Summer and winter a fleet of state-run ferryboats honk and churn their way back and forth between Mackinaw City, at the top of the lower peninsula, and St. Ignace, across the straits in the upper peninsula. During the height of the tourist season even the faithless can walk across the straits on the orange peels.

The sprawling upper peninsula, simply U.P. to its inhabitants, runs over three hundred miles westward, touched on the south by Lake Michigan and the state of Wisconsin. On the north the U.P.'s shores are pounded by the icy waters of the earth's largest inland sea, Lake Superior.

Michigan is a long state. It is farther from my old school in Ann Arbor to some points in the U.P. than from Ann Arbor to cities on the Atlantic seaboard. I remember starting home from law school one June in an old Model T Ford, and this expedition was fraught with so much uncertainty that I had painted the resolute sign on the old bus: U.P. OR BUST! Since one usually does, I finally got home.

The upper peninsula is a lonely, sparsely settled region, compounded of many hills and swamps and trees and endless lakes and waterways. More people live in the swarming

southern Michigan village of Hamtramck than dwell in any one county of the entire U.P. In this rugged area lie buried some of the richest mineral deposits in the world—chiefly iron, copper, and—*gold!*

Historic St. Ignace, abounding in early French and Indian lore—not to mention tourist cabins and curio shops—is the first town one encounters crossing the straits into upper Michigan. Last summer I bought a three-hundred-year-old tomahawk from a dignified old Indian at St. Ignace. It is one of my proudest possessions.

“How do you know this tomahawk is three hundred years old?” I asked Chief Booze-in-the-Face, as I paid him.

The merest shadow of a sad smile crossed his lined features.

“That’s easy, chum,” he replied. “I make him myself—last night.”

In these days when patriotic chambers of commerce label every whistle-stop the gateway to something or other, St. Ignace is with daring originality hailed the “Gateway to the North.” Inhabitants of the peninsula less poetically inclined insist that it is, more truly, the first stop of a perpetual Bronx cheer, directed at the entire peninsula by the denizens of lower Michigan’s nose-thumbing mitten. Look at the map.

Proceeding across the peninsula some two hundred miles northwesterly from this first gateway, a traveler will at last find himself in Iron Cliffs county—still land of ancient lore but somewhat fewer tomahawks. In the meantime he will have negotiated some twenty-odd gateways, all rivals; passed through endless miles of living desert, a bleak and barren monument to the clawing rapacity of Michigan’s early

lumber barons; and finally sighted the great iron-ore loading docks, reaching far out into Lake Superior. Our traveler has reached the city of Iron Bay, the county seat of Iron Cliffs county. And, oh yes, the gateway to the iron mines.

That big domed building on the hill there, overlooking the lake, is the county courthouse, where the county prosecutor does his stuff. That other sprawling, lonely, walled structure on the edge of town is the prison. A dozen or so miles inland, west of the lake, lie the two mining towns of Hematite and National Mine. They also have Ojibway names, from which I shall spare you, but which, most freely translated, mean *heaven* and *hell*. Our county prosecutor was born—and still dwelleth—in heaven.

The mining town of Hematite lies in a broad swampy valley between chains of squat, bald iron bluffs. The region contains the oldest rocks found on earth, forming a part of the great pre-Cambrian shield of North America. Upon the naked bluffs the towering shaft houses of the iron mines reach up toward the sky, sometimes in the shadows of dusk looking like the spiny backs of ancient, somnolent monsters.

Beyond the town and north to the international boundary sweep dense forests, broken by lakes and foam-lashed streams, by swamps and more hills, covered with pines, slender birches, maples and spruces, balsams, cedars and tamaracks, and bearing mute evidence of the grinding long-ago—rocky, jagged, fissured testimony of the giant upheavals and violent death struggles of tired glaciers.

Rich iron-ore deposits had been discovered at the town site before the Civil War, and there had been some fumbling, ill-fated attempts at mining. But it was not until

after the War that dozens of adventurous little bands descended upon the town in search of quick fortunes. These first restless groups believed that the richer deposits lay near the surface, and men tortured themselves to crippled death quarrying out the great pieces of hard ore from the first pits. Stories are still told of the terrible labors of these early miners, of their crude equipment—of the patient oxen which were used to drag the huge slabs of ore from the pits until their feet were too sore for further service, when they were killed and eaten by the miners.

After years of wild, gouging, slashing mining by these hardy little groups, a large steel corporation came to the blustering mining camp of Hematite, surveyed, drilled, calculated—discovering at last that even richer iron deposits, a soft hematite ore, lay far underground—and then literally bought the town, mineral rights and all.

Gradually a measure of respectability was brought to the town of Hematite with the advent of the new Hematite Ore Company, lusty corporate offspring of a great steel corporation, with its head offices in the distant state of Delaware. But the town has never lost its air of being a mining camp; this is evidenced by the rows of frame clapboard buildings with their false second stories that still stand along the main street; by the stout, whitewashed log cabins that continue to house the families of miners within a block of the new city hall; and by the haphazard, winding streets of the town, which are usually narrow, but which sometimes capriciously swell out into brief and pregnant stretches of inordinately broad hematite boulevard.

Points of the compass mean little in Hematite. Two families might live on the same street, and one live on

North Pine Street and the other on West Pine. Some of the oldest settlers, old miners and their wives, declare that the town was laid out late on Christmas Eve by a drunken Scotch engineer during a howling blizzard, and that the only instrument he carried was a smoking lantern, while his lurching assistant carried a jug.

During each successive wave of immigration to the United States, a new racial group was brought to the town, attracted mainly by ready employment in the mines and bringing its own religious dogmas, its own priests and medicine men, its own badges and buttons, its secret lodges and grips and mysterious rituals; until, finally, God was neatly carved and divided up among no less than a score of churches, each of which offered its stout little band of followers the one true ladder to heaven.

"Eet's getting so bad," sighed the late lamented LaPointe, who ran the Jump-on-Top Saloon, "that pretty soon the old town she have one church for every goldamn saloon."

The town finally got a new brick high school, a stone firehouse and city hall, a frame ski and snowshoe club, and a sandstone Carnegie library. Then the mining company built a modern brick hospital and there was even talk of a Y.M.C.A. The solid citizens regarded with deep satisfaction the results of their efforts to make Hematite like every other small town in America.

But after all it is still a mining camp, in which one is used to hearing the dishes rattle in the cupboard following the deep, shuddering blasts of dynamite far underground. In the gaunt frame boardinghouses the menus, when there are any, are written in foreign languages. And you can boil in the rugged, luxurious hell of a Finnish steam-

bath, with a stalwart Finn beating you with a wet broom of birch switches to make you sweat.

The first Finnish settlers came to Hematite in the 80's, but it was in the 90's and at the turn of the century that they arrived in the town and peninsula in such force that they became the largest racial group in the entire region. Most of them had left the little grand duchy of Finland because of the growing cruelty of a diseased and dying Russian empire, and while many of them were attracted by work in the mines, an even greater attraction was the similarity of the climate of the peninsula to that of their native Finland. For these silent, patient, dogged Finnish immigrants loved nature and the soil as much as they loved freedom. And all these things were offered to them in that far northern segment of sprawling America, the upper peninsula of Michigan.

Not all these Finnish immigrants became miners. Some combined mining and farming, while many of them shunned the towns and settled on the rugged land, in the tangled forests and rocky flats, along the muskegs, the tussocky swamps, and around the many cold glacial lakes—all so much like their native Finland—for miles around Hematite and throughout the county, a county larger in area than the entire state of Delaware.

There were also Cornishmen, straight from the tin mines of their native county; Swedes and Norwegians; a considerable number of Italians; followed in lesser numbers by the French, largely from Canada, and the Irish, who were usually railroad men, blacksmiths, machinists, or firemen at the mine boilers. Then there were a few Scots and Germans, who were mostly tradesmen and saloonkeepers, and

rarely worked down in the mines. And, lastly, there were the two clothiers, whose race was none of these, Leopold and Suss, those inevitable representatives of the real pioneers of the earth, who ran the large frame Miners' Store across the square from the Company's bank.

In this square, into which a half-dozen streets converge helter-skelter, stands a tall iron statue of an Ojibway Indian, his bow and arrow ready, shading his eyes and peering into the west, as though searching for some last member of the tribe who once roamed and hunted in the somber loneliness of the surrounding hills and forests until at last they had faded away before the avid digging and restless prying of the whites. In the Ojibway "Nagamon," the tribal lament, the lingering survivors of his tribe thus touch bitterly upon the early years of ruthless mining:

*Anamakamig dash
 Maiagwed jaganash,
 Anokewag,
 Biwabikokeweg,
 Anonigosiwag;
 Kitchimokomanag
 Mamigewag.*

(In the bowels of the earth
 The foreign devils are working.
 They are gathering our metals,
 They are the hired toilers;
 While the big knives [Americans]
 They are our despoilers.)

THE EDUCATION OF NICHOLAS TRAVER

MY FATHER WAS a tall man with a bad temper and hands like Thomas Wolfe's old man's. He was born on the shores of Lake Superior before they found the copper and iron mines, and he learned to curse in Chippewa Indian before he could swear in English. Not that a late start in the latter ever really cramped his style.

His big hands were like his own father's, too, but there the resemblance stopped. My grandfather was a short, broad German, with close-cropped hair, lots of whiskers, and the disposition of a bewildered angel. My father got his temper straight from Grandma, whom Grandpa encountered as he was coming over on the ship from Germany, patriotically seeking to escape military service. But poor old Grandpa didn't escape much, I guess, because Grandma was very tall and military-looking herself, and deeply religious. Old acquaintances avow that she possessed the temper of seventeen she-wildcats.

I have a picture of Grandma and Grandpa in an old leatherbound album. She is standing, very tall, dressed in yards of black, and a white lace cap, and there are strange

lights in her eyes and a broad vein writhing along her forehead, and her closed fist is resting surely on Grandpa's square shoulder. Grandpa sits transfixed, listing a little toward Grandma, his big hands over his knees, his face pretty well obscured by his whiskers and by Grandma's ruffled fist.

The ship landed and Grandma and Grandpa were married in New York by a priest named Father Schilling. They rode by train and boat to Sault Ste. Marie, which is in Michigan. Discovering that there was already a brewery in the Sault, they stayed there but a few months—just long enough to outfit themselves for a trek across the long northern peninsula of Michigan. One bright morning, in a great wooden cart drawn by oxen, they started on their journey westward. More oxen and more carts followed behind Grandma and Grandpa, loaded with young Germans Grandpa had recruited, and groaning with supplies for the new brewery.

There followed days and weeks of fording streams and rivers, penetrating mosquito-laden swamps, then good stretches over century-old carpets of needles under the great sighing cathedral roofs of the white pines. (That was before the lumber barons came.) The trails were few and poor, which didn't help Grandma's temper, and sometimes Grandpa must have wondered whether the life of a soldier was so bad, after all.

After more than two hundred miles, the jolting got worse, and Grandma, grown very white, suddenly stood up in her cart and called a halt. The oxen rolled their eyes and blew and sank to their knees. Before they started again there was the crying of a new baby, called Nicholas after

Grandma's father. So Grandpa and all the young Germans got down on their knees with the oxen and prayed over my father-to-be.

A day after the birth of Nicholas, just before sundown, the oxen wallowed out of a swamp and onto the old military road running north from Green Bay, one branch of which ran off southwesterly to pick up the Fort Snelling road, and the other straight up to Fort Wilkins. Grandma, holding her new baby, was elated that they had almost finished their journey with the loss of only two oxen and one German. The young German had got very homesick for the old country, military service and all, and then he had got a touch of sunstroke and run off into a deep swamp. When they found him he was dead, mosquito-swollen as big as a field marshal.

They camped that evening near the forks of the military road. Grandpa wanted to go south and pick up the Fort Snelling route; Grandma didn't. They took the Fort Wilkins route and went north. History does not record this surrender of Fort Snelling.

That evening the young Germans were glad and sang half the night, accompanied by their zithers and accordions—and the angry tears of little Nicholas in his first temper.

In two days the tired oxen fell to their knees on a high hill near the tip of the Keweenaw Peninsula. Lake Superior, multi-colored in the sunset, was on both sides. Things were soon brewing at Fort Wilkins, for Grandma—I mean Grandpa—started up the new brewery within a mile of the Fort. The Government had thoughtfully ordained that soldiers must walk a mile for their beer. This made them thirsty. Evidently the soldiers or the Indians or the French-

Canadian trappers, or perhaps all of them, were always inordinately thirsty, because Grandpa began to make lots of money. As time went on he finally put up a big brownstone building in which he housed the brewery and a new saloon as well, while he and Grandma and Nicholas and now also little Jacob and Joseph, named for Grandma's brothers, lived upstairs. A lot of people began coming to Copper Harbor, and soon some of the young Germans got married. And most all of them drank Grandpa's beer.

The more money Grandpa made, the more religious Grandma became. And the more religious she became, the worse her temper grew. Her celestial visions seemed to make her intolerant of earthly woes. As Grandpa had once escaped military service in Germany, so, one day, he finally escaped Grandma and her god in America—he died.

Grandma piled on more black silk and ordered a tremendous monument shipped over from Germany. On the haul up from Green Bay, thirteen oxen dropped dead in the traces. It still stands on the bleak, windswept shores of Lake Superior, the angels pretty storm worn but still flying—a proud monument to the power of thirteen deceased oxen, and the potency of Grandpa's beer.

After some years the Government withdrew the soldiers and turned the Fort over to the tourists. So Grandma then moved to Hematite and got a distant relative called Schmidt to come up from Milwaukee to run her new brewery there. She didn't trust any of the aging young Germans—they weren't from her province. She called them all "lazy, stoopit vat headts"—and went off to early Mass. She now devoted all her time—and most of Grandpa's money—to religion. She said she didn't want to leave poor

old Grandpa up there in Heaven all alone. There was no word from Grandpa on the subject.

My father Nicholas now helped August Schmidt at the new Hematite brewery, loading kegs of beer. He was only sixteen and already as strong as a big man or a small pony, or possibly both. He didn't like to go to church. When he wasn't tossing beer kegs around, he wanted to go off fishing and hunting with the young Indian bucks. He hadn't started on the squaws yet. Then one day Grandma caught him in a rare mood of maternal respect and shipped him off to a Midwest school to learn to be a priest.

An Irishman named Father Dunleavy one night at supper undertook to instill godliness in Nicholas with the aid of a buggy whip. My father, who always had a good appetite, had been discovered swallowing big lumps of bread during the evening prayer. Father Dunleavy didn't know my father. And he had never seen Grandma. The whip caught my father over the back. He got up with a funny smile and took the buggy whip away from Father Dunleavy. He broke it and threw it away. Then he turned on Father Dunleavy and beat him until he fell down and lay still. They even gave Father Dunleavy extreme unction, it was so bad.

A little later three stout priests came into the dining hall. They took hold of my father, who was again eating bread, and told him he was an unrepentant sinner to beat poor Father Dunleavy. My father had dancing lights in his eyes and Grandma's vein stood out on his forehead. He shouted, "I'm no sinner! I was hungry. By the blindfolded Jesus, I'd do it again! I don't give a clankin' goddam for the hull prayin' bunch of you. *Let me go!*" And he swore some more, too, both in Chippewa and in English.

The priests held their ears. Then they held my father again, and tried to pull him down, to pray for forgiveness, they said. But he was suspicious, I guess, for he started to toss them around like beer kegs, until at last they didn't roll any more. He didn't wait to see if they were administered extreme unction but, before the eyes of the horrified young novitiates witnessing their first miracle, grabbed a loaf of bread off the long table and ran out into the rainy darkness.

He walked along the muddy road toward Chicago, and finally slept in a log-cribbed roothouse in a watermelon patch. The next morning it was sunny and he got a ride to Chicago on a brewery wagon, a watermelon tucked under each arm of the muddy black gown he was wearing.

In Chicago that night he walked up North Clark Street with only one watermelon. Near where the Red Star Inn now stands he came to a German saloon run by Hermann Pomper, who had sold brewery supplies to Grandpa and had known him in the old country. My father gave Hermann Pomper the watermelon, borrowed some money, and the next night started for the North—and home.

Later he started his own saloon and had the longest bar in the whole peninsula. He also married the new music teacher—my mother—and they had six sons, none of whom ever went into the clergy.

ASSISTANT PROSECUTOR

I WAS THE youngest of these six sons, and the only one who ever went to college. My father's brief experience with higher education seems not to have endeared the process to him. And so I, Robert John, the "baby"—for some obscure reason always called Johnny—watched my older brothers as they gradually dropped out of school and drifted into a splendid succession of such jobs as bartending, electrical wiring, mining, selling cars, logging, horse breeding, and finally—in the case of brother Joseph—into the role of a deceased war veteran.

"College!" my father snorted. "A fine place to waste your time in, to get a bellyful of highfalutin ideas, and"—his voice shook a little—"learn disrespect for your poor old parents." He paused. "Lookit, Johnny. I ain't done so bad. College! Bah!"

I wanted to point out to my father that certain dreary laws of economics, if not of personal taste, prevented every citizen from becoming a prosperous saloonkeeper. But I did not. For my father was not one to discuss his views with any man. He simply announced them.

Instead, when I saw it was no use for me to expect any help from my father, my mother and I plotted so that I

went to college anyway. How I went there and finally got my law degree is a long and dismally familiar story, told by many others. To those American fathers who feel as my father did, I shall simply say that I do not recommend a combination of waiting on table, summers of selling everything under the sun, and a heavy course in law as the happiest preparation for the abundant life to come. I would not do it again.

Following my graduation from law school and return home to Hematite, I spent a month in "resting." This was at the insistence of my proud mother, who hovered over me and baked and cooked for me as though she were fattening me for the County Fair. This vacation I spent eating prodigiously, attending to a feverishly mounting correspondence with a girl called Grace whom I had met at Ann Arbor, driving my parents about in the Reo, and joining my aging father in the practice of the most consuming vice of his life—with which I am sadly tainted—the pursuit of the elusive brook trout.

At the end of this time I decided it was appropriate for me to make a connection. We senior law students never spoke of anything so drab and commercial as getting a job. We always "made a connection."

I wrote down a list of all the lawyers in the county, and finally decided to give the Hematite law firm of Callahan & Lind the first break. After all, they were local counsel for the largest mining company, and Tom Callahan was an Ann Arbor graduate, and very active in alumni doings. This practically made us pals. I went to see good old Tom.

Tom, as always, was the soul of warmth and friendliness.

He congratulated me on my graduation. He inquired about the Dean, the new lawyers' club, the prospects for next year's football team, the state of virtue of the Normal girls at Ypsilanti. We had quite a chat. We were in the third quarter of the Michigan-Ohio game, with the ball on Ohio's 27-yard line, when Tom's stenographer entered and stated that the clients were piling up three-deep in the waiting room. I swallowed hard and tried for a field goal.

I missed my connection.

After convalescing another three weeks from the shock, during which I canvassed most of the lawyers in the county, it began to look as if I might have to go elsewhere to practice my profession. I was dallying with the idea of dazzling Manhattan. But that did not entirely fit in with Grace's and my plans. We had got to that stage. Then without any fuss or feathers I got my first job—with a busy, successful attorney down at the county seat, Iron Bay. It was easy. I just walked in and introduced myself.

"I'm looking for a job."

"Fine," he said, "I'll pay you thirty."

I said, "Thirty what?"

He said, "Thirty dollars."

I said, "How often?"

He said, "I always pay on the first of the month."

"Month?"

"Month. What do you say?"

I did some figuring. I had bought a little roadster and the payments were twenty-four dollars a month. I could continue to live at home and filch gas from the family pump, leaving me a balance of six dollars a month for charities and riotous living.

"I'll take it."

"O.K.," he said. "Go over to municipal court and take a default in the Belmore case."

"Yes, sir."

"When you get through with that drive down to Sturgeon and get a statement from Maki's widow. Crossing case. Here's the file."

"Yes, sir."

"Then write a memo on whether or not I can garnishee the contents of a safe deposit box—First National."

"Is that all?"

"No, but get going over to court. You're five minutes late."

"Yes, sir."

I shall not tell you the name of my first employer because I know it would greatly distress him to have his philanthropies publicized. I had been with him nearly two months when, one afternoon at the courthouse, I ran into the county prosecutor, Clyborne Llewellyn Holt. I had known him casually before that. We shook hands.

"How'd you like a job as assistant prosecutor, Johnny?"

"When do I begin, Mr. Holt?"

"Tomorrow. This afternoon you and I are going fishing. And listen, you—"

"Yes, Mr. Holt?"

"Call me Butch or I'll rip the suspenders off of you!"

While many have tried, few mothers have laid a bigger egg in naming a defenseless child than Holt's mother did in naming him. Maybe she was still under ether. Sooner Jack Dempsey's youth had been so blighted. Not that

"Butch" Holt looked like a Dempsey. On the contrary, he was rather short, stocky, and, though still in his twenties, practically bald. A pair of thick, horn-rimmed glasses gave his full, pink-skinned, boyish face an air of scholarly timidity. But this air was a fooler. Take the Connors brothers, for example.

The Connors brothers ran a butcher shop in National Mine, the mining town just east of Hematite. Together the brothers grossed over four hundred and fifty pounds, even on a strange scale. And they had evidently made their mother a death-bed pledge never to pay their bills. Every collection attorney in the county had been chased out of their store with a cleaver. Finally, in despair, the beef company sent their unpaid bill to the new young National Mine attorney, Clyborne Llewellyn Holt. Perhaps they thought that since his office was just across the street from the Connors establishment, he would not have so far to retreat.

The brothers Connors were both behind the counter when Holt walked in rapidly with his short, rumpy canter, peering through his thick glasses. The only other person in the place was old Dyson, the undertaker, who was rapt in contemplation of a jar of pickled pigs' feet.

"My name is Holt. I'm a lawyer. Are you the Connors brothers?"

"Yeah. Whaddya want?"

"Perhaps I'd better wait till your customer leaves. You see—"

"Out wid it. We can take it."

"Just as you say. I've got a bill here from the beef company, and I came to collect it."

"Yeah?"

"Yes, sir."

The brothers looked at each other and grinned. Big brother Dan flexed his biceps and glanced lovingly over at his trusty cleaver. Little brother Jack—weighing just slightly under fifteen stone—was the spokesman of the day. It was his turn.

"Oh, so you wants us to pay de bill, hey?"

"That's right, Mr. Connors."

This master of veiled sarcasm looked over at his brother, wringing his hands in great distress. "Gee whiz, Dan, da new little lawyer man wants us to pay da meat bill. My, my. Whadda we goin' to do?"

Holt's voice had grown a trifle shrill. "What's that—what did you say, Mr. Connors?"

Brother Jack leaned over the counter and wagged a thick, butcher-stained finger in Holt's face. This was the kill.

"I says dis—see?—I says for you to git da hell out of here, see—you little heel—before me an' me brudder gits real mad an' trows da little lawyer man out in da street—see? Git!"

Holt stood as though he had been pole-axed. His round face surged from pink to brick red; his eyes became swollen, staring shoe buttons. Then, with a string of oaths he hadn't learned in law school, he backed up, flung his glasses off into the sawdust, and quickly running forward, dived headfirst over the counter, his head catching brother Jack's belly for a bull's-eye. With a profound, bladder-bursting sigh, brother Jack sat upon the floor.

Holt turned to brother Dan, shaking his lowered head, his near-sighted eyes searching him out. Big Dan, frozen with surprise, now made a bellowing lunge for the cleaver,

just as Holt found and rushed him, tackling him around the midriff. Straining mightily, Holt lifted, carried, heaved him into a barrel of meat scraps, where Dan squealed and kicked like a baby fallen into his potty. Jack had revived and made a homicidal dive for the cleaver. Holt turned just in time to clip him on the run with a short, cracking right to the jowls, laying Jack out face down over both the cleaver and the meat block. Then, with a crash, Dan's barrel broke and Dan, scrambling to his feet, started for the back door. But Holt headed him off and they took up playing ring-around-the-rosy, running round and round brother Jack, lying there so still on the meat block.

According to the only eyewitness, old Dyson, who told it later, on the ninth lap frenzied Dan, taking advantage of Holt's poor eyesight, detoured, whipped open the big door to the refrigerator, and lurched in, frantically barricading himself. Holt, thwarted, turned to brother Jack and saw he was still out like a light. So he dipped out a ladle of brine from the pickle jar and threw it in Jack's face. Brother Jack blinked, opened his eyes, took one look at Holt, and closed them again. Holt's voice was soothingly soft.

"I was saying, Mr. Connors—I came to collect the beef bill."

Brother Jack waved weakly to the cash drawer. "Ulp y'self."

"Thank you, sir. I'll mail you a receipt."

So with brother Dan peering fearfully through a misty window of the icebox, framed by a brisket and a dead goose, and with brother Jack tossing himself around on the meat block like a dying hog, Holt counted out his money, clanged shut the cash drawer, found his glasses, flicked the

sawdust off his clothes, and trotted out of the shop. But not alone.

Old Dyson, open mouthed, followed him, quickly spreading the gospel of Holt up and down the street. In three days Holt had more law business than he could handle. After that everybody called him Butch.

It was on a Saturday night, a few weeks later, after an initiation up at the Elks', that Holt threw the county sheriff in a friendly wrestling match. Inasmuch as the sheriff was a huge Finn, a former miner, and renowned for his prodigious strength, it is little wonder that when Butch Holt ran for prosecutor that fall, he won by the biggest majority of any candidate on either ticket.

Clyborne Llewellyn Holt was a great guy.

IN THE NAME OF THE PEOPLE

IT WAS SOON agreed by lawyers and laymen alike that Butch Holt was one of the most brilliant prosecutors the peninsula had ever seen. A criminal trial to him was a contest, a challenge, a combat to be won. He made each trial a burning, intensely personal affair between himself and the opposing lawyer, throwing himself into the battle with all the dynamic zest that he used in collecting the Connors brothers' beef bill.

He was not only a powerful speaker, but an excellent lawyer as well—resourceful, crafty, tenacious. Above all, he was a consummate actor. When the word got about that Prosecutor Holt was about to begin his argument in an important criminal case, a crowd would gather with the silent speed of a mob at a lynching. To hear and see him argue to a jury was an emotional experience; it was to witness a moving, absorbing drama.

I have seen jurors sit unmoving for an hour, two hours, with a hypnotized stare on their faces, while Holt played upon them like a great conductor bending an orchestra to his will. One time his voice would rise in a crescendo of anger and scorn, and again fall to the merest whisper, a beguiling subtle purr. As Holt gradually swelled to his con-

clusion, and finally demanded "in the name of the people of this great State" a conviction of the accused, I have seen jurors fall back in their seats in a state of near collapse. Needless to say, he ran up an imposing record of convictions.

And again, needless to say, the new assistant prosecutor became a slavish admirer and student of Holt's style. At first Holt started me out on justice court misdemeanor trials: drunk driving, minor assaults, petty larcenies, and the like. In all these trials the jurors would sit, uneasy and embarrassed, watching Holt's new assistant in his tremendous efforts to be another Holt. Stevenson's sedulous ape was an eccentric, howling individualist compared with me. It must have been pretty bad, watching me shout, get red in the face, pound the jury railing, dance away, point scornfully, whisper hoarsely, and wind up in a terrific gale of shouting and demanding. I wince a little as I recollect it.

Then came my first circuit court criminal prosecution. The case was a charge of rape. The defendant was a young housepainter, the aggrieved lady a very brittle, easily bruised little divorcee from Iron Bay. Her mother had caught the two on the family sofa, the girl had made a great hullabaloo, and the outraged mother of outraged virtue had filed a charge that the defendant, in the hog-calling language of the statute, "did ravish and carnally know" little Gloria "by force and against her will."

Holt had tossed the case into my lap. "Look into it. If it's right, prepare the case for trial. It's your baby, Johnny."

Here was my golden chance, here at last was my opportunity to pull out all the organ stops, to unloose the wealth of invective I had stored up while being a justice court

apprentice to Holt. I worked nights on my jury argument. When circuit court rolled around, Grace was North for a visit, and had a ringside seat.

Little Gloria took the stand, a downcast, demure picture of sullied maidenhood. Led, oh so skillfully, by the assistant prosecutor, she told how Furlong, the defendant, who had been painting Gloria's house, had come into the house to use the phone, discovered little Gloria alone, and had unceremoniously piled on to the davenport with her, paint and all.

With a great flourish I unwrapped a paper bundle, shook out the contents, and waved aloft—like a private in the U.S. Signal Corps—a pair of wrinkled pink bloomers. Holt will like that, I thought. There was a hysterical snort from the audience and I turned around to see a young woman, her face buried in her hands, shaking convulsively with mirth. A young lady from Chicago, visiting friends, named Grace.

"Are these your bloomers?" I sonorously asked Gloria, wig-wagging the exhibit.

"Yes."

"Were you wearing them on May 16—the day of the assault?"

Timidly: "Yes."

Suavely: "Are they in the same condition that they were following the attack?"

"Yes."

Triumphantly: "And did the defendant, in his violence, tear the right leg here?" Pointing, curling my mouth as Holt did.

"No."

"What!"

"No, they were torn that way before he came into the house."

I staggered back, the bloomers drooping to half-mast. I had been assuming facts I hadn't verified—a fatal practice for any prosecutor.

"Well—ah—that is—ah—were the bloomers removed?"

"Yes."

Bloomers soared again. This was better.

"And did he"—pointing scornfully at the defendant—"use force to remove them?"

"No—you see—I did, so they wouldn't tear any more."

The bloomers dropped from my palsied hands.

Desperately: "How old are you?"

"Twenty-three."

"Did he have intercourse with you?"

Demurely: "Yes."

"Did he force you?"

Looking at her vise-jawed mother: "Y-yes."

"And it was against your will?"

"Er—yes."

The defendant Furlong took the stand. He admitted entering Gloria's house to use the phone, told how he found Gloria sitting there arrayed in a tight-fitting dressing gown, how she had invited him to sit on the davenport, how they got talking, you know, and—

"Did you have relations with her?" I interjected. Enough of this buffoonery.

Young Furlong blushed to the roots of his hair.

"Why—ah—Mr. Traver—ah—"

"Did you?" Bitingly.

"One thing led to another—ah—I kissed her—she kissed me—it was spring—you know how it is, Mr. Traver—ah—and then her mother walked in and caught us."

I stood there weaving, between a swoon and a sweat, wondering just who had ravished whom.

"How old are you?"

"Nineteen."

"That's all."

My jury argument was one of those things in life we vainly wish undone. Little lanky Holt-Traver got up, wan and haggard, and delivered his set speech—he had learned it much better than the facts of his case. Like a dangling marionette, I went into my act, whispered, shouted, did a macabre dance, pointed scornfully at the defendant—even he seemed embarrassed for me—pounded on the railing, cavorted, leered darkly, grinned ghoulishly, galloped backwards into a cuspidor—oh, I can't go on. I gave them my version of Holt. It was like a high school boy playing Hamlet, the winner of a local dance marathon essaying Nijinsky.

Then, finally, raising the pink bloomers on high, cavern-voiced, I howled my rousing conclusion at the jury:

"And in the name of the People of this great State—I demand a conviction of the accused for his dastardly crime!"

In short, county prosecutor pulled a magnificent bloomer.

After a while, when the jury had come out and said "Not guilty," Judge Belden called me into his private chambers and closed the door.

"Light your pipe, Johnny. . . . I want to have a little

talk with you." He gave me a kindly smile. We sat down.

After the pipes were lit, Judge Belden turned to me and began to talk, low-voiced, quietly, kindly. I cannot remember all he said. He spoke slowly. He told me that a prosecutor had the duty of carefully investigating the facts of each case brought on for trial; that he owed a duty to the defendant, as much as to the complainant or the public, not only to know his case, but at all times to be fair to all concerned.

"I would have dismissed this case before it went to the jury, except that I wanted the defendant to have a jury acquittal. He at least deserved that. And I wanted, too, to hear for myself, if your jury argument was what I had heard it might be. It was."

Judge Belden turned and looked out the window, out across vast, cold Lake Superior.

"Don't you see? Each of us has in him something, a unique quality, that no one else can ever have. It is one of the sublime mysteries of life. I believe, I think, we owe it to ourselves and to the world to be ourselves—always—in the best way we can." He paused. "An artist can become great only when he is distinctive, original, immensely sincere—when he is himself. A lawyer called Traver can no more be a lawyer called Holt than a lawyer called Holt—and this is the thing—can be like Traver."

He turned to me, his kindly face thoughtful, his fine eyes smiling. He took my hand.

"Johnny, I like you. Good luck."

After that, for better or worse, there was a different sort of assistant prosecutor abroad in the county—a rather

thoughtful young fellow who conducted his trials quietly, almost casually, rarely speaking above a conversational tone, subjecting the People's witnesses to quite as searching an examination as the defendant himself.

To the astonishment and temporary confusion of opposing counsel, he told his juries that they owed as high a duty to the defendant, to safeguard and protect him from an unjust conviction, as they did to the People, to convict when the cause was just. No more, from that day to this, did he demand—in the name of the People or anyone else—that a jury convict any defendant charged with crime. He did not feel qualified, he insisted, to make such a responsible decision, alone. It was as unusual as it was unspectacular, and yet not too ineffective. At any rate, it was Traver's own way.

Holt was shortly obliged to go West because of a bronchial ailment which was, eventually, to make him remain there. So for a considerable time I was cut adrift, on my own, a most trying but educational period. There was a welter of cases, a great wealth of experiences—many of which will be referred to in more detail later on. Assaults, robberies, homicides, sex offenses, slander—the complete calendar of crime.

JUDGE BELDEN

DESPITE HIS SEVENTY-ODD years, he is as slender and erect as a young man. His powerful neck and shoulders are a reminder from his early days of hard physical labor. He has the head of a Roman emperor, with deep-set piercing eyes, a strong, curving, flaring nose, a firm chin, and a full, mobile mouth. He still smokes that workingman's delight, a strange and wonderful mixture called Peerless, which he keeps stoking into one or the other of his battery of battered briar pipes.

His thinning hair is white and he wears a mustache and a small, well-trimmed beard. The strength of his features is tempered by an expression which can best be termed kindly. He looks more like a judge than any man I ever knew. He is more like a judge than any judge I ever knew.

After practicing law in a large city, where I found that too goodly a portion of the bench is made up of politicians, eccentrics, exhibitionists—a curious assortment of bench-thumpers, mountebanks, and just plain shysters—it was a refreshing and dignified experience once again to practice before such a man. He is wise, he is patient, he is simple, tolerant, and kindly—a fine lawyer and a gentle man. He abhors pomposity, bombast, and fake. Above all, he is possessed of an unquenchable, earthy sense of humor. Judge Belden is a man.

He was born in a farming community in lower Michigan. He graduated from the law school at Ann Arbor over fifty years ago.

“Not that it took so much to graduate fifty years ago,” I’ve heard him say. “About all a young man needed was an ability to read and write and stay out of jail. I could read and write—and I somehow managed to keep out of jail.”

Following his graduation he came North and hung out his shingle in National Mine. He ran for prosecutor when that job paid fifty dollars a month. His first venture in politics was not very successful. “I threw my hat in the political ring,” is the way he put it, “and lo! the hat crawled away.”

Failing in the election and finding that he couldn’t eat his shingle, Judge Belden became by turn a teamster, a lumberjack, a cook, and a homesteader. He finally settled in our town, took another whirl at running for prosecuting attorney and, being by that time well known in the community, was elected by a comfortable majority. After that he was prosecutor for many successive terms. Following his time as prosecutor he was a successful practitioner, pleading the causes of the downtrodden corporations and lumber barons. For he was an excellent, resourceful attorney, and in great demand. But at length the citizens drafted him to become our circuit judge. He is not a wealthy man, but I believe he is a happy one. He meets my father’s definition of a successful man: “He does the work he wants best to do—and, goddamit, he gets paid for it!”

He loves to listen to a good story. But even better, he loves to tell one. He is one of the best tellers of tales I

have ever heard. And I have heard quite a number, including my dad. His are not the little pick-nose, belly-snorting, latrine sort of stories of the Pullman smoker or the cocktail hour—but complete, well-rounded tales that take him half an hour, an hour, to tell, and hold one enchanted all the while. Remember, he was prosecuting attorney back in the days when the white pine was still standing and some of the biggest iron mines were in their infancy. His stories would fill a thick book. As a matter of fact, it is really he who should be writing this one.

1

One of his most dramatic courtroom experiences came soon after he became prosecutor. A farmer was being tried for the murder of his son.

The son, a young man of twenty or so, was found by his mother one morning lying unconscious in the cow barn. He lay at the foot of a ladder leading up into the haymow. The distracted mother ran screaming to the nearest neighbors. They helped remove the son to the house. The boy died without regaining consciousness. The sheriff and coroner proceeded to the farm to investigate.

Late that afternoon the father appeared at the farmhouse. The sheriff met him at the door. When told of the death of his son, the farmer calmly stated that undoubtedly the boy had fallen down the ladder from the loft. He said he had been at the far end of the farm clearing land and had not seen the boy all day. His face was bruised and his hand was cut. He explained that he had slipped and fallen while removing a stump. After further investigation the father was charged with first degree murder.

At the trial young Prosecutor Belden showed that the son had died of a compound basal skull fracture; that he had been struck a powerful blow by a blunt instrument; that he had bruises and welts on his face and body that were unlikely to have been caused by a fall; that a sled stake stained with blood was found in the barnyard; that the father had a violent and ungovernable temper; that he and the son frequently quarreled; that the son, the youngest child, had threatened to leave the farm because of mistreatment by the father; that all the older children had been obliged to leave the farm because of the father's violent rages; that the father hurriedly took the body to an undertaker and insisted on immediate burial. A neighbor testified that early that morning he had seen a man running from the barn who looked like the defendant. But he could not be sure.

The People could not call the mother, the defendant's wife. Under the law she could not be sworn to testify against her husband. During the pre-trial investigation she had told the officers that the father and son had left for the barn early that morning, together; that they were talking loudly, quarreling; that she did not know that the father planned to clear land that day; that she had not packed him a lunch, which was usual when he went to the far end of the farm; and that he had not cleared any of the farm land for over a year.

Naturally Prosecutor Belden was anxious for the mother to repeat this testimony at the trial, for it was most damaging to the defendant's anticipated claim to the contrary. Her testimony was especially valuable in view of the fact

that the case depended largely upon circumstantial evidence. But how could he get it?

The defense lawyer called the farmer, who, with a savage sort of calmness, quietly repeated the story that he had told the officers the first afternoon; flatly denied that he had ever quarreled with the boy; and gave as his opinion that the boy had fallen down the ladder from the haymow and injured himself. "The lad always was a clumsy sort," he said. "I often warned him to watch his step."

A vigorous cross-examination by Prosecutor Belden failed to budge him from his story. If anything, he became cooler as the trial went on. He even found occasion to smile grimly at the jury. At length he was excused from the witness stand.

It was getting late in the afternoon, and it was probable that the trial could have been concluded in a hurry, with the farmer winning an acquittal. But after a whispered conference the farmer's attorney, at his client's insistence, called the wife to the stand as a defense witness.

The dead boy's mother walked slowly up to the witness stand. She was a frail, fear-haunted little woman, wispy and frayed, with tremulous lips. During her testimony she repeatedly glanced at her husband, sitting motionless, grasping the chair arms with his large red hands, glaring at her all the while.

The farmer's lawyer adroitly drew from her the same story the farmer had told. In a voice scarcely above a whisper—all the while glancing nervously at her husband—she stated that her husband had started out to clear land that day; that she had packed his lunch; that if she had ever

made any statements to the contrary, it was due to excitement and grief.

The jury was beginning to nod from fatigue and boredom; the trial judge was going over his instructions; and discouraged and harried Prosecutor Belden was anxious to get done with a good case which was turning out so badly.

Then the defense lawyer asked this question: "Do you really think that your husband killed the boy?"

The question was objectionable, but the young prosecutor was too dismayed by that time to raise any mere technicality. The husband continued to glare balefully at his wife. She stared at him in a state not far removed from hypnosis. With almost a physical effort the woman tore her eyes away from her husband's and looked at the defense attorney.

"Do you?" the lawyer repeated. "Do you really think he did?"

She looked at him mutely, with an expression of pleading, utter forlornness. Tears welled into her eyes. In her anguish her lips began to work. She buried her face in her thin hands. Her whole body began to shake convulsively. Then she wailed, a despairing, tortured sob that stirred and electrified the entire courtroom. With her eyes shut she pointed at her husband. "I'll not lie for him any more!" she cried. "Oh, God—that man, that man—he killed my baby!"

The defendant sprang from his chair and lunged for his wife, fists raised, cursing horribly. But the alert sheriff hit him low. The judge quickly excused the jury, declared a recess, and the bewildered defendant's lawyer went into a huddle with his raging client.

Inside of ten minutes the defendant had changed his plea to guilty and was sentenced to life imprisonment.

2

Judge Belden has been a lifelong and eager student of human nature. In criminal trial work, he is fascinated by the comparatively small circumstances that can move a jury to find a defendant guilty or not guilty. A look, a glance, a smile, a slip, one question too many, and he has seen the whole course of a trial abruptly change.

One of his favorite stories to illustrate this is another murder case he prosecuted during his first term as prosecutor. Old Crocker, a rip-snortin' criminal lawyer of the old school, no holds barred, was defending.

Three men were sitting in a woodcutter's shack near the Big Dead River. They were playing cards and drinking moonshine. A guttering, smoking oil lantern suspended from a wire hung over them. On the top bunk, in his night clothes, lay a small boy, the son of the owner of the shack, sleepily watching the proceedings with his head on his hands.

Suddenly there was a shout, a curse, the three men stood up, the table was overturned, the bottle broke, the flash of a knife, and one of the men fell dead, a stab wound in his heart. The defendant bolted out into the night with his dripping knife. The father dressed his son and both of them walked into the village. After many hours, the sheriff drove up in a lather-flecked buckboard.

At the trial young Prosecutor Belden called the father of the little boy, who simply, briefly told the story: that the three friends were sitting there playing cards when the

defendant accused the deceased of cheating, whipped out his knife, and stabbed him. He told no more, because there was no more to tell. The prosecutor turned the witness over to old Crocker, who went after him with hammer and tongs or, if you prefer, with letter openers and old javelins.

It became obvious from the crafty old Crocker's violent cross-examination that the defendant was going to blame the killing on the father of the boy, his host. Crocker continued to harry and badger the father, who resolutely stuck to his guns, however. At length old Crocker reluctantly let the witness go.

Prosecutor Belden next called the little boy to the stand. He was a bright little fellow of seven or eight, and in a thin, piping voice he briefly told the story of the killing just as his father had. The prosecutor tendered the witness and sat down.

Old Crocker arose, the wily hero of many successful criminal defenses, as smooth as old brandy.

"Little boy," he smilingly asked, "are you sure this thing happened just the way you've told it here?"

"Yes, sir."

"Ah, yes—and are you sure it wasn't your father who stabbed the poor dead man?"

"Oh, yes, sir. My daddy didn't do it."

"Now, little fellow"—Crocker's voice was lowered to a purr—"you know what it means to tell the truth, don't you?"

"Yes, sir."

"And that you will die and go to hell if you tell a lie, won't you?"

“Oh, yes, sir, right down to the bad place—my mama always told me.”

Crocker shot a look at the jury. Then back at the boy, easily, confidently:

“Now, then, little man, who told you what to say at this trial today?”

Quickly, innocently: “My daddy did.”

Crocker cast another quick, triumphant look back at young Prosecutor Belden and returned for the kill. Very gently:

“And what did he tell you to say?”

Looking resolutely at old Crocker: “He told me to tell the truth, sir—or God would surely punish me.”

The rest of the trial was anticlimax. The jury didn't even wait to have a smoke.

3

One day, when Judge Belden was still prosecutor, a tall, powerful Negro entered his office, his head swollen out like a watermelon, and asked for a warrant for the arrest of five lumberjacks.

“For what?” asked young Prosecutor Belden.

“‘Tempted murdah, suh.”

“Tell me about it.”

In the days when the white pine was still standing, Old Mike Flannigan ran a string of lumber camps out of Pine Cove, in the Yellow Dog River district. His head foreman and left bower was squat, powerful, swaggering Barney Langley, then nearing fifty, whose reputation as a hard boss

and harder rough-and-tumble fighter was known across the peninsula.

In their way Old Mike and his tough foreman Barney loved each other. Yet they were never done playing grotesque, Paul Bunyan jokes on each other. Old Mike, for example, was continually trying to find someone who could beat up on Barney—but Barney dispatched them as fast as they came, and bellowed for more. The last to fall was a monster Swede Old Mike had imported all the way from Minnesota. He didn't land a blow.

It was then that Old Mike harnessed the bays, drove down to Hematite, parked them at Burke's Livery Stable, and took a mysterious train trip to Chicago—right at the beginning of the spring drive. He was gone for five days. In less than a week after his return, a huge Negro appeared at the main camp and asked for a job on the drive.

"What's your name?" Old Mike innocently asked. Barney Langley was standing there. It was the first colored man he had ever seen.

"Alabama Lee," the Negro replied.

Old Mike gave Alabama a sly, secret wink and hired him on the spot. This Alabama Lee was probably the first and last colored lumberjack in the history of the Northwoods.

For two weeks nothing happened. When Barney Langley was on the drive, all he fought was logs. Then the drive was finally over, and the aching, thirsting lumberjacks poured into Pine Cove in droves.

The fight took place in Dinny Hickey's saloon on a Saturday night. Old Mike was setting up the drinks. Barney was there, roaring drunk and spoiling for recreation—for a fight, that is. He had pulled the fingers and twisted the

wrists of every man jack in the place, when suddenly the big Negro, Alabama Lee, quietly came into the smoking saloon, cold sober, and walked to a side table, where he sat reading an old Chicago paper.

"Have a drink!" Barney shouted across the room at the big Negro. There was no answer; Alabama did not look up.

"Hey, you, dark boy," Barney bellowed, "I said—*have a drink!*" Barney was half way across the barroom.

The Negro looked up briefly from his newspaper.

"No thanks, Boss. Ah only works foh you, suh—Ah doan have to drink wif you—"

"*Stand up, Nigger!*" Barney shouted.

The two circled each other, as the crowd closed in. Then Barney rushed the big Negro. The Negro stepped aside and Barney crashed against the far wall, stopping the tinkling music box's "Hearts and Flowers." Blinking, shaking his head, Barney turned and sought out his man. Alabama stood erect, quiet, waiting. Barney, head lowered, rushed him again, and this time struck Alabama a ham-fisted, glancing blow. It was then Alabama opened up, closed in, flicking out his left, snake-like, again, again, again, his head back, grinning at the enraged, baffled Barney.

Old Mike Flannigan stood on the bar, gleeful, slapping his knee, grinning like a school boy.

Barney's left eye was closed, his nose and mouth a bloody pulp, his iron-gray hair matted with sweat. He backed against the wall and leaned there, breathing heavily. Alabama waited, coolly, slowly circling. Barney's good eye gleamed craftily; with each thumb he unclotted his nose. He gathered himself, waiting. Then—again he rushed Ala-

bama, getting in low, close, absorbing the rapier-stinging left, two crushing rights, boring in, in—and finally grabbing his man, straining mightily, raising him up, up high, flinging him headlong to the floor.

The fight was over. Barney Langley was unbeaten. "Drinks for the house!" shouted Dinny Hickey. Old Mike Flannigan sadly slipped out into the night, the crowd surged up to the bar, everyone trying to shoulder around and pound the back of the great Barney Langley. All, that is, but a huge Chicago Negro called Alabama Lee, who lay there on the barroom floor, curiously quiet and twisted.

After two rounds of drinks Barney himself discovered Alabama lying there, twisted and still. Frantically he worked over him, rubbed him, tried to force whisky down his throat. Alabama's head rolled in his arms.

"He ain't breathin'," someone shouted.

"His neck's broke!" another yelled.

Old Doc Parsons, the camp veterinarian, unsteadily weaved his way through the crowd, knelt at Alabama's side, took out a big silver watch, thoughtfully held the Negro's wrist. He lowered Alabama's limp arm to the floor.

"Gentlemen," he quietly said, "this here Negro man is plumb daid an' gone."

In ten minutes a rowboat slid out over the dark waters of Lake Superior. In it were five lumberjacks, a shrouded lantern, and the inert form of Alabama Lee. The boat pushed out, the wind blew, the cold water splashed in on poor, still Alabama, weighted with a logging chain.

"Here," hoarsely whispered one of the lumberjacks, resting his oars, "drop 'im in here."

The boat pitching wildly, they almost had Alabama over the side, when a frantic voice spoke out of the night.

“What y’all doin’ to me, white man!”

“What did you do about it?” I asked Judge Belden.

“Do?” Judge Belden smiled. “I got hold of Old Mike Flannigan and—”

“*And what?*” I said.

“‘One Round’ Lee made more money on that fight than on any other in his long career!”

LITTLE PANAMA

I HAVE SAID that my father, like Judge Belden, was a tale-teller of the grand old school. He deserves a story—even if it is on him.

You already know that my father was a tall man with big hands and a very positive disposition—and that he was also a saloonkeeper. But he spent very little time keeping his saloon. He was usually up at his camp in the woods with old Dan McGinnis.

Old Dan was a quick, wiry, mustached Scotch-Irish miner, turned trapper, who had violated the game laws so long and so well that they had finally given him a job and a star and called him a state trapper.

It was Dan's boast that he had never owned a game or fish license from the time, years before, when he had inadvertently stumbled into the county clerk's office and, not knowing just what else to do, applied for a license. When the young man at the desk asked him the color of his eyes, he promptly replied, "Bloodshot," whereupon, Dan avowed, "the young whippersnapper commence laffin' so hard he couldn't stop, so out I walks from the damn place, an' I ain't never been back. Of all the insultin' young bastards!"

Anyway, when Dan got to be a state trapper he was supposed to roam around the woods and trap wolves and

coyotes and other predatory animals; but when he got the star and the salary he quit trapping, and instead he and my father would go up to camp and fish and get a little drunk and play cards and argue.

My father and Dan would drive out of our back yard in the old buckboard with a barrel-bellied bay mare called Molly, the oats and a bale of hay in the back, a lantern clamped on the dashboard, and a battered water pail dangling from the rear axle. When they got to the gate my father, suddenly remembering, would call back to my mother. She would come hurrying out from the kitchen, wiping her hands on her apron, and quietly stand there on the back porch shading her eyes.

"We'll just be gone for the weekend, Bess," my father would say.

My mother would nod her head quickly and smile and wave her hand gladly, but sometimes when she turned away I noticed tears in her gray eyes. I guess it was because she knew that the weekend meant that she wouldn't see my father until the following Wednesday or Thursday, when they would return home for more food and whisky and beer, and then shortly depart once again "for the weekend."

But we boys said very little about my father being in the woods so much, because when he wasn't in the woods he was so crabby and bad-tempered that we wished he were. And he had two good bartenders, a Frenchman and a Cornishman, to run the saloon for him when he was gone. I have never in my life seen a man so crazy about the woods, about hunting and fishing, as my father. Unless it was old Dan McGinnis, the state trapper who wouldn't trap.

On my father's land there was a lake in which there were no fish. On the county map it was called Lake Traver, and I think my father was very proud of this—though he never spoke of it—because when they first came out with the big maps with Lake Traver on them, he stuck one on the wall of the saloon, above the music box, near a gas light, and made a big circle around his lake with a red crayon.

Lake Traver was the only body of water on his land. It was a deep glacial jewel, with its steep rocky banks on one side, above which towered straight Norway pine trees, their fallen needles lying thick on the moss-covered old rocks and in the crevices. The rest of the shoreline was mostly wild cranberry marsh, with young cherry trees and poplars and maples reaching back to the pines. The lake was spring fed, gravel-bottomed, without an inlet, and the water was very clear. It was always cool, even in the middle of the summer. But there were no fish.

From season to season my father and old Dan had planted barrels of brook trout in the lake—trout fry, fingerlings, even mature trout—but they were never seen again. Old Dan once suggested, during a feverish argument over this phenomenon, that the real reason the trout didn't survive was because they couldn't live in a lake owned by such a cantankerous, poisonous old buzzard as my father. But my father pounded the table and shook his head and shouted, "I'll make the bastards live in there yet." So the next spring would see him and old Dan lurching and tugging and cursing more cans of doomed trout into Lake Traver.

The funny part of it was that all they had to do was to hike over on almost any of the next forties, owned by the

lumber company, and there the streams and ponds and beaver dams abounded with trout.

Just over the line, on the lumber company's land, in sight of my father's lake, was a big ancient beaver dam teeming with brook trout. My father tried to buy the land with the big beaver dam on it, but the lumber company wouldn't sell because there was a nice stand of young white pine coming along on it. They told him he could fish the dam all he liked, and treat it like his own, but they would not sell. So my father, overcome with humility and profound gratitude, roared at them to go plumb to hell. "You graspin' capitalist bastards!" The gnawing horrors of Wall Street were always a favorite theme of my father's.

My father was an independent man. He was in fact one of the most independent men I ever knew. And stubborn, too. He got so mad because he couldn't buy the beaver dam that he ceased to fish on any of the lumber company's land. Since they owned all the land for miles around his camp, this left him only his fishless lake to fish in. And he dearly loved to fish.

He couldn't somehow bring himself to believe there were no trout in his lake, despite the fact that old Dan, who could catch fish in a desert, had tried all kinds of bait, had flung flies all over the lake, and had even netted and dynamited to test the place, but nary a fish.

It really got pretty bad. He and Dan would hitch up old Molly and plod morosely out to camp for the weekend, and by and by, after a few preliminary drinks, old Dan would sneak over to the beaver dam with his fishing tackle, and then in a little while my father, cursing quietly to himself, would slip through the woods to his lake. There

they'd be, in plain sight of each other, old Dan landing one beautiful trout after the other out of the beaver pond, and my father, no longer cursing quietly to himself, circling and circling his lake like a crazed water buffalo, his long legs buried in the cranberry marshes, wallowing and threshing, fishing like mad, with never a solitary rise.

Later, when they met back at camp, old Dan would cock his head sideways, comb his mustache with his fingers, and say, all pert and bright, "Have any luck today, Nick?"

"Hell, no. No bloody luck. They ain't risin' today. The wind ain't right—but I guess it'll change by night, Danny."

Then old Dan would dig in the damp grass of his creel and lay out the trout he had caught, smiling and allowing that the wind wasn't so bad over his way. "Let's build us a damn good drink, Nick," Dan might add, licking his mustache.

"Yes, Dan, we had a pretty hard day." My father would be staring at Dan's trout.

"You better come fishing with me tonight over on the beaver dam, Nick."

"You go high-dive to hell, you trespassin' ol' rum-pot," my father would say, stomping into the camp.

I knew that all this was going on because occasionally my father and old Dan would take me along, "for a fishing trip," they called it. My fishing consisted mainly of taking care of the old mare, Molly, front and rear, weeding the stunted vegetable garden—which my father evidently maintained to vary the diet of rabbit and porcupine—and of paring potatoes, filling lamps, hauling water and firewood, and making up the bunks.

And then there was the business of mixing those whisky sours for my father and Dan, which they never seemed to tire of. I learned to mix them before I learned to drink them. Whisky sours were one thing that my father and old Dan fully agreed upon. Never in my whole life have I seen two men who drank more whisky sours than my father and old Dan McGinnis.

It was on such a trip that the vision, the big solution, came to my father. It was a beautiful evening in the early spring, the trees were not yet in leaf, dusk was closing in, the whippoorwills had started, the mists were rolling up from the marshes. I had finished doing the supper dishes and had put fresh salt on the deer licks. Dan and my father were out fishing, old Dan as usual over at his beaver dam, my father gloomily stalking his lake. I was just getting out the fixings for the whisky sours.

Suddenly I could hear them shouting out there in the twilight, and then their stomping, and they burst into the camp.

“By the roarin’ Jesus, Nick, I think you got it—a canal’s *the thing!* We’ll run the bloody beaver dam over into your lake—an’ that’ll freshen and change the water, jus’ like you say—hell, an’—why then there’ll be oodles of trout livin’ at last in Lake Traver. Well I’ll be cow-kicked!”

My father seldom got excited unless he was drunk or mad. This night he was neither, but he was very excited. His eyes were shining and I saw how he must have looked when he was a boy.

“It come to me sudden-like, Dan,” he kept saying in an awed voice.

He kept illustrating and waving with sweeps of his big

hands how they would scoop out the canal and join the beaver pond to the lake; how they would build stop dams at either end to keep out the water while they were digging.

"Why, Dan—listen, Dan—we'll tell that bloody lumber company crowd to go run up a hemp rope." Then turning to me: "Son, mix up a mess of whisky sours—take one for yourself." And then I got excited, too, because it was the first whisky sour I ever had. It was not the last—not even the last that night.

Although it was only Monday and the weekend was barely half over, early the next morning we hitched up protesting old Molly and hustled her back to town. My father and old Dan could talk of and plan nothing but the new canal.

After that we didn't see my father around the house for days—not for a good part of the summer, in fact. The very day we got home, he and Dan visited all the saloons in town, rounding up out-of-work lumberjacks and thirsty bar flies to help dig the canal.

They bought boxes and boxes of dynamite, got second-hand scrapers and picks and shovels, and thirdhand horses, and paraphernalia galore. With their motley crew they threw up a cook shack and bunk house tent—and then rooted and gouged and slashed away at their canal all the summer through. The leaves were tinted and falling, the fishing season was nearly over, when they had finally dug their ditch from the beaver dam over to Lake Traver.

All summer long fishermen came from miles around to view the proceedings; to watch my father, stripped to the waist, a fanatic with a shovel, throwing up vast clouds of dirt, shouting, sweating, straining at rocks—and at the

same time carefully, tenderly feeding his sad-eyed bar-fly crew just enough whisky to keep them from deserting and yet not enough so that they would tumble into the ditch. He was foreman, engineer, laborer, wet-nurse and all the rest, rolled into one.

And old Dan—here, there and everywhere, like a hornet—cursing the teamsters, bullying the blasters, dispensing the drinks—occasionally falling into the ditch. But finally the great canal was dug and done and thirsting for water.

Labor Day was the big day, the grand opening. It seemed that half the town was lined up and down the big canal. My father had a bar set up along about the middle of the ditch. His two bartenders were there, aproned and sweating, working like mad serving free drinks. At noon my father got ready to fire his rifle, the signal for the blasters at each end of the canal to blow out the stop dams so that the prolific waters of the beaver pond would pour through the canal into the new trout paradise, Lake Traver.

As the noon hour drew near, everyone began to gravitate toward the middle of the canal. My father and old Dan stood out sort of in front of the rest, nearest the canal. Everybody was laughing and singing and talking.

Old Dan had a haircut and a red necktie for the occasion. He kept peering at a big silver watch and a soiled piece of paper which he held in his hand, clearing his throat. My father stood very tall and straight, his rifle ready in his hands. Then Dan raised his hand and glared at the crowd for silence. Squinting at the piece of paper which he held, he began to read, slowly and with great dignity:

“This here is the dedication of Nick Traver’s canal. We worked goddam hard on this here canal of Nick Traver’s.

You folks who is crazy about fishin' owe lots to the visions and leadership of my friend Nick Traver."

Dan turned to my father. "Let her go, Nick," he said, very quietly, and my father let her go, stepping back and handing the smoking rifle to me. Old Dan still stood peering at his watch. It took about half a minute for the short fuses to burn—the scampering blasters . . . and then two dull booms, practically together, and the stop dams were out. The hushed crowd pressed forward to the canal to watch.

For a moment nothing happened. Then we could hear a low rumbling roar, like distant thunder, growling and gathering; then we could see the water surging in from both directions in mighty waves, from the dam and from the lake, thundering, pounding, roaring and then—*crash!*—the two streams met in the middle of the canal, the ground trembled, and a great muddy wave burst high into the air, blotting out the sun like a typhoon, raining down all over—over Dan and my father, over me, the crowd, the bartenders, the whisky sours, over everything. And still the water roared in, hissing and boiling, while the dripping crowd stood there hunched and silent, like men at a lynching.

Then it happened. You could sense it before you could see it. There was an enormous flood of water coming from the lake, more and more and more, and then suddenly we saw—we saw *that the water was flowing in the wrong direction!* There was no mistake; it was roaring wildly past us from the lake into the beaver dam. We could see the dam rising and the lake lowering before our very eyes.

I looked at my father. He stood there dripping and mud-

covered, shrunken-looking, his hair in his eyes, his mouth hanging open, watching the torrent pound into the beaver pond. Then the stricken old beaver dam washed out, gave way. We could see it before we could hear it, a cloud of earth and sticks and stones—it was war, a bombardment—then nothing but the pulsing surge of the water racing past us. And all the while my father and old Dan and the rest of us stood there, silently watching the fishless waters of Lake Traver emptying into the lumber company's ruined beaver dam.

My father turned to me. He had closed his mouth. Looking like a little boy, he slowly wiped his muddy face with the back of his hand.

“Pa,” I said very quietly, hoping the others would not hear. “Listen, Pa.”

“What’s that, son?”

“Pa, it looks like the whole trouble is your lake was higher than the beaver dam.”

My father seemed to consider this. He pursed his lips and shook his head with little nods, thinking hard.

“Yes, son,” he said finally, “it sure kind of looks that way.”

Then someone tittered in the crowd. I heard it plainly. My father heard it too, for the look left his face in a flash, and he almost knocked me over as he leaped toward the crowd.

“Who done that?” he roared. “What dirty bastard done that?” He howled and danced before them, clutching out with his big hands, the veins standing out on his neck—a very bad sign. “I’ll lick the hull mother-beating bunch of you!” he bellowed. The crowd gave ground as he advanced.

"I don't give a rattlin' goddam for the hull snivelin' pack of you! I'll—"

Just then old Dan let out a whoop, and my father and everyone turned around just in time to see him sailing his big silver watch into the canal. He was acting like a drunken man in a beehive, leaping, laughing, cursing, shouting. He ran up to the boiling ditch, tore off his jacket, flung it in, turned and hollered, "Nick! Nick! It's a goddam swell idea—a *perfect swimmin' hole!*"

With that he took a mighty running dive, his thin legs crooked frog-fashion in the air, disappearing into the muddy water of the canal. My father and the rest frantically rushed up to save him. "Thar she blows!" someone hollered, just as old Dan came up, spitting, snorting, splashing, looking like an aged walrus, threshing and trumpeting.

"Yoo hoo, boys!" he shouted, waving his hand. "Come on in—the water's fine!"

And, like the possessed swine of Gadara, every man jack of us, led by my father, went leaping pell-mell into what has been known, even to this day, as Nick Traver's Folly.

THE ASSISTANT P.A. IS WEANED

I WAS NOT long in discovering that law is probably one of the most stubbornly conservative institutions on the face of the globe. I soon opened my eyes to the realization that, contrary to the wishful notion prevailing in some quarters—and big shiny quarters, too—the law does not lead the people. After a lurching, shambling fashion, it slowly follows them. And not too graciously, either. A time-lag of three hundred years is as a day to its cloistered high priests. For every Holmes or Wigmore or Cardozo who brushes aside the ancient cobwebs, you will find a hundred influential lawyers and judges who jealously guard all the ancient shibboleths and the mystic jargon—right down to their last yacht.

One Saturday evening just at dusk, at the season of bursting bud, a busy Iron Bay shopping crowd was hugely diverted by the tableau of Barney LeTour and Rosie Dawn Crippen, in Superior Park, obliviously locked in love's last clinch at the foot of Father Marquette's statue. Even the good padre's face was red. A perspiring big patrolman appeared and unceremoniously sprang the lock, casting the gordian pair into jail.

Instead of merely charging the offense in simple, understandable language and letting it go at that, our law-shackled assistant prosecutor had to call all manner of names—long, complicated, lubricious names—a fine assortment of sixteenth-century slanders:

Barney LeTour and Rosie Dawn Crippen, late of the City of Iron Bay, in the county aforesaid, on the fourteenth day of May, in the year of our Lord, nineteen hundred and whatever it was, not then and there being married to each other, did then and there openly, notoriously, grossly, wantonly, carnally, lewdly and lasciviously fornicate, associate and cohabit together in said City of Iron Bay, at approximately 7:45 Post Meridian, more or less, Central Standard Time, on the evening of said day, contrary to the provisions of Section 335, Act Number 328, Public Acts of Michigan for 1931, as amended, and against the peace and dignity of the People of the sovereign state of Michigan.

The purpose of all this frenetic hog-calling? "To inform the accused of the exact nature of the charge against him," the high priests make solemn answer. As though poor Barney and Rosie were any the wiser after such an avalanche of adverbs.

While the situation is slowly improving, a prosecutor may still find himself thrown out of court, case and all, because of the absence of one ancient word, one misplaced comma, one horrible failure to tell the defendant exactly what he was doing. "Remember the *Magna Carta*," the ministers of mystification insist. You see, the defendant was merely there at the scene of the offense; so naturally he doesn't know what he was doing. The omnipotent prosecutor, who was fly-fishing on the Yellow Dog at the time, has to tell him.

I was not long in learning, as Judge Belden had before me, how great is the weight of small, intangible factors in a criminal trial. And how important are the tactics of the lawyers themselves.

It seems quite obvious that in any fair conception of justice the role played by the prosecutor or by the defendant's attorney in the trial of a case should be very small indeed. The fact of the matter is, however, that in many cases the tactics, the weakness or strength, the acts or omissions, of the prosecutor or opposing lawyer have virtually everything to do with the fate of the defendant. It was very sobering for me to realize the heavy responsibility I had to bear.

Plump Bruno Solari ran the Dreamland Restaurant and Tavern in National Mine. He had quite an imposing establishment, complete with artificial leather booths, yards of neon lights, shouting juke boxes and all.

For a long time the proprietor of this obscure, small-town Stork Club had a good business and prospered. Then the crowd began to drift away, as crowds do, lured by the will-o'-the-wisp of more neon and louder juke boxes. In short, Bruno Solari's business was going to pot.

In addition, Bruno had signed a long-term lease, and the landlord refused to lower the rent. Nor were the fire insurance premiums on his lavish equipment any longer easy to bear. Bruno tried to sell the business, transfer the lease—but no one could be induced to take over the place. The Dreamland had become a nightmare to Bruno.

Then, early one Saturday morning Bruno had a fire in his place, in the basement. A lot of rubbish by the furnace

had somehow caught fire. No one was in the place at the time. A passerby saw the smoke and called the fire department, and the firemen quickly put out the blaze.

Poor Bruno was audibly dismayed when he came down and surveyed his smoked-up Dreamland. The firemen felt sorry for him. Finally, like any sensible citizen, Bruno took a few good hookers, grabbed a quart off the back bar, locked up the place and left for his hunting camp north of the city. Not, however, before he had filed a damage claim with his fire insurance agent.

Then, oddly enough, late Sunday night, during a high wind, another fire broke out in the Dreamland, this time in Bruno's living quarters upstairs. Again a passerby detected the blaze. This time the firemen had a real battle putting out the blazing apartment and attic, and trying to save the adjoining buildings. The Dreamland was a sorry sight when the tired firemen finally went away.

The next day the fire chief and the police chief called at my office. They emerged with an authorization for a criminal complaint and warrant. Bruno Solari was arrested on a charge of arson. He promptly pleaded not guilty.

At Bruno's trial I showed that the firemen had detected a strong odor of kerosene when they had finally fought their way upstairs, that they had then found a blazing, oil-soaked carton filled with chips and debris, which they rescued, along with a corkless gallon tin can still partially filled with kerosene. I introduced these exhibits into evidence, and showed by expert testimony that they contained kerosene.

I also showed, by one of his next-door neighbors, that

Bruno had been seen rapidly leaving the scene of the fire; that they had passed each other on the sidewalk shortly before the alarm sounded; that others had seen Bruno in town both before and after the fire; that the equipment in Bruno's place was heavily insured against fire; and that Bruno had since filed a large claim with his insurance company.

I rested my case.

Bruno's attorney was a crafty, successful criminal-defense lawyer of many years' experience. He was one of those fortunate mortals whose hobby also happened to be their profession; the kind of lawyer whose only vacation—as Choate so aptly put it—occurred during that brief interlude between his asking a question and the witness' making his answer.

He called Bruno to the stand and stood before him lost in thought, hoisting his suspenders, blowing his nose, rumpling his hair. An appearance of hearty, bluff frankness was one of this old campaigner's stocks in trade—old Rough-and-Ready, who sought no quarter and gave less.

Finally: "Did you start this fire, Bruno?" Right from the shoulder, you see, no beating around the bush.

Bruno: "Non-no."

"Do you know how it started?"

Bruno engaged in profound thought. Then: "I sure dat fire start from da poor wires. All a time lately I notice dat—what you call—dem electreecal sweetch upstairs he make a beeg flash"—hands working—"an' I 'fraid something lak a dis goin' a happen my place, I tink—"

"Were you in the building that night?"

"Who, me? Oh, non-no. Not till a nex' day."

"Did you meet Gus Stedman or anyone else leaving the building that Sunday night?"

"Non-no. . . . I come in from a da woods dat Sunday night—I keel a five rabbit—an' I go down-town hava sandweech nodder place—Gussie gotta dat all wrong. He seen me—Friday night—notta on Sunday. Non-no."

Bruno's lawyer blew a clarion middle C on his nose and sat down, turning to me. "You may take the witness," he said.

"Bruno," I asked, "when did you first learn of the fire?" I moved near him.

"Who, me? Oh, dat a Sunday night I hear 'bout him."

"How?"

"Letta me see—oh—one fella tella me dat—I forget a hees name."

"Did you go over to the building Sunday night?"

"Non-no—I feela too bad." A fugitive tear slid down his nose. "Not teel nex' morning."

"Did you—then or later—tell your insurance company about the defective wiring?"

"Non-no."

"Or ever tell the chief of police or fire chief or anyone about it?"

"Non-no."

"Why didn't you have the bad wiring fixed if you were afraid of it, Bruno?"

"Who—me? I dunno. Datsa landlord's beezness."

"Did you ever tell him to fix it?"

"Non-no."

By this time little plump Bruno was not very happy. His

face had grown brick-red, the sweat was pouring from him, he called for water, and constantly glanced at his attorney—as the old devil assistant prosecutor pressed forward.

“Did you notice any smell of kerosene when you visited your apartment the day after the fire?” I went on.

“Who, me?”—glancing at his attorney—“Non-no—jus’ smoke, you know, dat burn smell—”

“You know what kerosene smells like, of course, don’t you, Bruno?”

Nodding, grinning: “Oh yes, yes—poof—I cook now—les’ see—twenta-tree year—I knowa dat smell ver’ good. Pretty bad a smell, Mist’ Trave’. No like.” He wrinkled his nose.

I walked over and got the People’s exhibits—the charred, kerosene-soaked carton and the oil can. I handed Bruno the carton. He took it, awkwardly, as though it was loaded with dynamite. It was.

Easily: “Will you smell that, please—Bruno—and tell me what you smell?”

Bruno cast a beseeching, anguished look at his attorney. His attorney trumpeted, snapped his suspenders and rumbled his hair some more.

“Hold it closer, Bruno,” I suggested. “We want to make sure, you know.”

Bruno’s face was practically buried in the stinking carton. He sniffed away at it like a hound dog on the loose in a rabbit bog.

“What do you say, Bruno?” I finally asked, not wanting him to be overcome.

The eyes of every person in the courtroom were on Bruno. Bruno clucked his dry tongue, and managed to say:

"Non-no. I doan smella notting. Notting tall, Mist' Trave'." He gulped and rolled his eyes.

I handed him the kerosene can. "And this?"

More sniffing. "Notting tall—maybe leetle lak a—soda pop, maybe—"

With Judge Belden's permission, I then handed the two exhibits to the jury. Each jury member tried surreptitiously to wipe off his hands as he gingerly passed along the oily mess. Little Bruno sat looking at them desperately, like a man praying—praying, perhaps, that the heavens would suddenly crack open and pour down a flood of, say—soda pop.

"That's all," I said.

After I had shown in rebuttal that the wiring in Bruno's place was not defective, and we lawyers had lashed away with our jury arguments, Judge Belden quietly gave the jury their instructions. Bruno was promptly convicted by the jury and sentenced to state's prison by Judge Belden. And so another arson case—that crime where even the perpetrator cannot foretell the extent of his mischief—was wiped off the docket.

The interesting thing about this case, however, is its nice demonstration that it was over-tried by Bruno's lawyer, over-defended. Bruno's lawyer, who must surely have known beforehand of Bruno's planned defense of the defective switches, wouldn't give an inch, wouldn't concede a thing. By his faulty tactics he virtually insured the conviction of his client. For the strongest part of the People's whole case lay in the fact that the fire was an "arson" fire, that is, deliberately started by some human agency. The case literally stank of that.

But another big hurdle that the People still had to get over—and by far the toughest—was to prove that Bruno was that agency—and not someone else. And so, Bruno's lawyer, by refusing to let Bruno frankly and sensibly concede that the burning was an arson fire—but that he didn't start it—gave me the fatal chance to use his own client to demonstrate ludicrously to the jury his guilty knowledge—in short, to show that Bruno was a bloody liar.

Not all my cases are so well lubricated.

This arson trial reminds me—with reverse English—of the time I prosecuted the suave Kilcollins for forgery. I think it was not long after, about the following spring. The assistant prosecutor was getting pretty cocky after taking Bruno's cagey old lawyer.

Kilcollins, a congenital forger, had a criminal record as long as a bill collector's memory—and in this case the People had him dead to rights. But Kilcollins, the old spoil sport, refused to plead guilty, hired himself a practically retired, kindly, sleepy old lawyer called Moffett, and insisted on a full trial of the case, with all the trimmings.

We chose the jury. One of the jurors, an old fellow, with a great bunch of once auburn whiskers, a kind of town character called Peg Leg Adams, sat on a corner, in the front row of the jury box. He was a harmless old duffer, and I let him stay on the jury so he could make himself a few extra dollars.

The young assistant prosecutor proceeded briskly and confidently with the case, monotonously rolling in a flood of testimony utterly damning to the prospects of Kilcollins' working the southern circuit that winter. It was just

too easy. Kilcollins' attorney hadn't tried a criminal case in years—and anyway, what did these old fogies know about modern trial practice?

While sleepy old Moffett was up front futilely cross-examining one of the People's witnesses, I sat back at my table, boredly, abstractedly looking over the jury. I sat up! I noticed old Peg Leg, one of the jurors, hunching himself, munching his gums, pouting out his cheeks. Entirely oblivious of the trial, he seemed to be looking for something near my table. I followed his glance and saw him gazing lovingly at a tall shining brass cuspidor which proudly stood at the end of my table. This beacon was all of fifteen feet from Peg Leg, and called for an inside curve, and it amused me to watch what he'd do with the splendid charge of tobacco juice he had worked up.

Old Moffett droned on with his cross-examination, Judge Belden was pacing the floor, by his bench, and I yawned and started to plan the trial of my next case.

“W-whing!”

Judge Belden looked up, old Moffett wheeled around. Everyone looked at Peg Leg. “My Gawd, he made it,” I thought, admiringly, for lo! he was disgorged, unpouted, and the cuspidor still rang from the impact. “The new champ,” I thought, and after a momentary wave of tittering, everyone returned to the dull business at hand.

Kilcollins finally took the stand and told a bizarre, fantastic story to the general effect that it must have been two other fellows who committed the forgery. The jury did not try to hide its skepticism. The proofs were so convincing, and the defense so woefully weak that after a short cross-examination I was done with Kilcollins. So old

Moffett and I dolefully proceeded with our arguments to the jury. When we were done, it was so close to the noon hour that Judge Belden decided to forgo giving his instructions until after lunch.

“Hear ye, hear ye, hear ye! This honorable court is adjourned until one-thirty this afternoon.” The sheriff had made another three bucks.

After lunch the jury filed in, old Moffett and his client took their seats at their table, I at mine, and Judge Belden adjusted his glasses and started to give his instructions to the jury. As the Judge went on with the familiar ritual, I again looked around the courtroom. My eyes rested on old Peg Leg. “Ah, Peg Leg won’t risk his title again,” I thought, noticing the paucity of his pouch. “But what in hell is he up to now!”

Peg Leg was sitting on the edge of his jury chair, all tensed and anxious, staring at something, and it wasn’t the judge—or the cuspidor. I again followed his eyes and found that he was gazing raptly at Kilcollins’ old attorney, Moffett, who had got up from his table and was slowly circling about fifteen feet from the end of my table, carefully stalking a spot by the leg, and working up a chew of tobacco to end all chews of tobacco!

Judge Belden went on with his instructions. Old Peg Leg frantically worked farther out on the edge of his chair as though ready to leap. Old Moffett’s cheeks were ready to burst. He stopped and stood squarely facing the cuspidor. Then I saw his immense chewing cease, his face get as long as a horse’s, and his lips purse, so. His eyes seemed to roll up and close in fervent prayer. I too closed my eyes. I could not bear to watch.

“S-s-plink!”

I heard an “A-a-a-h!” and I looked up at Peg Leg, who was easing, settling himself back in his chair with a relieved, beatific expression. The traditions of the world’s tobacco chewers had not been violated. Another bull’s-eye had been made. I looked over at old Moffett with a new interest. He sat down with a faint smile on his sleepy, lined old face.

The jury stayed out all afternoon and half the night. At 3:30 A.M. Judge Belden called out the jury and found that they were hopelessly deadlocked, eleven to one. Eleven of the jurors glared sleepily, sullenly at old Peg Leg. The Judge accordingly sent them home, and Peg Leg, bright as a dollar and replenished, grinningly hung up another ringer as he thumped out of the court.

Outside, as I was crawling into my car, old Moffett walked past, bent and stooped, carrying his battered brief case.

“Mr. Moffett,” I called.

“Yes, Johnny?”

He stopped. I extended my hand. He took it. A bright, warm moon shone full in his face. There was a gentle night breeze. The old man chuckled, more to himself than to me.

“Johnny,” he said, “all nature is run in the same mold. Once in a while even an old fox-hound will follow off a fresh rabbit track. Good night.”

The assistant prosecutor had cut his teeth.

CITY INTERLUDE

I HAD BEEN assistant prosecutor for nearly two years. The work was fascinating, but Grace and I were no nearer to getting married than when I graduated. Each month found me panting for the next payday. And a sullen thing called Depression was rolling over the land. In the meantime Grace's and my visits, calls, special dispatches and general correspondence had assumed such feverish proportions that we found ourselves, almost alone, retiring the bonded indebtedness of the railroad, telephone and telegraph companies. Even the postal service was perceptibly climbing out of the red, and the airmail people began seriously debating the initiation of a Chicago-Hematite run. All that dissuaded them was the fact that one spring day, while Butch Holt and I were fishing, I surprised myself by telling him I was going to quit my job and go to Chicago. "Well, I'll be cow-kicked," Holt said. "And here I'd been grooming you as my successor."

When I told Judge Bekden, he smilingly shook his head. "Go down and marry her, Johnny. But you'll be back. In the meantime—good luck."

Owing to the magic of Grace's father, a busy, successful city worker and fine gentleman (whose lifelong ambition has been to run a hardware store in a small town), I immediately got a job with one of the largest law firms in

Chicago. I never did get around to counting all the lawyers in that office but I met at least forty of them—including my fine friend Raymond—more than twice as many as practiced in Iron Cliffs county. The ground was heaving, the very walls bulging, with lawyers. And it was a good firm, an excellent firm, as legal factories go.

I could attempt to write quite a lament, a doleful dirge, on the implications of the fact that the cream of the legal talent in this nation is fast finding itself in the exclusive hire of "big business," whatever that is; how most of the best lawyers have cast aside their historic role of fighters for individual freedom and liberty to become little more than professional pleaders for the industrialists and people who can pay. It is a temptation to cry dramatically: "Where are the Websters and Choates of today?"

Humility and a sense of guilt oblige me to report, however, that, during a time of mounting depression when hundreds of young lawyers starved, this Chicago law firm paid me well. I worked hard on their clients' frantic retreats from financial ruin, and my work appeared to please them. When Grace and I were married that fall, they gave me three weeks off with pay, and a generous cash wedding gift besides.

After the work of criminal prosecution, however, this new work of drawing leases and mortgages, then foreclosing them, searching titles to land, probating the estates of the poor rich who were dead, was dull to a degree. The firm did no criminal or divorce work, save when one of their powerful clients or a member of his clan got in a jam and insisted on the firm's services.

I recall the famous Brewster case. Famous for a day, I

mean. Some Scotch-soaked suburbanite had socked his wife for kissing a gentleman friend on the polo grounds—droll place—whereupon she had had naughty hubby arrested and had called on daddy's big law firm to aid her and the district attorney's office to prosecute him. He was to be hauled up before the judge that afternoon.

In view of my criminal experience and the firm's wish for cloistered anonymity, I was assigned to this little daisy. My first step was to visit the aggrieved lady and try to learn the details. I found her barricaded in a swank apartment hotel, surrounded by a small army of private detectives, a French maid, a dog called Foo-Foo, and oceans of smelling salts.

She was young, pretty, and, I soon saw, possessed of a brain on a par with Foo-Foo's. And Foo-Foo was not a bright dog. All the time Mrs. Tillie Brewster, for that was not her name, carried on something powerful. She fainted three times, threw her arms about me twice, wanted me to swell the home guard by staying there, spilled a drink she poured me, and finally drank the next one herself. She was sure her husband was going to murder her. At every knock and buzz she would poise for a swoon. Griswold was coming to dispatch her.

"How old is your husband?" I finally asked.

"Griswold is—ah—sixty-two."

"I see," I said, for I saw.

She looked at me quickly, a kind of a swift, appraising, even intelligent glance; and I saw that she saw that I saw.

So we had quite a little chat after that, during which I pointed out that sometimes mighty disclosures from little kisses grew; that Time could be a great healer as well as a

grave disappointment, and that maybe I'd better run over to court and adjourn the case. "Yes," she agreed, "maybe you had better."

The news photographers were all but in the judge's lap when I got to court. The case was continued in a blaze of flash-bulbs. On the way back from court I found my picture was already on the front pages. TILLIE'S LAWYER CONTINUES KISS CASE!

That night the newspapers featured a chummy new portrait of Tillie, Foo-Foo, and—none other than Griswold. PRINCIPALS IN KISS CASE KISS AND MAKE UP!

I went out that night and poured my own Scotch.

I had never before lived in a large city, but I had read a lot about big cities. Eager, glad tracts by writers who glowingly described the "soul," the "spirit," of London, Shanghai, Paris, New York, and other large cities. Chicago had been likened to a great, bountiful harlot, an amazing person full of charity, tolerance, casual wickedness, lavish abundance and—this I can vouch for—wind, just plain wind.

These efforts to personify great cities had always left me uneasy and mystified. Like essays on Style. My stay in Chicago soon redoubled my unease and bewilderment. And with it came a feeling of profound pity for the people who had to live in any large city—including myself.

It was not only the increasing revulsion I felt for the physical aspects of city life: the great squalls of noise and clatter; the gales of dirt and stench; the wild eye-rolling herds of trampling people. No, not these alone. It was—it is difficult to express—it was the impossibility for me to

grasp, to encompass, the space in which I lived and moved; to get myself in beat with the cocaine rhythms of its tempo. I missed dreadfully the ability to see, to sense, all at once, the limits of the place in which I lived, to view the horizon beyond the place where people dwelt. Why this should have been, I still do not know. I missed the casual society of unhurried people, the opportunity to get to know individuals—the persons I kept passing and jostling in the streets and elevators: a dignified, time-wise old man; a spirited young woman; a wistful child. They were all there, I sensed, not at root any different from the people I had always known, but they were, I sorrowfully saw, afraid, wary, stricken dumb by the huge anonymity of city life. The city's personality was its utter lack of personality.

I grew to loathe this exquisite terrible loneliness of City (it's my turn to personify); this loneliness without solitude; this drowning in people while all the while they and you remain walled apart, helpless of rescue, inaccessible, strangely, bitterly isolated, one from the other. I grew to pity and hate the suspicious, weary masks of city dwellers, especially those of my own age; the knowing, assured, frightened brightness of the young men; the aloof, metallic, hard-handsome glitter of the young women. The waste of living I thought I saw appalled and saddened me.

And, too, I missed the hills and woods, the lakes and streams and swamps; the rocks and moss and matted leaves; the doze and murmur and measured pulse of a small town—of my small town. This constant, unconscious comparison drove me to a silent fury over the fake, commercialized "small townishness" one sees cultivated in all large cities. I can laugh at it now. "Ma Perkins' home baked beans"

were not for me; my "neighborhood" druggist was a fiend who goaded me by talking about the swell fishing at the end of Navy Pier; the homey, horrible "human interest" stories in the papers; the little monster doorman at the towering lawyers' club who cheerily called all the hundreds of members by name: "Good afternoon, Mr. Traver. Looks like rain. . . . Good night, Mr. Goosebaum." And they all called him "Chuck" and inquired about the endless brood of children he seemed to possess. Bull-chatting by the old town pump.

The corruption and distortion of the basic emotions which I sensed all around me did little to improve my state of mind. The blatant, casual adulteries; the fluttering hordes of fairies; the slithery, crude, sly, manicure-pinching; the sticky, blubbery love-bouting disturbed me mightily, and, so help me, not on moral but on esthetic grounds. I felt debased and outraged at the billboard, latrine quality of their sin-letting.

I was probably wrong about most of this, intolerant, provincial, dyspeptic, a two-bit Haldeman-Julius cynic. I tried hard to throw it off, to try to understand this way of living, to adapt, to rationalize myself into gladness. Surely, I told myself, living in a small town is no bed of roses. But it was no go. The closest I ever came to being a normal happy person while I lived in the city was in the backroom of a little West Side Italian restaurant, with Raymond, shouting, roaring, playing fierce, vein-swollen card games with the proprietors, two angel-kissed lunatics called Giorgio and Luigi. But red wine and I were never meant for steady wedlock. And Grace, sensible girl, soon got so she didn't like me to play with Giorgio and Luigi.

Then, another ray of light, Butch Holt and his big Finnish sheriff, Andrew, came to town on an extradition. They stayed at the Palmer House. I didn't work for three days. Extraditions are difficult. It was on this trip that Holt told me he was moving West for good. I remember the last night. We were sitting in the hotel's main dining room, eating a tremendous dinner. Big Andrew, be-bibbed and happy, had demolished a great, dripping steak. Holt was telling me a convulsing new Finnish story. The waiter approached and suggested dessert. Andrew studied the menu and then looked at Holt and me, perspiring, greasy, confused. Then, wistfully, he turned to the waiter: "Me, I's to be pretty full, Mister. I guess for dessert I just take for the two porkchops, please."

But these interludes were rare. Naturally, my despondency communicated itself to Grace, try as I might to hide it. And sometimes I didn't try. We lived in a large suburb no whit different from Chicago except that it had a different city hall machine. We lived in a large, swarming apartment, a droning hive of hums and thumps, of clashing radios and falling garbage, of muffled voices and flushing toilets. Ah, such gayety, such nearness to Life! "PANDEMONIUM PLAZA—Deliver All Parcels in the Rear!"

We were twenty miles from Chicago. With a little luck one could make it in an hour each way. Mostly I traveled on a device called the Elevated. This situation gave me some fine chances for continued self-flagellation. "Three hundred working days a year," I would craftily calculate. "Forty miles a day to and from the office. Aha! See, Grace, twelve thousand miles a year!" Or again: "Six hundred hours a year riding to work and back. Splendid! That's

exactly twenty-five solid days a year gone, wasted—almost one month in twelve—just spent sitting on my fanny or dangling from a strap, pushing, swaying, clawing, riding in these abandoned cattle cars, reading the same banal journalistic opiates as my fellow prisoners!”

Country lawyer was, you see, in a hell of a fix. And Grace was going to have a baby. Then, one morning, came a telegram from my mother: **FATHER DIED LAST NIGHT.**

FISHERMIEN AT NIGHT

WITH MY BROTHERS I stood in the crowded old parlor and looked down at my dead father. I stood there, curiously detached, apart from the scene, but not its meaning; an actor looking over the shoulder of myself, the bereaved son. I did not like this unbidden person there, prying into my heart, analyzing my feelings, cynically sharing in the death and burial of my parent. I was two people, one numb and choked, the other, the actor, appraising, cool, aloof, with a burning, almost fiendishly stereopticon vision. It was not the first or last time this person has dogged me in moments of stress.

I looked around the room. There were some wilted carnations giving off their ripe odor of death. There was a gaudy wreath from my father's lodge. TO OUR DEPARTED BROTHER. I considered the almost exquisite blunt crudity of the conventions people use to cover the horror of death. "Please omit flowers," I thought again, pondering this other vain, pathetic effort of wounded humanity to be alone in its grief. FATHER, said another wreath. "That would be from you boys," the actor whispered. "Isn't it barbaric? . . . And don't forget to pay your share, John. It's just about five bucks."

I looked at my father, lying there, exhibited, on display, proof pitiful that he was indeed dead. How he would hate this final degradation, I thought. I would not have been surprised—would have cheered—had he suddenly sat up, cursing, and shouted them out of the house. But he did not. Instead he lay there, rigid and frozen—that great restless, lustful frame, that untamed, willful spirit. . . .

“Don’t he look natural?” someone whispered.

I wheeled with clenched fists. It was old lady Ryan, and she took my hand. I smiled and nodded my head, my eyes crowded with tears, with tears of gratitude and anger and humiliation.

People came and went. Some of the old Irish friends got up a chanting prayer. I stayed there, the actor and the son, on guard. It grew late. My brothers and some Irishmen went to the kitchen. The last vestiges of the wake. Charlie LeRoy, my father’s old rheumatic bartender, came silently in the front door and shook my hand and stood beside me.

“Sorry for your trouble,” he said. It is the local formula.

“Thank you, Charlie,” I said.

Old Charlie stood looking at my father for a long time. He had known him in the tumult of their youth. We were finally alone. We three. Then Charlie turned to me, at last, with eyes of great wonderment.

“Johnny,” he said, “the old son-of-a-bitch really *is* dead, isn’t he?”

Choking, I hurried to the kitchen for a bottle and returned. Charlie and I had a drink to his tribute, to the old man, to everything. Then Charlie said, “Good-by, Nick,” and limped away. I stood there all alone—for even the

damned sneering actor had finally gone away—looking down at the old man, at my old man.

It was quiet in the big frame house, except for the mumble and clink from the kitchen. I stood there pondering and thinking . . . of the time my father got drunk and gave me a dollar, and then took it back when he got sober; of the time an attractive and zealous female temperance worker had descended on our town to clean up its saloons, starting with my father's, and had instead wound up in an old iron bed over his saloon; thinking, too, of the marching generations endlessly lowering each other into the grave; of how chaotic may be the scenes of life, yet how inexorable the final drama; of the many times I had wished to grow up quickly so that I could thrash this man. . . .

I stood there musing by my father.

We left the camp and cut down the hill into the waving grass of the ancient beaver meadows. My father pointed at a fresh deer track in the soggy trail and kept walking, his long legs swishing the wild grass. He was carrying his fly rod, set up, slowly smoking a briar pipe—an old, caked one with a hole worn through the bit. I drank in the fine smell and it was mixed with smells from the damp earth.

Over the little log bridge at the creek and at the far edge of the meadow, in the young poplars, we flushed two partridges, and we kept raising the rooster, who would fly ahead of us and land, and then turn, ruffling and bobbing like a young prize fighter, until we got too close. Finally it sped in heavy flight over a little hill and we could hear it drumming on the next ridge.

My father could step over most of the charred, weather-

worn logs, skeletons of the giant white pines, while I had to climb up on each one and stand there for a little while as tall as my father, and then jump down and run after him, my leader box rattling against my creel.

We came out of the poplars and down below us there was a series of beaver ponds and a big beaver house stood in the reeds. There were no beaver. The sun going down made a reddish color on the water. The water was quiet except for the ripples of the trout rising to the hatching flies. A mist was beginning to spread over the ponds, and it was still; there was no noise, except for the frogs croaking and whistling and the splashing of the water spilling over the beaver dams into the ponds below.

My father stood there and packed and relit his pipe. He said, "Next year, Son, I'll put in a system here to furnish electric lights for the new camp."

I said, "Yes, sir." Finally I said, "Don't you think it's more fun to have kerosene lamps? Honest, Pa, I don't mind tending them. Don't you think machinery and things would sort of spoil it here—it's so pretty-like."

My father laughed and walked ahead and I followed him along the edge of the ponds as we walked up to the big pond at the head of the dams. We worked through a thicket of tag alders and came out in the reeds at the edge of the big pond. The ground was soft and it shook when we moved. My father touched my arm and pointed across the water. A deer stood looking at us, standing in the tall reeds, its big ears up and forward, first one ear, then the other, sort of moving its head in the air, all the while looking at us. Suddenly my father clapped his hands and

the deer blew and wheeled, and I saw its white tail straight up, bouncing and bouncing over the fallen old pine logs, and it was gone.

“A beautiful running shot, Son,” my father said.

The trout were rising and my father knelt and looked at the water. He tied on a leader and a little black fly. I stood watching him. I watched his easy spiral casts as he worked out the line, straight up and forward to avoid catching the thick alders behind us, and then he placed the fly, and it floated down into the water like a thistle. There was a quick roll, and my father had him, the rod bending like a buggy whip, and I watched my father smile and he smiled so that I could see his teeth closed over his pipe and little lines by his eyes. My father slowly worked him in, smiling that way, until the trout lay still at his feet, and my father, not using the net, reached down and took him with his hand.

“Pretty tired trout, Son,” my father said.

I could hear a whippoorwill make a noise across the pond.

I found a little black fly, and I fumbled in my hurry to tie it and pricked myself and my father said, “Be deliberate, Son.”

“Yes, sir,” I said.

On my first cast I hooked the alders and snapped the leader, and my little black fly was twenty feet up in an alder. My father laughed and I could feel my cheeks burning as I searched in my kit for another black fly but there were no more.

I said, “Have you any more of those black flies, Pa?”

My father said, "Sh—don't talk so much. Work your own flies, Son." He cast his fly again, so easily, and just missed a beautiful strike.

I fouled my second cast in the alders and I had to bite my lip to keep the tears back when my father laughed again, showing his strong teeth clenching his pipe.

"You'd better go around and get out on the raft," my father said, pointing across the pond.

In the twilight I saw the logs of an old raft lying in the water amid the reeds. I scrambled through the alders and made my way across the matted arc of the beaver dam. I did not look at my father. It took me a long time to get around the pond and I could hear splashing and my father chuckling and I knew that the fishing was good.

I found a long jack-pine pole. I did not look across at my father, but quickly pushed the raft off into the deep water. Just as I was about to cast, the raft started to sink, over my ankles, my boots, up to my knees. I tried to push it back to shore and the pole caught in the mucky bottom and pulled me into deeper water. It was then that I heard my father laughing and I looked over at him and he was slapping his leg and laughing loudly with his mouth open. I worked hard with the pole, and then I couldn't touch the bottom. I tried to paddle with the pole, and it snapped off, and I held a little piece in my hand. The raft started to tip and the water was over my hips, and all the time I could hear my father laughing and laughing, roaring with laughter. Then I saw him holding his stomach, laughing, and I began to cry; I could not stop, and I stood looking at him, laughing so that the tears rolled down his cheeks. Suddenly I shouted, "You standing there laughing and

watching your own son drown. . . . You—you go to hell!”

I started striking the water, the tears running down my face, and the raft started to rise and move slowly across the pond toward my father. He stood there holding his stomach, with both hands, bending up and down, laughing all the while.

“You go to hell!” I shouted again, crying harder than ever, and then he doubled up and leaned against the alders, shaking as though he were crying. As I wildly threshed the water, I prayed over and over for a gun so that I could shoot my father.

The raft was across the pond and I stepped off the raft on to the boggy bank and stood there dripping, looking up at my father, my fists clenched at my sides. My father had stopped laughing and he looked at me, and we stood there. I was not crying. Then he smiled a little and said, “That’s a hell of a raft for a fisherman, Son. We’ll have to get us a real man-size boat. Come on, we’ll get back to camp and dry out and have a damn nice drink of whisky—what do you say, John?”

“We’ll sure have to get us a boat. That raft’s no bloody good. And we’ll have a fine drink of whisky, Pa—a hell of a big drink, you bet.”

It was dark on the way back to camp, and the meadow was thick with the mist. I did not mind shivering at all, and I took long steps, whistling to imitate the frogs. “Tomorrow,” I thought as I walked along behind my father, “tomorrow I’ll sure in hell get hold of the old man’s pipe—and smoke the damn thing right in front of him, you bet.”

A PROSECUTOR GETS ELECTED

BACK IN CHICAGO once again, I lasted less than three months, quitting it as abruptly as I came. It was a tough decision to have to make, not so much for me, but for others. But I did it because I had to. I quit my job and came home, during the height of the Depression, and opened an office on the second, and top, floor of the old brownstone building built by my grandmother so many years before. The dime store occupied the first floor.

And in less than a year I found myself in the midst of a hot campaign for prosecutor. Butch Holt had left, finally, to reside in the West. There were five of us in the race. But of course I had a tremendous advantage, for you can imagine the tidy campaign fund I had built up in my first year of practicing law alone!

I find it difficult to recall much about that first campaign except that it was a nightmare. I stumbled around, drugged, pixilated, punch-drunk, thrusting my little campaign cards at everyone who crossed my path.

Grace had stayed in Illinois with her parents. For in the meantime I had become a father. The first of the little wrens. Not wanting to play favorites, I proudly sent Grace one of my campaign cards. On the bottom of the card was

this little legend: *Your Vote and Support Will Be Appreciated*. It is an immutable custom, absolutely required of any person who would seek public office in our bailiwick. In due course Grace returned the card. The little vixen had stricken the words *Vote and* from my legend!

No prosecutor had been elected in Iron Cliffs county, on my ticket, since shortly after the Civil War. This only served to spur me on. Like Jeanie with the Light Brown Hair, I was everywhere—at picnics, ball games, railroad shops, mills, lumber camps, farms, factories, beauty parlors. I haunted the iron mines like a gnome. I cannot even talk about the political rallies. Wherever a knot of innocent people gathered, there was the gaunt specter of Traver, passing out his little cards. *Your Vote and Support Will Be Appreciated*. There is one thing I am sure of: I could run for President, for the lockers, till I was a hundred, anything—but never again could I campaign like that.

He was a little, dark, wiry man, with a deep voice and the typical bedroom eyes of a railroad worker. He wore a railroad man's blue shirt with small white dots. He put his dinner pail on my desk.

"My name's Tom Williams, Mr. Traver. I live in Iron Bay. I'm a fireman on the L. S. and H. I'm also secretary of the Railway Workers Brotherhood, Local Number 17, for Iron Cliffs county. The Brotherhood asked me to come up and see you."

"I'm very happy to know you, Mr. Williams. Do sit down." Hovering, I was the very soul of old world hospitality. "Have a cigar."

"We know you're busy these days, so I won't keep you long. Thanks. I don't mind if I do."

"Have a light."

"Thanks. Ah . . . not a bad little smoke."

"Have another. Here—take a handful."

"Oh, don't now—no, no—oh well, I'll smoke them when I get in off the run tonight."

"You mean you have to work on Saturday nights?" I was cut to the quick.

"A railroad man's work is never done, Mr. Traver." He looked at me with his dark, far-seeing eyes, etched with fine wrinkles from long peering through night and storm.

"Yes, I guess you're right." Here was a fine little man, the salt of the earth, the backbone of America—a real worker.

Mr. Williams went on. "But I see you're busy so I'll get to the point—"

"Not at all, not at all, sir. No hurry at all, Mr. Williams. I was just sitting here wondering where I'd turn next. I really was." I had been going over my finances.

"Well, I got to get to work myself—I came to tell you about the Brotherhood's annual picnic next Thursday afternoon out at Pirate's Point—down at Iron Bay."

"Picnic!" I was like a hound on the scent.

"Yes, Mr. Traver. We had a meeting of the Brotherhood last night, and we went over all the county candidates for prosecutor. You see, we want the right man for the job."

Here was a man of rare discernment. "Of course you do, Mr. Williams. Most assuredly."

"And I'm mighty pleased to tell you, Mr. Traver—mighty

pleased—that we picked you. The whole membership is back of you for the job. You're our man. Yes sir!"

"Why, Mr. Williams!"

"Yessir, we're all for you, young man. Not a dissenting voice among all those men."

"But what can I do—I—"

"We want you to give us a bang-up speech at the picnic Thursday afternoon. Right after the tug-of-war. Sharp at three. Can you make it?"

"Why, Mr. Williams! Can I ever—"

"There're over five hundred paid-up members of the Brotherhood—"

"I'll be there, Mr. Williams—"

"And we'll all be on deck. All of us—with our wives and sweethearts—may they never meet. Ha, ha, ha."

My mirth was uncontrollable, nay, hysterical. At length I managed to chortle, "That's a good one, Mr. Williams—that sure is rich." And I was off again.

Mr. Williams consulted his watch. "Ten fifty-three. I got to highball, Mr. Traver." He held out his hand. "Next Thursday, then, sharp at three—oh, by the way, do you have any more of your campaign cards? I'd like to pass 'em out to the boys."

"Why, I've only got about five hundred left. Will that be enough? Here they are."

"That's fine. I'll take 'em." He turned at the door. "Now get in there and pitch, young fellow—we're all for you."

"But, Mr. Williams, I don't know how to thank you. I really don't know. . . . Won't you have some more cigars?" I held out the box.

Mr. Williams laughed his goodnatured chuckle as he waved the cigars away. "Don't thank us at all, Mr. Traver. Neither love nor money can buy our votes. With us it's the *man!*"

"But I wish there was some way—"

"Oh, by golly, I almost forgot. Well, if you want"—he grew embarrassed, diffident—"—that is, if you want to really show the boys how you feel, without giving offense—know what I mean?—you maybe could run a little ad in the time-book. You know, just a little courtesy ad in the time-book."

"Oh yes. A little ad in the time-book."

He produced a paper-bound pamphlet. "The members of the Brotherhood keep track of their time in these here books. See? We're just about to go to press—we're going to distribute them at the picnic. A little ad might be a sort of reminder at that, now, wouldn't it, Mr. Traver?"

"Yes, indeed, it certainly would, Mr. Williams. Ah—how much are they?—the ads, I mean?"

"The whole thing is run non-profit, Mr. Traver. We charge just enough to pay the bare overhead. Let's see—the regular page rate is fifty dollars. But I guess I could let you have it for forty."

Sweet Rosie O'Shinsky, I thought. Forty-two bucks left in the world!

Mr. Williams again consulted his watch. "I must be going. Shall I tell the boys you want a page?"

"Why, Mr. Williams, that's awfully nice of you. But—you know, with campaign expenses and all—couldn't you make it part of a page?"

Mr. Williams closed the time-book and rose to leave.

"I'm sorry. The Brotherhood rules is never to sell less than a page." He started for the door. "But it's O.K. Just skip it. I'll tell the boys you couldn't quite swing it. Just forget it. I don't think they'll be a bit sore—"

I blocked his way.

"Now, Mr. Williams, don't go. I wouldn't think of it. I'm just getting a little low in funds, is all. You know how it is. Here, I'll write the check now."

"How do you want the ad?—like on one of your cards? Can I use this pencil?"

"Why, yes—"

"Only bigger, to fill up the page? And I'll personally add: 'The Brotherhood's choice!' There. Look! How's that?"

"I don't know how I'll ever thank you, Mr. Williams."

"Give 'em both barrels, boy. We're mighty proud of you. And don't forget—Thursday at three. The reception committee'll meet you right by the bear cages—sharp at three."

"I'll be there. Right by the bear cages."

"Good-by, Mr. Traver—and good luck."

"Good-by, Mr. Williams—and thank you so much."

Has it ever occurred to you what a truly wonderful, self-sacrificing people the railway workers really are? How they toil, night and day, Christmas and Easter, in fair weather and in foul, just so you and I may be nearer to our loved ones? So that industry, commerce, the very life-pulse of the nation may still sing along those slender silver rails? So that the great, swift, panting iron horse may still continue to deposit your mother-in-law on you for a little six weeks' visit?

All these beautiful thoughts, and more, swept over me in a flood, as I contemplated the innate grandeur of these men. All the railway workers in the world became clothed with a new, a quiet dignity I had never sensed before.

I wrote and rewrote my speech a dozen times. Never before or since have I worked so hard on a talk. It was the saga of the section hand, the epic of the engineer. It was the Gettysburg Address of all the unsung railway workers who ever lived. I even tossed in the one about the Scandinavian immigrant who extolled the opportunities rampant in our great Democracy: "Seven yars ago ven I com to dis country I couldn't even say *eng-gin-neer*—an' now I are vun!"

Ring out wild bells!

The following Thursday was a beautiful autumn day—just made for a picnic. Right after lunch I started away in the faithful old Model A. On to Pirate's Point! The little old car hummed along. I tapped my speech tucked away there in my breast pocket. But I knew it by heart. I swung into the climax:

The heavens may loose their floodgates,
The thunders crack and roar,
The avalanche may bury you,
The river burst its shore . . .

Bang! By the twenty-four ears of the twelve apostles! A tire had blown out on the Model A. Casey Jones dismounted from the cabin.

Even in his heyday Barney Oldfield never changed a tire more quickly. It was five after three when I slid to a smoking stop near the bear cages at Pirate's Point. Where was

the crowd? Probably still at their tug-of-war, thank goodness. Ah, sure enough, there was the Brotherhood's reception committee waiting for me! I hurried over to the bear cages.

"Hello, Johnny, did you come out to feed 'Mr. Williams' to the bears, too?"

May the heavens loose their floodgates,
And the thunders crack and roar!

There stood the other four candidates for prosecutor!

The election came and went. With considerable humility I report that I was elected—yes, by a larger majority than any candidate running on either ticket. The thing was over. My mother wept.

THE INITIATION

THE NEW PROSECUTOR of Iron Cliffs county was launched into his job with a tremendous splash. In a nice orderly narrative, I suppose one would now proceed to relate the triumphal story of "My First Big Case." But there is nothing orderly about crime. Instead I found myself swamped, engulfed in a series of tough cases, almost any one of which could be labeled "big," and the trial of which soon had me goggle-eyed and reeling.

I had somehow thought that my experience as assistant prosecutor would enable me to ease into the office without a ripple. While there is no doubt that the trial experience I had gained was invaluable, I soon realized that being assistant prosecutor, with my cases neatly prepared and handed me, was one thing. Being head man—all alone and cut adrift, with all the papers to prepare, officers to direct, final decisions to make—was quite another.

The prosecuting attorney is the chief law-enforcing officer for his county. It is his sole responsibility to make criminal justice tick. In addition to his criminal work, he is the legal adviser to a large number of county governmental units, such as the townships, school districts, road commission, board of supervisors—to mention just a few. He is the troubleshooter for the entire county.

In desperation I soon appointed a young Iron Bay lawyer

as my assistant, to help me out with the justice court trials. But his willing assistance there gave me little respite, because everyone wanted to see the Prosecutor, not the assistant—the head man, “the guy we elected,” the boss. . . .

It seemed to me that the county had been impatiently awaiting my election before staging a minor crime-wave. The criminal cases flooded in from right and left—and virtually all of the defendants pleaded not guilty. That meant plenty of trials. While it seems preposterous of me to say it, it appeared that both the lawyers and defendants were bent on trying my mettle.

I spent three weeks of my first court term as prosecutor in trying one criminal case after another. If any of you want to reduce, I suggest you consider this method. I lost seventeen pounds. Grace thought she had married a gangling spook.

Jurymen have often remarked how fatiguing it is to follow the progress of a trial. What must it be for the prosecutor—especially one who is working alone? A wave of moist self-pity engulfs me as I think of it.

The prosecutor not only tries his cases; he must work them up, prepare the exacting papers, subpoenas, and what not, see that the witnesses are rounded up and on deck, be prepared to argue any preliminary motions. Then comes the trial. At the trial he has the laboring oar. He must prove the People’s case “beyond a reasonable doubt, and to a moral certainty.” First, there is the crucial game of choosing the jury—often an exciting, all-important battle in itself. Then the prosecutor makes his opening statement, calls his first witness, and the bout is on.

He must stand up at all times while examining wit-

nesses or addressing the court or jury. But that is not all. Standing or sitting he must be thinking, his mind racing, planning his next move, alert to make or meet any objection, framing his next question, avoiding legal error, fighting, tugging, hauling. Then, on the spot, he must frame and deliver his all-important jury argument. . . . Yes, some day when I want a nice vacation I'm going to take a novel and a case of beer and totter over to a seat on the jury.

During that first memorable term there were two automobile death cases, a rape trial, three grand larcenies, two auto thefts, three burglaries, a brace of bastardy cases, three forgery cases, one assault with intent to murder, two prison breaks, one indecent exposure case, two wife desertions—and one dog-tired prosecutor.

Out of this number I had but three pleas of guilty, continued two others, and tried the rest. When it was all over, and the sentences were imposed, I hunted out Tommy and Louie—and fled to the woods.

Felonies and misdemeanors cover the entire range of possible criminal offenses. Crimes are either one or the other, though I suggest you select misdemeanors if you must test my definition.

The theory of a criminal prosecution is that the public, the People, are aggrieved by the conduct of the defendant, regardless of how the victim might feel. There are a surprising number of situations where the victim does not feel disposed to sign a criminal complaint. Murder is obviously one of them. Offenses between relatives is frequently another. Victims of confidence men often continue to preserve a child-like faith in their deceivers, even after convic-

tion, and bring them cigarettes and other small tokens of esteem after they are sent to prison. One day one of them tried to deliver a file and a hack-saw blade, but the authorities thought this was carrying faith a trifle too far.

In committing a crime, a man may incidentally also perpetrate what we lawyers, with our genius for simplicity, call "included offenses." Thus every rape necessarily embraces, from its very nature, an assault with intent to rape, and common assault and battery, both of which also happen to be distinct criminal offenses. But if a defendant were tried for rape and acquitted, he could not then be prosecuted for either of these lesser "included" offenses. The theory here is that the rape case jury could if it wished have convicted him of any one of these three crimes, and by finding him "not guilty" they are deemed to have acquitted him of every offense included in the larger charge.

During this first term of court I had a rape trial which nicely illustrates this business of the various offenses implicit in a given charge. No, not nicely, but exceedingly well. A young Finnish boy, nineteen or twenty, went downtown one Saturday night and got himself beautifully swacked. Eventually he reeled homeward, made a slight detour, crawled into a neighbor's house, into a downstairs bedroom, and thence unto the bed of the half-wit daughter of the house. After an indecent interval, he was recognized by a passerby while leaving the house and entering his own, carrying, of all things, a pair of trousers. They were not spares.

I personally investigated this case and talked—if it could have been called that—with the girl at her home. From the physical evidence there was no doubt that she had been

assaulted, but since she was practically an imbecile, it was very difficult to get her to tell the story. But with the help of her family, I got her to tell, in her grunting, mumbling fashion, using signs and what not, that Bicku had "done that" to her and then he had gone away.

Bicku was charged with rape, arrested, brought before the magistrate, where he waived a preliminary examination, and was bound over to circuit court to await trial. For all felonies are tried in the circuit court, or its equivalent, whereas most misdemeanors are tried before a lower court judicial officer, who also issues practically all criminal warrants. When Bicku was arraigned in circuit court, his lawyer pleaded him not guilty, and we chose a jury and proceeded with the trial. I called the girl to the stand. It was one of the strangest prosecutions I have ever handled.

The poor girl had been difficult enough to talk with in her home, with her family there to help. But up there in court, out of her own little world, and faced by that sea of avid faces that seem to be fatefully drawn to such trials, she was one of the saddest witnesses I have ever seen.

In her grotesque way, she would have Bicku in bed all right, and getting right chummy, but when it came to telling of that final transaction which is the essence of the charge involved, she would wince and sob and grin and grimace, all the time uttering a strange series of animal sounds that haunted me for weeks afterwards. Nothing Judge Belden and I asked her would have her get Bicku past the forbidden portals. In despair I finally gave her up, called my other witnesses, including the passerby, and rested my case. I sat there in a welter of uncertainty, wait-

ing for the other lawyer to move for a directed verdict. He didn't disappoint me.

"May it please your Honor," he intoned, "I move for a directed verdict of not guilty on the ground that no act of intercourse having been shown, the People have failed to prove their case."

I reached for my briefcase, ready to slink out of court.

"The motion is overruled," I heard Judge Belden saying. "While the charge of rape will be taken from the consideration of the jury, because of lack of proof of actual intercourse, the included offenses of assault with intent to rape and assault and battery will go to the jury. The defense will proceed."

It is amazing what a tonic effect this sensational information had upon the new county prosecutor. He leered across at his opponent and almost whinnied aloud. His whole demeanor shouted: "Imagine, dear brother, that you should not have known this elementary rule of criminal law. My, my!"

Bicku took the stand and said he was too intoxicated to remember a thing; that all he knew was that he woke up in his own bed with a swell headache. He also advanced the interesting proposition that since he had never in the past been able successfully to engage a female while he was drunk, he therefore could not have done so on the night in question.

The jury, after listening to our effusions and Judge Belden's instructions, retired and had a smoke, exchanged lodge grips, and whatever else it is they do out there, and finally came in and found Bicku guilty of assault with

intent to rape. In view of Bicku's youth and the indications that the poor girl had not resented his assault in the least, and despite the rule of law that a feeble-minded person cannot consent to intercourse, Judge Belden gave him a break, sentencing him to a comparatively short rest cure in which to engage in meditation and prayer.

I went out and had a smoke.

"The People versus Cash Holmes—assault with intent to murder—ready for trial," bawled the county clerk, whereupon the punch-drunk young prosecutor knocked out his pipe, grabbed up his briefcase, and again plunged off to the wars.

BUSY FINGERS

EVERY COMMUNITY THAT harbors a penitentiary has a time bomb planted in its midst which may explode at any minute of any day. I could tell you an almost endless number of fantastic, bizarre stories—all true—of prison riots, of wild escapes, and all the rest. I could relate the time three convicts kidnapped the warden and the parole board and escaped in a prison car; of another time four other inmates murdered the prison physician, were cornered, and all committed suicide. Of the time . . .

But you would think I was laying it on, reading too many detective thrillers, haunted by seeing too much Humphrey Bogart.

Instead I shall tell you the story of David Millar.

Millar and I first met when I tried him for the murder of Joe Krause. Millar was then serving a life sentence for armed robbery.

It was Warden Jim, the practical joker, who insisted that the case be tried. He said that as dean of such an exclusive finishing school he must maintain the morale of his other "little charges." And their morals, too. "Got to watch their development through the three stages: adolescence, puberty, adultery, you know. Impressionable little fellows.

"And furthermore, Mr. Prosecutor"—he seldom called

me Traver—"we'd like to know who Millar's friends are. We'd just like to see who he'll call as witnesses."

At the trial Millar refused Judge Belden's proffer of free counsel. He insisted on defending himself. So the jurors were called, and by and by there were twelve stout citizens who swore they knew nothing about the case. Anyway, they solemnly declared they knew nothing, and after listening I was not inclined to dispute them.

Millar did not question or challenge any of the jurors; he sat there at his table and ran his fingers through his long hair, watching, as I questioned.

Twelve citizens, sworn, in a body quickly assumed the impassive, apathetic expression common to murder juries. Before these mask-like native Buddhas, I stood and outlined how the State would prove that on the day of the murder the deceased, Joe Krause, and a file of other prisoners were returning to their cell-block from the overall factory; that Millar was four men behind the deceased; that the State's good witness, also an inmate, was a few men behind Millar, near the end of the line.

I told them, the jury, of how they would hear that when the line of men came to the corner of their cell-block and halted, Millar dropped out of line and ran up to the deceased, Joe Krause; that he, Krause, had shrieked; that the guards had come running back and found him dead when they reached him—"a bloody pair of overall shears sticking from his ribs." That made them sit up and blink a little.

But first I called the prison physician to show that, lo, one Joseph Krause was dead. Then I showed by the guards the lay-out that day, how the men were walking in single file, and all the rest. Lawyers, you know, call this "proving

the *corpus delicti*." Millar did not want to cross-examine the doctor or the guards; so I called the State's star witness.

Stanley Zaborski arose and, with great dignity, slowly walked to the witness stand. Clad in prison gray denim, wearing steel-rimmed spectacles, he sat there, disdainfully indifferent to all about him. He was a thin, long-faced, monk-like looking individual of about forty-five.

I rose, walked forward a little, and cleared my throat. The witness looked at me.

"Your name, please?" I asked.

"Stanley Zaborski." He spoke in a somewhat affected voice, with considerable lip movement, elaborately enunciating each word.

"Where do you reside?" I asked.

He drew back, hurt, offended. "Why, as you know—in the prison of course!" Pointing at Warden Jim, who sat at my table: "The Warden there can tell you—I'm one of the most trusted inmates of the institution." He basked in the light of the Warden's nodded agreement.

"Do you know the defendant, David Millar?" I asked.

For the first time Millar seemed to take some interest in the proceedings. He took his head from his hand and sat up facing the witness. Zaborski took one quick look at him and hurriedly glanced away.

"I do."

"Did you know the deceased, Joseph Krause, during his lifetime?"

Confidently: "I did. He was a very valued friend—a true gentleman."

"Were you working in the prison overall factory the day Krause was killed?" I asked.

"I was."

"Were Krause and the defendant Millar working in the same factory that afternoon?"

"They were."

"What time did you leave the factory?"

"About four o'clock, post meridian."

"In the afternoon?"

"I have just told you so."

I was growing to love this man.

"How did the men leave the factory?" I asked.

"In single file."

"How many inmates were in the line?"

Reprovingly: "As the prison guards have already testified here, there were seventeen."

I looked up at Judge Belden. "Will your Honor please speak to the witness?"

The merest suggestion of a smile flitted across Judge Belden's face. "The prosecutor will proceed," he said. The witness smirked at me.

"Where were you in the line, Mr. Zaborski?" I asked.

"I was in the rear, Millar was ahead of me, and Mr. Krause was about five men ahead of him."

"Will you tell the jury what you saw take place after the men left the overall factory?"

Drawing back: "You mean, all the horrible details? *Everything?*"

Through my teeth: "Will you please tell the jury what you saw, Mr. Zaborski?"

Looking at the Warden, then smiling: "I should be delighted. Delighted, indeed, Mr. Prosecutor."

The witness turned and sat smiling at the jury as I

resumed my seat at the counsel table. Millar leisurely poured himself a drink of water. Zaborski furtively watched Millar.

"The witness will proceed," said Judge Belden.

Starting, glancing, smiling: "Yes, your Honor." Turning again to the jury: "You see, gentlemen, it was this way." Clearing his throat he immediately assumed a tragic tone of voice, beginning low and gradually mounting in speed, pitch, and volume. It was his big moment. He put my opening statement to shame.

"As I have told you, we were leaving the rag-house"—glancing quickly at the Warden—"I mean, the overall factory. I was behind Millar. He was behind Mr. Krause. We were crossing the beaten prison yard. A flock of pigeons flew over us." Like a radio poet. "The shadows of the sinking sun. The hush of eventide. At peace with the world."

He paused, and then rapidly went on. "Suddenly Millar dropped out of line, on his hands, on his knees." Faster. "He scuttled, turtle-wise, up to Mr. Krause. I saw him raise his arm—the gleam of shining metal"—low-voiced—"and then"—shrilly—"and then—he plunged a long metal object in the side of poor Mr. Krause!" Pause. "Ah, it was horrible. Horrible!"

He shook his head at the memory. Then rapidly: "I ran up to my dying comrade—there was a pair of pulsing overall shears protruding from his side." Voice rising. "Shears swathed in gray denim—and in blood! The guards came running up, but, alas! before they arrived my poor friend gurgled"—he gurgled, clutching his side and his throat—"and was gone. Gone!"

The witness, Zaborski, bowed his head and closed his

eyes. His grief was boundless. The jurors coughed and shifted restlessly. There was a long pause. The plump juror, on the corner, nearest the witness, had sat open-mouthed during the recital. He now feverishly mopped his head and neck. Zaborski finally raised his head, entirely composed, and sat smiling, facing the Warden.

I picked up a pair of rusted shears and walked to the witness. "I show you People's Exhibit A, a pair of metal shears. Do you recognize them?"

Zaborski took the shears and lovingly, minutely examined them.

"Yes, I certainly do."

"Where did you last see them?"

Almost sobbing: "In the side of my poor, poor friend, Joseph Krause." He put his hand to his brow.

I turned to Millar. "Do you have any questions?" Millar slowly shook his head, no. I turned to Judge Belden.

"Your Honor, the People rest."

The witness, Zaborski, stalked from the stand and took a seat near Sam, the Warden's personal bodyguard, a fat man.

Judge Belden turned to Millar.

"David Millar, the People have now concluded their case, and it now devolves upon you to call such witnesses as you may have. While you may take the stand in your own behalf, I should warn you that if you do, anything you say may be used for or against you. Do you understand that?"

Millar gravely nodded his head.

"And do you still insist upon acting as your own attorney,

instead of having a public defender appointed by the court?"

Millar again nodded.

"Then you may proceed."

Millar had been sitting at the table usually occupied by defense counsel. He had all of the frills; had had the bailiff bring him a pitcher of water and some pads of paper. He had made some fine flowers and things out of the paper, there, waiting for me to finish.

Everyone was quiet when he stood up. Even the ruminating fat juror had manfully swallowed his cud. Millar looked thoughtfully down at the paper hats and flowers and things he had made. Then he slowly walked over to my table, bowed slightly, and took up the shears. He walked a little forward and stopped before the Judge. He bowed low. Then he turned to the jury.

"May it please your Honor, and gentlemen of the jury. My name is David Millar. I am twenty-nine years old. I have spent the last seven years of a life sentence in the same county with you—and none of you have heard of my existence until now."

It came to me then. The rich low voice; a sort of hollow resonant baritone, as though he were speaking in an empty chamber. The tall gaunt frame. My mental picture of the young Lincoln.

"How I came to be in prison probably will not interest any of you. You have heard too much of depressions, of sudden searing poverty, of men who could no longer find work to do with their hands"—flexing his fingers—"of young wives and wan little babies whose only sickness was hunger; of lost savings; of homes that were taken away.

“You have greatly wearied of hearing of some men—men who had never wronged or stolen in their lives—who in their desperateness born of a fierce, foolish pride at war with this thing called Poverty—how these men forgot every rule, every precept, and became like hairy crouching creatures of an earlier age—how they went out and robbed and thieved their fellows to keep themselves, their mates, their offspring.

“Such a man stands before you today—a man who has broken the laws of his tribe and who is now paying for that ancient wrong.”

Millar paused and looked gravely around at me, as though to see if I were listening. Then he faced the jury again, taking a few steps forward.

“Yes, I am a common jailbird, a convict, but I still like to suppose, to hope, that the only real difference between us is: I am behind the bars, and you?—that the strange forces of environment, of life, have not put you there—yet!” Lowering his voice as though musing to himself. “As I stand here now you see everything I possess in this world. My wife and child are gone. I have nothing. Not even a decent excuse for being here today.

“What you may decide here, then, will scarcely affect my lot. Believe me, my fellow men, I do not care what your verdict is, so long as you—you free ones—feel right about it in your hearts.”

While he was saying this, he was balancing the shears and feeling the grip; opening and closing them and feeling the blade.

“The People say I killed a man—a fellow prisoner—with these shears. I think I can show you they have not proved

it." Turning slightly toward the Judge: "I should like to call Stanley Zaborski as my witness."

Leaping to my feet: "I object, your Honor. The defendant has just refused to examine this witness."

Judge Belden spoke in a kindly voice. "But the defendant may make him his own witness. A prosecuting attorney should surely remember that."

I sat down and gulped a glass of water. The witness Zaborski stalked to the stand, making a wide arc, however, around Millar, who stood there holding the shears. Zaborski took his seat and defiantly faced Millar.

In a low voice: "Now, Stan, you wouldn't mind telling us more about yourself, would you?"

Snapping his reply: "Not a bit!"

"What did you use to do before you came to—to live with us?"

Zaborski tried to look around Millar at the Warden, who sat next to me. The Warden whispered to me to object, but I shook my head no.

"Ah . . ."

Judge Belden spoke up sharply. "The witness will answer."

Evasively: "I—I don't remember the question."

Judge Belden turned to the reporter. "Read the question."

The reporter read from his notes. "What did you use to do before you came to live with us?"

Zaborski was defiant again. "Oh, that. Why, I was a kind of a priest."

From Millar, softly, in mock surprise: "Just a kind of a priest?"

"I was a priest."

In wonderment: "Oh! A real honest-to-god priest?"

Scowling: "You heard me."

"And how was it they came to put you in prison, Father?"

Loftily: "Only a little trouble with a young lady—all a great misunderstanding." Shrugging. "A matter of little moment—really."

Leaning forward: "And how old was this little lady, Father?"

I rose to my feet. "I object!"

Judge Belden still looked at the witness. "Take the answer."

Zaborski fawned up at the Judge. "Must I really answer that, Judge? All this is so kind of personal."

Grimly: "You must answer."

The witness again faced Millar. Stumbling: "Why—they—a—they said she was only fourteen." Brightly blinking and nodding to the Judge. "But she was a big girl, really she was." He closed his eyes, wet his lips.

Millar looked quickly around at me, faintly smiling. Then back at the witness. "At your trial you claimed you were insane, did you not, Father?"

Smiling: "Yes, I did." The smile vanished. "I mean they told me later I did."

Softly: "And that didn't work, did it, Father?"

"No, you know it didn't. I've told you many times it didn't. You're violating a gentleman's confidence."

Going swiftly, quietly on: "Now the real fact is that the whole case against you was a pack of lies, wasn't it? They framed you, didn't they, Father?"

Zaborski brightened in surprised agreement, considerably relieved. "Why, yes, Mill—yes—that's just what they did." He frowned and sighed at the thought of his injustice.

Millar slowly backed up toward his table. "Just as they're trying to frame me here today, isn't that right?"

Defiantly again: "You killed Joe Krause."

Low-voiced, balancing the shears shut: "Father, you say I drove these shears into Joe."

"Yes."

The shears now open: "You say I ran out of line and punctured Joe—with these very shears."

Loudly: "Yes, yes."

"Father, what were some of Joe's other names, little pet nicknames—you know?"

The witness looked at the Warden and then at the enchanted fat juror, whose mouth was open, rapt. In a low voice: "Sometimes they called him The Wolf. Those who didn't like him. He was greatly misunderstood. Vastly."

"And what else?"

"Joe the Squealer."

"Why did they call him that, Father?"

Nervously: "He'd run to the screws—ha—the guards with everything."

"And someone killed poor old Joe?"

Breathing deeply: "Yes—you killed Joe—I saw you—I saw you!"

Millar slowly walked back to his table and leisurely poured and drank a glass of water. The witness sat with his white knuckles gripping and gripping his chair, staring at Millar. I could hear his breathing from my table. It was quiet in the courtroom.

Millar was back, up close, before the witness. "Poor old Joe. It was bad they got him, wasn't it?"

Louder. Quicker: "No, no. He was a lousy stool. But you killed him. I saw you—I saw you."

The voice was lower still. A lullaby. The Judge afterwards told me it was like a caress.

"Now put yourself back there that afternoon, Father. The pigeons flying—the setting sun slanting against the prison walls. And poor old Joe up there, ahead, all red-necked and unsuspecting; me back of him; and you behind me." Pause. "Have you got it, Father?"

His chin had nearly sunk to his chest. "Yes—yes."

There was no time to object; to do anything. I was drugged, hypnotized.

Louder. Full, rich, passionate. An aria: "Father, how did I kill Joe? Did I twist the shears in him this way?"—illustrating—"Or did I drive them straight in—*right up to the hilt!*" Millar had somehow lurched, stumbled toward the witness.

The witness shrilled like a pig. But he had answered, cried out, before the sheriff could reach them.

"No, no, no!" Chattering. "It wasn't you, Mill, no, no. It's all a goddamned lie." Stammering. "You—you didn't get Joe—the dirty lousy squealer. I—I—I don't know who did." Wailing. "Mill, I don't know! *I don't know. . .*" His open jaw quivered, and with his two hands he pushed his jaw shut. He sat there, sobbing, cowering, quivering.

Millar walked back and placed the shears on my table. He grinned down at me, winking privately. Then, swiftly composing his expression, he took a few steps back and

turned to the jury, pointing to the abject Zaborski trembling there in the witness chair.

Softly: "You don't know the poor old Father like I do. You haven't lived with him. To know him is to love him. You don't know that he sometimes gets sick here"—tapping—"and dreams and dreams. . . ."

Millar bowed his head. Then he stood straight and threw out his hands. "That is all. That is my case."

A profound sigh whistled throughout the courtroom, like escaping steam—a coughing, a mopping of brows, much shifting in seats. The fat juror was in great distress. Millar took his seat, drank some water, and then quietly proceeded to make a paper glider, showing no apparent interest in the rest of the trial. Sam, the guard, came and led the terrified Zaborski out of the courtroom.

That was Millar's case. His only witness was the priest, and he had asked that thirty-three "eyewitnesses," all prisoners, be brought to court to testify for him. Warden Jim had them all hauled to court in a prison truck, under special guard, so he could learn who Millar's friends were.

That was the funny part; how Warden Jim, the joker, had laughed before the trial, whispering and nudging me, saying that there were only seventeen men in the line that day; and wasn't it fine to see thirty-three of the fat rascals draped all over the court?

But Millar, solemn, had said, "That is all. That is my case."

Arguing to the jury, I ranted a little, I guess, suffering the pangs of oratory, still-born; summoning up Shakespeare

and Choate; failing to recall what the Dean had said about similar situations in law school. Confusedly thinking that a young prosecutor had to get along, make a showing, even if opposing counsel refused to address the jury—even sat there drinking endless drafts of water and serenely making paper hats.

When the jury brought in their verdict of not guilty, and the Warden had sheepishly recovered the shears, Millar came over with his guards. He shook my hand.

Millar said: "Traver, I like you. I like your style. You'll go far." Then smiling: "This was a great day for us; for the boys and me. They needed the outing. Drop down and see me some time."

A fellow who was twenty-nine, and in for life, and all the rest. . . .

But I never got to see Millar again. I wanted to. It seemed to me that there must be something wrong—that a man like him should not be kept in a cage. I even picked out some of my favorite books for him to read. But in less than two weeks after the trial I ran across this news item in the *Daily Mining Gazette*:

David Millar of Detroit, inmate of the Iron Bay prison for the past seven years, was found dead early yesterday in his cell. He had been in solitary confinement since his recent trial in circuit court, when he was acquitted of the murder of a fellow-inmate. Coroner Hodgebender pronounced the death suicide by hanging, stating Millar had used a belt made from strips of his clothing. No inquest will be held.

CHILDRIEN OF SUOMI

Sing to me the source of metals,
Sing the origin of iron,
How at first it was created.

* * *

Ukko, maker of the heavens;
Firmly rubbed his hands together,
Firmly pressed them on his knee-cap,
Thence arose three lovely maidens,
Three most beautiful of daughters;
These were mothers of the iron,
And of steel of bright-blue color.
Tremblingly they walked the heavens
Trod the clouds with silvered linings
With their bosoms overflowing
With the milk of future iron,
Flowing on and flowing ever.

—From the Finnish epic, *Kalevala*

ALL THAT MOST people claim to know about the Finns is that they are a dour, phlegmatic people who can fight like hell, always pay their debts, and never crack a smile. I was born and raised among the Finnish people, and have found them to be one of the most interesting national groups I have ever known. And, from personal experience, I can ruefully endorse the proposition that they can fight like hell. I have also found that they, like most people, pay

their bills when they have the money and don't when they haven't.

While attempts to generalize about national groups are about as profitless as speculating on the priority of the hen and the egg, I have found them, the Finns, to be an intensely humorous, mirthful, and passionate people. It is true that some of them are not as demonstrative as other people, but I suppose one must not confuse surface emotion with a capacity for deep feeling.

Their pxy, wry capacity for humor does not desert them even in the most important crises of their lives. This, coupled with the fact that their brogue is inherently the funniest I have ever heard, has bred some classic stories in this Northern region. They know it and love it.

The children of Suomi are a great people.

I despair when I try to catch, on the wing, the fantasy, the soaring quality of their humor. Their speech is to be heard and not seen. And the best of these stories wouldn't get to first base with the Censors. Their talk is slow, rhythmic, deliberate; and they elaborately pronounce, roll, every syllable of every word, stressing key words, particularly the last word.

Anyway, I try for tell dat you.

One morning just before noon hour an excited, angry little Finn named Tauno Pelto came hobbling into my office, a mass of scratches, bruises, and adhesive tape. He was a farmer in the township north of National Mine.

"You county lawyer?" he demanded. (Alas! Naked print is helpless.)

"Yes—what can I do for you, Tauno?"

"You sure for dat?—I look for old man."

Tauno was angry and belligerent. He had a grave legal problem and here he was, talking to a beardless youth. I was not insensible to the compliment.

"I cut off my whiskers last week. What is it, Tauno—did you get hurt?"

"I be walking down U.S. cement highway dis morning an' one Fording car come down da road like everting—hit Tauno 'n nass, nass in da bush, Fording car go like hell down cement road—wifty miles hour!" He paused. "What you goin' do for dat!"

"That's pretty tough, Tauno—did you get hurt very bad?"

Tauno was beside himself. "Holy mokes, Mr. County Lawyer—I yust tell for you—Fording car hit Tauno 'n nass, nass in da bush, Fording car go like hell down cement road—wifty miles hour! What you do for dat!"

"Did you get his license number, Tauno?"

I thought he was going to clamber over the top of the desk. His disgust was magnificent.

"Sesus Rist, Mr. County Lawyer! Licings numper! Dats da you bizness get for dat licings numper!"

I try again.

One beautiful hazy fall day a party of us were hunting partridge up in the Finnish farming district near Nestoria. Carroll and I had got separated from the rest and were slowly working north along an old tote road, through some second growth hardwood. Rounding a bend, we came to a stout new fence set squarely across the road. On the fence was nailed a wooden board and on the wooden board was crudely printed this irresistible welcome:

NOTIS YOU

WHOS TO GIVE IT YOU PROMISS FOR HUNT IT MY LAN?
BETTER YOU LOOK OUT ELSE I SOOT IT YOU WIT DA 2 PIPE
SOT GUN. AND DATS TO BE NO PULLSIT.

ARVO JARVINEN

Carroll and I rapidly worked south along an old tote road.

But it would be a distortion for me to present a picture of the Finns in the false role of mere New World comedians, unwitting or otherwise. They are so much more than that, a fine people, a deep people, whose almost instinctive understanding and acceptance of the mystery of existence, of the earth's rhythms, begins where that of most of us leaves off.

How can I make you see that?

One day a tall, sensitive-looking young Finnish farmer boy, nearing sixteen, was brought in to me by the chief of police. He sat across from me, looking at me with his clear blue eyes, at once shy and defiant.

The night before he had waylaid an older man, a husky Finn by the name of Henry Harju, a shift boss at one of the iron mines, and beaten him into insensibility. With his fists. The case was unusual in that the victim had been a close friend and working partner of the boy's dead father, also a miner. There seemed to be no motive for the attack. The question of public discipline for boys of such tender years does not ordinarily come within the scope of the prosecutor's duties, but the police chief had brought the boy in to me to help determine if his case should be referred to the juvenile court.

"For the life of me, Mr. Traver, I can't see why he did this thing—to his dead father's best friend," the chief said. "It's got me stumped."

I told the chief to wait in the outer office and I would talk to the boy, alone. I turned to the boy. I asked him if he was going to school. Yes, he said. Was he getting along all right? He was on the honor roll, he said. Did he like football? No, he hadn't tried it. Was he planning to go on with school? No, his father was dead and they were poor, and he would have to work. Would he become a miner like his father? He shrugged. Yes, he supposed he would. They had promised him a job at the mine. But maybe now they wouldn't, after he had "chastised" Mr. Henry Harju.

"How did that come to happen, Jooseppi?—that they offered you a job?"

And so, gradually, as the boy became more at ease, more trustful, he quietly told me in the stilted English of a self-educated Finn why he had attacked his father's old friend. I sat staring at the boy as he went on.

Sometimes in the summer in the nighttime when there was a moon there was mist so that the fields looked like a lake.

It was on such a night that they came to our farm from the mine. They came in an auto out of the mist like a big fish out of the lake.

In the auto was Mr. Hampton the captain from the mine and Henry Harju who was my father's neighbor and working partner down in the mine. He was a Finnish-speaking man like my father.

My mother and I, Jooseppi, met them at the door. My

mother held a kerosene lamp. Henry Harju was wearing his oilskin miner's clothes. They were red from hematite and still dripping. On his miner's hat his carbide lamp hung, extinguished. His mustache hung down limp and his face was wet and shone red from hematite. My mother looked at Henry Harju and said, "Jooseppi dead."

Mr. Hampton said, "Yes, Mrs. Maki, Jooseppi is dead."

Henry Harju took the lamp from my mother. My brothers and sisters heard from upstairs and cried out their lamentations.

My father worked night shift down in the mine. He was a trammer, which means putting iron ore in a tramcar down in the mine and they take it away.

While my father was putting iron ore in a car a chunk of ore came down the raise and broke through the apron of the chute and hit him upon the head. Henry Harju, my father's working partner, was there and saw, but he was not hit personally. He said it could not be helped. In his uneducated way he expressed the conviction that the mine people had rigorously observed every safety measure. He did not talk the English language very good. He also said it was God's will.

For funeral Reverend Kielinen, who studied God in Helsinki, came out from town and said the words. Captain Hampton from the mine was there. There were many old-country Finnish-speaking people there, my father's people. There was delegation from Knights of Kaleva, with whom my father had maintained fraternal lodge affiliations. Many of them were old-country farmers and miners, like my father was before he was killed by piece of falling ore.

My father was buried on high hill behind the farm under a Norway pine tree. It was where at night he used to go and look across the lake below. Henry Harju was the main one who shoveled. The wind kept it bare there in the winter time. They have those pine trees in Finland but they do not call them Norway trees. The people's autos in leaving our farm after the funeral accounted for the deaths of two chickens. They were barred Plymouth Rock hens and excellent layers. Our chickens were not familiar to auto traffic.

On a night when the moon shone the same way, an auto again came to our farm. I, not my mother, met them at the door. It was Mr. Hampton the mine captain, and Henry Harju in his Sunday clothes.

Mr. Hampton said he had the money and the papers to be signed. And Henry Harju to help talk. My mother does not talk the English language very well. But neither does Henry Harju. Besides an avid reader of thick books, I consummated eight grades at Standard school in our township. In the summer my father kept the thick English school dictionary in our house on an easel. I was past with letter *L* in it. My father was member on township school board.

My mother came downstairs and listened to Henry Harju in Finnish what Mr. Hampton said in excellent English. When it came to the part to sign the papers, in Finnish she asked my father's working partner if it was all right that she should sign. She looked at him in a close way, for he was old friend and neighbor and fraternal lodge brother of my father. It grew still in our house and

Henry Harju sat there swallowing, and he blinked his eyes and licked upon the edges of his mustache. Then he said yes to sign the papers, they were good.

It was more money than we ever had at one time. More than enough for farm electric light listed in catalogue, including freight. My mother said in Finnish that the mine people were good and Christian people. Henry Harju related this statement to Mr. Hampton who laughed like a jolly English man.

When they got up to go away, Mr. Hampton looked at me. He said to Henry Harju to tell me I was a fine strong boy, and after while I could come and work in mine. I right away acquainted Mr. Hampton I could talk fluent English.

I said: "Mr. Hampton, both my brothers and sisters and I talk the English conversation. My father wished that for us devoutly. He said he did not want for me to work like dog in mine. But he did not really mean that. It was his way to joke. Mr. Hampton, I shall appreciate to come to work in mine when you like me. My mother and I are in deep appreciation of your mine's fine acts to us."

Mr. Hampton laughed good with his jolly laugh. He felt my arm up high and said to me: "Jooseppi, you will be ready in two years."

Then Mr. Hampton told Henry Harju fine thing right there in front of us. He told him he had made decision to make him night shift boss in mine. He said it was reward for his co-operation. For his "fine spirit of co-operation" were the words he employed in his excellent English diction. It was fine incident to observe.

When they got to the door Henry Harju's face was working, mostly smiling looks. He put in my hand a miner's

carbide lamp. I looked at it and it was bent and red and old. Henry Harju said it was my father's lamp, the one he used the night he met up with Fate. It was my father's lamp.

My mother and I stood in the door and watched them drive away into mist. I ignited my father's carbide lamp and extinguished the kerosene lamp. My mother made coffee and I looked at the catalogue. Then we sat there and had coffee and some cake. . . .

I have since discovered that Henry Harju lied to my mother and to me. He cheated us. For a better job, he cheated us. The papers were not good. So I punished him for his deceit and for his tricks upon us.

That is the story he told me. Happily, it is no longer representative of a majority of the mines in this area, nor of a government which is becoming increasingly aware that any dynamic concept of democracy must embrace other than mere political levels.

I should add that Joosseppi did not go to the juvenile court.

A JURY OF YOUR PEERS

IF ALL THE legal tracts and volumes written about the jury system were laid end to end, there wouldn't be any room left for the jury to sit. Many of these are bitterly critical and say, with considerable truth, that the prevailing twelve-man jury system seems fatally designed to get the least qualified persons to sit on the trial of a case. And it is true that, generally speaking, the more one knows about a case or of a situation involved in a case, the less likely he is to be chosen to sit as a juror on that case. The critics urge that this condition flies in the face of human experience and makes for uniformly mediocre juries and unjust verdicts.

Students of legal procedure suggest that the answer might lie in a two- or three-man "jury" composed of trained judges; that such a body would be less susceptible to appeals to prejudice and emotion; that the constant flood of perjury in our courts would be more effectively appraised and weeded out than by the average twelve-man jury composed of untrained laymen.

Yet none of the many suggested jury reforms is itself free from the weaknesses which seem to be inherent in any system devised to reconcile the conflict of interests

and personalities present in every trial. It appears that the human factor can be quite as much a problem to three learned judges as it can be to twelve illiterate ditch diggers. Susceptibility to flattery, considerations of self-interest, favoritism and prejudice, are human frailties which are not the exclusive attributes of the poor.

This is not to subscribe to the glowing doctrine that the traditional jury is "the palladium of our civil rights" or the "bulwark of our civil liberties." That smells of political rant. I do not think we need to hog-call the jury by any such awesome names, whether good or bad. Conceding the many weaknesses of the present jury system, and admitting my many disqualifications to speak with authority on the problem, I still rather lean to the tentative conclusion that there has not yet been found a better or more democratic way for men to determine legally their clashes with each other and with society. The subject does not lend itself to dogmatism. It is true that some jury verdicts are absurd when they are not unjust, and yet, by and large, it has been my observation that the twelve-man jury somehow tends, in the majority of cases, to achieve a fair average of a sort of rough justice. One does not use calipers when daring to talk about Justice. And, too, what strikes one as a just or an unjust verdict depends a lot on one's point of view.

In legal theory a jury of twelve persons is a simple, ideal arrangement. The jury sits and hears the facts and the referee-judge advises them on the law applicable to the case; then they retire, apply the law to these facts, and bring in their verdict. This Utopian jury lets nothing else sway it. To aid in achieving this beautiful dream, the

judge, in all criminal cases at any rate, expressly warns the jury not to consider the question of punishment, but merely to consider the sole question of the guilt or innocence of the accused. The judge also specifically tells the jury that it is not to consider any evidence or facts not laid before it in open court.

Practical experience and actual admissions by garrulous jurymen indicate that many, and probably most, juries do not follow these instructions. That sage observer, Judge Belden, feels that most criminal juries unconsciously ask themselves two major questions: Is the defendant guilty? If so, do we want to punish him? It is the answer to this last question that founders so many criminal prosecutions. Indeed, it is so universally recognized that juries do enter the forbidden zone of punishment, in addition to considering guilt, that the law provides, for example, that a conviction may be reversed if a jury debated the guilt of the accused on the erroneous assumption that the maximum punishment was less than it actually was.

And this recognition that juries do consider punishment is one of the ace arguments of the opponents of capital punishment. Why put the death penalty on the law books, they argue, when experience has shown that nine out of ten juries will not convict a guilty defendant when they fear they may be sending him to his death? Better get ten bad actors out of the way for life, say the opponents of capital punishment, than hang one and pin a rose on the other nine. They have something there, but all this is a big problem which I do not propose to settle today.

I have seen juries acquit a defendant when I have secretly felt inclined to bet my best fly rod that they would convict.

And I have seen juries convict when I was firmly convinced that there wasn't a ghost of a chance for a guilty verdict. The factors that influence a jury in arriving at its verdict are so many and so complex that they defy mere indexing, let alone explaining. Racial, religious, and fraternal considerations, "instinctive" feelings of like and dislike, indignation, sympathy, blind prejudice, are just a few of the more obvious elements. Yet it should be remembered that the presence of these factors in the reaching of a verdict does not necessarily make the verdict "unjust." And it does make the trial of a criminal case the fascinating duel that it is.

A woman juror—a plump, nearsighted spinster—once hung the jury in a particularly brutal murder case because she thought the defendant looked like Gary Cooper. "The poor boy just looked too nice to do such a horrid thing," she sighed. I sighed, too, and leered like Boris Karloff. And the situation of the woman defendant or witness beguiling a male jury with feminine allure, coyly exhibiting well-modeled shanks and bust, is not any mere invention of the illustrators of humor magazines. It is a sober fact realized by every lawyer who tries cases. I usually try to get these ladies mad. An angry female somehow seems to chill romance in a juryman.

At any rate, I know that the more I practice law the less able I am to predict what a jury will do. I have about abandoned the attempt. I am reminded of the time I tried Otto Lemke for receiving stolen property. Otto was in the junk business and had bought a staggering amount of copper cable stolen from one of the iron mines. The young men who had stolen the copper had been caught,

had pleaded guilty to their larceny, and had turned state's evidence on plump Otto. These stolen-property charges are always difficult to prosecute successfully because, from their nature, the People usually have to rely upon "squealers'" evidence. And it is un-American, I gather, to believe a squealer. In addition, Otto had hired himself one of the ablest defense attorneys in the district and thumpingly denied the charge of ever having laid his angry eyes on the young men who sold him the copper.

"Vat iss dis?" he wailed. "I been deframed!"

In selecting the jury in a criminal case, the People and the defense are each allowed a fixed number of peremptory challenges. That means that each side can dismiss a certain number of jurors from the box without assigning any reason. The number depends on the gravity of the offense. When this number is exhausted, other jurors may be dismissed only in the event good cause is shown, as developed by questioning the jurors before they are sworn. For example, if a juror should insist that he is convinced of the guilt of the accused—"hang da bum"—he would immediately be booted off the jury. It seems a good juryman should have an open (blank?) mind.

Anyway, Otto's lawyer and I were putting on quite a spirited act in selecting the jury, and I had used up all my peremptory challenges when, to my dismay, I discovered that a new juror called to replace my last challenge was a relative by marriage to Otto's wife! The relationship was not sufficiently close to sustain challenge for cause, and the juror, a pugnacious little Irishman with a flattened nose, named Dinny Hogan, swore up and down that the fact Molly had married Otto would not influence his

verdict one way or the other. "Sure, an' it won't!" Nevertheless I dolefully challenged him for cause and was properly turned down by Judge Belden.

It took us three days to try the case, to land the copper cable at Otto's, and my spirits were not helped by my conviction that all this work was for nothing; that regardless of how good a case I had, this Hogan fellow would at least hang the jury.

Otto's lawyer and I argued interminably, I despairing, he flushed with anticipated victory; and finally the jury went out. They were out quite a long time, and loud voices rolled down along the corridors. I could envisage Otto's relative going to town for dear Otto in the jury room. Finally the tumult and the shouting died.

"The jury has reached a verdict," the bailiff announced.

So Judge Belden, beaming Otto and his attorney, and I hurried into the now deserted courtroom. The jury room door opened, and my heart sank, for the jury filed out headed by Otto's relative, Dinny Hogan, indicating that he was foreman. I reached for an aspirin.

"Have you arrived at a verdict?" Judge Belden asked.

"We have, your Honor," piped up Dinny.

"What is your verdict?" asked Judge Belden.

"Your Honor, we find the defendant guilty as charged," Dinny resolutely declared. He then turned and glared at Cousin Molly's disconsolate consort.

Jurymen are not supposed to discuss their jury room deliberations with anyone, but this naive rule is observed largely by its breach. Before Dinny left the courtroom that night, he hunted out and told the sheriff, with swollen pride, that he had had quite a time with two or three of

the jurors who were inclined to feel sympathetic with Cousin Otto. "But I told them!" he declared. "Sure an' I told them that the rat would steal the gold out of his grandmother's teeth if he had a chance. You see, Sheriff—you see, I *know* the son of a bitch." So—you see how it is.

This brings me back to about the first case I ever tried in circuit court. I was still Holt's assistant, and I eagerly volunteered to lose it for him. For it was one of those desperate cases that prosecutors sometimes have to try, without any real hope of obtaining a conviction. The charge was larceny from the person, and the big stumbling block to a successful prosecution was the vagueness of the complainant's identification of the accused.

The victim was a little Finnish lumberjack named Salmi. One Saturday night he had left camp and tramped in to Pine Cove, a lumbering town in the north end of the county. He raced over to Rosie's to inhale some moonshine as well as some of her feminine fragrance.

Around midnight little Arvo Salmi had achieved glorious plasterhood, and it seems that about this time he was also seized with an urgent attack of romance. Whereupon he made a lurching but determined pass at the seductive Rosie. Outraged Rosie had other plans, and screamed. Whereupon the villain entered the picture—the defendant, Rosie's fancyman and bouncer, Walt Langsford. He came up behind Arvo and grabbed him by the neck and the seat of romance. Rosie opened the door leading down the long wooden stairway outside, and Langsford pitched little Arvo out into the night. The next thing poor Arvo remembered was that a man came over to him in the darkness, knelt over him, rifled his pockets, and went away. It was a typical case of a bar-fly rolling a drunken lumberjack.

“How do you know it was this man, Arvo?” I pointed at the defendant Langsford, who stoically sat next to his attorney. Langsford was a big, dark hulk of a man, with an artificial leg.

“Dis man, he walkit crooked—squeak, squeak—an’ he make breathe pretty hard.” Arvo proceeded to breathe pretty hard for the jury. “Galloping consumption,” I silently diagnosed.

“Had you ever seen this man before?” I asked, pointing.

“I never see dat man before. But he’s da one. I sure for dat.”

“Was he the same man that threw you out the door?”

“I dunno. I never see for dat man, either. But I sure, sure he do dat.”

“That’s all, Arvo.”

I glumly rested my case, convinced of sure defeat, for this was a flimsy identification, to put it mildly.

Langsford’s attorney, like the thwarted actor all lawyers are, arose and dramatically announced: “The defense will call Walt Whitman Langsford!”

This glowering alleged wild oat of the great Walt braced himself in his chair, his bum leg out straight, and heaved himself to his feet. Breathing mightily from the exertion, he slowly limped, sidled to the stand, his artificial limb creaking and whistling. Here he paused, panting, and swore to tell the truth, the whole truth, and nothing else but, mounted to the chair—and claimed he was drunk in Iron Bay that night, forty miles away.

As you have divined all along, that cynical old jury didn’t believe him. Not even a little bit. They convicted him in five minutes. Walt Whitman Langsford literally panted his way into prison.

THE MAGIC LETTER

IF ARREST IS the prosecutor's ace in the hole, then the power of the letter is at least a guarded king. "I'll write him a letter," is the prosecutor's answer to innumerable complaints that come into his office. "I'll write him a letter," is the magic spell that seems to mollify most complainants and, oddly enough, so often achieves the prosecutor's most devout wish, a measure of peace in his bailiwick.

Axel complains that while he is working on the night shift Olga has been going out with the ice man. "I'll write him a letter." Mrs. Glumbeek's discerning neighbor has been calling her a chattering old magpie. "I'll write her a letter." Bruno's wife complains Bruno is playing too much stud poker at Charlie's Place, and not supporting the family. "I'll write him a letter," the prosecutor says.

And some of the letters that come into a prosecutor's office are certainly among the strangest communications ever written. Humorous, tragic, abusive, anonymous, ribald—anguished cries from the wilderness—the prosecutor gets them all. One day I wrote one of the male angles of the old triangle to eschew the society of the other man's wife. I received a reply of shocked, injured innocence, winding up with this little classic:

“I assure you, Mr. Traver, that my interest in Walfred’s wife is purely plutonic.”

Some of the letters I receive are utterly incomprehensible. I remember an old farmer in an adjoining county who wrote me a series of weird letters concerning the snake in the grass who had evidently foreclosed a mortgage on his farm. The letters were not only practically illegible, but contained a flood of abuse against the government, the state, and all prosecuting attorneys—this last after I had written him that I had no authority to conduct investigations out of my own county. One of his milder letters started, without further ado:

Jack says it is the dirtiest deal any man ever got. The bilasail is made out crooked. I been robbed. And then the deprison and the smart crooks braged. I cannot explain over the foan. I want you to su Wilmers, the heartless good-for-nothing, I want you to su Hebbard’s. We want to su our lawyer, the ol bassterd also the Superintendent of Poor, and the Board of Supervisors. We have a witness.

I do not offer these letters because I think they are funny, but to illustrate the large number of anguished, unhappy people that have been scarred and embittered for life by some unhappy brush with the law.

One day the proprietor of a roadhouse came to the office with this anonymous letter he had just received:

I hereby advise you that it would be a dam good idea for you to move from your present location as your all washed up and you don’t know it.

Further more you are an eye sore and laughed at by the passing public that travel on the highway.

We always knew you was a Krook, but we never gave it a second thought that you was a thief, since the county has been missing some quantity of their gasoline. I am satisfied that this advice and letter is well suited for you, and that my 3 cents was well spent. Get out of that there place.

Signed, A Taxpayer
in Iron Cliffs County

An investigation disclosed that this letter was written by my visitor's landlord, who apparently did not want to bother starting a lawsuit to oust his unwelcome tenant.

There is an endless trek of callers and letters in which the caller or writer will pretend to have had a friendly argument with a neighbor or friend over some question of law, and wouldn't the prosecutor please give the answer. These inquirers always elaborately outline a purely hypothetical situation, the questioner is moved only by a scientific interest in the law, and invariably has always voted for me. (Where are all those people who didn't vote for me?)

One day last fall, during the last campaign, a young woman in Iron Bay stopped me on the street and told me that she was living at home, had nothing else to do, and would like very much to campaign actively for me.

"I watched you handle your cases over in circuit court, Mr. Traver, and I'm mighty proud of you and want to help you win."

Since electors of such rare discernment are hard to find, I promised the young lady I would call at her home within the next few days and bring her some campaign material. In a few days I found myself sitting in the front room of

the young woman's home. She got down to business immediately.

"Now about the terms, Mr. Traver. All I will expect is ten dollars a day and gas for the car and the promise of the job as matron of the circuit court. You know, I've always been so interested in court work."

I pointed out to the young lady that I did not control the disposition of the job she sought, but that I would give her generous proposition some thought and communicate with her shortly. I left and wrote her the next day that while I appreciated her kind offer, I was afraid I could not take advantage of it. I did not write her that while I was willing to pay my way, it had been my experience that political workers were something like people who baked Cornish pasties—the job was better done for love than for money.

In a few days I received a written dispatch from the young lady, as follows:

Just a line to let you know I received your letter this afternoon and was sorry you didn't care to have me campaign for you.

For the past 2 years I have been working for a Company, selling and delivering vanilla. I got notice last week that I start again next week, so I thought as long as you are going to pay for the gas I could do the two things at once. I know I could of did a lot for you, because I do get all over.

Needless to say, I was deeply grieved to learn how narrowly I had missed getting a vote for Traver with every bottle of vanilla.

Then there was the letter from the disconsolate woman in National Mine:

I would like a warrant made out to get the runaway boarder. He was a boy friend, too, or he would not have got away with so much. I helped him get a suit of clothes. That is, we put it on Dad's bill with Spiegel's. \$19.95 to be exact. Well he just walk out and took it or rather, wore it. For instance, like if we was going out tonight with some friends, we had to be dressed (up) so I dressed (up) and let him have the suit to wear. I kept the suit regular in my closet.

Well he ditched me downtown and came with the car and asked my little girl for his old clothes to. And we are still waiting for him. My husband is working in Missouri.

He didn't pay his bored from 11th of April till first of August. And he brought another man to bored he was to pay his bored. Well he still owes \$75.00 to me.

$\$75.00 + \$19.95 = \$94.95.$

Well, it will come in handy now because they have taken my relief orders from me because I have a man helping me do the fall work.

As if there isn't lots of other women having a man keeping on the relief.

I have no other ways. Must be some of that there graft.

Well I will be hearing from you.

Mrs. Marie Flancher

P. S.

3 men and 2 other callers are waiting for their money.

I wrote Mrs. Flancher that I would need to know the name of the man, and his present whereabouts.

Flancher was more than equal to the demand. She was a woman of few words—but she used them often.

I know my information data is not exactly what it ought to be but he told me where he would be going if he went out of here.

But I didn't pay no attention to them names because I didn't think I would of needed them this way. His name is Jerry and I think pretty sure his last name is Barton, about 43 or 44. I put the or in because his birthday is awful soon. Jerry is very tall, dark and hansom. You can tell him easy. He has a golden tooth in the front.

He has an uncle in Grand Forks who is a well-known potato grower and there is a big family of them.

If not in S. D., he will probably be found on the cornfields of Nebraska. If I had a regular map of them there States I could probably think to tell you exactly.

There are 4 men needing their wages. My father is an old man of 75 and Jerry was supposed to pay for his suit to him. Enclosed will find one of his pictures but send it right back.

I think I'll close this letter now and let's see what we can do to get him back.

Mrs. Marie Flancher

Here is a letter I received from a woman I had met once at a political rally. I do not offer it as humorous:

Dear Son:

I can tell my heart's trouble as you are my son as my dear son now is gone and left me with the cruel people. Because I thought they are friends but find them only snakes in the grass as I can even tell you are a Friend as a Mother always your Mother.

Nor did I find very convulsing this letter from an old lady in Iron Bay:

Please come down Sat day. Be cause i like to get this think over as soon as i can. Please come down Sat day be cause this is very in pore. I had my man lock up for hiding me yesterday. & i want to leave him for good. For meny years. Please let me no when you come down her Sat day.

I went down.

Dear Sir:

Will you tell me where I have to send to find out if there are any poison in the stuff I am taking Every time I eat I wake up in the night with offal spells that lasts for 6 hours. Please an by return mail.

Mrs. Jennie Pleau

I knew that this charmer had the appetite of a Shetland pony, which was not odd, as she was as large as one. I was accordingly constrained to suggest to the unfortunate woman that she take up the "offal" subject with her family physician. I suspected that almost any radio announcer could have prescribed for her.

Then there was the letter I received from Gust Heikkinen, who wanted me to arrest Solomon for "recking his ribs" in an automobile accident. This is little Gust's version of the details of the unfortunate accident:

I was out looking for my horses and I met Solomon at post office. I don't know what time it was I see Solomon. After I got in car I see Solomon he be drunk and I say what's matter, Solomon, you drive crooked, and fast, and Solomon he say never mind, I am the driver. We go for New Princeton and get a drink. We got far as new bridge and he stop. I don't remember anything after that, we bought a bottle and we drank it. I was pretty drunk, and Solomon, he be drunk too. I want pay dat.

Gust Heikkinen

There was the case of the candidate for sheriff who had ordered some election supplies from Grover Stedman. Campaign cards, buttons, and all the rest. The candidate

had paid Grover \$33.80 in advance, the election came and went, and still no supplies. In the meantime, the candidate had lost the election.

The unlucky candidate wrote me about the situation, stating that he wanted his money back "or else," whereupon I wrote a routine letter to Grover, suggesting that he adjust the little matter. Here is Grover's reply:

Dear Mr. Traver:

Your letter of recent date has had my utmost consideration. Without fail, I will reimburse him every cent. Presently I cannot do it, as my business has been at a standstill. I have every hope for a hasty upturn due to the industrial activity picking up. Therefore, Mr. Traver, I will greatly appreciate your kind indulgence, also the candidate's.

Grover had evidently taken a course in something or other. This is the closing paragraph of his letter:

This set-up was not a deliberate defraud. I was a puppet of things and conditions. I now fully realize that I am always in life am responsible for my past. The results of this past experience have awakened the great powers within, lying dormant, into new creative activity that is positive and constructive. I shall succeed!

Very truly yours,
Grover Stedman

Grover is still pursuing the will'-o-the-wisp of success.

Then there was the letter from old Jacobson, who lived in a shack down near Sawmill Creek. Old Jacobson wanted me to order the County Road Commission to plow the snow off the road leading into his shack, a mere matter of three

miles, with no other inhabitants in between. And we really get snow up this way.

I am a sick old man, and I want my road plowed. You can tell them for me that if they don't hurry up, I got a good notion to up and die before the Spring breakup, so them dirty bastards'll have to plow me out.

August Jacobson

P. S.

I voted for you.

I am happy to report that Mr. Jacobson is still hale and hearty.

Then there was the time I wrote Oral Dompierre that the ladies of the local Humane Society had complained to me of his cruel and brutal treatment of his horses and dogs. Oral was a dark, swaggering Frenchman who had quite a way with the ladies. In about a month I received this belated reply from the great Oral:

Dear P. A. —

Just a line to let you know that the complaint from the Inhumane Society is all fixed up. The ladies have been down here. Beg to report they now regularly bring their dogs to me to be beaten.

Respectfully,
Oral Dompierre

Once I received a letter from a prisoner which began "Your Majesty." "Your Honor" and "Judge" are common, exceeded only by the variations on the prosecutor theme, such as "Prostitutor" and "Persecutor." A large portion of

the anonymous letters, mostly abusive, would not bear printing. A gallery of four-letter Anglo-Saxon words!

I have been called: (*Mammalia*): dog, yaller dog, skonk, rear deck of a horse, polecat; (*Reptilia*): snake, ten feet lower than a snake's rear exhaust, hiss'n' copra. I have been called a heartless "retch," but never likened to a flower or a bird.

One day a loquacious barber from Iron Bay complained bitterly to me that a Greek insurance agent had mulcted him of some commissions. "He'd cheat his ol' gramma." It seemed that the barber was to guide the Grecian agent to the helpless insurance prospects, and then the two would split the commissions. The prosecutor wrote a letter. This is the Greek insurance agent's reply:

Dear Sir:

Answering yours of the 13th inst., just received, concerning Mr. Barber Mallette, I am really surprise to hear such charges,

The \$20.00 plus \$5.00 of my own, all total \$25.00, was paid to Attorney Mr. Bennett with the firm of Bennett and Bennett at Iron Bay, personal friend of Barber Mallette, and for wish money I have canseled check in my hand.

The money was paid for a contract drawn up by Mr. Bennett, suggest by Barber Mallette; Mr. Bennett can form you better if you rang him up.

You also can get all the informations you wand about my character from the Greek Community here, Hematite all all over the upper peninsula. Also my stat manger in Detroit.

You will find enclosed copy of a letter I am mail today to Barber Mallette, and you can see for yourself he ows me money insteed me optain money from him. But after allowing him \$30. I ow 0.65c.

I hope this explain will be satriisfactory for you.

The enclosed letter to Mr. Barber Mallette contained a detailed statement of expenses incurred on the various selling trips taken by the two to farms and lumber camps, ending up: “. . . and many more expense I don wand to mentione.” The letter itself ran as follows:

Barber:

I received a letter from the prosecute attorney's office, telling me I take money from you under false protence. You know it is a dirty lie, as you paid the money for contract Mr. Bennett, personal friend of yours, has drawn up at your suggest.

This here contract was drawn up in order, as you promise me, that we go to all the Lumber Camp and write plenty Health & Accident Insurance, as you no everybody all around and you quaranteeing me few tousand dollars with insurance business, but you never produse any.

Why don you tell the truth for once in your hole Life? But if you think you got something against me, go right ahead Big Shot, but you will regred it the rest of your Life.

Encosed you find a statment for the expenses we go running around the woods and thiffreen townps; the half of the expenses is yours & half mine, because you dond spend a nickel for gas, oil, repairs, in that, but sometime I pay for your Eats. The conclusion is, you ow me money and not me optain money from you, because you will be the last man in earth to appeal for money to. You always wand money but you heed to depart from it. You better be carefull what you talk around about me, calling me bud names to a friends of mine, because you will be very, very sorry: Put your mouth under control, because that big mouth of yours will cause you lots of troubles.

Copy of this letter I am mailing to Mr. Traver, so he can get an idea what a kind crook man you are.

I dond wand you buther or talk to me any more.

THE INQUIRY

THE OFFICE OF CORONER is one of great potential importance in the detection of crime. The coroner is usually the public official first called in cases of deaths occurring under violent or suspicious circumstances. Obviously, then, the office would best be served when the coroner possessed at least a smattering of legal and medical knowledge. A few states, recognizing the validity of such an elementary proposition, have done something about it. But in most others the office has come to be regarded "simply as a wizened and wormy fruit from the political plum tree, being held by a dreary succession of down-at-the-heel party water-boys"—as Lane Lancaster describes it in his fascinating and scholarly book on rural government in America.

When a coroner's inquest is held, that ubiquitous troubleshooter for the community, the county prosecutor, is invariably on deck, restlessly sniffing the air for signs of skulduggery. While the verdict of a coroner's jury is not conclusive on a subsequent criminal prosecution, since it is so regarded by a majority of the public, I usually appear and question the witnesses at inquests held in my county.

As I look back in the files, I find the number of these inquests fairly staggering. Most of the automobile-death prosecutions in this county have been preceded by an

inquest. They furnish the bulk of the inquests. The end is not yet. . . .

Some inquests are held simply to "clear the atmosphere," usually in homicide cases where the investigation has conclusively shown that a killing occurred, for example, in self-defense. In such a case the inquest is held not only to preserve a record, but to stop rumors and quiet any doubts in the community as to why no criminal action is taken.

The time young Kaarlo Jarvi wrested an axe from his drunken, homicidal father and dealt him a mortal blow, comes to mind.

Then there are the inquests held in real or suspected murder cases, many of them silently giving the lie to that ancient fallacy with which man, the articulate ostrich, comforts his way to the grave: *Murder will out*. I suggest that some credulous soul tabulate the unsolved murder cases—just in one state of this vast union. The results would stagger the imagination.

Our investigator should resolve his cases into two general categories: where the fact of the murder is unquestioned, but no murderer has been found; and where both the fact of the murder and the identity of the perpetrator remain in doubt. This last class would include its share of the constant march of deaths under suspicious circumstances, abrupt disappearances, many "suicides" and "accidental poisonings."

While the police agencies do not billboard the fact, I doubt if there is a community of any size in the entire world that doesn't have its unsolved contribution of real or suspected murders. When one contemplates the unknowable number of completely successful murders, that

The Inquiry

is, where there is no official suspicion whatever, the adage *murder will out* becomes as empty as a mumbled political platitude.

Even some of the old unquestioned murders in a community become forgotten; police and prosecutors change, die, succumb completely to trout-fishing or move away, and another unsolved murder joins its endless shrouded company. Judge Belden recalls a number of unsolved murders that occurred during and before his time as prosecutor. I never heard of them before I asked him. Every prosecutor has them, either during his own term or inherited from his predecessors.

Tell, crystal ball, who killed Big Joe? Big Joe was a giant National Mine bootlegger, who had withdrawn a small alcoholic fortune from the bank, and was about to return to the "old country." Instead, he was robbed and murdered, found beaten and dead in a railroad culvert in the center of the city, his great right paw clutching a handful of light brown hair.

Tell me, soothsayer, who slew Alice Durka, found dead in her bed, hideously beaten and mutilated? Tell me, who killed Julius Sloat, found shot to death in his home, a "suicide" note in his own writing lying near, five bullets in his body, but the revolver across the room, with but two cartridges missing, and no powder burns or nitrate signs on him?

Who, perchance, killed old Baptiste Pleau, whose charred body was found in the smoking ruins of his cabin, with two bullets in his brain? Suicide? Maybe. But we'd have felt a lot better if we hadn't known Baptiste had in his cabin a bag of gold coins, no vestige of which could be

found in the embers. What of Marie LeDuc, the beautiful drawing-teacher, found beside the railroad tracks, her throat slashed, gurgling "Charles, Charles" with her dying breath? Was it murder? Was it suicide? Was it good-by?

Tell me, crystal ball, tell me—will murder out?

The reports of these old inquests make pretty macabre reading, a stark and bloody company, each a potential plot for a "conventional" gory mystery thriller. However, the case that I hark back to most persistently, a brutally simple case, yet one whose overtones I find most disturbing, is an old case of apparent murder and suicide which occurred shortly after I was first elected prosecutor.

Because I was the most frightened, I guess, I opened the door and stepped into the kitchen. The sheriff, the village doctor, the coroner followed.

There was a cat sitting on the kitchen table licking frosting from a cake, purring contentedly. The stove was very warm. The smell of burning bread. We left it there. Behind the kitchen door were red clothes. Miner's clothes, full of hematite.

In the next room there was darning on the table, the socks with the needles still in them. There was a sentiment framed on the wall. I forget which one it was. There was also a faded and flyblown picture of Woodrow Wilson shaking hands with a man with a mustache, beneath the folds of an American and an Italian flag. I heard a clock ticking but could not see it.

We knew they were in the little room to the right because the grocer boy had told the sheriff, who had told me, the prosecutor.

I saw the blood first and then the wife, and then the husband still holding the gun. It was a shotgun, pump variety.

She was face down and had been shot in the back. Her hands were clenched toward a little door, hair flying as if she had been running. Andrew, the sheriff, pulled her up a little by her long black hair and we made croaking sounds like laughter because she didn't have any face.

The other, the husband, was worse—much worse. I thought then: "The Complete Hunter." The only other thought was how he could have got himself so well with such a long gun. There had been a basket of clean clothes in the room.

Three of us went over to the village hotel, called Inn, and had a big dinner. We laughed because the village doctor, who had been in the War, got sick and went home.

They had been buried a week before we had the inquest. The four orphans were there—the two married sons; the daughter, sixteen, with long black hair and dark eyes; and the little boy. The coroner was late, but we went ahead.

There was a jury of six, four miners and two farmers. A fellow called Elmer from the mine office took the testimony because there was no one else. He was pretty rusty at it and we had to go slow.

It was winter and it was cold and the little orphan daughter sat there cross-legged without pants. She was plump and pretty and wore a little veil. She looked at me a lot. I was old enough to be her father—in a pinch, that is.

Then she opened her coat and she had a tight dress and plump breasts that looked firm and pointed upward and

outward. She would rock a little on her chair, and I had plenty of time to look because we had to go slow because a fellow called Elmer was rusty.

The testimony in, the coroner's jury went into another room and smoked and came out and said that the man had killed the woman, his wife, and then he had killed himself.

Then the coroner, who had arrived, gave each of them the statutory two dollars, and a cigar, not mentioned in the statute, and I remembered that the county election was not so far away.

The jury went away and back to work and then the four orphans left, the plump one leaving last, looking over her shoulder.

Driving back, we two, to the county seat in my auto with the heater on and election cigars going, James, the coroner, said:

"I think these here inquests are a lot of bull. They don't tell us nothing we don't know already. Back there they didn't even mention the other fellow at all. They didn't even mention him."

I said: "What's the use?" and I wondered, pondered how much the orphan, the plump one, resembled her mother.

A-HUNTING LOUIE GOES

HAPPILY, THE BULK of criminal violations are misdemeanors, the lesser offenses, which are usually disposed of in justice court—or municipal court, which means about the same thing. I suppose I must have ten criminal trials in justice court to one in circuit court, probably more.

A vast part of the prosecutor's time is spent in tramping from one of these lower courts to another, trying an endless assortment of cases before a mixed assortment of judges. We have some excellent and experienced judges, ranging from Judge St. Thomas in Hematite, down to township justices, some of whom I would need an interpreter to talk with.

There are three municipal courts in Iron Cliffs county, and about a half-dozen or more active justices of the peace. A constant march of drunk drivers, wife-beaters, petty thieves, traffic violators, game violators—the list is endless—parade before these lower court judges—none of whom are attorneys.

Naturally, few of these cases make for the tense drama of, say, a murder trial in circuit court, but the very frequency and lack of formality of some of these justice court trials lend them a dash and color of their own no circuit

court trial could ever have. The justice court is truly the People's Court, where our neighbors, yours and mine, constantly go to air their grievances and little quarrels. It is Justice got down to earth, in daily action. . . .

I could write a thick book on the myriad of justice court trials I have conducted—sad, funny, dull, Rabelaisian—but I'll content myself by telling you about my friend Luigi.

I first met Luigi Purgatorio—"calla me Louie"—during his justice court trial for wilful and malicious destruction of property. He had pleaded not guilty and loudly insisted on defending his own case—always a bad sign of trouble ahead. It was one of those wild, epic trials—which so often occur in justice courts—that should have been preserved for posterity in movies, with sound, color, music, dancing. . . .

Luigi, an Italian miner from Princeville, sat impassively with his arms folded and chin out, like Mussolini, refusing to examine any of the jurors. His hawk-faced profile could have been taken from an old Roman coin. The jury sworn, I outlined my case, and called witnesses to show that Louie had destroyed Captain Flory's brand new tar-paper outhouse, out at Cap's hunting camp, below Princeville, with repeated loads of buck shot from his twelve-gauge shotgun. Louie's gun and miner's carbide lamp had been found at the scene of the devastation. Captain Flory was the captain at Louie's mine. It was all very sad. . . .

Louie refused to examine any of the People's witnesses, but sat staring scornfully ahead as I rolled in the testimony. It began to look as if he were going to pull a Casey at the Bat—but not Louie.

The case was tried with a six-man justice court jury, before the one and only Judge Willy Stone, ex-miner, Cornwall's colorful contribution to justice in America.

When I finally rested my case, Judge Stone asked Louie if he cared to testify. Louie was electrified. He leapt to his feet—"you bet a you boots, Jodge"—and fairly raced to the witness stand, holding up his right hand for the oath like Mussolini suddenly popped out on a balcony to give a Fascist salute.

"Go 'ead, naow, Mister Purgatorio," Judge Stone said. "Go 'ead an' tell them there jurymen your story."

Glancing at the Judge: "Das all right, Jodge—I sure tell 'em, you bet." He turned to the jury and began to tell them. . . . It was not testimony in any ordinary sense of the word, nor yet a jury argument. It was an impassioned plea against doubt and misunderstanding, a one-man saga of Louie. You will have to imagine the leers, scornful glances, smiles, shrugs, gestures. . . .

Smiling: "'Scuse a pleeze, fellas"—he addressed the jury—"I no speaka da good Engleesh—I only com' for dis a countree twenta-seex year ago—but I try for tella you how I com' blasta Cappy Flory's ---- house—"

Pounding his gavel: "'Ere—tike it heasy, you," Judge Stone sternly warned. "No bloody cursin' and blasphemin' his hallowed hin this 'ere coort!"

Indulgently: "Oh, das all right, Jodge—das all right—I mean by dat blasta—how I come shoota his goddam ---- house."

Judge Stone choked over something, almost blew out his dentures against the far wall, and hastily left the bench and took up his stand behind his bookcase, out of sight.

I wanted to join him there, badly, but Louie turned and accusingly pointed at me. I hung my head.

“Da prosecute attorn’—he’s a gooda guy—I vota for him, I vota him again—I no blame a him. Whata he say?” Face up, chin out. “He say I blasta Cappy’s place on a purp’, I mean a man, I bad in here”—touching his heart. He paused. “But what Luigi say?”

“H’m! I tella you da trut’, I no blasta Cappy’s place on purp’, I soon a blasta my woman, my keeds, my little bambino”—his eyes filled with tears—“I lova Cappy Flory, gooda man, always a nice for Luigi.”

He paused and rapidly went on, blinking, shrugging, gesturing. “I tella you da trut’—dat day I worka hard onderground, make a fi’e eighty-seex a doll’, feel a pretty good—com’ up four ’clock afternoon, take shota gun, get in old Forda car, an’ driva for Cappy’s camp. Whatta for Luigi do dat?” He grinned slyly. Low-voiced, confidential: “To shoota deer—you know, kinda head-a-light.”

The courtroom roared, possibly because headlighting deer—using a light to pick up their glowing eyes in the dark—is itself a criminal offense. And headlighting or not, the open season on deer was months away. Judge Stone beat his desk for order as Louie raced on, re-enacting his nocturnal deer-hunting trip.

“When I get to Cappy’s road she’s a pretty dark.” Motioning: “I stoppa Forda car, grab a gun, load a gun, put a carbite lamp my hat—an’ walka down Cappy’s road, alla time try to pick up dem deer’s eye with dat carbite lamp. I walka walka walk”—he stamped his feet—“but no deer.

“Den wat you tink?” Louie stood up in the witness box. “All sodden I see dem deer’s eye, wan pair, two pair, t’ree”—

peering, aiming—"an' I raise dat gun—Blast!" Louie lowered his imaginary gun. "Den I go a close up for get a my deer." Louie paused dramatically.

"Den wat you tink? I flash dat lite some more an' I see seex eye, eight eye, twelva eye"—aiming—"an' I blast-bang! bang! BANG!" Louie was dancing with excitement. "DEN WAT YOU TINK! I go leetle closer—I tella trut'—I see eye, eye, eye, more eye, dozen, t'ousand, million—maybe fifty eye—an' den wat you tink? . . ."

The jury—and prosecutor—looked at him dazed, slack-jawed, open-mouthed.

"I, Luigi, drop a gun, drop carbite an' run lak son-o-beech—driva Forda car home lak dronka man—run a jomp on bed, queeck get under cover"—pause—"because Luigi 'fraid, awful scare."

He sighed and threw out his hands.

"Now I aska you wan ting? How I, Luigi, goin' know dem eye was no eye 'tall but—what you call dat?—dem beeg, shiny galvanize nail-head Cappy a use holda dat new a tarpaper his togedder?"

Beaming: "Dere, dat's how I, Luigi, com' blasta Cappy's ---- house!"

Judge Stone fought manfully for order in the court.

"Har you through—nao more?" in a small voice he hopefully asked the defendant.

Louie impatiently waved his hand. "Non-no—Jodge a pleeze—just wan a more ting." He turned to the jury. "You a see, fellas, how dat ting can happen—easy—for you, me, Jodge dere, prosecute attorn', anywan—" He paused, his eyes growing misty with recollection.

"Reminda me jus' lak da time 1927 Rocco Stagliano

an' I go hunting down Mann a brothers' lumbr camp—
I driva down dat road—Forda car, getta late, kinda dark,
den Rocco he yell 'Luigi! Luigi!—lookit dem fi'e bear!'

"We stop dat Forda car"—Louie pulled up the brakes—
"jomp out"—Louie aimed—"an' I blasta dem fi'e bear—
BANG—fi'e time! Den Rocco he an' me run up dere, an'
wat you tink? Dem fi'e bear he turn out to be fi'e beeg
peeg dat lumbr comp' grow up for eat!

"So den wat you tink? Rocco and I load dem fi'e peeg
Forda car an'—queeck—drive home, keela two spike-horn
buck on way, breaka back spring, miss a two day work at
mine, an'"—he paused, triumphantly—"maka 'leven hon-
dred poun' salami sausage! T'ank you!"

The palsied prosecutor got to his feet, amid the din, and
finally made himself heard.

"Judge Stone, the People waive any jury argument." I
weakly sank to my chair.

The jury retired and popped back in five minutes. Their
decision?

Wat you tink?

"Not guilty!" they joyfully proclaimed.

CONFESSIO

HE WAS SITTING on a cot in the cell, his head on his arms, his arms on his knees. He was sitting there in his underwear, his bare feet on an old War Cry. He did not look up as we came to the door.

The officer closed and locked the cell door from the outside and stood there waiting, uncertain.

"O.K., Ed," I said, and the officer went away.

I walked over and sat on a wooden stool, which was all there was to sit on, save the cot and the seatless toilet.

He looked up at me with pleasant, intelligent blue eyes. He was a Finn, a big man, with red cheeks and blond hair and mustaches. His large hands now hung limp between his legs. His strong fingers were stained from hematite. He was cold sober.

We looked at each other, thus, for about sixty seconds. Long enough for a fast horse to run half a mile.

"You sent for me," I said.

"You county lawyer?" he asked, with a measured Finnish accent, in a slow monotone, carefully emphasizing every syllable of every word. Then he said: "I am American citizen and I want for speak to county lawyer."

"I am the prosecuting attorney," I said.

He continued to regard me, watchfully, appraisingly. I

was becoming a little annoyed. Anyone would think that I had done the thing which he had done.

“What is your name?” I said.

“Toivo Salmi.”

“What is your work?”

“I worked down in Wehler Mine. Trammer—twenty-eight year.”

“Tramming for twenty-eight years?”

“Twenty-eight year till last week, when that mine cut down on men to save overheads, my shift-boss say to me. Old man must go, he say, and so I lose my job, after twenty-eight year. . . . But I am not old man.” Eagerly—“Feel on my arm, Mr. County Lawyer. You think I am old man?”

This had gone far enough. To the point, to the point. “Why did you kill her?”

He looked at me closely, without curiosity, without visible emotion. There was a reflective, thoughtful light in his blue eyes.

“You county lawyer? Sure?”

“Yes,” I said, with infinite patience.

Toivo Salmi again began to talk—slowly and with deliberate hesitation, like a child reciting a difficult piece.

“Impi and I meet together on that boat when we come over Finland to America. Impi was young girl then, very good Finnish girl, and we get marry in New York after that boat land.”

“Yes.”

“Friend tell us many Finnish peoples work for mines up North, and there is snow and green trees like over in Finland, with good pay, so my Impi and I find train for North for this place up here. Then friend bring me to mine

captain and after that I am trammer down in the mine. Twenty-eight year."

"Then what?" I said.

"The first son is Reino—for her father—and the second son is Toivo—not for me but for her brother Toivo—and the third son is Riiki, from out a Finnish book. Then the two girls were after. That was all the children for us."

"Yes."

"Them girl come last. They are grown up now, and both of them are nursing school in Detroit. My wife call them—one Dolores and one Gloria. But them names are not Finnish name—my wife get them out of moving-pictures book."

"Yes, I know. But what about your wife?"

"Impi good wife for long, long time. Then she one day want to send my children to Finnish church no more and I no like that but I say nothing and my children go to English church after that."

"Go on."

"Then Reino go and die for that sickness here"—thumping his deep chest—"on my wife making window always open in the winter in the nighttime, after the new American ways. Finnish peoples never sleep in such cold places over in old country."

"What's that? What did you say?"

"My wife make window open."

"Oh. Yes. Your wife opened the window and Reino contracted tuberculosis and died. Is that it?"

His eyes lighted up. He was glad. "Yes. Reino he contract tuberculosis and go and die."

"How long ago was that?"

Ever so slowly: "That was sixteen year ago on last night."

His blue eyes looked in mine. I quickly looked at the small window at the top of the cell. Still looking, I said:

“Was your wife a bad woman? Other men, you know—when you were down in the mine?”

“No. No, no. None of that man business for my Impi. Impi good woman. Toivo always her man. . . . I know sure Toivo her first man because on that boat—”

“Yes, yes,” I said. “But why did you kill her?”

Slowly again: “Then after Reino go and die she want me to stop talking Finnish language in my house, and I am good American citizen, but it is not easy way for me to talk my thoughts in English language, and to speak out plain in it.”

“Toivo, I understand you perfectly,” I said.

Smiling: “You really understand for me good that way, Mr. County Lawyer?” He was very happy.

“Come now, Toivo. Tell me why you killed Impi.” I felt like an insurance agent about to close an application.

“Then she start to take other people’s dirty clothes into my house—and then I hear the men talk at mine: ‘Toivo make his woman wash other men’s dirty clothes.’ And I tell my wife to stop, she don’t need to wash any clothes, and she laugh for me and say her boys not grow up and be just Finnish miners, instead they go to state college and learn to be good and successful American citizen.”

“Did the boys go to school?”

“Reino go and die like I tell you. Toivo going to take what you call that doctor’s degrees in this June. Riiki not like any school and he say he like to come and be my partner down into the mine, but his mother say to Riiki: ‘No

mine-dog for my son.' So Riiki never go down into the mine."

"Where is Riiki?"

He hesitated, for just a moment.

"Riiki run away from my house. His mother think that Riiki is air flyer in Army, but I find out truth that Riiki is on ground in Chicago."

"What is he doing there?"

"Riiki is in jail, like his father is in now." He smiled gravely. "Riiki is only son for Toivo who is like Toivo, I guess so."

He stood up and stretched his big powerful arms over his head.

I said: "What else, Toivo?"

"Nothing else."

"Did you call me 'way down here to tell me you've been trammer for twenty-eight years?"

"Yes, Mr. County Lawyer."

The night was growing late. "Why did you kill her? Come, man. Tell me now."

He sat on the cot again. He looked at me for a long time with his uncurious kind eyes.

"Come. Come. It's getting late, Toivo. Why did you kill your wife, Impi Salmi?"

There were tears in his eyes, now. He rubbed his big hands up and down on his thighs. Then in a small voice, scarcely above a whisper, he said:

"I don't know."

"What!"

"Don't be mad for me—please—Mr. County Lawyer."

“Damn it, man, tell me what happened—”

“Yes, yes. I tell you. Last night, Impi she start put away the dishes and then I come and sit there in the kitchen. Then when she see me she go and take my miner’s clothes off the kitchen door and start to put them in the kitchen stove. Then I go over to her and say to her—Mr. County Lawyer—in Finnish language: ‘Impi, I love you good. Your Toivo love you. Please be like girl on that boat.’ Then she spoke at me fast, fierce language in English, I do not remember, swearing at me only in Finn so I will not miss the words, and she say many bad words. She say I am devil’s son, which is very bad words in Finnish language. Then she say I am lazy old Finlander housedog, not even good for be down in the mine.”

“Then what did you do?”

“I no like them bad words, so I reach over her like this”—instantly his strong fingers were tight about my throat—“and I hold her like this way till all them bad words stop.”

He was on the cot again, his hands idle again. I gasped. “But I thought you—thought you did it tonight. The police report, it said—”

Slowly, slowly: “No, Mr. County Lawyer. It was on last night. I only come here and tell tonight. I got to sit in my house and think before I come and say.”

I said, “Yes, that’s right. You’re right there, all right.” I stood up.

I drew a short form of printed confession from my brief-case, quickly filled in the blanks, and called two officers, who came in and stood and watched Toivo Salmi’s tongue while he signed the paper. Then I sent the two officers

away. Toivo was sitting on the cot, yawning. I shook hands with him and turned to go.

“Mr. County Lawyer.”

“Yes, Toivo?”

He stood up, very straight.

“I am good American citizen, and I not want for break any of country’s laws on the book, and that is why I ask them call you from your house so late tonight. And I am sorry for taking away so much your valuable time.”

“Yes, Toivo. That’s all right. You’re a real American, Toivo.”

“Thank you. Good-by, please, Mr. County Lawyer. Thank you very much.”

“Good-by, Toivo.”

“Thank you. Good-by.”

Toivo pleaded guilty in circuit court. He was given a sentence of twenty to forty years for second-degree murder. I happened to be coming out of the back door of the county courthouse as he was being hustled, pushed into the prison truck, handcuffed to a rapist and a wife-deserter.

He saw me and stood still, abruptly stopping in their tracks his fellow inmates and two husky prison guards. Toivo looked at me, smiling, and said to me with scarcely any Finnish accent at all:

“Good-by to you, my fellow citizen. Good-by.”

THE D.A. ON THE SPOT

THE LOPER BOYS, twin brothers, celebrated their seventeenth birthday by murdering old Napoleon Garceau, as he walked down the tracks. Armed with knives, they stabbed him to death, robbed him, hid his body under a pile of ties—and were apprehended in Milwaukee each with a new two-pants suit and a blonde. They were brought back to this county, sans blondes, and tried and convicted of murder. After serving ten years of their sentence, they were finally paroled. My predecessor, Butch Holt, had tried the case.

As they left the courtroom, after their murder trial, they loudly stated they would “get” Holt if they ever got out of prison. In the meantime Holt had sold his home in National Mine and moved out West. But the Loper boys didn’t know that, or that Joe Davis had bought Holt’s house.

Late one Sunday night as Joe and his wife were returning home from a weekend at their cottage, Joe spotted a dim light burning in his basement. He remembered distinctly having checked the lights, so he cautiously took a closer look and discerned a man seated on a box in front of his open glowing furnace door, reading a magazine by

the light of the furnace fire. On the box beside him lay a pistol. It was one of the Loper boys.

Very sensibly, Joe went and got a half-dozen policemen. When they closed in on the house, they found one of the Lopers sitting in the darkened upstairs toilet, with a loaded pistol and a sack full of the family plate—and the other twin nestling down in the coalbin, likewise loaded to the gills, feigning profound slumber.

I charged them with burglary, and they defended on the grounds that they had come North after their parole to revisit their childhood haunts; that they were tired and wet and hungry and had called on their old friend, Prosecutor Holt, for a handout. Not finding him at home, they had just kind of eased themselves in to keep warm and wait for him. No, they didn't know Holt was no longer prosecutor or had sold the house and moved away (in this they probably told the truth). Why were they sitting there in the dark? Why—they just wanted to sort of surprise him. Boo! What about the silver plate and other loot? Silver plate? Why, that was preposterous. There just wasn't any silver plate.

We had a long bitter trial, and they were well represented, and I can imagine that their ears must have burned over some of the pointed questions I asked them, and over my argument to the jury. Even the mildest criminal trial is no church social. But in a serious criminal case, with so much at stake, it is simply every man for himself, a knock-down, drag-out fight. I didn't pull any punches. They were convicted.

In view of their record, and other implications of the case, Judge Belden gave them a sizzling sentence. As they

left the courtroom they turned to me and hissed, in the best Humphrey Bogart tradition, "Traver, we'll get you—you dirty son-of-a-bitch!" This was six or seven years ago. Just a few months ago I was notified they were again up for parole. I could probably have stopped their parole but I didn't. That is my fault, not the parole board's. I don't know if they have yet been released. I don't even know where they are. I don't want to know. I do know, though, that sometimes in the night when I wake up and lie there thinking, I wonder just what *would* have happened to Butch Holt if he *had* walked in on them that night.

Every prosecutor in the land has had similar experiences. I could relate a dozen more. I've been called a son-of-a-bitch so often I'm beginning to believe it. Threats are just part of the day's work. Occasionally, these threats are carried out. But very rarely. A prosecutor has to adopt a fatalistic attitude or else give up the job. Recently one of my neighboring prosecutors committed suicide. No one seems to know why. Sometimes I wonder if he couldn't take it. If it starts working on you . . .

By and large, however, most persons convicted of crime take their medicine and say nothing. The guiltier they are, the better they take it. Especially if the prosecutor, though firm, has been thoroughly fair in handling his case—as most of us always try to be. Some men whom I have had to try for criminal offenses, and even send over the road, have later become my friends and ardent supporters. Last summer I met one of my "boys" in a tavern in a strange town west of here. I was over there on a fishing trip. We buried the hatchet over a few drinks back and forth—and he

proudly introduced me to his pals and told me of a swell fishing hole, one of the best I hit last summer.

My observation has been that those defendants whose defenses are the most ridiculous, incredible, patently fabricated are the ones who smart the most, who become most rancorous, after they are convicted. They are the ones who most often threaten the prosecutor and call him a son-of-a-bitch. In other words, some men can face jail better than they can face ridicule.

One day one of the endless number of marital-trouble callers, named Swan, came in and quietly laid a .45 Colt on my desk. "Listen, you," he said, "I want you to quit takin' her out!"

"Who?"

"My wife, Hulda!"

I sat looking and thinking. The man was a shell-shocked war veteran. When he was normal he was a swell fellow, as mild as Ferdinand, but when his sickness was upon him he was absolutely mad. During these seizures, which were growing more frequent, he used to beat his wife unmercifully, and the police often had to take him in. Poor, patient Hulda—old enough to be my mother—loved her Swan, and had frequently called at my office to discuss the situation with me. She was trying desperately to stick it out.

"You don't deny it, do you?" He fixed me with a baleful look, and produced a small notebook. "Here—right in my wife's notebook—your name and telephone number." He thrust it under my nose and lo! it was so.

I was in a tight spot and I knew it. To deny the preposterous charge, or attempt to explain that she had occa-

sionally phoned me about him, might only serve to inflame him further.

Again: "You don't deny it, do you?" With a deadly calm he fingered the revolver. "Answer me, goddammit!"

I took the plunge. "O.K., Swan—you've got me. But I promise—I'll never take her out again." I sat there ready to leap. But no. . . .

His face broke into smiles. He stretched out his hand. "Fine, Johnny—I knew you'd be reasonable about this thing." Seriously: "It's been worryin' me a lot." Smiling again: "Oh, hell, let's let bygones be bygones. C'mon over to Louie's for a drink."

We shook hands and went over to Louie's for a drink. I took a double Scotch. Poor Swan is now in a veterans' hospital. And I may add that a mate to his .45 Colt now reposes in the top drawer of my desk.

Not so long after this, a wiry little fellow named Tony Dombich came into my office. I had written him that if he did not support his wife and family he would be arrested. It was a typical, routine non-support letter. He sat down and faced me across the desk, wearing a loose fitting overcoat. He kept his right hand in his overcoat pocket. It was a warm spring day.

"You wrat me dat letter?" He was in an ugly mood, and half-crocked to boot.

"I did," I said.

"You no send Tony to jail." Through clenched teeth: "You not beeg 'nuff. Tony keel police-a-man in ol' coun-tree!" He laughed with a startling lack of hilarity, all the while grasping, fondling something in his pocket.

"Is that so, Tony? Tell me about it."

"None a you damn biz. What you tink, Tony a dum'?"

"What did you come up here for, then?"

"To tell a you to min' you a damn biz." He was working himself up to an explosion.

"But it is my business, Tony, to see that a man supports his wife and child—here, I'll get the papers."

I pulled out the top drawer of my desk, 'way out, exposing to the world one mighty sweet-looking .45, positively blue from disuse. My hand lay over the top of the drawer.

"H'm. I don't seem to find the file, Tony." I looked right at him. It was my turn to clench my bridgework. "But as I was saying, it's your business to support your family. Do you understand?"

Tony's temperature was racing down like that of one of the Connors brothers the time he locked himself in the refrigerator.

"Oh, I onderstand dat, Mist' Trave', but—"

"And you will be arrested if you don't—do you get that?"

Tony's hand came out of his overcoat pocket—empty. "Sure, sure ting—Tony onderstand." Ingratiatingly: "Jus' want com' up for little talk, dat's all, Mist' Trave'." He managed a faded smile. "Tony go now."

"Anytime at all, Tony. Good-by."

And I go out and campaign for the job. As old Judge Waldo once said about the office of mayor, "Any man that looks for the job, deserves to get it!"

One morning I came down to work, entered the outer room—"Good morning, Miss Saastamoinen"—thence into my office where I hauled up abruptly.

There seated in my swivel-chair, smoking one of my

cigars, his stocking-feet up on my desk, sat a fine broth of a pixy old man. A generous section of lead water pipe lay close to his hand. I stood there looking, vaguely wondering whether this was merely some grotesque joke or general paresis.

“Good mawrnin’, Jawunny,” he said. “Can’t ye git down here on toime, lad?”

“What the hell is it to you? Take your feet off of my desk. Why, of all—”

“Aisy, lad, aisy. ’Tis Timmy O’Keefe you’re after tawkin’ to—an’ Oi have a phroposition.”

“Do you mind if I sit down, Mr. O’Keefe?”

“Not a tawl, lad.” He genially waved me to another chair. “Have a cigar?”

“I don’t mind if I do.” I helped myself to one of my cigars and sat facing him across my desk.

“Would ye moind closin’ that dour?”

I closed the door.

“Would ye moind havin’ a wee dhrink?” He produced a pint of pantherized pile-run whisky, helped himself to a nice wet swig, and pushed the bottle across my desk.

“No, no—a thousand times no,” I shrilled, fighting back gag and swoon at the thought.

Timmy tentatively caressed the lead pipe. “Aw, now, lad, Oi do think ye better—with auld Timmy.”

After all, I’m not one to bicker over small things, so I hoisted the bottle, said a wee prayer, and let her go. . . . Have ye ever seen a whale blow, lad? No? Well, Timmy O’Keefe saw it—right in my office.

“That’s foine, bye—now we can sittle down to bizness.”

We did.

He leaned over the desk at me, craning his neck, blowing his breath at me, looking stealthily around the room. I sat there, gulping for breath—transfixed, drugged, poleaxed. His inflamed eyes looked into mine. He lowered his voice to a whisper.

“Jawunny me lad, I knew yure auld fawther—an’ a foine big man he was, too. ’Twould plaze him no end if he knew what I am now goin’ to do fer ye, lad.”

“What’s that, Mr. O’Keefe?” I whispered, watching the lead pipe.

Triumphantly, his red little eyes gleaming wildly: “Jawunny, Oim Jaysus come back to the earth—God bless ’im—an’ you, Jawunny—Oi choose you, lad, fer Jawn the Baptist!”

“When do I start?” I whispered weakly.

“Not too fast, lad. ’Twill first cost ye tin bucks for the honor.” Craftily: “Have ye got the tin bucks?”

The man was indubitably mad, crazy like a fox.

“I’ll have to call the bank and see,” I said. “Wait here for me.”

I went into the waiting room, closed the door between, and called the chief of police. “What about Timmy O’Keefe?” I said.

“Good God, Johnny, we’re looking all over town for him. He’s an escape from the insane asylum. Crazier than a bed-bug. Where in hell is he?”

“Up in my office selling me a share in John the Baptist. And I don’t think he has a peddler’s license.”

“Is he armed?”

“Just about a yard of one-inch pipe.”

“We’ll come right over.”

"No, not in my office." I thought quickly. "Be inside the door of the Miners' Bank in ten minutes. Timmy and I will walk in together—I hope."

"O.K., Johnny—I'm on my way."

Timmy was after having another jolt of whisky. He wiped his mouth with his hand.

"Put on your shoes, Timmy," I said. "We're going over to the bank for the ten bucks."

"Foine, Jawunny." He hastily put on his shoes, grabbed the bottle and the pipe, and started for the door.

"No, no, Mr. O'Keefe. Leave the bottle here. Who ever heard of the Lord carrying a bottle of Kentucky bourbon?"

He grinned, and put the bottle on my desk. "Sure an' you're right, lad. A shmart Jawn the Baptist ye will be."

I grew thoughtful. "And here, you better take this cane instead of that lead pipe—the Lord can carry a staff but not a shillalah."

I went over to the corner and came back and held out to him my old senior law class cane. He hesitated for an instant, finally grinned, and docilely surrendered his pipe for the slender cane. We went down across the square to the bank, little Timmy pattering along at my side. Poor demented Timmy is back in the asylum. His pipe and his bourbon adorn my collection of curios.

I KNOW NOT MY NEIGHBOR

IN THEORY AT least, criminal justice in America is administered impartially. People of wealth and high position are supposed to take their rap with the same stoic resignation as the boy who was raised across the tracks.

This is not always so in practice. Not that our rich defendant will be half-heartedly prosecuted. If some languid socialite abstractedly conked his wife over the head with a tire wrench and the wife thereupon, in the quaint language of the old English indictments, "languishing, did die," he would find himself as vigorously prosecuted as some obscure citizen in the same fix.

I think this is largely due to the fact that since most of our judges and prosecutors are elected by popular vote, many of them feel constrained to lean over backwards to demonstrate to the populace that the scales of justice are not weighted with gold. Then, sordid thought, there are the politically ambitious judges and prosecutors, who grow sometimes almost gleeful in cracking down on richlings, because they thus curry the favor of the groundlings.

So much for the vigor of prosecution.

But nevertheless it is true that 'a rich man in trouble usually gets a better break. It is not necessarily the fault of

the judge or the prosecutor. A rich powerful man can simply exert for himself or his friends in trouble more influence; he has more friends, more contacts. He can hire the ablest lawyers who will shoot the works to snag up the prosecution, will gather witnesses and alienists galore, will appeal till hell will have no more of it, and then—if the result is finally a conviction which stands—will muster the combined power and wealth of the community to petition for probation or a light sentence—softly insisting that “Hubert is not a well boy; he couldn’t stand to go to prison with all those nasty, smelly men.”

I happen to have a judge, bless him, who meets these blandishments with a stony stare. But this is not the case everywhere. I don’t have to tell you. Read your papers. Too often you will find that Joe Blow gets four and one-half years for stealing a moldy ham, while Chauncey Waldorf III, who mows down a peasant while dawn-speeding home from a roadhouse—little Chauncey gets probation. This is bad, it is not just, and it is the stuff from which revolts are bred. County prosecutor grows liverish.

On the other hand, perhaps the most beautiful and tragic illustration of the ideal of justice in action I have ever witnessed occurred in the case of *People against Wilder*. The judge’s talk in that case will to some degree help you to understand the burden that judges and prosecutors must bear when sitting in judgment on the errors of their fellow men.

And the case also shows—almost too well, too poignantly—how little we really know, after all, about the secret lives of our business associates, our friends, our neighbors, perhaps even the members of our own families.

“And now,” the toastmaster went on, “we shall call upon the oldest practicing attorney in Iron Cliffs county. This year marks his fiftieth year of active practice at the bar. May he spend many more happy years among us. Gentlemen—Mr. E. A. Wilder.”

Every lawyer at the annual county bar dinner arose and enthusiastically applauded for little Mr. Wilder, who sat there, as always, beaming happily, his wispy gray hair awry, his faded blue eyes dancing and smiling, one of his battle-scarred old briar pipes sending up an alarming smudge. As the attorneys sat down, little Mr. Wilder—affectionately known to all as E. A.—arose, brushed the crumbs from his wrinkled suit, absent-mindedly adjusted his trousers, and launched into one of his whimsical little chats.

We all knew what he would say, and he did not disappoint us. But all of us loved and respected him—as did everyone who knew him. He had come to Iron Bay as a young lawyer and had literally grown up with the town. Besides serving on numerous civic boards and committees, he was the adviser and treasurer of the board of trustees of St. Mark’s hospital. He sang in the church choir every Sunday of his life, his little pink, boyish face cherubic in his vestment. And at seventy-four he was still regarded as one of the best title attorneys in the peninsula. Everybody trusted and respected little E. A.

In his bird-like way he went over his meager fund of stories we had all heard so often, again told us of the epic home run he had hit, with the bases loaded, in the dear dead days when he was on the university baseball team. His talk to us was as obvious as a hiccup at a dinner party, as dull as a treasurer’s report, as comfortable as an old shoe.

“So I tell you young attorneys,” he chirped along, smiling down at Judge Belden, “I tell you young attorneys to work hard, be honest and upright in all your dealings—and you’ll lose your hair, just as I have. What’ll it be like in another fifty years?”

As E. A. abruptly sat down, beaming like a little boy, we again arose, clapping and cheering; the people who sing “For He’s a Jolly Good Fellow” went into their act—and another annual bar banquet for Iron Cliffs county had drawn to a close.

In less than a month the dark rumors started—whispered, incredible rumors—in the clubs, in stores, on the street corners. “The trust funds of E. A.’s hospital are missing—E. A. has been the custodian of these funds for over thirty years. The amount is staggering—a small fortune. They are gone.” All of us lawyers firmly put down these ugly, fantastic rumors as we heard them. There was some mistake. Such a thing—little E. A.—could not happen—must not happen. Where was our faith in any man if E. A. failed us?

Then one day the representatives of the hospital board called me in—in my capacity as prosecutor. It was true. Most of the hospital funds were gone. They did not know exactly how much—the audits weren’t completed—they had trusted E. A. implicitly, as year after year he had made fictitious reports of the balance and securities in the hospital funds.

And so came about one of the most fantastic, sorrowful cases I have ever handled. The business organization of the hospital was so disturbed, the records either mixed or lost, the realms of fact and fancy so entangled, that I petitioned

for a grand jury investigation of the affairs of the hospital. In the meantime little E. A. left the state, but returned for the grand jury proceedings.

For many good reasons, I do not propose to go into detail. It is enough to say that the grand jury investigation showed that the bulk of the hospital funds had been dissipated by E. A. many years before on the stock market; that he had done this in a misguided belief that he was some sort of financial genius, that he somehow could redouble the funds of the hospital, of which he was so proud; that for years E. A. and his family had lived in abject poverty, owing to the fact that, to avoid discovery, he had to keep paying up the income on the securities he had taken.

Finally, just a few years ago, he took over the remainder of the hospital funds, went to the city, speculated some on the open market—this during the height of the Depression—and trustfully turned the bulk of the remaining hospital's assets over to a glowing stock market buccaneer, who evidently specialized in charitable funds. This gentleman promptly fled to Florida with the balance of the funds, where his flight was rudely interrupted by death.

In the midst of the investigation E. A. was charged with embezzlement, a charge which he did not resist. I shall never forget Judge Dankey's talk to the defendant as he imposed sentence. This fine down-state judge had been specially assigned to the case. It was on a Saturday forenoon. The large courtroom was empty, for no one knew we were there. Judge Dankey sat on the bench. I sat at my table. Little E. A., white and drawn, sat at his table with an

old lawyer friend. As he slowly reviewed the facts, Judge Dankey's words echoed hollowly in the deserted chamber. He paused and went on.

"That, in brief, is the picture before the court upon which it must determine the penalty to be imposed. Upon the one hand it is suggested that this is a first offense, and further that the aged defendant has already been very severely punished by his loss of standing in the community and the fact that he has been obliged virtually to give up his lifelong profession. It is also suggested that one having occupied his high position feels the disgrace of the present situation much more keenly than some other individuals would, and that if imprisonment is to be imposed at all, it should be remembered that it is not the length of the sentence that is important, but the fact that there is a prison sentence.

"It is also suggested that the penalty in a case of this kind does not depend upon the amount of money misappropriated, and that the good intentions of the defendant, so far as they are actually shown to have existed, should be considered, and, further, that by entering the plea which he has entered he has saved the public the expense involved in bringing him to trial, and has made unnecessary a good deal of the unpleasant and embarrassing publicity which would result to a great number of people in having these affairs aired day by day from the witness stand.

"I suppose there is some merit to all these suggestions and some weight to be given to them and it is true that courts should administer the law with discretion and, generally speaking, they are glad to do that. But on the other side of the ledger the court cannot forget that this de-

defendant is not the only one who has stood before the courts of our state charged with an offense of this kind. Although it may be true that the disgrace of the situation falls upon him more keenly than upon some others, the court has no right to assume that people of a more humble station in life, standing before the court as first offenders at least, are not also sensitive, very definitely so, to the disgrace involved in being found guilty of having committed a criminal offense."

A local reporter casually walked in, saw what was happening, and raced popeyed for a telephone. Judge Dankey went on.

"Judges feel under the necessity very often of cautioning juries that in their judicial pronouncements they must not be controlled by their sympathies or other emotions, or even by consciousness of their own imperfections, and certainly a judge cannot ignore the necessity for that caution when the time comes for him to perform his function in the case. I don't think I would be doing the defendant a favor if I encouraged him in the notion that he is somehow the victim of circumstances, or a martyr to good intentions. I can understand how it was absolutely essential for him, before he could go on with his profession, to convince himself somehow that there was a justification or a reasonable excuse for everything that he had done.

"It has also been suggested to me that bringing this proceeding into court and carrying it through would serve no useful purpose, but would merely lend ammunition to those who sit upon the sidelines occupying the seats of the scornful and appear to derive their only joy in life, not from striving for some worthwhile achievement themselves,

but from gloating over the failures of others. It is not the function of the court to philosophize or sermonize and I refrain from it except upon that particular point.”

The large mahogany courtroom door breathed open, and an alcohol-bloated inmate of the county jail staggered in with a mop and a steaming pail, and stood there, mop poised, jaw agape, during the balance of the proceedings.

“Will you stand, Mr. Wilder, please. Yes . . . I appreciate that the situation you are facing is not an easy one to meet. If you have within you any of the stuff of which men are made you will have occasion to make use of it. I think you may get some support from the reflection that in what is happening to you, you are paying a debt to the law, not with usury, but at least a portion of the principal. I wish I could see my way clear from a personal standpoint to save you the distress of any further penalties in addition to those that have already come your way, but I must think of others who have stood where you now stand and who will stand there in the future.

“Imposing a sentence involves considerations, considerations of different kinds. First there is the question of penalty, punishment. We are not so much interested in that as we used to be. Then there is the question of reformation, making sure that the individual will not repeat his offense. It probably would be safe to say in your case that, whether you are further penalized or not, there is no danger to apprehend a repetition of this offense, largely because the court cannot conceive of the possibility of your ever again being entrusted with any substantial sums of money. But there is another element, the question of a warning to others, and of not exposing the court to the charge of

making fish of one kind of defendant and fowl of another. We must strive to maintain that ideal of equality before the law which disregards a man's station in life. I think you are already satisfied from what I have said that I am not disposed to go to the one extreme and make your punishment unduly severe, because of the position you have occupied. On the other hand I can't treat you with more leniency than someone who had not occupied high position would have the right to expect.

"Regardless of my personal reluctance and the distress that has been mine as well as yours in contemplating this case, as one officially charged with the responsibility of speaking as the voice of the sovereign law of the State of Michigan, as honestly and fairly as human limitations may permit, I don't see how I can do anything else. . . ."

Judge Dankey paused and sighed.

"It is the sentence of the court that you be confined and remain in the branch prison of Michigan at Iron Bay, or at such other place to which you may be assigned by the authorities under the law, for a period of not less than one year nor more than ten years."

The bells were ringing, the whistles blowing, the church bells clanging and near tumbling, wildly ringing. The defendant bowed his head. It was high noon.

MY OFFICE IS YOUR CASTLE

I'LL WAGER A steak at Dinty's Place that every public officeholder in the land, from President to poundmaster, feels at one time or other that he is being sadly imposed upon by that great, shaggy, unreasoning beast—The General Public. Get three of us prosecutors together and during that brief lull when we are not bragging, you will hear our reedy voices raised in doleful, petulant protest at the treatment, the base ingratitude, accorded us by this vast anonymous throng. For you see, we forlorn nuzzlers at the public trough are a sensitive, class-conscious lot.

There is one charming thing about being prosecutor, however, that sets the office apart from all others: there is so little uncertainty about the job. You know at once, for instance, that any person who enters your office, no matter who, comes laden with one thing, and one thing only—trouble. Anyway, ninety-nine out of a hundred. The long shot will be a law-book salesman.

Day after day, week upon month upon year, this endless file of people, the Public, come shuffling and tramping into the office of the prosecutor, all over America. Each of their problems is big or small, depending on one's point of view. But always—to the caller—his problem is the most

vitaly important thing that ever happened. In this phenomenon probably lies the explanation of why prosecutors feel they are such an aggrieved lot.

There the hapless prosecutor sits, busier than a cranberry merchant, trying desperately to prepare for a trial, while an irate citizen—"yass, I pay my taxes"—settles himself across the desk and determinedly launches into a rambling and involved history of why his neighbor should be incarcerated for calling his wife "an immoral old bitch." It is often a little difficult, in this circumstance, to communicate tactfully the idea that truth is a defense against slander.

There are not enough prisons and jails in the world to hold a fraction of the people who would languish there if every person who wanted to prosecute another had his way. The prosecutor's biggest job is to keep from issuing criminal warrants, not to grant them. In a very real sense, he must be a peacemaker in his community. Manifestly, then, only a fraction of the complaints and problems that find their way to the prosecutor's office ever get into the courts. Infinitely more cases are "tried" over the top of his battered desk than ever a jury dreamed of. (And some juries are accomplished dreamers.)

Farce, tragedy, comedy, pathos, fleeting glimpses of the troubled depths of Man's soul, of his ceaseless struggle to rise from the mud—all these things, jumbled and all mixed up with posturing, grinning, and weeping, constantly parade before every prosecutor in the land. No prosecutor, unless he be a slug, shall ever again view human living with equanimity. His is a tremendous experience with Life. Either it will make him a better man or it will crack him. There is no middle way.

Big Toivo Makinen walked in one Saturday morning with a rather unique problem. It seems he worked hard digging ore six days a week, religiously—or at least regularly—turning over his pay check to his wife, while she came and went, alone, as she pleased, to dances and what-not. The situation was beginning to pall.

“Can Limpi do for dat?” he asked.

“It doesn’t sound quite fair to me,” I cautiously admitted. Experience had taught me that there are usually two sides to these “family-trouble” cases. Sometimes three!

“I like go for dance wit her tonight, but she say no—she go alone.”

“Why is that, Toivo?”

“’Cause I sign for dat paper, she say.”

“What paper?”

He produced an imposing legal document, typed, notarized and sealed, which I saw at once had been drawn by the late-lamented Judge Willy Stone, former justice of the peace of National Mine—the people’s choice. He took his new duties in deadly earnest—proceeding on the evident assumption that he was a one-man Supreme Court. He once attempted to grant a divorce! The spirit was always willing. . . .

But perhaps I can suggest what I mean. Here is the document he had drawn for Toivo and his wife. I can just see the flourishes, can hear again the roaring and trumpetings which accompanied the birth pangs of this milestone on the path of jurisprudence.

National Mine, Michigan

This instrument, made and entered into on December 27,

1936, that being the 27th day of December, between LIMPI MAKINEN and TOIVO MAKINEN of the same place, his wife, both of National Mine, Michigan.

Witness: That in consideration of the reunion and relations and cohabitation together of the parties hereto this day at my office, the said Toivo does hereby promise and agree to and with and between the said Limpi that he will not go to more public dances except in company with his wife and no other ladies, and that he will not work at the City of Hematite, that he will not go in company with Betty and Lucy, nor with any other ladies of good or bad character, and that he will from this date aforesaid prior thereto be for the said a true and lawful husband, and that she, the said Limpi, will be a free woman to go alone to the Broken Jaw Dance Hall on Saturday nights, her heirs and assigns forever.

In testimony whereof, the said have first put up their hands and laid on their seals in duplicates on the day above written.

(SIGNED) LIMPI MAKINEN (SEAL)

(SIGNED) TOIVO MAKINEN (SEAL)

Subscribed and sworn to before me this 27th day of December, 1936.

(SIGNED) WILLIAM WELLINGTON STONE

(SEAL OF COURT)

JUSTICE OF PEACE

One day shortly after my first election as prosecutor a whirlwind lawyer called Hendrickson blew into my office on the breath of a November gale. He hailed from Lansing, I guess, and I had met him but once—that during the recent campaign. On that occasion he had harangued a political rally, giving a long, violently partisan political speech filled with innuendo and slander. After his talk, when an awed, gristle-brained groundling came up and asked him how he could talk so swell, he preened himself and made this deathless pronouncement:

"Ah, my good fellow, it comes with the years—it comes with the years!"

I remembered devoutly wishing, at the time, that if this was to be my fate, then might old age strike me dumb.

Mr. It-Comes-With-The-Years Hendrickson wasted no time. He had evidently taken a post-graduate course in personality, and he turned its full white glare upon me. His nostrils flared, his eyes flashed, as this legal Svengali fixed me with a hypnotic stare.

"See you got elected, Traver. Fine, fine. 'Congratulations.'"

"Oh, thank you, Mr. Hendrickson. I recall—"

"Just flying back—Lansing. Want settle something—before I leave." He spoke as though he were composing a cablegram.

"Yes?"

"You and I—going to be partners. I've watched you—believe you'll develop—good office lawyer." Rapidly: "Me—I'm a whiz of a trial lawyer—regular wizard. Yup. Downstate—call me 'No-Lose' Hendrickson." He paused to let this sink in. It did.

"Now—want you make me assistant prosecutor," he rushed on. "I'll try all the cases—you keep office fires burning." He smiled at his witticism. "We'll split salary. What say?"

"Huh?"

"What say?"

"Oh—I'll have—think it over," I managed to murmur. "L-leave me your address—write you letter," I replied to his cable.

He jumped up and shook my limp wrist. "Chance of a

lifetime, Traver. You get gravy—I do all the work.” Looking at his wrist watch. “Must be toddling. So-long.”

“Good-by, Mr. Hendrickson.” Presto!—like that, he was gone.

The chance of a lifetime passed me by. It seems the dynamic Mr. Hendrickson left a half-bushel of rubber checks in his wake. They caught up with him at the Straits. His ensuing appearance before the bar was one trial he managed to lose.

Shortly after I was first elected prosecutor, three young women called at my office late one afternoon. They sat looking at me, apparently unable to speak. All of them had been weeping. One of the girls finally broke into a fit of tears and brokenly told me that their father, a widower who lived on a farm, had been having illicit relations with all three of the daughters for a number of years; that he had lately been turning his attentions to a fourth daughter, a young girl just turned fifteen.

I sat there wondering if I was dreaming. To a young prosecutor the situation was so fantastic that I could scarcely believe what I was hearing. Today I would not be so amazed. Anyway, because of the almost incredible nature of the charges, and the fact that a premature public prosecution might profoundly affect the future of the young women, I told them that I would write their father a letter, asking him to come to my office to discuss a matter of business. I did so, making no mention of the nature of the business.

On the morning of the second day I picked up the news-

paper and read that the father had hanged himself the night before in the cow barn. "Despondency over ill health is believed to be the cause of his act," ran the account.

I never batted an eye.

If it is true that one half of the people in this troubled old world want to be writers—which I regard as a gross understatement—then certainly the other half yearn to be detectives, Arsene Lupins, sleuths, G-men, modern Sherlock Holmeses. This badge-madness is not always an un-mixed blessing. In fact, the Paul Pry instinct, so strong in most of us, is given official recognition by the present governmental insistence that all evidence of un-American activities must be turned over at once to the proper police agencies. And I don't mean Martin Dies. The Government feels that one Gestapo doesn't deserve another.

I myself bear some old scars, some mingled memories, of the cruel power of this undisciplined detective urge. During most of the first World War I fought in the battle of Hematite Grammar School. My paternal grandfather was a mild old peasant German brewer who wouldn't hurt a fly—even in his own beer. He had immigrated to America to escape the distasteful military craze in Germany and, incidentally, to garner some good old American dollars. Yet, during the War, I and all my brothers were classified by our schoolmates as Huns. My father was a sinister German spy. That my mother's ancestors fought in the Revolution only made the situation more ironic. The thing that dismayed me most, even then, was the realization that my playmates must have heard these things from their elders at home. War hysteria is a terrible thing.

It got so bad that self-appointed sleuths were following my bewildered father around, peering in the windows, sending anonymous notes and calls. One day my dad lost his temper—he had a daisy—and chucked two snoopin' Lupins down a coal chute, whereupon the spy-baiting abated a trifle. When my poor brother Joe enlisted and was promptly killed in action, the local detectives slunk away in shame.

But fortunately all the home-grown detectives do not sound such a melancholy note. There are the Harvey Robertses of the clan. Harvey drove a bus for Billy Shilling. He was dying to be a detective, to wear a badge. One day he steamed up to my office to have Clem Harper arrested. Clem was temporarily unemployed—out of prison, I mean—and up to his old tricks. Harvey was about five feet tall, bowlegged, had a broken nose, chronic catarrh, and an IQ which I shall charitably estimate at minus 4.

One fine day Clem took a ride in Harvey's bus. He was the only passenger, so to while away the miles and still be hacking away at the criminal laws, he cautiously flashed a badge and darkly informed the bedazzled Harvey that he was a federal G-man on special assignment, come North to recruit more detectivelings. In his excitement Harvey almost wrapped the old bus around a concrete abutment.

First, Clem explained, there was a fifty-dollar deposit for badges, service revolver, handcuffs and finger-print outfit. Harvey's rheumy eyes gleamed. He abandoned the bus in Iron Bay, borrowed fifty bucks from his uncle, and he and Clem drove to Munising on an epic three-day drunk—proceeding there in a state police car which Clem calmly stepped into outside the courthouse! On the third day the imaginative and thirsty Clem conjured up a request for

another fifty bucks for a uniform. "As fine a looking man as you, Detective Roberts, needs a uniform to really do him justice." The deliriously happy Harvey wired his uncle for more money—and woke up on the fourth day sans Clem, sans state police car, sans everything. Clem got over the Minnesota border that night.

I sat looking at the diminutive G-whiz man, little Harvey, his eyes misty and shining just from recalling those dear, dead, departed three days. It's a shame I didn't take his picture. Somehow I couldn't help feeling, enviously, that a hundred dollars was a small price for such exquisite joy. But that was no sentiment for a prosecutor. . . .

Since the case involved a federal as well as a state offense, and some expensive extradition proceedings as well, if I handled it, I turned the complaint over to a real G-man. In due course Clem was returned to his beloved prison and Harvey returned to his beloved bus. Everybody lived happily ever after.

Whenever a mother and her unmarried daughter walk into my office, I know at once that the girl is pregnant. It is, alas, one of the commonest office calls a prosecutor gets. It was the same when I was in dresses, and it will be so when my unborn grandchildren are wearing beards.

There is no cure for the situation of which I am aware, though the constant, unremitting tragedy of it could probably be abated somewhat by free birth control clinics or, in some cases, sterilization. It is not a subject for dogmatism, but so often those who seem least qualified to spawn posterity are the most prolific, the most frequent callers on the prosecutor. . . .

I do not for a moment wish to imply that I think there is any joke about this thing. Bastardy, illegitimate children, afford one of the most serious, many-faceted social concerns in the country. Anything that a prosecutor can do—marriage under forced draft, cash settlement, jail, anything—is a poor patch job, a spitting against the wind. He is too late.

Since I do not here propose to give single-handed battle to ignorance, sickly sentiment, religious bigotry—the divine right of every soul to live—in agony—I shall content myself with relating some of the droller aspects of the problem.

An irate mother sailed into the office one day followed by her sullen daughter. The mother did the talking, because the daughter was literally too full for words.

“You the county lawyer?” she snapped.

“Yes, ma’am.”

“An’ Van Horn Beach is a county beach?”

“Yes, ma’am.”

Triumphantly: “Then I want to sue the county for damages!”

“Why, ma’am?”

“The waters are polluted.”

“How, ma’am?”

“My daughter Dolores got pregnant while bathing out there.”

I slid into a coma from which I emerged just long enough to beseech her weakly to see her family doctor or else—the Three Wise Men.

Then there was the case of little Hazel. Hazel had gone

to a dance, met a young man in a car, young man took her home, propinquity, enter Hazel, Jr.

"Who is the young man?" I asked Hazel and her mother.

"Don't know," Hazel said.

"What's he look like?"

"Don't know—too dark in the woodshed."

I carefully explained to Hazel and her mother that my crystal ball was cracked and that they would have to try again.

In two weeks they were back with the name of Hazel's foul seducer. She'd recognize him now.

"Where'd you get his name?"

"From Shirley." Shirley was a dancing friend.

So I got young Dahlberg in and told him he was elected. He was a clean-cut blond young plasterer, about to be married. He vehemently denied the slander of ever being out with Hazel, in or out of woodshed. He intimated that Hazel would have considerable difficulty in identifying one of the innumerable teeth of the whirling buzz saw that had known her. It was an idea.

I lined up Dahlberg and four other young men in a row in the chief's office. With him sat the chief's son, the young court clerk, a passing laundry boy, and the dark, young, married reporter, Donat, who had just arrived in town from the East. These last four were "ringers," picked at random.

Hazel was brought in and carefully looked over the five young men. Handsome Donat looked mighty good to Hazel. At any rate she picked him!

THAT THING AGAIN

OLE SWANSTROM, A bachelor, aged forty-two, is a good carpenter. Get him some boards and a box of Copenhagen snuff and tell him what you want, and he will fashion it beautifully for you. But Ole does not get to do much carpentering any more. He spends most of his time in jail. During his last stretch in jail, however, he built me a dream of a little cedar boat. Pack her in to the Escanaba and let her drift down slowly, with just the right fly tossed out . . .

But let's get back to Ole. Our society, as you know, has ruled that certain forms of sickness are violations of the criminal code. Ole is a sick man who is getting worse and, I am afraid, will pretty soon be so sick he will not ever be out of jail again. For Ole is a pathological exhibitionist, that is, a person who obtains sexual gratification from exposing himself to persons of the opposite sex. Ole has been doing this sort of thing at intervals ever since he was a young man—ever since I was in high school.

At first they would arrest him for drunkenness, for he is usually somewhat plastered when he lapses. They would send him down to the county workhouse. As time went on, however, and his acts became bolder and more frequent, he was sent to prison for a year, charged with what our

legislators call "indecent and obscene exposure," which I suppose is what it is.

Without searching the files, I guess I must have had Ole up five or six times for this offense since I have been prosecutor. He never fights the charge, but always shifts his cud of snuff and sheepishly murmurs, "Guilty." That means that Ole has spent practically all of the last half-dozen years in prison. A year is the maximum sentence for the offense.

Ole doesn't hesitate to talk about his sickness with me. He has been up so many times that I have got to know him pretty well. He is a mild, quiet sort of fellow, with twinkly blue eyes, and aside from his aberration there seems to be no harm in him. He has never tried to touch or harm any of the women he has approached. But one cannot be too sure that he won't, one day.

"Why do you do this thing, Ole?" I once asked him.

He shrugged his shoulders, studied his hands, grinned sheepishly.

"Ay dunno."

"Do you like to spend your life in prison, man?"

Chuckling: "No more than you would, Yonny. Me, Ay like to go fishing, too."

"Why don't you get a woman when you get that way—go out and get yourself a woman, the right way?"

Shaking his head: "Ay tried of it, Yonny. It vere no gude, no use." Wearily, with a flash of deep pain: "God, Yonny, believe on me, Ay don't like to be a queer vun, dis vay." Helplessly: "Ay yust can't help it, Yonny, Ay can't help it. . . ."

Ole is in prison now. The last time we put Ole away, his

old father went out in the barn and hanged himself. He, too, was despondent over ill health, the paper said.

Who can tell us how to help the Oles of this world, to rid them of their sickness, to put them back building boats and houses and families—the right way?

Then there are the rapists, and all of the others.

Old Doc Gourdeau defined rape as “the wrong man.” There is more than a gleam of truth in the assertion, as any prosecutor knows. The rape complaints that continually come before him generally fall into four classes—the mother- or husband-inspired “rape” complaints, where some lass has to save face; the frame-ups; Doc Gourdeau’s “wrong men”; and the real rapes. Little Gloria of the pink bloomers falls into the first class; Jimmy Queen, the minister’s son, in the last.

Jimmy Queen had graduated from high school with high honors. He was voted the best-looking boy of his class. He was a member of the debating team, excelled in athletics, was popular with his schoolmates—in short, was what we like to regard as a typical, normal American boy. Jimmy went on to college.

Jimmy’s father, like most country ministers, was not obliged to spend his spare time clipping coupons, so Jimmy spent his summers driving around in an old car, selling things, trying to earn more money for his schooling. His quiet, shy manner seemed to attract people to him, especially women, and he did well at his selling. He was regarded as a sober, hard-working, not-too-imaginative young man, the kind most likely to succeed. “Steady” was the word for Jimmy.

Then one summer night at dusk as Jimmy was driving his car along a country side-road, after a day of selling, he overtook a young Finnish girl walking along, alone. He pulled up the car beside her.

"Would you like a ride?" he asked the girl, shyly smiling.

"Yes," she said, and climbed into the front seat.

The young Finnish girl was blonde, not too pretty, and her loose gingham dress did not model to the best advantage her plump young figure. Jimmy and the girl rode along about a mile, saying nothing. It had grown quite dark but Jimmy did not put on the car lights.

"I get off here, please," the Finnish girl said, indicating a side-road a short distance ahead.

Jimmy laughed softly and speeded up the car as they proceeded past the girl's road.

"Don't you like to go riding with boys?" Jimmy asked.

Shyly: "I like to—but my parents won't let me. I'm too young."

"How old are you?"

"Fourteen."

"What's your name?"

"Helmi. Please what is yours?"

"Wyndate, Garrick Wyndate, from New York City. I'm vacationing at a camp near here."

"Oh. All the way from New York City."

The speeding old car came to another side-road, more indistinct, into which Jimmy Queen turned, now switching on the car lights. The girl recognized that the road ran into a deserted lumber camp on the edge of a cedar swamp.

"Where are you taking me?" the girl said, her voice rising in anxiety.

Jimmy Queen laughed, no longer softly, but a kind of hoarse, harsh laugh, that frightened the girl still more. "I'm going to show you my summer camp—it's a swell place."

The speeding car finally jolted to a stop at the edge of the swamp. Leaving the car lights burning, Jimmy Queen jumped out and ran around to the girl. He was laughing, kind of chuckling to himself, sort of humming a low tune.

"Here's where you get out!"

With that he lunged at her and pulled the struggling, scratching girl out of the seat, up to the front of the car, into the path of the lights.

"What do you want?" the girl said.

Instead of answering, Jimmy Queen struck the girl with his closed fist. She fell to the ground. Before losing consciousness she read the Michigan license number on his car.

Jimmy Queen then violated the girl and left her lying there. He drove home and quietly went to bed.

The next day Jimmy Queen worked hard at selling his wares. He had a very good day. He did not sell in the farming district. When he got home that night a police car was parked across the street. The police beckoned to him. He walked over to the car.

"Did you want to see me?" he asked in his shy, embarrassed manner.

"Yes, we want you to come with us."

"Can I see my parents first?"

"No. Not now. We've told them we wanted you to come down town to check about your license."

"Oh, thank you very much," James Queen said.

The police drove him to the hospital and led him to a

room where lay a dazed young Finnish girl named Helmi. She stared at him, her eyes wide with horror.

"Is he the one?" the police asked Helmi.

"Yes," she nodded and closed her eyes.

That night James Queen made and signed a complete confession. The next night he was in prison. He is there now, and will be there for life.

These are the cold, brutal facts in the case of People versus James Queen. They are not very pretty. And they are not complete because they do not tell us, do not even suggest to us, *why*. Why did James Queen do this thing? Why, you may ask, could a quiet, earnest American boy, of good family, with everything in his favor, do such a ghastly, beastly thing?

That unanswered "why" is even more frightening than the facts themselves. How can such calculated, brooding, gratuitous evil possess a fellow human being? This is almost as terrifying, in its way, as the regimented, fanatic juggernaut of evil on the march in the hearts of thousands of goosestepping men abroad in the world today. . . .

The public press to the contrary, a true rapist is not necessarily a "moron," as most newspapers seem to delight in calling him. He is, however, the victim of a grave nervous disorder and sexual maladjustment. He will not have his pleasure any other way. Manifestly, society can't allow a rapist to run around loose any more than a homicidal maniac. But does prison solve the rapist's tragic perversion any more than shooting a mad dog cures hydrophobia?

Somewhere in the amazing tracts of great unhappy Thomas Wolfe occurs a line or a paragraph or a chapter to the effect that today's sexual aberrant blooms because

some crafty cutpurse went unhung in the days of Queen Elizabeth. That heredity plays its part in most sexual—indeed, most social—maladjustments, no one will deny. And also a matter of wavering sex hormones, of rioting among the endocrines—just coming to be vaguely understood. But it is equally certain that the complexity, the pace, the nervous stress, of modern living is a contributing factor to the admitted increase of certain forms of sexual deviates among us. To this must be added the general relaxation in public morals itself, a sloughing off of old inhibitions; the increase, if I may say so, in the facilities for fornication. The sexual deviate sees and says, “Why not I?”

Prosecutors wince whenever a new sex case comes before them. “That thing again.” They are dismayed, for they know how helpless the machinery of the law is to cure, even remotely, the situation. There is something understandable about the average, abrupt, old-fashioned murder. If a jealous husband kills his wife’s paramour, we can fathom, if not approve, the well-springs of his emotions. But in aberrant sex crimes judges and prosecutors are confronted with so many complex factors, such deep, slumbrous elements, that they can scarcely sense, let alone cope with, the thing before them. “It is the sentence of the Court . . .”

And so the exhibitionists, the rapists, the fairies, the players with little children, the perpetrators of incest, and all the rest, continue to fill our prisons and, when they get out, if they ever do, promptly repeat the offense—as casually as you and I appraise a little beauty in a bus or parlor car.

County prosecutor poses no solution since he can but dimly appreciate the problem itself. One conclusion, however, seems indicated: our public attitude toward the growing problem of sexual deviates is presently in about the same stage it was when we manacled and tortured our insane. Revenge and punishment, alas, do not seem to be the answer.

IN PRAISE OF RUGGED INDIVIDUALS

IT IS INEVITABLE that the development of "characters" should reach its fullest flower in the smaller communities of America. I have already dilated on my profound distaste for large cities—and I think one of the contributing causes to this enthusiastic loathing of mine is the sad, numbing realization that our big cities are filled with any number of starved and thwarted "characters" who, because of the huge, blind fury of city living, must forever bottle up a free expression of their individualism, their love for living, to become one with the trampling mob. . . .

During my time as prosecutor—in court and out—I have met scores of these unrepressed personalities whom we call local characters. What these sturdy souls contribute to the color and zest of daily existence cannot be measured. Our small towns are glutted with them. I would not have it otherwise. Sometimes I suspect I am getting to be a character myself. . . .

The morning after old Tim Donahue's saloon burned to the ground, the Hematite chief of police asked me to come over and view the ruins. Suspected arson. Discharged tippling bartender. No insurance.

Old Tim was standing over the smoking ruins, looking down into the veritable lake that had once been his basement saloon. All his life's savings were lying down there.

Fireman Sliver Anderson was disconsolately wading around, fishing in the watery deeps for the cash drawer. An old cribbage table floated near him. Suddenly Sliver fished up an old-fashioned wire rat trap, and triumphantly held it aloft.

"Tim, Tim—do you want this here now trap?"

Old Tim looked down at the dripping Sliver holding up the old rat trap. Then softly, with a careless wave of his hand: "Lave it there, lad, lave it there. Maybe 'twill ketch a salmon!"

This was the same gallant old Tim who in his younger days was sinking a new shaft for the Hematite Ore Company. He and Tug Cooney were working together, standing on a plank across the cribbing. Some thirty feet below was the watery bottom of the shaft.

Suddenly the plank ominously cracked, split, and parted. Old Tim fell to the bottom of the shaft, into the water. Tug grabbed for the log cribbing and frantically clung there with his fingers. Old Tim emerged from the water, blowing and trumpeting, just as poor Tug lost his grip and fell alongside of him.

"Jaysus, Tug, Jaysus!" Tim shouted. "Where 'ave ye bin?"

Every county prosecutor is somehow believed to be mystically endowed with the equipment of an incipient Daniel Webster; one who can pop up and deliver a florid oration at the drop of the hat. He is constantly being

invited to address this group or that, dedicate this, commemorate that. Since I have a profound temperamental distaste for all formal public utterance, florid or otherwise, I usually manage to duck these affairs and go fishing.

Then there are the weddings, the picnics, and the celebrations to which I am constantly being invited. If I can be assured that I won't have to climb up on a beer keg and howl and bray for the crowd, I usually am not only willing but anxious to join my people in their recreation. As you may be beginning dimly to suspect, I have an unabashed appetite for undisciplined play. . . .

I would not miss the local Italians' Columbus Day "celebrash" for all the tea in China. The Italians probably surpass all people in their gay, abandoned love of sheer fun. It is tragic that these joyous people have been forced into a war of savage aggression by their joyless masters. . . .

The recent wedding of young Jooseppi Maki and his Aune is typical of these little affairs I so frequently attend. Remember Jooseppi, the young Finnish boy who thrashed Henry Harju, his dead father's working partner in the mine? Well, Jooseppi had finally gone to work in the mine and made up with Henry Harju—in fact, had married his daughter, Aune.

Aune and Jooseppi were married on a cold, star-lit New Year's Eve in Henry Harju's house in Hematite. The house was overflowing with guests—miners and farmers, their wives and the older children. For the second time Jooseppi's mother, Kaarina, wore the shining, rustling black silk dress she had got for the funeral, when Jooseppi's father was killed. Miners from both the night and day shifts were

there as there was no work that night or the next day. They were glowing with soap and laughingly ill at ease in their Sunday clothes.

The ceremony was performed with brevity and simple dignity by Reverend Kielinen, Jooseppi and Aune kneeling on a prayer rug which the minister had brought back from the Holy Land. After Jooseppi and his reverence had kissed Aune, and Henry Harju had kissed everyone within reach, the minister's wife stood by the piano and sang the vocal arrangement of the majestic piece, Sibelius' *Finlandia*, her nodding vigor making up for any lack of training.

As she gallantly swung into the last stanza, somewhat behind the piano but rapidly gaining ground, Aune looked innocently at her father, Henry Harju, and winked. He tugged at his mustaches in desperation but was seized with a fit of coughing just as the minister's wife, flushed and triumphant, finally caught up with the piano and ended the song.

"Sad, sad," muttered Henry Harju, dolefully wagging his head, rolling his eyes up to heaven, brushing the mist from his vision.

The older folks gravitated to the kitchen where the perspiring Lempi, Henry Harju's housekeeper, ladled out steaming drafts of boiling coffee. Large cakes and platters of cookies heaped the kitchen table. Henry Harju plied between the kitchen and the living room, pausing to examine the gifts piled deep on the dining room table, laughing and grinning and digging his thumbs into the ribs of passing guests. Over all was a continuous flow and hum of musical conversation in Finnish.

"Here, Jooseppi—here is a little present from the men at the Section One mine . . . we forgot to get it here sooner." A young Finnish miner, flushed but resolute, detached himself from a group and handed Jooseppi a package tied in ribbons and tissue. Aune helped the fumbling Jooseppi to undo the manifold wrappings and Jooseppi at last stood holding a book in his hands, laughing and flushing deeply as he read the title.

"Read it, Jooseppi. Read it!" cried the young miner, thumping Jooseppi upon the back.

"*What Every Young Father Should Know*," Jooseppi read, his voice finally drowned in the squalls of sudden laughter from the guests.

Henry Harju held up his hand. He spoke in Finnish. "Listen! It is New Year's Eve. Who knows what the future will bring for these young doves? . . . Ah, but I have fixed that—Kaisa Maria will tell their fortune." He then hurried to the kitchen and drove all the guests into the living room. "Come, come, Kaisa Maria will tell the future!"

The old woman was the largest and the fattest woman I have ever seen. She waddled in from Lempi's kitchen bedroom, guided by two of the guests, her eyes slits in her great, paunchy cheeks. They maneuvered her around and finally in to a large settee over which she rolled and spread like a sow at a county fair. Her breath came in short wheezing whistles as she squinted out of her little eyes, her thick legs wide apart, folding her huge arms across her pulpy breasts which sagged down her body like great bladders of wine.

Kaisa Maria, the Finnish fortuneteller, was in great

demand at weddings and festivals. The men quickly carried in a tub of water from the kitchen and placed it before her, and all of the guests gathered round.

Kaisa Maria held up her fat hand for silence.

"Come, Mikko," she shrilled in high-voiced Finnish. "Come, lazy one, we are ready."

Kaisa Maria's husband, her little helper, Mikko, appeared in the doorway of the kitchen carrying a ladle of molten lead. An ancient straw hat, the thickness and hue of a well-done waffle, matched his leathery cheeks. The little man stood in the doorway, staring uncertainly at the crowd of guests. Then he grinned, exposing his toothless gums.

"Hurry, fool, we are waiting!"

With quick, nervous steps Mikko walked up to his wife and handed her the ladle. Then he attempted to squeeze his spare hams into the settee with Kaisa Maria, but she casually wiggled her great hips and he was quietly deposited upon the floor where he obediently sat watching the ceremony which his wife was about to perform.

She held the ladle over the cold vat of water, muttering unintelligibly. Then she suddenly dropped the molten metal into the hissing water, handed the empty ladle to her husband, and, again folding her arms over her great breasts, closed her eyes and hummed a Finnish air, rocking slowly to and fro.

Her husband sat forward and peered down into the tub, beady-eyed, unwinking, munching his toothless gums in rapid, wet, elastic bites, pouting out his lips, pouching out his cheeks, like a greedy squirrel. Finally: "It is done, Kaisa Maria," he said. "It is ready."

With surprising agility Kaisa Maria bent over, dipped

her arm into the tub, and brought up the curiously warped and misshapen piece of cooled lead. From its contour she would tell the fortune of the newly married pair—an ancient Finnish custom at the New Year.

Kaisa Maria studied the piece of lead intently. Then she held up her hand, looked at Aune and Jooseppi, speaking slowly: "There is much sorrow and anguish in the world, my children—but for you I see much joy—and one, too, three . . . ten, eleven, twelve . . . fifteen little children—"

"Wah! Get on with you. What is this old woman's talk of fifteen babies on their wedding day! On with you, fat one, it is time for the dance!"

It was Henry Harju, grinning broadly, as he and the men heaved and tugged the woman to her feet and towed her out to the kitchen. Then the wedding party left for the Kaleva Hall for the wedding supper and dance.

The prosecutor tagged along, but unfortunately did not get to dance with the Finnish fortuneteller.

Ma Perrenault ran a combination tavern, store, gas station, and tourist roost at Iceville, on the forks of two main roads. She was an old, beady-eyed French-Canadian woman of indeterminate age, who could still give a coquettish swirl to her skirt and kick up her bent old shanks—if a not too ancient male paid her a compliment.

"My, you look fine, Ma," I told her, returning one night from fishing. "You're looking younger every day." (Ah, the curse of being a politician!)

She shook her sparse, dyed hair, done up in curlers, cut a cute little caper, skipping around the stove, and gaily admitted: "I'm jes' thirty-nine las' week!"

Some months after this the authorities were getting a disturbing amount of new bastardy cases which appeared to have had their inception in Ma's tourist cabins. So one night the police chief and I took a run out there to look over the situation. Ma was sitting on her vine-covered porch, fighting mosquitoes, having herself a quiet bottle of beer. We joined her, and after a few mutual pleasantries I gradually veered around to the subject of her little over-night cottages.

"How's business, Ma? Many tourists staying with you?"

"Planty—oh dat biznass she's good."

"Are your cabins filled now?" I asked. It was about nine in the evening, when all good members of the tourist cabin tribe hit the hay.

"Non-no. Not yet. Dat biznass—she get bettair hafter midnight."

"I see," I said. "I suppose, Ma, you're pretty careful whom you rent your cabins to?"

She ruffled and bridled, her black eyes darting fire.

"Yass, yass—lissan, I rahn dat respectipul cab-ban—no monkey biznass my cab-ban."

"I suppose you keep a register, a book with all the names?"

"Sure, sure ting, I show you dat—everting on da laval my cab-ban. All da bess peepull."

She dug into a voluminous black leather purse she carried, about the size of a small steamer trunk, and produced a small tattered blue memorandum pad and proudly handed it to me. I stood under the porch light, beneath the swarming moths, and read this register of "all da bess peepull," Ma peering over my shoulder. Brace yourself.

Lord and Lady Plushbottom
Amos and Mandy
Love and Four Roses
Mickey Mouse & Harem
Agnes, Mabel & Becky
King Xavier of Quagmire
Ma Perkins & John L. Lewis

"See, see," Ma broke in, grabbing the register and sinking it away, "all da bess peepull come to my place—I guess so, you betcha?"

She waved the chief and me off her porch with her beer bottle. We took refuge in my car and hurriedly departed. We took up the matter of Ma's cabins with the proper authorities, and I am now glad to report that an accurate designation of her "touring" cabins no longer needs to be pronounced with an open mouth.

Every small town in America contains its little regiment of dogged drunkards and do-nothings, whose chief contribution to municipal uplift is to lend a glowing and picturesque touch to our depots, bus-stations, and certain side-streets which, apparently by common consent, they inevitably haunt.

This colorful, tattered, unshaven fraternity celebrates the ritual of the Hangover with infinitely more zeal than it ever observes the Passover. In the communities of our county its executive boards are mostly drawn from the ranks of aging lumberjacks, teamsters, and floaters—but the bulk of its membership is largely recruited from those enviable souls of all ages whose hands have never been sullied by

toil, whose one salute to social discipline is the upraised, bended elbow.

One Sunday morning I was walking down Pearl Street—a fairly expensive stroll, the “touch” already approaching a buck—when I observed one of these Knights of the Bended Elbow sitting in the very entrance to Poly Nease’s tavern—known as the “Stink Parlor” to its inmates—drunkenly singing a little ditty I had never heard before.

It was Riista Kivisaari, an old Finnish lumberjack, one of the charter members of the clan. I hadn’t seen him in several years, but he looked practically the same as last time except that his bulbous nose had taken on a little weight and got bluer. I paused, unobserved, and listened to his Sabbath song. As nearly as I could gather it was set to the tune of “Beautiful Ohio” and ran something like this, half-Finn and half-English:

Pikku sika, Pikku sika, Porcupine,
Hidin’ vay up dere behint dat Nordern pine,
I’ll take my sot gun for sootin’ you down,
Pikku sika Porcupine!

At last Riista ceased his interminable ditty with a guttural Finnish oath, and lapsed into a head-hanging, noisy slumber, his lower lip fluttering and puttering like a far-off motorboat. Then out of the alley beside Poly’s swung a trio of Riista’s pals. Arm in arm they lurched toward Riista as I hurriedly ducked my head into the Sunday paper. Opposite Riista they came to a stop, and stood there swaying, thoughtfully examining their sleeping comrade. One of them spoke.

“’Lo, Riista—vake up, ol’ man—vee got dat full pottle for da moons’ine. Vake up!”

Old Riista stirred, lurched back his head, exhibiting a wide expanse of the thyroid cartilage of the larynx. He dully blinked his red eyes at his companions. Recognition slowly came.

“Sesus Rist!” he finally said. “Sesus Rist, fellas—where’s da bunch? Where’s da bunch!”

THE FOREIGNERS

THE PROSECUTOR is supposed to be the lamplighter and wick-trimmer of pure elections. He presumably ferrets out all political corruption, guards the sanctity of the voting booth, the secrecy of the ballot box—and on odd Thursdays plays the slide trombone in the local band.

There are no more hotly contested elections in this land of ours than those held in our rural townships. Bathhouse John's ward in Chicago is a church social. Talk about the citizen's responsibility to go out and vote! The rural elector will walk on his hands to cast his ballot. It goes without saying that the prosecutor gets himself some beautiful five-star headaches trying to untangle the ghastly situations produced by these little rural elections.

Here's one a township clerk—a bright, engaging, second-generation Finn—recently brought in to me from his township election. Along with a beautiful shiner. If you believe it, it's so. But I cannot do justice to it. I'll let him tell it.

Coming down the steaming township road in the early sun, with Toivo driving crazy that way, it was all I could do to hold the Compiled Laws and the ballots upon my lap, what with the roads all pocked from spring, and crazy with thaw boils and frost heave, too. And it didn't help

much to have Toivo under the influence of a bottle, which he was, tugging away at it every mile, like a young calf at udder, driving one hand, when two was none too good, and me trying to balance the ballots and the Compiled Laws upon my lap, like the juggler at the medicine show that time he got the bellyache in the middle of it.

Not that I don't take a little drink myself once in the while, but if the Township Clerk can't keep sober on Election Day it is time he quit and resigned, and left the political arena behind. It would be like betraying a sacred trust handed down by the voters at the polls, not to mention the constitutional oath I was carrying on my lap. Not that I don't like a little drink once in the while, myself, so to speak.

We could finally see the flag about a mile away, above the mist, waving gentle from the schoolhouse mast, which they had let the children out of to use for voting that day, because it was right at the township crossroads.

There was quite a few autos there already when we drove in the schoolhouse yard, with a sigh of relief, Toivo parking his auto out of view of the school, by the side of the girls' outhouse, hiding the bottle in the spare casing in the back seat so he could sneak out and violate the constitutional oath once in the while, so to speak.

Eino and Matt and Arne were already there, setting up the booths—besides quite a few drinks—for the Finnish miners there from Mather's End who were waiting to vote and get back to work. But we members of the election board had heard the rumor, so I, doing the talking for the board, as usual, exhorted the miners to stay, which most

of them did, Eino at that point introducing three big fruit jars of moonshine to sort of cement things.

So we got up the booths, and locked the ballot box, and by that time there was quite a few voters more waiting to vote, which they did, and mostly stayed. And all day long they came from all over the township, Finn farmers and miners, some even with horses, the poorer ones, while most of the few Frenchmen that came even had to walk. And all the while I did not once violate the constitutional oath, though strongly exhorted to do so by my fellow candidates, Toivo and Eino and Matt and Arne, besides some of the others who did not hold no political positions of trust.

By 4:30 P.M. Toivo and I and Eino and Matt and Arne figured sure we was re-elected, despite the five Frenchmen from Mather's End who was running against us, despite a Frenchman hadn't been elected over a Finn in the township since the lumber mill close down. But the five Frenchmen was running anyway, which shows a clear indication how strong hope beats in the political breast regarding politics, regardless of how many Finns there are.

It was getting kind of late, and the drinks was getting low, so we was thinking of counting the votes, when I heard the sound of a bugle, coming down the road from Mather's End, clear as the scream of a stud horse. Toivo ran to the window to see.

"Men," he shouted in Finn, "it's an army. They're almost to the schoolhouse. What we heard is true. It's an army coming!"

We all ran to the windows, as many as we could, and there they were, turning in the school yard, in marching

step, about a hundred, being more of them than us. The bugle blew again and they stopped and then commenced milling around, like a bunch of young heifers in the pasture with a bull, looking at the school, and us right back at them there in the windows. They were a bunch of young fellows, all dressed in khaki clothes. Then three of them came up upon the porch and opened the door and walked in. We were all at our places, ready for them, whatever contingency happened.

One of them, a red-headed young fellow with freckles upon his face, which could not be a Finn, spoke up at Toivo. "Who's boss here?"

"I'm chairman," Toivo said in English.

"What time do the polls close?"

Toivo looked up at the school clock. "In twenty minutes."

The red-head said: "We're the CCC boys stationed at Mather's End. We came to vote."

Just then we heard a long cheer from the CCC boys in the yard, like football over the radio. Toivo looked at me with unsaid words. They were cheering for the Frenchmen—the five candidates against us from Mather's End!

It was then that all the election board looked at me, like they always did when they got stuck bad, despite I was not chairman.

I picked up the Compiled Laws and said, "You cannot vote."

From the red-head: "To hell we can't. Why?"

"All you came from down-state, didn't you?"

"What of it?"

"You don't reside here," I said.

“To hell we don’t. We’ve lived in this lousy hole all winter—for nearly a year.” His hair looked to get redder, so I decided to change my tactics and not brush the wool the wrong way, so to speak.

It was my past experience in political situations to keep patient and explain tactful to those who got mistaken notions about where they are wrong, not having the advantage of Compiled Laws like me. So I opened up the Compiled Laws and turned to the Constitution, the part about elections. I could see Toivo and Matt and the others looking at me very proud—and very relieved, so to speak. When I found the right place I marched out upon the porch. The crowd inside followed me outside, and the CCC boys outside stopped cheering and came all up to the porch.

I cleared my voice the way Judge Belden does when they hold Circuit Court at the county seat. They all stood there waiting expectant. Then I commenced reading from the Constitution.

“No one shall be entitled to vote at any election unless he shall have resided in the township or ward where he offers to vote for six months preceding such election.’”

There was silence, only breathing.

“The word residence for voting purposes shall mean that place at which a person permanently sleeps and has a lodging.’”

I closed up the Compiled Laws and tucked them under my arm.

“That, gentlemen,” I said, “shows conclusive you are not entitled to vote. You are not residents. In fact,” I said, “to summarize it up plain, you are nothing but a bunch

of down-state transients, so to speak, and you better turn around and march right back to your Frenchmen in Mather's End."

What happened after that I got mostly from being told subsequent, because all at once I saw the red-head there, and then something hit me upon the eye, and then I didn't see the red-head, or anyone else. In fact, about all I remember is falling upon the ground, like I was drunk, hugging the Compiled Laws, true to the voters' trust handed down. Except I sort of remember later on someone stepping upon my neck, and I opened one eye, the only one that would work, just as the sun was going down in its hole, and I saw there was a big bonfire and everyone was fighting, just like in the movies.

Then, despite only one eye, I saw the red-head dumping some papers from a box upon the fire, and when I saw it was the ballots, I just cleared my voice like Judge Belden, and called out nice and loud, "Go back down-state, you damn dirty foreigners!" Then I put my head upon my Compiled Laws and closed my eye and fell quick into a swoon, because the constitutional oath don't say nothing about the Township Clerk has to be a boxer.

Now, what you going to do for that, Mr. Prosecutor?

OF LOVE AND ITS SHADOWS

GORDON BLISS WAS a young gas-station attendant in Iron Bay. He was married, and he and his wife, Louise, had two young children. They were making payments on a small house in Beveridge Park. They had a radio, an old Chev, and they were happy.

One day a group of girls descended upon Iron Bay in a fleet of old Cadillacs, selling magazines. The pretty, defenseless, young damsel, you know, working her way through college—playing up to the not-so-tired-businessman sort of thing. Circulation is a wonderful American phenomenon.

Anyway, one of these girls, a slow-spoken honey-colored blonde named Dolores, drove into Gordon's gas station. As Gordon hopped about ministering to the old Cadillac's innards, the languorous Dolores appraised him, noted his wavy dark hair, the cut of his profile—and found it good.

As she paid him, she smiled her slow, sleepy smile. "Thank you, handsome," she drawled. "Where've you been all my life? What does a nice girl do in this town for excitement?"

Gordon had never before had compliments paid him in a synthetic Southern drawl, in such a disturbing, tantalizing

tone of voice. He forgot all about Louise and the children. This was new, thrilling, romantic.

That night Dolores and Gordon found Romance together in an old Cadillac. Anyway, they must have found something—because the next evening they left town together in Gordon's old Chevrolet, leaving Louise and the children and the payments on the house to shift for themselves.

Louise waited a few days, in tears, and then hunted out the county prosecutor. A warrant for desertion was issued, and Gordon was picked up in the down-state city of Saginaw, living with the blonde, working in a machine shop. He was brought home, pleaded guilty, and—for the sake of his family—placed upon probation. Louise took him back, and he returned to work at the old gas station. Just about the time Gordon got Louise with child again the blonde drifted back in town and hunted up Gordon.

The pair blew again, Gordon jumping probation, this time settling in Flint. The authorities finally found them there and brought Gordon back to Iron Bay to face his sentence. This time Gordon would surely have gone to prison if his pregnant wife had not wept and cried and beseeched us to give him one more chance.

"I love him," she pleaded. "The children love him. He is good and sweet and kind. It is only that he is weak. . . ."

Her tears and loyalty melted the hearts of Judge Belden and myself. We swallowed the lumps in our throats and, against our better judgment, had that gutless wonder, Gordon, again brought before us—and again he was placed on probation. He must, above all things, we said, never see the blonde again. The craven Gordon promised us the

sun and the moon and the stars—anything for his freedom.

In less than a week he fled, this time playing house with Dolores in Chicago—we have since learned—from where I am now in the expensive, endless throes of trying to extradite him. In the meantime Louise has had her third baby and is earning a miserable existence working at a dress factory, her pitiful income there eked out by public relief. Needless to say, Gordon will surely languish in jail if we ever again finally lay our hands on him.

“But what about the blonde?” you may ask. “Isn’t she as bad as Gordon? Can’t something be done to her?”

In their present state, our probation laws still fail to provide a penalty for a person who wilfully induces a probationer to violate his promises. Unfortunately, also, our laws to combat “breaking up a home” are most ineffective. Penal legislation, we are finding, is a poor substitute for a sense of social responsibility. It is true that Gordon and his blonde could probably be prosecuted for adultery, assuming we could round up the proof and haul the distant witnesses up here—all at vast public expense. But even then, under our law, only Louise could sign an adultery complaint against them—and she won’t. Believe it or not, she’s still loyal to the great Gordon!

This case, with minor variations, is typical of scores and hundreds of similar cases that constantly pass before every prosecutor in America. And, as you may have divined by now, another fecund source of headache for the prosecutor is the constant wrangling between husbands and wives. As time goes on, I grow more and more to suspect that a “successful” marriage is nothing more nor less than an uneasy truce.

After a brisk weekend, my office waiting room will be lined three-deep with marital casualties. They will trudge in and tell me their little stories, and then, most of them, sit back complacently, with a now-what-are-you-going-to-do expression. I am constantly mystified and touched by this calm assurance—that the cops or I can ever capture happiness for them!

Drinking, brawling, in-lawing, two-timing—jealousy, suspicion, lust—these are but a few of the chords from which this vast symphony of discord is composed. The wreckage is appalling. Sexual incompatibility and ignorance I have found to be a startlingly prevalent root-cause of the widespread hatred between man and wife.

Lily, the young mother of three children, gradually discovers that it is vastly more stimulating to spend the evening in a tavern-dance hall, with all the well-dressed, exciting, flattering men, than in waiting at home for Herman, her sweaty, dirty, grunting husband, to roll in with her after a hard night-shift in the mine.

By and by Lily discovers, much to Nature's glee, that one of these men—some local robusto called Leslie, bearing a faint resemblance to Clark Gable, perhaps in the ears—is vastly more exciting than the others. After that it is a two-to-one bet that the county prosecutor will play conductor to some phase of this obscure intermezzo.

Perhaps Lily and Leslie will "run away from it all." (There were three last month.) Perhaps they won't bother to run away, but Lily will simply move in with Leslie. (A divorce in this case is pending.) Or perhaps Herman, tiring of it all, meets up with Leslie—and the prosecutor has a new case to try, ranging anywhere from simple assault to murder.

"What's wrong with Herman?—why did you leave him?" I have often asked the "Lilys" of my county, trying to probe below the bare facts themselves. Sometimes Lily just hangs her head and sighs. Sometimes, digging deep enough, one can scarcely blame Lily for shunning Herman. Sometimes, very often indeed, I find that there is nothing exactly wrong with Herman. He is kind, sober, generous—"It's simply—it's simply—"

"Yes?"

"It's simply—Herman—I—oh, I don't know how to explain it."

Lily, here, I believe, is trying to tell me—she can't quite admit it to herself—that she is in quest of that great target of the cynics—*Romance!*

This endless quest of Romance, I have observed, is not a chase solely reserved for those in the higher income brackets. As nearly as I can gather, it is one of the most dominant motives of life on this planet. I mean not only sex alone—of which there is no shortage—but something over and beyond that.

I do not know whether the radio serials and movies and the honest-to-God love story magazines are a contributing cause for this romantic yearning or merely a crafty recognition and exploitation of it. Perhaps it is composed of both, feeding upon itself, proceeding in an ever-growing, ascending spiral. Anyway, the situation remains that the people of this world, and certainly of America—with all her Yankee efficiency—seem to be endlessly groping, seeking, searching, for the land of fantasy and make-believe, for the walk beside the still waters with My Beloved, for the elusive goal of ideal love. . . .

The line of people that come to my office, when this quest runs afoul of the law, would stretch from here to Seattle. The melodramatic letters that come to my office, by the bushful, might have been lifted bodily from any true story magazine. Triangles, intrigue, mystery, true love—they are all there.

Dear Lucille:

You wonder why I have not written. No, I have not been sick. I was just trying to make sure.

This letter should have come long ago. There is big things in Life I dont control, you dont, but they happen, and when they do we just meet them. It would be tomorrow or next day, but the doubt and suspense dont do no one no good, so it will be now—

Any further effort is useless, and empty sham—I am going to give the truth, Lou—I don't love you.

Besides you are young, it's better now than six months, and you and your mother can have Shirley Mae. I release all claim to her and in the future.

Plus the fact I am in love with somebody else, who is also in love with me, that is the truth. It is the most wonderful thing ever happened to me. Fate has sent her cross my path. All ideas of ranting roaring, telegrams or what not cant make me love—someone—I don't love. Fate has sat in the game of our lives—

I have tried for a long time but no use. So far as Shirley Mae is concerned enclose M. O. fifty dollars. Also sending her galoshes parcel post.

About 20 per cent of all marriages is failures. Politicians and movie stars and all the big shots get divorced. So to hell with what the neighbors say. None of you people is running for mayor anyway.

I feel better now I got this off my chest.

Life is like that. We have tornadoes, wars, divorces, but people put on this world are in the melting pot of Life. The best

way to get over one fellow, Lou, is to find another more interesting. Every day is a new chapter, and people must forever move forward as destiny decrees some things to be and we can't change them.

Roland J. Blair

Young Lucille Blair waited a month before she sought out the county prosecutor and tearfully showed him her husband's letter.

"Have you heard from him since?" I asked her.

"Only Shirley Mae's galoshes came—without enough postage." She smiled wanly.

I listened to her story.

Roland was a Midwest salesman of electrical appliances. He had met the attractive, dark Lucille when he called at her mother's home in National Mine some four years before. Roland had wooed, won, and married Lucille on the spot, and taken her on the road with him—until she came home to bear Shirley Mae. There she had remained until the past winter, receiving about thirty dollars from her husband.

At her repeated insistence, she and the baby had finally rejoined him in Wisconsin for about three months. Then he had put them on a train and sent them back to her mother's—saying he would send for her in a few weeks. The weeks rolled into months.

"Did he support you and the baby during these three months you lived together?" I asked Lucille.

"Yes, he did," she answered quietly.

"Did he give you anything more?" I asked.

"Yes."

"How much?" I asked.

She bowed her head. "Not money—he didn't give me money—he—he—oh, Mr. Traver—he gave me a disease—I've just discovered it—the doctor says I must have an operation—"

I sat there as this unhappy young woman, the full impact of her disillusion overtaking her, broke down and cried her heart out. I sat there, the county prosecutor, baffled, feeling suddenly very old and futile, utterly helpless to stem the great ground swell of living as it pounded in upon my profession, my work. . . .

I did the only thing I could do. I issued a warrant for desertion. It took us four months to catch up with the romantic Roland Blair, to find him. It took me another four months to finally extradite him from Minnesota, where we had found him. It took five minutes for the jury to convict him, and another five minutes to send him away for the maximum sentence, under our law, of three years in prison. His wife and child are on public relief.

As I sat in my office, after court had closed, checking off the files of my completed cases, my stenographer, Miss Saastamoinen came in.

"There's a man out in the waiting room. With three little children. Said his wife ran away with a bus driver. He—he's crying—"

"Send him in," I said, wearily groping for my pipe, pondering once again the part of the prosecutor in this endless search for Romance.

A QUIET EVENING AT HOME

JUST FOR THE fun of it, if you live in a large city, try to find your prosecutor's address or phone number listed in the directory. Two to one you don't. Why? I give you three guesses. But his rural cousin is not so fortunate—every child knows where the county prosecutor lives—and the thundering multitude do not hesitate to hunt him out, chasing him right to his lair. The front room in our house is nothing more nor less than an auxiliary prosecutor's office. And phone calls!

Apparently alcohol stimulates widespread interest in legal problems. Time and again I have been pulled out of bed in the middle of the night to answer the phone—only to find that some tavern "lawyers" were wrangling over some pressing legal problem which they wanted me to settle over the phone. Or better yet: "Come down, Johnny. . . . We voted for you." (They always do.)

"Shay, Johnny, ish it legal to fish with two rods? Ish it, Johnny?"

"Kin a cop take a bottle 'way from me 'thout shearch warrant?"

Can a county prosecutor ever get a good night's sleep? Then there was the lady who shrieked over the phone

one night that her husband was murdering her. He was a mild little man who pattered through life perpetually surrounded by a thin mist of falling dandruff. I knew her to be as big as Primo Carnera and as strong as a dray horse.

"Wilbur's chokin' me to death. Help! Help!"

"Hold him there and I'll come right over," I said, banging down the receiver and adding, "—and save him." I crawled back in bed.

It got so bad that I finally had to beseech the telephone people not to ring our home after midnight unless it was long distance or the police. The wild "emergency" calls could go to the night police. It has been my observation that murderers do not ordinarily maneuver their intended victims to a telephone.

Then the endless trek to our house. Just last Saturday night Grace and I had finally bedded down the little wrens, installed the maid by her beloved radio, and were at the front door, just about to leave to drive to Iron Bay for the evening, when a wild-eyed man named Hepner appeared at the door, fell on my neck, and loudly demanded a warrant for kidnapping.

"She stole my little boy," he wailed.

"Who?" I asked, as Grace, from long experience, went in and resignedly removed her wraps.

"That—that woman."

"What woman?"

"My former wife—she came here today from Wisconsin and stole Jackie off the street—she divorced me down there—got custody of child—I went down there and set it aside." He was almost sobbing. He thrust a sheaf of legal papers at me, crying: "She's on her way now—give me a warrant!"

"Take it easy, Mr. Hepner, and sit down," I said. "In the first place I don't issue warrants—the local judge does—and I'm not sure that it's a proper case for a warrant, anyway." I was doing some thinking. "I'll have to look over these papers."

No sane lawyer tries to keep all the law in his head. Those that try to don't stay sane very long. The most any sound attorney can hope to do with a strange legal problem is to approach it in a lawyer-like manner, first gets his facts, try to isolate the legal issues involved, and perhaps, if cornered, hazard a guess at what the prevailing law might be. And this legal situation was certainly a new one on me.

While the terribly agitated father sat there wringing his hands, while his boy and the mother sped toward the Wisconsin border, I looked over the voluminous papers. Certified copy of a decree of Wisconsin divorce granted the mother, awarding custody of the boy to the mother. Hem. What next? Certified copy of Wisconsin court order setting aside this divorce decree. I turned to Hepner.

"Where do you live?"

"In Iron Bay."

"Alone?"

"No. I'm remarried. So is she—my former wife."

I whistled as I read the third paper. Copy of a Wisconsin court order purporting to re-instate the original divorce decree, and "splitting" the custody of the little boy.

"Why isn't this certified?" I asked.

"The judge down there wouldn't sign it— Oh, for Christ's sake, cut out the red tape and give me a warrant. . . ."

"Steady, chum, steady." I whistled again. Here was a

fine kettle of fish. These people were apparently not now divorced—and both were remarried. Kidnapping? Bigamy, more like it. I turned to the agitated Hepner.

“Mr. Hepner, there will be no kidnapping warrant. These papers show on their face that you and your first wife are still married. And even if you’re not, a parent cannot kidnap his own child—certainly at least where there is no valid decree awarding custody to one or the other. If the original divorce stands, your wife gets custody. If the second order stands, she’s as much entitled to the boy as you.”

Hepner was stunned. I thought for a moment he was going to attempt violence. I felt sorry for him.

“I suggest that you get in your car and go to Wisconsin and straighten out your marital tangle—or else get yourself an attorney and file for divorce here.”

“They ain’t no justice,” Hepner muttered, as he left the house.

“They ain’t no gratitude,” I told Grace as we finally got under way. “I might have had him pinched for bigamy.”

The next morning I went down to the office and looked up the law on this legal problem. For once I had guessed right. A parent may not be prosecuted for kidnapping his child unless there is a valid decree or order awarding custody of the child to the other parent. Lawyer-like, I can’t resist giving the citation of authority to my fellow attorneys who may be interested in this problem. It is in 77 *American Law Reports*, 317.

The much harried and married Hepner has since retained a local attorney and filed for a Michigan divorce. I wish him happy landing.

Another night Grace had gone over to the church to sew on dolls for the Christmas sale. I was holding down the fort—the maid was out in quest of Romance. I had invited a few of the boys over for cards and to listen to Joe Louis, over the radio, while he shuffled out in the ring and purchased another annuity.

Joe had floored his man on schedule and the victim had duly muttered, "Hello ma, hello pa" and "I want another fight," and we were finally settled down to the cards. Then I heard the side door open, no knock, no nothin', and there in the dining room doorway stood big Jussi Siltanen, in his miner's clothes, red with hematite, beautifully drunk.

He lurched into the living room and sat down heavily on Grace's newest slipcover. Jussi reached over and appropriated my bottle of beer, and sat there with a furrowed brow, thoughtfully watching the progress of the game. When we finished the hand, I turned to him.

"Hello, Jussi. How's things?"

"Pretty lousy, Yonny." His eyes were wild and inflamed.

"What's the trouble?"

Jussi was a timber-man at one of the iron mines, a Finn, quiet as a lamb when he was sober, and a hell-raising, stem-winding fool when he was drunk. At the moment he was not in the lamb class.

He took a long swig of my beer, conjured up a rumbling belch, and spoke:

"I want for you get her back?" It was not a request.

"Get who back?"

"My voman—dat Angeline you know."

"Where is she?—what's the matter?"

He fumbled in his pocket and, with profound alcoholic deliberation, dug out a folded, hematite-stained legal paper and handed it to me. While I looked at the paper, he drank some more beer.

"This is a chancery summons in a divorce case, Jussi," I said. "Where is she?"

"She being for the double featsers—every Wednesday night she go for them goddam double featsers."

"No, no—Jussi—I mean are you and Angeline living together?"

"Sesus Rist, Yonny, dat's what I tell for you—she go vay. Last Sunday she go vay. I want dat voman she come home. I like dat voman. I love dat voman."

"Where is she staying?"

"With her ol' man—you know, dat dirty ol' place upstairs on A & P store."

"Where are the children?"

"Dem kits day be upstairs, too. I no like dat, dat dirty ol' man, he's got lotso sores all over on his legs an' on his arms, and other places, too"—the beer was beginning to add its mite—"an' I tink someday maybe I kill dat son-bits—maybe tonight, already."

Jussi was getting mad. He produced a long, glistening Finnish hunting knife and ran his big thumb along the edge.

"Why did Angeline leave you, Jussi?"

Jussi was warming up to his wrongs. "All time she go home for her ol' man—every Wednesday night she an' her ol' man go for double featsers—dirty ol' man make vine upstairs dat dirty ol' place—ol' man an' my voman come

home after dat double featsers an' drink vine an' get drunk like son-bits. I no like dat bizness—I tell Angeline stop dat. Angeline get mad an' go vay."

"Is your wife Finnish, Jussi?"

"No, no, no—she being Talian dago"—he stood up—"I guess I go now an' clean up dat dirty place."

I was sure that he meant business. It is not uncommon for certain types of persons to announce to the authorities their intention to commit a crime. It seems to give them courage, lend a sort of inevitability to their acts. Jussi's very quietness spoke of his growing purpose.

"Do you play bridge, Jussi?" I said.

"What's dat?"

"I mean smear—you know, a game of cards—smear?"

Jussi slowly grinned. "Me, I'm best goddam smear player whole Trembath mine."

"Here, play my hand, Jussi—I'm going down town and get some more beer. Come on—help me out."

I maneuvered big grinning Jussi into my chair, got on my things, managed to give Bill a Mickey Finn wink, thumb in my mouth, and hurried out the back door. I could have called the cops and had Jussi tossed in the jug, but that would have solved nothing, and only added venom to his brooding sense of injustice. Instead I hurried down to the movie house. The last audience to witness its epic program was slowly disgorging. I searched out Angeline and Bruno, her father, in the crowd.

We repaired to Bruno's place over the A & P, and sat around the table. Bruno broached a crock of red wine and poured me a big glass. Thinking of the sores I said a silent

prayer and, with careless camaraderie, threw it down. Bruno poured me another. Then I told them that Jussi was up at my house, drunk and ugly, and that he had threatened to come over and clean house unless Angeline went home.

The old man began to tremble with fear, spilling his wine, but handsome Angeline's dark eyes flashed anger. I turned to her and began to talk. I'd have to sell Angeline.

"Angeline," I said, "we can't make you live with Jussi—nobody can. But will you answer me one question? Just one?"

She nodded.

"Do you love Jussi? Do you want to be his wife?"

Her eyes grew thoughtful, tender.

"Do you want your children to be running around the streets without a father," I ran on, "with no daddy to bring them toys at Christmas, with no mama and daddy to love them and take care of them when they are sick?" I paused. "Jussi told me how greatly he loved you."

Tears glistened in Angeline's beautiful Italian eyes.

"Do you love your Jussi?" I softly asked.

She bowed her head and quietly said yes. She was beautiful when she said that. I rose and tossed off another wine. I went on: "Then tomorrow you'll have to dismiss your divorce case"—she nodded—"and take the children home"—she nodded—"and from now on"—I gulped—"give up going to the double features on Wednesday nights—"

Her eyes flashed, her nod was arrested, as I winily concluded "—for your big Jussi's sake."

There was a long pause. "Yes," she finally said. Whereupon I flung down another wine Bruno had poured me,

said good-by, and with considerably less speed than on the trip out, wended my way home. The death watch was waiting for me—Grace, Stuart, Bill, and Jack.

“Whersh Jussi?” I asked.

“Up in the maid’s bed.”

“Whersh the maid?” I asked, horrified.

Grace laughed. “In your bed.”

Drowsily nodding: “Whersh I goin’ sleep?”

“With Jussi,” said Grace. “You’re a fit pair. Take him up, boys.”

And so the Good Samaritan was bundled, hauled off to bed with Jussi, where he and I mingled whistles and snores all through the night—separated only by one Finnish hunting knife.

Angeline and Jussi lived happily ever after—proof, perhaps, of one small victory over the “double featsers.”

Then on still another night—after I had recovered—while Grace and I sat reading, a flying-wedge of angry women stampeded the front door, burst past me through the hall into the house, through the front room, the largest woman running interference, charging clear across the living room, spreading herself out on my big leather chair, by the radio, like a brood hen trying to sit on forty-seven day-old chicks. The grim delegation followed, distributing themselves around. Grace fled upstairs and I timidly occupied a footstool. There was a pregnant silence. This must be at least first-degree murder, I thought.

The large lady, Mrs. Kellstrom, with a thatch of wild red hair, sat in my chair, rocking her body to and fro, just as in movies of grief-stricken war refugees, the tears coursing

in little rivulets down through the powder on her perspiring red face.

"What's the trouble?" I asked her, shuddering a little and bracing myself on the stool.

This only brought on a gale of new grief to the large one, so I turned to the nearest delegate, a little Cornish woman, and asked her what had happened. She told me.

"Hit's the most hawful thing you hever 'eard, Mr. Traver. We was at Lodge tonight—the lydies was 'avin' a little doin'—an' that hawful Mrs. Lightbody was sayin' all hover Lodge that poor Mrs. Kellstrom was a-wettin' all the chairs inside Lodge. We wants 'er harrested. 'Hurinatin' all hover,' is what the 'ussy said."

"Worse than murder," I thought. Swallowing: "Did you hear Mrs. Lightbody say that?" I asked the Cornish woman.

"No, Hi didn't—but the talk was all hover, like as wot Hi said."

I turned to the next woman: "Did you hear it?"

Uncertainly: "No-o, but . . ." And so on around the room. None of them had actually heard the dreadful accusation.

"Did Mrs. Kellstrom and Mrs. Lightbody ever have any trouble before?" I asked another woman.

"No, but there was election of Lodge officers tonight. You see—Mrs. Lightbody beat Mrs. Kellstrom here for Inner Guard. Crooked business, I'd say."

"I see," I said, whereupon the aggrieved Mrs. Kellstrom, noisily nursing her stigma and shame, rocked and wept more violently than ever.

"I'm afraid I'll have to have some witnesses who heard

it," I went on. "We must have witnesses, you know." They all wisely nodded. I did not explain that our criminal laws did not embrace this sort of "slander"—that would surely have started a riot. I stood up. "You bring me some witnesses who heard this," I darkly continued, "and we'll get to the bottom of this thing!"

"You shall 'ave them," the little Cornish woman grimly promised, helping to tug Mrs. Kellstrom out of my chair, leading the procession to the front door. I was willing to bet her two to one the witnesses would never show up—they never do—but I thought I'd better skip it. Time, the great healer. . . .

As the tearful Mrs. Kellstrom brought up the rear and passed me into the front hall, I was irresistibly impelled to steal a surreptitious look at my blue leather chair. Turning, she caught me at it. Flatfooted, she caught me.

"*Harrump!*" she snorted, tossing her mane. "A fine prosecutor we got in this here county!" With this pithy remark she slammed the front door. Her self-control was finally exhausted. I hung my head in shame.

THE HAUNTED CASE

A PROSECUTOR, to function effectively, must have the help of a police that is both honest and efficient. Happily, in Michigan we have a splendid state police organization, one of the best in the nation. It is a tower of strength to every prosecutor in the state. Aside from a trained state police—and as yet by no means all the states have one—the average county prosecutor's chief source of assistance in criminal cases is the sheriff and his deputies. Since there are over three thousand counties in the forty-eight states, in all but one of which sheriffs are elected for terms ranging from two to four years, it may not be amiss to have a look at this office.

Historically, the job of sheriff is a hangover from the Norman conquest. The sheriff was quite a big shot in those days. And it is safe to say that today his is politically the most firmly entrenched county office in America. I do not make the assertion as a compliment to the office. Regarding his qualifications, I know of no state which requires more of a candidate for sheriff than that he be of age and able to vote. In actual practice, then, the election of a county sheriff is nothing more nor less than a male popularity contest, a periodic prize affectionately bestowed by a heart-bursting electorate upon the ex-butcher or farmer or miner or local athletic hero who can smile the

widest, back-slap the heartiest, and garner the most votes. As you may suspect, alas, this bizarre situation is not one which is likely to produce uniformly able enforcers of our criminal laws.

It is inevitable that the position has come to be regarded by most of its holders more as a political plum, a "good thing," than as an opportunity for public service. No matter how good a fellow an individual sheriff might be—and some of them are most engaging—the system practically forces him to concentrate his energies on garnering the most fees and emoluments, while the getting is good, and on contriving to perpetuate himself in office.

Naturally, with this goal in mind, he is all too likely to appoint his deputies on the basis of pure political expediency. There is perhaps no public office in America that is more desperately in need of a thorough housecleaning. Who'll tie a bell to the cat's tail? And to whom is our harried county prosecutor going to turn? To the township constable or to the police force in such cities as may be in his county? First, there are the town and township constables. Having just lit my pipe, I feel a momentary wave of charity, so we will pass to the city police.

Here the prospect for this county prosecutor is not quite so gloomy. What it must be for others makes me shudder to contemplate, when I read in the Report of the National Commission on Law Enforcement that "over 75 per cent of the members of the police force of this country are not mentally endowed to perform the duty assigned." However, at the outset, the effectiveness of even the best city police is hampered by those laws which, to a large extent,

tend to restrict its activities to its own city limits. Crime is not so restricted.

As a rule, too, a city police force is no better than the city government, the city council, that appoints it. Where you find a sound city government, you will usually find an alert, conscientious police force, staffed by men who can look upon their work as a career, with a measure of sober pride, rather than as a temporary roost afforded by the city hall gang currently in power. My police chief in Iron Bay, Big Mac, is a honey—thoroughly honest, fearless, and smart as a whip.

Fortunately, during my time in office, I have found most of the city police to be conscientious men who have tried hard, within their limitations, to bring about a just enforcement of the law. But alas, good intentions do not always catch bad criminals.

Some bearded authority on criminal law has said that a criminal case against a guilty defendant is won or lost within a few hours after the commission of the crime. He is referring, of course, to the effectiveness of the preliminary police work. While this observation has the weaknesses of most generalizations, there is a considerable basis of truth in the assertion. It calls to mind a murder case I once tried which I shall never forget.

My third term of prosecutor was nearing an end when early one summer Sunday morning a tall young Finn named Martti walked into the police station at National Mine and quietly spoke to the police officer in charge.

“I killed my wife last night. I choked her to death.”

The excited young police officer—a former miner—phoned the coroner, and then hurriedly bundled young Martti into his automobile and drove him down to the county jail at Iron Bay. He turned Martti over to the sheriff. “Lock him up. He murdered his wife.”

Then the police and the coroner proceeded to the little mining village of Mather, picking up an undertaker on the way. They entered Martti’s house, tramped into the bedroom, saw the dead girl in bed, lifted her into the basket and departed. Later that day the undertaker proceeded to embalm the body. All this time the county prosecutor was happily trout fishing out at Deer Creek, blissfully unaware of the sorry business awaiting him in town.

Sunday evening when I got home Grace told me she had heard that someone had been murdered. So I put my fish on ice and called the coroner, an engaging old Cornishman who had held the office for some thirty-odd years. Briefly he told me what had happened.

“What doctors did you call for the post-mortem, Billy?” I asked.

“We didn’t ’ave no bloody post-mortem. She’s embalmed, and a purty job it is, too. This ’ere lad ’e plead guilty, I told you.”

My heart sank. “But, Billy, haven’t I told you time and again that in any homicide case the first thing is to hold an autopsy?”

“Keep cool, Johnny. This ’ere lad, ’e confessed, ’e did. What’s bloody use a cuttin’ ’er up hafter ’e confessed? None, I says. Say,” he shouted, “did you ketch any fish?”

“Who took his statement?”

Billy was getting irritated at my denseness. "Statement 'ell. 'E's in jail. We didn't bother take no bloody statement. 'E confessed, I told you—so you didn't ketch any, 'ay? Too bad, Johnny lad."

An autopsy performed after a body is embalmed not only is apt to be less accurate, but is a decidedly messy and difficult affair. I phoned two doctors who finally agreed to spend their Sunday evening at this absorbing task. Then I phoned the photographer to take pictures of the body first. After a restless night I was up early and drove down to the county jail.

"I'd like to see Martti," I told the turnkey. "Please bring him out."

The bare statement of Martti that he had choked his wife, while vitally important, was far from making out a case of murder. Under what circumstances had it happened? Why had he done it? Was it a planned affair or was it done in a fit of anger? Was there any provocation? Was it done in self-defense?

A voluntary confession is one of the best forms of evidence in any criminal case. And experience has shown that the best time to obtain a confession is right after the offense is committed. The accused is usually still in the grip of horror, remorse, and guilt over the thing he has done, and ready to unburden himself. Later his instinct of self-preservation often moves him to think up a likely story to save himself. Or worse yet, he won't talk at all. A confession should be full and complete, not only telling all that happened, but negating possible defenses, as well.

"Hello." In a low voice.

"Hello. Are you Martti?"

"Yes." He was tall, taller than I, and calm, very quiet.

"I'm Traver, the prosecutor."

"Yes."

Since he was then in custody, I proceeded to explain to him his constitutional right; that I had come there to talk with him, but that he did not have to talk with me unless he wished to.

"Do you understand that?" I asked.

"Yes."

"Do you wish to talk with me about your wife?"

"No."

I called the jailer. "Thank you, Mr. Martti."

"You're welcome."

I was not to have the fantastic luck of a neighboring prosecutor who had a woman murder defendant who—believe it or not—wouldn't talk. Just before the trial the sheriff went in her cell one morning and found she had spent the night writing out a detailed confession on the walls of her whitewashed cell, complete with diagrams and all. It is still there to this day. Since then a pencil and a pound of foolscap are required accessories in all the gray-painted cells of our county jail—where it is more difficult to read the handwriting on the wall.

Nor yet was I to have the break of Lieutenant Harold Mulbar, of the state police, who operates the fascinating Keeler polygraph or "lie detector" at the post in East Lansing. The police had quizzed, queried, questioned, and—oh yes, that metropolitan newspaper favorite—"grilled"

a suspected rapist for days. Finally they bundled him 'way down to East Lansing to the lie detector, grilling all the way. He was well-done when he got there. Lieutenant Mulbar immediately took the suspect into a little room. No lie detector or anything.

"Well," he said, more to make conversation, than anything, "did you rape the girl?"

"You bet your boots I did," the suspect brightly replied.

"What!"

"Sure I did."

"Why didn't you tell the police?"

"Why goddammit—they didn't ask me!"

Whereas I, once Martti said he wouldn't talk, so jealously do our laws guard our fundamental rights, could not legally ask him the one simple, obvious question. That is the law.

Anyway, here was a splendid kettle of fish. What in hell had happened to Martti? Here's a guy who hitch-hiked to town to tell the cops he'd choked his wife to death, and then he speaks to me in monosyllables, and damn few of those.

The jailer returned.

"Has anyone been here to see Martti?" I asked.

"Nope. No one 'tall."

"Where've you got him?"

"The Sheriff put him on the top floor."

"Alone?"

"Practically."

"What do you mean, practically?"

"Just Clem Harper is with him."

Like the harried heroine in a true love story, I uttered a low moan and fled the place. Just my old pal Clem Harper, indeed! Creeping, curly-headed crustaceans! Clem Harper was a notorious ex-convict with a criminal record as long as an opium eater's dream, then awaiting trial on a robbery charge, a true criminal type if there is any, prison-wise, stir-crazy like a fox, diabolically cunning—the kind of world citizen who measures life's sweetness by his ability to outwit and thwart the Law. And his life had not been too sweet.

It was at this point that I began to feel that there was a ha'nt on the case. What unerring sense of the wrong thing to do had led the Sheriff to put Martti in with such a crafty human jackal? And the Sheriff? Really not a bad fellow. He'd been a miner and quite a local athlete. And he'd wanted to put Martti out of harm's way; so he had put him 'way up there alone with Clem Harper!

After considerable investigation during the next few days, Martti was charged with first-degree murder. He waived an examination, was remanded to jail, and turned up in circuit court with one of the best lawyers in the peninsula, entering a plea of not guilty. His was the fourth case up for trial. In the first three cases I batted 1000 per cent, and was satisfied that I had a good, law-enforcing jury panel. Just before we started to choose the Martti jury, his lawyer called me aside and offered to plead his client guilty to manslaughter. I turned down his offer.

It took us a day to select the jury, what with the usual hauling and tugging, and I was gratified to see so many of my "convicting" jurymen finally sitting on it. The trial took nearly a week. That is a period of private purgatory

which only a trial attorney can really understand. Every inch of the way was a battle, with the stormy county prosecutor matched against a calm, crafty, resourceful attorney of many years' experience. It took nearly four days to put in the People's case.

Then Martti took the stand. In a slow, emotionless manner, skillfully led by his attorney, he told the jury that his wife had been out with another man that Saturday night; that she had come home drunk; that he, lying in bed, had remonstrated with her about her behavior, whereupon she had flown into a violent rage and rushed at him with a kitchen knife.

At this juncture Martti's lawyer dramatically unwrapped a paper bundle and displayed a villainous, jungle-hacking weapon, jagged and rusty, which he showed to Martti.

"Is this the knife your wife attacked you with?"

"Yes."

"What did you do?"

"I reached out my arm to stop her. I guess I grabbed her throat. Finally she did not move. She was dead."

"You may take the witness."

I launched a long and merciless cross-examination of Martti, taking him over all the jumps, back and forth, darting in the middle. But he had learned most of his piece well. First I tried to shock him.

I showed him several photographs of his dead wife lying on the slab in the morgue. The bruised area from his choking, finger and thumb prints, were plainly visible on the neck of the dead girl. I let him study them a long time. Finally he looked up.

"Is that your wife?"

Calmly: "Yes."

"Did you leave those finger marks on her neck?"

"Yes."

"You choked her pretty hard, didn't you?"

Calmly: "I'm pretty strong, I guess."

So far no good. There had been persistent reports of Martti's violent temper and jealous nature, and of his having repeatedly beaten and abused his young wife prior to the fatal quarrel. But it was difficult to find witnesses to testify to this effect. Martti's neighbors and fellow-villagers were curiously non-committal; they wanted no part of the murder trial. But that is a phenomenon criminal authorities everywhere run into.

"Isn't it true that you were jealous of your wife?"

"Yes."

"And that you imagined lots of things about her that weren't true?"

"Yes."

"And that you frequently beat her and choked her?"

"No."

"You mean you never touched her in anger?"

Stoically: "No, I never did."

What could you do with a man who calmly looked at you with his unblinking blue eyes and slowly said yes, no, yes, no? I tried another tack.

"Why didn't you tell the police and me about the knife?"

Slowly: "I wanted to save her name."

"Why didn't you tell the police and me about her going with another man?"

Again: "I wanted to save her name."

"Mightn't we have saved this public trial if you had told the truth in the beginning?"

"I don't know."

"Are you trying to save her name now?" I thought this was pretty nifty going.

Calmly: "Now I am trying to save myself."

That one left me a little groggy and punch-drunk. I rallied, however, and went on. The next score was a touch-down for my side.

"Whom did you tell about this knife?"

I held the fearsome thing up to view. Martti looked at his attorney. I sensed I had him on unfamiliar ground.

"Look at me," I said. "Whom did you tell about the knife?"

After a long pause: "Nobody!"

I went baying along on this scent like a hound dog in fly time.

"You mean you have never told anyone before about this knife?"

"No."

"Or of your wife attacking you with it?"

"No."

"Not even your relatives when they visited you in jail?"

Doggedly: "No."

"Not even your attorney?"

"No."

"Not any living soul."

"No."

"So that the first time you have ever told anyone about this knife or your wife attacking you is today, just now, from this witness chair?"

"Yes."

I paused to let that one sink 'way down in. Then the slaving hound closed in for the kill.

Slowly: "If that is so, Mr. Martti, then just how did this knife get here in court today?"

He looked at his attorney, his eyes pleading, helpless, baffled. His attorney must have held his breath as I did mine.

"Look at me and answer," I said.

"I don't know."

"What! You don't know!"

"Yes, Sir, I don't know."

"So that when your attorney unwrapped that bundle here today he had no idea what it contained?"

"No, Sir."

"And when he prepared for the defense of this case he likewise had no idea what you would say?"

It was cruel, an unfair match, but a foul business that had to be done.

Crushed, completely beaten, shrunken in his chair: "No, Sir." Then he looked at the jury and gulped.

I stood looking at him, at once filled with scorn and infinite compassion. "That is all."

Our jury arguments were long, slashing, and bitter. Martti's attorney made a masterful closing plea, a subtle, brain-lulling thing about these two young victims of Fate, of changing times and easy morals. He had read his *American Tragedy* well, his beautiful voice sounding out with great dripping organ pipes of sympathy for the troubled brotherhood of man.

The county prosecutor fought back valiantly. He sought

to arouse the jurors from their drugged state by going over the harrowing details of the case: the violently crushed larynx of the girl, the confession of the defendant that he choked his wife, all the gory business. And again and again I rubbed salt into the raw wound of the knife story; of Martti's fantastic insistence that he had never before told any living person of the knife or his wife's attacking him.

Judge Belden instructed the jury slowly, carefully, and thoroughly. The jury was out two days and a night.

I was sitting down when they announced their verdict. It was well that I was. Alas! the jury swallowed the knife.

"Not guilty!" they solemnly declared.

I shall carry with me to my grave the personal conviction that the knife business was a figment of the imagination of one Clem Harper who, I am not too doleful at having to relate, now reposes back in the jug.

Needless to say, the court and community were stunned by the verdict. Judge Belden said he had never in all his experience witnessed such a miscarriage of justice. . . . I had nothing to say in seven languages.

The case is an interesting illustration of the absolute necessity of intelligent, rapid, and thorough police work as soon as a *crime is discovered*. Good intentions are not enough. While there was ample evidence to warrant a conviction of Martti, there is no doubt that the comedy of errors in the initial investigation had greatly weakened the case before a jury.

The necessity for such a courtroom assault as I had been obliged to make on Martti over his explanation of the knife affair was, after all, negative evidence, though of a devastat-

ing character. It could not match careful, thorough, positive evidence of guilt. The violence of my attack, the helplessness of Martti before it, and the necessity for me to rest so much of my case upon it, might well have built up a reaction, a surge of sympathy for him, in the minds of the jurors. I have speculated long upon this. "That heartless prosecutor got him confused," the jurors might have thought. "He didn't know what to say." "He was trapped into believing the simple truth about the knife would have hurt him."

The pay-off came a few weeks later. The deputy sheriff from Martti's village was in my office on a routine matter. He got on to the Martti case. I winced and lit my pipe.

"Yessir," he announced, "I almost laughed out loud when Martti said there in court he never beat his wife. That was sure good." He laughed uproariously.

"You attended the trial?" I politely inquired, imagining how nice it would be to drop him on his head in a cistern.

"Yeah. An' me havin' to stop him more times than I got fingers an' toes." I sat staring at him. "Why, one night just before he kilt her he drug her along the street by the hair of her head. I seen it with me own eyes." His laughter was not infectious.

I counted ten and took a deep breath.

"Did it ever occur to you, officer, to tell that to me before the trial?"

Bridling: "Nobody never ast me. Anyways, I got troubles enough of me own."

I laughed then, a little hysterically I guess, and baited him with a cigar out the door.

"I guess maybe you're right, pal. We all have troubles of our own. Good-by."

But the end was not yet. A delegation of irate citizens from Martti's village descended upon my office and demanded that I appeal the decision to the supreme court, and retry Martti. I patiently explained to them that there was no general appeal permitted the People in criminal cases, and that in any event there could be no retrial of Martti, as the Constitution itself forbade a person being twice put in jeopardy for the same offense. That is fundamental law. After quite a stormy scene they went away, muttering. I was getting a powerful bellyful of the Martti case.

I vowed then and there that, despite the fact it was not my legal duty, in the future I should be in on the ground floor in the investigation of all cases of a serious nature.

In a week the delegation was back, greatly augmented in number and determination. They triumphantly handed me a letter from an out-of-the-county attorney giving out the startling legal opinion that it was Judge Belden's and my duty to order and conduct a new trial, and—ah, there's the rub—for a little matter of five hundred dollars, on the line, this attorney would personally see to it that we did our duty.

"Now what you going to do?" the spokesman belligerently asked.

My impulse was to lay about me with a chair. Yet I realized that I was sadly outnumbered, and that anyway this shyster and not these gulled villagers was the one who should be laid into.

"Have you paid him the money?" I asked.

"We taking up collection now for that."

"Listen to me!"

And I must say I told them. I told them plenty, more than plenty, in short words they could not misunderstand. I told them that this shambling travesty of a lawyer was trying to play upon their sorrow and indignation so that he could line his hog wallow with some more gold. I didn't tell them that I knew him as a peanut politician of the most unlovely sort, the whisperer, a hitter-below-the-belt, who happened to belong to the opposite political party, and who undoubtedly saw a golden chance to smear and hurt me, what with the election but a short month away. Losing the Martti case itself was bad enough, without this. I wound up by saying that I would write the Attorney General for an opinion on the subject, enclosing a copy of their lawyer's letter, and that I would be guided by his reply. If the Attorney General said to retry Martti, goddammit, retry him I would.

They went away.

I wrote the then—not the present—Attorney General, stating why I had to ask him such an elementary question, quoting the body of the shyster's amazing letter. I did not include his name.

By return mail came the expected and only possible answer: that Martti could not be retried. Even the Attorney General knew that. He then went into quite a rhetorical flight concerning the shyster's sordid part in the affair, damning him to the sky, demanding his name, promising immediate disbarment. I gladly sent in his name. But alas, that was the end of it; this wolf still preys upon the gulls

and waxes fat. I do not know what happened. I do know that my shy shyster happened also to be the county chairman of the political party of which the Attorney General was a member.

Anyway, the persistent delegation came back again, I showed and read them the Attorney General's letter, and they grinned sheepishly, actually thanked me, and went away. Whereupon I plunged into my fourth campaign—the election was scarcely a month away. But I found little solace or forgetfulness in this, for it became increasingly evident to me that the outcome of the Martti case might well result in a new prosecutor for Iron Cliffs county. Smaller things than that have put former prosecutors walking the streets.

THE TRAPPER

BUT ELECTION OR no election, I continued to grind along with the routine prosecutor's work, again vowing that if I was still prosecutor when the next bad case should break, I would personally camp on it—win, lose, or draw. No more suspects would be roommates for Clem Harper; no more machetes or bolo knives were going to pop up at my murder trials unless I knew something about them beforehand. Alas, I was to have my opportunity much sooner than I dreamed.

Iron Cliffs county is one of the best hunting and fishing regions in Michigan, and perhaps rivals any in the country. The Lord knows I am not putting in a chamber-of-commerce plug. The fact is I am considerably reluctant to divulge this information and do so only because it is pertinent to what follows. As a consequence of these outdoor attractions, the game and fish laws frequently take a beating, and the conservation department has detailed quite a squad of conservation officers—"game wardens" to you—to police the large area. It follows that the investigation and trial of conservation cases form a considerable part of my work.

It was late in October, with the election scarcely two weeks away. I sat in my office one morning preparing for

the trial of a routine game law violation—fishing trout out of season, I think it was. Two conservation officers sat there reviewing the facts for me. They'd caught Bucko with twenty-two beauties. I was vaguely speculating on why it should be that violators always seemed to have such brilliant luck trout fishing, while I . . .

The outer office door opened and a third conservation officer entered, carrying a package wrapped in newspaper. He stood there looking uncertainly in at me. I could see that he was deeply agitated over something.

"Come on in, Toppila," I beckoned to the third officer. "Got another trout case for me?"

Officer Toppila, a tall Finn, rapidly walked in and without a word laid the stained bundle on my desk. His face was flushed, perspiring, his eyes were bright with horror. I felt in my bones that all hell was about to pop. I was right. His talk was short, jerky, breathless with emotion.

"In that bundle—just came from Doc Carson's—part of a man's shoulder."

"What!"

"Andy Swartz," he hoarsely went on. "Found it early this morning—on edge of a swamp near outlet Charboneau Lake—Andrew missing since yesterday—*God!* . . ."

None too soon I got Officer Toppila seated in a chair. We quickly learned what he knew about the horrible business.

Andrew Swartz was a conservation officer, one of the best and oldest in the service. The morning before, he had driven out to Charboneau Lake to look over some suspected illegal muskrat trapping. Lake Charboneau lies in a lonely forest and farming district north of National Mine. Most of the

residents are Finns. With him Andrew had taken a neighbor and old friend called Huff, a crippled war veteran. Huff sat in Andrew's car while Andrew walked in on a trail along the lake to see what he could see.

The morning passed and no Andrew. But Huff had often accompanied Andrew on similar trips, and gave it no particular thought. However, as the afternoon wore on, Huff became concerned, and when darkness fell he was genuinely alarmed. He could not walk in to look for Andrew, because of the nature of his disability, and he could not drive to town for help because Andrew had taken the car keys.

Huff finally hobbled painfully out to the main township road, hailed a passing car, gave the driver some money, and asked him to call the conservation headquarters at Iron Bay to send help. He did not wish to leave the place for fear Andrew might return. So Huff made his way back to the car and sat there shivering in the darkness. The night was black, the wind had risen, and a wet snow, half drizzle, began to fall. The hours dragged by and still no Andrew.

Shortly before midnight two conservation officers, including Toppila, arrived from Iron Bay. Huff told them the direction Andrew had taken, and with the aid of flashlights they followed the indistinct trail. They crossed a creek and shortly came to the edge of a large swamp. They called into the blackness for Andrew, but there was no answer. They made their way back to the car. They had just arrived there when they heard a terrific explosion in the direction from which they had just come.

They ran back toward the blast, again came to the swamp, where they stood listening in the darkness. But

there was no sound save the sougling of the wind, the tossing of the branches, the steady patter of the rain and snow. Realizing that an attempt to search the big swamp on such a night would be futile, they again returned to the car and told Huff they were going to town for reinforcements. Huff insisted he would wait for his old friend. Alas, it was a vain vigil.

Some half-hour after the two officers left, Huff heard another terrific blast, louder than the first, which lit up the entire area near the swamp. He sat there, shivering and helpless, fearfully wondering what fiendish business was going on. The minutes dragged into another hour when there was a third blast, this time—it seemed to Huff—farther away and less violent than the others. And then all was utter dripping stillness.

With gray daylight came six conservation officers, who heard from the sleepless, fear-haunted Huff the story of the other blasts. They hurried in along the snow-covered trail, two following the ridge north of the swamp, two skirting the swamp, and two, including Toppila, plunging into the swamp itself. Toppila and his companion had gone but a few dozen paces when they found the piece of flesh; whereupon they rounded up the entire party, Huff included, and hurriedly drove into town.

I phoned the state police at Iron Bay to have every available man meet me at the forks of the township road leading into Lake Charboneau in a half-hour. I directed the conservation officers to do likewise, and to round up—and tie, I damn near added—the coroner. I rushed home, scrambled into my hunting clothes, grabbed my hip boots, and in a

half-hour met a small army of officers at the appointed spot. Then we all proceeded to Lake Charboneau.

A grim anticipation of tragedy was written upon the face of every man who hurried in along the woods trail. At the edge of the swamp we split up into smaller groups, each to cover an appointed area. Six of us, including me, descended into the watery swamp, Toppila in the lead. He paused and pointed.

“That’s where we found it.”

Pushing on, wading, splashing, sucking out of mud, we slowly worried our way through some tag alders and suddenly came upon a great scarred area, in the midst of which were two muddy craters, filled with water. All about us, literally, were the remains of Andrew Swartz. The photographer set up and began recording the grisly business. Bits of bloody flesh adorned the swampy bushes like cherry blossoms.

One of the men uttered a low, retching sound, and we gathered and looked down at a foot, with shreds of conservation uniform still clinging to it. Sixteen paces north of the northernmost crater I found a man’s scalp wedged under a root. I have felt nausea over the sight of a dog run over, but this was so horrible, so utterly fantastic, that it simply did not register. Billy, the old Cornish coroner, was cheerfully running around with handfuls of human flesh.

We carefully combed the entire area. Trooper Irish found an unexploded stick of dynamite. Another found part of a stick. The splashing coroner found the portion of a leg. Others carefully gathered up bits of uniform, flesh, pieces of waxed dynamite wrapper. We also found nineteen illegally set muskrat traps. We came to a spot, north

of the craters, where it was evident that something had been dragged along the swamp toward the two craters. We followed this trail north and came to the ridge and met another group of officers following the same trail southerly, toward us.

Proceeding along the trail we came to the ridge and a distinct, snow-covered path. Even that far from the blasts, the trees blossomed with bits of flesh. One of the officers knelt and picked up a piece of a man's skull, as smooth as if it had been polished. Slowly working along this path, a short distance from where the dragging trail into the swamp joined the foot path, we found Swartz's revolver, fully loaded; and a few feet from there, his snow-covered holster. There were no signs of a struggle.

We stopped and held council. It seemed evident that Andrew Swartz had been attacked or ambushed near this path; that he had not been able to defend himself, with his gun, at least; that his attacker had dragged his body through the swamp then or later; and that night had attempted to destroy the body with dynamite. Instead, he had succeeded in scattering it over the countryside.

At this point we were satisfied we had discovered a fiendishly brutal murder. Now all we needed to do was to find the murderer. Did I say *all*? Fortunately for our peace of mind, we did not know then that at the very moment he was sitting up on the hill with a high-powered rifle, calmly surveying us through a pair of binoculars.

Back at the cars we put our gruesome collection in a basket and sent it to town. Then we split the officers into squads, gave them their assignments, and I drove into National Mine and took up my quarters in the office of

the chief of police. It was to be my home for many hours. I telephoned Grace and told her she would see me when we cracked the case.

Early in the afternoon the first suspect was brought in. He was a young miner who lived on a farm several miles beyond the scene of the crime. He had been found standing near the cars out at Lake Charboneau. A state trooper saw that his coat bulged at the hip. So the clumsy trooper stumbled against him, quite by mistake, you know, like they do, and exposed a loaded revolver. Owner and revolver were whirled into town.

"Is this your gun?" I asked.

"Yes, Sir."

"Why are you carrying a gun?"

"To help in the search."

"Why do you want to help in the search?"

"Why—ah—I wanted the reward."

"Why do you want the reward?"

He was a bright, clean-cut-looking Finnish boy. He flushed to the roots of his blond hair.

"My wife is going to have a baby—we need the money."

I knew something about both of these problems. I offered him a smoke.

"Who's your doctor?" I asked.

He told me. I reached the doctor by phone, verified the stork's imminent flight, shook hands with the young man, and sent him home. He was technically guilty of carrying concealed weapons, for which he could have been held, but at the moment we were looking for bigger game. And I was convinced he was not it.

Along about mid-afternoon Trooper Smith—"Smitty"—

burst in, bubbling and wild-eyed with excitement. He had been patrolling west of the lake when he had run into a great, shaggy lunk of a man, carrying a club, scurrying along through the woods practically on all fours. Young man and club were out in the corridor. I suggested that Smitty bring in the exhibits separately.

“What’s your name?”

In a gobbling, guttural voice: “Huh? Who me? Oh. Clifford Hackenson.”

It was dismayingly evident that Hackenson had escaped droolerhood by an eyebrow, a plucked eyebrow.

“Where do you live?”

Snorting: “Who me? Right here in da town.”

“What were you doing out there in the woods?”

“Tryin’ t’apprehend da felon.”

“Huh?” It was my turn.

“Tryin’ t’apprehend da felon.”

“Where did you get that expression?”

Casting down his eyes, all shy embarrassment: “From out of da course.”

“What course?”

Beaming: “Da mail order course in ‘How to Be a Detective.’ Just t’ree more lessons an’ I get da diploma. Maybe den I kin join da state p’lice.” Eagerly: “Gee whiz, will you help me, Mr. Traver? I voted for you—honest I did.”

Smitty choked over something and had to leave the room.

“We’ll see, Hackenson. Where were you last night?”

“Studyin’ da course. Every night I studies up on da course.”

“What were you carrying a club for?”

"To conk da felon over da bean."

"I see," I said. The felon would have been buried up to his hips.

He sat there rubbing his big hands together, blinking, eager, hopeful, like a friendly St. Bernard.

"Do you read 'Dick Tracy'?" I asked.

"Oo gee, yes. I never miss 'im. Do you?"

"I regard him as one of the most significant, influential characters in modern fiction." (And I was not lying.)
"Trooper Smith!"

Smitty came in still somewhat suffused with bloat and choke. He was dragging a knotty club which would have given pause to Paul Bunyan.

"Trooper Smith"—I eyed him sternly—"take our fellow crime-detector back to the scene at once. We need all the brains we can muster."

"Golly, Mr. Prosecutor," from Hackenson.

I rose and pumped his big paw. "Detective Hackenson, go forth—and good luck. I'll keep the club. We must get this man alive. Understand? Bring 'im back alive are your orders."

"O.K., Chief. Hully gee. . . ."

Smitty exploded and ran from the place, his new aide eagerly lumbering after him.

Before dusk several other suspects were brought in, and quickly released. The boys were working gallantly, combing the countryside—but we weren't even getting warm. We even had an airplane sighting paths and trails in the area. Then I had a hunch. I pushed aside my supper dishes and called in the chief of police.

"Chief, can you tell me a man—preferably a Finn—who knows the countryside out there?"

"Sure, Johnny—we got a man on the force—born and raised out there—Arne Pintonen."

"For God's sake sit down, Chief." For the chief's name was Arne Pintonen.

"How can I help you, Johnny?"

"Arne, I want you to find me the murderer of Andrew Swartz."

"Is that all?" Arne smiled. "That's a big assignment, Johnny."

"Have you got any ideas?" I asked.

"To tell you the truth, Johnny, I'm afraid I haven't given that subject very much thought."

Arne had been chief of police for several years. He was quiet, intelligent, and considerably above the average for country police officers. I decided to play my hunch to the limit.

"Arne, I think you can find our man. Before you go out after him, here are a few thoughts that may be helpful: Whoever murdered Swartz was probably doing the illegal trapping. Since he did not drive to the place and would have to visit his traps frequently, he is presumably unemployed and within reasonable walking distance of the place. Do you follow me so far, Arne?"

Arne was thinking and thoughtfully nodded his head.

"If we find him, we shall probably find that he is a lone wolf, and a screwball to boot—to have killed an officer who apparently hadn't found time to molest his traps. We shall also probably find that he mutilated the body and later tried to destroy the evidence of this mutilation, or else that

he was an egotistic, introverted type, the ardent scholar of detective fiction, who was going to complete the perfect crime by doing away with the best evidence, the body itself. Do you think—”

“By God, Johnny,” Arne broke in. “You’re describing a fellow that lives out near there on a farm. His name is—”

“Don’t tell me his name, Arne. Go out and get him.”

It was nearing midnight. Several more “suspects” had been brought in and all released. All of the boys were still out on the job, and I was sitting there alone. There was a knock on the door. It was Arne Pintonen. With him was a square-faced, full-lipped man of about twenty-seven or -eight, dressed in work clothes, wearing thick-lensed glasses, and staring at me with more than a suggestion of disdain.

“Wilho,” Arne said, “this is Prosecutor Traver. Mr. Traver, this is Wilho Karvela, who lives on a farm near Charboneau Lake.”

“Won’t you sit down, Mr. Karvela?” I said.

He walked across the little room and sat against the far wall, both feet planted firmly on the floor and both hands on his knees, staring at me intently, unblinkingly.

I went through the usual rigmarole of warning him of his constitutional rights and then asked him if he had any objection to discussing a certain case with me.

“What case is that?” he said.

“There was a man murdered near Lake Charboneau yesterday. Do you mean to tell me that you haven’t heard about it?”

He laughed shortly, with a considerable lack of mirth.

"Oh, that. Yes, I did hear that someone got hurt over there." For just an instant his contemptuous expression changed to a flicker of something else, in his eyes, and once again he was aloof and disdainful.

I sat looking at this man. I felt in my bones that I was talking to the murderer of Andrew Swartz.

After that we talked easily, almost casually. Karvela told us that he did the work on his father's farm; that he delivered milk in National Mine; that he had not been in the vicinity of Charbonneau Lake on the day of the crime, except that he had driven by on the main road in the farm truck; that the farm lay on the east side of the main township road, about a half-mile from the scene; that he had gone to bed early the night of the blasting; that he had heard nothing as he was a hard sleeper; and that he was not trapping west of Charboneau Lake or anywhere, and had not trapped for over three years.

All the while I was proceeding slowly and cautiously, adopting the attitude of one seeking his co-operation in helping us find the murderer. By this time the look of contempt in his eyes was joined by one of tolerant amusement. Both Arne and I noticed that all the while we were talking he kept his hands on his knees and occasionally pulled down the legs of the overalls he wore. He did it again.

"What's the matter, Karvela?" I asked. "Are your pants too short?" I moved toward him.

He shot Arne and me a look of pure hate, which he immediately tried to transform into an amused smile. I hope I never see another such smile. I thought he was going

to spring at me. He reached down and pulled up both pant legs, exposing his underwear to the knee. On both knees were large splotches of blood.

Karvela made sounds like laughter, all the while looking at us intently. "I killed a calf on the farm this afternoon. It's a messy job."

"Aren't you good at killing calves?" I asked.

Again a look of withering hatred. "I'm the best in my township."

I turned to Arne. "Put this man in a cell, Chief, and hurry back. We've got work to do."

At daybreak Arne, I, and three other picked officers drove in to the Karvela farmhouse. There was a light in a rear window, and we went to the kitchen door. Karvela's mother and father, an aged Finnish couple, both came to the door. They asked us to enter, and the five of us tramped into the little farm kitchen.

"Where's Wilho?" the mother asked.

"Wilho is in jail," I said.

"Wilho didn't do it," she said, tears coming to her eyes. "He was in bed early."

"For your sakes, Mrs. Karvela, I hope you're right. We're here to find out one way or the other. Do you mind if we look around the house and farm?"

Both the old people nodded their agreement. "He didn't do it," the old father said. "He play checkers for me and go bed early."

"Where's Wilho's bedroom?" I asked.

"Come," his mother said. "I show you."

I sent two officers outside to cover the barn and out-

buildings, left one with the old man, and Arne and I crept up the narrow rag-carpeted stairway to the bedroom.

"Dis is it," Karvela's mother said. "You can look anywhere. My Wilho never do for dat." Tears filled her faded blue eyes. She turned and went downstairs. County prosecutor felt like a monstrous heel. But this was murder. . . .

Arne and I went to work. Karvela's bedroom was small and contained a cot, a washstand, two chairs, and a small sheet-iron stove. The walls were decorated with prints and clippings of movie actresses and quite a number of nude "art studies." There were also calendars and posters of various ammunition, trapping, and fur-buying companies.

Under Karvela's mattress we found a much-thumbed and soiled portion of the previous day's newspaper, carrying the account of the murder of Andrew Swartz. On his desk we found numerous current price lists for pelts of fur-bearing animals, including muskrat; in his drawer we found correspondence indicating that he had recently purchased an automatic rifle from a mail-order house in Chicago. In the unlighted stove we found another newspaper, streaked and smeared with blood. It was dated the day of the murder.

We were about to go downstairs when Arne spied a small wooden trapdoor on the ceiling of the narrow hall, just outside of Karvela's bedroom. There seemed to be no means of readily getting up there.

"Is it worth a shot?" I asked.

Arne grinned. "I have a hunch," he said.

Being an old tumbler of sorts, very little sorts, I somehow hoisted Arne up into the trapdoor, where he went to work with his flashlight. Pretty soon his head appeared in the

opening, his eyes dancing with excitement as he handed down a pair of blue-denim overalls.

"Johnny," he whispered hoarsely, "look in the rear pocket."

The overalls were still damp and appeared to be stained with blood at the knees. I could see small bits of fatty, bloody tissue clinging to them. I looked in the rear pocket and found a customer's receipt from the Atlas Powder Company for the purchase of a case of one hundred sticks of dynamite. The receipt was dated the day of the murder and signed by an Eino Pelkki, who was unknown to me.

Arne closed the trapdoor, and we rejoined the other officers with our loot. We compared notes. They had found three sticks of dynamite hidden under the potatoes in a root house, together with a nicked dynamite cap crimper and a packsack, a freshly killed calf, three muskrat traps, a pair of damp, stained canvas gloves, and a five-cell flashlight with newly dated batteries. We hurried to town and quickly dispatched a car to the state police laboratory with our exhibits, along with Karvela's underwear, a paraffin cast of both hands, and fingernail parings, with an urgent request to rush the findings.

Then began the long, tedious business of taking Karvela's written statement. I shall not detail it, except to say that it was nineteen hand-written pages long, and in it Karvela flatly denied any knowledge or part in the killing. We painstakingly got his story of his movements during the past few days. He said he went to bed early the night of the blasting, after playing "and beating" his old father three times at checkers; that he did not trap and had not for years; had no traps or dynamite; he had not bought any

dynamite or handled any in over a year, when he last blasted stumps; was not sure who it was that had been killed or how; slaughtered a calf the day after the killing and got some blood on the knees of his pants and underwear; burned the pants in the steam-bath stove because they were old.

During the taking of this long statement Karvela seemed to gain confidence, slowly debating and giving his answers. The man was not without cunning. At no time did I indicate to him what we already knew or what we had found on the farm. When he had read and signed the statement, and it was witnessed with all the trimmings, it was again dark, the second day after the murder.

Karvela yawned elaborately and said he'd like to take a nap if we didn't want him any more.

"There's just one more thing, Karvela," I said.

"What's that?" Karvela stared at me with his cool, amused expression.

I pushed a piece of clean paper over to him, and my fountain pen.

"I'd like you to write a name for me."

Easily: "O.K. What name?" He smiled his calculating, long-toothed smile.

"Eino Pelkki," I said. This was the name we had found written on the dynamite receipt.

I had often read of jaws dropping, and often wondered where they landed. Now I knew. His jaw sagged open, literally rapping his wishbone. His eyes glistened with fear.

"Do you mind?" I asked.

He grabbed up the pen and hastily signed the name.

"Just once more," I asked.

By this time he was outwardly composed again. He cramped his wrist around and again signed the name, obviously trying, on this second attempt, to disguise the signature. He threw down the pen. I had always liked that pen, too.

"Is that all?" he snapped, his eyes blazing with anger and hate.

I went to the door and called in a man. He entered and stood under the light.

"Do you know this man?" I asked Karvela.

Squinting, starting, then quickly: "Hell no. Who is he?"

"He was on duty at 2:11 Tuesday afternoon at the warehouse of the Atlas Powder Company when a man who signed himself Eino Pelkki came and purchased a case of one hundred sticks of 40 per cent dynamite." I turned to an officer. "Take Karvela to his cell. He wants to have a little nap."

Karvela, turned greenish, deathly pale, went out. I turned to the powder company warehouse man. "Well?"

"Yes," he said quietly. "He's the man—"

Things now began to happen in rapid succession. The telephone rang. Long distance from the state police laboratory—tentative report of findings in Swartz case.

"Three sticks dynamite found on farm same variety as crimped stick found in swamp; crimped unexploded stick found on scene positively prepared by defective crimper found on Karvela farm; blood of victim Swartz blood type four; blood on Karvela underwear and overalls mixture of animal and human blood—latter, type four; fatty fragments on overalls human tissue; knapsack, fingernail parings and

paraffin casts gave positive reaction showing recent contact with nitrates."

"Thanks, chum," I said.

A relative of Karvela's appeared with a list of the milk route, and asked us to permit Karvela to write upon it the number of quarts each customer should receive. This was granted. In ten minutes the list came out with the required information. On the bottom of the sheet Karvela had written these words: "Fare thee well forever!" We made a copy of the list and handed the copy to the relative.

It was about seven o'clock in the evening. Most of the officers were out eating. Only one state trooper, Arne, and I were left. I told Arne to bring in Karvela, who had just finished his supper. While he was gone, I quickly put the dynamite receipt, Karvela's copy of the phony customer's signature, and the "farewell" milk list under the plate glass on the flat-topped table where Karvela would sit. Arne brought Karvela in. He was very pale. He sat down and immediately found the papers and read them slowly, carefully, intently. He looked up.

"Well, Karvela, what do you say?"

He sat staring at me, his hands gripping his chair. There was no hate now in his eyes, only fear—hunted, horrified fear. He began to breathe deeply, like a dying man. The deep gasps became great, retching sobs. Then he broke down completely. It is not amusing to watch, to hear, a grown man weep. He crouched there before us, Man shorn and exposed, raw and quivering.

"O Christ! You've caught me!"

By midnight the long, complete confession was finally finished and signed. In it Karvela said that, returning from National Mine the morning of the murder, he saw the conservation car parked off the main road near Charboneau Lake; that he immediately feared that he was about to lose the nineteen muskrat traps he had set west of the lake; that he hurried to the farm, grabbed his new mail-order rifle, and ran to the west end of the lake, taking a private woods trail he always used, on the ridge north of the lake; that as he rounded a turn in the path he abruptly met a uniformed conservation officer; that the officer asked him if he had a small-game license; that he, Karvela, said he hadn't, whereupon Swartz demanded the gun and told Karvela he was under arrest.

Karvela then told us that he "completely lost his head" and fired two quick shots without aiming; that Swartz fell to the ground "writhing and twisting" (at this juncture Karvela got down on the floor and realistically imitated the throes of the dying man); that when he found that Swartz had been shot twice through the heart and was dead, he dragged the body into the middle of the swamp, covered it with brush, and hurried back to the farm by the same trail. He repeatedly and sullenly denied mutilating the body.

Karvela told us of hiding his rifle in an old culvert—where it was later found—and of driving in to the powder company early that afternoon and purchasing the case of dynamite under the name of Eino Pelkki; that he hurried back to the farm and spent most of the afternoon in the root house crimping and preparing the dynamite for the blasts; that he then milked the cows, had supper, played checkers

with his father—"beating him three straight games"—and retired with his parents around nine o'clock.

At midnight he got up and dressed, took his flashlight and knapsack, went and got all but three sticks of the dynamite, and again cut over the north trail, down into the swamp to the body. Just as he got there, he heard someone calling "Andrew!" Frantically he piled about thirty or forty sticks of dynamite on the body, lit the slow-burning fuse, splashed out of the swamp, and ran north up the hill. He said he was about two hundred yards north of the body when the charge went off, and that "nothing fell on me."

Karvela said he waited about an hour up in the highlands and then returned to the scene of the blast, discovered that parts of the body were scattered about, gathered them up, heaped all but one of his remaining sticks of dynamite on the remains, lit another fuse, and again ran north from the swamp. After this second blast, he waited up on the hill for about an hour and exploded his last stick up there in an attempt to decoy any searchers away from the swamp. Whereupon he hurried home and crept up to his cot.

He stated that the next morning he removed his blood-stained overalls and put them up in the attic. He then milked the cows and delivered the milk in National Mine. When he got back, he burned the powder case in the bath-house stove. In the afternoon he took his binoculars and rifle and proceeded to the hill, from which he watched the men searching below him in the swamp—"It was fun aiming at them." He then returned home, again hid his rifle, and proceeded to kill a calf at the farm, deliberately kneeling in the blood to hide the human blood already on his

knees. Yes, he knew about blood tests, had read about them in detective magazines.

“I was playing checkers with the old man when the chief of police came and got me. I’d just about won. Yes, I am the best checker player in my township.”

Karvela was promptly charged with first-degree murder, waived examination, was bound over to circuit court, pleaded guilty, and was sentenced to life imprisonment.

While he was in the county jail awaiting transfer to the prison, he wrote me one of the strangest, most disturbing communications I have ever received. Here it is, punctuation, spelling and all:

I am a law abiding citizen that I am a resident of the State of Michigan, that on the date october I Wilho Karvela did see a body of a Game Warden, that I did a grave social error by dragging this body and did a graver social error by doing away of the body of this man and did craziest of all craziest acts by consecrating the body of this man and willfully betray myself to certain extend and did the gravest of all human consecrations on this planet and a did a graver act by my faithlesnes and did wilfully violate my right to inherit this planet in living form of a man and it is my confession heretofore that in a future life I will and always will abide by the conscience of my fellow men and that is wy I have not any personal connection in my future life on this planet and is the privelege of a law abiding community that I will always cherish and always will cherish the fact that in my troubles and sorrows I shall not be permitted never to enter a clean and wholesome community. I will beg the prilvelge of all law abiding citizen of this planet that I shall heretofore conduct a wholesome attitude tword all my fellow citizen and will always have a clean and whole some attitude tword all gods creations and will in all my power to conduct a

clean and whole some attitude toward all my fellow citizen and that I will always cherish my inheritance on this planet that in all my sorrows and all my tears I shall always cherish my conscience which may have been lost forever and this my privilege to all man kind to know that my conscience has been restored by my fellow citizens that in future times I shall always know that in my heart I shall always present my self as a low down good for nothing and will always cherish my conscience which would have betrayed and there is a law of balance and law

Here the letter cryptically broke off and began again:

I am not Wilho Karvela you don't know me by my first name or my second name I believe you are not familiar with the different methods of trapping beaver out of deep beaver holes. Some use large bear traps without any teeth and other is a snare with a drowning set

Wilho Karvela

The community was full of praise for the work of the police and the prosecutor. Prosecutor spiraled from rags to riches. The Martti case was forgotten. "Come home at once," was the burden of the song, "all is forgiven—Mother." Yes, the county prosecutor was re-elected, blasted back into office, by a big margin—the biggest yet, in fact.

Late election night my older brother Leo telephoned me. "We're leaving tomorrow on a deer-hunting trip—Dan McGinnis' at Silver Lake. You're coming along with us. Listen, kid, you need a change of pasture."

I was mildly inclined to agree with him. Maybe all of us do.

MY PAL THE BUCK

IT WAS DARK and snowing hard when we forded the Big Dead river, which was low, and the truck got stuck in the snow on the steep hill and Leo discovered that wet leaves filled the ruts, and the wheels just slid around. "No traction!" he shouted, and Jack and I and the drunken Irishman, I forget his name, ran up the hill and clawed the heavy leaves out of the ruts. Then, backing down for a start and snorting like a witch in delirium, the little truck bumped and jolted to the top of the hill, and we shouted as it passed, picking up the fallen pack sacks from the dark road.

At the top of the hill we gathered around for another drink, an increasingly beautiful ritual. I wiped the bottle after the reeling Irishman, who was beginning to mumble and drool a little. The exertion had made us all a little wobbly.

In twenty minutes we were through the tall hardwood and could see the light of the camp, and there was old Dan's bald head in the window. All of us singing, Jack cut across the bumpy potato patch, blowing the horn and almost bouncing the Irishman off the back of the load, ducking under a balsam bough, skidding to a stop at the back door.

We stamped in and there was old Dan fast asleep, sitting by the kitchen stove, without a shirt and in his stocking feet. He awoke elaborately, bewildered, rubbing his eyes, with a high, nasal "Hallo, hallo—I didn't hear you, lads. I must of been sleepin'." And I looked in the other room but there was no one at the window; old Dan was alone. And I had seen him at the window a minute before. Then I remembered that my father had once said that if you live alone in the woods long enough you get a little batty, cute and foxy, for no good reason at all—"but it's the only real life, and well worth it."

"Dan," I said, as I carried in my own rifle and pack sack, "I got something for you. A little present. Brought it up all the way from Hematite."

"Yes, Johnny." Dan wheeled sidewise, with his neck out, squinting at me, licking at his yellow-white mustache, thinking it was a bottle. I dug in my pack sack and handed him a paper bag. He opened it. "Johnny, you remembered. Since you was a kid you remembered. Horehound drops! My favorite dessert. Thanks, lad, they'll be fine out here when winter comes. Dissolve one in a glass of spirits. If you had a glass of spirits." He took a bunch of keys from his pocket and unlocked an iron-bound chest and put the bag in the chest, locked it, and pocketed the keys.

We carried in our equipment from the truck, including the Irishman, who had fallen into a swoon. Quietly we laid him on a padded door, which Dan had fixed up as a sofa. Our fallen comrade had to drive the truck back in the morning, so it wouldn't get snowed in for the winter, and he needed rest and relaxation.

The oilcloth table in the other room was set, next to the dying Irishman, who lay snoring on his door, his mouth open and his face very pale. His snoring and the steady breathing of the gasoline lamp made it noisy in the room. We sat down, Leo and Jack and I, and old Dan came in with a steaming black kettle. I rubbed my hands to demonstrate my ravenous hunger. But Dan put the kettle down and just stood there, scratching behind his ears, pulling at the slack of his neck, massaging his bald head, his underwear sleeves rolled up on his thin, powerful old arms.

"Here, I was just thinkin', Johnny, that being as you boys had a long cold ride up here, you might want a little drink. I was just thinkin' you might of brought up a little bottle or two for your deer-huntin' trip. An' you not bein' up here for years, an' all. Just thought you might, was all. Not that I care for myself, 'cause personally I prefer my own moonshine—I got a little drop in my chest—so supposin' we have a little of my moonshine." Old Dan cocked his head sideways at me, threatening, half turned toward the kitchen and his moonshine. "Just a little snort of my special moonshine—remember it, Johnny?—to kind of celebrate like."

Brother Leo sat grinning at me across the table. He had won his bet. The "subject" had been brought up before we ate a mouthful.

"Dan," I said, getting up, "I clean forgot we brought a little whisky with us. I like your moonshine swell, Dan. I'll never forget it, but perhaps we'd better sample our stock first. Save the best for last, see. Here, I'll open a bottle."

Dan followed me to the kitchen, knelt beside me, and his

eyes grew large and dark as I lifted the cover from the sealed rows of glistening dark bottles. "An' the beer, Johnny. Where's the beer?" he whispered, kneeling there, in an unconscious attitude of prayer. I pointed to the paper cartons piled by the rifles. Dan's whispering grew hoarse and excited. "But beer don't come in no paper cartons, Johnny. Don't fool ol' Dan. Where's the goddam beer?"

"Canned beer, Dan," I said. "A new wrinkle."

He got up and danced a goatish jig. "New wrinkle hell! Beer in a can. Beer in a can. Dan, Dan, the thirsty ol' man, drunk oceans of beer out an ol' tin can!"

Dan grabbed a bottle of whisky and ran into the other room. I followed, smiling ruefully at brother Leo, for it looked like a stormy night on the shores of Silver Lake.

"Hey, you goddam Traver boys," Dan shouted. "An' you, Yack Seem, you bloody round-headed Swede. We got to celebrate. First night in camp. Your ol' man always celebrated first night in camp. Here, Leo, open this goddam newfangled bottle! It's teasin' me to death. I always said, give me a cork."

We had more than several rounds of drinks, with beer as a wash, Dan doing a splendid job of catching up with us, and the kettle grew cold, until I could hear the ticking of my watch, a private signal that I was getting potted. I heeded the initial signal, and during a lull, while Dan pumped up the gas lamp, I pointed my finger menacingly at old Dan, and shouted, to be heard above the ticking of my watch, "Dan, you ol' trap-stealin' rumhound." I paused, thinking that was very picturesque, very he-man for an aging young prosecutor hunting again in the Northwoods,

his own, his native land. "Listen, Dan, you ol' sperm whale, you hunted deer and women and drank whisky with my ol' man before I was born. . . . Listen, Dan, you wouldn't want ol' Nicholas Traver's youngest son to fade and die of malnutrition, would you?" I pointed unsteadily at the black pot. "Vat, mine goot friendt—ach—vat is in that goddam metal grab bag? I thought I spied the joint of a dinosaur. I'm half starved."

Dan quietly hung the lamp from a nail in a sooty log beam.

"Johnny, me lad, I'll have it all heated up in a jiffy. Malnutrition hell. Dinosaur hell. That's good old mulligan stew. The kind you can't buy in Hematite—or in heaven. Now you just sit in there and have another little drink, a wee one, mind." Dan took the kettle and danced this way and that to the kitchen, yipping and howling like a wolf. Leo and Jack were planning with busy fingers on the oilcloth where they would hunt in the morning, and the Irishman gasped and yawped from his sodden couch, his peaked nose reaching for air. My temples were throbbing, and I casually poured another drink to show that I was still one of them, a hard-drinking, straight-shooting woodsman. Lawyer life hadn't softened, only improved, Nick Traver's youngest son.

The room had not changed since I had been there with my father when I was a youngster. There on the wall were the two deer heads, one of a deer my father had shot, the freak, the doe with horns. There was the same stuffed wildcat, still poised for a leap never to be made, there the same old 1911 calendar from Joachim's bottling works, showing a shameless, be-breasted hussy in a fluffy bathing suit, reach-

ing only to her knees, and still bearing the amazingly erotic additions my brother Joseph and I had secretly drawn in with a pencil so many years before. And there—

Dan stamped in with the steaming caldron in one hand and my rifle in the other.

“I surrender, dear,” Jack said, falsetto.

“Boys, we’ll have just another little drink and dig in.” He put the kettle down and stood holding my rifle.

“Leo, you’re the oldest Traver boy. You’ll remember this. . . . This was your ol’ man’s rifle, wasn’t it? I’ll bet you a horehound drop it was.”

“Yes, that was father’s old .44.”

Dan capered with glee. “See, I could tell by that burned spot on the stock—but that’s a long story. An’ you shot your first buck with it?”

“That’s right, Dan.”

“And Roger and young Nicky and big Otto and poor Joey and Johnny here assassinated their first buck with it.”

“All but Johnny, Dan. He never shot a deer. We gave him the rifle after the old gent died, just for old time’s sake.”

Dan turned on me, bobbing his bushy brows, combing his mustache with his fingers.

“Johnny, see! it’s up to you. You gotta get a buck. For the sake of your ol’ man, ol’ Nick, you got to get a buck.”

“Stop, Dan!” I rose to my feet laughing, my watch ticking horribly. “You’re a-goin’ to make me cry. Don’t forget, too, Dan, that Leo is the only brother left in these parts, that the others are scattered to the winds—to the four winds, if I may employ a poetic figure—that poor brother Joe is dead and gone. Let’s make it good.” I leered at them

darkly. "I just got to up and get a buck. I'm being watched from heaven."

Dan dramatically thrust the rifle in my hands. "Sure, lad. That's it, Johnny, you got to get a buck. . . . Your ol' pa wouldn't want no sissy for no son. Here, we'll have a drink on that—here, where's that goddam trick can opener? Beer from a can is a wash for Dan. By the roarin' Jesus, I'll paralyze the first man that says 'skoal.'"

"Skoal," said Jack, raising his glass.

We sat down and ate, like famished animals, each spear- ing out the steaming food from the black kettle: beaver, onions, salt pork, salt bear, potatoes, venison, carrots, partridge, muskrat—Dan triumphantly labeled the catch as each one brought up a new curiosity. On the first plunge I brought up the dinosaur joint, and as I cast a contented greasy look to the sofa I was charmed to see that the Irish- man had ceased snoring and had turned his sad face to the wall, one hand over his heart, curiously dignified, like a dead statesman lying at rest. I had a fleeting thought that it was a shabby trick to leave him there to die without a priest.

After I had eaten and eaten, things grew blurred and jumpy, like the flickering of the early movies, and I put my head on my arms, my arms on the table. When I awoke I was in a bunk in the loft upstairs, completely dressed, except for my boots, imprisoned under an avalanche of blankets. The window was open, the snow had stopped, the night was clear and frosty, and I could see the stars blinking and glowing far away in the sky. I tried to estimate, to calculate, but I figured there were altogether too many many million light-years. And it wouldn't mean anything,

anyway. Downstairs they were pounding upon the table and singing about seeing Nellie home, led by the gallant Irishman, who, it appeared, had not died after all, but had risen again, for, I slowly concluded, dead men cannot sing. I could hear the roar of the gasoline lamp, sounding like the snore of city traffic, the roar of the sea, and even something like a gasoline lamp. Dan had begun to recite his piece, his own poetic classic, in his high, nasal voice:

Maybe I'm just one of those ancient hunks,
But I'm the hero of a thousand drunks,
Ten thousand men I've laid away,
Drinkin' whisky till the break of day.

Bold an' bad an' full of glee
I was awful gay in company
But let me alone, I've had my day
Yet—slip me a drink, an' I will stay.

Where I sleep there's nobody knows,
I always comes an' I always goes.
In cities far I've charged the bar
But I never won a fight so far.

An' now my home's up at Silver Lake,
An' when you visit me, make no mistake—
Always bring a gallon of 'shine,
An' you're sure to have a damn good time!

It grew reverently hushed. A poet had spoken. I called for Leo. "Leo, Leo! Come up here. Please, Leo. Hurry!" I was almost wailing. Leo appeared over my bunk by magic. "Leo," I whispered hoarsely, helpless and prostrate under my blankets. "Leo, take it away. You're my big brother. Take that goddam watch away!"

"Nothing at all, kid. Here—I got it. Now go to sleep.

Happy hunting . . .” and his words trailed off to nothing as the mighty lawyer hunter fell into a deep and troublous sleep.

When I awoke it was cold and quiet, except for the breathing of the others. Daylight was coming, and it was gray. I lay there blowing dragon breaths on the frosty air. I threw back the covers, and slowly, slowly, like a man with a shattered whizzle string, made my way down the ladder to the water pail. Downstairs Dan lay tangled and sprawled and snoring on the stuffed floor, a beer can in each hand. The Irishman lay slumbering on the floor, under the door, very snug and cozy. The little battery radio was still going, an early morning Chicago station, some mighty poet of the organ playing an old favorite for Mr. and Mrs. Martin Skoglund of Fargo, on their fiftieth wedding anniversary. A man with a tragic voice was slowly reciting the words. It was too sublime for human ears. I found a pair of pliers and snipped the aerial wires. I drank a lot of water and sucked an orange. I drank some more water, washed my eyes, carefully combed my hair, put on my boots, found some cartridges, and my rifle, wrote a note, drank some more water, and went out to the woods, alone, to die.

The new snow had covered the earth and obliterated all man-made signs save the trail through the timber. In the silent hardwood the trees were old and tall. Some were rotted and dead and fallen, and some were rotting and dying, still standing. It was silent in the woods, walking along upon the light new snow, cushioned on the matting of so many years' dead leaves. A great hardwood had fallen in a recent storm, across the trail, its trunk twisted and

torn, bending down finally to the earth whence it sprang.

From far away, from miles away, back beyond the Big Dead, came the slapping, tumbling echo of a rifle shot, louder than the original, and then it was silent again and there was no sound, no movement, no life in the deep hardwood, only the rustling hush, the expectant, waiting, whispering silence of the old and naked trees.

The tall woods gradually gave way to evergreens, and the trail became narrower, more indistinct, as the tumbling, matted conifers fought each other and the rocks for bare existence.

I had climbed quite a hill into the hardwood again. There were several fresh tracks, and one, a buck, had left his big splayed hoof marks as he had walked across the trail. But I kept on the trail and gradually got into low, stunted, swampy country of countless jumbled windfalls of starved evergreens, mostly jack pine, dead on their twisted feet. I swung off the trail, made a wide circle back into the trail, and headed slowly back to camp.

I walked back along the trail that had been made years before by my father and old Dan, when they were young, younger than I, and I could occasionally see their old blazes grown deep into the trees. And I was walking along the trail, and my father was dead, and old Dan was back in camp, and he would awaken with a terrible hangover. And he would partake of quite a little of the hair of the dog that bit him, a courageous gesture that always defeated me, even to watch. But I was comforted, for I had read an article by a bearded doctor that one would become a confirmed drunkard, a boozer, a soak, would drink it out of a boot, mind you, if one drank the morning after; so Dan

was wrong and I was right. Here Dan would be drunk for a week or so, would he not, and it would take him just as long to come around, after we left, after I returned, refreshed and vigorous, to my job. Play was play, but work, see—and if a fellow just wanted to be a half-batty old bum, and drink it out of an old boot—

Ahead of me, less than forty paces away was a deer, a big-shouldered buck, coming slowly down the trail toward me. I knelt in the snow. He did not see me. I pulled back the hammer of the old .44 and looked down the sight at him. I looked over the sights. He was looking in my direction, coming right along. He did not see me. His horns and his large eyes glistened in the light. His dark nose was damp. I saw, I did not count, he had ten prongs. He was mincing along, taking short steps, his head erect, walking in my tracks. I looked into the sights. I did not shake, I did not shiver, the gun did not wobble. He was very close to me. I saw his big chest through the sights, and it was a good gun, my father's gun, and all my brothers had killed their first buck with it, and I was being watched from heaven. And I was thinking and thinking. Then I stood up and shouted, "Sic 'em!"

The buck stopped, its feet planted, frozen, arrested, an iron deer on a lawn. He blew, wheeled and leapt all at the same time, flag up, his legs going in the air, landing, and leaping and leaping, away out of sight. I pointed up in the air and pulled the trigger and the gun went "click." I pumped the gun and was enchanted to learn that I had forgot to put shells in it. "See," I said aloud, "I couldn't have got him anyway."

I hurried back over the trail, singing and laughing and

whistling, wistfully hoping for another glimpse of my pal the buck. He had kept on the trail. His leaps had slowed to a run, to a trot. I hurried along until I discovered that I was running. "That would be news," I thought. "Man overtakes deer." I slowed down to a walk. I walked slowly until I was only about a mile from camp. My pal the buck had stuck to the trail. The damn fool would soon reach the camp. This was not cricket or according to my woods lore, and I felt vaguely resentful. As I rounded a bend in the trail I heard, "Hallo, that you, Johnny?" and I answered, "Aye, 'tis the hunter home from the hills," and there stood old Dan, sleeves rolled up, his hunting knife in one red hand, holding in the other a stick loaded with a dripping heart and great red livers. Behind him, strung up on a young maple, head down, out of reach of his furry cousins, hung my pal the buck, his red tongue lolling out at me, his ten prongs glistening in the light.

Dan said, "Did you see anything, lad?"

I stood looking at old Dan, standing there swaying, gently drunk. His eyes sparkled, and his cheeks were flushed and frosty red, like an erring Santa Claus.

"Did you, lad?"

"Did I what?"

"Did you see a goddam deer?"

"No, Dan, I didn't. Lots of tracks, though."

"Well, better luck tomorrow, Johnny me boy."

"Things will be different after today, Dan."

Dan fished in his jumper and pulled out a pint bottle of whisky.

"Here, Johnny, you better have a wee treatment. Take a tuft of the hair of the dog that bit you."

“Don’t mind if I do, Dan.”

“Better luck tomorrow, lad,” he said, squinting, winking at me.

“Dan, Dan, you—you old—”

“What’s that, lad?” Dan said softly.

“Skoal,” I said, tilting the bottle.

