

MAX BRAND

HIS FIGHT FOR  
A PARDON

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**MAX  
BRAND**

**HIS FIGHT FOR  
A PARDON**

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## **His Fight for a Pardon**

“His Fight for a Pardon” first appeared in Street & Smith’s *Western Story Magazine* in the issue dated June 27<sup>th</sup>, 1925. It appeared under the George Owen Baxter byline and was one of seventeen short novels by Frederick Faust to appear in *Western Story Magazine* that year. In this story told in the first person, Leon Porfilo, an outlaw of poor beginnings and lowly ancestry, goes up against Jeffrey Dinsmore, a gentleman outlaw born of the privileged class, in an attempt to clear his name and gain a pardon. In it Faust depicts the power of the press to shape public opinion.

## I

### “Leon Makes a Decision”

When I got down to see Molly O'Rourke, Sheriff Dick Lawton crossed my way with three of his hard-riding man-getters. Every man-jack of them was on a faster nag than my mule, but I kept Roanoke in the rough going, and Dick Lawton was foolish enough to follow right on my heels instead of throwing a fast man out on my course. For he knew what that course was. He had hunted me before, and it was a sort of unwritten law between us that, if I got into the mouth of the little valley where the O'Rourke house stood, I was free.

That may sound specially generous on his side. But it wasn't—altogether. Twice he had pushed his posse up that ravine after me, and it almost cost him his next election. Because that ravine twisted like a snake, back and forth, and it was set out with shrubs and trees as thick as a garden. I simply laid up in a comfortable shady spot, and, when the boys came rushing around the bend, I let them have it. So easy that I didn't have to shoot close to a dangerous spot. I could pick my targets. However, I think that there were half a dozen had wounds in arms and legs. Also, I pulled too far to the left on one boy and drilled him through the body. So, as I say, the sheriff nearly lost his election after that because it was said that he had ridden his men into a man trap.

So far as Dick Lawton was concerned, I knew that valley was forbidden as a hunting ground to him. And, of course, I could trust Dick as far as he could trust me—that is to say, to the absolute limit. Because, except when we were shooting at each other, we were the best friends in the world. I know that Dick never shot extra straight at me, and I know that I never shot straight at him. My guns simply wobbled off the mark when I caught him in the sights.

Well, as I was saying, I kept old Roanoke in the rough where he could run four feet to the three of any horse that ever lived—for the simple reason that a mule's hoofs and skin are a lot tougher than a horse's. By the time I got across the valley, there was a clean furlong between me and Dick Lawton's boys. So I took off my hat and said good bye to them with a wave that was nearly my last act in life. Because just as I put that hat back on my head, a .32-caliber Winchester slug drilled a clean little hole through the brim a quarter of an inch from my forehead.

I've noticed that when a fellow stops to make a grandstand play of that sort, he generally gets into pretty hot trouble. I sent Roanoke into the brush with a dig of the spurs, but the minute I was out of sight, I knew that there was no trouble left.

But I didn't slow up Roanoke. I didn't even stop to roll a cigarette, because I hadn't seen Molly for three months. You see, it was right after the Sam Dugan murder which some fools hung on me. Of course, Lawton hadn't the least idea in the world that I could have done such a rotten, treacherous thing. But they stirred up such a fuss that I didn't dare to try to slip in to see Molly. Because everyone had known for years that I loved Molly and got down to see her once in a while, and, when things were pretty hot, they used to watch her house.

So I slithered up the ravine until I got a chance to squint at the ridge, and there I found a little green flag, jerking up and down and in and out in the wind, on top of the O'Rourke house. I knew that was the work of Molly's father. I think that every day of his life the old man went snooping through the woods to see if the land lay quiet. If it was, he tagged the house with that little green flag—green for Ireland, of course—and then, when someone was laying for me near the house, he would hang up a white flag.

When I saw that green, I dug into Roanoke and sent that mule hopping straight to the house. As I hit the ground, I heard old man O'Rourke singing out inside the screen door of the porch: "Hey, Chet! Here's Roanoke to put up, and sling a feed of barley into him. Hey, mother, come and look at that dog-gone mule! Hey, Molly, there's that Roanoke mule wanderin' around loose in the yard!"

Chet O'Rourke came first, and his old mother at his shoulder, and then the old man came next. I grabbed all their hands. It was like stepping into a shower of happiness, I tell you, to get among people where the feel of their eyes was not like so many knives pointed at you. But I brushed through them pretty quick. I wanted Molly.

"Hey, Molly!" yelled old O'Rourke. "Ain't you comin' to see Roanoke?"

He laughed. I suppose that he was old enough to enjoy a foolish joke like that. I heard Molly sing out from the stairs beyond the front parlor. I reached the bottom of those stairs the same minute she did and caught her.

She said: "Chester O'Rourke, will you take this man away from me?"

I kicked the door shut in Chet's face and sat Molly on the window sill where the honeysuckle showered down behind her like green water, if you follow my drift. It would have done you good to stand there where I was standing and see her smile until the dimple was drilled into one cheek. She began to smooth her dress and pat her hair.

"My Lord," I said, "I'm glad to see you."

"You've unironed me," said Molly. "Just when I was all crisped up for the afternoon."

"Have they nailed the right man for the Dugan murder?" I asked. Because I was as keen about that as I was about Molly.

"They've got the right man, and he's confessed," she said.

I lowered myself into a chair and took a deep breath. "*That's fixed, then,*" I said.

"*That's fixed,*" she agreed.

"Why do you say it that way?" I asked.

"How old are you, Leon?" she said.

"I'm twenty-five."

"How old does that make me?" said Molly.

"Twenty-three."

"That's right, too. How long have you been asking me to marry you?" Molly asked.

"Seven years," I said.

"Well, the next time you ask me, I'm going to do it."

"Law or no law?" I said.

"Law or no law."

It made my head spin, of course, when I thought of marrying Molly and trying to



make a home for her while a hundred or so cowpunchers and sheriffs and deputies, *et cetera*, were spending their vacation trying to grab me and the \$20,000 that rested on top of my head as a reward. I moistened my lips and tried to speak. I couldn't make a sound.

"You know that I've done what I could," I said finally.

"I do. But now things are different."

"What do you mean?"

"William Purchase Shay is the governor, now."

"What difference does that make?"

"He's a gentleman," she said.

"Well?"

"I think he'd listen to reason."

"You want us to go see him?"

"Just that."

"I see myself handing in my name at his office," I said. "I guess he's not too much of a gentleman to want to make twenty thousand dollars."

"Money has spoiled you, Leon," said Molly.

"Money? How come?"

"You're so used to thinking about how much you'll be worth when somebody drills a rifle ball through you . . . that it's turned your head."

"Are you talking serious?"

"Dead serious," she replied. "Besides, you're not the only one that folks have to talk about now."

"I don't understand."

"Jeffrey Dinsmore is the other man."

Of course, I had heard about Dinsmore. He was the Texas man whose father left him about a million dollars in cattle and real estate, besides having a talent for shooting straight and a habit of using that talent. Finally he killed a man where self-defense wouldn't work, because it was proved that Dinsmore had been laying for him. The last heard, Dinsmore was drifting for the mountains.

"Is Dinsmore in these parts?" I asked Molly.

"He showed up in town last week and sat down in the restaurant. . . ."

"Disguised?"

"Yes, disguised with a gun that he put on the table in front of his plate. They didn't ask any questions, but just served him as fast as they could."

"Nobody went to raise a crowd?"

"The dishwasher did, and a crowd gathered at the front door and the back."

"What happened?"

"Dinsmore finished eating and then put on his hat and walked out."

"Good Lord, what nerve! Did he bluff out the whole crowd?"

"He did."

"What's on him?"

“Just the same that’s on you. Twenty thousand iron men.”

“Twenty thousand dollars?” I repeated.

“You look sort of sad, Leon.”

You’ll think me a good deal of a fool, but I confess that I was staggered to find that there was another crook in the mountains worth as much to the law as I was. Between you and me, I was proud because I had that little fortune on my head.

“Twenty thousand!” I said again.

“Dead or alive,” Molly said with a queer, strained look on her face.

“Why do you say it that way?” I said in a whisper.

“Don’t you understand?”

Then I *did* understand, and I stood up, feeling pretty sick. But I saw that she was right. Something had to be done.

“I start for the governor today?” I stated.

Molly simply hid her face in her hands, and I didn’t wait for her to break out crying.

## II

### “On the Edge of the Town”

I saw the rest of the family for an hour or so before Molly came in to us. She was as clear-eyed as ever, when she came, but there was something in her face that was a spur to me. I did not wait for the night. I judged that no pursuers would be lingering for me in the valley of this late day, so I slipped out of the house, finding Roanoke refreshed by his rest and a feed of grain. I went away, without leaving any farewells behind me.

I cut across country, straight over the ridge of the eastern mountains. Just below timberline I camped that night—a cold, wet night—and I rode on gloomily the next morning until I was over the crest of the ridge and had a good view of the land that lay beneath me. It was a great, smooth-sweeping valley, most of it, the ground rolling now and then into little hills—but with hardly the shadow of a tree—and so on and on to piles of blue mountains which leaned against the farther horizon. They were a good hundred miles away. Between me and that range lay the city that I had to reach. You will agree with me that it was not a very pleasant undertaking. I had to get myself over seventy miles of open country to the capital of the state. Then I had to get seventy miles back into the mountains once more.

However, there was nothing else for it. That day I went down to the edge of the trees and the foothills, and there I rested until the verge of dusk. When that time came, I sent Roanoke out into the open and heading straight away toward the big town. He could have made the distance before daylight, but there was no point in that. I sent Roanoke over sixty-five miles that night, however, and he was a tired mule when I dropped off his back on the lee side of a haystack. I could see the lights of the town five miles off. Not a big place, you will think, but there were 35,000 people there, and that made it just about five times as large as any city I had ever seen in my life. It was simply a metropolis to me.

The dawn was only a moment away. So I walked away from the stack to a wreck of a shack in a hollow. There I turned in and slept solidly until afternoon.

I was thirsty and tired and hungry when I wakened. Besides that, I had a jumpy heart and the strain of the work ahead of me was telling pretty fast. The worst part of the trip was wasting that afternoon and waiting for the night. The edge of the sun was barely down before I was streaking across open country, and there was still plenty of daylight when I cut down a bridle path near the edge of the town and met an old fellow coming up. He was riding bareback, and I shall never forget how his white beard was parted by the wind.

He gave me a very cheerful—"Howd'ye,"—and I waved back to him.

"Well, stranger," said that old man, "where are you aimin' for, if I might ask?"

"Work," I said.

"Come right along with me."

"What kind?"

He had one tooth in the right-hand corner of his upper gum. He fixed this in a wedge of chewing tobacco and worked a long time at it until he got it loose. All the while he was looking at me with popping pale-blue eyes. I never before had noticed how close an old man can be to a child.

"Well, partner," he said, "young fellers is picky and choosey. I used to be that way myself. But when I come to get a little age behind me, why, then I seen that it didn't make so much difference what a man done. All kinds of work that ever I see gives you the same sort of an ache in the shoulders and an ache in the calves of your legs and in your back. Ain't you noticed that?"

I told him that I had.

He said: "Same way about chuck. I used to be mighty finicky about grub. It don't make no difference to me now. Once a mite of grub is swallowed, what difference whether it was a mouthful of dry bread or a mouthful of ice cream? Can you tell me that?"

I could see that he had branched out on his special kind of information. Most old men are that way. They got a couple of sets of ideas oiled up in their old noodles, and, whenever they get a chance, they'll blaze away on them. If they're interested in oil wells, you can start talking about lace and they'll get over to oil wells just as easy as if you started with derricks. I saw that this was one of that brand. However, if he would talk, I saw that he might be of some sort of use to me.

So I said: "I've been back country for a long time. I want to have a try working in town."

He shook his head, very sad at that. "Son," he said, "I live only two mile out, but I have been to town only once this summer. And that time I come home with my feet all blistered up and my head aching from the glare of the pavements. I give the town up. If I was you, I'd give it up, too."

I said nothing, but I couldn't help smiling. The old chap began to nod and smile, too. He was a fine fellow, no doubt of that.

"Well," he said, "you can't expect folks to learn by their elders. If they did, people'd get wiser and wiser, instead of the other way. What you want to do in town?"

"Drive an ice wagon, maybe. I don't care. I never seen the town before."

“You don’t say?”

“I guess that’s the capitol building?”

“Yes, sir. There she is. That white dome. I guess you seen it in your schoolbooks when you was a kid? There she be. Look here, ain’t you been raised right around near here?”

He had sagged a little closer to me while we were looking at the town, and now I caught him batting his bleary old eyes at me behind his glasses. I knew there was danger ahead.

“No,” I said. “I’ve never been in the big town before.”

“Oh, it ain’t so big. Me, I’ve been far as Saint Louis. Now, there’s a real city for you. It lays over this a mighty lot!”

“I suppose it does. But it hasn’t many things finer than the capitol building, I guess.”

“Well, I dunno. It’s got a lot of banks and things pretty grand with white stone posts around them. And it makes a heap of noise. You can hear it for miles. But you can’t hear nothin’ here . . . except the scrapin’ of a street car goin’ around a corner, maybe.”

As he finished speaking, out of the distance came the scraping noise just as he had described it—like a rusty violin string, very thin and far. The old man laughed and clapped his hands.

“Well,” I said, “I suppose there are other fine big houses there. The governor’s house must be mighty fine.”

“Him? No, sir. William P. Shay ain’t the man to live big and grand. He’s livin’ in his ma’s old house out on Hooker Avenue right alongside the park . . . which has got so fashionable lately, what with the street car goin’ out that way, and the park right opposite with the benches to set on. I passed that way once, and I never forget the smell of the lilacs passin’ by Missus Shay’s house. It was sure a sweet thing.”

“I suppose that they’re still there?”

“Yes, sir.”

“Other folks got ’em, too?”

“Nary a one. Young feller, I can’t get out of my head that I’ve seen you sure, somewheres, sometime.”

I knew very well where he’d seen me. It was in some roadside bulletin board or perhaps just a handbill nailed against a post, showing my face and with big letters under it. I knew very well where he had seen me. I decided that I had better go right on into town and get lodgings before it was too dark. But after I had gone a little way, I leaned down as if to fix a stirrup leather and I had a chance to glance back. Old white beard was already over the hill.

I didn’t suspect that he had seen too much of me. But when a man has been a fugitive from the law with a price on his head for seven years, it makes him overlook no bets. I recalled, too, that I was riding a mule, and that in itself was enough to make any man suspicious. So I snapped back to the top of the hill, and, through the hollow beneath, I could see the old man scooting along. He looked back over his shoulder, just then, and, when he saw me, he doubled up like a jockey putting up a fast finish down the stretch and began to burn his whip into that old horse he was riding.

I shouldn’t have done it, of course. But I couldn’t help wanting to make his fun

worthwhile. So I fired a shot straight through the air.

I heard his yell come quavering back to me, and after that the horse seemed to take as much interest in the running as its rider did. He hunched himself like a loafer wolf trying to shove himself between his front legs while he beats for cover. It was a mighty funny thing to watch. I laughed till I was crying. By that time the old man had disappeared in the night and the distance. Then I turned around and saw that I had a big job to do and to do fast, because as soon as that old foggy got to a house with a telephone in it, he would plaster the news all over town that Leon Porfilo, on his mule, was heading straight for them, ready to make trouble, and lots of it.

How many scores of men and boys would clean up their old guns and start hunting for me, I could only guess. But right there I made up my mind that I couldn't enter that town on a mule. I put old Roanoke away in a little hollow where there were trees enough to shelter him and a brook in the center to give him water and plenty of long, coarse grass among the trees for provender.

Then I shoved my guns into my clothes and started hiking for the town. It was mighty risky, of course, because, if trouble started, I was a goner. But I decided that I'd be a lot less looked for on foot. You'll wonder, perhaps, why I didn't wait a few days under cover before I went in. But I knew that the next morning a hundred search parties would be out for me, unless I was already in jail.

### III

#### **“The Journey Through the Town”**

It was not so bad as I had expected. A city of that size, I thought, would be so filled with people that my only good refuge would be in the very density of the crowd, but, when I reached the outskirts, I found only unpaved streets and hardly anyone on the sidewalks saving the few workmen who were hurrying home late to their suppers. And what a jumble of suppers! One acquires an acute nose in the mountains or on the desert, and I picked out at least fifty different articles of cookery before I had covered the first block.

I started on the second with a confused impression of onions, garlic, frying steak, stew, boiled tomatoes, cabbage, bacon, coffee, tea, and too many other things to mention. Nasally speaking, that first block of the capital town was like the first crash of a symphony orchestra. I went on very much more at ease through block after block with almost no one in sight, until I came to broad paved streets where there was less dust flying in the air—and where the front yards were not simply hard-beaten dirt with a plant or two at the corners of the houses. For here there were houses set farther back. Some had hedges at the sidewalks, but all had gardens, and most of the way one could look over blocks and blocks of neatly cropped lawns, with flower borders near the houses, and flowering shrubs set out on the lawns. There were scores and scores of watering spouts whirling the spray into the air with a soft, delightful whispering. They all had a different note. Some of them rattled around slowly and methodically like so many dray wheels, throwing out a spray in which you could distinguish each ray of water all the way around. There were some

singing and spinning and making a solid flash like the wheel of a bright-painted buggy when a horse is doing a mile in better than three minutes. Once in a while a breeze dipped out of the sky and stirred the heavy, hot air of the street, and blew little mists of the sprinklers to me and gave me quick scents of flowers. But always there was that wonderful odor of the ground drinking and drinking.

I felt very happy, I'll tell you. I felt very expansive and kindly to the whole human race. Now and then I'd see a man run down the steps of his house and go out in his shirt sleeves and take hold of the hose and curse softly when the spray hit him and then give the sprinkler a jerk that moved the little machine to another place. Like as not, he jerked the sprinkler straight toward him. Then he would duck for the sidewalk and stand there, wiping his face and hands with a handkerchief and stamping the water from his shoes and "phewing" and "damning" himself as though he were ashamed.

But before they went back into the house, each man would stop a minute and look at the grass and the shrubs, each beaded with water and pearly with the light of the nearest street lamps—and then up to the trees—and then up to the stars—and then go slowly into the house, singing, most like, and stepping light. When those men lifted their heads and looked up into the sky, I knew that they saw heaven.

When one young fellow ran out from his front door, I saw a girl come to the window and look after him, and hurry him with: "The soup will be stone cold, Archie."

I couldn't help it. I stopped short and leaned a hand against a tree and watched him move the sprinkler. Then, humming under his breath, he ran for the house. There were springs under that boy's toes, I tell you. From what I could see of the girl, I didn't wonder. But at his front door, he turned and saw me still standing under the tree, watching, and aching, and groaning to myself: "Molly and me . . . when do we get our chance . . . when do we get our chance?"

He called out: "Hey, you . . . what you want?"

A mighty snappy voice—like the home dog growling at a stranger pup. He was being defensive.

"Nothing," I said.

"Then hump yourself . . . move along!" he snapped.

Perhaps you'll think that I might have been angered by that. But I wasn't. I was only pretty well sickened and saddened. If ever I were caught—and this night there was a grand chance that the law would take me—the dozen men in the jury box would be no better than the fellow—a clean-living fellow, with his heart in the right place—but snarling when he saw a strange dog near his house. Human nature—I knew it—and I didn't blame him.

"All right. I'll move along," I said.

I only shifted one tree down and stopped again. You see, I wanted to watch that fellow go striding into his house and into that dining room and watch his wife smile at him. Sentimental bunk? I know that as well as you do, but when a man has lived alone for seven years with mountains, and above timberline most of the time—seven winters, you know—well, it makes him either a murderer or a softy. I hardly know which is worse. But I was not a murderer, no matter what the world might say of me.

The householder had a glimpse of me again as he swung open his front door, and he

came flaring back at me with the running stride of an athlete. I saw that he was big, and big in the right places. He was in front of me in another moment.

“I’m going!” I said, and I turned and started shambling away.

He caught me by the shoulder and whirled me around. “Look here!” he said. “I don’t like the looks of you . . . and the way you hang around . . . who are you?”

I shrank back from him against a tree. “A poor bum, mister,” I replied. “I don’t want no trouble. But I was lookin’ through the window. It looked sort of home-like in there.”

“You’re lying!” he argued. “By heaven, I’ll wager you’re some second-story crook. I’ve a mind. . . .” He put his hand on me again.

You’ll admit that I’d taken a good deal from him. But it’s easy for a big man to take things from other people. I don’t know why that is. Little fellows always have a chip on their shoulders. But big fellows learn when they’re young that they’re always too big for the other boys. But still, I was a bit angry when this young husband began to force his case at my expense. There were two hundred and twenty pounds of me, but down to the very last pound of me I was hot.

Just then the girl’s voice sang out: “Archie! Archie! What are you doing? . . . oh!” There was a little squeal at the end as she sighted me.

“You see?” I said. “Let me go. I won’t trouble you any. And you’re scaring your wife to death, you fool!”

“What? You impudent rat. . . .”

He started a first-rate punch from the hip, but I caught his wrist and doubled his arm around behind him in a way that must have been new to him. He was a strong chap. But he hadn’t any incentive, and he hadn’t any training.

We stood with our faces inches apart. Suddenly he wilted.

“Porfilo!” he said through his teeth.

“Do you think I’m going to sink a slug in you?” I asked.

I saw by the look of his eyes that he did, and it made me a pretty sick man, I can tell you. I dropped his arm and I went off down that street not caring a great deal whether I lived or died.

I went down that street until it carried me bang up against the capitol building in the middle of a great big square. Off to the right was the beginning of the park. I went off down the street that faced on it. I think I must have passed five hundred people in that square, but I’m certain that not one of them guessed me. It would have been too queer to find Leon Porfilo *walking* through a street. They passed me by one after another—which shows that we see only what we expect to see.

In the street opposite the park, it was easy going again. It was a fairly dark street because there were no lamps except at the corner, and the blocks were long. Lamps on only one side of the street, too—because the park was on the other side and that was a thrifty town.

I walked about half a mile, I suppose, from the central square, and then I found the house without looking for it. It was simply a great out-welling fragrance of the lilacs, just as the old man had told me. There was the yard filled with big shrubs—almost trees of ’em, and in the pool of darkness around the trees were rows and spottings of milk-white

lilies. It was a good thing to see, that yard. It was so filled with beauty—I don't know exactly how to say it. It was filled with homeliness, too. I felt as though I had opened that squeaking gate a hundred times before and stepped down onto the brick path where the grass that grew between the bricks crunches under my heels.

Then I side-stepped from the path and among the trees. I went to the side of the house. I climbed up to the window in time to see the ceremony begin. About a dozen people piled into the room, and, when the seating was over, a grim-faced man sat at the head of the table and a pretty-faced girl of twenty-one or so at the other. Then I remembered that the governor's wife was not half his age.

I thought I understood one reason for the tired look on his face. There was nothing for me to do for a time, so I found a bench among the trees and lay down on it to watch the stars.

I waited until the smell of food went through me, and I tugged up my belt two notches. I waited until the humming voices and the laughter that always begin a meal—even a mountain dinner—died off into a broken talking and the noise of dishes. Then music, somewhere. Well, I was never educated up to appreciating the squeaking of a violin. A long time after that, somebody was making a speech. I could hear the steady voice. I could almost hear the yawns.

Somehow, I pitied the pretty girl at the far end of the table!

## IV

### “Leon Invades the House”

I waited a full hour after that. People began to leave the house, and finally, when the front door opened and closed no more, I began my rounds of the house. I found what I wanted soon enough. It was not in the second story, but a lighted window in the first, and I had a step up, only, to get a view of the inside of the room, and a broad-gauge window sill to hang to while I watched. The window was open, which made everything easier. There was not much chance for me to be betrayed by the noise I might make in stirring about, for the wind was slipping and rustling among the trees.

I was looking into a high, narrow room with walls covered with books and queer, old-looking framed photographs above the bookcases. There was a desk that looked as solid as rock. In front of the desk was the governor. I could have told that it was the governor even if I'd never seen him before, because he had that gone look about the eyes and those wrinkles of too much smiling that come to men who have offices of state. A man like that, when his face is at rest, is simply giving up thanks that he's not offending anyone.

The governor had a man sitting beside his desk—a man who looked only less tired than the governor himself. He was scribbling shorthand while the governor turned over and fiddled at a pile of papers on his desk and kept talking softly and steadily. All sorts of letters.

Well, he had to dictate so many letters, and make them all so different, that I wondered what fellow's brain could be big enough to hold so much stuff, and so many different



kinds. I suppose that in that hour he dictated more letters than I'd ever written in my life. I could see new reasons every minute for that tired look. I began to think that he must know everyone in the state.

I heard the secretary ask him if he needed him any longer. I saw the governor look up quickly at him and then stand up and clap him on the shoulder and say: "Go home to sleep. I've not been paying enough attention to you, but forgive me."

I saw the secretary fairly stagger out of the room. Then there was the governor sitting over the typewriter and reading his correspondence on the one hand and picking at the machine with one finger on the other, and swearing in between in a style that would have tickled the ears of any cowpuncher on the hardest bit of the range.

I didn't hear anyone tap at the door. But pretty soon he jumped up with the look of a man about to accept \$10,000,000. He opened the door and the pretty young wife stood there wrapped up to the chin in a dressing gown. She looked him up and down in a way that smeared the smile off his face and left a sick look that I had seen there before. It was an old-fashioned house, and there was a transom over the door. She pointed at the open transom and said half a dozen words out of stiff lips. She didn't say much. Just enough. A bullet isn't very big, either, but, if it's planted in the right place, it will tear the heart out of a man. She jerked about on her heel and flounced away, and the governor leaned against the wall for a minute with all the sap run out of him. Then he closed the door and the transom and went back to the typewriter.

He was pretty badly jarred, though, and he sat there for a moment all loose, like a fellow with the strength run out of him. Then he shook his head and set his jaw and began to batter that typewriter again. I could see that he was a game son of a man. Mighty game and proud and clean. I liked him all the way through, and yet I felt a mite sorry for the girl wife, too, when I thought of the way the governor's language must have been sliding out through that transom and percolating through the house. I suppose that a real respectable house would take a couple of generations to work language like that out of the grain of it.

I slid a leg against the window and made just enough noise for the governor to stop work and sit with his head up. His right hand went back to his hip pocket—and came away again.

I stepped inside the room and was standing there pretty easy when he turned around. He didn't jump up or start yapping for help or do anything else that was foolish. He just sat and looked me over.

"Well, Porfilo," he said at last, "I suppose that you've tried to work out the most popular spectacular job in the state and decided that the governor's house was the best place for it. Is that it?"

I merely grinned. I knew that he would take it something like that, but it was mighty good to hear him talk up. It sent a tiny tingle through all the right places in me. I just took off my hat and made myself easy.

"What do you want?" he said, frowning as I smiled. "My wallet?" He tossed it to me.

I caught it and threw it back. I had both my hands. Somehow, I hated to show a gun to that man.

"Something bigger than that?" he said, sneering. "I suppose that you'll want the papers to know how you held up the governor without even showing a gun?"

I got hot at that—in the face, I mean.

“No, sir,” I said. “I’m not a rat.”

“Tell me what you want,” he said through his teeth. “There was a time when I served as a sheriff in this state, young man. There was a time when I carried guns. And now the fewer moments I spend with you, the better.”

“Governor,” I said, “do you think I’m a plain skunk?”

“No,” he said, very brisk, and with his eyes snapping. “I should call you whatever you please . . . a purple, spotted, striped, or garden variety of skunk. Never the common sort. Now what do you want with me, young man, if you don’t want money? Is it a pardon?”

There was so much honest scorn in the governor’s face, to say nothing of his voice, that all the starch went out of me. I could only mumble. “Yes, sir, that’s what I want.”

He threw up both his hands—such a quick gesture that it made a gun jump out of my pocket as quick as a snake’s head out of a hole. I couldn’t help it.

He saw the movement and he sneered again. “Porfilo,” he said, “I suppose you are going to threaten to shoot me unless I turn over a signed pardon to you?”

I shoved the gun away in my clothes. I was beginning to get angry in turn.

“I’ve come to talk, not to shoot,” I said. “I’ve come to play your own dirty game with you.”

“Is my game dirty?” he asked through clenched teeth.

Oh, yes, he was a fighting man, that governor. I wished that his young wife could have seen him then.

“Isn’t it,” I asked, “a lot dirtier than mine? You beg people for their votes.”

“Entirely false,” he replied. “But I enjoy a moral lecture from a murderer.”

“I never murdered a man in my life,” I said.

It made him blink a little.

“But you,” I continued, jabbing a finger into the air at him, “you get up and talk pretty sweet to a lot of swine that you hate.”

He parted his lips to answer me, but then he changed his mind and sat back in his chair and watched me.

“About the murders,” I went on. “I never shot a man unless he tackled me to kill me.”

He parted his lips again to speak, but again he changed his mind and smiled. “You are an extraordinarily simple liar,” he said.

It’s a good deal to be called a liar and swallow it. I didn’t swallow this very well. I snapped back at him: “Governor, I came here to see you because I was told that you’re a gentleman.”

“Well, well, Porfilo,” he said, a little red, “who told you that?”

“A girl,” I answered.

“*The* girl?” he asked.

“Yes.”

“Good heavens, Porfilo, are you going to try to hide behind a woman who loves you?”

“I don’t hide,” I replied. “What I ask you to do is to go down the record against me

and figure out where I've sunk lead into anybody that wasn't gunning for me. Was there ever a man I sank that wasn't a gunfighter and a crook before he ever started after me? There never was! I've ridden a hundred miles to get out of the way of trouble, when trouble was showing up in the shape of a clean, decent man. But when a thug came after me, I didn't budge. Why should I?"

"Well," he responded, "I'll tell you what you've done. You've made me listen to you. But just the other day Sheriff Lawton had two fine citizens shot by you."

"Leg and arm," I said.

"Yes, they were lucky."

"Lucky?" I said. "Do you think it was luck, governor? If I've practiced hard at shooting every day of my life for the last ten years, at least, do you think that I'm so bad that I miss at forty yards? No, Governor, you don't think that. Nor do you think that I've stood up to so few men that I get buck fever when I have a sight of 'em. No, sir, you don't think that, either."

The governor scratched his chin and blinked at me. But I was pretty pleased, because I could see that he was getting more reasonable every minute.

"I don't mind admitting," he stated, "that I'm inclined to believe the nonsense that you're talking." He grinned very frankly at me. However, I saw that I still had a long way to go.

"Are you armed?" I asked.

"No," he said, "because very often in my official life I have a reason to use a gun. And I'm past the age when pleasures like that are becoming."

"Are you taking me serious?" I said.

"More than any judge would," he replied.

"I believe you," I said, and I couldn't help a quaver in my voice.

## V

### **"Leon's Bargain with the Governor"**

I saw that put back my cause several lengths and would make the rest of the running pretty hard for me.

He said in that stiff way of his: "Have no sentimental nonsense, Porfilo."

"I'm sorry," I said. Then I burst out with the truth at him, because I could see that there was no use trying to bamboozle him. "A man can't help feeling sorry for himself when he gets down," I said.

The governor twisted up his mouth, and then he laughed. It did me a lot of good to hear him laugh, just then. "As a matter of fact," he said, "not so long ago I was pitying myself. Now, young man, I think I can say that I like you. But that won't keep me for an instant from trying to have you hanged by the neck until you're dead."

"Do you mean that?" I asked.

"I'm too tired to talk foolishness that I don't mean," he responded. "I'll tell you what, Porfilo. If a petition for your pardon were signed by a thousand of the finest citizens in this state, that petition would have no more chance than a snowball in hell."

He meant it, well enough, and I could see that he did. It made me within a shade of as sick as I'd ever been in my life.

"Well?" he asked.

"I'm studying," I said, "because I know that I've got something more to say, but I can't figure out what it is."

The governor laughed, and said: "I come closer to liking you every minute. But why is it that you think that you have something more to say?"

"Because," I explained, "I know that I'm an honest man and a peaceable man."

He laughed again, and I didn't like his laughter so well, this time. "Well," he said, "I won't interrupt you."

"You *know* that I'm a crook?" I asked him.

"About as well as any man could know anything."

"Have you looked up my whole life?"

"A few chunks of it have been served up to me . . . such as the Sam Dugan murder."

"The rest of your information is about as sound as that!" I snapped back at him, thanking heaven for the chance. "The murderer of Dugan has confessed and is in jail now."

The governor blinked at me. "I didn't know that," he muttered.

"Of course, you didn't!" I cried to him. "Every time they have a chance to hang a crime on the corner of my head, that makes first-page news. Every time they don't know who fired the shot that killed, they say . . . 'Porfilo'! But when they find out the facts a couple of days later, it makes poor reading. So they stick the notice back among the advertisements."

The governor nodded. I could see him accepting my idea and confessing that there was something to it.

"Well," I continued, "I ask you to start in and look up my life. It won't be hard to do. One of your secretaries can unload the whole yarn for you in about half a day's work. Then sift out the proved things from the unproved. Give me the benefit of a doubt."

"That sort of benefit will never win you a pardon from me," he said.

"I don't want a charity pardon," I declared.

"What kind do you expect?"

"An earned one."

"Confound it," said the governor, rubbing his hands together, "I like your style. Now tell me how, under heaven, you are going to win a pardon from *me*?"

"You've heard of Jeffrey Dinsmore," I said.

"I have."

"Is he as bad as I am . . . according to reputation?"

"Dinsmore is a . . .," he began. Then he shut his teeth carefully, and breathed a couple of times. "I should say that he's as bad as you are," he said between his teeth.

“All right,” I said. “Here’s my grand idea that brought me as close to the rope as the capital city here.”

“Blaze away,” he coaxed.

“Dinsmore has twenty thousand dollars on his head, same as me.”

“I understand that.”

“We’re an even bet, then?”

“I suppose so, if you want to make a sporting thing out of it.”

“All right,” I said. “What’s better than two badmen. . . .”

“One, I suppose,” said the governor. “But I wish you wouldn’t be so darned Socratic.”

I didn’t quite understand what he meant, so I drilled away. “The catching of me has been a pretty hard job,” I said. “It’s cost the state seven years . . . and they haven’t got me yet. But it’s cost them a lot for the amount of money that they’ve spent hunting me.”

“Besides your living expenses,” said the governor with a twisted grin that hadn’t much fun in it.

I caught him up on that. “My living expenses have come out of the pockets of other crooks. I’ve never taken a penny from an honest man. Look up my record!”

At this, he seemed really interested and sat up, rubbing his fine square chin and scowling at me—not in anger, but as if he were trying to search my character.

“Well,” he said, “you are the darnedest crook I’ve ever heard of . . . with twenty thousand on your head and pretending to live like an honest man.”

“For seven years,” I said, rubbing the facts in on him.

“Aye,” he said, “but will you insist that you’ve been honest all the time?”

“I helped in one robbery, and then I returned the money to the bank. You can get the facts on that, pretty easy. I had about a quarter of a million in my hands.”

“If you have a record like that, why hasn’t something been done for you?”

“I was waiting,” I said, “for a governor that was a gentleman. And here I am.”

“Ah, well,” he said, “of course, I’ll have to look into this. It can’t be right. Yet I can’t help believing you. But what is this about earning your pardon?”

“I was saying that the state had spent a good many tens of thousands on me, and there doesn’t seem to be much chance of letting up on the expenses right away.”

He nodded.

“And this Jeffrey Dinsmore is a fellow with lots of friends and with a family with money behind him. It will surely cost a lot to get at him.”

“It will,” said the governor with a blacker face than ever.

“I want to show you the shortest way out.”

“I’m ready to listen now. What’s in your head, young man?”

“Let Dinsmore know the proposition. I say let it be a secret agreement between you and me . . . and Dinsmore . . . that if he brings me in . . . dead or alive . . . you’ll see that he gets a pardon, and the reverse goes for me.”

The governor stared at me with his eyes enlarged. He began shaking his head.

I cut in very softly—hardly loud enough to interrupt his thoughts. “I can promise you

that there'll be no living man brought in. One of us will have to die. There's no doubt about that."

"I know that," said William Purchase Shay. "I believe you, Porfilo. By the way, are you a Mexican?"

"My mother was Irish," I said. "Away back yonder, there was a dash of Mexican Indian in my father's blood."

It seemed to me that his smile was a lot easier when he heard that. Then he got up and took my hand.

"After all," he said, "one gets good laws in operation by hard common sense." He paused. "Is there anything that you need, Porfilo?"

"Wings to get out of this town," I said.

He nodded very gravely. "I don't see how the devil you got into it."

"Walked."

"While they are out looking for a man on a mule! That was the alarm that came in . . . from the old man you shot at. Did you shoot at him, Porfilo?"

"The old scamp was burning up the country to get to a telephone and blow the news about me. So I thought I'd give him a real thrill and I fired into the air. That's all there was to it."

"There's seventy miles between you and the mountains where you are so safe," he said.

"Open country." I nodded. "And seventy miles to Mister Dinsmore, too."

"Are you sure of that?" asked the governor with a start.

"Why, that's where the report located him."

"The report lied, then. It lied like the devil!"

He said it in such a way that I could not answer him. I held my tongue until he reached out a sudden hand and wrung mine, and his eyes were fixed on the floor.

"Good luck to you . . . the best of luck to you, Porfilo."

I slid through the window, and, when I looked back, I saw him standing just as I had left him, with his eyes fixed upon the floor.

Well, I couldn't make it out at the time, but I figured pretty close, and I was reasonably sure that something I had brought into his mind connected with the idea of his wife, and that was what had taken the starch out of him.

However, I was not thinking about the governor ten seconds later. For, as I dropped from the window for the ground underneath, I saw a glint like that of a star through thin clouds. But this glimmer was among the leaves of some shrubbery, and I knew that it was a touch of starlight on the polished barrel of a gun.

## VI

### "Facing Guns"

Well, when you hear people speak of lightning thinking, I suppose that you smile and call it “talk”—but between the time I saw that glimmer of a gun in the bush and the instant my heels hit the ground beneath, I can give you my word that I had figured everything out.

If I were caught, people would want to know what Leon Porfilo had been doing in the governor’s office. Even if I were not caught, it would be bad enough, because there would be no end of chatter all over the state. But, as a matter of fact, if I wanted to help the reputation of a man who had given me a mighty square deal, the best way for it was to cut out of those premises without using a gun or even drawing one.

I say that I thought of these things while I was dropping from the window to the ground, and I hadn’t much time besides that, for, as I hit the ground and flopped over on my hands to ease the shock, I saw a big fellow with two more behind him step out of the brush and the lilacs about five paces away. Five paces—fifteen feet!

Well, you look across the room you are in and it seems quite a distance at that. Besides, I had the night in my favor. But I give you my word that, when I looked at those three silhouettes cut out against the starlit lilac bloom behind them, and when I saw the big pair of gats in the hands of the leader—and the gun apiece in the hands of the men behind—well, I knew in the first place that, if I tried to run to either side, they’d have me against the white background of the house and fill me with lead before I had taken two steps. I turned that idea over in the fifth part of a second while the leader was growling in a professionally ugly way—if you’ve ever heard a detective make an arrest you’ll know what I mean.

“You . . . straighten up and tuck your hands over your head *pronto!*”

“All right,” I muttered.

He could not have distinguished the first part of my movement from an honest surrender. For I simply began to straighten as he had told me to do. The difference was in my right hand—a five-pound stone. As my hands flew up, that stone jumped straight into the stomach of the leader.

Both his guns went off, and there was a silvery clashing of broken window glass behind me. One of those bullets was in a big scrub oak. The other had broken the window of the governor’s office and broken the nose of the photograph of Shay’s granddad—and drilled through the wall itself.

But the holder of the two guns threw out his hands to keep from falling, and in doing that he backhanded his two assistants. One of them started shooting blindly. The other dropped his gun, but he had enough sand and wit to make a dive for me. I clubbed him over the head with my fist, as though it were a hammer, and, very much as though a hammer had struck him, he curled up. I almost tripped over him. By the time I had disentangled my feet, the chief was shooting from the ground.

But he was a long distance from doing me any real harm. The nerves of those three were a good deal upset. I suppose, in fact, that they had not had much experience in trying to arrest men who can’t afford to go behind the bars and be tried for their lives.

At any rate, I was lost among those lilacs in a twinkling. At the same time, a considerable ruction broke out in the house. Windows began being thrown up and voices were shouting, and the three detectives themselves were making enough noise to satisfy fifty.

Under cover of that racket, I didn't bolt out onto the street in the direction for which I was headed. Instead, I whirled around, and, under the shelter of those God-blessed lilacs, I tore back down the length of the yard.

I cleared the house—and still all the noise was in the rear and out toward the street. When I got into the back yard, I saw one discouraging thing—a tall fence about nine feet high and a man just in the act of climbing over. He had jumped onto a box, and the box had crumpled to nothing under him as he leaped. However, he had made the top of the fence.

I had to make the same height, without a box to jump from. Still I wondered who was the man who was trying to make his getaway even before me? I didn't stop to ask. I went at that fence with a flying leap and got my hands fixed on the top of it. With the same movement, I let my body swing like a pendulum. And so I shot myself over the top a good deal like a pole vaulter. When I let go with my hands and while I was pendent in the air, falling, I saw that the man who had gone over ahead had stumbled just beneath me, and, like a snarling dog, he was growling at me. He fired while I was still hanging in the air, and the bullet clipped my upper lip and let me taste my own blood.

It's very bad to let an Irishman taste his own blood. It's bad enough to let one who's half Irish do the thing. At any rate, I went half mad with anger. I landed on him. He wasn't big, and my weight seemed to flatten him out.

It was an alley cutting through behind the grounds of the governor's house, and there was a dull street lamp in a corner of the alley. It shed not very much light but enough to show me a handsome-faced young fellow—not made big, but delicately like a watch, you know. A sensitive face, I called it.

Then I started on. One thing I was glad of, and that was that there was a neat-looking horse tethered at the end of the alley, and from the length of the stirrups—as I made the saddle in a flying leap—I sort of thought that it might have belonged to the fellow I had just left behind me.

I cut the tethering rope with my sheath knife from the saddle, and then I scooted that horse across the street and down another alley. I pulled him up walking into the next street beyond and jogged along as though nothing particularly concerning me were happening that night. A very good way to get through with trouble. But the trouble was that there was still hell popping at the governor's house. I could hear their voices—and more than that—I could hear their guns, and so could half of the rest of the town.

People were spilling out of every house, and more than one man who was legging in the danger direction yelped at me, as I went past, and asked where I was going. But that was not so bad. I didn't mind questions. What I wanted to avoid was personal contact.

Here half a dozen fellows on fine horses took the corner ahead of me on one wheel, so to speak, spilling out all across the street as they raced the turn. When they saw me, one of them shouted: "What are you riding *that* way for?"

I knew that they would be halfway down the block before they could stop, and, besides, I hoped that they wouldn't be too curious if I didn't answer. So I just trotted the horse around the same corner by which they had come. But one question unanswered wasn't enough for them. They were like hungry dogs, ready to follow any trail.

"Hello!" yelled the sharp, biting voice of that same leader, to whom I began to wish



bad luck. “No answer from that gent. Let’s have a look at his face!”

I could hear the scraping and the scratching of the hoofs on the horses as the riders turned them in the middle of the block with cowpuncher yells that took down my temperature at least a dozen degrees.

I was not marking time. I scooted my mount down the next block. The minute he took his first stride, I knew that the race would be a hot one, no matter how well they were fixed with horses. Because that little horse was a wonder! I never put eyes on him after that night, but he ran with me like a jack rabbit—a long-winded jack rabbit, at that. My weight was such a puzzle for him that he grunted with every stride, but he whipped me down that street so fast that I had nearly turned west on the next corner before the pursuit sighted me. But I failed by the stretched-out tail of that little Trojan, and, by the yell behind me, I knew that they were riding hard and riding for blood.

I turned again at the next corner, and, as I turned, I saw that two men were riding even with me. They had even gained half a length in the running of that block. I made up my mind right away. If they had speed, they could show it in a straightway run, because it kills a little horse to dodge corners with a heavy man on his back. So I put my pony straight west up that street, running him on the gutter of the street where dust and leaves had gathered and made easier padding for his hoof beats.

In a mile we were out of the town, but those six scoundrels were still hanging on my rear and raising the country with their yells and their whoops. I could hear others falling in behind me. There were twenty now, shoving their horses along my path. And every moment they were increasing in numbers. Besides, after the first half mile, my weight began to kill that game little horse. He ran just as fast, nearly, as he had before. But the spring was going out of his gallop. Then I was saying to him: “Just hold out over the hill and into the hollow. Just over the hill and into the hollow.”

Well, they were snap shooting at me as I went up that hill, and the hill and my weight together slowed my little horse frightfully. However, he got to the top of it at last, and my whistle was a blast between my fingers. Fifty yards of running down that hillside—with my poor little horse staggering and almost dying under me. My heart stood in my mouth, for, if Roanoke were gone, I was a lost man with a halter around my neck.

But, no—there he was, sloping out of the brush and heading full tilt toward me. As I came closer, he wheeled around and began to shamble away at his wonderful trot in the same direction I was riding. So I made a flying jump from the saddle of the little horse and onto the rock-like strength of the back of Roanoke.

## VII

### “An Unexpected Challenge”

There was not a great deal to the race after that. I suppose that there were half a dozen horses in the lot that could have nabbed Roanoke in an early sprint. But the little gamester I rode out of town had taken the sap out of the running legs of the entire outfit. When I left him for Roanoke, that old mule carried me up the course of the hollow—where water

must have stood half the year, by the tree growth—and, after he had run full speed for a few minutes, they began to drop back behind me into the night.

The moment I noticed that, I dropped Roanoke back to his trot. Galloping was not to his taste, but he could swing on at close to full speed with that shambling trot of his and keep it up forever. It did not take long. The hunt faded behind me. The yelling began to grow musical with the distance, and finally it died away—first to an occasional obscure murmur in the wind, and then to nothing.

I think we did thirty miles before the morning sun was on us. Then I put up and spent another hungry day in a clump of trees. But food for Roanoke, not for me, was the main thing at that time. When the day ended, I sent that old veteran out to travel again, and we were soon in the mountains, soon climbing slowly, soon winding and weaving ourselves up to cloud level.

Until I got to that height, back in my own country, I did not realize how frightened I had been. But now that the mischief was behind me, I felt fairly groggy. I sent one bullet through a pair of fool jack rabbits sitting side by side, the next morning, behind a rock. They barely made a meal for me. I could have eaten a hind quarter of an ox, I was so hungry. I kept poor Roanoke drudging away until about noon. Then I made camp and spent thirty-six hours without moving.

I always do that after a hard march, if I can. It is always best to work hard while there's the least hint of trouble in the offing, but, when the wind lets up, I don't know of a better way to insure long life and happiness than by resting a lot. I was like a sponge. I could work for a hundred hours without closing my eyes, but, at the end of that time, I could sleep two days, solid, with just enough waking time to cook and eat one meal on each of those days. Roanoke was a good deal the same way. We spent a day and a half in a sort of stupor, but the result was that, when we *did* start on, I had under me an animal that wasn't half fagged and ready to be beaten, but a mule with his ears up and quivering. My own head was rested and prepared for trouble.

I hit for my old camping ground—not any particular section, though, I knew every inch of the high range, by this time—the whole wide region above timberline—a bitter, naked, cheerless country in lots of ways, but a safe one. For seven years, safety had to take the place of home and friends for me. An infernal north wind began to shriek among the peaks as soon as I got up there among them. But I didn't budge for ten wretched days or more. I spent a shuddering, miserable existence. There is nothing on earth that comes so close to above timberline for real hell! I've heard naturalists talk about the beauties of insects and birds and what not above the place where the trees stop growing. Well, I can't agree with them. Perhaps I haven't a soul. But those high places make me pretty sick. When I see the long, dark line of trees end that cuts in and out among the mountains like the mark of high water, it sends a chill through me.

But for seven years I had spent the bulk of my life in that horrible part of the world. Seven years—eighteen to twenty-five. And every year before twenty-five is twice as long as every year after that time.

Well, I stayed in the old safe level, as I have said, about ten days. Then I dropped Roanoke five thousand feet nearer to civilization and stopped, one day, on the edge of a little town—right out between two hills where there was a little shack of a cabin standing. I knew that cabin, and I knew that the man inside it ought to know me. I had stayed with

him half a dozen nights, and every time I used his house as a hotel, he got ten or twenty dollars out of me. Because that was one of the rules of the game. If a longrider struck up an acquaintanceship with one of the mountaineers, we always had to pay for it through the nose, in the end.

However, I couldn't be sure that old man Sargent hadn't changed his mind about me. I left Roanoke fidgeting among the trees on the hillside, for he could smell the sweet hay from the barn at that distance and his mouth was watering. Then I slid down the hill and peeked through the windows. Everything seemed as cheerful and dirty and careless as ever. Sargent had two grown-up sons. The three of them put in their time on a place where there wasn't work enough to keep one respectable two-handed man busy. There wasn't more than enough money for one man, if he wanted to be civilized. But civilization didn't harmonize with the Sargents. They wanted to live easy, even if they had to live low.

When I saw that there wasn't any change in them, I took Roanoke to the barn and put him up where he could eat all the hay he wanted. Because you can trust a mule to stop before the damage mark—which is a trust that you can't put in a horse.

Then I went to the house and the three of them gave me a pretty snug welcome. Old man Sargent insisted that I take the best chair—his own chair. He insisted, too, that I have something to eat. I had had enough for breakfast to last a couple of days, but I let out a link and laid into some mighty good cornbread and molasses that he dished up to me along with some coffee so strong that it would've taken the bristles off of pigskin.

I said: "How long ago did you make this coffee, Sargent?"

"I dunno," he said.

"He swabs out the pot once a month," said one of the boys, grinning, "and the rest of the time, he just keeps changing the brew, a little. A little more water . . . a little more coffee."

Well, it tasted like that, sort of generally bad and strong—mighty strong. I put away half a cup, just enough to moisten the cornbread that I swallowed.

"Have you come down to get Dinsmore?" said Bert Sargent.

The name hit the button, of course, and I turned around and stared at him.

"Why, Dinsmore has been setting waiting down in Elmira for three days," old man Sargent said.

"Waiting for what?" I asked. "I've been up in the mountains and I haven't heard."

Of course, they were glad enough to tell. Bad news for anyone else was good news for those rascals. It seems that Dinsmore had appeared suddenly in the streets of Elmira. At noonday. That was his way of doing things—with a high hand—acting as though there were no reason in the world why he should expect trouble from anyone. He went to the bulletin board beside the post office and there he posted up a big notice. He had the roll of paper under his arm, and he tacked it up with plenty of nails, not caring what other signs he covered. Well, sir, the reading of that sign was something like this:

### **Attention, Leon Porfilo!**

**I want you, not the twenty thousand. If you want me, you can expect that I'll be ready for you any day between three and four if you'll ride**

**through Main Street. I'll let you know which way to shoot!**

**Jeffrey Dinsmore**

I don't mean to say that the Sargent family told me this story with so little detail. What they did do, however, was to give me all the facts, among the three of them. When I had sifted those facts over in my mind, I stood up. I was so worried that I didn't care if they saw the trouble in my face.

"You don't like this news so well as you might, partner?" old Sargent said very smooth and swallowing a grin.

I looked down at that wicked old loafer and hated him with all my heart. "I don't like that news at all," I admitted.

The three of them exclaimed all in a breath with delight. They couldn't help it. Then I told them that I was tired, and they showed me to a mattress on the floor of the next room. I lay there for a time trying to think out what I should do, and all the time I could hear whispers of the three in the kitchen. They were discussing with vile pleasure the shock that had appeared in my face when I had been told the news. They were like vultures, that trio.

Well, I was tired enough to go to sleep, anyway, after a time. Then I wakened with a start and found that it was daylight. That was what you might call a real hundred percent sleep. I felt better, of course, when I got up in the morning, and in the kitchen I found old man Sargent with his greasy gray hair tumbling down over his face and his face as lined and shadowed as though he had been drinking whiskey all the night. I suppose that really low thoughts tear up a man's body as much as the booze.

He gave me a side look as sharp as a bird's to see if there was still any trouble in my eyes, but I put on a mask for him and came out into the kitchen singing. All at once, a sort of horror at that old man and at the life I had been leading came over me. I hurried out of the house and down to the creek. It was ice cold, but I needed a bath, inside and out, I felt. I stripped and dived and climbed back onto the creekbank with enough shivers running up and down my spine to have done for a whole school of minnows. But I felt better. A lot better.

When I went back to the house for breakfast, I saw that one of the two boys was not on hand, and I asked where he was. His father said that he had gone off to try to get a deer, but that sounded like a queer excuse to me. I couldn't imagine a Sargent doing such a thing as this, at this hour in the morning. I began to grow a little uneasy—I didn't exactly know why.

After breakfast, as I left, I offered the old rat a twenty-dollar bill, and he took it and spread it out with a real gulp of joy. Cash came very seldom into his life.

"But," he said at last, peering at me hopefully and making his voice a wheedling drawl, "ain't I give you extra important news, this trip? Ain't it worth a mite more?"

I was too disgusted to answer. I turned on my heel and left, and, as I went out, I could hear him snarling covertly behind me.

## VIII

### “The Town Is Emptied”

However, I didn't like to fall out with the Sargents. I knew that they were swine, but, after all, I might need their help pretty early and pretty often in the next few years of my life.

I went out to Roanoke and sat in the manger in front of him, thinking or trying to think, while the old rascal started biting at me as though he were going to make breakfast off me. I decided, finally, that the only thing for me was to head straight for Elmira and take my chances there, because if I didn't meet Dinsmore right away, my name would be pretty worthless through the mountains. Besides, it was the very thing I had wanted.

But I had never dreamed of a fight in a town—and a big town like Elmira, that had everything in it except street cars. It had a four-story hotel, and a regular business section, and four streets going east and west. There were as much as fifteen hundred people in Elmira, I suppose. It was a regular city, and it seemed a good deal like craziness to try to stage a fight in such a place. As well start a chicken fight in the midst of a gang of rattlesnakes. No matter which of us won, he was sure to be nabbed by the local police right after the fight.

I wondered what could be in the head of Dinsmore, unless he had an arrangement with the sheriff of that county to turn him loose, in case he were the man who won the fight. I decided that this must be the fact, and that worried me more than ever. However, there wasn't much that I could do except to ride in and take my chances with Dinsmore. But one of the bad features was that I had never seen Dinsmore, whereas everyone had had a thousand looks at me in the posters that offered a reward for my capture.

Well, I saddled Roanoke and started down the Elmira trail. The first cross trail I came to, there I saw a board nailed on the side of a fence post and on the board there was all spread out a pretty good poster which said: **Dinsmore . . . twenty thousand dollars reward.**

I made Roanoke jump for the sign to see the face in detail. It was rather a small photograph, but it was a very clear one, and I was fairly staggered when I leaned over and found myself looking into the eyes of the very same fellow who had climbed the back fence of the governor's house a second before me on that rousing night in the capital city. That was Dinsmore!

It wasn't a very hot day, but I jumped out of the saddle and sat down under a tree and smoked a cigarette and fanned myself and did some very tall damning. It was all a confusing and a nasty mess, of course. A *mighty* nasty mess. I hardly dared to think out all of the ideas that jumped into my mind. There had been the anger of the governor when I mentioned the name of Dinsmore. There had been a sort of savage satisfaction when I suggested that the other outlaw and I shoot it out for the pardon. That, together with the unknown presence of Dinsmore at the house—and the pretty face of the governor's wife—well, I was fairly done up at the thought, you may be sure.

I could remember, too, that Dinsmore, though he had always been a fighting man, had never been a complete devil until about a year before—which was about the date of the governor's marriage. I don't mean to say that I immediately jumped to a lot of nasty

conclusions. But a great many doubts and suspicions were floating through the back of my brain. I didn't want to believe a single one of them. But what could I do?

The first thing was to throw myself on the back of Roanoke and go down that hillside like a snow slide well under way. Blindly as a slide, too, and the result was that as I dipped out of the trees and came into the sunny, little, open valley below, I got two rifle shots squarely at my face. I didn't try to turn Roanoke aside. I just jammed him across that clearing with the spurs hanging in his flanks, and I opened fire with both revolvers as I went, firing as fast as I could and just in a general direction, of course.

Well, I got results. Snap shooting is always a good deal of a chance. This snap shooting into the blind brush got me a yelp of pain that meant a hit and was followed by a groan that meant a *bad* hit. After that, there was a considerable crashing through the brush, and I made out at least three horses smearing their way off through the underbrush. But what mostly interested me was that the groaning remained just as near and just as heavy as before. So I went in search of it, and, when I came to the place, I found a long fellow in ragged clothes lying on his face behind a shrub. I turned him over and with one look at his yellow face I knew that he was dying.

It was young Marcus Sargent. I knew at once why he had been missing at the breakfast table. They had guessed that I would head straight for Elmira, now that I had the news. So young Marcus thought of the twenty thousand dollars and decided that there was no reason why he should not dip his hands into the reward. He wasn't a coward. He was in such pain that it changed his color, but it didn't keep him from sneering at me in hate. When you wrong a man, hate always comes out of it—on your side. But I didn't hate him, in turn. I merely thanked heaven that he had missed—and I didn't see how he had, because I'd watched him ring down a squirrel out of a treetop many a time.

"How did you happen to miss?" I asked him. "Handshake, Mark?"

The first thing he answered was: "Am I done for?"

I answered him brutally enough: "You're done for. You can't live two minutes, I suppose . . . that slug went through you in the spot where it would do me the most good."

"You're a lucky swine," said Marcus. "Well, anyway, I dunno that life is so sweet that I hate the leavin' of it. But over in Elmira . . . if you should happen to run across Sue Hunter, hand her my watch, will you? Tell her it's from me. You'll know her by her picture inside the cover."

I hated nothing in the world more than touching that watch. But I did it, at last, and dropped it into my pocket.

Marcus didn't want to die before he had done as much harm as he could. He turned on his own family, saying: "It wasn't me alone. The whole three of us talked it over last night."

"Look here, Mark," I said, getting a little sick as I watched his color change, "is there anything I can do to make you more comfortable?"

"Sure," he said, "lend me a chaw, will you?"

But before I could get it for him he was dead.

I didn't like this affair for a lot of reasons. In the first place, I've never sunk lead into a man without hating the job. Although I've had the necessity or the bad luck of having to kill ten times my share of men, there was never a time when I didn't loathe it, and loathe

the thought of it afterward. But that was only half of the reason that I disliked this ugly little adventure in the hollow. I had a fair idea that the two or three curs who had ambushed me with young Sargent would now ride for Elmira full tilt and tell the sheriff of what they had tried to do and of where they had last seen me. So, in two or three hours, the sheriff might be setting a fine trap for me in the town.

Of course, I only needed a moment of thought to see that was a foolish idea. No matter how little the people esteemed me, they would not think me such a perfect idiot as to ride on toward the town after I knew that a warning was speeding toward it in the form of three messengers. No, the sheriff was really not very apt to lay a plot for me in the town. Rather, he was pretty sure to come foaming down to the place where I had been seen and try to follow my trail from that point. Well, I decided that, if that were the case, he could pick up my trail if he cared to and follow it right back to his own home town.

In short, my idea was that, when people heard I had appeared so close to Elmira, every gun-wearing citizen would take a turn on his fastest horse and treat himself to a holiday hunting down twenty thousand dollars' worth of "critter". I believed that town would be well cleaned out and that the best thing I could do was to drive straight for Elmira itself, simply swinging a little wide off the main trail. Perhaps nine-tenths of the fighting men would be out hunting me when I reached Elmira, hunting Jeffrey Dinsmore.

Jeffrey Dinsmore, slender and delicately made, and as handsome for a man as the governor's wife was lovely as a girl. Thinking of her and of Dinsmore, I could understand why it was that Molly O'Rourke was only pretty and not truly beautiful. Molly might grow plain enough in the face in another ten years, but the governor's wife was another matter. She would simply become charming in new ways as time passed over her head. There was something magnificent and removed and different about her. She was the sort of a person I wondered any man could ever have the courage to love—she seemed so mighty superior to me. Well, you can guess from all of this that I wasn't in the most cheerful frame of mind in the world until, about two hours afterward, I looked through a gap in the trees and the brush, and I saw about a hundred men piling down the hillside in just the opposite direction and knew that I had guessed right.

## IX

### **"Porfilo Meets Dinsmore"**

Elmira had turned out its best and bravest to swarm out to the place where my trail had been found and lost by those three heroes who accompanied young Mark Sargent. They had a long ride before them, and, no matter how fast they spurred back toward Elmira, they were not apt to arrive there until many hours after I had passed through. My chief concern now was simply lest there still remained too many fighting men in the town. But I was not greatly worried about that. I felt that I had reduced the dangers of Elmira to a very small point. The danger that remained was from Dinsmore alone. How great that danger was I could not really guess. It was true that he had established a great reputation for himself in Texas, but before this I had met with men of a great repute in distant sections of

the country, and they had proved not so deadly on a closer knowing. Furthermore, when one has picked up another man and dropped him on the pavement, one is not apt to respect his prowess greatly. Which may explain fairly thoroughly why I thought that I could handle Mr. Dinsmore with ease.

I did not think, however, that he would be prepared for me in Elmira. I thought that I probably would be permitted to canter down the street unobserved by Mr. Dinsmore, because, if the entire town was so busy hunting me, it seemed illogical that I should drop into Elmira. I expected to canter easily through the town, with only the danger of some belated storekeeper or some old man seeing and knowing me, for the rest of the town seemed to be out in the saddle.

Of course, I hoped that Dinsmore would not be on hand, because after I had answered his first invitation and he failed to appear, it would be my turn to lead, and I could request him to appear at any place of my own selection. The advantage would then be all on my side.

Outside of the town I stopped for a time. I let the mule rest, and I took it easy myself. I had a few hours on my hands before the appointed time to show myself to little Dinsmore in the town. However, though Roanoke rested well enough, I cannot say that my nerves were very easy. The time was coming closer, faster than any express train I ever watched in my life. The waiting was the strain. Whereas Dinsmore, knowing that the fight might come any day, paid no heed, but could maintain a leisurely look-out—or none at all.

A pair of eternities went by at last, however. Then I swung onto Roanoke and started him into the town. Everything went on about as I had expected it. The town was emptied of men. The first I saw was an old octogenarian with his trousers patched with a piece of old sack. The poor old man looked more than half dead, and probably was. He didn't lift his head from his hobble as I rattled by. The first bit of danger that came into my way was signaled by the screaming voice of a woman.

“There goes Leon Porfilo! There'll be a murder in this town today!”

It wasn't a very cheerful reception, take it all in all. But I pulled Roanoke back to an easy trot, and then I took him down to a walk, because I saw that I was coming pretty close to the place of the rendezvous. When I passed that place—although I wanted most terribly to pass it fast—still I had to be at a gait from which a man can shoot straight—and I've never yet seen anyone but a liar that could come near to accuracy from a trot or a gallop. Try it yourself—especially with a revolver—and see what happens. Even a walking horse is bad enough. It's hard when the target is moving; it's a lot harder when the shooter is in motion.

So I steeled myself as well as I could and reached a sort of mental bucket down into the innards of myself and drew up all the champagne that there was in me. I mustered a smile. Smiling helps a fellow, somehow. I don't mean in any fool way like they have it in ragtime songs and old proverbs. But smiling makes your gun hand steady.

Pretty soon I was right in the midst of the place where danger was to come at me, according to the warning that Dinsmore had sent out. I began to think that the whole thing was just a great bluff and that nothing would come out of it. It was a big play on the part of Dinsmore, and he hadn't the least idea of living up to his promise.

Just as this thought struck me, I heard a calm, smooth voice call out behind me: “Well,



Porfilo?”

It was the sort of a voice that comes from a man who doesn't want to call any public attention to himself. He aims to reach just the ear of the man to whom he is speaking. But, at the same time, I knew that was the voice of Dinsmore, and I knew that Dinsmore was mighty bad medicine, and I knew that the fight of my life was on my hands. I spun about in the saddle with the gun in my hand—and I saw that he had not even drawn his weapon. The shock of it sickened me. I couldn't keep from shooting—I was so thoroughly set for that pull of the trigger—but I did manage to shoot wide of the mark. And, just as the gun exploded, I saw my new friend Dinsmore make as pretty a draw as I have ever had the pleasure of witnessing. One of those snap movements that jump a gun out of the leather and shoot it from the hip.

I jerked my own gun back and fired again, but my hand was mighty uncertain. The whole affair was so infernally unnerving that I was not myself. The idea that any man in the world would dare to stand up to me and give me the first chance of a draw was too much for me. I got in my second shot before he fired his first, but all I did with that second bullet was to break a grocery store window. Then a thunderbolt clipped me along the head and knocked me back in the saddle.

I was completely out—as perfectly out as though a hammer had landed on me—but it happened that in falling, my weight was thrown squarely forward, and my arms dangled around the neck of Roanoke. He started the same instant, I suppose, with that shambling, ridiculously smooth trot of his, so that I was able to stick to his back.

I think that the wild yelling of old men, and women, and children was what brought me back to my senses. Or partially back to them, for my head was spinning and crimson was running over my eyes. However, I was able to sit straighter in the saddle and put Roanoke into a gallop.

I was a dead man, of course. I learned afterward about the miracle that saved me. For the gun of that great expert, that famous Dinsmore, failed to work. The cylinder stuck on the next shot, and before he could get the other gun out to blow me out of this life and into limbo, that wise-headed mule of mine had put a buckboard at the side of the street between himself and that gunman.

Dinsmore had to run out into the middle of the street to get the next shot. But when he saw me again, I suppose that the distance was getting too great for accurate work even for him, and, besides, Roanoke was shooting me along under the shadow of the trees. At any rate, there he stood in a raging passion and emptied that second gun of his without putting a mark upon either the mule or the mule's rider. I suppose that there is no doubt that the fury of that little man was what saved me more than anything else.

But presently I was blinking at the sun like a person wakened out of a dream, and behind me lay Elmira in a hollow. Up and down my head ran a pain like the agony of a cutting knife through tender flesh. Down in Elmira was a man who was telling the world that the “coward had run away from him”.

I should like to be able to say that, halting only to tie a sleeve of my shirt around my head, I turned and whirled back into Elmira to find him again. But I have to confess that nothing could have induced me to face that calm little devil of a man-killer on that day. For the moment, I felt that I could *never* have the courage to fight or face him again. I felt

that I would take water, sooner.

I found a little hollow about ten miles back among the hills, and there I made myself comfortable, heated some water, washed out my wound, and bound it up. Then I rode straight on to the next little village. On the way, I had to duck three or four parties of manhunters. I didn't have to ask who they were hunting for. I simply wanted to dodge them and get on, for I knew that they wanted either Dinsmore or me.

The next town had not much more than an ugly look—a hotel and half a dozen shacks. But in one of those shacks was an old doctor, and that was what I wanted. The new fangled ideas had taken his trade away from him. But he was good enough for me on that day. I left Roanoke behind his house and went to the back window and saw the poor old man sitting there in a kitchen that was blackened with the shadows of the trees that hung over the place—blackened with time, too, if you can understand what I mean by that. I pitied him, suddenly, so much that I almost forgot the pain of my head. Young men are like that. They pity almost everyone except themselves. I never ride through a village without wondering how people can live in it. Yet I suppose that every one of them is prettier than my home town of Mendez.

I went in, and the doctor looked sidewise from his whittling of a stick, and then back to it. “Well, Porfilo,” he said, “I been hearin’ that you got licked at last. And a little feller did it. Well, for some things bigness ain’t needed.”

He stood up—about five feet in his total height. I hung above him, ducking my head to keep from scraping the cobwebs off the rafters.

“I’ve got my head sliced open. Sew me up, pop,” I said.

“Set down and rest yourself, son,” he said. “I see you got sense enough to let little men fix you *up*, anyway.”

## X

### “At the O’Rourkes’ Again”

I listened to him mumbling and muttering to himself while I set my teeth and snarled at the pain, until the job was done and my head washed and the bandage arranged around it. He gave me a lot of extra bandage, and a salve, and he asked me if I had a good mirror so that I could watch the wound every day. I told him that I had and asked him what the price would be.

“If you’re flat busted, the way most of your kind always are,” he said, “there ain’t no charge, except for your good will. Besides, any young feller has got a reward comin’ to him when he listens to an old goat like me chatterin’ for a while. But if you’re flush, well, for bandagin’ the head of an outlaw and a man-killer like you . . . well, it’s worth about . . . thirty dollars, I reckon.”

I sifted a hundred dollars out of my wallet and put it in his hand.

I was out the door before he had counted it over and he shouted: “Hey, you . . . !” I was on Roanoke, with that fine old fellow standing in the doorway and shouting: “Come

back here! You give me too much!”

I sent Roanoke on his way, and the last I saw of him, that poor old man was running and stumbling and staggering after me, waving his glasses in one hand and his money in the other hand and telling me to come back. But I only saw him for a moment. Then I was away among the trees, with Roanoke climbing steadily.

I kept him south through the highlands. When I was far enough away from the last trouble, I made small marches every day, because I knew that a wound won't heal quickly so long as a man is running about too much. While I was lazing around, I worked until both wrists ached over my guns. Because there was fear in me—real fear in me. I had gone for seven years from one fight to another, never beaten, always the conqueror. Now a little fellow had blown me off my pedestal.

I had to get ready to fight him again. I knew that, and I can tell you that I didn't relish the knowing. I had to get in touch with Molly. For she would think, as probably everyone in the mountains thought, that I had either been killed by the after-effects of that wound in the head received from Jeffrey Dinsmore, or else that I had been so thoroughly broken in spirit as a result of that first defeat that I had shrunk away to a new land and dared not show myself in my old haunts.

Well, I thought of a letter, first of all, but then I decided that it would be better to see her, because it might be the very last time that I should ever see her in this world. For, having once witnessed the gun play of Jeffrey Dinsmore, I knew that, at the best, I would need a touch of good fortune in order to beat him in a fair gunfight. And, what with my bulk and my experience, how could I challenge him with any other weapon?

So I drifted farther south through the mountains until I came one midnight to the O'Rourke house and stood underneath the black front of the house—all black, except for a single light in the window of Molly. I called her with a whistle that was a seven-year-old signal between us. She did not open the door and first look down at me, but came flying down the stairs and then out the front door and down the steps into my arms. But, when she had made sure that it was I, she stood back from me and laughed and nodded with her happiness. She told me that she had been sure that I was dead, in spite of other rumors.

“What sort of talk has been going around about me, then?” I asked her.

She shook her head. But I told her that I would have to have it.

“They are fools,” she said, but there was a strain in her voice. “They say that you are afraid to go back and face Dinsmore.”

Well, I was afraid, so I blurted out: “I *am* afraid, Molly.”

I saw it take her breath, and I saw her flinch from me. Then she answered very calmly: “However, you'll go back and fight him again.”

I was mightily proud of her. You don't find women who will talk like that very often. But Molly was the truest mountain-bred kind—Thoroughbred, in her own way. I spent a single hour with her there in the garden. Then I told her that I was starting back.

“North?” asked Molly.

“North, of course,” I said. “You don't think that I'll try to dodge a second meeting?”

“Of *course*, I didn't think so,” she said. However, I could feel the relief in her voice. She began to pat the neck of old Roanoke.

“Roanoke,” she said, “bring him back safe to me.”

So I left Molly and rode north again.

It was a hard journey. I had gone for seven years more or less paying no attention to decent precautions, because they had not been so necessary to me. In fact, I had not appreciated the change in my affairs until I started that northward journey again.

It began in the first house where I put up for a night. Old Marshall’s house was a pretty frequent stopping place for me. His family had taken a good deal of money out of my hand, and more than that his nephew, who ran the little bit of cattle land the old man owned, seemed to respect me and to like me because he was always trying to find a better chance to talk to me. But when I came to the house this night, everyone merely stared at me, and then I could hear them whispering and even chuckling behind their hands. People had not done that to me since I was a little boy at school. It made my heart cold, and then it made my heart hot.

But I waited until something came out. With people like that, nothing could be left to silence very long. They had to bring out what they thought and put it into words.

So big Dick Marshall, the nephew, came and lounged against the wall near my chair. “We hear that you been having your own sorts of trouble?” he said.

I lifted the bandage that I still wore and showed him the scar. “I was nipped,” I said.

He laughed in my face. “You didn’t go back for any more of *that* medicine, I guess?”

I wanted to knock him down. But after a moment I decided that there was no use in doing that. Because he was not a bad fellow. Just a clod. No more cruel than a bull in a herd—and no less. That, and the mischievous, contemptuous smile with which he watched me out of sight the next morning, as I rode away, should have convinced me, I suppose, that there was worse trouble ahead. But when I really found it out, it was merely because four young fellows came bang over a hilltop behind me and tried to ride me down in the next hollow. When they saw that I was making time away from them to the tree line, they opened fire at me.

When I got to the trees, I told myself that I was all right, but to my real astonishment, just as I drew up on the rein and brought Roanoke back to a walk, I heard the whole four of them crashing through the underbrush. I sent Roanoke ahead again, full steam. He was as smooth a worker as a snake through the shrubbery, and the four began to fall behind. I could hear them yelling with rage as they judged, by the noise, that they were losing ground behind me. But all the time I was thinking hard and fast. It wasn’t right. Four youngsters like these, not one of whom had probably ever pulled a gun on another man, should not be riding behind Leon Porfilo. By no means.

Well, I decided to find out what the reason was. So I cut back through the forest. The trees were pretty dense, and so I was able to get right in behind the party. I sighted them and found them just as I wanted to find them. They were strung out by the heat of the work, and one fellow was lagging far behind with a lame horse. He had no eyes for the back trail, and he could hear no sound behind him, he was so eager to get ahead. It was easy enough to slip along in a dark hollow and stick a gun in the small of his back. I clapped my hand over his mouth so that I stifled his yell. Then I turned him around and

looked him over. He was just a baby. About eighteen or nineteen, with big, pale-blue eyes, and a foolish sort of smile trembling on his mouth. He was afraid. But he was not afraid as much as he should have been at meeting Leon Porfilo. This may sound pretty fat-headed, but you have to understand that I had been the pet dragon around those parts for the past seven years, and I wasn't in the habit of having infants like this boy on my trail.

I said to him: "Son, do you know who I am?"

"You're Porfilo!"

"Then what in the devil do you mean by riding so hard down my trail?"

He looked straight back at me. "There's twenty thousand dollars' worth of reasons," he said as bold as you please.

"Is it a very safe business?" I asked.

He wouldn't answer, but those big pale eyes of his didn't waver. "You can do what you want," he said. "I didn't have no fair chance . . . with you sneakin' up behind like that. No matter what happens, my brother'll get you after I'm dead."

"Am I to murder you?" I said.

"You don't dare to leave me on your trail!"

Well, it sickened me, and that was all there was to it. He actually wanted to fight the thing out with me, I think.

"You're loose," I advised him, and dropped my gun back in the holster.

He jerked his horse back and grabbed for his own gun. Then he saw that I was making no move toward mine, and so he began to gape at me as though he were seeing double. Finally he disappeared in the trees. But it's a fact that I couldn't have fired a shot at that little fool. This thing, and the talk of young Marshall showed me how far I had dropped in the estimation of the mountain men since they had heard that little Dinsmore beat me in a fair fight. I knew that I would be in frightful danger from that moment on.

## XI

### **"Leon No Longer a Hero"**

I knew that there was danger because my cloak of invincibility was quite thrown away. For seven years I had paraded up and down through the mountains, and men had not dared to go out to hunt me except when they had celebrated leaders to show them the way, and when they had prepared carefully organized bands of hard fighters and straight shooters. It had been easy enough to get out of the reach of these large parties. But when the hills were beginning to buzz with the doings of little groups of from three to five manhunters—well, then my danger was multiplied by a thousand. Multiplied most of all, however, by the mental attitude of the people who rode out against me.

For there's only one reason that so many straight-shooting frontiersmen fail when they come to take a shot at a so-called desperado. That reason is that their nerve fails them. They are not sure of themselves. So their rifles miss, and the desperado who has all the confidence that they lack does prodigious things. One hears, here and there, of terrible

warriors who have dropped half a dozen men, and gotten off unhurt.

Of course, I was never on a par with these. In fact, my principle was not to shoot to kill unless I had a known scoundrel up against me. But now I felt that my back was against the wall.

There was only one solution for me, and that was to get at Dinsmore as soon as possible and fight it out with him, and by his death put an end to the carelessness of the fools who were hunting me through the hills. But, in the meantime, how was I to get at Dinsmore himself?

I decided that I must try the very scheme that he had tried on me. I must send him a message and a challenge in the message to meet me at a place and a time of my own choosing. Two days later chance threw a messenger into my path.

I was in a tangle of shrubs on the shoulder of a mountain with Roanoke on the other side, his saddle off, rolling to refresh himself, and playing like a colt, as only a mule, among grown animals, likes to play. While I sat on a rock at the edge of the brush, I saw a pair of horsemen and then a third working up the trail straight toward me.

I was in no hurry. This was rough country of my own choosing, and Roanoke could step away from any horse in the world in that sort of going, like a mountain sheep. I simply got out my glasses and studied the three. As they came closer, rising deeper into the field of the glass, I thought that I could guess what they were—three head hunters, and mine was the head that they wanted. For they were too well mounted to be just casual cowpunchers. Each man was literally armed to the teeth. I saw sheathed rifles under their right knees. I saw a pair of revolvers at their hips. One fellow had another pair of six-shooters in his saddle holsters. They looked as though they were a detail from an army.

I went across the knob of the shoulder of that mountain and I saddled Roanoke. But I didn't like to leave that place. I was irritated again. Four youngsters had been out hunting me the last time. Now it was three grown men. Three! You might say that my pride was offended because that was exactly the case.

I ended by dropping the reins of Roanoke, and the wise old mule stood as still as death in the shadow of the trees, flopping his ears back and forth at me but not so much as switching his tail to knock away the flies that were settling on his flanks and biting deep as only mountain flies know how to bite. I have always thought that Roanoke knew when there was trouble coming, and that he enjoyed the prospect of it with all his heart. There was faith and strength and courage in the nature of that brute, but I am sure that there was a good deal of the devil in him, too.

I left him behind and started down among the rocks until I found exactly the sort of a place that I wanted, a regular nest, with plenty of chances to look out from it with a rifle. I had a fine rifle with me, and ready for action. As for my humor, it was nearer to killing than it had ever been in my life.

The three came up with surprising speed, and I knew by that they were well mounted. As they came, I could hear their voices rising up to me like echoes up a well shaft. These voices and that laughter were sometimes dim, sometimes loud and crackling in my ear. Because in the mountains, where the air is very thin, sound travels not so freshly and easily. And the least blow of wind may turn a shout into a whisper. Have you never noticed that mountaineers, when they come down toward sea level, are a noisy lot? I could

hear all the talk of the three, and by their very talk I could judge that they were in the best of spirits.

Then: "Will you keep that damn' bay from jogging around and tryin' to turn around in the trail, Baldy?"

"It ain't me. It's the hoss. It wants to get back to that stable. . . ."

"A hired hoss," said a third voice, "is something that I ain't never rode."

They came suddenly around the next bend of the trail, and I barely had the time to duck down in my nest of rocks. I had thought them at least fifty yards farther away from that bend. I was not quite in time, at that.

"Hey!" yelled the first man—he of the bay horse.

"Well?" growled one of the others.

"Something in those rocks. . . ."

"Maybe it's Porfilo!" laughed another.

"And that's the gent you want."

"Just run up to them rocks and ask him to step out and have it out with you, Baldy."

Baldy said apologetically: "Well, I can't keep you from laughing. But I would've said that the brim of a sombrero. . . ."

I took off my hat and prepared my rifle. As I freshened my grip on it and tickled the trigger with my forefinger, I have to admit that I was ready to kill. I was hot and sore to the very bone. They came laughing and joking on my trail. It was a vacation, a regular party to them. As they came closer, as the nodding shadow of the bay appeared on the white trail just before my nest, I stood up with the rifle at my shoulder.

There's something discouraging about a rifle. About ten times as much can be said with a rifle as can be said with even a pair of revolvers. The revolvers may have a lot of speed and lead in 'em. But they *might* miss . . . they're pretty *apt* to miss. Even a coward will take a gambling chance now and then. But when a rifle in a steady hand is looking in your direction, you feel sure that something is bound to drop. Somehow, there is an instinct in men that makes everyone think that the muzzle is pointed directly at him.

Only one of the three made a pass at a gun. The two boys behind shoved their hands in the air right *pronto*. But Baldy, up in the lead, passed a hand toward his off Colt. He was within the tenth part of a second of his long sleep, when he did that. I think that there must be something in mental telepathy, because, the moment that thought to kill came into my mind, he stuck both of his paws into the air and kept his arms stiff. His bay turned around as if it were on a pivot and started moving back down the trail.

"Take your left hand, Baldy," I said, "and stop that horse *pronto!*"

He did exactly as I told him to do.

"Now, boys," I said, stepping out from the rocks with that rifle only at the ready, "I suppose that you recognize me. I'm Leon Porfilo. If you want to know me any better, make a pass at a holster. You, Baldy, were about half a step from purgatory a minute ago. The rest of you, turn your horses around with your knees. If you're not riding hired horses, they ought to do that much without feeling the bit. Turn your horses around. I like the looks of your backs better than your faces."

There was not a word of answer. They turned their nags obediently around. There they

sat with five arms sticking into the air.

I made them dismount—the rear pair. Then I made them back up until they were near me. After that, I took their hands behind them and tied cords over them—tied them until they groaned.

“You pair of sap heads!” I said. “Sit down over there by that rock, will you? . . . and don’t make any noise . . . because I feel restless, today. I feel mighty restless. Baldy, you’re next!”

I tied Baldy with his own lariat, and I tied him well. I tied his hands tight behind him, and I tied his feet together under the belly of the bay.

Then I took an old envelope and wrote big on it:

**To everybody in general, and Dinsmore in particular: Dinsmore got the drop on me in Elmira. I want to find him. I ask him to come and find me, now. I’ll meet him any afternoon between three and four in the Elmira Pass. This holds good for the next month.**

**Leon Porfilo**

I pinned that on the back of Baldy. Then I turned him loose. All that I wanted was to have the world see my message back to Dinsmore to let them know that I was waiting for him.

How that bay did sprint down the hill! There was a puff of trail dust, you might say, and then the bay and Baldy landed in the hollow of the valley below the mountain, and, after that, they skimmed up the mountain on the other side. The bay was certainly signaling that he intended to get to that stable.

Then I went back to the other two. I didn’t say a great deal, but they seemed to think that it was worth listening to. I told them that I had gone for seven years, letting people hound me through the mountains and not shooting back. I told them that my next job was to find Dinsmore and kill him, but that, in the meantime, I intended to shoot, and to shoot to kill. And if I met the pair of them again, they were dead men—on the street or in the mountains—it made no difference to me.

I think those fellows took it to heart. Then, because I hadn’t the slightest fear that they would overtake the bay, I untied their hands and let them mount and ride back the way that they had come.

## XII

### “Dinsmore’s Crushing Answer”

All in all, I thought that this move of mine was a clever one and that it would reestablish me a great deal through the mountains. But the answer of Jeffrey Dinsmore was a crushing blow, because that rascal went into the office of the biggest newspaper in the



capital city, ten days later, and called on the editor and introduced himself, and allowed the editor to photograph him, and dictated to the editor a long statement about various things.

It was a grand thing in the way of a scoop for that paper. I saw a copy of it and there were headlines across the front page three inches deep. Most of the rest of the front page was covered with pictures of the editor, and the editor's office where the terrible Dinsmore had appeared. In the center, surrounded with little pen sketches of Dinsmore in the act of shooting down a dozen men in various scenes, was a picture of Jeffrey—the picture that the editor had snapped of him.

It showed him as dapper and easy and smiling as a motion-picture hero. He was smoking a cigar, holding it up so that the camera could catch the name on it. That was a cigar that the editor, mentioning the fact proudly in his article, declared that he had given to the desperado.

Altogether, it was a great spread for Dinsmore, the editor, and the newspaper, and a great fall for me. I understood afterward that the editor got three offers from other newspapers immediately afterward, and that his salary was doubled to keep him where he was.

He couldn't say too much about the affair. Dinsmore had appeared through the window of his office, four stories above the street, at nine o'clock in the evening when most of the reporters were out at work on their stories and their copy. The editor of *The Eagle*, being busy at his desk, looked up just in time to see a dapper young man sliding through the window with a revolver pointed at the editorial head and the smiling face of Mr. Dinsmore behind the revolver. So the editor, taking great pride in the fact that he did not put his hands into the air, turned around and from his tilted swivel chair asked Dinsmore what he would have.

"A good reputation," said Dinsmore.

**From that point on, declared the editor in his article, we got on very well together, because there is nothing like a good laugh to start an interview smoothly.**

They talked of a great many things. That editor's account of Dinsmore, his polished manners, his amiable smile, was so pleasant that it was a certainty no unprejudiced jury could ever be gathered in that county. If Dinsmore had murdered ten men the same night, he would have secured a hung jury on the whole butchery. That editor was a pretty slick writer, when you come right down to it. He made Dinsmore out the most dashing young hero that ever galloped out of the pages of a book. And it was almost a book that he wrote about him!

He declared that if Dinsmore were anything worse than an impulsive youngster who didn't know better, he, the editor, would confess that his editorial brain was not worth a damn, and that he had never been able to judge a man. Of course, the chief point in the interview was Dinsmore's own account of his fight with me. That was the main matter, all the way through. Because Dinsmore had called at the editor's office in order to explain to the world why he did not ride back into the mountains in order to answer my challenge.

I won't put in any of the bunk with which that article was filled, where the editor kept exclaiming at Dinsmore and asking him how he dared to venture through the streets unmasked—and how he had been able to scale the sheer side of the building. I leave out

all of that stuff. I leave out, too, all that the editor had to say about Dinsmore's family—how old that family was—how good and grand and gentle and refined and soldierly and judge-like the father of Dinsmore had been. How Dinsmore himself seemed to combine all of the good qualities of both of his parents.

**So that, said the editor, I could not help feeling that what this young man was suffering from was an over-plus of talents, of wealth, of social background. His hands had been filled so completely full since his childhood with all that other men hunger for, that it was no wonder that he had turned aside from the ordinary courses of ordinary men. Alas! that he did not live in some more violent, more chivalric age—then his sword and his shield would have won a name.**

The editor rambled on like this for quite a spell. Not very good stuff, but good enough to do for a newspaper. Newsprint stuff has to be a bit raw and edgy in order to cut through the skin of the man who reads as he runs. The whole sum of it was that Jeffrey Dinsmore was a hero, and that he was a little too good for this world of ours to appreciate. Finally Dinsmore told about me.

He had gone up into the mountains to Elmira, he said, because he wanted to find me where I would be at home among my own friends—because he didn't want to take me at a disadvantage.

"But why did you go in the first place?" the editor had asked.

"I'm rather ashamed to confess it," Dinsmore had said with an apologetic smile, "but when I heard of all the atrocities of this fellow Porfilo, and how he had butchered men . . . not in fair fight but rather because he loved butchery . . . and how helpless the law had proved against him . . . well, sir, I decided that I couldn't stand it, and so I decided that I would have to get up into those mountains and there I'd meet Mister Porfilo, hand to hand, and kill him if I could!"

The editor couldn't let Dinsmore say any more than this without breaking into comment and praising Dinsmore and showing that he was like some knight out of the Middle Ages riding through the dark and unknown mountains to find the dragon.

Well, as I said before, that editor was a good editor, but what he had to say began to get under my skin. I looked again at his picture. He had a thin face and he wore glasses. I wonder why it is that spectacles always make me pity a man?

Dinsmore went on to tell how he had met me, and how I had whirled on him and fired the first shot, while he was waiting to talk. Well, that was all very true. Twenty people could swear to the truth of that, but not one of them had the sense to know that I had fired wide. Then he said that the firing of that first shot showed him that I was a coward and a bully—a coward because I was so very willing to take advantage of another man who only wanted to stand up and fight fair and square.

I couldn't read further in the paper at that time. I had to walk up and down for a time to cool off. Then I looked hurriedly through the paper to try to find a statement by Dick Lawton, or somebody like that, defending me. But there wasn't any such statement. On the fourth and fifth pages of the paper there were opposite accounts of the pair of us. On one page there was the story of Dinsmore, with little illustrations inset, showing the great big house that he had been born and raised in—how Dinsmore looked in his rowing squad at college in the East—how Dinsmore looked in his year of captaincy of the football team,

when his quarterback run had smashed the Orange to smithereens in the last two seconds of the game—how he looked on a polo pony—what the five girls looked like that he had been engaged to at various times in his life—how he looked standing beside his father, Senator Dinsmore—how he looked arm in arm with his dear old mother—and how he looked when he rode the famous hunter, Tippetty Splatcher, to victory in the Yarrum Cup. Well, there was a lot of stuff like that, with the history of his life written alongside of it. Just like a fairy tale.

On the opposite page it showed the house in Mendez where I was born, and there was a picture of the butcher shop that my father had owned. There was a picture of myself, too, showing my broad face and heavy jaw and cheek bones.

“Like a prize fighter of the more brutal kind,” Dinsmore had said.

But there was only a dull account of my affairs—“butcheries”, the editor called them. I was made out pretty black, and there was not a word of truth said to defend me. When I got through, I wanted to kill that editor.

I went back to Dinsmore’s account. He told how he had decided that I was a swine, and then he had fired after my second shot, and the bullet had wounded me in the head—after which I spurred the mule away down the street as fast as I could. There were plenty of witnesses who could prove that the bullet stunned me and that I did not begin to flee of my own free will. But, of course, none of their statements were wanted. Nothing but the word of the hero.

As for coming back into the mountains, Mr. Dinsmore had said that after standing in the street of Elmira and firing shot after shot “into the air” and watching me ride “like mad” to get away from danger, he had no wish to come back to find me again. He had said that he felt he had fairly well demonstrated that the bully Porfilo was a coward at heart. And he, Dinsmore, feared a coward more than he did any brave man. For a coward was capable of sinking to the lowest devices. He knew quite well that if he accepted the invitation to face the challenge of Leon Porfilo, he knew that he would be waylaid and murdered.

So much for the opinion of Leon Porfilo.

Now, as I read this letter, such a madness came over me that I trembled like a frightened girl. Then I steadied myself and sat with my head in my hands for a long time, thinking, wondering. What I made out at last was rather startling. For it was declared in the paper that Mr. Dinsmore had said that he was in the capital city because he was then engaged in the task of drifting himself rapidly East and that the West perhaps would see him never again. But, as I read this statement, I could not help remembering that I had seen him once before in the capital city, and I remembered, also, all of the nasty thoughts that had gone through my mind at that time.

### XIII

#### “Porfilo’s Return to Town”

Perhaps I should hardly call them “thoughts”, when they were really no more than

premonitions, based upon the prettiness of the governor's wife and the thoughtfulness of the governor—and Jeffrey Dinsmore, gentleman and gunman, climbing the back fence of the governor's house at full speed. I considered all of those things, and the more that I thought of them the more convinced was I that the celebrated Dinsmore was *not* passing through the capital city—certainly not until he had seen beautiful young Mrs. Shay.

So I turned the matter over back and forth in my mind for three whole days, because I am not one of those who can make hair-trigger decisions and follow them. The result of all my debating was that I saddled Roanoke and began to work some of his fat off by shooting him eastward.

We came through the upper mountains, and I had my second view of the lowlands beneath me, silvered and beautified in evening mist. Once more I reached the lowest fringing of trees in the foothills and slept through a day. Once more I started with the dusk and drove away toward the city. Not the city, really, since in my mind there were in it only three people: William P. Shay, his wife, and Jeffrey Dinsmore.

Naturally I passed that last name over my tongue more frequently than I did the other two. Every time it left the acid taste of hate. I was hungry, hungry to get at him. Not that I feared him less than I had been fearing him. Simply that my hatred was too intense a driving force to let me stay away from him.

On the second night I was on the edge of the town, as before, and in the very same hollow where before I had left Roanoke, I left him this time. Only I did not keep a saddle on him because I was hardly capable of doing all of my work in a single evening in the town. I hid the saddle in the crotch of a lofty tree, and with the saddle I left my rifle and all my trappings except a little stale pone, hard almost as iron, but the easiest and most complete form, almost, in which a person can transport nutriment. I tucked that stony bread into my pockets. I had two heavy Colts and a sheath knife stowed handy in my clothes. Then I was ready to take my chances in the city again.

I walked in by the same route, too, except that, when I came through the deserted outskirts of the city, I began to bear away to the right, because I had a fairly accurate idea of where the governor's house was located. As a matter of fact, I brought up only two blocks away from it, and presently I came in behind that house. I had made up my mind earlier, and I put my determination into action at once. The house was fenced, behind, with ten feet of boards as I have said before. But I managed to grip my hands on the upper edge and swing my body well over them by the first effort. I dropped close to the ground and squatted bunched there to look over the lay of the land and see what might be stirring near me. There was not a soul. The screen door of the back porch slammed, and I heard someone run down the steps. However, whoever it was kept on around the house by the narrow cement walk. I heard the heels of that man *click* away to dimness; I heard the rattle of the old front gate, and then I started for the corner stables.

Once that barn had been much bigger. One could tell by the chopped-off shoulders of the barn that it had once extended wide, but now perhaps it was the carriage shed that was trimmed away, and the barn that remained stood stiff and tall and prim as a village church. I didn't care for that. I slipped through the open door of it and stood in the dark, smelling and listening—smelling for hay and finding the sweetness of it—and listening for the breathing of horse or cow—and not hearing a whisper.

So I went a little farther in and lighted a match. It was exactly as I had prayed. There

was a heap of very old hay in one end of the mow—perhaps it had been there for years, untouched. The dry, dusty floor of the horse stalls showed me that they had not been occupied for an equally long time. This was what I wanted. I decided that people would not readily look for Leon Porfilo in the governor’s barn—no matter how imaginative they might be.

I was a little tired, so I curled up in that haymow and slept until a frightened mouse *squeaked*, half an inch from my ear. Then I sat up and snorted the dust out of my nose and nearly choked myself to keep from sneezing. When I passed out into the night, I found that the lights were still burning in the Shay house.

There was an inquisitive spirit stirring in my bones that evening. The first thing I did was to remove my boots and my socks. I figured that my callused feet would stand about all the wear that I would give them that night. I left boots and socks in the barn. I left my coat with them. I took all the hard pone and the sheath knife and one revolver out of my clothes. Then I rolled up my trousers to the knees. By that time I was about as free as a man could wish, except he were absolutely naked. I felt free and easy and *right*. I could fight now, or I could run. Also, I could investigate that tall old house, and I guessed that there was enough in it to be worth investigating.

First I took a slant down to the window of the governor’s little private room. I skirted around through the lilac bushes, first of all. When I had made sure that none of those infernal detectives were hanging about to make a background for me, I drew myself up on the window sill and surveyed the scene inside. It was what I suspected. That was the governor’s after-hours workshop—and I suppose that he spent more hours there than in his office. Here he was with a secretary on one side taking shorthand notes, and beyond the door there was the *purring* of a typewriter where another secretary was pouring out copy of some sort. Governor Shay was just the same man in worried looks that I had known before.

I spent no time there. He was not the man I wanted. First I skirted around the house and peered into other rooms until I made out that Mrs. Shay was not in any of them. Then I climbed up to a lighted window in the second story. It was easy to get to it, because there was a little side porch holding up a roof just beneath it. I curled up on that roof and looked inside. There I found what I wanted!

Yes, it was more than I could have asked for. There were all of my suspicions turned into a lightning flash before my eyes. There was Mrs. Shay and standing before her was that celebrated young man of good breeding, Jeffrey Dinsmore, doing his very best to kiss her. But if he were masterful with men, he was not able to handle this slender girl. She did not speak loudly, of course. Her words hardly carried to me at the window. But what she said was: “None of this, Jeffrey. Not a bit of it.”

He stepped back from her. I’ve seen a man step back like that when a hard punch has been planted under his heart. That was the way Jeffrey Dinsmore stepped away. The pain in his face went along with the rest of the picture. He was a badly confused young man, I should say. That was not what he had expected.

Mrs. Shay was angry, too. She didn’t tremble; she didn’t change color; she wasn’t like any girl I had ever seen before in that way. But one could feel the anger just oozing out of her, so to speak. Jeffrey began to bite his lip.

“I didn’t think that you would use me quite so lightly,” she said. “I didn’t expect that.”

He said: “I am a perfect fool. But seeing you only once in weeks and long weeks . . . and thinking of you, and breathing of you like sweet fire all the time I am away . . . why, it went like flame into my brain, just now. I won’t ask you to forgive me, though, until you’ve had a chance to try to understand.” He said it quietly, with his eyes fixed at her feet.

While he stood like that, I saw a flash of light in her eyes, and I saw a ghost of a smile look in and out at the corner of her mouth. I knew that she really loved him—or thought she did.

“I ought to have time to think, then,” she said. “And I’m afraid that I’ll have to use it. I am just a little angry, Jeffrey. I don’t want to spoil our few meetings with anger. It’s a dusty thing and an unclean thing, don’t you think so?”

He kept his head bowed, frowning and saying nothing. This wasn’t like any mental picture of him. I thought he would be all fire and passion and lots of eloquence—buckets full of it. Then I saw. He was taking another rôle. He was being terse and very plain—that being the way to impress her, he thought.

“So you’d better go,” she said.

He answered: “I’ll go outside . . . but I’ll wait . . . in the hopes that you’ll change your mind.”

“Good bye,” she said.

I expected him to come for the window. Instead, he opened the door behind him and quickly stepped out into a hall.

I was down from the roof in a moment, and I began to rove around the house, waiting for him to appear. For five or ten minutes I waited. Then I realized that there must be more ways of getting in and out of that house than I had imagined. There might be half a dozen cellar exits and ways of getting from the second story to the cellar. It was a time for fast thinking, and this time I was able to think fast, heaven be praised.

What I did was to swing up to the roof of the porch and get back to the window where I had witnessed this little drama. Mrs. Shay was lying on a couch on the farther side of the room, and her face was buried in a cushion. Her shoulders were quivering a little. However, I had no pity for her, because I was remembering the face of the governor. I simply slid through the window and stood up against the wall. The floor *creaked* a couple of times under my weight.

“Yes?” she said.

I suppose she thought that it was someone at the door, tapping.

“There is no one there,” I said.

## XIV

### “Enemies Face to Face”

Oh, she was game. She didn’t jump and squeal, but she looked around slowly at me,

fighting herself so hard that, when I saw her eyes, they were as cool as could be. But when she managed to recognize me, she went white in a sickening way, and stood up from the couch, and crowded back into the corner of the room. She said nothing, but she couldn't keep her eyes from flashing to the door.

I said: "I have that door covered, and I'll *keep* it covered. No help is coming to you. You're in here helpless, and you'll do what I tell you to do."

Still she was silent, setting her teeth hard.

I went on: "First of all, I'm going to wait here to make out whether or not Mister Dinsmore was outside and saw me come through the window. If he saw me, I think he's man enough to come after me."

There was a flash of something in her eyes. A sort of assurance, I think, that it would be a bad moment for me when her hero showed up. But still she wouldn't talk. Oh, she was loaded to the brim with courage. She was meeting me with her eyes all the time. I liked her for that. But that was not enough. There was something else for which I hated her. It was boiling in me.

I went on to explain: "When I saw him leave the room, I went down to the yard and tried to find him as he came out of the house. But he must have vanished into a mist."

At that the words came out quickly from her: "Were you watching when he left the room?"

"Yes," I said, and I looked down to the floor, because I didn't care to watch her embarrassment. But, in a moment, I could hear her breathing. It was not a comfortable moment, but, sooner or later, I had to let her understand what I knew.

"And if Mister . . . Dinsmore . . ." she said, and stopped there.

"If he doesn't come back," I said, "I don't know what I'll do . . . yes, I have an idea that might pass pretty well."

So we waited there. That silence began to tell on her and it told on me, too, partly because I was waiting for Dinsmore's step or voice, and partly that just being with that girl in that room was a strain. It was not that she awed me because of the fact that she was the governor's wife, but just because she was a lady, and this was her room, and I had not a right in it. It was full of femininity, that room. It fairly breathed it. From the Japanese screen in the corner to a queer sort of a vase of blue stuck in front of a bit of gold sort of tapestry—if you know what I mean. Well, everything in the room was that way.

When a man fixes up a room, he puts in rugs to walk on—chairs to sit in—a rack to hang something on—a table to get your legs under—and a table that will hold something. Maybe what he puts in happens to be good-looking. Maybe it doesn't. But you can bet your money that it will stand wear, and a lot of it. In a man's room, you can heave yourself at a couch and make sure that you won't go through it and wind up on the floor.

But when a girl fixes up a room, you would think that the folks that live on the earth are sort of spirits, maybe, or something like that. You'd figure that a chair didn't have any more weight to bear than somebody's eye turning around the room. You'd figure that paper pictures were as good as canvas, and the older the rug the better. Why a girl all fresh and crisp and dainty should figure that she needs to surround herself with raggy-looking furniture I can't understand, unless it's for the sake of contrast.

Well, I stood in the corner of that room with the ceiling about an inch above my head,

and, as I stood there, I was conscious, I'll tell a man, that my feet and legs were bare to the knees from my rolled-up trousers—and I knew that my shirt was rolled up, too, to the elbows—and that my hat was off and that the wind had blown my hair to a heap—and that I was sun-blackened almost to the tint of an Indian. I was a ruffian. And I had a ruffian's reputation. Yonder was the governor's wife looking like the sort of a girl that painters have in their minds when they want to do something extra and knock your eye out.

No, I wasn't extra happy as I stood there, and neither was she. So the pair of us were waiting for the sound of his feet.

Then she said: "Do you think that I'll keep silent when I hear him . . . if he comes?"

"You may do what you want," I said. "But if you make a sound, he won't be the only one that hears." No doubt about it—a gentleman couldn't have said such a thing. Well, a gentleman I cannot pretend to be. I said: "You'll make no noise. You'll sit tight where you are."

She looked quietly up to me and studied me with grave eyes. How cool she was. Yet I suppose that this situation was more terrible to her than a frowning battery of guns pointed in her direction.

"Do you imagine," she said at last, "that I shall permit you to murder him?"

I answered her quickly: "Do you imagine that I wish to murder him?"

Her eyes widened at me.

"I understand," I said. "Dinsmore has filled your mind with the same lies that he has published in other places. It is going to be my pleasure to show you that I am not a sneak and a coward, even if I have to bully you now . . . for a moment."

Then she said: "I almost believe you." She looked me up and down, from my tousled head of hair and my broad, ugly, half-Indian features, to my naked toes gripping at the floor. "Yes," she said, "I do believe you."

It was a great deal to me. It almost filled my heart as much as that first moment when Molly O'Rourke said that she loved me.

"But if he has not seen you? If he is not coming?" Mrs. Shay said.

"Then you will make a signal and bring him here to me."

She shook her head. "What would happen then?"

"You guess what will happen," I responded. "I have no mercy for you. I have seen the governor. I think he is a good man and a kind man."

"He is," she agreed, and dropped her face suddenly in her hands.

"If you will not call Dinsmore back, I shall go to the governor."

"You will not!" she gasped, not looking up.

"I shall."

Then she shook her head. "I have no right for the sake of my own reputation . . . or what. . . ."

"Listen to me," I said, standing suddenly over her so that my shadow swallowed her, "if you speak of rights, have you a right to touch Governor Shay? This thing would kill him, I suppose."

She threw back her head and struck her hands together. Just that, and not a sound from



her. But, I knew, that was her surrender. Then she stood up and went to the window, and I saw her raise and lower the shade of the window twice. Then she returned to her place, very white, very sick, and leaned against the wall.

“I’m sorry,” I said.

But she made a movement of the hand, disclaiming all my apology. “There will be a death,” she said huskily. “No matter what else happens, I shall have caused a death.”

“You will not,” I said. “Because after two men such as Dinsmore and I have met, we could not exist without another meeting. Will you believe that, and that our second meeting must come and bring a death?”

She cast only one glance at me, and then I suppose that there was enough of the sinister in my appearance to give her the assurance that I meant what I said.

“Because,” I went on, “one of us is a cur and a liar. And I hope that heaven shows which one by the fight. You are going to be standing by.”

“I!”

“You are going to be standing by,” I insisted.

She dropped her head once more with a little gasp, and so the heavy silence returned over us again. It held on through moment after moment. I thought that it would never end. Perspiration began to roll down my forehead. When I looked to the girl, I could see that her whole body was trembling. So was mine, for that matter.

But, at last, no louder than the padding of a cat’s foot, we heard something in the hall, and we did not have to ask. It was Dinsmore. As if he had been a great cat, I could not avoid dreading him. I wished myself suddenly a thousand miles from that place.

His tap was barely audible, and the voice of Mrs. Shay was not more than a whisper. The door opened quickly and lightly. And there was Dinsmore standing in the doorway with a face flushed and his eyes making lightnings of happiness until his glance slipped over the bowed figure of the girl and across to me in the corner, dressed like a sailor in a tropical storm. Then he shut the door behind him as softly as he had opened it.

He stood looking from one of us to the other, and there was a fighting set to his handsome face, although the gaiety and the good humor did not go out of it for a moment. I felt, then, that he was invincible. Because I saw that he was a man unlike the rest of the world. He was a man who *loved* danger. It was the food that he ate, and the breath in his nostrils.

He only said: “I thought it was only a social call . . . I didn’t know that there was work to be done. But I am very happy, either way.”

## XV

### “The Duel”

Even the *sang-froid* of this demi-devil, however, could not last very long, for, when his lady lifted her face, he saw enough in it to make him grave, and he said to me: “You could not stand and fight, but you could stay to talk, Porfilo.”

Then I smiled on this man, for somehow that touch of malice and that lie before the girl gave me a power over him, I felt. So I said to him: "We are going down to the garden, the three of us. The moon is up now, and there will be plenty of light." For the electricity in the room was not strong enough to turn the night black. It was all silvered over with moonshine.

"What's the trick, Porfilo?" said Jeffrey Dinsmore. "Are you going to take me down where you have confederates waiting? Am I to be shot in the back while I face you?"

"Jeffrey!" said his lady under her breath.

It made him jerk up his head. "Do *you* believe this scoundrel?"

Her curiosity seemed even stronger than her fear, for she sat up on the couch and looked from me to Dinsmore and back again to me, weighing us, judging us as well as she was able. "Every moment," she said, "I believe him more and more."

"Will you go down to the garden with us?" he asked. "Will you go down to watch the fight?"

"Leon Porfilo will make me go," she said.

"He and you," said Dinsmore, "seem to have reached a very perfect understanding of one another."

"You will lead the way," I stated.

"Are you commanding?" he said with a sudden snarl, and the devil jumped visibly into his face, so that there was a gasp from the girl.

"As for me," I said, "I had as soon kill you here as in the garden. I am only thinking of the governor's wife."

He bit his lip, turned on his heel, and led the way out of the room. I saw at once what the secret of his goings and comings was. This was a dusty little private hallway—and it connected with what was, apparently, a disused stairway. Perhaps at one time this had been the servants' stairs and then had been blocked off in some alteration of the building. At any rate, it led us winding down to the black heart of the cellar, where I laid a hand on the shoulder of Dinsmore and held him close in front of me with a revolver pressed into the small of his back.

"This is fair play, you murderer," he said.

"Listen to me," I said. "I know you, Dinsmore. Do you think that your lies about me have *convinced* me?" This was only a whisper from either of us, not loud enough to meet the ear of the girl.

We wound out of the cellar and stood suddenly behind the house. There was a very bright moon with a broad face, although not so keen as her light, in the high mountains. Enough to see by, however. Enough to kill by.

"Now," said Dinsmore, turning quickly on me, "how is this thing to be done?" I could see that his hand was trembling to get at his gun. He was killing me with his thoughts every instant. Then he added: "How is this to be done with a poor woman dragged in to watch me kill you."

"I needed her," I said, "to make sure that you would fight like a gentleman. Also, I needed her to see that, when I kill you, I shall kill you in a fair fight. Otherwise, she might have some illusion about it. She might think that her hero had died by treachery and

trickery. Besides, I wanted her here because, as the time comes closer, she will have a better chance of seeing that you are a cur or a rat. The devil keeps boiling up in you continually. She has never seen that before.”

“Will you step back among the shrubbery?” he said to her.

“If I go,” she said, “I shall only be turning my back on something that I ought to see.”

“You will see me dispose of a murderer, and that is all.”

“If he were a murderer, he could have shot you in the back . . . and the people who heard the sound of the shot would have found you lying dead . . . in my room . . . at night. The governor’s wife.”

“You remember *him*, now,” Dinsmore said, his voice shaken.

“I remember him, now,” she said, “and I hope that I have always remembered him a little . . . if not enough.”

He clapped his hand across his breast and bowed to her. “Madam,” he said, “I see that you are cold.”

“Are you spiteful, Jeffrey?”

“Spiteful?” He stepped backward, after that, and he faced me with a convulsed face. I could see, now, why she had been shrinking farther and farther away from him. She was having deep glimpses of the truth about this gentleman of good breeding and of an old family.

“Are you ready, Porfilo?” he said quietly.

“Ah, God, have mercy . . .,” I heard the girl whisper. But I saw that she did not turn her head away. No, not even then.

“Do you know the time?” I asked.

“I do not,” answered Dinsmore.

“Do you, Missus Shay?”

“It is nearly ten . . . it is almost the hour.”

“I have heard the big town clock,” I said. “At the first stroke, then, Dinsmore.”

“Good!” he said. “This ought to be in a play. At what distance, my friend?”

“Two steps . . . or twenty,” I replied. “You can measure the distance yourself.”

“Jeffrey!” cried the poor lady. “It is not going to happen . . . you . . .”

“It means something one way or the other,” I said. “It has to be decided. And there is a witness needed.”

Now, as I said this, I looked aside, and I saw, through the shadows of the trees and dimly outlined at the edge of the moonlight, the tall, strong figure of a man. I hardly know how I knew him, but suddenly I saw that it was the governor’s self who stood there. It made my heart jump, at first, but instantly I knew that he had not come on the moment. He had been there from the first—or at least for a space of time great enough to have heard enough to explain the entire scene to him. Yet that did not make my nerves the weaker. After all, it was his right to know. I really thanked heaven for it, and that he should realize, if I died in this fight, it was partly for his sake as well as for my own. Or, if the other fell, it was also for his sake as well as for my own.

Then, crashing across my mind, came the *clang* of the town bell, and I snatched at the

revolver. It caught in my clothes and only came out with a great ripping noise. I saw the gun flash in the hand of Dinsmore and heard its explosion half drown the scream of Mrs. Shay. But he missed. Almost for the first time in his life, he missed. I saw the horror and the fear dart into his face even before I fired.

He was shot fairly between the eyes, turned on his heel as though to walk away, and fell dead upon his face. The shadow among the shrubs reached him and jerked him upon his back. It was the governor. He did not need to tell me what to do, for I had already scooped up the fainting body of Mrs. Shay and was carrying it toward the house. There, close to the wall, he took her from my arms.

“Ride, Porfilo!” he said. “I shall keep my promise. God be with you!”

But I did not ride. I went back and stood beside the body of the fallen man until the servants came tumbling out of the house and swarmed about me. I tried to get one of them to come to me and take me a prisoner and accept my gun. But they were too afraid. One of them had recognized my face and shouted my name, and that kept the rest away.

At length, one of the secret service men who were presumed to keep a constant guard about the house of the governor came to me and took my gun. Then he marched me down the main street of the town to the jail. A crowd gathered. Perhaps it would have mobbed me, but it heard the great news that the brilliant Dinsmore, the great gunfighter, was dead, and that numbed them.

## XVI

### “Acquittal”

When the doors of the jail closed behind me, and when I was hitched to irons in my cell, I decided that I had been a fool and that the wild life in the mountains had been better than such an end to it. But when Molly O’Rourke came up from the south land and looked at me through those bars, I changed my mind. After all, it was better to live or to die with clean hands.

I began to discover that I had friends, too. I discovered it partly by the number of the letters that poured in to me. I discovered it partly by the amount of money that was suddenly subscribed to my defense. But I did not want a talented lawyer at a high price. What I felt was that the facts of my life, honestly and plainly written down, would be enough to save me and to free me. I wanted to trust to that. So I had Father McGuire, who had been my guardian up to the time that I broke jail and became an outlaw, and who was one of the first to appear, select a plain, middle-aged man.

He was staggered at the fine fee offered him. He was staggered also by the importance of this case that was being thrust into his hands. So he came to me and sat down in the cell with me and looked at me with mild, frightened eyes, like a good man at a devil. He wanted to assure me that he knew this case would make him a fortune by the notoriety that it would give him. He wanted to assure me that his wife begged him with tears in her eyes to accept the task. But he had come in person to assure me that he was afraid his conscience would not let him take a cause which, he was afraid. . . .

I interrupted him there by asking him to hear my story. It took four hours for the telling, what with his notes and his questions. Before the story was five minutes old, he said that he needed a shorthand reporter. There was no question about him wanting the case after that. He took down that entire report of my life, from my own lips. A very detailed report. I talked for those four hours as fast as I could and turned out words by the thousand. When it was all ended, he said: "I only wish that I could make people see the truth of this, as you have told it to me. But seven years have built up a frightful prejudice."

"Give it to the newspapers," I told him.

He was staggered by that, at first. To give away his case into the hands of the prosecution? But I told him that I would swear to every separate fact in that statement. So, finally, he did what I wanted, and against his will.

I suppose you have seen that statement, or at least heard of it. The editor of the local paper came to see me and begged me for a little intimate personal story to lead off with—an interview. I asked him if he were the man who wrote up the statement of Dinsmore. He said that he was, and apologized, and told me that he realized since I had beaten and killed Dinsmore in a fair fight, that there was nothing in what Dinsmore had said. He begged me to give him a chance at writing a refutation. Well, I simply told him at once that he did not need to ask twice. He was the right man in the right place, and I told him to do his editorial best to give me journalistic "justice".

He did. He began with the beginning and he finished with the end. He made me into a hero, a giant, almost a saint. I laughed until there were tears in my eyes when I read that story. Molly O'Rourke came and cried over it in real earnest and vowed that it was only the truth about me.

However, the editor was a great man, in his own way. He didn't really lie. He simply put little margins of embroidery around the truth. Although sometimes the margins were so deep that no one could see the whole cloth for the center. That great write-up he gave me saved my skin, at the trial.

But while the trial was half finished, another bolt fell from the blue when the governor announced that, no matter what the jury did, he intended to give me a pardon after the trial was over. From that point I had the governor's weight of authority so heavily telling in my favor that the trial became a sort of triumphal procession for me. There was no real struggle, for public opinion had begun to heroize me in the most foolish way in the world. I was still a prisoner when people began to ask for autographs, and I was still in jail when a boy scout came in to have my name written on the butt of an air rifle.

You know how it goes when the newspapers once decide to let a man live. The jury itself would probably have been lynched if it had so much as decided to divide on my case. They were only out for five minutes. When they brought in a verdict of acquittal, the real joke about that matter was that they were right and not simply sentimental, because, as I think you people will agree who have followed my history down to this point, I had not as yet committed a real crime. The cards had simply been stacked against me.

Three great factors fought in my behalf—the governor's word first—the honesty of my stupid lawyer—and the genius of that crooked editor. I don't know which was the more important. But what affected me more than the acquittal was the face of Molly O'Rourke in the crowd that cheered the verdict.

## TRANSCRIBER NOTES

Misspelled words and printer errors have been corrected. Where multiple spellings occur, majority use has been employed.

Punctuation has been maintained except where obvious printer errors occur.

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[The end of *His Fight for a Pardon* by Frederick Schiller Faust (as George Owen Baxter)]