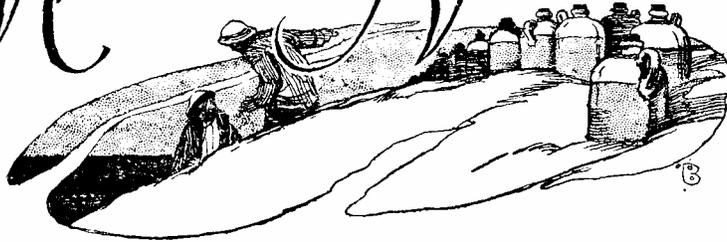


# Flatched in a Mar's Nest

by S.E.  
Harris



WHEN the Seafoam came about in the shadow of Fort Taylor, Captain Bill Tibby, standing at the wheel, roared out a succession of tongue-twisting oaths in English and Spanish. His execrations were directed at the occupants of a motor-boat which had run up to within a hundred yards of the Seafoam while she was on the starboard tack, close hauled. When she started on that tack out at the edge of the gulf, the motor-boat was not in sight, and had stolen up on the Sea-foam under her lee.

Tibby knew that aboard the motor-boat were customs officials, including Chief Inspector Wray, whose surveillance of the Seafoam on her last few trips from Havana had exasperated the captain.

"The first thing you know, Pab," Tibby yelled to his mate Pablo Rodriguez, a Cuban, "he'll be convoying us across the gulf."

Tibby, an American, invariably spoke in Spanish to his mate, and the mate invariably spoke in English to Tibby.

"Look like he's no chance to put him over, cap."

The "him" referred to the five-gallon, wicker-covered demijohns of *aguardiente* stored in the Seafoam's hold.

The captain, the mate, two other seamen, and the dusky cook looked astern. There, in the Seafoam's wake, less than a

hundred feet away, was the motor-boat running under reduced speed.

"Let 'em come, damn 'em, let 'em come!" Tibby chewed furiously on his quid and spat to windward, and bits of tobacco flew back into his face. He rubbed his sleeve across his eyes and gave vent to his wrath in more hybrid profanity.

There used to be a great demand for smuggled *aguardiente* in Key West, and selling it for five or six times as much as it cost in Cuba caused many a man to cheat Uncle Sam out of duties due him. A drink or two of *aguardiente*, so the story goes, makes a man more benevolently loquacious than a like quantity of any other liquor. He not only desires to be friendly with the world, but is anxious to take the world into his confidence. Very few persons, though, except old-timers with "cured" gullets, make a practise of drinking *aguardiente* "straight." They drink a concoction known as *compuesto*, with *aguardiente* as the "stick." A little water, prunes, mint-leaves, and rock-candy are the other ingredients.

Tibby was looked upon generally in Key West as a smuggler of *aguardiente*, but he was very much like a man who is regarded as a town villain, though his town folk cannot tell of anything wrong in particular he has

done; or like a man who is considered something of a Hercules, though his town folk cannot point to any specific feat of his strength. It was merely a matter of reputation. It was even said that Tibby had remarked braggingly to a crowd of spongers and fishermen that he had built his ninety-ton schooner Seafoam out of money he had earned in smuggling, but no sponger or fisherman could be found who would admit he had heard Tibby make the alleged remark.

One reason why Wray followed the Seafoam closely was because he was determined not to give Tibby a chance to slip demijohns overboard. That was one of a dozen ways the smugglers got the liquor into Key West. The location of each demijohn was marked with a green cork buoy, two or three inches square, tied to one end of a stout piece of twine, the other end of which was fastened to a demijohn.

A few days after the ship had left on another trip, thus allaying suspicion among government officials, a confederate ashore, who had been given a list of the points at which the demijohns were put overboard (obtained in the same way a fisherman marks a drop: by objects on land, keys, buoys, *et cetera*), went out in a dingey, ostensibly to get stonecrabs and crawfish, and recovered the demijohns.

The other reason why Wray hung in the Seafoam's wake was because he had received a cablegram from Havana the afternoon before informing him that Tibby had sailed with more than fifty demijohns aboard.

The Seafoam beat up the harbor, tied up at Curry's wharf, and discharged a cargo of mangoes, bananas, sugar-apples, alligator pears, pine-apples, and other fruit. The next day Tibby slipped out into the channel and anchored to be relieved from paying wharfage, he declared, while he waited for a cargo of hides from Punta Rassa. Night after night for a week he and members of his crew sculled

along the bay and gulf shores to determine what were their chances to land *aguardiente*, and night after night they learned the same thing: they were watched closely by customs men. Wray had sworn that if Tibby had fifty demijohns of *aguardiente* aboard the Seafoam, he would take them back to Havana or be arrested if he attempted to get them ashore without paying duty.

Tibby fumed and swore until he was well-nigh desperate. He sought Rodriguez's advice, and Rodriguez said:

"Let him stay 'board, cap, till we come next trip, and then put him over by the tower in the night."

"Go to the devil, *chico!* I'm going to stick till I get square with that fellow Wray for mortifying me." (Tibby had a larger Spanish than English vocabulary, and *mortificandome* came readily to him.)

"All right, cap; you the cap. I'm wees you till the hell he freeze over."

And then, while the cook and the two ordinary seamen slept, Tibby and Rodriguez discussed several schemes to get the better of Wray and his men.

## II.

THE next afternoon, shortly before four o'clock, a hack, with Pedro Rodriguez lounging in the back seat, stopped in front of the custom-house. Rodriguez knew that the inspectors left the building at that hour, and he was anxious to have a talk with Wray.

"Che-ef! Hey, che-ef!" Rodriguez called, as Wray walked down the broad stone steps.

Wray scowled when he saw who had called him. "What do you want?"

"He's *muy* important, che-ef."

Wray started to walk away slowly.

"Better you know him, che-ef. You get somebody wees the goods."

Wray walked up to the hack. "What's it?"

"Flippey, you go set the steps one minute," Rodriguez said to the driver. "The che-ef and me's got somesing *muy* important." The driver did as he was requested, and Rodriguez resumed: "Che-ef, I goine get hunk wees the cap. We fuss and he says to hell wees me. He's goine bring *aguardiente* ashore to-night, and he say he damn eef I get my share of the mon. I no say nosing, for he get wise and no do it, but he could no hear me sink, and I sink so: All right, cap, bring *aguardiente* ashore, and the che-ef he gets him and gets you too, for I no get no mon, I goine get hunk; I goine tell the che-ef."

"You're drunk, Rodriguez. You don't know what you're talking about."

"Yes, che-ef. I took couple *compuesto*, 'cause I mad 'cause the cap he goine do me dirt. I drink couple all the time I mad. It make me sink plenty." Rodriguez pressed his forefinger to his temple. "But I know good what I say, and I know I goine get hunk. You could get the cap wees the goods to-night."

"See here, Rodriguez, if you're trying to put anything over on me. I'll kick you to kingdom come."

"You could kick me to *mañana*, che-ef, eef you no get the cap wees the goods."

"Where?"

"Tonight twelve 'clock the cap goine land ten *garrajones* between first and second tower—"

Wray eyed Rodriguez narrowly. "Will you go along with us?"

"Sure I go. I *muy* glad to go; I want the cap see I get hunk."

"All right, Rodriguez. Meet us here at ten, and, remember, the Cuban run for yours if you try to do any funny work."

Wray returned to the custom-house and had a talk with some of his men about what Rodriguez had said.

"It seems to me, chief, his object is to get all of us away from the bay front, so that Tibby can get the stuff ashore without taking a chance of being caught."

"That flashed through my mind. Mack, the instant he mentioned the towers; but we'll guard against that. I'll let you and Tom keep a sharp lookout along the bay front while we're away. There may be something in what the Cube says. It was easy to see he had aboard a load of *aguardiente* by the way he opened up to me, and I'm pretty sure he's got it in for Tibby. Anyhow, if there isn't something in what he said, he wouldn't have agreed to go along with us after I threatened to lam' him if he monkeyed with us."

Twenty minutes or so before ten o'clock Rodriguez stopped in front of the customhouse in Flippey's hack. Another hack was drawn up at the curb, and Wray and two other inspectors got into that vehicle. The drivers were told to go out to the County Road and turn in toward the beach, half a mile beyond the first tower.

The hacks stopped where the woods fringed the beach, on the gulf side of the island, and the inspectors got out and sat in the sand near a clump of seven-year apple-trees. Rodriguez remained in his hack.

The inspectors had waited more than an hour and had become so impatient they were considering the expediency of giving Rodriguez a ducking and returning to town, when one of them espied two figures walking up the beach, fifty yards away.

"Sh!"

The figures continued to go up the beach, now and then looking out to sea, until they were within a dozen paces of the inspectors, when they turned about and strolled down the strand.

"Tibby and his black cook," Wray whispered.

It was a moonless night with a clear sky, but had it been considerably darker, it would have been an easy matter to distinguish Tibby and his cook. Tibby was squatty, his body was almost perfectly round, in back as well as in front; and his stomach appeared to

reach up to his collarbone. A finger's breadth of neck connected his head, which, save for his hair, looked like a globe used in a classroom for instruction in geography, to his body.

His legs were short, fat, and round, and his pudgy hands and his feet, with their high insteps, seemed to be trying to conform with the rest of his person.

Mose, the cook, looked as though he had been built with a plane and square. He was as fiat as a twelve-inch plank, and not many inches wider. His face, too, was flat. He had long, dangling hands, and legs that were as thin and seemed as disproportionately long as the front legs of a giraffe. Tibby took two or three steps to Mose's one, and every now and then Tibby looked up into Mose's face and asked: "See anything from up there, Mose?"

"Nuffin', cap."

"Damn it, I told 'em to be here afore twelve."

"Dey's buckin' de tide, cap."

They walked up and down the beach half a dozen times before Mose said he thought he saw a dingey off shore.

"Give 'em the whistle."

Mose whistled low.

"Louder, Mose; nobody ain't within a mile of us."

Mose trilled, like the long-drawn-out note of a redbird, and from off shore somebody answered with a similar trill, though it was not nearly as musical as Mose's.

Tibby and Mose walked down to the water's edge, and Mose and the man off shore repeated their whistles several times.

"Dere dey is, cap, a little ter—"

"I see 'em. Here, Crim! Head her straight in."

Two men were in the dingey, one of them sculling. The latter swung her bow toward the shore and then started to pole. He continued to do that until the dingey grounded in the sand. In the mean time the inspectors had crawled up to within ten yards of Tibby

and Mose.

"Any trouble, Crim?"

"None 'tall, sir; dead quiet, sir."

"Get 'em ashore. Mose, kick off your brogans and give 'em a hand."

The men put the demijohns together high up on the beach.

"I told you it 'ud be easy, boys. Mose, you go on out and see if the hack has showed—"

"Hands up!" The inspectors, revolvers in their hands, ran up to Tibby and his men. "Walk this way, one after the other," Wray commanded.

Tibby cursed his luck and cursed his men. He cursed his two boatmen for not arriving before, and he cursed Mose for whistling too loudly.

"Dat wasn't ma fault, cap, 'cause yer tole me ter do it."

"Shut up, you coon! If I had you out in the middle of the gulf, I'd chuck you overboard. And I'd chuck Crim and Jack after you."

"That's enough of that," Wray interposed. "Come on!"

"All right, chief; but there ain't no need of them guns. I ain't never been fool enough to try to fight the law. Put 'em away; we'll go along easy."

Wray and one of the inspectors replaced their revolvers in their pockets, but the other inspector, who walked behind, kept his in his hand.

For the first time in many a day Tibby swore in one tongue only, and that tongue was Spanish, when he saw Rodriguez seated in the hack. None of that gang of Spanish pirates who made Key West their base when that island was known as Cayo Hueso (Bone Key—the name by which Cubans and Spaniards still call it) ever swore more caustically and euphoniously than Tibby did.

"You no call me that, you old Tib, eef I no drink couple *compuesto*. I show you sing or two and make—"

"I'd call you that, you ——. if you hadn't had a drink in a year! And I'm going to give you a taste of this the first time I get a chance." Tibby shook his fist at Rodriguez.

"Ha, ha, you old Tib! Your ten *garrajonas* gone, and you go up for—"

"Cut it out!" Wray exclaimed. He had been listening with not a little admiration to Tibby's voluble Spanish. "Captain, get in this hack with Inspector Carson, and let your cook sit up in front. Here, you two men, get up in front here."

Wray sat in the back seat with Rodriguez, and an inspector was left on the beach to guard the demijohns.

### III.

NEXT morning Tibby, Mose, and the two seamen were arraigned before a United States commissioner, who held each defendant to await the action of the grand jury and fixed his bail at five hundred dollars. Two of Tibby's friends provided the bail, and three days later, when court was convened, the defendants were brought up for trial, the grand jury having filed true bills against them.

The cases were to be tried jointly. The court asked the defendants if they had an attorney, to which question Tibby replied negatively. The court explained the graveness of the charge and intimated that it would be unwise for the defendants to let the cases go on trial without legal aid.

"I don't need no lawyer, judge, your honor. I kin save that money, 'cause I'm going to win this case as easy as that." Tibby struck his thigh, a blow which sounded throughout the court-room, and looked at the judge and about the room with his piggy eyes half-closed, as though he were peering into the teeth of a gale. His lips were pressed together so tightly the upper parts of his full cheeks puffed out on the sides of his little round nose.

The judge raised a paper up before his face, the United States district attorney rubbed

his upper lip. The clerk winked at the deputy clerk, the United States marshal and his deputy nudged each other, Wray and other inspectors skewed up their mouths and glanced at one another out of the corners of their eyes, and persons in the audience tittered and shuffled and bent forward and leaned sidewise and whispered to one another.

Before the jury was drawn, the court told Tibby that he could object peremptorily to at least three of them, and explained to him what peremptorily meant. Tibby was told further that he could make objections to any or all of the men, and that, if the objections were considered sufficiently valid, the court would sustain him.

"Any of them's good enough for me, judge, your honor. I kin win this case without no jury."

More tittering and smiling and significant glances and nudges and whisperings followed that remark.

After the jury had been sworn in, Tibby stood up, bowed to the judge, and asked:

"Judge, your honor. I want to ask you for just one favor. Kin I do that?"

"Certainly you may ask for it, but as to whether or not I shall grant it depends altogether on its nature."

"It's this, judge, your honor: I'd like to have one of them demijohns of *aguardiente* brought in here."

The request was granted readily, and Wray directed two of his men to go to the customs storage-room, which was in the same building, and get a demijohn.

Tibby, when the demijohn was brought into the court-room, pulled out his jack-knife and cut the fine wire fastened over the cork. He took out the cork, and gripping the demijohn by the wicker handles, held it up before the judge.

"Now, judge, your honor, I want to ask you something else: Is it against the law of this free country to draw up salt water out here

in the channel and bring it into port without paying duty?"

"Of course not."

"Then I ask you to set me free, and set my crew free, 'cause this demijohn's full of salt water, and all the demijohns, which these live inspectors caught us with, are full of salt water."

An examination of the contents in the demijohn in the court-room and the contents in the other demijohns corroborated Tibby's assertion.

Bulging eyes and gaping mouths were the expressions characteristic of the inspectors and most of the court officials, but the audience tittered and whispered as it had done before, with the "other fellow," though, the object of its amusement.

"Judge, your honor, I want to tell you why me and my crew, 'specially my mate, done this. We all's law-abiding citizens; we never tried to smuggle nothing into port, and wouldn't try for my ship's hold full of money. I told the chief that two trips ago; but he kept up houn'ing us, and I swore I'd get square. One night Senor Rodriguez, my mate, and me put our heads together, and I says to—"

"Further explanation is unnecessary, Captain Tibby. Mr. Inspector" —the judge looked at Wray, who stood up— "to save the court, and you, too, unnecessary expense and loss of time in the future, I suggest that you, before you arrest anybody on a charge of smuggling, ascertain that the thing he brings into port, without entering it in the custom-house, is dutiable. William F. Tibby, Sylvester Crimsey, John Elwin Haynes, and Moses Tudgers, stand up."

When the men were lined up before the bar, the judge, having had a whispered word or two with the district attorney, resumed: "Mr. District Attorney, you may make your motion."

The district attorney moved that the cases against Tibby and the other defendants be dismissed.

"Motion granted." The judge looked at his docket. "The United States of America against Lloyd Estermann et al.—"

Wray walked out of the court-room, too shamefaced to look about him. He heard men chuckling; he knew he was the object of a hundred amused eyes. Out in the corridor an inspector called out, "Just a minute, chief!" but Wray did not even look back. He hurried down the steps to the first floor, through the front door, and out into the street.

A spitty rain was falling, but Wray apparently was not conscious of it. His blood burned his cheeks, his ears; a sickening feeling gripped him in the pit of the stomach. Yes, he had discovered a mare's nest., The laugh, the grand ha-ha! was on him. Tibby, a coarse sea captain, and his wily Cuban mate had "put one over" on him. Yes, he felt like a corner bully must feel when the smallest boy in the crowd thrashes him—he wanted to hide away from the world.

Wray avoided looking at passers-by. He felt the whole world knew he had been duped and, in knowing, was laughing at him. That little boy who brushed up against him and blurted out, "'Cuse me, mister!" must have heard about the outcome of the case, else why that taunting ring in his voice? Big Ben Pitt had heard about it, too, because his "Hello, chief!" didn't sound cheerily, as it had sounded always before then. That was because Big Ben was a kindly soul, and had considerately injected subdued sympathy into his tone.

Most worried men try to find solace in drink: a few, like Sir Walter Scott, seek it in playing chess, and some try to ease their minds in fishing and in other ways. Wray didn't drink and didn't know how to play chess. He went fishing, though not so much because that was his chief pastime as that he wished to get away from the world, which was laughing at his asininity.

Though the sun was nearly an hour high, darkness was gathering fast when Wray

dropped overboard a grapple from a dingy out in the channel. Motionless clouds hung low in the heavens, and a warm drizzle fell. There wasn't sufficient breath to flicker the flame of a candle, and the current wasn't strong enough to make a ripple at the stem of Wray's dingy.

It became so dark Wray couldn't see the bait on the stern-thwart beside him, couldn't see the fish he caught. Several times, while he held them dangling at the end of his line, he felt about for them, like a person trying to find a hanging electric-light button in a dark room. But the darker it grew the better Wray liked it. At times he looked at the lights, which seemed to be dying for want of oxygen, on the ships in the harbor, and wished they would go out. Total darkness suited his mental state; he wished it would stay dark forever.

He lost all conception of the passing of time. Hour after hour passed. The drizzle, more like a heavy dew, continued. Most of the time Wray was engrossed in a brown study; fish bit at his line without his trying to hook them. At other times he looped his line round the sculling-hole upright and sat with his elbows on his knees and his face in his hands, thinking, thinking.

How could he ever face his friends again? How long would he be the butt of their jokes? That very instant they were horse-laughing about him—

Wray raised his head suddenly and craned his neck forward, listening. He thought he had heard voices. No; there wasn't any sound, save his tense breathing and the rippling about his dingy, for the current was running strongly. Probably he was "hearing things," or "going dippy." He bowed his head, and a moment later thought again he had heard voices. And again he listened, with his head raised.

Yes, he was right—he heard the voices coming nearer and nearer to him.

The voices passed by him; how near he could not determine, for he could not see anything. But they must have been close,

because, though the tones were low, he made out that one person talked in fairly good Spanish and another in broken English.

Wray crawled up to the bow of the dingy and pulled up the grapple. He had just started to scull in pursuit of the voices, when he heard somebody, a few yards away on his port (the other voices had come from a point on his starboard), say: "Yea, bo! You kin bet yer old corn cob I'se gwine ter marry her w'en I gets ma share."

Wray stopped sculling until the second boat had passed fifty feet or so ahead of him, and then started to follow it. He strained his eyes in attempts to see the boats, but not a shadow, not an outline could he distinguish. But it was easy to follow the rear boat, because somebody in it continued to talk light-heartedly about his intended marriage.

Wray trailed the boats to the end of the gasoline wharf, which ran three hundred feet out into the water, and on the easterly side of which (they were going in that direction) is a point of beach that juts out into the bay.

Wray sculled fast along the westerly side of the wharf, and when he neared its land end, fastened his dingy to a concrete pillar and climbed up on the wharf. He ran about a small sheet-iron building at the easterly side of the wharf, clambered over piles of cinders and clinkers, and reached the point of beach in time to hear somebody say: "This way, Mose; this way."

Hulks of boats lay here and there along the edge of the beach. Wray walked cautiously, swinging his arms in front of him, until he discerned figures a few yards ahead of him, standing or moving like silhouettes on a screen. Crouched, he shuffled sidewise, slowly, noiselessly, feeling about him, trying to find a hulk behind which to wait until he was ready for action. He stepped into the water and slipped, causing it to splash.

"Wat dat, cap?"

Wray squatted on his haunches. Silence ensued for a few seconds.

“Your ’magination, Mose. You’re nervous as a landlubber out on a bowsprit. Get ’em ashore, boys. Pab, give ’em a hand.”

Wray raised himself up a few inches and took a revolver from his hip pocket. He let himself down again and waited.

He heard somebody counting until he reached twenty. “They all here, boys.” And then the same voice said in Spanish: “Pab, it ought to be time for Flippey to be here.”

“He say, cap, he be here one sure.”

“It’s mighty close to one now. Go out there and see if you—”

Wray bounded toward Tibby, stopping two or three paces away, from him. “Is that

salt water, too, captain?”

“Gawd!”

A tall, lank figure, headed toward the heaps of cinders and clinkers, swept by Wray. Wray fired his revolver into the air, and the figure stopped suddenly.

“Come back here, you d---y, or I’ll put a bullet in you.”

“Fer Gawd’s sake, chief, don’t shoot! I’s coming, I’s coming.”

“I asked you, Captain Tibby, if that’s salt water, too.”

Tibby grumbled and turned his back to Wray. “Damn it, chief, you’re worse’n a houn’ dawg!”