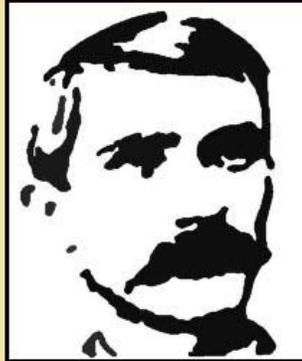


**ON THE ROAD  
TO LAS  
CRUCES**



**Being A Novel  
Account of The Last  
Day in The Life  
of A Legendary  
Western Lawman**

**by Pat Nolan**

# 1:

**A**pollinara gnawed her lower lip, hands clasped over the small Bible resting on top of the yarn basket in her lap. She stopped rocking and went over the scene of her husband's departure again.

Adams, a ruddy-faced young gringo, had arrived on the mesa before dawn. He had waited in the one-horse black buggy, wind whipping at the flaps of his long gray duster, one hand on the reins, the other holding down the bright green bowler on his head. Her husband had slowly crossed the yard, shotgun in hand, shoulder to the blowing sand, and climbed up onto the bench beside the young man. He had waved once as the buggy wheeled and headed away.

A slight breeze stirred in the doorway of the adobe, a chunk of firewood propping open the slat door to let some of the heat from the dark stuffy kitchen out onto the late afternoon mesa. She stared out at the dry, beige landscape. There had been a time, when they lived in Roswell, she had been able to look out of windows, real glass windows, at rows of peach trees. Maybe it was all a dream, the luxury, the finery of days gone by. Now her hope for a comfortable life rested with the young man who had come to fetch her husband to Las Cruces. Adams wanted to lease their land to graze cattle, and that was being used by a young drover named Billy Brazil. But Brazil had an agreement with their oldest son, Pepe, for the rights to graze goats on the land, and would only vacate if they agreed to buy the herd outright. Her husband had refused to honor the agreement and had taken Brazil to court. The Justice of the Peace had ruled in the young man's favor. That had made matters worse. The bad blood between them had turned to poison. All the same, Adams seemed intent on getting his way and had arranged for a meeting with Brazil in Las Cruces. She could not help but feel ap-prehensive. She knew how much her husband despised Brazil. There would be violence if he were pushed too far, especially if he'd been drinking.

She almost jumped out of her skin as the door slammed shut. She screamed in the sudden darkness in spite of herself. The door creaked, opening wide, and was again buffeted by the wind, slam-

ming shut with explosive violence. The awful realization of her worst fears crept over her. She screamed, screamed again.

Her youngest daughter, Paulita, hurried to her side. "What is it, mamma? Why are you doing this?" She tried to pry her mother's hands away from her face. "Why, mamma, why. . .why are you crying?"

Between sobs, Apollinara spoke her fears. "He is dead."

Paulita tried her best to comfort, but Apollinara continued to weep, falling to her knees and praying for the repose of her husband's soul. Paulita, caught up by the hysterical crying and praying, joined in.

After some time and a long, solemn silence, Apollinara addressed her daughter. "You saw him last. What was he doing?"

The young girl, still bewildered, recounted how she had followed her father after he had left in the buggy. She had caught up with them, riding as far as the first gate just before the trail dipped down into the canyon. "I opened the gate for them. . . ."

"What were they talking about, your father and the young gringo? Were they arguing, were they fighting?"

"No, mamma, I think they were talking about Indians. I kissed papa on the cheek. I said, 'Cuidado, papa' and got back on my pony and came home."

Apollinara whispered to herself. "Indians?"

## 2:

The old man watched the smoke rise from his cigar. Whenever he thought of Indians, the pile of moccasins he had dumped at Pete Maxwell's feet came to mind. That, and the look on Pedro's face. He almost smiled. A small party of Comanche had raided a homestead just outside of Lincoln, run off a half a dozen head of cattle, killed a dog, burned a milking shed, and scared the bejeezus out of the folks in town who were certain that this was the beginning of new hostility. He had joined the posse because he'd had experience tracking from his buffalo hunting days. That and he was a dead shot. It was a break from the boredom of herding cattle for Maxwell. And this raiding party was careless. They had come upon their camp in less than two days, no guard posted, mostly youngsters armed with bows and a few antique rifles. They did not have a chance.

"You hunted buffalo?" the young man asked, "You must have some wild and wooly tales to tell."

It could have been a growl as the old man sucked smoke from the black root. He was not a teller of tales. That was something Ash excelled at, but not him, no sir, he was always glad to leave the chin music to someone else. Ash was dead now though his voice was still very clear in his ears, exaggerating every little detail, going on and on, splashing another shot of whiskey in his glass, flapping his gums till the rooster crowed. How would Ash tell the story? Buffalo hunting. He shivered. What he remembered most was the harsh winter and stacking the rigid hides, frozen stiff like sheets of furry slate.

"It was hard work, son, I'll tell you that. You bedded down every night with the sound of gunfire ringing in your ears. The money was good, though. A prime hide could fetch you two dollars, and on a good day I was bringing down a hundred, a hundred and fifty head." That was Ash talking there. A hundred maybe, if you got a stand going and the wind was in your favor. A lot of the time was spent chasing little herds of no more than half a dozen buffalo and then helping the skinner peel hides.

"Did you ever have a run in with hostile Indians?" Indians again. This boy has been reading too many yellow backs. Almost a chuckle. If he only knew. He would be pestering for the details of that, too. Well, it was going to be a long ride to Las Cruces.

“Most of the Indians on the Staked Plains out by the Brazos River were Kiowa and Comanche, maybe a few Cheyenne. Anytime they went some place they had to have an escort from the 10th Cavalry with them. Anyway, that’s the way it was supposed to work, but a lot of the time the young bucks would sneak out of their camps and raid a hunting party, burn the skins if they could, slash them. You see, they did not take too kindly to the fact that the white man was out there slaughtering their source of food. Buffalo did not belong to them. And they were worth a powerful lot more to the white man than the Indian. Used to call it ‘wooly gold’ or ‘brownbacks’.” There was Ash again. He never called them anything but hides, if that. And he never got his money from that hunt. He could use it now. If only he had listened to Shelton in the first place.

### 3:

**W**henver Shelton would take his hat off, his thin red hair stood straight up like the flame on the tip of a Lucifer. Adams had red hair too, what you’d call a copperhead, poking out from under that damn green hat. Shelton had always worn a gray, wide brimmed, rebel cavalry officer’s “Jeff Davis” sombrero. He had been right proud of being a Johnny Reb from Georgia. He would foam at the mouth whenever he encountered what he called “carpetbaggers” or “just plain Yankees.” If you weren’t from the South, you weren’t fit human company. Niggers and Indians were animals. Foreigners smelled bad and were not to be trusted.

“This was in ‘76. In Fort Worth. Just back from Dodge City on a cattle drive where I ran into a man named Shelton from Georgia and a man named Duke from Kentucky. They were looking for a partner to join their hunting party. I threw in my pay from the

drive and two days later the four of us headed out to the Rio Brazos and Fort Griffith.”

“Wait, you said, the four of you. . . .”

“The sheeny kid, Joe, I picked him up as a skinner to save money.

“Sheeny? I’m not. . . ?”

“Irish. He was young but he looked strong and I figured once he got experience, he’d be as good a skinner as any.”

Shelton had thrown a fit. He hadn’t wanted to nursemaid no goddamn paddy whelp. He’d spit, he’d howled, he’d kicked. There was a picture to smile about. Shelton not getting his way, taking off his hat and throwing it in the dirt and kicking it. Still, the kid had joined the hunt as a skinner despite all the fuss.

## 4:

**S**kinner was a dirty job by any standards. Thinking back, the kid didn’t know what he was getting himself into. Or had he got the kid into it? Joe’s pale and very young face pleaded with him, pleaded to be hired on as a skinner, large shiny tears rolling down his face. The patrons at Beadle’s Saloon down by the hide yards were beginning to wonder what exactly was transpiring between the two of them. To shut the kid up and save himself from the embarrassing public display, he agreed to hire the kid on.

Even after twenty-five years, he could still feel the heat of his regrets. Unless you had raised livestock or worked in a slaughterhouse, there was no easy way of breaking into the skinning business. Out on the range it was just you, your knife, and the carcass. The hunters would be scouting the river bottoms and the only way you could keep track of them was to remember the direction of the

sound of their rifle fire. The kid hadn't picked up the skills as quickly as he had anticipated and often times someone from the party would have to go out and find him, lost among the bluffs, wandering in circles. Shelton said he prayed for some Comanche to lift his scalp and put the poor bastard out of his misery.

"We were out on the range when Nigger Horse and his renegades bolted from their encampment. The Army was right on their trail but a white man wasn't safe out on the Plains by himself, especially if he was hunting buffalo."

"What did you do?"

"Well, we had over two thousand hides stacked up at our camp. We loaded as many as we could on our wagons and dug caches for the rest of them. We had a couple hundred pegged out to dry that we had to leave and hope nobody, Indians or hide thieves, would run across them. There's safety in numbers as I'm sure you've heard so we broke camp and headed for Charlie Rath's outpost near Double Mountain."

"Were you ever attacked?"

The old man shook his head. He had a live one here. Ash would have played him like an old tune. You had to have the knack to lead someone on, have them follow you down every backwater, gully, and blind alley you could imagine and still have them come out believing every word you said. He did not have it.

"No, we were pretty safe as long as we stuck close to the outpost. Nigger Horse and his bunch might have outnumbered us, but we out gunned them easily. Hell, with the Sharps most of the hunters were using, a hostile attack wouldn't have even got close enough to get in range."

"You favored a Sharps, did you?"

"No, can't say that I did. The .50 caliber Sharps was like a hand cannon, it did the job on the buffalo, but it was slow and heavy. I was partial to the repeating Winchester. Lighter than the Sharps. It didn't pack the power, but if you knew how to shoot, it did just as well."

"Did the Army ever catch up with Nigger Horse?"

"That they did but not before a bunch of hunters decided to out-army the Army and go after the renegades themselves. The way they figured it, each day they spent off the range they were losing money, so the sooner they killed or rounded up all the Indians, the sooner they could get back to the hunt."

He stopped to relight the black stub clenched in his teeth. He had to hold up a side of his thin cloth coat to shield the flame. He struck the match on the barrel of the shotgun draped over his lap. This time with the help of the coat and the cooperation of the wind, he got it lit.

“You get a bunch of howling drunk, blood-in-the-eye range rats riding out to murder, it’s hard to creep up on anybody.” Ash would have liked that. “By the time the hunters came up on the Indian camp they were riding straight into an ambush.” Maybe he could weave a tale like old Ash. But he’d need a drink first. To tell it right. “Lucky as many as did made it back.”

“But you didn’t go looking for the Indians.”

“No sir. Hadn’t lost any.”

## 5:

**H**e had lost just about everything he had ever had. He was tired of losing. This snoozer, this goat-boy, would not prevail, no matter what the court had decided. He would not lose this one. The whippersnapper at the reins had no idea. Even those slight victories had been defeats. Just when he thought he had his hands on the goods, they had the habit of turning to dirt. The buffalo hunt had been the beginning of it all. He had lost everything then. There was no real profit in running a little ranch, and the saloon deal had ended in bitterness. Only his election as sheriff had proved fruitful, providing respectability, and the prospect of settling down and raising a family. Even that had led to his ultimate undoing.

The old man drew on the cigar, holding a mouthful of acrid smoke then letting it blow. He examined his companion’s outfit; the barely soiled gray canvas duster, snakeskin riding boots, heavy blue denim trousers. The bright green bowler. He could not for the life of him figure what irked him so much about that hat.

Even when he had had the money, he would never have dressed as outlandishly. The threadbare black broadcloth he was wearing had been his habit ever since he could remember. He had bought his first black suit for his swearing in as Sheriff. He had worn it to his wedding. He wore it to funerals, and to court. He had picked up a couple more over the years, always the same cut. It was not the sturdiest cloth and it did show wear when there was some. And there was always some, around the elbows, around the knees, around the back pockets.

He had been partial to brocade vests, however. And Polly, who thought he should show more imagination than an undertaker in his dress, gladly made a few of them for him, with mother of pearl buttons and silk backing. He had worn a glossy white one to Santa Fe once. Then he had foolishly lost it in a poker game.

He could add that to the things he'd lost along with the peach orchard, the irrigation company and his dream of watering the Pecos Valley, the thoroughbred horse ranch outside of Uvalde, Texas, his job as Customs Inspector in El Paso, and slowly but surely, the little property he owned in the Organ Mountains.

He had been blessed with eight children, it was true. And his wife had stuck by him through all his trials and tribulations. He could be thankful for that. His present troubles, however, did stem from his oldest boy's rashness. He would set it right, if it was the last thing he did.

He coughed a dry cough and it reminded him of Ash. Ash was perhaps his greatest loss. He had grown to depend on Ash's humor and irascibility to balance the grimness of his own turn of mind. He valued his old friend's rather exaggerated view of life, how the boring and dull events of every day were the foundations of what he liked to call 'myth.' He could remember how all his petty little worries would disappear after he and Ash had spent time jawing and sipping, sipping and jawing. He was also reminded of how dimly Polly viewed this pastime, and how Ash, a regular Sunday dinner guest when they lived in Roswell, had to endure her steely glares. "Ash and his ideas," she would mutter after his friend had fallen asleep in the old wing-backed chair in front of the fireplace. When Ash was dying, though, she had prepared the extra room at the Uvalde ranch for him, and had seen to his every comfort. Ash's death was a slow one. His liver was going, but despite the pain, he still liked to spin a good yarn.

## 6:

**S**o you never did come up against any Indians?”  
The old man emitted a grunt. He was going to peel this grape. “Matter of fact, it wasn’t too long after the incident with Nigger Horse that I did come up against Indians. Real close.” He paused to be sure that the young man had taken the bait, and continued.

“When we got back to the plains, we found good hunting in the breaks of the Salt Fork of the Brazos. A herd of close to two thousand was watering along the bottoms. They were priming toward their winter coats, shaggy and thick. In the first twenty days, we had a thousand hides. The herd was scattered across the bottomland for miles. New animals showed up in droves every day. The shooting was good and easy. We hunted the days we could. Days it rained, we stacked the drying hides under tarps and spent most of the time playing cards in the lean-to.

“Come late November, there was snow on the ground. One morning I took my skinner, Joe, with me to one flank of the herd. We took the wagon to bring back some of the hides we’d pegged

out to dry. I left Joe looking for the hides under the layer of new snow and set off on foot.

“Well, I hadn’t gone more than a mile when I came up on a clump of buffalo, about twenty in all. My position was on a little rise about a hundred feet from them. I got down in the snow behind a mound and picked a cow that had started to stray.

“You see, I wanted to keep them all in the same area to make the skinning and the collecting of the hides as easy as possible.

“I aimed for the lungs. She gave a jump when she was hit and did a queer little sideways dance before she dropped, blood streaming from her nostrils. A couple of young bulls lifted their heads and began milling slowly in a circle. I brought down one that had started to wander off, and then another one that bolted from the opposite side. Now they were pawing the ground and bellowing, but I had them whichever way they turned.

“I paced my shooting so as not to overheat the barrel of my Winchester, and in no time at all I had about fourteen laid out in a neat little circle. Then the others, half a dozen or so, began moving away from me. I ran down, got behind the carcass of a big bull, and picked off all of them but one. I worked my way toward it and got close enough to bring it down when I realized that I was right on top of a closely packed herd.

“There were so many animals that their frosted breath made a wide flat cloud over the lot of them. They were more or less boxed in by the steep bank behind, and they had to pass my position to get out. I dropped a young bull, then a cow that had come up to investigate. Two old bulls tried to bolt but I brought both of them down and their bodies made a barrier that corralled the rest of the herd. I spent most of the day picking out the best hides and only stopped when I ran out of cartridges.

“Then I went back and gave the skinner a hand. He was still working on the first bunch. I’ll have to say, it wasn’t something he had the stomach for.

“I had him cut around each animal’s neck, down the belly to the root of the tail, and then down the inside of each leg. I wrapped a rope around the woolly scruff at the neck and tied the other end to the mule while Joe, he staked the animal’s snout to the ground with a wagon rod. Once that was done, I cracked the mule on the rear and he jumped a good six foot and yanked that hide right off.”

“Was that when you come up against the Indians?” The young man had been following the old man’s story patiently.

“No, not exactly,” the old man said, taking his time to answer. “That was the next day. I had Joe with me again and we took up where we’d left off skinning. The wind was particularly bad that day as I recollect, whipping the powdery top layer of snow sideways. The herd had moved on overnight and I went off by myself to scout up more buffalo but the wind had sent them out into the open and I had to go back for the wagon.

“Well, old Joe, he was blubbing about having to skin the frozen carcasses, and even though it wasn’t any-thing to cry over, I’ll admit that it was a hell of a chore. I stayed back and gave him a hand. That wind never did let up, and even with the cold, the butchered buffalo were beginning to stink something furious. About the time we were finishing up for the day is when I felt my backbone start to crawl up under my hat. I turned to see that we were surrounded by Indians.”

The old man paused and stared at the space between the horse’s ears. He was enjoying himself. Ash would have been proud of him. The young man’s eyes questioned him, a slackness had developed in his jaw.

“I had never been face to face with a wild Indian before,” he continued. “There wasn’t a pleasant looking one in the whole dark, greasy lot. They were wrapped in buffalo hides and Army blankets astride their ponies, and there was no telling who if any was fingering a trigger.”

“What happened then?” the young man blurted. He’d been anticipating this part.

The old man knew he’d hooked him good. “Why, hell, they killed us!”

## 7:

The buggy crossed the stream at the bottom of the canyon. Adams drew up the horse under the cottonwoods and got down to loosen the harness. The old man stepped down from the bench and stretched to his full six foot four height; in his younger days, the Spanish-speaking natives had given him the name of Juan Largo.

After a cursory glance around him, shotgun cradled over his right arm, he walked slowly to where he scuffed a spot in the sand with the toe of his well-worn half boot. A question mark of smoke curled up from the smoldering coals.

“Cooked myself a little coffee this morning before I made the trip up to the ranch house,” Adams called out over the horse’s back.

The old man had already moved over to a spot under a clump of trees where it appeared from the trampled ground that several horses had had time to paw and dig. There were boot prints in the still damp morning earth.

“I had Helpy from over at Swanson’s guide me this far, otherwise I’d have got lost in the dark.” Adams was now leaning on the buggy, anticipating the old man’s findings.

The old man nodded absently as he stepped out a set of prints. What the ground told him was there had been two men on this side of the stream. One set of boot prints belonged to the kid’s pointy toed riding boots, but the other set were definitely not Helpy’s, the Swanson’s hired hand. Helpy had one pair of footwear and those were the big leather galoshes he’d inherited from old man Swanson. The toe on the left boot had about an inch wedge taken out of it when Helpy almost severed his foot chopping firewood. Helpy was not a horseman either, and the horse that had accompanied the buggy this far, judging from the impressions it had made in the sand, was far too much horse for the hired man to handle. The man who had made the other set of prints was also a good five inches taller than Helpy if the length of the stride was any indication.

A breeze came down the canyon and rattled the leaves. The horse rippled the muscles of its back and snorted. “I’m for getting out of the shade and into the sun, ain’t you?” Adams said rubbing

his hands together. He climbed back up into the buggy and held the reins.

The old man proceeded slowly from where he had been staring at the mauled earth, patting his pocket to assure himself that he had remembered to bring along some extra shotgun shells.

The buggy rolled over a large exposed root and then settled with a jolt into the wagon rut that led away from the stream.

## 8:

**B**ack on the Staked Plains, the animals were rutting, and hunters counted on this time of year to double their bloody harvest. The herds were also beginning to move north in anticipation of their spring migration.

“We used to call bagging buffalo in the act, getting a hump.” That was an obvious stretcher, one that would have caused Ash to rolled his eyes, the sign of an amateur storyteller.

The young man, still smarting at being taken in by the last tall tale, gave what had to pass for a wry, patient smile. His eyes, an unsettled blue-green, glinted hard with the hurt look of someone who did not like to have what little intelligence they had insulted. That he had fallen that hard for one of the oldest yarns in the West had wounded his estimation of his own savvy.

He forced out a question, straining to keep the resentment from being noticed. “How much of a fortune did you pull in from that slaughter?”

“Next to nothing was the final accounting, I’d say. I had to leave the range on short notice and any claim I had in the partnership. I’d say it was over a thousand dollars.”

“No chance to collect? A thousand dollars is a tidy sum to leave behind.”

The old man nodded grimly. It was a sum that he could use right at the moment, a sum that would extricate him from his present unfavorable circumstances, that’s what the thousand represented to him. But that was thirty years ago. What was done was done, he reflected bitterly.

“I had to kill a man,” he said finally.

The young man urged the horse along with a slap of the reins and gave the old man, whose demeanor had suddenly become grave, a wary glance.

“You don’t say? Killed a man? That’s almost as bad as horse stealin,’ ain’t it?” The young man’s tone was unmistakable.

“I won’t be mocked, boy,” the old man spoke evenly. “You don’t know me otherwise you would think twice before you talk to me that way. The man I shot and killed was barely that, your age or younger. Don’t go taking it into your head that you’re too young to die.”

Ash would have said, “You’re never too young or too old, too fast or too slow, too good or too bad that death doesn’t have the habit of catching up with you.” And Joe Bristol, rest his soul, was one of the ones who had died young. For a moment the image of Joe’s skinny, pinched cheeks and Ash’s deathbed pallor became one and it unsettled him, twisting his gut with a clenched fist.

## 9:

Joe, the tag-along from Fort Worth, did not have the stomach for skinning or slaughter. His ineptness at practically everything was a constant source of amusement for the camp, and an endless irritation to Shelton who counted every blunder, every botched hide as money out of his pocket.

Ash too, now that he thought about it, was downright squeamish when it came to butchery. He recalled that when he had gone into the hog business with Tip McKinney, Ash had been their resident expert, extolling the virtues of one breed over the other, whether a red hog produced better bacon than a white, or the all-around utility of a Jersey over a Berkshire. Ash was a veritable encyclopedia of hog statistics, and his opinions, asked for or not, flowed freely and copiously. Tip was certain that Ash contributed as much to the ankle deep muck of the pens as did the hogs themselves. But it was well known that come time for butchering, Ash would make himself scarce, and the pens would be minus the sonorous drone of his scholarly appraisals.

Ash was not particularly good at doing much except writing or bragging or telling stories. Any work he'd ever taken to had been an occupation in which he could engage in at least one of those pursuits. He made a good Postmaster and Justice of the Peace, and he'd even clerked at Lea's dry goods store in Lincoln where he could indulge in his loud raucous tales and scandalize the ladies who always seemed to be hovering within earshot.

It baffled him that he was confusing the two memories, that of a sullen boy and a garrulous old man. Ash had never stopped talking long enough for folks to figure out what an odd old coot he was. If he had, they would have seen a strange, profane, blasphemous old man, full of bluster, who loved to tell lies and test his wits against those of his listeners. He hardly, if ever, lost. He had been educated in Connecticut, and had come out West as a correspondent to cover the Indian wars. He had wandered down to Santa Fe, and being particularly affected by the sociability of the natives and their shared enthusiasm for a drop of the creature, he decided to stay put. He'd scuttled around the Pecos Valley like vagabond sagebrush doing any work that required little or no elbow grease

and a high likelihood of chin wagging. There was no comparison with the desperate young man he had had to kill.

“It was one of them him or me situations. It was the last thing that I ever thought would happen. And it happened so fast, it was over before I knew it.”

The old man licked his dry lips. Remembering that day made him uneasy. Ash intruding into his thoughts added to his turmoil.

It had been a damp, foggy, bone-chilling morning in buffalo camp. The herds were getting scarce and the hunters' humor, because of the lack of action, had begun to fray. He had been squatting by the feeble flames of a buffalo chip fire, trying with no great success to warm his stiff cold hands. Joe had come out of the nearby arroyo wringing a lump of soaking, gray cloth. He had watched with scornful amusement as Joe approached the fire and dangled the dingy, blotchy handkerchief over the fuming coals, splashing him with muddy water in the process. Annoyed, and with the viciousness of a cur, he had spoken harshly, cursing his skinner. As he remembered, he had called him a goddamn, good for nothing, Irish son of a whore without sense enough to know not to wash his laundry in a mud puddle.

That was all it had taken. Joe had lunged across the fire pit, blinded by anger and mad frenzy, swinging wildly. He had been caught off guard but recovered, and with barely an effort, he had knocked the boy down, expecting that to be the end of it. But Joe had leaped back to his feet with demon energy.

He'd packed more determination into his punch the second time and knocked him down again. Joe, possessed, eyes bulging from their sockets, veins at his temples and neck on the verge of bursting, had staggered back to his feet only to be knocked to the ground again.

The other hunters, struck dumb at first, had awakened to the blood thirst of Joe's attacks and were hooting their derision, fanning the boy's hysteria so that he'd kept getting back to his feet.

He still burned with his original embarrassment. He had punished the boy enough. The fight had been far from fair. He out-reached Joe by a mile. Yet, the boy kept coming back for more. Finally, he had walked away, saying enough was enough, and that a man ought to know when he'd been whipped.

He'd glanced back just in time to see Joe swing the axe at his head. It had come close enough to scare him. Just that quickly, the

shoe had been put on the other foot. He had ducked behind the wagon, calling out Joe's name in the hopes of bringing him back to his senses. Joe kept charging after him, blood and madness in his eyes. He'd pulled his Winchester out from under the tarp on the wagon and brandished it with the warning that he'd shoot. But Joe continued to advance with the axe held over his head. He had no choice but to fire.

The impact had caught the boy square in the chest and lifted him off his feet, propelling him backward into the fire pit. The look on his face resembled that of some-one surprised by painful indigestion. Joe's clothing, smoking, had begun to burn, and the hunters, in almost comic confusion, had rushed to beat out the flames. Then the life had just bubbled out of him as if it were gas.

That agonized expression, it was like Ash's the morning he'd found him. He had died in his sleep, looking like he'd protested every inch of the way.

"How did it happen?"

"Bad words passed between us."

"You mean you just shot someone in cold blood over a few disagreeable words?"

"Men have been killed over less, more times than not. I was protecting myself. He was about to cleave me in two with an axe. I'd be dead today if I hadn't."

## 10:

**A**pollinara woke Paulita after midnight. When her husband had not returned by nightfall, her full fear had come to the fore. She could not just sit and do nothing. She set about hitching Old Jupiter to the buckboard. Then, leaving the younger children in the care of their Navajo cook, she and Paulita, wrapped in blankets against the blistering cold of the predawn mesa, set off down into the pitch-black canyon.

It took them hours to finally arrive at Swanson's in Organ, old Jupe familiarly picking out the trail but slowly against Apollinara's tight rein. Her eyes had searched the dark for any sign of her husband although she was certain that she would not find him there. She murmured prayers all the while.

Helpy was hitching a brace of mules to the feed wagon. She called out to him asking if he had seen her husband. Said he hadn't.

"Boss and the Missus might a did. Heard he'd been through on his way to Las Cruces. That's where I'm headed myself. Anything wrong?"

Apollinara sent Paulita to knock on Swanson's door. A voice demanded to know who was there and Swanson stuck his head out of the second story window.

"I'm looking for my husband, Mr. Swanson, have you seen him?"

"Who is it?" a woman's voice behind Swanson called out.

"It's Polly and little Paulita," he called back. "Hello, Polly, looking for the old man again?"

"Yes. Have you seen him?"

"Well. . .yesterday, early on, I saw him. He was with that young fellow. . .what was his name?"

"Adams."

"Yes, that was it. Adams. Seemed like a right bright youngster. They stopped here to water and gab a spell."

"Did you sell him a bottle?"

The front door opened and Swanson's wife, Lou, came out on to the porch. "What is it, Polly? I thought he was off the firewater. Don't tell me he's on another one of his jags. I don't envy you, dear. Come on inside, I'm just about to start breakfast." She

helped Apollinara down from the buckboard. “Don’t worry, one of his chums has probably got him over to the boarding house to let him sleep it off.” She put her arm around Apollinara and led her inside.

Swanson came downstairs, dressing. “I sold him a bottle, yes. But I never say no to your husband. He scares me, to tell the truth. The youngster said they were going to work something out with Billy Brazil, is that right?”

“Yes, that is why he came for my husband. They were going to work out a deal between the three of them.”

Swanson stroked the stubble on his jowls. “Well, I did see Billy pass through just before noon. Adams and your old man come through not too long after that. Had Billy stopped over some, they could have all saved them-selves a trip to Las Cruces.”

Apollinara felt a little tremor shake her body. She knew her husband’s stubbornness. He would never come to an agreement with Billy Brazil.

They sat down to breakfast, Lou Swanson fussing and keeping up the small talk to allay Apollinara’s anxiety. But the tidy, gay neatness of the Swanson kitchen only served to remind her of how far she had come from the comfortable wellbeing she had been accustomed to years ago. At one time, she would have considered the Swanson house poor. The houses in Roswell, Santa Rosa, San Elizaro, El Paso had all been mansions compared to this place. After El Paso, though, she and her husband had been fighting off bad luck at every turn. Her husband’s bitterness and resentment were hardest to bear. He drank too much, became belligerent, and had alienated most of their friends with his refusal to stop harping on the injustices he had had to endure.

Swanson went outside to begin his daily tasks. Paulita and Apollinara helped clear the table and wash up. Then Swanson came back to inform her that Old Jupe had thrown a shoe. He was just firing up the forge but it would be a while before they could be on their way again.

Apollinara settled down on the bench on the front porch and waited. Morning was beginning to heat up. Paulita headed over to the stable to watch the shoeing.

Then, no telling how much longer, but Swanson was just about done with the job, a plume of beige dust told them of someone’s approach from behind the rise down the road.

“Somebody’s in a hurry,” Swanson said to Paulita, “Probably your pa worrying like the devil that he’s got your ma riled up.”

The wagon hove into view. It was Helpy. “What’s Helpy doing back so soon?” Swanson wondered aloud. “He should have been to Las Cruces by now. . . .”

Apollinara had stepped down from the porch in anticipation. Lou Swanson stood in the doorway, drying her hands on her apron. Paulita followed in Swanson’s shadow as they seemed to drift up to the wagon stopped out by the corral.

“I found him.” said Helpy.

## 11:

**T**he old man found the matches inside his hatband. His hand had fished out a fresh cigar from the inside pocket of his coat. The match head flared with the flick of his thumbnail and was quickly brought up to the tube of tobacco. Soon puffs of smoke drifted out from under the brim of his dark sombrero. An early afternoon heat had replaced the gusting winds of morning. The cork stuck into the neck of the dark green bottle in his coat pocket bobbed to the sway of the buggy. The warmth of the air and the stopover at Swanson’s had improved his disposition. The pulque helped. It burned like something molten down to his stomach. But then there was always that explosion and release, as if oil were being spread on troubled waters and an inner turmoil calmed with the lubrication. The kid had declined a pull, saying that he’d never drink anything made from a cactus. It made no difference to

him. He still regarded the boy with suspicion but now he was more inclined to speak his thoughts.

“I don’t suppose you know anything about the White Sands murders.” The old man was going back a dozen years or so. “That might be little before your time.”

“White Sands? You mean the desert hereabouts? Come to think of it, I do.”

“You don’t say?”

“That’s right. When I was growing up in St. Louis, an uncle of mine from El Paso visited and told us all about it. He even saved the newspaper clippings and sent them to my ma in a letter.”

“That so?”

“I was just a youngster, of course. Now wasn’t that when a local judge rode out into the White Sands desert and was never heard of again?”

“He wasn’t a judge, exactly, more of a judge maker. He ran the Republican Party in these parts. Colonel Alfred Jennings. He had a hand in just about every important political decision made in the Territory. He was murdered. Him and his boy. Of course, Jennings was a shit disturber of the first order. He had made so many enemies that what happened to him was bound to come.”

The old man reflected in a cloud of smoke. He had watched the whole affair develop in the pages of the El Paso newspaper, too. He had been living in Uvalde then. Apparently Jennings was in possession of evidence that Curly O’Lee, the Sacramento Mountain rancher, and his Dog Canyon bunch were stealing cattle, and had filed charges against him. But it was all politics. O’Lee had aligned himself with a Democrat, Abe Falk, and by going after O’Lee, Jennings was hoping to embarrass Falk and his Messila Democrats. Ash and he had spent many an hour discussing the moves the politicians were making in their bid for power in the Southwest. Ash had foreseen Jennings’ disappearance. “He who lives by the ballot dies by the bullet,” he had cynicized. One way or the other, they had both agreed, Jennings was up against two formidable opponents. Falk was a brilliant lawyer, and O’Lee, a ruthless cattleman.

“Politics, backstabbing politics is killing this Territory and the whole White Sands affair is certain proof. Politics overruled the law, and when that happens, you have trouble. Then right or wrong don’t matter. It’s who has the best lawyer and the most

money. Who stands to make out the best in those circumstances?  
Not the honest man, that's for sure!"

## 12:

**H**e had been an honest man all his life. He had lived by the laws he enforced. That was something he understood and which was understood about him. Given the job, he would execute it with efficiency and integrity. He had been accused of throwing a wide loop when he had done some cattle ranching in the Pecos Valley as a young man, but the ones who had accused him were the very ones he had arrested for rustling. He had been accused of being a hired gun, a back shooter, and a cold-blooded murderer hiding behind a badge. He could account for every man he had killed as an officer of the law and not one had been shot in the back or unarmed, and all had been shot in response to the threat to his own life. In such situations, he did not hesitate.

"White Sands was still an unsolved mystery when I took on the case."

Adams narrowed his eyes. "Are you telling me that you used to be a lawman?"

"That's right. I was the Sheriff of Dona Ana County some years ago."

The young man shook his head in disbelief. "You don't say." He did not want to get roped into another tall tale.

The old man shrugged. He accepted the skepticism, but it was ironic that now that he was ready to tell a true story, the boy had his hackles up.

"That's so. I've been a lawman a good part of my life. Didn't anyone over in Las Cruces mention that to you?"

"No, can't say that it ever came up."

"Brazil never told you who I am?" the old man queried suspiciously.

"Well, he told me who you were, but he never said nothing about you ever being a lawman."

"Oh, he knows." The old man thought it odd but continued. "Everyone hereabouts knows. If you were from these parts, you'd know too." He sucked on the stogie. "I'm not ashamed of it. I'm proud of the fact that Poker Tom, the governor of the New Mexico Territory, asked me to investigate the disappearance of Colonel Jennings and his son.

"You see, the County Sheriff at the time was a Democrat. And Abe Falk, who ran the Messila Democrat machine in those days, had him safely in his pocket which is why he wasn't taking any steps to look into the stories about the Dog Canyon bunch, which was Curly O'Lee and his Texas ruffians, and which is why Jennings took matters into his own hands and filed the complaint in another jurisdiction. Over in Lincoln County where . . . ."

"Lincoln County? Now I know about Lincoln County!"

"Do you now?" The old man's eyes narrowed behind the haze of cigar smoke. The boy was either a liar or stupid. Or both.

"Certainly. I read all about the desperate goings-on that took place there. Cattle rustling, counterfeiting, gunplay, murders, The Lincoln County War, Billy, the Kid."

"Well, New Mexico Territory's always been congenial to desperados and wanted men, and outlawry's their stock and trade. It should not give anyone cause to wonder why New Mexico hasn't been admitted into the Union. Nevertheless, this took place quite a while after all that dust had settled.

"It seems that O'Lee had made the mistake of raiding herds belonging to the Santa Fe syndicate, all good Republicans, and since most of their spreads were in Lincoln County whose sheriff was a Republican like themselves, it looked like that Texas cow-

boy was going to have to answer before the circuit judge, also a Republican. The Democrat goose was about to be cooked. As cozy as Falk was with O'Lee, he couldn't help but get spattered by his crony's dirty reputation."

The young man had doffed his derby and was wiping his brow with the cuff of his coat. He gazed off at the stretch of open land to their left, either annoyed or preoccupied. Finally, indifferent, he asked, "So, what really happened at White Sands?"

"Now everyone agrees that Jennings and his son were seen entering the White Sands desert and that they never came back out. Right away, foul play was suspected. After all, the Colonel had just come from the courthouse where he had filed the papers on O'Lee. And O'Lee had made no secret of the fact that any man who crossed him would pay dearly.

"Jennings had stopped one of the local mail carriers just short of his starting through the desert. He told him that he was positive that he was being followed by three riders. Well, when he didn't show for supper that night, his friends mounted a search party. It wasn't till the next day that the buckboard was located. There was not a trace of its passengers.

"At this point, the accusations began to fly fast and furious. The Republicans were accusing the Democrats, O'Lee in particular, of being behind the Colonel's disappearance. And the Democrats, in their own newspaper, in Messila, had the gall to say that Jennings had run off with another woman and was seen living it up in Santa Fe or Chicago."

The old man uncorked the demon and took another swig. He looked at the bottle thoughtfully for a moment before taking another quick nip and replacing the cork. He recalled the circus atmosphere in the press when each day brought a new accusation, a new scandal, a new development in the fight over who controlled the coffers of that part of the New Mexico Territory. His name had been mentioned as someone impartial, someone who could come in without taking sides. However, Dona Ana County already had a sheriff and they were not about to hand it over to him. Not just yet. He was not part of the machine. He was not part of any machine.

"So the Governor called a big pow-wow in El Paso with a select few of his New Mexico backers, and he invited me over from Uvalde to see if I'd be willing to take on the case. I was, but I had

a couple of conditions. One was that I had to have complete control of the investigation. And two, I had to be appointed Sheriff of Dona Ana County. Well, they didn't call him Poker Tom for nothing, and as it ended up, I went to Las Cruces as a special investigator for the Governor with his promise that I'd have the Sheriff's job within the year."

"Did you ever catch whoever did it? I can't seem to remember."

"There was never any doubt as to who killed the Colonel and his kid."

## 13:

Rudolph."

"Is that who killed them?"

"No, no," the old man snorted his scorn, "That was the boy's name, his son." He had spoken the name after what had seemed like an interminable time glaring at the tip of his cigar. He returned his attention to the ash encircled end and continued his meditation another moment.

"Though you may be more right than you know. The boy could have been partly responsible for what occurred."

"How's that?"

"I mean, that could have been the Colonel's fatal error, bringing his boy along when he went to file those rustling charges against O'Lee. He might have thought that the boy being with him would deter any attempts on his life, as any decent man, no matter

how crooked, wouldn't harm a child. He hadn't fully accounted for the ruthlessness of those Texas assassins. Had he been on horseback rather than being slowed down by that buck-board, he could have had an even chance of avoiding an ambush. Jennings was no stranger to gunplay, I can tell you that, and he'd held his own in some mighty close scrapes. As it was, they both perished."

He had always felt a certain affinity with Jennings.

There was also a slight physical resemblance that Ash had seized on, claiming that they had probably come from the same egg, only that one of them had got more than his fair share of the yolk. At a distance, they could have been mistaken for each other. They both sported the same type of moustache, full, with the ends unwaxed and hanging over the corners of equally grim-set mouths. Jennings, though not quite so tall, bore himself with a similar aloof dignity. He too was the type who would not back down once the ruckus had started.

"Now here's something I'll wager you didn't know about the Lincoln County War, as you call it." He paused as the young man now faced him, attentive. "Albert Jennings was William Bonney's lawyer at his murder trial."

"Billy, the Kid?"

"The same. In fact, that's where I first met the Colonel. Even then, he had a reputation that made Bonney look like a pipsqueak by comparison. Al Jennings was a hardheaded, no-holds-barred politician. There's a story about him that while he as a member of the Texas legislature he fought a pistol duel with a political rival. He got the worst of it and was wounded in the shoulder but he managed to get to his horse and ride off.

"Now here is an example of someone not to be taken lightly. As the story goes, later that night he came back, shot and killed the man. Then he had to make himself scarce so he moved up here to the Rio Grande valley.

"He's the one who created a law and order militia in Dona Ana County that flushed out the Texas desperados and petty rustlers who were operating out of Mexico. But you see, the way he went about convincing the criminal element to find healthier climates rubbed some people the wrong way. Some of the outlaws he rounded up were on the receiving end of a little sagebrush justice and, well, were shot trying to escape.

“He was a vigilante, then. How’s he any better than the criminals he executed?”

The old man nodded. “I won’t apologize for the Colonel. He knew what he was doing was a shade over the line, but he did what was necessary to make the Rio Grande valley more law abiding. And he was respected by most folks, honest ranchers and farmers, for clearing out the nests of thieves and badmen. My hat’s off to him in that regard.”

He did not bother to mention that, on the other hand, Jennings had been despised as a spic lover. His posses were made up almost entirely of native New Mexicans, mostly small ranchers, homesteaders, and shepherders. Few Anglos participated, mainly because of Jennings’ conviction that the Texans were a big part of the problem. It was from among these people that he had drawn his power base. Jennings knew better than most that politics made strange bedfellows, having found himself in unconventional accommodations more than once, but he’d remained loyal to his following and pursued their interests whenever he could.

The Colonel and he also shared the fact that they both had married into the native population. His own wife was a Guterrez whose people had lived and worked the land of the Southwest long before the Anglo arrived with his blond looks and blue-eyed arrogance.

## 14:

**T**here was a special hatred for Mexicans among Texans, and O'Lee as well as the two other men implicated in Jennings' murder, Jim Mcann and Gil Leland, were prime examples. They regarded the men who had gone native with contempt, as nothing more than lowlife half-breeds and squawmen. Ash's pronouncement of long ago echoed in his ears. "A Texan is someone who's had half his family killed off by Comanche and the other half in blood feuds; hard as nails and twice as sharp; brought up to hate anyone who's a shade darker or different than them; an odd lot, weaned on the barrel of a Colt, and loyal to a fault to their own kind, but brutal in their vengeance against those they feel has crossed them."

Curly O'Lee was a Texas range rat, a mongrel breed all his own. Cocky, brass, and ruthless, he'd had the ambition to be a cattle baron, and the determination to attempt it. He was built close to the ground and he walked with the unsteady gait of a man used to letting his horse do it for him. Wiry, with long gangling arms stretched, no doubt, from a lifetime of roping cows, he looked like a saddle bum down from the line shack after six months. A pale moon face topped the slightly stooped shoulders. The crooked toothy smile and pale blue eyes masked a sadistic killer. His big sandy moustache seemed to float under a red puff of nose. He had what the natives called a "Yankee face." Red, white and blue. Whenever without the big white Stetson on his head, he combed the thinning wisps of hair from one temple to the other to cover the obviously barren terrain. This was the picture of O'Lee he remembered.

A few years after crossing over into the Territory from Texas, O'Lee had accumulated quite a sizable herd and had claimed large sections of rangeland at the foot of the Sacramento Mountains. Many of his neighbors suspected O'Lee of stealing their cattle but were afraid to go up against him or his Texas guns. As his empire spread, he began to threaten the bigger ranchers in the Pecos Valley, in particular the Santa Fe syndicate. It was partly at their urging that Jennings had investigated O'Lee's operation and had begun proceedings against him. O'Lee had outflanked that move by wisely, months earlier, joining ranks with the underdog Democrats

chaired by Abe Falk and generously contributing to the party coffers. In Falk, O'Lee had a brilliant lawyer, as ruthless as himself, for an ally. From that point on, politics would determine the extent of justice.

## 15:

**N**ow you'd think that a man who was implicated in the disappearance and murder of a prominent citizen and his son would not be your likely candidate for a seat in the Santa Fe Legislature, would you? Fact of the matter, that is exactly what the Democrats are attempting in Messila. They want to elect a man that most of the population in this part of the Territory believes is guilty of ordering the disappearance of Colonel Jennings if not outright participating in it. The crazy thing about it is that they will most likely do it! And then they ask themselves why it is that New Mexico won't be admitted into the Union as a State. I can tell you that the people in Washington D.C. think that the Southwest is populated by people right out of the pages of the Police Gazette!"

Ash had originally expressed that opinion. It was one of those topics that was bound to make him apoplectic, the hogwash from the East about the West. He was in favor of New Mexico being admitted to the Union but swore that the Eastern establishment was

creating the image of a lawless no-man's land to forestall the additional votes that would add to an ostensible Western establishment. It was one of the reasons why they had agreed to write the book together.

"The world at large must know our version of the truth," his old friend had spoken blithely.

There was no need to mention that his own notoriety in a killing, the subject of the book, had led to a sudden rise in his own political viability, and that he too, at one time, had been considered for a seat in the Legislature.

The young man was attentive as the horse easily followed the rutted road between Organ and Las Cruces. Along the side, at regular intervals, the poles that would eventually carry the telephone line to the feed store in Organ were propped against the berms and hillocks of beige dirt.

"Back up here a bit," he said finally. "What you're saying is that the O'Lee that's the Democrat candidate in Messila is the same O'Lee that was accused of murdering Jennings, is that right?"

"One in the same. In this day and age, the reward for murder is prosperity. After he was acquitted up in Hillsboro, he went right back to rustling cattle and scaring the small ranchers off the range. With Jennings gone, there was not one who had the backbone to go after O'Lee. Once the jury handed down the verdict, as the Sheriff, I had to respect the law even though I knew he was guilty."

"I've had the pleasure of making Mr. O'Lee's acquaintance and found him to be a gentleman. He seemed very congenial and not at all like a murderer."

The old man had to laugh. "What the hell does a murderer look like, anyway? Anyone, you, me, could be a murderer if the circumstances were right. No one is too good to be a killer. You just have to convince yourself that your survival is more important than that of the person you kill. Most of us can abide folks without the homicidal urge. Often though it's only the convention of civilized behavior that's saved the life of some poor fool!

"No, O'Lee doesn't dress the way you might imagine a killer to dress and he does not talk like a murderer, but I am convinced that O'Lee not only planned the murder but was one of the executioners as well. Jennings had proof that O'Lee was rustling cattle and he was killed for it. And when it came to trying him for the

murder, he bought off the witnesses he could and the ones he couldn't had a sudden hankering to leave for a more congenial climate."

"Well, if the jury acquitted all three of the murder. That, to me, would settle it."

"Obviously you ain't the only one. He is made out to be a respected businessman now, but he murdered Jennings and his son. That fact will never change for me. True, the jury acquitted him, Leland, and Macann, but the jury was intimidated by the ruffians and Texas cowboys O'Lee imported up to Hillsboro and billeted in the only hotel in town. Hell, the jury had to sleep in the hayloft at the livery! It was a jamboree up there. People came from all over the Southwest, pitched their tents, and lined up every day hoping to get in to see the trial. The jury got wind of what some of the tougher O'Lee guns were planning if they even considered finding their boss guilty. But he didn't need them. His lawyer, Abe Falk, destroyed the prosecution's case. The attorney for the Territory was a political hack from Santa Fe who could have cared less who O'Lee had killed. He had been sent to make sure that Falk, the Democrat, did not win. Everyone knew that. What had been a clear-cut case of kidnap, murder, and conspiracy was made hostage to political maneuvering. What I had believed to be right and the law suddenly shifted in the political wind like it was no more than the smoke off this cigar!"

## 16:

Ash had admonished him against politics more than once. He had had his ambition to sit in Santa Fe, but Ash had told him, “You’re too upright a fellow to be mingling with those old foxes, all of them with a hand in the chicken coop. Ethics is a word foreign to their standards, and you are too ethical a man. You’d stand out like a trained bear in a flea circus.”

But what would Ash have made of the Governor of the Territory of New Mexico meeting with him in an El Paso hotel room along with some of the more prominent businessmen of the Territory, Abe Falk included, for the purpose of hiring his services in the investigation of the Jennings disappearance?

Santa Fe was being pressured from both Washington and the local citizenry to resolve the case and bring the criminals to justice. The Sheriff of Dona Ana County at the time was doing nothing because of his fear of O’Lee and the fact that they were both Democrats. Everyone knew or said they knew who the guilty parties were. O’Lee’s confederates tried to blame it on disgruntled Mexicans. That was highly unlikely as Jennings received much of his support from that segment of the population. The most widely accepted version was that O’Lee had done the deed or had hired someone to do it.

He would have loved to have told Ash that he had had old Poker Tom squirming. Ash would have appreciated the wonderful irony of the situation. Poker Tom, the Democrat Governor of the Territory, having to promise the post to a registered Republican like himself.

The terms of their agreement stated that he would return to Las Cruces, set up residence, and act as a private investigator for the Territory of New Mexico until such time as was feasible when he would take over the post of County Sheriff.

The offer had come when he had been casting about for a new way to make a living. With Ash gone and the horse ranch losing money, it seemed at first like a golden opportunity. His wife was tiring of the remoteness of the ranch and longed to be nearer her relatives in New Mexico.

He thought he had left law enforcement behind. Nevertheless, it was something he knew he could do. Looking back, he realized

that Ash would have warned him against it. “When you’re dealing with politicians, take inventory to make sure you haven’t been robbed, and check your back for knives.”

He wished now that he had listened to his friend’s advice although it could not have been offered in this particular case. Ash was the old whiskey sage, “the oracle of the long necked bottle” as he liked to call himself. And it was as if, now after all these years, his old friend was talking to him again as he himself took another swig of aguadiente. He would have made quite a windy of the White Sands tale.

## 17:

**A**sh had the habit of adding flourishes to the facts. He, on the other hand, felt confident only to tell the facts the way he had experienced them. He had admired the way Ash could take a simple occurrence and pump it full of portent. But he couldn’t do it, or when he did, it always sounded forced and not a little exaggerated. The art of storytelling, Ash had told him, was exaggeration that appealed to the expectations of the listener. If that meant bending the truth in places, being inaccurate to conform to the lay of the tale, then that is the way it had to be done. The importance of the facts had always tripped him up when it came to spinning a yarn. “Don’t let the facts get in the way of your imagination,” Ash had advised him. Like other advice Ash had offered him at one time or another, he followed it poorly, if at all.

“I made myself available once I got into Las Cruces. It was common knowledge as to why I was there, and I let it be known

that I was interested in anything anyone had to say about the disappearance of the Colonel or his son. At first, folks kept their distance, but as time went on and people got used to seeing me and my buggy around, names came my way or someone that knew someone heard that someone else had sighted the Dog Canyon bunch. I was not in a big hurry to go after them just yet. Besides, I did not have the authority to arrest them, and I couldn't count on help from the Sheriff. I bided my time and collected the facts that would bring the case to trial.

“As it was, much of the evidence had already been collected by the time I took over. What remained was sorting through the reports by witnesses, figuring which ones were reliable, and constructing a train of events.”

## 18:

**T**he facts of the investigation had been straightforward. A posse had been assembled soon after the postman had alerted the family to what Jennings had told him. By then, the Colonel had been overdue, long enough to cause concern. They had followed the road through the desert and had found tracks that showed where the Jennings buggy had veered off. The impressions of the wheels indicated that the buckboard had gone at a gallop for about a hundred yards before stopping. Or being stopped. They had estimated three or four horsemen from the number of hoof prints, and that they had lingered there for quite some time from the amount of horse droppings and scattered cigarette ends. They had not found it then, but a later search had uncovered a large pool of dried blood under where the wagon had been stopped. Then darkness had made any further tracking impossible.

The next day, after following the wagon tracks, they had found the abandoned buckboard. The court papers on the proceed-

ings against O'Lee that should have been in the boot were missing. Jennings' son's hat, a shawl knit by his wife, and an empty cartridge belt were all that had been found with the buggy. There was no sign of Jennings or his son or any indication of where they might have been buried if they had indeed been murdered.

The posse had then followed the horsemen's trail east toward Wildy Well where they knew that there was a line shack used by O'Lee's drovers. Dog Canyon, O'Lee's ranch house, lay just beyond. At one point, the tracks of three riders had diverged, one going southeast in the direction of Wildy Well, and the other two towards Dog Canyon. The posse had split up also. Two men had gone after the lone rider, five followed after the two headed northeast. The remaining searchers had returned to Mesilla with the wagon.

The five men who had trailed the two riders had ridden to within a mile of O'Lee's ranch house. They had dismounted and had argued on how best to proceed. They were frightened of O'Lee and unsure of the evidence they had against him. They were not so foolish or as arrogant as Jennings to go up against a man so powerful and ruthless. However, while they were deciding their course of action, some of O'Lee's ranch hands had driven a herd of cattle over the trail, obliterating the tracks they had been following. That had settled it for them and they had turned back.

The other two had followed the lone rider to the line shack at Wildy Well. Inside they had found O'Lee and four of his cowboys. O'Lee had been disdainful and not the least bit concerned when told of Jennings' disappearance, and had denied any interest in the matter one way or the other. He had then mounted his horse and set off in the direction of Dog Canyon. The posse members examined the tracks left by O'Lee's horse, and they determined them to be the very same hoof prints that they had been following since the discovery of the buckboard. However, by then O'Lee's men had become abusive and threatening. Intimidated and fearing violence, the two men had retreated to rendezvous with the rest of the posse.

## 19:

Outrage had swept through the Rio Grande valley. A two thousand-dollar reward and full immunity from prosecution had been offered to any of the accomplices who would come forward to give evidence against the principals. A common understanding cautioned anyone who might have thought of speaking up. The foolish person who sought to claim the reward would not have lived long enough to spend any of it. Business associations and fraternal organizations in Las Cruces and Mesilla had then raised the ante. Eventually the reward had reached fifteen thousand dollars.

“What with the Governor’s offer and the potential of collecting the reward, I was sorely tempted. I know that there was talk of how I rubbed a lot of people the wrong way. But the people who hired me knew that I would get the job done no matter who my enemies were.

“I knew that the Dona Ana sheriff was in Falk’s pocket, that his election had been protested by the local Republicans who claimed that the Democrats had stuffed the ballot box. The entire election had been run under a cloud what with O’Lee and his Texas pistoleros bullying the voters at the polls. They even added insult to injury when they began calling that part of the Rio Grande valley ‘New Texas’.”

“Where do you fit in to all this?”

“I did not at first. I was not appointed to the post of sheriff as soon as I had hoped. In the meantime, I remained as a private investigator for the Territory at one hundred fifty dollars a month expenses with an eight thousand dollar bonus for the capture and conviction of the murderers.”

## 20:

**B**y the time I was finally appointed Sheriff, I had enough evidence against O'Lee, and his accomplices, Gil Leland and Jim Mcann, that I felt I could secure an indictment from the grand jury. I was not going to be bullied by any Texans and I made no secret my intentions. I had the authority to arrest and bring them to trial. My case was ready to be made.

"Shortly after my appointment, I was in Tularosa interviewing prospects to serve on the jury when someone whispered in my ear that if I had a warrant for O'Lee, I could find him playing poker over in the back room of Tiptoe Tobey's saloon.

"Well, I did have a warrant for him but my plan was that O'Lee would be the last of the trio I arrested. Taking O'Lee in right away would have served no purpose. He was the ringleader in my estimation and so would be the last to admit to anything. I wanted to work on the weaker links, Mcann and Leland. If I could get them to confess, my case against O'Lee would be that much stronger."

"So what'd you do?"

"I went over to the saloon and sat in on the game."

The young man squirmed with disbelief.

"If I hadn't, with a man like O'Lee, had he heard that I'd been informed of his presence in Tularosa and rode off without confronting him, he'd have been noising it about that I was afraid of him. Well, I will tell you, I walked right in on a cozy nest of snakes. There sitting at the table playing five card stud were O'Lee and his lawyer, Abe Falk, as well as Tiptoe Tobey, himself, and George Kerry, the County clerk."

"That's not Governor Kerry, is it?"

"The same. He's a man who has always pushed his luck and come up winning. If anyone ever has, he's led a charmed life." The old man didn't mention that in his inside coat pocket was a check for fifty dollars from Kerry, his old friendly adversary. He did not want to admit that right then that that was all the money he had in the world. It would not help him in his negotiations to get Brazil to move his goats off the property. Kerry's check had come as a result of a desperate plea he had mailed off to the Governor about a month previously.

“Did he win you at that game?”

The old man shook his head. “That game was played to a draw. But it wasn’t because of George Kerry’s lack of trying to precipitate a fracas. At first, they were all worried that I would start some kind of gunplay though of course they tried not to show it. I was heeled, I had my .44 Colt, and I could see by the plow handle stuck in his belt that O’Lee was as well. I calmly called for a fresh deck and had Tiptoe deal me in. The first hand I drew was a three, jack, and an ace showing, with a deuce in my hand. I drew the other jack on my last card. O’Lee, Kerry, Falk folded with Tobey paying to get a look at it. The pair of tens showing was all that he had.

“And that’s the way the entire game went. I played cool and cautious. Never won too much, never lost too much. I’d have to say that it was probably the best poker game I’ve ever been in. I was as sharp as a mesquite thorn. Not one card was played without my taking note of it in memory. But at the same time, I felt relaxed, peaceful, as if I had all the time and all the luck in the world. Every move I made had the glint of perfection. The whiskey had no effect on me other than to wet my whistle and sharpen my attention.”

“Well, somebody must have won. Generally, it’s the man who cashes in the most chips.”

“Now, now, as I said, it was a draw. You see, as soon as I sat in it ceased being a game of chance and be-came a game of who would blink first. And it lasted seventy hours, as I recollect.”

“Seventy hours? But that’s almost. . . .”

“Three days, I know. But it’s the truth.”

“I find that hard to believe. You were up all that time with no sleep whatsoever? And playing poker?”

“Well, I’ve participated in longer pasteboard marathons but in this case the circumstances decided it. Had I fallen asleep I would have been at O’Lee’s mercy. Not that I think that he would have attempted any foul play with so many witnesses, but I would have been at a distinct disadvantage. I am certain that he felt the same way. Make no mistake about it, we were sitting on a powder keg and any wrong move could have set it off. I had to choose my words with the same care as I played my cards. No remark of his could go unanswered by one of mine. One mistaken comment about something as picayune as the weather could have had us going for our pistols. The air in there was so thick with tension that

you could have packaged it and sold it back East.” He laughed to himself. Ash would have given him a pat on the back for that one.

“Well how did it end?”

“George Kerry.”

“I thought you said he didn’t win you.”

“No, the game was a draw, as I said. But Kerry is the one who brought it to an end.” He drew on the cigar and sucked in the taste of cold ashes. It had gone out. All his babbling had allowed it to go out.

“George had had enough of the game and possibly the lack of sleep had made him desperate and not a little suicidal. At one point on the third day, he lit up a big cigar. . . .” He relit his own. “And looked across the table at me and then over at O’Lee. ‘Boys,’ he said, ‘I’ve been hearing that the grand jury is going to indict somebody at this table for the murder of Jennings and his son.’ Well that was like somebody holding a match to a fuse to see who would flinch first. Then he went on to say that someone among them might be wanting to hire a lawyer and that he had a hunch that that lawyer was sitting at that very table. He meant Abe Falk, of course.

“The hair was standing up on the back of my neck like needles on a cactus, I can tell you that. O’Lee kept his eyes on me and shifted his cards from his gun hand. And I caught him swallowing. In my mind that meant he had blinked and he knew it, too. Finally he says to me, ‘Mr. Sheriff, if you wish to serve any papers on me at any time, I will be here or at my ranch.’ I let him sweat and took my own sweet time replying. I saw that my original strategy had not been compromised by this encounter so I said to him, ‘All right, Mr. O’Lee, if any papers are to be served on you, I will mail them to you or have Mr. Kerry here serve them.’ Once that was said, there wasn’t any need for the poker game to continue, though the game between myself and O’Lee had just barely begun.”

Life is a narrow vale between the cold and barren peaks of two eternities.” One-eyed Tom, the proprietor of the Coney Island Saloon in El Paso and the old man’s longtime friend and gambling associate, read from the page Apollinara had prepared from a text by the agnostic, Ingersoll.

The day had begun with a gully washer and had made a pond of the rectangular hole carved in the red dirt in a neglected corner of the Las Cruces Odd Fellows Cemetery. As the funeral procession had wound its way to the burying ground later that day, large threatening dark clouds raced across the severe blue like itinerant mourners threatening to drop more misery on the assembling dignitaries, friends and family.

“We strive in vain to look beyond the heights. We cry aloud and the only answer is the echo of our wailing cry.”

The old man’s children, four boys and three girls, stood at graveside, their heads bowed. Paulita, the youngest of the girls, held the three-year old boy on one hip. Apollinara stared solemnly, stoically at the long plain coffin holding her husband’s body. In her black-gloved hand, she clutched the telegram of condolence from the President, Theodore Roosevelt. At her side, a grim Governor Kerry stared intently at the red muck that encased his new boots. The old man’s brothers, long estranged, had made the trip from Louisiana, tall and gangly like their departed sibling. A young reporter from the El Paso Herald stood off to one side, unobtrusively, jotting in a narrow notebook.

“From the voiceless lips of the unreplying dead,” One-eyed Tom quavered, “there comes no word; but in the night of death hope sees a star and listening love can hear the rustling of a wing.”

A cloudburst greeted his words. With the sound of spreading wings, almost in unison, and as if in salute, the black umbrellas of the prepared rose over the heads of the dark clad mourners. Rivulets appeared in the rutted red earth, wending their way between mud splattered shoes, over the piles of crimson dirt at grave’s edge, and around the large gray mass of granite headstone upon which was carved the name, *Garrett*. The accumulating wet gathered in depressions made by the carriage wheels and boot heels like murky pools of blood before dribbling down the desolate hill.

## 22:

The old man wet his whistle and continued. “I had a plan, and if it was going to work, I had to play it out slow so as to hang all three with the same noose. If this had been an open and shut case of some desperados on a tear, it would have been over and done with long ago, and without any help from me. As I said before, politics was involved and so I had to proceed cautiously. Too cautiously, some have said. I had to weigh the political implications for everyone I investigated. Politicians, if they ain’t long on ethics, are certainly long on memory, and I didn’t want to step on any toes that would come back years later to kick me in the rear when I wasn’t expecting it. I was caught up in the power game between the Democrats and the Republicans. The murder of Jennings was almost inconsequential, a minor irritant, and so I had to get in the swim just to stay afloat.

“I played a waiting game figuring that someone involved in the murders would either brag or break. Gil Leland was the one I would have given odds as most likely to talk. There was one of the goosiest fellows I ever came across. At times he was just one big twitch, arms, face, legs going every which a way with some kind of affliction. Don’t think they ever figured that one out. He’s one

of them northern types with white blond hair that he always keeps jailbird short. Has the kind of blue eyes that are so light they're almost colorless. The locals call him El hombre sin ojos, the man with no eyes."

"Are you saying he's still alive, I mean, living around here?"

"He is at that, and crazier than a loon, I hear. He's finally cracked. And he's talking about it now, letting on little details that only the killers would know. I also hear that when he's had a little too much firewater that's the only thing he'll talk about. I'd say his conscience is getting the best of him."

"Has he said anything that could be used to implicate him in the murders?"

"Oh, he's always said plenty. You see, the killing of Colonel Jennings was thought to be a feather in their cap by some, including themselves. Leland was just a boy himself when the murders were committed, and he was cocky, boastful and impulsive as most boys are. And not too bright.

"He's the one I was most anxious to arrest in particular. He had the potential of being the prime witness. O'Lee and Falk knew this too so they kept him away from the wrong kind of people, people who might be willing to talk to me about what he was saying."

"What was he saying?"

"Some of what I was told, and it's been a while now, was that Rudy Jennings was nothing but a little half-breed and to kill him was nothing more than killing a dog. He said of Jennings that the old bastard got what he deserved. But it's what he's saying now that has O'Lee worried."

"How's that?"

"Well, it seems that Leland is saying that he's ready to confess and that he wants to confess to me. I do not know why. It won't do a whole hell of a lot of good. I'm not a lawman any more. Nevertheless, he's saying he knows where the bodies are buried, and he's saying that he's the one who killed young Jennings. The way it was told to me, he grabbed the boy by the hair, pulled his head back and slit his throat with no more compunction than if he was a crippled calf."

"Did he say how the Colonel died?"

"The way I heard it, they overtook the buckboard and just started shooting. No one knows whose bullet actually killed him.

There's even talk that the Colonel hopped between the riggings to get away but was dead before he hit the ground."

The young man nodded his head. "I'll bet if he could, he would tell some tales."

"I'm counting on it. I may not be able to arrest O'Lee for what he did back in '96 but I can expose his villainy and finally clear up the mystery of White Sands."

"How are you going to do that?"

"I'm going to write a book about it."

"A book?"

## 23:

**A**ny book would be a lie. Without Ash, it was only a threat, a bluff. He was willing to expose O'Lee for the criminal that he was, and he had noised it about that that was what he intended to do. On the other hand, he was less eager to reveal his own ineptness. How could he admit to the embarrassment of Wildy Well? He had blundered and had let O'Lee get the best of him in that instance. This was when he needed Ash to help him. Ash could temper a tornado down to a dust devil. He had controlled the spin on the one book they did write together though the results were not what they had anticipated.

"You eventually captured the men indicted by the grand jury, didn't you?" Adams was getting downright fidgety. He had loosened his cravat, and the pigskin gloves had been stuffed into a pocket of the raw canvas duster.

The old man nipped at the bottle a couple of times before answering. He didn't like to lie mainly because he wasn't good at it. That was Ash's bailiwick. "I was never one for riding all over creation looking for desperate men and exposing myself to an ambush. Patience is as important as dry powder on the hunt, especial-

ly a manhunt. So I waited. I knew O'Lee and Leland were hiding out in the mountains. I had reports that they'd grown beards in an effort to disguise themselves. Of course, I would have known them even if they were hairless. I was anxious to get my hands on Leland. If I could get him to divulge where the bodies were buried, I was positive O'Lee and his assassins would have an appointment with the hangman."

"You must have gone after them."

The old man wet his lips and stared ahead at the rutted road, the sage and stunted greasewood that grew up along the embankment, the shimmering crests of the sawtooth Jarilla Mountains in the distance.

"Once I tried to take them at Wildy Well, and almost had them."

"I assume you weren't successful as 'almost' only counts in horseshoes, don't it?"

"Well, I was successful in impressing O'Lee that I was serious about bringing him to justice. But I'd also have to admit that I might have acted a bit too hastily in this case."

"What happened?"

"It was this way. I had a deputy by the name of Jorge. He was an honest-to-god Mexican pistolero, what you might call a flashy fellow. He dressed like a vaquero at a fiesta every day of the week. You comprende? The wide embroidered sombrero, the dragoon jacket, conchos up the pant leg, spurs with huge rowels, a brace of Colts in embossed scabbards, quirt. . .in short, the whole shooting match. Hell, when the sun hit him with all his silver on, he lit up like a big piece of jewelry." He could almost feel Ash prompting him. "We could only travel at night because you could see him coming for miles in the daylight. He was sure a pretty shadow, but he was also a reliable man, a dead shot, and I trusted him.

"One afternoon he came by my office and informed me that he'd discovered where O'Lee and Leland were staying that night. When he told me that it was in the adobe shack at Wildy Well, the thought crossed my mind that O'Lee was getting awfully reckless by placing himself so close to my reach. Maybe, I thought, he is trying to test my resolve in capturing him or maybe he is daring me to come after him. I was inclined to let him try a little harder because if I did not act then, that might make him bolder and more careless, and I would have him. As it happened, two other depu-

ties, Woody Eastwood and Lefty Cartwright, as well as a young school teacher by the name of Matt Hughes who often volunteered when I need an extra man were in the office when Jorge stormed in with this information. Now Jorge was of the opinion that we should ride right out there and arrest them. And Woody and Lefty, who felt that they had been chaffing at the bit long enough anyway, chimed in that they thought that it was a good idea, too. I mulled it over knowing the potshots I'd be taking from the press and citizenry if word ever got out that O'Lee had been within my grasp and I failed to act so, against my better judgment, I agreed to undertake the expedition.

"If we were going to take them, I knew that it had best be by surprise so I waited till after midnight before starting out. *La madrugada*, as Jorge called it. We rode to within a mile of Wildy Well before dismounting. As I re-call, it wasn't a particularly dark night, the moon was still up, and as it was mid-July, the air was notably balmy. We arrived at the line shack just before dawn. It was an adobe and wood shanty with a lean-to propped against one side. We kept watch on it for a while just to make sure no one was up and stirring so as not to spoil our surprise. Finally, we decided to make our move. Jorge was so intent on stealth that he even took his boots off and proceeded in his stocking feet. I always figured that it was the Indian in him that made him do that. We got up to the door of the adobe without being discovered and then, since it wasn't latched, we invited ourselves in."

Adams was plainly interested again. "What happened then?"

The old man took another swig. The answer to that question led to the unraveling of the entire unfortunate adventure. They had not surprised O'Lee and Leland under the blankets. Instead they had roused the Madisons, a family O'Lee had hired as caretakers. Old lady Madison had sat up stiff as a plank and started screaming when she woke to see a pistol barrel stuck in her face, and that in turn had awakened her husband and the two children. There had been another adult sleeping in the room too, but he was no one they could identify. He had ordered them to light a candle, and after a quick search of the single room and the sleeping loft where the children had been, he had found no one else.

"It looked like we had a case of mistaken identity," he finally admitted. "The people in the adobe were just some harmless folks, the Madisons, a husband and wife who were employed by O'Lee

to keep his stock watered. I questioned them but they denied having seen O'Lee or Leland. By then everyone was up and milling about so we stepped back outside to reconsider our strategy. I had Woody go over to the corral and size up the horses. O'Lee or Leland would not be riding just any nags. Jorge swore up and down that O'Lee should have been there but I was inclined to dismiss it simply as bad information. Then something occurred that made me suspicious. Out of the corner of my eye, I caught one of the Madisons trying to signal to someone on the roof."

"They were on the roof!"

"That was my suspicion though I couldn't be positive right then. There was a ladder over by the shed on the side of the adobe but it wasn't tall enough to reach, and besides I was not anxious to stick my head up there just to get it blown off. Now Matt Hughes had more guts than brains and he set about moving the ladder onto the roof of the shed and that way getting a look over the wall."

"Couldn't you just step back a ways to get a view of the roof top?"

"Not without leaving myself open to taking a bullet and not on an adobe I couldn't. Think about it. Most adobes are built with about two feet of wall above the roof line. Anybody up there is in a superior position because it acts as a natural fort. They had command of the entire compound, us included. Well, before I could get off a word of caution, Matt was up on the ladder pointing his Winchester over the lip of the wall. The next thing I know there's shooting and Matt is tumbling off the ladder and crashing through the top of the shed! I did not know it then, but he was mortally wounded, gut shot by those cowards.

"I was in a mighty bad position right about then, out in the open with not a lick of cover. I managed to get myself behind the shitshed, their rounds kicking up dust at my heels. Woody had a clear shot at them from over by the corral but they managed to keep him pinned down. Lefty was over by the water tower behind a pile of gravel but he could not move one way or the other without exposing himself. A couple rounds had punctured the tank so he got himself a cold shower he had not been counting on. And Jorge was caught back at the adobe, bare footed and without a stitch of cover. I remember he clung to the side of that adobe as if it were a sheer cliff, unable to get out to a firing position, and him the most fearsome pistolero of our bunch." The old man offered a sardonic

chuckle with this memory. It had not been humorous at the time. Matt Hughes had probably fired first though he had testified at the inquest that the men on the roof had been the first to get shots off. He was a youngster and trigger happy, and he had paid with his life. He still blamed himself for the man's death, and the fact that O'Lee had got the upper hand rankled him yet. The humiliation that they had endured a rout at the hands of those bastards burned him now as freshly as it had ten years past.

"You were in a fix, I'd say. What did you do then?"

"I did the only thing I could do. I called for O'Lee to surrender."

"That was rather bold of you."

"True, I was in what you might call a close place. However, I was still the law and I had the right to demand that they put down their weapons and come out with their hands up. O'Lee was of a different opinion. He claimed that I would kill him if he gave himself up and, though that was not my intention, I knew it to be a possibility as I had heard that he had bragged that he would never be taken alive. Unfortunately for me, I was in no position to bargain."

The exasperation even after all those years dulled him to silence. Moreover, the drink he had been spilling down his gullet made him feel a certain thickness that was at the same time a fuzzy constraint. A grim bitterness tightened the corners of his mouth and his lower lip protruded in sour contemplation. Anyone familiar with the wounded, glowering look that passed over his shaded brow would have known that it was time to politely seek other company or face the brunt of his explosive rancor. The injustices he felt he'd suffered, real or imagined, at the hands of manipulating politicians smoldered within him and were invariably fueled to flame with drink.

Adams prattled, unaware. "Seems to me you could have planned that undertaking a little more carefully. How did those men on the roof know they weren't being set upon by robbers or Indians?"

"I called for them to surrender but they answered with their guns. I had a woman and two children in danger of being struck by stray gunfire if I decided to fight. I knew that I would get my chance at O'Lee again. I told him that we would pull back if he

held his fire, and he agreed. And that's pretty much all there is to that story."

The discomfort and anger he felt was making him sullen. He pictured their retreat. They had been forced to abandon Matt Hughes' body. They'd had to retreat, Leland spitting jeers and insults at their backs, hands over their heads until they dropped behind the rise. They had made a pitiful, almost comical, sight: Woody and himself glowering in silence, humiliation steaming off them; Lefty soaked to the bone, growling and mumbling; and Jorge hopping from one foot to the other at the bite of some sharp rock or mesquite thorn and uttering elaborate Spanish Indian curses and blasphemies. Empty handed as a sodbuster at a tax auction, as Ash would say.

## 24:

Fourteen years had passed since the old buzzard had died. Lately his memories of Ash had been frequent. That he had considered writing another book would have been reason enough to conjure the raucous spirit of his old friend and drinking companion. The hours they had spent, sometimes into early morning, drinking, talking, and thigh slapping he remembered with a wry fondness. Ash had always done most of the talking. And all of the writing. He had watched his friend hunched over the roll top desk by the light of a coal lamp scratching steel nibs across sheaves of paper to inscribe the words they had spoken only moments before. Ash had claimed that if they kept up the way they were going, they would have to buy their ink by the pound. He had provided much of the enthusiasm and conviviality that was needed to see their book to its completion. He missed those bright patches in an otherwise grim and hard scrabble existence, and the friend who, bedraggled and weary after their all night marathons of drinking and telling lies, sometimes looked like a hedgehog who'd just smoked an exploding cigar.

“The grand jury met on April first and returned indictments on O’Lee, Leland, and Mcann. I figured that they would expect me to move on them as soon as a decision was reached. However, the joke was on them. I went to serve the warrants the following day. Falk had already sent word to O’Lee’s ranch so he knew of the grand jury’s action and I did not expect to find him there. O’Lee’s foreman told me that his boss and Leland had gone out to round up strays but I knew better. I had them on the run. My strategy was to pick them off one by one, leaving the leader until last. If I had all three in jail, I knew that O’Lee’s influence would prevail. I was anxious to get to Leland. O’Lee had that figured which is probably why he kept him close to his side. I had to settle for Jim Mcann.

“I knew right where to find him too. At McNeil’s boarding house. The morning after the indictments I had sent word over to Alice McNeil to serve Mcann a particularly hefty breakfast. I knew that Mcann presented with the choice of a hearty spread or ramming hooks for the hills would let his stomach make the decision. I was right. I served him a warrant to go along with the flapjacks and sausage. Then I told him to wipe the syrup off his beard and accompany me over to the lock up.

“I figured if I kept him isolated in the cooler long enough that he’d come around and start letting on to what he knew. I suppose that’s what Abe Falk figured too. He went about getting the preliminary hearing scheduled within the week. Part of his strategy was to get me to divulge the extent of the evidence I had against his clients.

“My main witness was a ranch hand by the name of Welkin. He had been at O’Lee’s ranch the night of Jennings’ disappearance and testified that all three men had ridden in on frothing horses late that night. He had heard them discussing in low voices something that was obviously of great concern to them. He had heard O’Lee say something to the effect that they weren’t going to be bothered on that account any longer. He also testified that O’Lee had burned a sheaf of papers, what could have been legal documents, in the fireplace.

“Well, Abe Falk didn’t get to be one of the most powerful men in the Southwest by being a pussycat. He tore into Welkin like an auger into rotten wood. By the time Falk was done with him, he was lucky if he knew who he was. It even looked to me that he had made him into a witness for the defense!

“It was pretty much all downhill from there. I had physical evidence, of course, but lacking the actual murdered bodies of Jennings and his son, it was not all that weighty. Falk dismissed most of the other testimony as hearsay or merely opinion. I had a woman who was riding the Alamogordo stage that same day. She claimed that she had seen the three men race by, hell bent for leather. Falk tried to discredit her by accusing her of having an affair with the stage driver. He even accused me of promising Welkin two thousand dollars of the reward money if his testimony led to their conviction. I had done no such thing, of course.

“Welkin had approached me for a loan to buy some property and I had told him that when and if the men were convicted I would then be in a position to make him a loan. At any rate, my case was not in the best of light right then. Falk was as surprised as I was when the judge remanded Mcann over to jail.

“He was a guest of the county for over a year and he never did talk. That’s because he was too busy eating. He had a tab set up at the boarding house that was paid by O’Lee through his lawyer. Can’t say that O’Lee didn’t know the price of silence. Mcann had loaded on near two hundred pounds by the time I had to let him go. I was worried that I was going to have to widen the doorway to the jail to get him out. Finally I had to roll him out of there like a beer barrel.”

I supposed you eventually apprehended O'Lee and Leland. They did stand trial, if I recollect."

"They did that, but I never nabbed O'Lee or Leland."

"What do you mean?"

"You've heard of moving heaven and earth. Well, Abe Falk came close to doing that for O'Lee. He maneuvered the Territorial legislature into apportioning a new county simply to remove those boys from my jurisdiction. The next thing I knew, the crime was no longer in Dona Anna County but in a new one that Falk had materialized out of thin air. Otero County, named after the newly appointed Governor.

"How could he do something like that?"

"Falk is a powerful man and he ain't shy about flexing his political muscle. He has got his sights set on Washington. He controls much of what passes for politics here in the Southwest. He had George Kerry appointed the Sheriff of Otero County, and George, never one to overlook a chance at advancement, was in his pocket.

"O'Lee would have to face the charges against him eventually. Falk knew this, and he figured that if his boys surrendered to an authority friendly to his cause the interrogations, if any, would be less than thorough. Leland was his wild card and he wanted to keep him close to his vest. Finally, he arranged for O'Lee and Leland to surrender to his man. I was out of the picture by that time except for the fact that they were still under indictment.

"So you never captured O'Lee and Leland?"

"That's right, they evaded my clutches and never had to spend a day in jail. The new County did not even have a jailhouse yet so they spent the entire time awaiting their trial at the hotel in Alamo-gordo with pretty much free rein of the town. On equal terms, I would have eventually brought those boys in myself, but Falk plays with a marked deck. You've heard the expression that some men will rob you at the point of a gun and others at the point of a pen. Well, Falk is one of those who wields a lethal pen. He was double dealing the whole time." That memory called for another nip. "I did put a hell of a scare into those boys at one point, though."

"How so?"

"I knew that an arrangement had been made for O'Lee and Leland to surrender themselves to George Kerry in Las Cruces but no

date had been determined. I was up in Santa Fe collecting a prisoner for extradition to Texas when an acquaintance who worked in the Governor's office informed me that O'Lee and Leland would be boarding the train somewhere along the line between Santa Fe and Las Cruces in the custody of Kerry's deputy. As luck would have it that was the very train I would be taking to El Paso with my prisoner. Accompanying me was John Hume, a Texas Ranger.

"If you must know, I was sore at having been outfoxed by Falk, and I relished this opportunity to confront O'Lee. I considered goading him and making him do something stupid that would play into my hands. I did not want him to think that he could evade me so easily. On the other hand, that O'Lee and Leland would stand trial was good enough for me. I had the evidence to convict them, and they would hang just as dead whether they were in Kerry's custody or mine. I was not, however, going to let them think that their subterfuge had succeeded. I was willing to cash in on any foolish move they might make.

"At every stop the train made, I was on the platform surveying the boarding passengers. We were just about to pull out of Sorroco when I happened to glance at the window of the smoking car. There was a bearded fellow seated there that I had not remembered boarding at the previous stops. That made me suspicious so once the train got rolling I asked the conductor if he remembered any one boarding from the backside of the tracks. He confirmed that three men had jumped on board as we were leaving the stop just before Sorroco and that they had taken seats in the smoking car. Right then and there I would have bet everything I owned that they were the boys I was after.

"I had a decision to make. I was tempted to arrest them myself but since the crime was no longer in my jurisdiction, I had no authority to do so especially if they were in the custody of a duly appointed peace officer. I realized that the most I could do was give those boys a bad case of the willies.

"I explained my plan to Captain Hume. We chained our prisoner to his seat and then we walked back to the smoking car. Those boys must have seen us coming as it was mighty quiet when we stepped into that car. Right away, I recognized the men I had been chasing. Both had full beards. Leland wore dark glasses and pretended to be asleep. The deputy had his face buried in some French blue book. The man I wanted, O'Lee, was hiding under a railroad

cap. We had worked it out beforehand that Hume would cover Leland and the deputy, and I would have a go at O'Lee. I went over to where O'Lee was sitting, stiff as a raw hide in a snowdrift. I planted my foot on the armrest of the seat next to his and made like I was looking for some reading material in the newspapers and magazines stacked there. Then I leaned against the back of his seat and looked out the window, casual-like, as if I was enjoying the scenery. I was close enough to see the sweat rolling down the back of his neck. Those boys didn't know whether to shit or go blind." The old man chuckled, replacing the cork. "I'd say that's a memory I'll always savor."

"What'd O'Lee do?"

"Nothing. I figure I had him shaking in his boots. If he or Leland had been foolish enough to start gunplay, they would have got the worst of it. As it was, I got the satisfaction of seeing them sweat. After a time, I sauntered back to my seat in the passenger car. Those boys probably had to go off somewheres and change their britches."

## 26:

Falk had the venue of the trial changed because he claimed that his clients would not receive a fair trial in either Dona Ana County or Ortega Country. That was a crock served on a silver platter. They would have got what they deserved. Justice, nothing more, nothing less. Those boys had done the deed, that was a fact. Falk figured if he could have the proceedings moved out of the vicinity of the crime, he would be able to control the way the events played in the newspapers. They moved the trial to Hillsboro, a mining camp up in the Black Range. You couldn't find a more secluded backwater in the whole territory."

The old man had noticed the rider a while back. They were in the flat stretch about half a dozen miles outside of Las Cruces. He was almost a mile behind and from his pace would soon catch up with them.

"Hell, the case was tried in the newspapers before it even went to the jury! Falk was granting interviews to anyone who could spell his name. He would say anything to put his clients in a good light. Once he even compared O'Lee to Robin Hood and painted me as the wicked sheriff of Nottingham. They made out like O'Lee was some kind of cultivated gent, that he spoke Greek and Latin when he was nothing but a West Texas brush popper. The prosecutor was a hack sent down by the Republicans in Santa Fe to make sure that the Democrats did not win. It had nothing to do with bringing the men who murdered Colonel Jennings and his kid to justice."

The old man noticed that Adams would occasionally pull back on the reins and that the horse was responding by slowing its pace. He had a good idea of who was following them.

"You would have thought it was fiesta week in Hillsboro. Why, Western Union even ran a wire up there just for the trial! They had reporters come from as far away as New York and London. Folks were arriving by the wagonload everyday just to get a seat in the courtroom as if it was some kind of opera or musical concert. The hotel was packed four to a room in no time, mostly with O'Lee partisans. Tent camps were set up all over the hillside on the outskirts of town. The truth is, the jury had to sleep in the hayloft at Hank's livery!

“Falk and his crowd held forth over at the Silver Maiden Saloon, and the Santa Fe gang used O’Shea’s Miner’s Club and Billiard Emporium as their headquarters. You could sit in Cobb’s barbershop and watch the gaggle of newspaper boys go from one camp to the other to get the opposing versions of how the day’s testimony had gone. The later it got, the harder it got for those shit scribblers to find their way across the street to the opposite camp for that last glass of convincing. Falk you might say had the deepest pockets and thus proved his righteousness by the number of besotted writers that were swept up at the Silver Maiden the following morning.

“I wouldn’t be saying much if I said that the prosecutor was incompetent. Falk demolished just about every witness who took the stand. And with nary an objection from the Territory’s side. I guess they reckoned that given enough rope Falk would hang himself, but they hadn’t figured that he was as clever as Houdini at getting out of a close place.

“He cross-examined me for a whole three days. He did not cow me, though. I gave it to him straight from the chest. I told him what I thought of his back room manipulating of the courts, how it was his kind that was responsible for the corruption in the Territory, that politics was determining the course of justice. And he could not demolish my testimony. My evidence was irrefutable, and he knew it. I would not be shaken. As much as he tried.

“Falk sunk as low as bringing O’Lee mother to the stand to testify to her son’s character and innocence. Her weeping into her hanky that way, she probably did more to acquit those boys than any of Falk’s underhanded moves. Moreover, it did not help that every testimony in O’Lee’s favor was greeted with cheers and applause from the remuda of Texas jackasses Falk had packed the courtroom with. Or that the Dog Canyon pistoleros had made it plain and clear what would happen to the jury if the verdict was returned guilty.

“The closing arguments lasted all of one day. Falk took the time to denounce each and every witness and piece of evidence against O’Lee, claiming that the accusations were nothing but politics by the Republicans. He name-called the entire Rio Grande Valley establishment, said they were slime, a bunch of broken down hacks, and liars. Claimed that there wasn’t enough evidence to hang a yellow dog, let alone the defendants. It was late evening

before he was done with his marathon summation. After the prosecutor presented his rebuttal, Falk's case did not look as strong as it might have. However, Falk had one last card to play. By then it was close to midnight and the jury was just plain tuckered, but Falk insisted that they return their verdict before they bedded down for the night in their fashionable straw palace. That jury certainly knew what was important to them. They took a whole of eight minutes to declare O'Lee and his assassins not guilty."

The rider was close enough behind that he could no longer be ignored. Adams had glanced over his shoulder in nervous anticipation. The old man smiled as he twisted the cork out of the bottle with his teeth. He had been right.

"If Gil Leland is ready to talk like I heard then I'd say O'Lee should start worrying about his chances of gaining a seat in Santa Fe. Leland's sister even admitted in the Las Cruces paper not long ago that soon after the disappearance of Jennings, she went to slop the hogs and found them rooting among young Rudy's remains near the edge of the pen. This was at the Dog Canyon ranch. I've heard tell that for the price of a bottle of whiskey that Leland will spill his guts about the whole affair. He's as much as admitted to being the one who killed the kid."

## 27:

**B**illy Brazil had the well-scrubbed look of a youngster. He had ridden abreast of the buggy on Adams' side. His getup, in the old man's eyes, appeared ludicrous, all the more reason to despise the young man.

"Gents," Brazil spoke touching a hand to the brim of his flat brimmed John B. He appeared amiable enough, pale eyes, a blond moss on his upper cheeks, a ruddy complexion, and a mouth full of white teeth in a smile.

Perhaps it was the black and white cow skin vest trimmed with red piping that seemed so outlandish. The Montana peak of the Stetson's crown was all the latest rage among the younger range hands and it did not surprise him that Brazil sported his in the same manner. The red flannel shirt was a little hard on the eyes and the stiff Levi's pants looked brand new blue stuffed into the tops of his boots, the pointy toed, riding heel variety. And the big blood bay was enough horse for any man. Troubling too might have been the revolver the young man had strapped to his waist, but that also appeared part of a preposterous affectation. In his slightly inebriated state, the old man had the feeling that he was watching the final hand of a card game, but from a distance, a fuzzy distance.

"Mr. Brazil," Adams returned the greeting, fingering the reins nervously. "This is certainly a surprise. I understood we were to meet up with you in Las Cruces."

"That was the plan," Brazil replied with the smile still painted on, "but I had to stop by Bill Cott's spread to clear up a matter before the negotiations begin. I hope this won't inconvenience you any, Mr. Adams."

The mocking in Brazil eyes was not lost on the old man. It appeared that his presence was going to be ignored for the time being, and that was fine with him. Just the sight of the arrogant pup was enough to make his gorge rise. That he had been meeting with Cott, O'Lee's brother-in-law and the man who held the mortgage on his land was unsettling. He did not want to be played the fool.

"Not at all, Mr. Brazil. It would be a welcome relief to hear the sound of someone else's voice. . . I mean, it would be pleasant to have a conversation. . . ." The sweat running in rivulets from under the green bowler, Adams was clearly uncomfortable. He

switched the reins from one hand to other as he retrieved his arms from the sleeves of his canvas duster, which once free of the young man's body, resembled an empty white shell before collapsing back onto the buggy's seat. Adams wet his lips and attempted to continue. ". . .that would encompass the point of view of. . ."

"That's an odd cut for an overcoat," the old man interrupted to bring himself into the parley. He was not going to be ignored.

Adams answered almost with a sigh of relief. "This is my motoring duster. I wear it when I go automobile riding. . . ."

"You own a . . .motor carriage?"

"Not exactly. I have an acquaintance in El Paso who does and he allows me to operate the tiller on occasion."

"Yes, I read about the two that were shipped over from New Orleans in that special railcar."

"Oh, well, there's more than that now."

"I suppose there would be."

"A dozen, at least. Just in El Paso itself."

"They're a novelty, certainly."

"You've been following the great New York to Paris Auto Race in the newspapers I suppose."

The old man shook his head. "I'm afraid I'm not as current as you are."

"The race started in New York City a couple of weeks ago, February twelfth nineteen ought eight, to be exact. Seventeen days have elapsed so I figure they should be in Montana about now."

"I don't care for them. They're just a passing fancy. They will never catch on. The rich folk will use them to parade around. You can't go any distance in the damn things without them breaking down or getting stuck and needing a horse or mule to haul them out or needing to feed on that stink water!"

"Petroleum."

"If you say so."

"I've also heard it called gasoline."

"Like I said, without it you can't go nowhere and you can't carry enough of it to get anywhere!"

"Well, I figure just the opposite. There'll be pipes running alongside the road everywhere there's a road just like telephone wires and you'll be able to sidle up to one of these poles in your automobile and turn a spigot to fill your bucket with gasoline."

"That's the most laughable thing I've ever heard!"

## 28:

**Y**oung Billy did not hide the fact that he was laughing. The buggy, crossing a section of road furrowed by erosion, bucked and lunged. The old man was attempting to light the stub of cigar in his mouth, but trying to set fire to the charred end was like threading a needle on the back of a bronc. That the old man was a little rocky from the snakebite medicine did not help. The radical sway of the buggy jogged his arm, sloshed his gurgling gut and jostled the near empty bottle in his pocket. They were encountering rough seas and his bladder was beginning to protest. Storm clouds gathered at his brow as he steadied his arm and achieved his aim. He puffed the cigar back to life, smoke pouring angrily from the corner of his mouth. He did not care to be laughed at.

Billy continued with his derision. "Mr. Adams, I'll bet you didn't know you were riding with a baby killer."

The old man exploded. "You're talking crazy! I never killed a child in my life!" He knew to what Brazil was referring. He had heard the accusation before, and he knew he was not responsible, but the words stung all the same.

"You must be getting feeble in the head, old man, if you can't remember what you done to my Aunt Shirley." Brazil's grin was wicked.

The words buzzed inside the old man's head like enraged hornets. He wanted to swipe at them, but he would be playing into the young man's hand. Ash's voice urged him to ignore the needling. "A man prodded into action don't know his own mind," words he himself had spoken, the specter of his old friend reminded him. He felt for the bottle in his pocket. A last draught would empty it. He pulled on the cork, gazing beyond it at the heat wrinkles rising off the barren rocky landscape.

It was on a day much like this one that he had taken this very same road out to Bill Cott's ranch. He was still Sheriff of Dona

Ana County at the time. He had ridden out accompanied by his deputy, Jorge, and an Oklahoma lawman to interrogate a young ranch hand with a price on his head.

## 29:

**W**ith the acquittals of O'Lee and his bunch, he had had to forfeit his claim to the reward money. The job of Sheriff paid very little. He had become accustomed to extravagance and it irked him that he had to pinch pennies just to get by. Besides, Apollinara and he had also started on their second batch of children and so there were more mouths to feed. To augment his meager salary, he had taken an appointment as a Deputy United States Marshal. This gave him the authority to pursue illegal Chinese immigrants who were crossing the Rio Grande from Mexico. However, it was demeaning work, rounding up human cattle at fifty cents a head. As Sheriff, he was also paid five dollars a day for court appearances. Then again, court sessions were infrequent and could never be counted on as a steady source of income. He could also pay himself an informant's fee. If he came upon illegal gambling, he would claim that he reported the activity to the proper authority, which in this case was himself, and collect fifty percent of everything. Regrettably, most of the gamblers were his cronies, and more often than not, he was a participant. That left the daily drunk round up. He would send his deputy to collect the local

drunks after supper, keep them in jail overnight, feed them breakfast in the morning, and then turn them loose. Technically, this was considered two days in jail, and he could collect fifty cents a day per prisoner while only spending about fifteen cents for each man's breakfast. "There is more than one way to skin a cat," Ash had often intoned, "but it's a hell of a job any way you do it."

He would not have recognized the portly gent who strolled into his office that day as a lawman. His attire was more suited to that of a banker or a lawyer. The man introduced himself as Sheriff Black from Green County, Oklahoma. He explained that he had tracked a man wanted for murder in Green County to Bill Cott's San Augustine Ranch, and asked for help in apprehending the fugitive.

The Sheriff was not so much interested in the re-ward money as he was in repairing his tarnished reputation when the murderer escaped his custody. He offered to split the reward fifty-fifty.

The fugitive was going by the name of Billy Reed. He was accused of murdering his farming partner and dumping his body into a pond. He had been arrested and put in jail, but had escaped. The local citizenry had collected the two thousand dollars for the reward. In the Sheriff's opinion, if approached, the young man would probably not go quietly, and he would be greatly appreciative of any assistance.

I was discharging my lawful duty as a peace officer. I was completely within my rights. . . .”

“My aunt Shirley lost her child because of. . . .”

“Boy, you are just flapping your gums! You have no idea of what transpired!”

He and Black had gone out to the Cott Ranch in Black’s buckboard. Jorge had followed on horseback. Not far from the ranch house, he had left the buckboard and horse with Black and he and Jorge had gone on foot down around the bluff, following the path to the rear of the garden. They had quietly tripped the latch to the gate and quickly crossed the red tile patio to the open kitchen door. Billy Reed, a tall, burly young man with a crop of dirty blonde hair, had his back to them. He had been helping Shirley Cott in the kitchen. He had leveled his Colt at the large young man, asking, “Are you Billy Reed?” The young man had turned slowly and nodded yes. Informed of the warrant for his arrest, he had nodded his assent and extended his wrists giving the indication that he would go quietly.

“Reed was a murderer, a hunted killer. . . .”

“The hell you say, I heard tell that he was a kind and gentle kid who. . . .”

“You have been fed a load of bull with a shovel! The truth is that I probably saved Shirley Cott’s life! No telling when the homicidal urge would have possessed him and he would have killed again!”

Just as he had holstered his pistol and was reaching for the manacles, Reed had hit him squarely on the jaw, knocking him down. Jorge had lunged at the fugitive, getting his arms around the boy’s thick neck. He himself, though stunned, had had the presence of mind to wrap his arms around Reed’s legs to trip him up. It had taken the two of them to wrestle him down, arms flailing, legs kicking, and screeching in an odd high, almost feminine pitch. Shirley Cott had also screamed, hysterically.

“She still has nightmares about what you did to her that day!”

“I’m sorry for that, but it could not be helped. He resisted arrest.”

He had yelled at Jorge, “Hold ‘im down! Hold ‘im down!” Jorge, spitting his Indian curses, had had his hands full with Reed who was almost twice his size. They had almost got one manacle clapped around the young man’s wrist when the Cott’s English

bulldog scrambled into the melee. The dog had clamped his jaws on the back of his thigh and he had felt the pain shoot through every inch of his body. He had jumped bolt upright, releasing his hold on Reed. Reed had struggled to his feet with Jorge hanging on to his waist, tearing and dragging the young man's pants down around his knees. With Jorge slowing him down, he had managed to hit him on the back of the head with the iron manacle. The blow had floored Reed. But Cott's bulldog had turned his attention to Jorge and taken a chunk out of his deputy's forearm. He had bitten all of them, even Reed, ripping clothes and flesh in his mad frenzy, his barks and growls adding to the din of grunts, screams and curses. Jorge had torn Reed's shirtsleeve off at the shoulder trying to twist the boy's arm around his back. Reed, bleeding from the gash on the back of his head, had thrown himself around like a wild bull at a rodeo. As the boy struggled to his feet, dragging the both of them with him, they had all fallen into the china cabinet by the kitchen door. It had overturned, spilling the glazed contents onto the red tile floor. Reed had lost his footing, slipping on the broken dishes. He had managed to get a knee in the middle of the boy's back. Jorge, a foot on the fugitive's neck, had twisted his arm around behind him so that it could be manacled.

"You shot him in the back!"

The old man shook his head. "You can probably blame your Aunt Shirley for that. If she hadn't interfered, that boy would have gone back to Oklahoma to hang."

Brazil laughed. "I heard she caught you a good one, too!"

Shirley Cott had waded into the fray with a cast iron frying pan. She struck him just behind the left shoulder and had numbed his whole left side. At the same time, the dog had sunk his teeth into Jorge's thigh causing him to ease the hold he had on Reed's arm. The boy's work boot had flown off, hitting his deputy square on the bridge of the nose. Reed was then able to scramble free and lunged out the door on all fours across the patio toward the icehouse.

"I called to him to halt, but he didn't. There was only one reason why he would be running for the icehouse instead of the wide-open spaces. I found a six-shooter on the shelf right inside the door afterwards."

As Reed had reached the door of the icehouse, he had drawn his pistol and Jorge had drawn his brace. Two shots were fired.

One caused the icehouse doorframe to erupt in splinters. The other tore into the boy's back, killing him instantly.

"You shot him in the back. In my book, that marks you as a coward."

"I hate to disappoint you, son, but I didn't kill him. My pistol misfired. The cartridge had bloated up in the chamber like a dead steer."

"You're a liar! My Aunt. . . ."

The old man had been holding his anger though it bubbled in his throat and burned like acid. He could not abide being called a liar. "Son, you are walking on quick sand," he hissed. "Your Aunt is lucky I didn't charge her with harboring a fugitive and interfering with a peace officer!"

Brazil had lost his composure as well, his face an angry red. "My Aunt lost her unborn baby because of your damned riot! That child would have been my ne-phew or niece."

The old man fixed Brazil with a glare. He drew on the cold stub of tobacco clenched between his teeth. "Boy, whatever that child would have been, rest its soul, it would have had a jackass for an uncle."

Gents, let's put this personal animosity aside and talk livestock," Adams interjected. "Nothing to be gained by dredging up the past." He turned to Brazil, "What's the count on your herd of goats?"

Brazil stared angrily at the old man and then shrugged. "Must be about eighteen hundred head give or . . ."

"Eighteen hundred!" the old man exploded, "that's six hundred more than we settled on!"

"That is correct," Adams agreed, "I thought we had fixed on the number. Tell the truth, that's more goat than I had bargained for. What happened?"

"I'll tell you what happened! This sniveling pup's trying to rob me!"

Brazil ignored the old man. "I had six hundred does drop kids is what happened."

Adams shook his head and removed his green bowler, swabbing at his brow with his sleeve. "Gents, the fact is that I didn't want twelve hundred head of goats in the first place but I'm offering to buy them off the land so I can graze my cattle. Unless that number is pared down, our deal might be off."

"I know how to trim that number. I have the solution right here." The old man brandished his shotgun.

"Now, now, I don't think there is any need for that. Mr. Brazil, can we make a deal here?" Adams reined in the horse and stopped the buggy.

"I'm a reasonable man when I'm dealing with reasonable folks, but to hell with this old bastard, if I don't sell them all, I ain't selling any!"

Adams climbed down from the bench, wrapping the reins around the buggy whip. "Let's not be hasty now. I'm asking you to take the time to reconsider while I say a little wayside prayer."

The old man glowered at Brazil. "You bamboozled my boy and ruined the range with your damned cloven hoofed locusts, but it'll be a cold day in hell before you get the better of me!"

Brazil fixed the old man with a grin of defiance. "Well, Mr. Adams, I have given it some thought, and I don't think I will sell those goats after all. I'm perfectly happy with the arrangement I have now."

The old man would not show his profound disappointment. He managed a laugh though it was an empty one. "It makes no differ-

ence if you do or not.” He stood up, a little unsteadily, and dismounted from the buggy, leaning his shotgun against the bench. “I’ll get you off that land one way or another.” He turned his back to the two men, saying, “Think I’ll water a little mesquite myself,” and walked to the opposite side of the road. He was livid, the very notion that the deal he had counted on to reverse his fortunes had gone sour was almost more than he could stand. His legs felt weak, his gut churned, and it was not just from the aguadiente. His ears were ringing, his breathing labored. Again, Ash’s voice insinuated itself. It was as if he were calling his name, but from a far distance. He let himself go at the side of the road. The stub of cigar in his other hand had gone out. It was not worth firing up again. It was done. He tossed it aside. He was done.

## 32:

**L**et’s begin the proceedings. How does the defendant plead?” Billy Brazil stared blankly at the magistrate. Then, as if startled, answered, “What’s that?”

His lawyer, Abe Falk, leaned over and whispered into his client’s ear.

“How does the defendant plead?” the judge repeated.

“Not guilty, your Honor,” Brazil replied quietly.

“Very well, Mr. Prosecutor, call your witness.

“I call Mr. Adams to the stand.”

Adams, his green bowler clutched to his chest, took his seat in the chair next to the magistrate’s table.

“Do you swear to tell the truth and nothing but the truth so help you God?”

“I do.”

“State your full name for the record.”

“Charles Adams.”

“To the best of your recollection, what took place on the road to Las Cruces?”

“I stopped the buggy to urinate, and while I was standing there, I heard the old man say ‘Well, damn you, if I don’t get you off one way, I will another,’ or something like that.”

“Where were these people in relation to you?”

“The old man was in the buggy and Brazil was on his horse. They were at my back.”

“So you did not see the deceased standing upright at all?”

“I think when I seen him, the first shot had been fired and he was staggering.”

“Did he fall to the side, to the front, or to the rear of the buggy?”

“About two feet to the side.”

“Where was the defendant at the time?”

“He was on horseback, about even with the buggy. He had a six-shooter in his hand.”

“Who fired the second shot?”

“My horse bolted and I had to grab the lines and wrap them around the hub of the wheel to stop him from running. Then I went over to where the old man lay.”

“What about the defendant?”

“He was still on his horse and about in the same place.”

“Did the deceased speak?”

“When I got to him he was just stretching out. He did groan a little, and he might have said something. It sounded Mexican.”

“And what was that?”

“I can’t be sure.”

“Could you venture a guess?”

“It sounded like he might have said *quien es?*”

“What about the defendant, what did he say after all this had transpired?”

“He did not say much. He said, ‘This is hell.’ and he handed me his six-shooter.”

“Your Honor, I have no further questions.”

“Very well, Mr. Adams, you may step down. Mr. Prosecutor, call your next witness.”

“I call the Dona Ana County medical examiner, Doctor Fields, to the stand.”

A large man with a wide intelligent brow and graying mutton-chops removed himself from the chair behind the prosecuting attorney’s table and strode to the witness stand.

“Do you swear to tell the truth and nothing but the truth so help you God?”

“I do.”

“State your full name for the record.”

“Walter Charles Fields.”

“You are the medical examiner for the County, is that correct?”

“Yes, it is.”

“Can you describe what you found when you arrived at the scene of the crime?”

“I found the deceased in a six-inch sand drift about four miles from town on the road to Las Cruces in an area known as Alameda Arroyo.”

“And what was the disposition of the body?”

“The deceased had been shot twice, once in the head and once in the body. He was lying flat on his back, one knee was drawn up. His trousers were unbuttoned and his male organ was visible which would indicate that he had been urinating at the time he was killed.”

“Was there a weapon at the scene?”

“Yes, there was. A shotgun identified as belonging to the deceased lay parallel to his body about three feet away. It lay on top of the ground without any sand kicked around it.”

“And what were the findings of your autopsy?”

“The deceased had been shot twice, one shot hitting him in the back of the head and emerging just over the right eye. The second shot was fired when the deceased was on the ground, the bullet striking the region of the stomach and ranging upward.”

“Thank you, Doctor Fields.”

“When a man is shot in the back of the head, he does one of two things with what he has in his hand. Either he clutches it convulsively tight or he throws it wide. There were no signs in the sand that the gun had been violently thrown. I would therefore conclude that this could not possibly be a case of self-defense as claimed by the defendant, but murder in the first degree.”

Abe Falk leaped to his feet. “I object! The witness offered conclusions that go beyond the scope of the original question!”

“Mr. Falk, this is not a trial, merely a hearing to determine the circumstances. . . .”

“All the same, your Honor, I respectfully request that the last comment by the witness be struck from the record.”

“Very well. Objection sustained. Doctor Fields please restrict your answers to questions asked by the prosecutor. Mr. Prosecutor, you may continue.”

“No further questions, your Honor.”

## 33:

Quien es?”

“That’s all he said?”

“Near as I can recollect, yes.”

“Could you see his expression?”

“No, he was pretty much just a shadow.”

“So you couldn’t tell if he saw you.”

“No, I don’t think he saw me.”

“Then why did he ask, ‘Who is it?’”

“He was asking Pete who the boys on the front porch were.”

“And Pete was in his bed.”

“That’s right, and I was crouched down in the dark next to him.”

“How did you know it was him?”

“Pete said, ‘That’s him!’”

“Then what happened?”

“I shot him.”

“How many shots were fired?”

“Two.”

“He fired back then.”

“No, both shots were mine.”

“What did you do after you shot him?”

“I got the hell out of there. I didn’t know if I’d killed him or just wounded him.”

“He was armed, though.”

“I couldn’t tell at the time that I shot him. Later, after I was sure that he was dead, I saw that he had a butcher knife in his hand.”

“I find it hard to believe that a desperado of his reputation would be walking about without a firearm.”

“He did favor that self-cocking revolver.”

“He didn’t have it on him?”

“I didn’t see it if he did.”

“Did you look for it?”

“No, once he was dead, I figured that no amount of pistols were going to make him any more dangerous.”

“Pat, I’d hate to think that you shot an unarmed man.”

“I had no way of knowing if he was armed or not, Ash. I wasn’t going to take the chance that he was and ask him.”

## 34:

**Y**ou had a chance to see how cool and calculating he could be, when you were operating Beaver Smith's saloon over in Fort Sumner, didn't you?"

"He had come in with some of his compadres. That lot had been in there a few times before. They generally behaved, hoisted a few and played cards like most of the regulars."

"I'll wager he did like to belly up to the bar."

"Can't say that I ever saw him take a drink of liquor. He was partial to the paste boards, though."

"Yes sir, he was adept at cards from a very early age. I should know, I boarded at his mother's establishment in Silver City. He was quite a handful even in those days."

"As I was saying, I was engaged in a game of chance at a nearby table and I had a good view of the goings-on."

"Some hold that poker is more of a game of skill than chance, Pat."

"Ash, you know as well as I do that when I play poker, it's a game of chance. . .there's always a chance I might win!"

"Sir, your wit is like prairie lightning, bright and dry. Allow me to top your glass off with another jolt. But, please, please, continue. . .I apologize for my interjections."

"One of their bunch, an hombre with the go-by of Grant looked to be getting pretty damn drunk pretty damn fast. He yanked a six-shooter out from an old saddle tramp's scabbard at the bar. He waved it around, keeping it away from the old man, teasing him. He was an accident waiting to happen."

"Certainly, that gun could have easily gone off and pelted somebody with a lead plum."

"The boy came over to Grant, laid his hand on the pistol, said a few quiet words to him, and got Grant to let go of it."

"That should have been the end of it."

"Well yes, but no sooner had he gone back to his game, Grant snatched up the revolver again, walked be-hind the bar, and began breaking bottles and smashing glasses. I'd about had it with him by then."

"I'll say. He'd made himself pretty unwelcome."

“But before I could get to him, little Jimmy Chisum collared Grant and was about to do my job for me.”

“Jimmy Chisum, now there’s a rooster.”

“Grant turned on him like a snake caught by the tail. He threw down on him with that old tramp’s six-shooter and cocked the hammer back.”

“That sounds like a mighty close situation.”

“Things got very quiet right about then. But as I said, the boy was a cool customer. He walked right over to Grant and said to him ‘why don’t he put that gun down and get the hell out of here before someone gets hurt.’”

“Now Grant was not a greenhorn desperado, was he?”

“That’s right, and he was on the prod!”

“But the kid was cool as the shade.”

“He didn’t take his eyes off Grant. And Grant, who had the look of a man gone too long to the bottle, was suddenly as sober as a country Baptist. What’s more, he had the drop on him. Then he said something like ‘now, you little bucktoothed sonofabitch, I got you!’ and he pulled the trigger.”

“What happened?”

“Nothing. The gun misfired.”

“You don’t say.”

“And they weren’t any further apart than you and me.”

“What did he do?”

“He blew the man’s head off. I was finding bits of brain behind the bar for weeks!”

## 35:

**L**ast week you talked about how you couldn't scare up a posse to go out after him and his gang. How did you manage to secure the assistance of the Canadian River boys?"

"The Panhandle Cattlemen's Association had charged them with locating and bringing back stock that had supposedly been rustled by the men we were after."

"So just who were those Canadian River boys?"

"Damn it, you know as well as I do who they were, Ash!"

"Refresh my memory, Pat. For the purposes of our narrative and the eventual readers of this book, it's important that we get the details right."

"Let's see. Frank Stewart, of course, Lee Halls, Jim East, Lon Chambers, a character they called 'The Animal,' Poker Tom, and Tenderfoot Bob. Charlie Siringo was among that bunch, but he and a couple of others declined to take up the manhunt. I didn't blame them, they were mostly cowhands. That was not what they had hired on to do."

"Stewart must have understood that if you captured those boys, the stock depredations would most likely stop."

"I had developed information that the men we were after had been seen in the vicinity of Fort Sumner."

"Yes, you might say that Sumner had a fatal attraction for him, like a moth for a flame."

"Once there, I had the men lie low and keep their presence concealed. I took a turn around the Plaza. There I ran into old man Wilcox's son-in-law, Juan. I had suspicions that he might have information I was after. I was right. He had been sent to town by the gang with instructions to return and report on the lay of the land."

"All right. Hold up while I get all this down. This was in December of '80, am I correct?"

"That's right. The weather had been particularly bad. A blizzard had blown through just the day before. There was a foot of snow on the ground if there was an inch. "

"Good, good, weather conditions are important. They set the scene for the events about to transpire."

"Juan confirmed that the men I wanted were at his father-in-law's place. I knew Wilcox was a law-abiding citizen, but had he

betrayed them, they would have killed him without second thoughts.”

“They were nothing if not cold blooded and ruth-less.”

“It seems that they had planned to come into town the following day with a load of beef. They learned that I was on my way to Sumner and so Juan had been sent in to size up the number of my force.

“I asked Juan if he would work with me to set a trap. He agreed immediately. I hunted up someone I knew to be sympathetic to these men and forced him to write a note saying that my party and I had left for Roswell and there was no danger. I also wrote a note to Wilcox stating that I was in Fort Sumner with my men, that I was on the trail of the gang, and that I would not let up until I got them. I gave the two notes to Juan. I warned him not to mix them up as his father-in-law’s safety depended on it.”

“You were confident that if those boys took the bait that they would ride for Fort Sumner that night.”

“That is so. I also knew he would be leading his gang. . .”

“Consisting of. . .”

“Dirty Dave Rudabaugh, Billy Wilson. . .”

“A wanted murderer and a counterfeiter.”

“Tom Pickett, Tom Folliard, and Charlie Bowdre.”

“Guilty by association.”

“The old military hospital building was on the east side of the Plaza, the direction I expected them to come in from. Bowdre’s wife also occupied a room in that building. I figured that they would pay her a visit first. I took my posse there, placed a guard about the house, and awaited the game.”

The boys got the cards out and engaged in a little prairie pastime while we waited. It was getting on dark and we had secured a room in another part of the old hospital to keep out of the cold. Snow was lying on the ground increasing the light from the full moon outside.

“Around eight o’clock, one of the guards called from the door, ‘Someone is coming!’ They were two hours earlier than I had expected them. ‘Get your guns, boys,’ I said, ‘None but the men we want are riding tonight!’

“Lon Chambers and I stepped out onto the verandah. The rest of the men went round the building to intercept them should they aim to pass on into the Plaza. The gang was in full sight approaching. Folliard and Pickett rode in front. I was close against the adobe wall hidden by the harnesses hanging there. Chambers was next to me. They rode up until Folliard’s horse poked its head under the porch. I called out ‘Halt!’

“Folliard reached for his pistol. Lon and I both fired. His horse wheeled and ran. I fired at Pickett but the muzzle flash from Lon’s rifle had blinded me and so I missed him.”

“I’ll bet he was taken aback.”

“You would have thought by the way he ran and yelped that he had a dozen balls in him.”

“What about Tom?”

“Folliard was crying and moaning. He had received his death. He managed to wheel his horse and ride back toward me. He called out, ‘Don’t shoot me, Garrett, I’m killed!’ One of my men ran out toward him, yelling, ‘Take your medicine, old boy, take your medicine.’ I warned him off. ‘He may be killed but he’s still heeled and liable to spit lead!’ I stuck to the shadows. ‘Throw up your hands, Tom, I’m not going to give you the chance to shoot me,’ I said. His horse stopped right in front of where I was standing.”

“Did he say something like ‘I’m dying, goddamn it’?”

“He moaned some. He was doubled up in the saddle.”

“I’ll wager he said something like, ‘I can’t even lift my head!’ and ‘It hurts, it hurts.’ And finally ‘help me down, let me die as easy as possible, boys.’”

“I don’t recall his exact words if he even spoke any. He was in a world of pain.”

“What happened to the rest of the gang? How did they fare under the onslaught?”

“During the encounter with Folliard and Pickett, the party on the other side had engaged the rest of the gang, had fired on them, and killed Rudabaugh’s horse. I learned later that it ran twelve miles under him, to Wilcox’s ranch, before it died. Soon as my men fired, the remaining outlaws ran off like a bunch of wild cattle. They were completely surprised and demoralized.”

“But Tom Folliard’s luck had run out.”

“That it had. We unhorsed him and disarmed him and laid him out on a blanket on the floor of the hospital. He begged me to end his misery. ‘Kill me,’ he said, ‘if you was ever a friend of mine, Garrett, you’ll kill me and end this torture.’

“‘I have no sympathy for you, Tom,’ I replied, ‘I called for you to halt and you went for your sidearm instead. I’m no friend of a man who would shoot me simply because I was doing my duty. Besides,’ I said, ‘I would never shoot a friend as bad as you have been shot.’

“Now when one of my men came up to where we were, he changed his tune. ‘Don’t shoot anymore, for God’s sake, I’m already killed.’”

“Who would that be?”

“It was Barney Mason who, along with Tip McKinney, was part of my original posse.”

“Married to Polly’s sister.”

“That’s correct.”

“And a notorious horse thief.”

“So some claim, but he proved invaluable in tracking down these desperados.”

“What did he say to Folliard?”

“Oh, he said something like ‘take your medicine like a man, you ain’t got much of a choice.’ And Tom answered, ‘It’s the best medicine I ever took, pard, but it hurts like Hell.’ He asked, ‘Could you have McKinney write my old grandma in Fort Worth and tell her that I died, can you do that, old chum?’ Barney answered him, ‘Hell, you’d kill your old grandma if she found out that you died with your boots on, Tom, it’s best that she didn’t know.’

“At one point he exclaimed, ‘Oh my God, is it possible that I must die?’ I said to him ‘Tom, your time is short.’ and he replied,

‘the sooner the better. I will be out of pain.’ He expired soon after that.”

## 37:

I’m dead, old boy, all this chin wagging has me exhausted.”

“I suppose I shouldn’t expect more from a literary novice such as yourself. To be a true scribe, you have to have a fire in the belly, a passion to pen words, and once you get rolling, like a locomotive, you have a hell of a time coming to a stop. I figure if we keep up this pace, we’ll have to buy the ink by the pound. . .”

“And the whiskey by the barrel.”

“A writer needs fuel, a little liquid inspiration, and the distilled kind burns brighter and hotter than coal oil.”

“Hell, I hope you’re not thinking of drinking that, too!”

“You misjudge me, sir, and the refinement of my tastes. I will admit to having imbibed in drink that was as vile though never that whose purpose was to fuel a lamp.”

“All the same, I don’t know how you do it. I’m having a hard time understanding why. I’m no book writer.”

“Pat, we have to get our version of the events before the public in a credible, verifiable manner, and we must put to rest the claims

of your critics who say that you are nothing more than a hired assassin.”

“That’s a damn lie!”

“I showed you the editorial in the Messila Democrat, the one they reprinted from that San Francisco paper. The writer was of the opinion that you should have been brought up on charges. . . .”

“I was performing my duties as a sworn officer of the law! I knew when I went after him that I might have to kill him. I can only humbly apologize, at this late hour, for not having consulted with that San Francisco editor!”

“You know as well as I do, Pat, the scribblers live for scandal and controversy. It butters their bread, and assures that the bottle will always be close to their elbow. They are a low-down, cynical, vituperative, disparaging, backbiting, slanderous lot who wield a lurid and poisonous pen with no regard for veracity, fairness, honor, and integrity. They defame your person in print, and in illustration, by portraying you as shooting him from behind the bed, from under the bed, among other places of concealment.”

“Hell, I wasn’t behind the bed for the simple reason I couldn’t fit there. A bible leaf couldn’t have fit there! I wasn’t under the bed either. I could have been under the bed but that would assume that I was expecting him, and I wasn’t. He took me by surprise. Had I known he was due, I would have done what any man in his right mind would have done.”

“Exactly my point, and then they charge that you are writing an account of the ordeal with the nefarious object of making money! They are continually astounded by the obvious and do their best to cast it in a malicious light. They are a mongrel pack of asinine pencil pushers. What in the Hell do they suppose your object to be? Do they really believe that you should not attempt to make money out of what they are calling a lucky shot? Scribblers of every ilk who have never been to New Mexico and have never got within a thousand miles of their subject can compile newspaper rumors and pen as many lies about you and about him as they please – I have counted eight ‘authentic’ biographies to date – and make as much money out of their bogus, unreliable heroics as can be exhorted from a gullible public, and they are acclaimed! Yet, our truthful, factual history should be suppressed because you were paid for ridding the countryside of an outlaw! How do these impertinent meddlers, these penny-a-line hacks know how much

money you have made by this accident or incident or whatever name they choose to designate it? You had to petition the Territorial Legislature just to get the reward money that was rightfully yours! How many thousands of dollars' worth of stock and property did you save the citizens of this Territory by accomplishing your sworn duty? If they were reasonable men, they might be swayed by these considerations, but they are not. They are niggers, parasites, pasquinaders of dubious parentage, sneering traducers who elevate the mangiest of curs to a lofty position by comparison!"

## 38:

**N**ow where were we? Ah, yes, you had dogged those boys and cornered them in an abandoned line shack at Stinking Springs. How did you know where to find them?"

"I followed their trail from Wilcox's place. I could see by the direction the tracks were taking that they had made for Stinking Springs."

"After that gun fray in Fort Sumner, you'd figure they'd make a bee line for Mexico"

"When we rode up to within half a mile of the shack, I knew we had them trapped. I divided the men up in two groups, and led my boys, Tip and Barney, up an arroyo to where we were able to get in close."

"How could you be sure it was them? What led you to suspect that it was actually them and not some local sheepherders who had taken shelter from the weather?"

"The tracks led right up to where there were three horses tied to the projecting rafters of the adobe hut. I knew there to be five of

them. They were all mounted, and so I concluded that two of the horses were inside.”

“Of course, an elementary deduction, old boy. We have the horses, but what about the criminals? How could you pick out the leader from among his mangy cohorts?”

“I had an accurate description of his outfit, especially his hat, a green bowler. I told my men that should he show himself, I intended to kill him then and there. With their chief dead, I was positive that the others would surrender.

“You don’t think that he could have been taken alive?”

“He had sworn that he would never give up, that he would die fighting, a pistol at each ear. In regards to this tendency, I knew him to be good to his word.”

“He could be reckless, I would attest.”

“I informed the men that the signal would be when I brought my rifle up to my shoulder. We would all rise and fire.”

“This had to be in the wee hours of the morning, six feet of snow on the ground, not able to light a fire to keep warm. How long did you have to wait?”

“Just before daylight a man appeared in the door-way. His size and dress, especially his hat, matched exactly the description I had of him. I raised my rifle and fired. The men did the same.”

“I’ll assume that at least one of that volley found its mark.”

“He turned and reeled back into the adobe. Billy Wilson called out. I could tell it was him by that Yankee accent. He said we’d killed Charlie Bowdre and that he was sending him out. I replied that he could come out with his hands up.”

“I heard that someone instructed him when they pushed him to the doorway. Who do you suppose it was?”

“It would be impossible to tell. We were in shouting distance but still a ways from where we might be able to eavesdrop.”

“Could he have said something like, ‘They murdered you, Charlie, but you can get revenge, kill some of those sons of bitches before you die?’ That sentiment would be in keeping with his ruthlessness, even in the aftermath of his close chum’s mortal wounds.”

“We can only speculate as to what was said. All the same, Charlie stumbled out, his pistol still in its scabbard, and when he recognized me, he came straight at me.”

“Did he go for his gun? Did he speak? What did he say?”

“He motioned with his hand toward the shack. I think he was trying to say something.”

“He didn’t offer any regret?”

“What do you mean?”

“Perhaps he expressed remorse over not accepting your offer of leniency when you had met with him a fortnight previous. Or sorrow over leaving a young wife and child unprovided for. He might have said something like ‘I wish, I wish’ by way of repentance.”

“No. He keeled over and I caught him as he fell. I laid him down on the ground and he died right then, that green bowler pulled down over his ears.”

“I guess you could say that he died with his boots and his hat on. Did he gasp, ‘I’m dying’ or anything to that effect?”

“He was gargling and choking on his blood even if he had wanted to say something.”

“Gargling on his blood, you say.”

“It wasn’t whiskey.”

I propose a toast, sir, to the completion of our noble effort. This modest volume is as fine a book as has ever been writ on the subject, and whose exposition sets the record straight once and for all. No finer endeavor can man put forth than the edification of the populace, especially when they are accustomed to the fallacious assumptions advanced by the partisan press and in the crimson screed of penny dreadfuls. I hold in my hand history, pure and simple. I am confident that you share in the assessment of our triumph.”

“Yes, I don’t doubt that it is a coup. The title itself constitutes quite a mouthful.”

“The truth, my good fellow, is always a mouthful. I could have pandered to the crowd with a lurid nomination but for my sense of dignity, my sense of correctness in the pursuit of literary style, my sense of history, and above all, my sense of righteousness. Would I dare sully our genuine enterprise with such florid designations as ‘King of The American Highwaymen’ or ‘The Great Detective’s Chase’ or the supercilious puffery by that pseudonymic author who borrows on the exalted heritage of Spanish ancestry to give himself a mere hint of veracity, ‘The True Life of Billy The Kid’? I can go him one better if one equals a hundred. What I hold here, my good friend, is the authentic life of that noted desperado of the Southwest, whose deeds of daring and blood made his name a terror in New Mexico, Arizona, and Northern Mexico. It is a faithful narrative unlike the fabrications emanating from the mephitic crypt of the Atlantic literary syndicate!”

“It appears that the truth, like a new rope, can always stand some stretching.”

“To what are you referring, sir? I stand by the sincerity of our account. True, I did engage in hyperbole when dealing with the formative years of this hellion. But this is merely a literary device to engage the reader. In a duel, you don’t start off with a knife when your opponent has a revolver. We are in a contest with mendacious mongrels who slash the truth to shreds with their rabid nibs. I speak with authority on this subject as I have numbered among their rank and am aware of the crude inventions tendered as fact just to entice the reader into another month’s subscription. I have excised that pecuniary coarseness from my literary character. Truth is my mistress! I serve only her!”

“Consuela will be very disappointed to hear that.”

“Don’t try to sidetrack me, Pat, I am offended that you suspect my motivation. In the attempt to make an honorable yet marketable presentation, I have had to tread the same terrain as the purveyors of cheap cowboy claptrap. However, what I bring to the poker table is a sophisticated sense of style, wide erudition, and the simple fact that I’ve looked in the eyes of many of the participants of this chronicle. I’d say that’s akin to a royal flush!

“The entire length of our collaboration, I had as my compass the shining example of the inimitable Walter Scott. His rousing sagas of medieval times transposed to the dusty arroyos of the Southwest, this was the object of my elevated style. As for the verses in the early chapters, they announce to the reader that they have entered a domain in which the Muse is honored. Poetry is edifying, it sings to the soul. Even the most delicate of readers of this rugged yarn will take heart that they are in the company of educated sensibilities. The very ink with which all of history is written is merely fluid prejudice! I, sir, am simply diverting the flow to a higher ground!”

“The problem is that my name on it says I wrote it.”

“Your name is your contribution and testament to the legitimacy of the account. You are the hero of this narrative. I am Boswell to your Johnson, a mere quill driver, a scrivener of tolerable skill, a shade, a genial hack. I put into words your experience, your man hunting savvy, your dogged determination in apprehending this rabid, murdering cur!”

“I was just doing my job.”

“And you’re too modest a man to flaunt your accomplishments. Yet your due is denied you. You are disrespected in the press by politicians who puff themselves up by disparaging you. Your decency is an anathema to them.”

“Another jolt?”

“My pleasure. But to reiterate, this book is a testament to a man who put himself in harm’s way to bring law and order to the decent folks of Lincoln County and the New Mexico Territory. And it is our endeavor to set the record straight.”

“Still, I am troubled.”

“Pat, I’m all ears.”

“This is not about your physical appearance, Ash.”

“Touché, old man. Continue.”

“It’s been bothering me ever since we corrected the galleys. Now I know my part was mainly in relating the facts of my hunting him down, capturing him at Stinking Springs, going after him when he escaped from jail, and flushing him out back in Fort Sumner. You wrote everything else. . . .”

“Tut, tut, old fellow, I’ll get my due just in knowing that in tandem we pulled together to create an opus of unparalleled authenticity.”

“That’s not what I’m getting at.”

“Open the sluice gates then, I’m anxious to glimpse the glint of your precious mettle.”

“You puffed up this no-account son of a bitch and made him appear thrilling and romantic just like some character in a novel. But that’s not him. He never saved a wagon train from Indians, or rode a horse eighty-one miles in six hours. If twenty Indians had chased him as you say, he would have left a trail of yellow shit a mile wide from here to Santa Fe. He wasn’t reckless and daring, he was cunning and deceitful. He always watched his back. The time he dropped his guard was the night I killed him.”

“Now, Pat, I fully appreciate your concerns. But for the thoroughness of our account, I could not have a man of your substance and very real stature go against a flimsy stick figure villain. That would not have played well, either. He had to be someone with enough flesh to give blood to the chase. If I had not allowed myself the license to elaborate as I did, he would have been nothing more than a lifeless scarecrow. I believe I made him a worthy opponent.”

“All the same, I come off badly, more like that Sheriff in England. . . .”

“Nottingham?”

“That’s the one, and that other fellow. . . .”

“Robin Hood.”

“That’s right, that’s the way you made him out to be. And I look like a damn fool. . . .”

“Whoa up, old man. It’s time to dismount and rest the horses. What you forget is that you are the hero. He is the one who killed twenty-one men by the time he had reached that very age.”

“He was lucky if he killed half a dozen.”

“Be that as it may. He was a cold-blooded killer. He could never elicit sympathy from the public. You represent justice. He

represents the miscreant who must pay the toll on the road to Hell. Justice has been done. In the final verdict, my good man, the truth rests on your side of the scale. The facts speak for themselves. Everything that has bearing on this episode in the history of the Southwest is contained in this volume. Everything!”

“Not everything.”

“You don’t say. Now then, enlighten me as to my omissions.”

“When I told you John Poe had found out that our man was still skulking about in Fort Sumner, I was protecting the identity of the true informant.”

“Who was?”

“Ash, this cannot go beyond this room.”

“You have my word as a gentleman and an author.”

“It was Pete Maxwell. He was concerned that his little sister, Rosalina, was much too deeply involved with our man, and if it went on much longer that she would calf his desperate breed.”

“Pat, that news is about as fresh as last week’s El Paso Herald. Everyone knows John Poe is inept at anything but being a politician. He’s more interested in shaking hands than putting irons on them. What else?”

“As you’ll recall, when I explained what occurred at Stinking Springs, I was certain that I had him in my sights because I had been given an exact description of his apparel, right down to that green bowler.”

“Yes, I do.”

“I was sorely disappointed when it turned out that it was Charlie Bowdre I killed. When we passed back by the Wilcox ranch with our prisoners, I mentioned this to old man Wilcox, and he told me something quite surprising. He said that the night we caught that bunch off guard in Fort Sumner and killed Tom Folliard, they held a pow-wow at the ranch in which they reviled me and my posse.”

“Understandable.”

“He also told me that at one point our man made a big show of giving Charlie his vest and his hat, the two distinguishing items of clothing by which he could be identified. Charlie, it appeared to Wilcox, was genuinely touched by his chum’s generosity. Little did he know that he was being set up as a target. I have no regrets in ending the life of such a treacherous, double-dealing coward.”

“And rightfully so. History will judge you fairly, my friend. We can include that conjecture in the second edition, if you wish.”

“You think there will be a second edition?”

“Without a doubt. I’m already at work on a sequel of sorts. ‘Colorful Characters of the Southwest.’ It will be an omnibus of facts and fancy regarding our corner of the world. Pioneers like Chisum and his clan, celebrities such as Governor Wallace. . .it will include sketches of all the denizens of our locality, ranchers and sodbusters alike, brush poppers and snoozers, and wild Indians, a rich panoply of life on the frontier. It will play big back East where they are hungry for the rustic. While you are tending your peach orchards, I will be plying my pen to the work of history!”

“Did you say ‘Indians’?”

“Why, yes, I did.”

“I could tell you a story.”

## 40:

**A**pollinara did not want to hear another story of how her husband had been assassinated. Her oldest son, Dudley, who was known to all as Pepe, had brought the young reporter to their doorstep. She did not show her anger or distress. They were decent folk. They would be polite.

He introduced himself as John Scanly and explained that he had once worked for the El Paso Herald. He claimed that he had been fired for showing too much interest in her husband’s murder.

“I believe there’s a conspiracy of silence surrounding the circumstances of your husband’s death. My original curiosity was piqued when I encountered resistance to anything but a cursory examination of the evidence. Now I’m determined to uncover just who might be behind this plot and expose their motives.” Then, almost as an afterthought, “The results of which I plan to publish as part of a larger book dealing with the life and exploits of the most remarkable lawman of the Southwest.”

They were seated on the verandah of a house on the outskirts of Las Cruces, less than fifty yards from the road to Organ. Abe Falk owned the house they were now living in, generously rented to her at a cut rate. It was his way of demonstrating to the public his benevolence. Apollinara was in no position to be ungracious or even ungrateful. The family had had to move down from the mesa after Cott had foreclosed on the mortgage, an action taken a few days following her husband's funeral.

The bright early July afternoon was beginning to heat up. Paulita had set a pitcher of lemonade on the little table between her mother and the reporter, stirring the contents with a long wood spoon while her baby brother clung to her pinafore. Pepe, her older brother, was seated on the steps to the verandah, his long legs stretched down to the path that meandered out to the white picket fence where Scanly's horse and buggy were hitched.

"Isn't it out of the ordinary that he would be unprepared for trouble or even not on his guard? His shotgun was loaded with birdshot. Clearly, he did not expect to use the weapon offensively or defensively. In my interview with Doctor Fields, he stated that a man as wise in such matters as your husband would not have been in the position he had probably been in, wouldn't have turned his back had he thought he was in any physical danger."

Apollinara nodded, lips set in a grim line. She knew her husband's caution. He had made many enemies over the years as a lawman. But she knew he could be careless, too, especially if he'd had too much to drink. It was then that his normally vigilant self became confused with its own deathless reputation.

"Doctor Fields also informed me that he had taken a thorough survey of the crime scene and found that it appeared there had been another party lying in wait along the trailside. There was evidence of fresh manure and the ground was trampled by boot prints."

These were things that had been whispered to her countless times. They made her fearful, despondent.

"Also, on the day of your husband's funeral, the Attorney General and Captain Short with the Territorial Mounted Police were sent down from Santa Fe by Governor Kerry. They confirmed the coroner's suspicion that there had been a third party. What's more, they found something he had over-looked, shell casings from a Winchester rifle."

These details meant nothing now, would change nothing. He had died in a way she always feared that he would. She could not come to grips with the pervasive air of injustice that rumor stirred up. Self-righteousness had been his trait. For all his faults, though, she had never ceased her affection for him, even in the most trying of times, the most recent probably being the worst. She missed his familiar long, gangly, slightly stooped presence in the low ceilinged adobe. His predictability had made her life secure no matter the circumstances.

“I spoke with Captain Short a few days after he had interviewed Brazil. He expressed surprise at the boy’s docile demeanor. This evidently strengthened the suspicion that another party was involved. Clearly, Brazil is not the killer type. My conversations with folks who know him have confirmed that impression. He was never considered a dangerous man. As I was present at the preliminary hearing, I can testify that my sense of Brazil is similar to the prevailing opinion. He is a follower not a leader, and he is behold- ing to Mr. Cott who plainly holds the leash.

“Among other information that would point to collusion, I have come across the fact that Adams never had cattle to bring up from Mexico and graze on the disputed property. There was never any herd nor was there ever a ranch in Oklahoma, their purported final destination. Nor did Adams ever have any intention of buy- ing Brazil’s goats! Why then would Adams and Brazil concoct such a fiction if not for some dark purpose?” Scantly paused to judge Apollinara’s comprehension of what he had been telling her. He took her grim silence as permission to continue. “I would also question whether either of them had the cunning or intelligence to devise such a scheme.”

Paulita could not help but continue to stir the lemonade, as she eavesdropped on the adults, the ice making a musical sound strik- ing the side of the pewter pitcher.

“Now I don’t know if the name Joe Miller is familiar to you, Mrs. Garrett, but it belongs to a notorious assassin who is believed to be part of this conspiracy and may even be the actual trigger- man.”

“Don’t you mean Jim Miller?” Pepe stirred from his perch on the steps, stood up, and stretched his long legs.

“Jim Miller. Did I say Joe? I meant to say Jim. I was informed by a Texas Ranger, a friend of your pa’s, that he had interviewed

the undertaker from El Paso who happened to be in Las Cruces that very day and had seen Miller in what can only be described as a conspiratorial conversation with none other than Mr. O'Lee! Also. . . ."

Apollinara excused herself. "It is a beautiful day, Señor, but perhaps a little too warm for me. My dark clothing is too welcoming of the light."

Scanly rose to his feet. "Ma'am?"

"But please, stay seated, be our guest, enjoy the day." She stood, stoic, dignified. The man lowered his eyes. If he had been homelier, he could have passed for a young Ashton Upson. There was the same love of the sound of his own voice. There was the same self-pride, but then all men had some of that. Full of himself, his insinuation could never be wrong. "Paulita, serve Mr. Scanly more lemonade, por favor." Then she disappeared behind the summer door into the dark, cooler house.

Scanly turned to Pepe who had moved to sit in his mother's rocker. "As I was saying, while in El Paso, I met with an informant who would most certainly be privy to these types of details. What he told me indicates a much wider conspiracy. A prominent rancher is involved, and who that might be is fairly obvious. As well, so is a well-known attorney who, in my estimation, is the only one with the intelligence to craft such a devious plan."

Scanly got no argument from Pepe. "From what I've been able to learn, a meeting was held at the Regent Hotel that included Miller and the other two in which Miller agreed to do the killing. Coincidentally, that meeting took place in the very same hotel in which years earlier your pa met with the Governor of the Territory and agreed to take on the investigation of Jennings and his boy. And it included at least one of the same participants!"

Wide-eyed, Pepe shook his head. "Now don't that beat all."

"The twist to the plot," Scanly continued, confident that he had his listener hooked, "and which I do believe the lawyer provided, was that someone would be furnished to admit to the shooting and someone else would testify that it was self-defense. That would be Adams and Brazil."

"That copperhead! That snake!"

"Adams claims that your pa threatened Brazil. Now, from what I've heard about Mr. Garrett, he was not one to make idle threats. The consensus is that had he made the threat, he could

have shot Brazil from where he sat in the buggy rather than after stepping down.”

Pepe’s mouth spread sideways in a smirk. “Now ain’t that the truth. If he’d figured for a scrape, he’d a taken his sixer with him. But he didn’t reckon that he needed to get rough with Brazil because he had a lawyer up in Santa Fe who swore we could get him off the land legally. Besides, he wasn’t any more scared of Brazil than he was of a jackrabbit!”

“My suspicions are all but confirmed at this point. There was more at stake than that hunk of overgrazed rangeland. There was indeed a plot to murder your father.”

An explosion sounded in the direction of Las Cruces, like a shot, but less distinct, hollow. Then another. A beige cloud advanced up the road toward them accompanied by shrieks, shouts, laughter and the barks of dogs. The horse tied to the fence post shied.

“It’s a motor carriage!” Paulita ran to the gate, her baby brother waddling behind her. The machine swayed and jogged from side to side, navigating the ruts in the wagon road, chased by outraged dogs and the town’s children. Scanly’s horse reared, shaking and tipping the buggy trying to free itself as the dust and noise rattled past. Seated high on the bench of the contraption were what appeared to be a man and a woman, he with a black hat held on his head with a chinstrap and she with a wide brimmed chapeau held in place with a yard of chiffon scarf. Both wore goggles. The woman waved at Paulita and her brother gaping through the pickets.

“They must be going up to Cott’s spread for the big barbeque.” Pepe said after the machine had gone from sight and he had settled back in the rocker.

“That’s right! O’Lee has been elected to the Territorial Legislature. I sincerely hope that that is the only thing they are celebrating.”

Pepe grunted and then noticed his mother had returned and stood to give her his seat. Apollinara made no indication that she wanted to sit. She had been drawn to view the noise and novelty as well.

Scanly addressed her. “There is a mystery about this tragedy, Mrs. Garrett, and it is my aim to try and bring it to light. If you will allow me.”

Apollinara nodded from the doorway more in resignation than agreement. There were those who sought to benefit from the misfortune of others. This young man was no different. She could almost hear Ash Upson saying so himself. “There are those who kill and get a reputation, and there are those who write about them, for a similar notoriety.” It was the code of men, of the West.

“I am the recipient of an anonymous note from someone who claims to have been a friend of Mr. Garrett. In it, the author advises me to steer clear of probing too deeply into the matter, for, and I quote, ‘I know the Organ Mountain bunch and Pat got himself killed trying to find out who killed Jennings and you will get killed trying to find out who killed Garrett.’

“Ma’am, I have been in contact with more than one person who has told me that your husband was gathering new evidence regarding the White Sands murders, that Gil Leland had told him or was going to tell him everything, and that he was writing a book about it. Would there be notes from these interviews or rough drafts regarding this matter among his effects?”

Apollinara closed her eyes as if to gather strength. Had her husband and Ash not written their book, perhaps things would have been different, that no-account boy would have faded from memory. Instead, that one event overshadowed his entire life. He was remembered only as the man who shot Billy, the Kid.

When she reopened her eyes, she spoke, slowly, firmly, “My husband was a man of few words, Mr. Scanly. There is no book.”