Evidence

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It was hot. My pony jogged listlessly along, without interest or animation, while I was only concerned with the problem of getting to shade and water, but especially shade. The sun was hot enough to fry any one's brains in his skull, and my saddle burned my hand if I touched it where the sun struck it. There was a trickling stream of perspiration down either cheek, and a third stream down my nose. From time to time I smudged the dust across my face in an attempt to stop the streams, but the action merely interrupted their course.

It was in this peculiarly Texan atmosphere that I came upon Jimmy Calton.

He was standing by the open hood of one of those mechanical miracles known as a "tin lizzy," holding a sooted sparkplug in a cloth in one hand and attempting to clean it with the other. He was swearing the while, dispassionately, in a curious mingling of good Anglo-Saxon and 'dobe Spanish.

"Hello, Jimmy," I said listlessly.

He looked up and nodded.

"Say, you look hot," he observed. "Come on an' ride a ways with me. Lizzy heah'll be runnin' in a minute, an' you can tie yo' pony on behind."

"Going anywhere in particular?" I asked.

"Over t' see th' coroner," he told me. "Ol' Abe Martin got shot th' other day an' folks are sayin' Harry Temple done it. They got 'im locked up, anyways."

I dismounted stiffly and tied my pony to the rear of the machine, allowing him plenty of lead-rope. Jimmy finished wiping the last of the sparkplugs, apostrophizing the car in the mean time.

"You creakin', growlin', sparkplug-foulin', blasted hunka tin," he finished lyrically, and put down the hood.

He went to the crank and turned it half a dozen times. The engine caught,

sputtered, and began to run with a pretentious roar.

Jimmy hastily reached for the wheel and adjusted the spark and throttle, then climbed in leisurely. With a grinding and a lurch we started off, my pony following docilely behind.

“Yes, tin, tin, tin,” said Jimmy, doing mysterious things with his feet:

I have scorned yuh and I’ve flayed yuh,

But by the guy who made yuh,

You are bettuh than a big car,

Hunka tin!

We slipped into the car’s second and highest speed, and began to run more smoothly. Jimmy looked behind to see that my pony was all right and began to roll a cigarette with his left hand, while expertly guiding the car around the numerous ruts and rocks in the roadway. I watched the process of cigarette-rolling without interest.

“I can’t seem to get the knack of that,” I remarked, when he had finished and was licking the edge of the paper to hold it in place.

“Imitatin’,” said Jimmy casually. “There ain’t any way that everybody can do. Nobody else I know rolls ‘em like this. It’s jus’ easiest fo’ me. You’ll have to mess around till you find a way that fits yo’ fingers.”

“I’ll smoke tailor-made,” I said, “rather than bother with learning.”

“Jus’ like th’ new generation,” said Jimmy severely. Jimmy, it may be said, is thirty, but affects the authority of a man of eighty. “Wantin’ everything done by somebody else, or else by machin’ry. They even want theh thinkin’ done fo’ them.”

“It’s too hot to think down here.” I took off my hat and wiped the moisture off the sweat-band.

“Judgin’ by the little bit of it people do,” Jimmy remarked acridly, “most folks

agree with you. Most people look at thinkin' as somethin' they was taught to do in schools, an', as such, somethin' t' forget as soon as possible. From th' folks that don't think about th' spigoty revoltosos jus' across th' border an' are pained an' surprised when th' spigoties run off some o' their cattle, down to th' folks that ud rather buy cigarettes than bother thinkin' up a way to roll 'em one-handed fo' themselves, everybody's jus' th' same. Why, 'twouldn't surprise me none at all if most folks tol' th' truth jus' because it's too much trouble t' think up a lie."

I accepted his rebuke in the matter of cigarettes meekly and said nothing.

"It's a fac'," said Jimmy, with an air of mournful pity for a race fallen so low. "I saw in a book th' other day that th' best lyin' is th' lie that's near th' truth. Ain't that ridiculous? That's jus' justifyin' laziness. Ef folks've got th' goods on yuh, an' yuh can't get away from th' truth, then it's all right t' dilute th' truth until it's harmless, but otherwise a good lie beats th' almost-truth nine ways from Sunday.

"Only it's a lot o' trouble thinkin' up a good lie, an' fortifyin' it with accumulative evidence"—Jimmy rolled those two words off his tongue with some satisfaction— "accumulative evidence like a good lie ought t' have."

He fell silent for a while, doing marvels of steering in the avoidance of obstacles and depressions in the really horrible road.

"An' thinkin'," he said suddenly, presently. "Folks don't like thinkin'. Anybody with any sense ud know Harry Temple wouldn't've shot ol' Abe Martin. Harry Temple has got a bank-account in th' Farmers and Ranchers Bank, an' it ain't in reason that he'd go an' shoot anybody t' steal their roll.

"Ol' Abe sold off six hundred steers, an' got th' money fo' them. He was ol'-fashioned an' didn't believe in banks, so he took th' money home with 'im. An' somebody went an' shot him an' took th' roll. But Harry Temple, with a bank-account in th' Farmers and Ranchers Bank—it ain't reasonable that he'd go an' shoot anybody fo' to steal their money. Ef he's any like I am, he's too busy wonderin' ef somebody is goin' t' steal his money to go stealin' somebody else's."

Jimmy said this last with an air of virtue that made me smile. Jimmy is much too good a poker-player to be worried about his money. I know he owns one small ranch he never goes near, bought out of the proceeds of a colossal game still remembered along the border.

“But they think he did it?” I asked.

“Sho they do,” said Jimmy scornfully. “They’s goin’ aroun’ sayin’ they know he did. That’s toro, o’ course.”

One of Jimmy’s individualities is his habit of translating American slang into ‘dobe Spanish and using it in his conversation.

“What are you going to see the coroner for?”

“They’s holdin’ a inquest,” said Jimmy. “I’m sort o’ goin’ t’ horn in a little, I reck’n. These folks are too lazy t’ do any thinkin’. Ef I see a chance, I’m goin’ to do some head-work fo’ them. Theah’s Abe Martin’s place right ahead.”

We turned in the gate and swung up to the house. Half a dozen cars, most of them of the same make as Jimmy’s, clustered about the front, and there were a dozen or more ponies tethered close by the porch, dozing in the baking heat. It was quite a pretentious place, built in the old-fashioned style of the days when a rancher was almost a baron in his own right. Two big barns and a huge stable behind the house almost dwarfed the dwelling proper, and quite hid it from the rear.

Jimmy eased his car in among the others, snapped the switch, and alighted. Three or four of the men about the door nodded to him and told him the inquest had not started, but that it would begin shortly. Once he found that out, Jimmy plunged into an intricate and technical discussion of patented attachments for his machine, and I drifted off into the house.

It was a very old house, and built with old-fashioned disregard for space. I gathered, however, that the housekeeping done in it was but sketchy. Half a dozen of his riders made it their headquarters, with old Abe Martin. They bunked there, and a cook prepared the meals for all of them. There was a long table with a checked, red tablecloth on it—the room was empty now except for buzzing flies—where they had their meals. On the day of the shooting, I learned, the men had all been away on their duties, and the cook had gone into town for supplies, so Abe Martin had been alone.

Presently I went out to look at the stables. They were huge, but not much used. Three or four ponies were in their stalls, and several more stalls seemed to be used from time to time, but most of them were without signs of recent use.

There had been a time when the place was the headquarters of a busy ranch, but since the time of fences the activity had lessened until only Abe Martin, his half-dozen riders, and the cook lived there. It was curious to see the dwelling-place, large in itself, dwarfed by its outbuildings.

A stir in the house called me inside. The inquest was evidently to be more or less of an informal affair, but there was none the less a determined and businesslike air behind it all. Those men meant to get at the bottom of the matter. The coroner seemed to be a conscientious individual, who took the evidence of the first witness with great exactitude, though he knew perfectly well beforehand just what the testimony would be. The whole inquiry, as a matter of fact, promised to be cut and dried in spite of Jimmy's announced intention of "horning in."

The first witness was the cook, who had discovered the body. He had come back from town, entered the house and discovered his employer dead on the floor of the hall.

He had been shot through the heart. A rider, whom the cook had hastily summoned, corroborated his testimony and added that the body was cold when he was called, proving that death had occurred some time before.

"Th' evidence shows," said the coroner casually, "that Abe was shot when there wasn't nobody else in th' house but him an' th' murderer. Th' cashier of th' Farmers and Ranchers Bank ain't heah, but he has give me th' information that Abe had over four thousan' dollars on him when he was killed.

"That's gone. Evidently he was shot fo' his money. It's part of th' duties of a coroner's jury t' uncover any evidence that will help in solvin' th' problem of who th' murderer might be. Miste' Joe Harkness will take th' stand."

There was a movement of interest in the small crowd packed into the one room. I had managed to get beside Jimmy Calton, and his face became extraordinarily mild and gentle. It hinted at some expectation of excitement, if I knew Jimmy. Every one had heard Harkness's story before, so it was simply a recapitulation.

"I ain't got a thing t' say," announced Harkness bluntly, "'cept that I seen Harry Temple come out o' this here house 'bout three o'clock, jus' after Abe Martin was shot.

"I was havin' trouble with my sparkplugs down the road a ways, when I seen

Harry. He come out o' th' kitchen door, looked all aroun' as ef he was lookin' t' see ef anybody seen him, an' then he went down to'd the stables. He went inside theah, then he come out o' that an' went over to th' quarters an' got a drink at th' pump by th' do'. I was wonderin' what he was doin', but it looks t' me like he was makin' sho' theh wasn't nobody aroun' that could 'a' tol' that he'd been aroun'.

"An' theh's one mo' thing. When he come out o' th' house—he come out th' kitchen do'—he was puttin' somethin' in his breas' pocket."

I glanced at Jimmy Calton. He was looking at Harkness with a gentle, placid smile. His face did not change when Harry Temple stood up, pale beneath his tan.

"Eve'ything Harkness says is so," said Harry Temple determinedly. "Eve'y single word, only I didn't shoot ol' Abe. I come out heah t' see him 'bout sellin' him some yearlin's. He wasn't heah, so I went in th' kitchen t' see ef I couldn' leave word with th' cook.

"Th' cook was missin', too, but I thought I heard somebody movin' aroun' somewhere, an' I went jus' where Harkness said, an' jus' in th' order he said. He must've seen me first when I come out o' the kitchen. When I couldn't find nobody, I cranked up an' lef."

Harkness stood up.

"I hate t' contradict Harry," he said sharply, "but he's made a mistake. He didn' crank up an' leave. He was drivin' somebody else's car, an' it had a self-starter on it."

Harry Temple flushed slightly. "That's a fac'," he acknowledged. "I'd forgotten that. I was drivin' a' car they lent me at th' garage. I'd lef my own theah t' have some repairs made."

"Of co'se," said Harkness sarcastically, "nobody suspec's that you was drivin' a strange car, with strange tires, so they couldn't prove nothin' on you by th' tracks." Jimmy put a question in a gentle voice.

"There's another question," he said softly. "What was Harry puttin' in his pocket when Harkness saw him comin' out o' th' house?"

“I don’t remember puttin’ anything in my pocket,” said Temple, beginning to be worried. “It was prob’ly my handkerchief.”

There was a moment’s silence. One or two of the men in the room stirred uneasily.

Jimmy Calton smiled sweetly to himself.

“Misteh Coroner,” he said slowly, “may I make an obs’vation or so? It looks like somebody ought t’ point out two or three fac’s.”

“Go ahead, Jimmy,” said the coroner. It seemed to be bothering him that so much seemed to point to the guilt of Harry Temple. Temple did seem to be quite a decent sort, and the coroner evidently hated to bring out so much to his discredit without anything to counteract the impression thus made.

Knowing Jimmy, he knew Jimmy would not interfere unless he thought things were going the wrong way, and that meant in this case that he had something to say in Temple’s favor.

“Misteh Coroner an’ gentlemen,” said Jimmy formally, “it don’t seem hardly fair t’ bring out all this heah evidence against a man without any evidence th’ other way. I want t’ point out two things about this heah case. Th’ first is that Harry Temple has got money in bank, an’ th’ second is that he never disputed a single thing Harkness said about him. You know, an’ I know, that a man with money in bank ain’t goin’ aroun’ doin’ highway robbery an’ murder. He cain’t affo’d to. You jus’ think about that a while.

“An’ heah’s somethin’ else t’ think about. Did you notice that Harry Temple said right off that he done jus’ what Harkness said? Now ef he’d shot ol’ Abe Martin, you know he’d’ve tried t’ make some o’ that stuff soun’ jus’ a little less incriminatin’. He’d’ve said he didn’t go in th’ house, jus’ to th’ door an’ knocked, and he’d’ve tried t’ weaken eve’ything Harkness said, jus’ that way.

“But he didn’t. He’s tellin’ th’ truth so hard he cain’t seem t’ see it’s puttin’ a rope aroun’ his neck, in spite of his bein’ jus’ as innocent as he says. As for his puttin’ somethin’ in his breas’-pocket, nobody puts money theah—an’ especially stolen money — but mos’ everybody puts theah handkerchief theah.”

“But—that ain’t evidence,” said the coroner disappointedly. “I tho’t you had

some fac's t' give us."

"I'll give you one fac'," Jimmy offered. "Harry Temple didn' shoot Abe Martin. Looka heah, Harkness himself don't believe he did. Do you?" he demanded, turning to that person.

Harkness sat stolidly in his chair.

"You heard what I said," he grunted. "You heard what I seen him do."

"Sho I did," Jimmy admitted readily, "but you know he didn' shoot Abe."

Jimmy seemed to be making a fool of himself. I tugged at his sleeve for him to sit down, but he paid no attention.

"What do you mean?" demanded Harkness suspiciously.

"Nothin' whatever," said Jimmy with a gentleness I suddenly recognized as dangerous. "Nothin' whatever, excep' what I said. You know Harry Temple didn' shoot Abe."

"You mean t' tell me I'm lyin'," snapped Harkness angrily.

"No," said Jimmy in a cooing drawl. "Nothin' so harmless. I'm accusin' you o' somethin' a damn sight mo' dangerous than lyin'. I'm accusin' you o' tellin' th' truth— th' exact truth."

There was a puzzled pause. I noticed, however, that Harkness was watching Jimmy with a curious alertness.

"It's always mo' dangerous t' tell th' truth in a case like this, Harkness," said Jimmy, still in that gentle drawl. "You tol' th' absolute truth about what you saw Harry do, an' that's th' mos' dangerous thing you could've told, because there ain't but one man could've tol' that.

"Misteh Coroner, ef you'll look out o' the window, you'll see jus' wheah Harry Temple walked down th' kitchen steps, jus' wheah he went back to th' stables, jus' wheah he went into th' big barn, an' jus' wheah he got a drink. An' then, ef you look, you'll see wheah he stopped his car, so Harkness could see that it had a self-starter on it, instead of a crank."

I saw a light break on the coroner's face, as he looked from place to place in the yard behind the house. He faced about, just as Jimmy deliberately pulled a revolver out of his pocket.

"Harkness tol' th' truth," said Jimmy softly. "He tol' th' absolute truth, but—theh ain't but one place you can see all them things from. With all them barns outside, theh ain't but one place that you c'n see th' do' of th' stables, an' th' big barn an' th' pump by th' quarters an' th' kitchen do' all at once. An' theh wasn't but one man in th' world who could've seen Harry Temple do all them things, because theh wasn't but one man in that place.

"Th' only place you c'n see all them places from is this heah room, an' th' only man in th' house when Harry Temple did them things was th' man who'd shot Abe Martin an' hadn't had time t' get away when Harry Temple come drivin' in!

"Harkness"—Jimmy's voice was suddenly like steel—"ef you pull that gun on me I'll blow a hole right th'ough th' place yo' brains ought t' be!"