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including **BLACK MASK MAGAZINE**

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The best of the new and the best of the old

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EDITOR: *Ellery Queen*

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*GEORGE SALTER, Art Director
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Cover painting by GEORGE SALTER (Murder in a Diving Bell)

"The Telephone Fisherman" (provocative title!) is one of the very best of T. S. Stribling's new stories about Professor Poggioli — and it is decidedly more than a straightforward tale of detection. The air of lightness and good humor, for example, is deceptive: underneath, you will find a sober study of manners — subtle, shrewd, satirical. The plethora of Poggiolian deductions are also somewhat tongue-in-cheek: underneath, however, there is a mature and philosophical story written by a mature and philosophical writer. And the expert blend of the serious and the comic should come as no surprise to Stribling fans: no belly laughs, no loud guffaws — but a chuckling and challenging amusement which is the author's personal and characteristic trademark . . . Have fun!

THE TELEPHONE FISHERMAN

by T. S. STRIBLING

MY FRIEND, PROFESSOR HENRY Poggioli the criminologist, is an incorrigible show-off. When Dawson Bobbs stopped his jalopy in front of my yard, Poggioli looked at him for several moments, then said to Mrs. Alma Lane, his croquet partner, "Your town marshal is looking for me. He has just received a telephone message from a woman reporting a crime on her husband."

Mrs. Lane naturally replied, "Now, Mr. Poggioli, you and Dawson Bobbs have made this up."

I promptly gave Poggioli a character recommendation, for I had seen him do that sort of thing many times. I said, "No, they haven't, Mrs. Alma. Poggioli's analyses are always genuine."

"But how could he possibly know?"

"Well, for instance, he knew that Mr. Bobbs is the Lanesburg marshal by his badge."

"Yes, but that's just a start. How did he . . . ?"

The rest of it, I assured her, was just as simple.

"Mr. Poggioli, won't you please . . . ?"

"I am sure he will," I said. "Instead of hurrying him, you'd better find yourself a soft seat on a bench in the shade."

"You're jealous of him," she said to me in an aside.

"What man wouldn't be," I said, "when he monopolizes the ladies?"

My friend, whose extraordinary genius I am the first to admit, did explain his deductions very simply, just as I was sure he would. He said

he knew by the way Bobbs looked over our group that he was hunting for someone he did not know. The fact that he came to my home indicated that Bobbs had heard there was a criminologist visiting Lanesburg. The marshal did not appear to be an intellectual — therefore his interest in a criminologist must be practical. If that were true, he had just heard of a crime over the telephone . . .

At this point Helen Stevens, the auctioneer's wife, caught him up; she didn't see how the telephone came in.

"That followed very logically, Mrs. Stevens," explained Poggioli. "Mr. Bobbs was clearly in a hurry. He had just heard his news. There is no telegraph line running into Lanesburg, and it has only one mail a day which has not yet arrived. So his information had to come in over the telephone."

At this explanation the astonishment of our Croquet Club decreased, I would say, about 20 per cent. Then Taylor Lane, the banker — Mrs. Alma Lane's husband — asked how Poggioli knew the marshal's message was from a woman.

"Not only did I suspect a woman," replied Poggioli, "but I was almost positive it was some woman telling on her husband. Mr. Bobbs's informant evidently gave him a mere hint and then rang off, or he would never have needed me. If it had been a woman in no way related to the criminal she wouldn't have hinted, she would have given full details. If it had been a man his message would have been terse but complete. There-

fore, the message must have come from the criminal's wife."

The astonishment of our club decreased proportionally as Poggioli explained his deductions.

"The wife must have been jealous of some other woman!" exclaimed Mrs. Stevens.

"Good, extremely good, Mrs. Stevens," praised Poggioli, with the pleasure of a college professor who has discovered signs of life in his class.

Poggioli had passed what might be called the Q.E.D. of his original proposition. The interest of the crowd now turned to Marshal Bobbs, who stood in my gate amazed, no doubt, at hearing a stranger tell so much about himself. Mrs. Stevens now turned to the marshal.

"Exactly what did the woman say to you over the phone, Mr. Bobbs?"

"She said Sam Waghams had committed a hanging offense," repeated the marshal, and this corroboration followed so naturally that nobody was surprised at it.

"And what did you want to find out from Mr. Poggioli, Mr. Bobbs?" asked Mrs. Alma.

"Nothin' from him. I wanted to ask Jim Stevens did he know any Sam Waghams around here?"

At this everyone was amazed. "And you weren't looking for Mr. Poggioli at all!" cried Taylor Lane.

"No, I was looking for Sam Waghams!"

"Then what made you study Mr. Poggioli the way you did, Mr. Bobbs?" asked Mrs. Stevens.

"Because I thought maybe he was him," said the marshal, in the complaining tone of a person who is explaining something too simple to require an explanation.

At this, everyone began laughing with the unrestraint of small-town folk. I think Poggioli was a bit disconcerted, but he observed with surprising aplomb that pulling out a single brick didn't necessarily tear down a wall.

Mrs. Stevens, who was good-natured, relieved the situation by saying, "Jim, do you know any Sam Waghams, and where he lives?" And Mr. Stevens, who had the waggishness of an auctioneer, replied, "No, I don't, but undoubtedly Mr. Poggioli does." Mrs. Stevens gave her husband a re-proving look.

Poggioli, however, was like a derailed engine that had been put back on the track; he steamed ahead as briskly as ever.

"Mr. Bobbs, are you acquainted with the people of this village?"

"Absolutely ever'body, Mr. Poggioli."

"But Waghams evidently lives in Lanesburg or his wife never would have telephoned you?"

"Mm — mm, y-e-es, I guess that must be so."

"Now there you are," said Poggioli brightly, turning to the group. "That is what I call an indicative contradiction. It is an X marking the spot where you must search."

"What spot?" asked the officer literally.

"One that is clear enough," said Poggioli. "You know every man in town, yet you don't know Sam Waghams who is *in* town. Therefore, Waghams must be a transient, one of your floating population."

Marshal Bobbs was suddenly enlightened. "Oh, you mean the fishermen in their shackboats on the river!"

"You don't know them?"

"No, I don't know them — they come an' go. But it ain't likely they committed any hangin' crime. A little telephone fishin' maybe, but they don't do nothin' of importance."

"But a jealous wife sometimes exaggerates things, Mr. Bobbs," put in Mrs. Stevens, who had started the jealousy idea.

"I'll say they do," nodded Mr. Stevens, mainly at his wife.

"You ought to find him on a houseboat, Mr. Bobbs," suggested Poggioli briskly. "Since his wife has run off and left him, you will find him living alone. All the other boats will have couples on them."

Mrs. Helen Stevens was so pleased with having dipped her thumb into Poggioli's criminological pie that she exclaimed, "Let's all go down and see how Mr. Poggioli's explanation turns out!"

"Come on, come on," invited the marshal heartily. "I debbytize all of you to come down and he'p me arrest Sam Waghams. If he resists, I'll let you-all take a shot apiece at him with my Police Special." And he indicated the gun in his inside coat pocket, where it didn't show.

Under this compulsion of the law, The Croquet Club piled into the marshal's jalopy and set out for the fishermen's boats moored below the village.

There proved to be three of them that week: a down-river boat, a middle boat, and an up-river boat. We took them in that order.

The down-river boat had on it a woman, twin babies, three other assorted children, and a sign, *Fish, 25 cts a pound.*

Mr. Bobbs called out, "Is this Sam Waghams boat?" No reply came, and when he repeated his question a woman's nasal voice yelled back, "What do you-all want to know fer?"

"Want to buy some fish!"

"We-all sell fish!"

"But is this Sam Waghams boat?"

"We-all sell fish same as Sam Waghams."

"This isn't the boat," diagnosed Mrs. Stevens. "Let's go to the next one."

"How do you know it isn't, Helen?" asked Mrs. Lane.

"Because if it had been she would have said, 'Yes, you-all come aboard.'"

The rest of them laughed at Mrs. Stevens's imitation of the poor white dialect, but it didn't amuse me. It has always seemed to me if the rest of the country could express itself with the delicate pronominal precision of the Southern poor whites, it would represent a considerable advance for the less vocal masses of Americans.

The next shackboat was empty. A crude pigsty stood on the bank in

front of it. The bottom of the sty was still muddy, but it had no pigs in it. Bobbs was about to drive on when Poggioli suggested we go aboard.

"What's the use lookin' in a empty boat for a missin' man?" asked the marshal.

"Trained men like Mr. Poggioli," I answered for the criminologist, "will observe details, Mr. Bobbs, which an ordinary man would miss."

"I could see the sense to it," said Bobbs, "if we was lookin' fer whiskey, but not if we're lookin' fer a man."

Nevertheless, we teetered across a narrow, cleated plank, got aboard, and looked in the cabin. Mrs. Lane said it was cleaner than she could get her maid to keep her home.

"This has been kept by a Northern woman," diagnosed Poggioli. When Mrs. Stevens inquired into the why and wherefore of this, he added, "To be exact, it has been occupied by a Vermont woman. Those are the sort of curtains Vermont women put over their windows."

"She is not very particular about her bedstead," criticized Mrs. Alma Lane, who was an actively defensive pro-Southerner.

Poggioli went in and examined the bedpost, which had a missing finial. "This knob was broken off recently," he stated, "at about the same time the occupants took their pig out of the sty."

"What pig and what sty?" asked Jim Stevens.

"I don't know whose . . . yet. The sty is there on the bank."

"Mr. Poggioli," asked Mrs. Alma, "what connection has the broken bed-post with the sty?"

"None that I know of, Mrs. Lane, except in point of time. Everything that occurs at about the same time may possibly have some causal connection; then, of course, they may not have any such connection."

Poggioli always answered such questions in the most uninteresting way, but of course he had been a professor in a university for a great many years of his life.

At this point we were interrupted by a woman calling out with an incisive Northern pronunciation, "What are you persons doing on that boat?"

The moment we heard her, Mrs. Lane said to Poggioli, "There's your Northern woman, but she's on the wrong boat."

We turned briskly out on deck, for the shouter was in no pleasant temper. Marshal Bobbs called back to say that we were looking for fish. We could now see the woman standing on the aft deck of the up-river boat.

"Where did you persons expect to find the fish," she inquired with Yankee pointedness, "in the bedroom?"

"We wasn't expectin' to fin' the fish in here, Ma'am," explained Mr. Bobbs with hill courtesy. "We was hopin' to find Mr. Waghams in here an' git the fish from him."

"Well, you can come on up an' 'git' your fish from him up here," mimicked the up-river woman.

"She is not only a Vermont woman," said Poggioli, "but at some time in her life she has taught in a girls' private school in the East."

Our two women glanced at each other and lifted their brows to indicate how clever the marshal was to get at the identity of his man without asking his name. The Northern woman naturally suspected no trap; she asked us to come on up and Mr. Waghams would attend to us.

As we got into the car and rode up to the third boat, Mrs. Alma said a little uncertainly, "I thought we were going to find Mr. Waghams on a boat by himself." But we had no time to develop this thought before we were getting out again.

We found a hulking, whiskery, leathery man aboard the up-river boat who answered to the name of Waghams. As he came out on deck the woman, who wore a snood, went into the cabin where we could glimpse her through the door, returning to work. Mr. Waghams said, with a touch of apology in his Southern hill voice, "She's a workin' womern. Well, how much fish do you-all want?"

We skirted around another pigsty with a sow in it. "What sort of fish you got?" asked the marshal.

Mr. Waghams picked up a dip net and began stirring in a fish box in front of his home. "I reckon you-all'll want cat. I got any kind an' size of cat you want — yaller cat, channel cat, spotted cat . . ."

"Ever'body here wants a two or

three poun' cat, don't they?" asked Mr. Bobbs of us.

We guessed that for some reason it was expedient for us to want "a two or three pound cat" — so we all did.

"Gertie," called Mr. Waghams to the woman in the cabin, "can you step out here a minute an' string these cat when I dip 'em out?"

The woman said, "Certainly, Sam," her clipped enunciation sounding almost droll after the way her husband talked. She came out on deck again.

"All them cat?" queried Mr. Bobbs peering into the fishbox.

"Mm — mm. Yeh, they're all cat. Say, you-all want jest one apiece?"

"B'lieve I'll take two," said Mr. Bobbs. "I've got a frien' who'll want a good cat, if you'll let me telephone him." He indicated an old-fashioned wall telephone fastened to a plank leaning against the front of the cabin.

"Why, I'm afeard that phone ain't connected," said Mr. Waghams.

"Oh, it ain't," said Mr. Bobbs, and he stopped.

Poggioli stood surveying the peaceful scene. "You'll excuse me, Mr. Waghams, but you two certainly are a congenial couple."

"Mm — mm, I guess we air at that, don't you, Gert?"

The woman said, "I feel that way, Sam. I don't know how you feel."

"Naw, I'm shore you don't," and the grizzled fisherman laughed.

"How long have you been married, Mr. Waghams?" continued Poggioli, with the admiration everyone feels for a happy couple.

"Mm — mm, six year," said the shackboat man.

"And where did you meet your wife?"

"In Decatur, Alabama."

"Right up the river a hundred or so miles and floated down?"

"That's right," said Sam.

"Jim," said Mrs. Helen Stevens to her husband idyllically, "why can't we live on a fish boat, too?"

With that we paid for our fish and went back to the car, each of us carrying a cat on a string. On the way Mrs. Alma Lane said, "I never would have dreamed detective work was like this. What's this we've got — evidence?"

"A kind of evidence," said the marshal dryly.

"Evidence what of — murder?"

"Naw, the little ol' misdemeanor of telephoning fishes. It was like that fool woman on the boat to telephone me her husband committed a hangin' crime, then rush back to him an' he'p him out when I come to git him."

"Mr. Bobbs, what do you mean by 'telephoning fishes'?" asked Mrs. Lane.

"That's what he uses that telephone fer on deck. I knowed it wasn't connected. It's a new way of ketchin' fish an' it's agin' the law. All you do is to throw yore telephone wire in the water an' ring yore bell, an' up floats all the fish in yore neighborhood. I mean up floats all the slick fishes like cats an' eel. Scaly fishes like carp an' buffalo, it don't do nothin' to. That's why his box was full of cat."

Such was the mystery we had come to fathom. It was disappointing — like hunting a lion and jumping a rabbit.

"Are you going to arrest them?" asked Mrs. Stevens.

"Mm—mm . . . naw. I'm not the game warden. Besides, I've telephoned up fish myself. Of course, I don't want you-all to mention that."

"Why did his wife phone you word that Waghams had committed a hanging offense, then come back and help him with the very crime she was complaining about?"

"Oh, that's jest like a woman," said Bobbs, "mad one minute, over it the next."

Poggioli interposed, "I can't quite agree with you, Mr. Bobbs, in the light of the other evidence."

"What other evidence? All the evidence they is point to Waghams' guilt. Telephone box settin' out in plain view, his fishbox full o' nothin' but cat . . ."

"It struck me, in the light of the other evidence," persisted Poggioli, politely but didactically, "that those things may have been put out as a blind to make you *think* he had been telephoning catfish, as you call it, and to hide a crime of violence. Possibly murder."

This came as a shock to everyone. "What in the worl' makes you think that?" asked the marshal.

"Primarily, his *stressing* the idea of telephoning fish."

Mr. Bobbs blinked his eyes. "What do you think he is trying to hide?"

"His wife practically accused him of murder over the phone."

"Yeh, but she's come back to him, as honey-dovey as pie."

"I'm certain she is not his wife," said Poggioli.

"What do you mean?" asked Mrs. Lane, with a woman's quick interest in such things.

Poggioli turned to her. "Did you ever know a wife of six years' standing to stop in the middle of housework and help her husband string fish without a complaint?"

Everyone saw this at once. "She really isn't his wife!" agreed both women.

"I don't think so. And the rest of the evidence corroborates my suspicion."

"What is the rest of the evidence?" asked Taylor Lane.

"The pigsties, the clean and unclean boats, and the fact that the woman owns the lower houseboat while the man owns the upper."

When pressed by everyone to explain his explanation, Poggioli began with the last item.

"I knew the woman owned the middle boat, because when we were on it, it was she who shouted down for us to get off. If the man had owned it he would have walked down and inquired into the matter. So, you see, although the two are living together they are not married; and they have a very clear understanding of what property belongs to each of them."

"Now, what's the next point?"

asked Mrs. Stevens, evidently determining to make a better showing on that?

"The next," said Poggioli, smiling, "are the pigsties."

We fell into a deep study over this problem, but none of us could make anything out of it.

"The two sties," elucidated Poggioli, "show that Waghams and the woman intend to make their relation permanent. The pen in front of the middle boat was old and empty, the one beside the Waghams boat was recently constructed and had a hog in it. Evidently when Waghams's wife left him, this woman's husband deserted her and she came up to Waghams's boat."

"How do you know she had a husband, Mr. Poggioli?" interrupted the banker.

"Because women never live alone in houseboats; men do occasionally, but women never do."

"Mm — mm, I follow you there. Now, go ahead about the sties."

"There's nothing more to it. The woman brought the pig up from her sty because she was sure this new arrangement with Waghams will be permanent and that her own husband would never return."

A faint grue came over us at the end of Poggioli's statement. Mrs. Lane asked, "What do you suppose happened to her husband?"

"Since the present Mrs. Waghams, in fleeing her first husband, telephoned Marshal Bobbs that Sam Waghams had committed a hanging

offense, the most natural conclusion to come to is that Waghams killed him. It could be something else, but it isn't likely."

The simplicity of Poggioli's reasoning amazed us. Indeed, whenever I heard his conclusions I wondered why I hadn't thought of them myself.

"Are those all the implications of the affair?" inquired the banker.

"We could never possibly analyze all the implications," said Poggioli professionally, "because every new arrangement readjusts all the units in it. Of course, the greater part are unobservable by the human senses. In this instance, the very clean downriver boat and the woman beginning to clean up Waghams's boat show conclusively that she had just moved in with Waghams, and that fact may have some bearing on the crime itself. But I can't follow that indication to any positive conclusion; it simply leads off into the unknown."

Marshal Bobbs wanted to know if Waghams murdered the woman's husband with a gun or a knife? Poggioli thought neither; Waghams was not the type of man, Poggioli said, to use either a knife or a gun; the broken bedpost suggested a rough and tumble affair.

The Marshal was distraught. "How're we ever goin' to git a case aginst him with nothin' but pigpens an' bedpost knobs and a house-cleanin' Yankee woman for proof?"

Poggioli made a gesture. "Legal proof is an entirely different matter, I know. All I can suggest is to sub-

poena the real Mrs. Waghams and have her testify as to what she knows."

"Yeh, subpoena the real — Where is the real Mrs. Waghams?"

"I would say she is in Decatur, Alabama, Mr. Bobbs."

Our whole Croquet Club wanted to know Poggioli's source of information on this point.

"That was why I asked Mr. Waghams when and where he had been married," explained the psychologist. "I was sure that on the spur of the question he would tell me where he married his real wife. The first Mrs. Waghams is obviously a poor housekeeper, suggesting that she may have come from some indolent Southern family. The condition of her houseboat confirms Waghams's statement that he was married in Decatur, Alabama. Since such a woman could not and would not make a living for herself, she undoubtedly has returned to her people in Decatur."

After a while Poggioli's prescience palls. He was like an adding machine: punch the numbers and receive the correct answer.

Marshal Bobbs said, "I'm going to Decatur and git that woman, then I'm comin' back here with her an' hang Sam Waghams!" After driving on a little further he cautioned us, "Looky here, don't none of you-uns talk none of this; it would jest make it harder for me to ketch ever'body an git 'em together in Square Smith's courtroom."

We all promised we wouldn't discuss the Waghams case. But I am afraid

Mrs. Lane and Mrs. Stevens did mention our junket confidentially to some of their women friends, and they in turn confidentially to other women friends, and so on. I am putting this on the women purely through custom. Our expedition had not been particularly exciting, but it was a very talkable affair; of course, the men could have discussed it just as easily as the women. But the upshot was the same: Waghams received news of his danger from some source. He did not run away, as I think Marshal Bobbs anticipated. He did a much more devastating thing from a social and sociological standpoint: he retained the Honorable H. Hall Hickerson of Savannah to defend him.

The Honorable H. Hall Hickerson was a criminal lawyer famous for never having lost a case. An admiring people praised and honored him for having set free in their midst sundry thieves, firebugs, burglars, murderers, and whatnot. Whether he really never lost a case or not, I don't know; but as a dramatic counterbalance to the invincible H. Hall Hickerson there arose on every tongue an equal fame for Poggioli. He, it was said, was a detective who had never failed to hang his man. I knew for a fact this was not true. Poggioli had never convicted anybody for anything. He pursued his investigations purely for his own entertainment and, I suspect, to amaze and bewilder his various audiences. Now his deadliness arose purely as an echo of the Honorable H. Hall Hickerson's invincibility.

The result was that on the day of Waghams trial one of the largest crowds Lanesburg had ever known funneled into our town.

Nor was it an altogether peaceable gathering. Friction immediately broke out between the partisans of the Honorable H. Hall Hickerson and those of Poggioli. The Poggioli men were the scattering of Yankees in and around Lanesburg, while Hickerson's adherents were, of course, the native-born. Several quarrels arose, including a few street fights over the relative merits of the two heroes, but usually the antagonism took the form of betting. Gambling may be looked upon with disfavor by press and pulpit, but there is no telling how many public affrays it has prevented. No partisan is going to club the opponent from whom he hopes to collect a wager, although he may feel like doing both. It was fortunate that Waghams preliminary trial was not going to be held before a jury, for there were not twelve unprejudiced men in all Lanesburg.

Squire Smith heard the case in the lock-up down the alley from the Universal Feed, Furniture & Undertaking Company. Marshal Bobbs summoned The Croquet Club as witnesses — not that he ever used us, but merely to get us front seats in the lock-up; other auditors stood behind us, while the main crowd swarmed about the doors and barred windows and filled up the alley.

The only witness used was the real Mrs. Waghams, whom Marshal Bobbs

had brought back from Decatur. She was a pretty woman in a kind of wild-deer way, the sort a man picks out in a crowd, vaguely regretting that her good looks are wasted on a woman of her class.

The warrant Marshal Bobbs had written out for Sam Waghams was complicated: it charged Waghams with murder in the first degree, in the second degree, with voluntary manslaughter, with involuntary manslaughter — for he had no idea what sort of testimony Mrs. Waghams would offer.

There was no State's Attorney in the case; there seldom is in a preliminary hearing. So the great criminologist, Professor Henry Poggioli, conducted the State's side.

I am embarrassed to relate that the odds on the Honorable H. Hall Hickerson gradually went up as the trial progressed. The great criminal lawyer objected to nearly every question the great criminologist put and to nearly every answer Mrs. Waghams gave. When Poggioli asked her if she were the wife of Sam Waghams, the defendant, she faltered out that she "reckoned she was" and the Honorable H. Hall promptly objected to this "on the ground that it sounds like hearsay evidence!"

Poggioli, however, pressed the point. "What do you mean, Mrs. Waghams, by 'you reckon you are'?"

"I mean I don't know sence Gertie Longmire moved in."

"Did you move out when Mrs. Longmire moved in?"

The Honorable H. Hall Hickerson lifted a bored voice. "Your Honor, I object to the prosecution leading the witness. Let her tell her own straightforward story with no suggestions from anyone."

This disconcerted Poggioli. "All right, Mrs. Waghams, tell your story."

"What story?"

"Why you left Mr. Waghams."

"Mm — mm. . . . Hit was because he traded me off."

"He did what!"

"Traded me off to Bill Longmire for Gertie there."

A sensation buzzed through the courtroom as the Honorable H. Hall got to his feet.

"Your Honor, I object. My client is indicted for murder in all its various degrees. I don't know what this woman means by 'trading her off' — my client is not arraigned for illegal merchandising, merely for murder. So I object to both the question and answer."

But the court had become interested along with the crowd. "Go on, Mrs. Waghams, what do you mean by Sam 'tradin' you off?"

The woman spread her shapely hands. "Jedge, it's like this; me'n Sam got on fine tull we landed alongside of Bill and Gertie Longmire. . . ."

"Mrs. Waghams, will you confine your answer to the question His Honor asked you?"

Mrs. Waghams became silent; like many simple persons she could not pick a particular answer out of her experience, she had to tell everything.

The Judge started her again. "You said until Bill and Gertie Longmire landed alongside of you-all."

"Oh, yeh, yeh. Then Sam begun to complain about me: Why couldn't I cook like Gertie, why couldn't I keep house like Gertie, why couldn't I do this an' that like Gertie? I got sick an' tired of hit an' fin'ly one day I says to him, 'If you think Gertie Longmire is so much smarter'n I am, why'n't you trade me off fer her?' He said Bill wouldn't trade. I says, 'I bet he would,' for I seen Bill noticin' me though Sam hadn't. . . ."

"Your Honor, I object! All this is utterly irrelevant, superfluous —"

"Go on with your testimony, Mrs. Waghams. Did Sam an' Bill ever ackshelly trade?"

"They shore did, Jedge. Bill brung Gertie up halfway betwixt our boats an' Sam brung me and they swopped us an' me an' Gertie went to each other's boats."

It required minutes for Squire Smith to obtain order and hush the laughter, the gasps of horror, and the ejaculations of amazement in his court.

Poggioli, as chief interrogator, interposed again. "How did this trading of wives lead to Bill Longmire's murder, Mrs. Waghams?"

The Honorable H. H. H. jumped to his feet.

"Your Honor, the counsel for the State is putting words in the mouth of the witness. She has said nothing about murder!"

"How did the men start quarreling

after you women done all you could to please 'em?" asked the judge of his own volition.

The woman hesitated; the court rapped for order so that she could be heard. Then Gertie Longmire, who was sitting beside Sam in the dock, spoke up in her clipped voice, "Go on, admit it, Sarah. Admit my Bill wanted to trade back quick enough and your Sam wouldn't do it!"

The pretty woman nodded reluctantly and her answer was lost in another outbreak of laughter from the room, windows, and doors.

Poggioli lifted his voice. "Is that how the murder happened, Mrs. Waghams — Bill Longmire trying to trade you back for Gertie Longmire?"

Mrs. Waghams flushed as the courtroom quieted for her answer. "Yeh, Bill brought me up to Sam's boat; he said he had come to swap back. Sam said he wouldn't do it. They argued, then got to cussin', an' fin'ly Bill grabbed Gertie an' begun draggin' her back to his boat, yellin' out it was against the laws of God an' man the way we was doin'. All three of 'em went into Bill's boat together. Pretty soon I heard a big rumpus in there an' Gertie yellin', 'Sam, you killed him!' Then I cleared out. I half run and half walked to town, caught a truck goin' out to the highway, bought a ticket for Decatur, an' then while I was waitin' for the bus to come, I telephoned Marshal Bobbs what had happened."

When Squire Smith rapped down the uproar he asked, "Is that all?"

"That's all, Jedge."

"Mr. Hickerson," directed the court, "you may take the witness."

The great criminal lawyer lifted a declining hand. "No questions, Your Honor. The defense rests."

"Rests?"

"Yes, Your Honor, and the defense moves that all the testimony the court has just heard be stricken from the record."

"On what grounds, Mr. Hickerson?"

"On the grounds that Sarah Waghams is the wife of Sam Waghams and a wife cannot testify against her husband."

A queer kind of shock went through the courtroom. The oddness of it arose from the fact that everyone knew the point of law but somehow had overlooked it in the strain of the trial. Now the ease with which the great criminal lawyer quashed the indictment lifted him to new heights in the public esteem and caused especial rejoicing among the men who had played him for a favorite. When the alleyway learned the news the lucky sportsmen whooped and hollered and beat their hats against boxes, telephone poles, and, in extreme cases, the ground.

For once, I believe Poggioli was really disconcerted. Usually he had not the slightest interest in convicting a wrongdoer; indeed, he had never actually brought a criminal to justice and had never attempted to. I had always supposed that his interest in crime was purely intellectual, following the tradition of our finest amateur sleuths. Now a painful suspicion filled

me that he really got his pleasure out of astonishing his audiences with his feats of ratiocination, and when his audience were not intellectuals and did not appreciate his amazing mental performances, he was driven to the vulgar objective of hanging his man. I had never before realized that my idol had feet of clay. My disillusionment was especially painful, for it came suddenly and without warning when Poggioli arose in court and asked Squire Smith to recess the court and give the State opportunity to produce the dead man's body. What a sordid alternative for my usually transcendental criminologist!

The Honorable H. Hall Hickerson moved the case be dismissed, and I for one heartily agreed with him. But the bettors who had put their money on Poggioli were tremendously excited; out in the alleyway they argued they should be given a sporting chance for their money. A general sentiment that this was only fair gradually crept through the crowd. Of course, this had no influence whatever on Squire Smith beyond the fact that our J.P.'s hold elective offices; at any rate, the Honorable H. Hall Hickerson's motion was dismissed.

At this a new rash of betting broke out. The whole trial now hung on finding the body. There was no question but that Waghams had murdered Longmire and slung his body into the river. The crux of the case now emerged: Would Poggioli find the body, and if so, how? The odds teetered now up, now down. The

Lane County spectators figured that a great modern criminologist would have some new hydro-electric device for placing a finger instantly on the drowned man. Hill Davis, who ran a garage and had four mechanics working for him, picked on the exact term, "hydro-electric device," because it sounded to him like something that would work under water. At this, the odds on Poggioli went up. But as soon as the crowd flowed down to the river bank and learned that Marshal Bobbs was going to resort to the old-fashioned method of dynamiting the river to raise the body of the missing man, the betting evened off again. The officials always dynamited the river to bring up drowned persons but nobody had ever seen one actually brought up. However, there was one good feature about dynamiting the river for the drowned: it had high entertainment value.

Marshal Bobbs deputized three mussel-shell scows and their crews to handle the court and three well-drillers to handle the dynamite; then we all set out to raise up the dead. We began above the town and floated down. When the muffled thumps of the dynamite began piling up mounds of roiled water in the blue-green river, the crowd on the banks saw dead men everywhere. They shouted, "Yander it is, Mr. Bobbs!"

"I see it! Looky yonder, Square Smith!"

"There she floats right at you!"

But it all turned out to be dead fish or débris from the bottom.

In the midst of all this, the boat containing Mr. Bobbs and his two prisoners, Waghams and Mrs. Longmire, and their attorney drew by our scow. The Honorable H. Hall had a request to make of the court. He asked the court's permission for his client to pick up the dead fish. He explained that since Waghams had been unjustly accused and his good name libeled, the least the State could do to repair these injuries was to allow his client to recover and sell the dynamited fish. Squire Smith was a good-hearted man, lenient toward criminals, or he never would have been elected squire; so he told the men in the opposite scow to go ahead, he didn't want to waste any fish.

They proceeded when a very shocking situation came to light. Waghams brought the fish to an ice truck which in the confusion had parked unnoticed at the regular boat landing. When this obviously premeditated arrangement fell under the eyes of the crowd, an astonishing variety of opinions were bawled out from the bank.

"What kind of a skin game is this?"

"That crook, Hall Hickerson, worked this whole racket so Waghams could pay his fee!"

"Watch 'em, Mr. Bobbs, they'll stow the dead man on ice an' sell *him*, too!"

"Call the game warden an' have him arrest the whole shootin' match!"

The people were genuinely angry that somebody other than themselves was cleaning the river of fish. Squire

Smith was also incensed. He did not object to Waghams having the fish so long as it was purely incidental; but the moment he saw the ice truck and realized it had been planned, he was outraged. He called out to the mussel digger who ran our scow, "Ketch up with them fish thieves. I'm goin' to put a stop to this business!"

I asked Squire Smith what he was going to do with the fish — let them spoil?

"Naw, I ain't goin' to let 'em spoil. I'm goin' to distribute them free among these people. They're the people's fish an' I'm goin' to give 'em back to the people!"

I began to see why the Squire had been elected Justice of the Peace these past eighteen years. His heart went out to the people, at the right time and in the right place. We sped our boat toward Marshal Bobbs's scow on our patriotic errand.

Now, I don't really know if this too was prearranged on the part of the Honorable H. Hall Hickerson or was improvised, but the moment we came within call he began waving his hand and shouting to us to help them drag Mr. Waghams's net out of the way of the dynamiters, so it wouldn't be damaged.

The court was outraged again. "Us drag it out! Why should we drag it out?"

"This whole operation, Your Honor, is under your direction!"

"Then I direct Sam Waghams to git his own net out of the way. These fish he's pickin' up, I can't give 'em

to him. They belong to the people!"

"Very well, Your Honor, all we wanted was your authority to drag Sam's net out of the way." And Bobbs's boat turned and set off down the river.

My friend, Professor Poggioli, the great criminologist, had sat in the stern of our scow all through this, wrapped in what I can only call analytical divination or some such paradoxical state. Suddenly he came out of his trance, and said sharply to Squire Smith, "Help him move his net!"

"Help that —? Let him move it hisse'f!"

Poggioli turned to the mussel digger who was running our scow. "Lend Marshal Bobbs's boat a hand!" he ordered. "Cut between it and the net!"

There is an authority about Poggioli in moments like this that is not to be denied. Our boat cut in, and Squire Smith did not object.

When we hitched onto their line, Bobbs's and Hickerson's boats had already dragged the net forty or fifty yards. I had not the faintest notion what all this stir was about until Poggioli turned to the justice himself and snapped, "Here, Squire, lend a hand. Let's raise this net and see what Sam Waghams has caught!"

I must say that single sentence clarified the whole macabre situation for all of us. Poggioli explained to me afterwards how he had come to see the truth. Waghams's cold-bloodedness in asking for the dead fish and

his having arranged in advance for an ice truck revealed the fisherman's crime. Then, as corroborative proof, there was the box of catfish which Waghams tried to pretend he had caught by telephone fishing; Poggioli knew cats were a scavenger fish and would be attracted by exactly such bait — a dead body.

Strangely enough, neither Waghams nor the Honorable H. Hall Hickerson seemed at all perturbed at our boatman cutting inside and running the net. They came up in their own boat to watch us, and as the telltale contents of the net appeared above the surface of the water, the Honorable H. Hall Hickerson actually stepped over into our scow to inspect it.

He shook his head. "Your Honor," he said, "isn't it too bad that the court has no means whatever of identifying these pathetic human bones! Whom did they belong to? No one knows, and there is no way to find out. You see, the net tore as it dragged along the bottom, and somehow it picked up these old disarticulated bones. I wish I knew their origin. If it be an accidental drowning, I would hasten as a patriotic Southerner to telegraph the next of kin; if it be a crime, I would be the first, as an American citizen, to demand that the culprit be brought to justice. But as I say, all that is in the realm of idle speculation. All this honorable court can do is to convey these remains to the city cemetery, bury them, and carve on a headstone: *Name Unknown, Sex Unknown, Age Unknown, Date of*

Death Unknown. Found in the Tennessee River and Buried in the Lanesburg Cemetery by order of Malcolm R. Smith, Justice of the Peace for the Second Civil District of Lane County, Tennessee. R.I.P."

It was a moving funeral oration. I almost forgot that Longmire had been murdered, in my sympathy for his anonymous and lonely death.

Poggioli, however, was not victimized by Southern eloquence. He fished the skull out of the net, turned it over in his hands, and said factually, "Your Honor, I want you to notice the fracture in this temporal bone; it has been crushed in by some rounded object. Let us take it to the Longmire houseboat and fit it onto one of the three remaining knobs on Longmire's bedposts. I want to show you where Sam Waghams lifted Bill Longmire bodily, smashed him down on his own bedstead, and killed him!"

Naturally, the Honorable H. Hall Hickerson hooted at such sleazy proof, such diaphanous accusations. But when it turned out that the knobs, any one of them, actually did fit the fracture in the skull, Squire Smith bound Waghams and Mrs. Longmire

over to the Circuit Court under a five-hundred dollar cash bond. The fisherman, I feel certain, could have made the bond if the Squire hadn't changed his mind about the fish and given them away to the crowd. But by the time Waghams had paid the rental for his ice truck and the fee to his lawyer, he didn't have enough cash left; so he and Mrs. Longmire had to spend the entire summer in the hot Lane County jail, which isn't a pleasant place to be, anyway.

The whole affair was a run of bad luck for Waghams. I am sure he never meant to kill Longmire; he was not that sort of a man. Then, if only his lawyer had told Squire Smith in an eloquent sort of way that Waghams had gone to the trouble to save the State's fish, or something like that, everything would have come out all right for him: the Squire never would have got mad and given away the fish; Waghams could then have made his bond; and by the time Quarterly Court came around, the two defendants would have been gone and forgotten, the money would have been in the court's pocket, and the whole case would have blown over.
