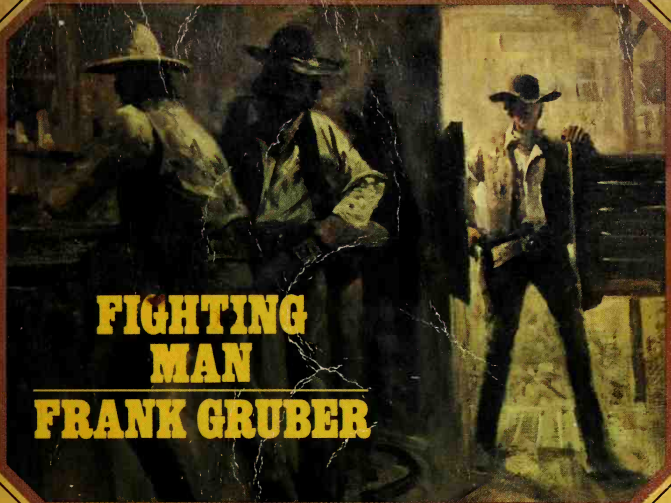
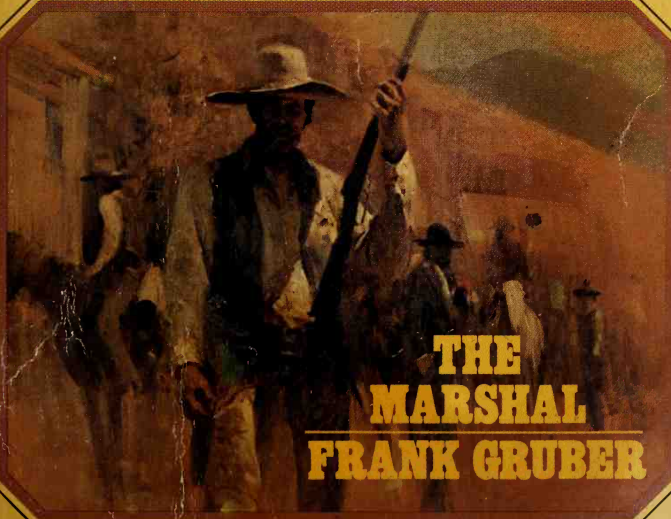


**2 FULL NOVELS FOR ONLY \$2.50**



**FIGHTING  
MAN**  
**FRANK GRUBER**



**THE  
MARSHAL**  
**FRANK GRUBER**





**Two Action-Packed Novels  
of the American West!**

**SIGNET BRAND DOUBLE WESTERNS**

***FIGHTING MAN***

**and**

***THE MARSHAL***



## SIGNET Double Westerns For Your Library

- ☐ **BRANDON'S POSSE and THE HELL MERCHANT** by Ray Hogan. (#J8857—\$1.95)
- ☐ **APACHE HOSTAGE and LAW OF THE GUN** by Lewis B. Patten. (#J9420—\$1.95)
- ☐ **THE DEVIL'S GUNHAND and THE GUNS OF STRINGAREE** by Ray Hogan. (#J9355—\$1.95)
- ☐ **FIGHTING MAN and THE MARSHAL** by Frank Gruber. (#J9125—\$1.95)
- ☐ **LAWMAN FOR SLAUGHTER VALLEY and PASSAGE TO DODGE CITY** by Ray Hogan. (#J9173—\$1.95)
- ☐ **PATCHSADDLE DRIVE and SHOOTOUT AT SIOUX WELLS** by Cliff Farrell. (#J9258—\$1.95)
- ☐ **RIM OF THE DESERT and DEAD MAN'S RANGE** by Ernest Haycox. (#J9210—\$1.95)
- ☐ **SADDLE & RIDE and THE FEUDISTS** by Lewis B. Patten. (#J9467—\$1.95)
- ☐ **SMOKE OF THE GUN and WILD RIDERS** by John S. Daniels and Lee Hoffman. (#J8667—\$1.95)
- ☐ **WAR PARTY and THE CROSSING** by John S. Daniels. (#J8761—\$1.95)

Buy them at your local bookstore or use this convenient coupon for ordering.

**THE NEW AMERICAN LIBRARY, INC.,**  
P.O. Box 999, Bergenfield, New Jersey 07621

Please send me the books I have checked above. I am enclosing \$\_\_\_\_\_ (please add \$1.00 to this order to cover postage and handling). Send check or money order—no cash or C.O.D.'s. Prices and numbers are subject to change without notice.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Allow 4-6 weeks for delivery.

This offer is subject to withdrawal without notice.

# ***FIGHTING MAN***

and

# ***THE MARSHAL***

by

Frank Gruber



A SIGNET BOOK

**NEW AMERICAN LIBRARY**

TIMES MIRROR

NAL BOOKS ARE AVAILABLE AT QUANTITY DISCOUNTS WHEN USED TO PROMOTE PRODUCTS OR SERVICES. FOR INFORMATION PLEASE WRITE TO PREMIUM MARKETING DIVISION, THE NEW AMERICAN LIBRARY, INC., 1633 BROADWAY, NEW YORK, NEW YORK 10019.

*Fighting Man* COPYRIGHT 1948 BY FRANK GRUBER; COPYRIGHT © RENEWED 1976 BY LOIS GRUBER

*The Marshal* © 1958 BY FRANK GRUBER

All rights reserved. No part of this book may be reproduced in any form, by mimeograph or any other means, without permission in writing. For information address Mrs. Lois Gruber, c/o The New American Library, Inc., 1633 Broadway, New York, New York 10019.

Published by arrangement with Mrs. Lois Gruber. Originally appeared in paperback as separate volumes published by The New American Library.



SIGNET TRADEMARK REG. U.S. PAT. OFF. AND FOREIGN COUNTRIES  
REGISTERED TRADEMARK—MARCA REGISTRADA  
HECHO EN CHICAGO, U.S.A.

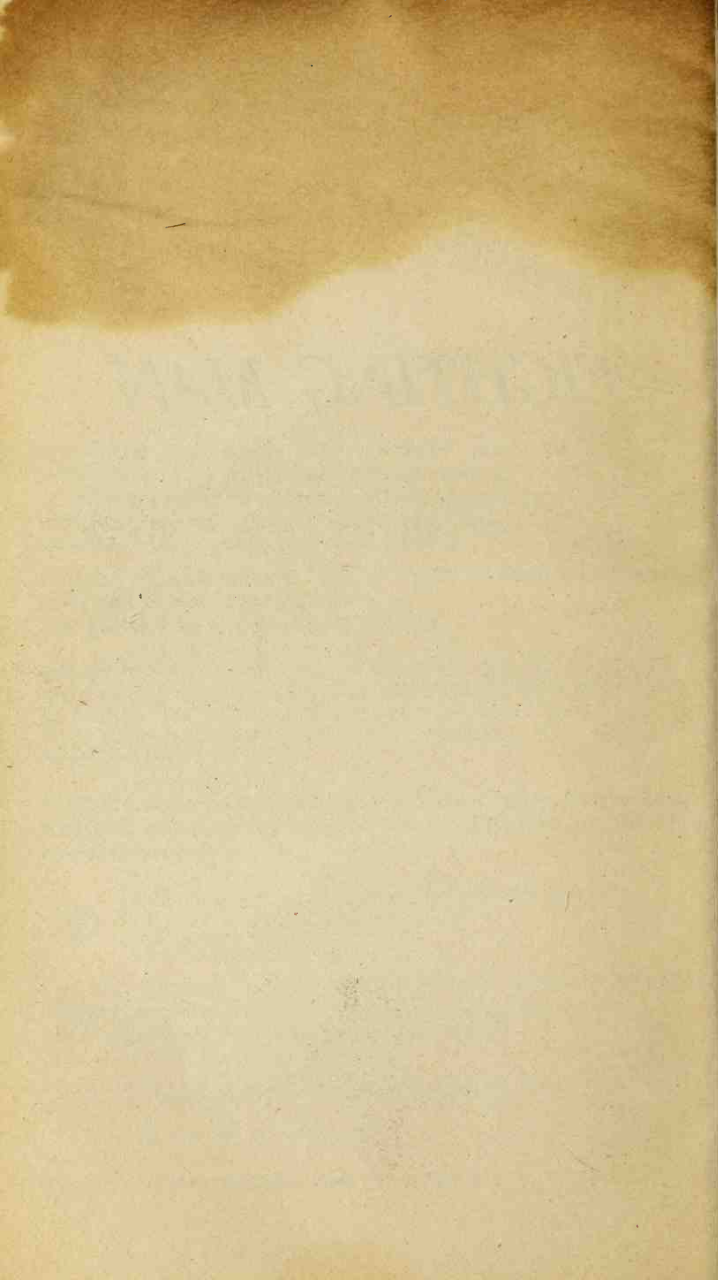
SIGNET, SIGNET CLASSICS, MENTOR, PLUME, MERIDIAN AND NAL BOOKS are published by *The New American Library, Inc.*, 1633 Broadway, New York, New York 10019

FIRST PRINTING (DOUBLE WESTERN), MARCH, 1980

3 4 5 6 7 8 9

PRINTED IN THE UNITED STATES OF AMERICA

# *FIGHTING MAN*





# 1

---

*Do you remember what you did in Independence, Jennison? Do you remember, Anthony?*

*And you, Jim Lane—yes, Senator James Lane. You're not banging on Abe Lincoln's bedroom door this morning. You're not telling him how to run the war. You're home today, home in Lawrence, Kansas.*

*This is August 21, 1863, a day you will never forget.*

*It's early morning and you're still in your nightshirt, but look out of your window, Jim Lane. Look out and see who's coming.*

*Yes—it's Quantrell, the man you drove out of Lawrence, three years ago. He's come back—with four hundred fighting men, four hundred of the most desperate, deadliest men this country has ever known.*

*You wanted war. Well, your war's come home to you!*

He was twenty-six years old, a towhead with washed-out blue eyes. Schoolteacher, gambler, horse thief, camp follower, murderer and cannibal; he had been all of them.

And now he was at the crest of his career. Riding into Lawrence, Kansas, the town he hated more than anything in life. He had known hard times here; humiliation and degradation. Men had sneered and jeered at him. They had thrown him in jail and threatened to hang him. And now he was going to pay them back, every mother's son of them.

Lawrence was spread out before him; Lawrence, Kansas, the home of the Jayhawker and the Redleg, the Boston Abolitionist. The home of Jennison and Anthony, and Jim Lane.

Quantrell rode down into the town, four hundred men at his back. Ahead of them, at the edge of the village, was a double row of Army tents, containing not more than thirty—you could scarcely call them soldiers, for they

were mere recruits, untrained youths who were waiting to be shipped East where they were sorely needed. The war had not touched Kansas soil; there were no Confederate troops west of Missouri.

Only Quantrell. Quantrell and four hundred guerrillas, armed with Navy Colts, the finest weapon of destruction ever invented, which the Federal Government had not yet got around to buying for its soldiers. But Quantrell had bought Colts and had distributed them so liberally among his followers that each man had a minimum of two—and some as many as eight—stuck in his belt.

Those tents in which thirty recruits were sleeping in their blankets. To whom would Quantrell delegate the honor of drawing first blood in Lawrence?

Quantrell's eye ran over his captains. George Todd, Bloody Bill Anderson, John Thraikill, Cole Younger, Frank James, the ferocious boy, Arch Clements. Fine men, all of them. Ah, but there's Jim Dancer. His father was shot down in cold blood at Independence.

Quantrell nodded to Dancer. "Those tents, Captain."

Young Jim Dancer, nineteen years old, tall and lean and bitter, turned in his saddle and raised his right hand. He swept it forward and his troop left the main body of guerrillas and charged.

Down upon the tents.

A sentry, stupid from illicit sleep, raised himself between two tents, to see what was causing the noise that sounded like galloping horses. His mouth fell open in amazement—and then he died.

Captain Dancer's troop struck the tents, trampling them down. Ironshod hoofs crushed out the lives of men. Blue-clad soldiers scrambled out from under canvas and were riddled with bullets. Not one had time to return a shot. Thirty men died and Captain Dancer's troop swept on into Lawrence, only a hundred yards behind the main body of Quantrell's men.

But already the carnage was under way. Guns thundered and roared. Horses galloped down the streets and men yelled and women screamed.

Captain Dancer's men thundered past him, heedless of his commands. The blood lust was surging up in them and they were beyond human reason. There was killing in Lawrence, killing and looting and they wanted their share of both.

The gunfire in the town became a continual roll of

thunder. Flames and smoke shot out of burning houses and store buildings. A bearded man burst out of a house and started to run across the street. A half dozen men charged down on him, a dozen bullets tore through his body and then more went into his dead body as it lay on the dusty street.

Guerrillas dismounted, smashing in doors and windows of homes. Sometimes they killed men inside the houses, sometimes they dragged them out upon the street and shot them before the eyes of their wives and children.

And always they burned. A hundred homes were sending pillars of smoke toward the heavens, a hundred and fifty, then two hundred and in a little while three hundred.

Fifty men were slaughtered in their homes, another hundred died upon the streets.

But not Jim Lane. At the first sound of shooting in Lawrence, Senator Jim Lane was out of his house. With the tails of his nightshirt flying behind him, he was heading for a cornfield. And there he groveled for hours until the holocaust that was Quantrell had departed.

Oh, they searched for him, as they hunted for other men in the town. Guerrillas with sheets of paper containing lists of names rode through the town and ransacked the houses from cellars to garrets. Sometimes they found men whose names were on the lists. They died horribly. They were the prominent men of the town, or men toward whom Quantrell or his followers bore personal grudges.

In these things young Jim Dancer took no part. He had led the attack against the soldiers in the tents. They wore uniforms and had taken an oath to fight against the Confederacy. That they were sodden with sleep, that they had no chance when Dancer's men rode them down was their hard luck. Soldiers had no right to sleep with both eyes closed.

Hate, Dancer had; hate for the North that had spawned the men who had killed his father in cold blood. He killed soldiers because if he did not kill them they would kill him.

But Jim Dancer could not kill unarmed old men, nor those who would not defend themselves.

A guerrilla backed out of a doorway dragging a man by the heels. Behind him came a young girl of not more than fifteen or sixteen. Anguish distorted her face and tears streamed from her eyes.

"Please," she cried in utter panic, "please don't hurt him . . . please . . . please . . . !"

The guerrilla, a filthy, unshaven ruffian, dropped the legs of the man he was pulling and tugged a Navy Colt from his belt. The girl, seeing her chance, sprang past the unconscious form of her father and fell upon the guerrilla's gun hand.

The man swore a vicious oath and tried to shake the girl from him. She clung with the desperation of a lost one.

"Let go," howled the ruffian. "Let go, or—"

He suddenly cuffed the girl with his free hand, a savage hard blow. She fell to her knees, but still clung to his wrist. The man took a half step back, braced himself and tore his hand free of the girl's grip.

The hand went up and the gun covered the girl.

"You asked for it," the guerrilla said thickly.

Captain Dancer stepped up and jammed the muzzle of his gun into the man's back.

"We're not shooting girls, Yancey," he said coldly.

For a moment the guerrilla froze. Then he squirmed and turned. "You, Dancer," he snarled. "I always said you was chickenhearted."

Dancer struck him in the face with the barrel of the Navy Colt. Blood spurted from the man's face, but he stayed on his feet.

"I'll remember this, Dancer!"

"Do."

The guerrilla stumbled away and Dancer stepped forward to the side of the girl. She was down on her knees, cradling the head of her father in her arms. The man was regaining consciousness.

Dancer stooped and taking hold of the man's shoulders helped him to his feet. The girl's arms were about her father and she started to help him toward the house from which he had so recently been dragged.

A black stallion shot forward and cut off the sanctuary of the girl and her father. The towheaded Quantrell looked down upon them and Dancer.

"What's this, Captain Dancer?" the guerrilla chieftain cried.

Yancey appeared beside Dancer, a sneer of triumph on his face.

Dancer said: "Yancey struck the girl."

"Didn't!" Yancey snarled. "On'y pushed her out of the



way." He pointed the muzzle of his revolver at the girl's father. "This is Theodore Slocum. His name is on the list—"

"No!" cried the girl. "His name isn't Slocum . . ."

"It's no use, Evelyn," said the man.

"No," Quantrell agreed. "It isn't, because I remember you." He nodded to Captain Dancer. "All right."

Captain Dancer remained rigid. Quantrell's terrible eyes bored into those of his lieutenant. "I said *all right, Captain Dancer!*"

Yancey, the guerrilla, stepped forward with raised gun, but Quantrell's voice crackled. "No, Yancey. I'm going to let Captain Dancer have the honor."

George Todd and John Thrailkill came trotting up.

Dancer said, evenly: "Killing an unarmed old man isn't war. . . ."

Quantrell bared his stained teeth. "I gave you an order, Captain Dancer . . ." His eyes went to those of bloody George Todd, merciless John Thrailkill. The guerilla chieftains flanked young Jim Dancer. Yancey, blood still trickling down his face, was breathing heavily.

Slowly Dancer raised his gun, pointed it at Theodore Slocum.

"No—no!" screamed the young daughter of Slocum.

"Fire!" Quantrell ordered.

Dancer pulled the trigger.

## 2

---

Two horses jogged along the old Santa Fe Trail; they trotted side by side and the right hand of one of the men on the horses touched the left hand of the other rider. This was because the two hands were handcuffed together.

One of the men was Jim Dancer, nine years older than he had been at Lawrence, Kansas. He was still lean and hard-bitten and his eyes were slitted and weary. They had seen too much of life and none of it good.

The man who rode beside him was named George Cummings. He was a detective in the employ of the great Pleasanton Detective Agency and he was concluding a mission that he had begun eighteen months before and which had taken him through a dozen states; the pursuit and capture of Jim Dancer.

He was a formidable man, this George Cummings. Dogged determination had brought him up with Dancer but it was sheer luck that had him alive with Jim Dancer a prisoner beside him.

He said as they jogged along: "I don't know what you've done, Dancer, and I don't give a damn. Yes, I've heard a thousand stories about you, but I believe nothing of what I hear and only half of what I see. I work for Arthur Pleasanton and he sent me out to get you. It's a job of work to me, that's all. I'm turning you over to the Kansas City office, and then I'm going to sleep for eight weeks."

"I guess you've earned your sleep, Cummings," Dancer said. He rode in silence for a moment, then he added: "I haven't slept in nine years myself. Not really slept."

Cummings looked thoughtfully at him. "You were with Quantrell during the war, weren't you?"

Dancer nodded.



Cummings looked straight ahead. "Tell me, was he as bad as they say?"

Dancer said: "You heard about Lawrence, Kansas? That was Quantrell at his worst." He was silent a moment. "But Bloody Bill Anderson and George Todd ran Quantrell out of Missouri afterwards."

Cummings rode in silence for awhile. Then he said: "There's only you and me here; it can't be used against you. Did you ride with Frank and Jesse?"

"No," Dancer replied shortly.

"Then why does Pleasanton want you?"

"I don't know."

Cummings screwed up his face in thought. "I don't mind telling you, Dancer, my orders were to get you. Pleasanton didn't say anything about Frank or Jesse, or Cole or the Miller boys. Only you. He told me to get you."

"Well, you've got me."

Cummings nodded. "I'm not kidding myself, Dancer. I've been around. I've had a few close shaves in my time, but it had to be luck for me to get you."

Dancer thought: *It's still another day to Kansas City. You've got a handcuff on my wrist and a gun in your pocket—on the far side. But watch yourself, detective!*

Toward evening the detective and his prisoner reached the swollen banks of the Wakarusa. A wizened man stood on the river bank, scowling at the flat-bottomed scow which was straining at its mooring.

"Can you take us across?" Cummings asked.

"Yesterday I wouldda been glad to do it," retorted the ferryman. "And maybe I'll do it tomorrow. But right now I wouldn't tackle the job for love nor money."

"Will you do it for this?" asked the detective. He produced a Navy Colt and pointed it at the ferryman.

The man regarded the revolver for a long moment. Then he shook his head. "Mister," he said, "you must want to get somewhere powerful bad."

"I do." Cummings held up his left wrist—along with Jim Dancer's. "I want to reach Kansas City tomorrow."

The ferryman searched the face of Jim Dancer. "An outlaw, Sheriff?" he asked the detective.

"I'm telling you to take us across this river," Cummings said grimly.

The ferryman studied the swirling river a moment, then

exhaling heavily, clambered aboard the ferryboat. He caught up a sweep and maneuvered the boat a foot or so closer to the shore.

Cummings said: "We'll dismount, Dancer."

Holding his left hand high in the air, Cummings dismounted carefully, then he stood sideways while Dancer got off his own horse. Cummings moved forward, caught the bridle reins of both horses in his free hand and stepped toward the ferryboat. Dancer, perforce, was compelled to move with him.

Then Cummings tried to urge the horses aboard the boat. They balked, for in spite of the ferryman's efforts with the sweep he could not get the boat close enough to the bank to make boarding easy.

"Get the horses on!" Cummings shouted to the ferryman.

"And who'll hold the boat?" the ferryman retorted.

The sensible thing, of course, was to free Dancer until they were across the river, yet Cummings was loath to do that. But ten minutes of struggling only resulted in all three of the men being soaked from head to foot and at the end of that time the horses were still ashore.

Then Cummings finally drew the handcuff key from a pocket, handed it to Dancer and in almost the same movement drew his Navy gun.

"All right," he said harshly. "But watch yourself, Dancer!"

Dancer unlocked the manacle from about his wrist and the moment it was free, Cummings stepped back. From a vantage point he watched Dancer load the horses on the barge.

Then he clambered aboard himself and the ferryman threw off the rope that held the scow to the bank. At once the boat whirled out into the current, almost upsetting Cummings, who was not quite prepared. When Cummings recovered his balance, Dancer was within five feet of him. There he stopped, his eyes boring into those of Cummings.

"The key," Cummings grated. "Put it down and then move back."

Dancer stopped and deposited the key on the deck, then moved back as far as he could go. Cummings picked up the key and started to put it back into his pocket when the boat was caught in a sudden eddy and whirled almost completely about.

"Hang on!" cried the ferryman.

Cummings plunged forward, down to one knee. The key was jolted from his hand, plinked on the deck and disappeared in the muddy waters.

"Damn!" swore Cummings. He got carefully to his feet. "That means we stay together until we get to Kansas City."

"You'll never get me to Kansas City," Dancer said tonelessly.

"I'll get you there," Cummings said ominously. "Although I may have to carry you. Come over here . . ."

He held out his left hand from which dangled the manacle. His right hand he drew aside carefully, so that he could point the muzzle of the gun at Dancer and fire quickly and accurately.

Dancer came forward.

"Put the cuff on your wrist," Cummings ordered.

Dancer slipped the metal band about his wrist.

"Press it," Cummings continued. "Tight . . . !"

Dancer pressed the cuff until it clicked. And at that moment the ferryman made his move. Cummings' back was to him and the ferryman drew his wooden sweep out of the water and swung at the detective.

The withdrawal of the sweep from the water let the boat out of control. It lurched forward, sending Cummings sprawling—and the sweep missed his head. Cummings cried out hoarsely, twisted about like a trapped bobcat and fired.

He aimed at the ferryman, but the unleashed boat frightened the horses, so that they began to pitch and rear and it was one of the horses that took the bullet. The animal screamed and reared up on his hind legs, causing his mate to begin bucking. The ferryman was struck by a plunging hoof and knocked overboard.

The wounded horse reared up so high that it went over backwards into the river. The removal of the horse's weight from the one side of the scow shot it high into the air, completely out of the water and Dancer and Cummings skittered across the deck, got embroiled with the remaining horse and all three scudded into the waters of the Wakarusa.

### 3

---

The stagecoach schedule was a flexible one. The coach left Topeka at a definite time but its stops along the route depended entirely upon the weather and the temperament of the driver. So, for that matter, did the route.

The ford at Eel's Bend was six feet under water and therefore no ford, so Joe Partridge swung to the left and followed the winding Wakarusa. There was a ferryboat eight or ten miles up the river and it ought to be able to take the stage across, provided the coach and horses were taken over in relays.

Only there was no ferryboat. The rutted trails that served as a road led up to the water's edge and could plainly be seen on the far bank, but the ferryboat was gone.

Joe Partridge, who had been a mule skinner under Sherman, pulled up his horses and swore roundly.

The right-hand door of the stage opened and a man stepped to the ground. He was a lean, sardonic-looking man wearing a Prince Albert and a flowered vest.

"What's the trouble, driver?" he asked.

Joe Partridge shot out a stream of tobacco juice. "It's the gosh-danged ferryboat, mister."

The lean man surveyed the river. "What ferryboat?"

"That's it—there ain't none. But there oughtta be."

"What's become of it?"

"Don't know. Busted its rope and went down the river, I guess."

Another man stepped out of the coach, an enormously fat man of about forty.

"If the ferry's gone how are we going to cross?"

"Your guess is as good as mine, Mr. Kerigan," retorted Joe Partridge. "I was supposed to cross by the ford, eight-ten miles back, but there was six feet of water there. I oughtta change these horses about now, but don't see



how I'm goin' to, with the station on t'other side of the river."

Kerigan frowned. "Is there any other place to cross?"

Partridge scratched his head. "There's another ferry 'bout ten miles down-river, but that means back about eighteen before I c'n change horses. Twenty-eight miles." He shook his head. "We'll have to rest them."

"They're resting now," said Kerigan.

"Yeah, sure. I'll give them ten minutes." Partridge scrambled down from his perch. "Anybody want to stretch for ten minutes c'n get out," he called.

The passengers descended from the coach.

First came Florence Peel. She was in her mid-twenties and her beauty caused every man she met to breathe a little faster. But when they looked into her eyes they were always repelled. They were green and as cold as ice. Florence's father had been a famous Mississippi River gambler, whose derringer caught in his vest pocket when Florence was twelve. That was in 1860, the year before the war, and Florence had supported herself ever since.

The fat man, Kerigan, was a cattleman from Texas. A herd of his was coming up the Chisholm Trail, but Kerigan had taken steamship passage to New Orleans, then come up the Mississippi to St. Louis and west to Kansas City by rail. He was going south now to meet the railroad that was building west. It was a long, roundabout trip, but it lacked the rigors of the overland Chisholm Trail route and Kerigan, who had been shipping cattle since 1867, was rich enough to indulge himself.

The fourth passenger's name was Paul Hobson, although he had given it to none of the other passengers on the coach. In fact, he had spoken less than a dozen words since the beginning of the trip.

It was Dave Oldham, the lean sardonic man in the Prince Albert who discovered the two men down by the river bank. They were a hundred yards from where the stagecoach had stopped and they must have seen the coach, but had not acknowledged its presence by rising or calling.

One of the men was seated on the river bank; the other lay close beside him.

Dave Oldham started toward them, then thought better of it. He turned back and catching Joe Partridge's eye, indicated the men downstream.

Partridge looked and exclaimed, "Be damned!" He put

his hands to his mouth and using them like a megaphone, called: "Hey, you . . . !"

The men made no reply, nor did either of them get to his feet. They couldn't, although those at the coach did not know that.

"What's the matter with them?" Kerigan exclaimed. He started forward, but was stopped by the stagecoach driver.

"Just a minute!"

Partridge stepped to the side of the coach, reached up to his seat and brought down a double-barreled shot-gun. "Might be a trick," he said.

Kerigan unlimbered a short-barreled revolver. "Come on, there's only two of them."

He started downstream, with Joe Partridge at his side. Dave Oldham fell in behind them and Hobson followed after a moment. They were halfway toward the men down by the river bank when Florence Peel suddenly decided to hurry after them.

When they were twenty feet from the strangers, Joe Partridge stopped. The two men had not changed position since they had first been observed.

"What's the trouble?" Partridge cried.

The sitting man held up his right hand and by doing so brought up the limp hand and forearm of the other man. The two wrists were joined together by a pair of handcuffs.

"He's dead!" ejaculated Kerigan, referring to the man lying on the ground.

Partridge stepped forward, the muzzle of his shot-gun pointed at the sitting man, but it was Oldham who reached him first. His right hand hovered near his vest where he could reach his derringer in a swift draw.

Oldham's eyes bored into those of the man seated on the ground.

"How long've you been here—like that?" Oldham asked.

"Last night," was the reply. The man was lean and hard-bitten and his eyes were slitted and weary. They looked past Oldham and Partridge at Kerigan and Hobson who were coming up, and beyond them to Florence Peel.

"Where's Bart Huggins who runs the ferryboat?" Partridge demanded.

The man on the ground indicated the river. "That's how this happened. He was taking us across the river when the horses got panicky and capsized the boat." He looked



down at the man who was handcuffed to him. "One of the horse's hoofs caught him on the head."

Joe Partridge grunted. "Surprised Bart ever took a chance crossing the way the river must have been yesterday. Never saw a more cautious man in—" Then he suddenly inhaled sharply. "Say . . . which one of you two is . . . !" He broke off, but his eyes were filled with suspicion.

The stagecoach passengers exchanged glances. Then Hobson asked softly: "What's your name?"

The man on the ground looked at him steadily. "Cummings, George Cummings."

"Marshal?" asked Partridge. "Never heard of any by that name in this territory."

"I'm not a marshal," Cummings replied. "I work for Arthur Pleasanton."

"A Pleasanton man," exclaimed Joe Partridge. "I'll be damned. Didn't think you fellows ever got out this far." He pointed to the dead man. "Who's he? Some poor devil whose wife got the Pleasanton Agency after him?"

Cummings said: "I don't know what he's done, for sure. His name is . . . Jim Dancer!"

Joe Partridge cried out in horror. "Jim Dancer!"

Dave Oldham shot a quick look at Cummings' face, then took a step forward and peered down into the cold dead face on the ground. "You never got Jim Dancer," he said thinly. "No Pleasanton man ever got Jim Dancer, not like this."

"Say," said Kerigan warmly, "I've heard of this Jim Dancer. He's a curly wolf." He nodded to Oldham. "I side with you, pardner. No city detective will ever take Jim Dancer."

"Dancer's the most desperate man in the West," Paul Hobson added.

The Pleasanton man shook his head wearily. "I don't know anything about Jim Dancer. Yes, I've heard a thousand stories about him. They say he's killed a thousand men and made two hundred orphans. I believe nothing of what I hear and only half of what I see. But I work for Arthur Pleasanton and he sent me out to get Jim Dancer. That was a year and a half ago. I followed Dancer to Montana Territory, to Oregon and California. He went to Mexico and I followed him and then he came back and yesterday . . ." He stopped for a moment, then finished quietly: "He had to sleep sometime."

"Yes," Oldham said bitterly. "Sometimes a man gets

tired. And then he's got to sleep." He exhaled heavily. "And Jim Dancer went out like that—in the water, handcuffed to a Pleasanton man."

These people lived within the law: Kerigan, Hobson, Florence Peel and Joe Partridge, yes, even Dave Oldham. But the ignominious end of a notorious outlaw affected them all. They should have been respectful to the detective who caused the death of Jim Dancer, but there was no friendliness in any eye. Only aversion.

George Cummings drew a deep breath. Then, looking at Partridge, he said: "Have you got such a thing as a steel file in your coach?"

"No," replied Partridge. "I don't carry tools on this run, what with stage stations every three-four hours." His eyes smoldered. "Where's your key?"

Cummings nodded to the river. "When the boat was capsizing, Dancer made a play. I threw the key into the water to keep him from getting it."

Florence Peel said: "You'll have to cut off Jim Dancer's hand."

Paul Hobson shuddered and turned suddenly away. The others exchanged uneasy glances. The suggestion had occurred to all of them, but none had wanted to express it aloud.

Joe Partridge worked at his chewing tobacco for a moment. Then he drew a huge clasp knife from his pocket.

"If it's gotta be done I guess it's gotta be done. . . ."

Bertram Slocum turned in at the three-story brick building and climbed the stairs to the second floor. Near the head of the stairs he saw a ground glass door on which was stenciled:

PLEASANTON DETECTIVE AGENCY  
New York                      Chicago                      London  
*Kansas City Office*

Slocum, a tall well-built man of about forty-five, with slightly greying hair, drew a deep breath and opened the door. In the small outer office a sharp-faced man took his boots off a desk.

"Mr. Pleasanton," Slocum said.

The sharp-faced man grunted. "You mean the gent that owns this here deteckative agency? He ain't never been in this office, far's I know."

"I received a telegram yesterday asking me to come here." He drew it from his pocket. "It's signed Captain Travers."

"Oh, sure, Cap'n Travers," was the reply. "He runs this here branch."

"Can I see him?"

"Don't see why not. But you said *Mister Pleasanton* an'—"

Slocum cut the man off coldly: "My business in the past has been with Arthur Pleasanton and when I received a telegram I assumed he would be here."

"You assumed wrong. Mister. The old man with the whiskers don't bother about little things. What's it you want us to do for you? I c'n probably take care of it myself."

"I want to see Captain Travers!" Slocum snapped.

The Pleasanton man got to his feet. He shrugged. "Well, whyn't you say so in the first place?"

Muttering to himself he opened a door and went through, closing the door behind him. He reappeared almost instantly and nodded to Slocum.

Slocum went through the door, through an empty office and beyond, entered another door. A lean, black-mustachioed man got up from behind a desk.

"Mr. Slocum," he said, "I'm Captain Travers."

Slocum nodded. "I got your telegram. Is it . . . about Jim Dancer?"

"Yes," replied Captain Travers. He paused a significant moment. "We've got him."

For just a second Slocum stiffened. Then his entire body relaxed. "How . . . ?"

Captain Travers pulled out a drawer and took from it a telegraph form. "This came from our Chicago office last night. Cummings reported there, as he was working under direct orders of Mr. Pleasanton."

He handed the telegram to Slocum. The latter scanned it quickly. It read:

Have just received despatch from George Cummings filed from Bower Springs, Kansas. He reports that he is bringing in Dancer. Am unable to come to Kansas City myself, so contact Bertram Slocum, Lawrence, Kansas, at once, as operation was for his account. Have wired Cummings to proceed to your office with prisoner.

Arthur Pleasanton.

Slocum lowered the telegram. There was an odd yellow glow in his eyes. He said: "Bower Springs is only about forty miles from here. This—this Cummings should be here by now."

Captain Travers took the telegram from Slocum and put it back in the drawer. He closed the drawer and seated himself in a creaking swivel chair. Then he said deliberately: "He should have been here this morning."

Slocum stared at the detective for a moment. "You don't think that Dancer got away?"

Travers evaded a direct answer. "Mr. Pleasanton considers George Cummings the best operator he's had since the war. He gives him the hard ones."

"I've paid Pleasanton twelve thousand dollars in all," Slocum said bitterly.

"That's a lot of money," Captain Travers conceded. He paused a moment. "What did Dancer do to you?"

"He killed my brother."

Travers' eyes searched Bertram Slocum's face. "Your brother was killed during Quantrell's raid on Lawrence during the war."

Slocum nodded. "He was shot down in cold blood—by Jim Dancer."

"How do you know it was Dancer who did the actual killing? Were you an eye witness?"

"No. As a matter of fact, I was living in St. Louis during the war. But my brother's daughter, my niece, saw the killing. And it was murder, cold-blooded murder. My brother was unarmed, offered no resistance. He was dragged out of the house by the heels and shot down in cold blood, right before the girl's eyes."

"But how did she know the killer's name was Dancer?" Travers persisted.

"Because Quantrell himself called him by name. I assure you, Captain Travers, my niece has ample cause to remember every detail of that horror. She was only fifteen years old at the time and the tragedy made an indelible impression on her." He frowned. "As a matter of fact, it was my niece who urged me to employ your agency to bring Dancer to justice."

"Mr. Slocum," said Captain Travers, "this happened nine years ago, during the war. I doubt if you could get a jury to convict a man today for something that was done during the war."

"They haven't forgotten in Lawrence," Slocum said angrily. "Besides—there is Dancer's record since the war."

"Just what *is* that record?"

"I should think you would know it better than I."

"I wonder," Travers said thoughtfully. "Yes, I know all the things Dancer's done. He's held up stagecoaches, banks, trains. He's murdered a hundred men and he's supposed to be Jesse James' lieutenant. But could you *prove* any of these things in a court of law?"

"Bring him to Lawrence and you won't need any proof. Jim Dancer'll never appear before a judge."

Travers grunted. "I can believe that."

There was a knock on the door and the sharp-faced op-



erator who had engaged Slocum in verbal jousting opened the door a few inches. "George Cummings is here, Cap'n."

Captain Travers kicked back his chair and leaped to his feet. "Send him in!"

The door was pushed open and George Cummings came into the room. He was haggard and drawn, his clothing wrinkled and foul from immersion in dirty water. He was alone and Slocum got the significance of that at once.

"Where's Jim Dancer?" he cried.

Cummings looked briefly at Slocum, then at Captain Travers, who was behind his desk. "You're Captain Travers?"

Travers nodded. "Yes. Mr. Pleasanton sent word that—" He jerked his thumb at Slocum. "It's all right, Mr. Slocum is the client for whom we've been working on this—this matter."

"Slocum," said Cummings and looked at Slocum. "I thought it was Theodore Slocum who was—"

"I'm his brother," Slocum snapped. "Ted was killed by . . ." He scowled at the open doorway as if still expecting to see Jim Dancer materialize.

Cummings said flatly: "Jim Dancer's dead."

"Dead!" cried Slocum. "Where . . . how?"

Cummings addressed Captain Travers. "I sent the telegram from Bower Springs and I waited there until I got a reply from Mr. Pleasanton. He told me to bring Dancer here to you."

He paused and Slocum prodded savagely. "Go on, man!"

"The Wakarusa was in flood," Cummings continued. "We tried to cross on a ferry and the boat capsized. The ferryman drowned and Dancer—well, he died, too."

"What about his body?" Slocum asked.

"Joe Partridge, who drives the Holliday stage, helped me bury it."

Slocum swore. "Damn it, man. You should have brought it in. I've got to know for sure that it was really Dancer." He appealed to Captain Travers. "I've paid you twelve thousand dollars—enough money to have positive identification."

There was a slight frown on Travers' forehead, but he nodded agreement. "Mr. Slocum's right, Cummings. You brought Dancer that far, you should have brought him the rest of the way."

Cummings reached into his pocket and brought out a



wallet. He took from it a thin packet wrapped in oilskin and dropped it on Travers' desk. "My credentials," he said. "I'm turning them in."

Travers exclaimed. "You're quitting?"

"I quit this morning," Cummings said, "along about sunrise. After I sat all night on the river bank, handcuffed to a dead man."

"What?"

"Dancer made a play," Cummings said. "I threw the handcuff key into the water so he couldn't get it. Well, I won, but the stagecoach driver had to cut Dancer's hand off . . . with a pocket knife. . . ."

Even Bertram Slocum shivered.

Cummings went on tonelessly: "You can send in my resignation to Arthur Pleasanton." He reached into his pocket and brought out a pair of handcuffs. "And you, Mr. Slocum, can have these."

He turned and walked out of the office.

Charles Lanyard, vice-president of the Missouri, Kansas and Pacific Railroad, was seated in his Kansas City office, reading the stock market quotations in the *Kansas City Standard*, when a clerk came into the room and handed him an embossed calling card.

"Bertram Slocum," Lanyard read. "Who is he?"

"He says he wants to see you on an important personal matter."

Lanyard grunted. "A salesman?"

"He doesn't look like one."

"They seldom do." Lanyard shrugged. "All right, I'll give him a minute."

The clerk went out and a moment later Bertram Slocum entered the office. He shook hands with the railroad man and seated himself in a convenient armchair. Lanyard regarded him coolly.

"Mr. Lanyard," Slocum began, "I understand that you are in charge of construction on the M.K. and P."

"That's right."

Slocum nodded and, rising, stepped to the wall on which hung a large map of Missouri and Kansas. A red crisscross line stretched from St. Louis to Kansas City and westward across Kansas to the borders of Colorado. Superimposed upon three-fourths of the red line was a green one.

Slocum took a pencil from his pocket and touched the point of it to the map where the green line stopped. "Your road is now at this point, isn't it, Mr. Lanyard?" he asked.

Lanyard was watching Slocum narrowly. "What if it is?" he demanded truculently.

Slocum moved his pencil a little ahead of the green line and about a quarter inch below the continuing red line. He drew a small square on the map.

"I own a bit of land here. Not very much, as land goes

out West, but still—" he smiled blandly—"twelve thousand acres. I bought it from the government, two years ago for fifty cents an acre."

"A pity," Lanyard said coldly. "If it were a few miles further north it might be worth something some day."

Slocum turned and smiled at the railroad man. "That's what I came to see you about."

"I don't get you."

Slocum turned back to the map and tapped the red line with his pencil. "This point here is exactly ninety miles from the town of Potter, back here." He indicated a dot several inches closer to Kansas City. "It will therefore be a division point on your railroad where you will build repair shops, etcetery. Am I right?"

"We figure a division as ninety miles—yes. But I still don't understand what you're driving at."

"Why, it's simply this, Mr. Lanyard," Slocum said. "My property is exactly eight miles south of this point and your division headquarters isn't going to do me any good at all."

Lanyard smiled frostily. "Quite." Then he added: "There's a little place called Bruno eight miles north of your property. Now *that's* going to be quite a town."

Slocum again touched his pencil to the map. He drew a slight curve from the red line, down through the penciled square that indicated his holdings, then up to the red line.

"Suppose," he said, "your road made a slight southward curve—like this—what would happen to my land then?"

"And why would we do that?"

"Because of the topography of the country. There's a river running right through my land which would give you water facilities."

"There's water at Bruno."

"Ah, but I just told you—I don't own Bruno."

"And because you own that land you think we should swing the road down? Increasing our trackage about six miles—"

"Seven. I've had it surveyed."

"Seven miles," said Lanyard grimly. "At forty-two thousand dollars a mile."

"Two hundred and ninety-four thousand dollars," Slocum said blithely. "Not a great deal of money—to a railroad."

Lanyard got to his feet. "Good-bye, Mr. Slocum."

Slocum made no move to go. He said, almost lazily, "Are you a rich man, Mr. Lanyard?"

"What concern is that of yours?" Lanyard snapped.

"None, really," Slocum admitted. "But I've been hearing a bit of talk, something about your getting caught in that New York Central deal . . ."

"Get out of here!" Lanyard roared.

"Two hundred thousand it was you dropped, wasn't it?" Slocum went on.

His face purple from rage, Lanyard strode around his desk and crossed to the door. He jerked it open. "Get!"

Slocum stepped to the door, took hold of the edge and swung it shut. "Don't be a fool, Lanyard," he said coldly. "Do you think I came here with empty pockets?"

Lanyard stared at him. "What—what do you mean?"

"I have fifty thousand dollars in my pocket."

Lanyard recoiled as if struck. For a long moment he looked at Slocum, then he walked slowly back to his desk. He stood there for a moment with his back to Slocum, then slowly turned.

"You . . . you're offering me fifty thousand dollars as a . . . a . . ." He could not bring out the word, but Slocum said it.

"Bribe!"

He let it sink in a moment, then he went on. "The water facilities at Bruno aren't adequate, Mr. Lanyard. This town is going to be the closest point in the entire state to the Chisholm Trail and the cattle drovers are going to bring their herds to it. You're going to need unusually large shipping pens—and plenty of water that you'll get from the river. You're a farsighted man, Mr. Lanyard . . . and you're the vice-president in charge of construction."

Lanyard suddenly drew a deep breath. He walked to the map on the wall, studied it a moment, then turned to Slocum.

"Yes," he said, "I'm in charge of construction. And I'm also a substantial stockholder in the railroad."

"More or less," Slocum corrected, "you've pledged most of your stock to cover your losses on the New York Central deal."

"Oh, you know that, too?"

"I know everything about you, Mr. Lanyard."

"Then you also know that my brother-in-law is president of the road?"

Slocum nodded. "But your brother-in-law didn't lose any money on the New York Central."

"If he had I suppose you would have gone to him."

"N-no, I don't think so."

"Why not?"

"Well, frankly, because I believe your brother-in-law is a man of greater, shall we say, integrity?"

The insolence of that no longer affected Lanyard. He had made up his mind and he was going to play out his hand. He said: "He would have thrown you out of his office. As I almost did."

"Yes, as you *almost* did."

"Slocum," Lanyard said, "I admire your gall. You come in here to bribe me with a piddling fifty thousand dollars on a proposition that's going to make you one of the richest men in the West."

"That's what I thought," Slocum conceded.

"The proposition is worth millions, properly handled."

"Oh, I expect to handle it properly."

"Exactly. So, shall we consider the fifty thousand dollars merely as an—advance?"

"Advance against what?"

"One half of your deal."

The good humor left Slocum's face and it became as cold as Lanyard's. He said thinly: "One quarter."

It was Lanyard who had the upper hand now. "You've investigated me thoroughly, Slocum. You know that I'm a man of very little integrity. And you know that my brother-in-law is president of this railroad and possesses those qualities that I lack. But he *is* my brother-in-law and between us we run the M.K. and P. You've got to do business with me or you don't do business. Is it one half . . . or is it—nothing?"

Slocum exhaled heavily. "It's one half."



There were ceremonies when the railroad reached Lanyard, Kansas. A committee of citizens met with a group of railroad officials and following the precedent set at Promontory Point in Utah, three years before, a gold-plated spike was driven into a tie.

The M.K. & P. would build west of Lanyard, but not for awhile. There was a little matter of financing that would have to be done in St. Louis, Chicago and New York. More bond issues would have to be floated.

George Cummings, because of the letter "C," was one of the first track layers to be paid off. He walked from the railroad pay-car to the single street of the town of Lanyard and, stopping there for a moment, marveled what men could do.

Two months ago, there had been only buffalo grass here. Now there was a town—a row of false-fronted buildings, a few of which had even been painted. And beyond the buildings, stretching out into the prairie, were rows and rows of white painted stakes, indicating building lots.

There was a block of wooden sidewalk, raised from the prairie soil some eight inches. Cummings strolled along this sidewalk, past the Bon Ton Hat Shop, the Eldorado Saloon, the Boston Dry Goods Store, the Lanyard Saloon & Gambling Hall, the New York Bazaar, the Trail Drivers' Saloon, the St. Louis Barbershop, the Texas Bar, the Cattleman's De Luxe Bar & Gambling Saloon and finally to the Drovers Hotel, a two-story frame building—the biggest in town.

Here he turned in. There was a tiny lobby off which was a saloon that ran the length of the building. Paul Hobson, in Prince Albert coat, was behind the desk. He looked at Cummings and handed him a pen.

Cummings wrote his name on the register. Hobson

swung it around and read aloud, "George Cummings." He looked up. "Late of the Pleasanton Detective Agency."

"Late of the Tracklayers Gang, Number Nine," Cummings retorted.

"You quit the detective business?"

"Nine weeks ago. . . . How much for the room?"

"Two dollars."

Cummings put two silver dollars on the desk. That was as much as he had earned in a day on the railroad. But he wanted to sleep in a bed.

Hobson handed him a key. "Number eleven."

Cummings nodded and clumped up the stairs to the second floor. There was a long hall running down the length of the building and a shorter one across the front, so that the rooms were arranged in the shape of a T. Number eleven was the last room on the left, in the front corridor. It was about six by eight feet in size, had bare, unpainted walls and contained a cot, a porcelain wash bowl and pitcher, a small unpainted stand on which they reposed, and an ordinary unpainted kitchen chair. There was a thin mattress on the cot and a moth-eaten Civil War blanket.

Cummings locked the door on the inside, hung his coat on a nail in the wall and taking off his boots, stretched himself out upon the bed. For a moment he stared at the bare ceiling, then he closed his eyes and let the air out of his lungs.

Out on the street a gun banged. Cummings winced a little but did not open his eyes. Another gun banged, then another. The last shot was punctuated by a loud scream that brought Cummings up to a sitting position on the bed. He had heard that sound before; it was the wild Rebel yell.

A fusillade of gunfire followed and the Confederate battle cry went up and down the street.

Someone had made a mistake.

There were fourteen Texas trail herds grazing on the plains near Lanyard; they had been awaiting the arrival of the railroad. That was all right, the railroad wanted the business. The mistake was in paying off the railroad men. They were Northerners and the cowboys were from Texas, where the carpetbaggers still controlled. You couldn't mix Northerners, Texans and whiskey.

A dozen cowboys were drinking in the Texas Bar, when a score of railroad men entered. There wasn't room for all at the bar and there was some crowding. A railroad man



bumped a cowboy's elbow and the cowboy promptly threw his whiskey into the railroad man's face.

The fight that followed wrecked the interior of the Texas Bar. The railroaders drove the cowboys out upon the street, where the Texas men mounted their horses and galloped them up and down the street. They challenged the railroad men to come out upon the street. A few accepted and were promptly driven back to shelter by a volley of gunfire.

It is hard to put guns away once they have been drawn and the Texas men now amused themselves by shooting out store and saloon windows. They had a lot of powder and lead and quite a lot of whiskey, which they replenished periodically from saloons, without paying for it.

In short, Lanyard was treed.

In his room, George Cummings abandoned the thought of sleep. He put on his boots and, leaving his room, clumped down to the lobby. There were a half dozen men crouched behind the desk, the thick planking of which gave protection from stray bullets.

As Cummings came down, Paul Hobson was having an altercation with a heavy-set, mustachioed man. "I've had just about enough of this nonsense, Simmons," he was snarling. "You'll get out there and stop them or you can turn in your badge."

The man called Simmons unpinned his nickeled badge and dropped it on the counter. "The marshal's job is open, Hobson," he said.

Although he had issued an ultimatum and it had been accepted, it wasn't what Hobson wanted. "You can't quit now!" he cried.

"I ain't in the mood for committin' suicide today," Simmons declared.

"He's right, Hobson," said one of the other men behind the desk. "There are fifty Texas men out there."

"If we let those crazy Texas men get the upper hand, they'll take over the town," Hobson protested.

"They've already taken it over," the other man said, "and there isn't a thing we can do about it."

During the discussion, there was a lull in the shooting outside and one of the men ventured out from behind the desk. He looked out upon the street through a broken window and suddenly cried out hoarsely.

"That girl. She'll get killed!"

Cummings stepped quickly to the window and saw a girl across the street. She had apparently just stepped out of a dry goods store and was moving toward a buckboard nearby. Even as Cummings looked, a gun banged and a bullet kicked up dirt inches from the girl's feet.

She came to a stop and a horseman galloped up. He swung down from his horse and advanced upon the girl. Sober, there was no greater respecter of women than the Texas man, but these cowboys had been drinking all day. Moreover they were in a fighting mood and they were in the stronghold of what was to them the enemy. Perhaps their respect of women did not extend to Northern women. At any rate the cowboy suddenly grabbed the girl and tried to kiss her. She struck him in the face. This merely served to enrage the cowboy and he began wrestling with her.

George Cummings jerked open the door of the hotel, stepped out upon the street and started across at a dead run. He heard the thunder of horses' hoofs as he ran, but paid no heed. A bullet whistled past him.

He reached the girl and the cowboy, just as the latter was forcing his unshaven face against the girl's. He caught hold of the cowboy's left arm, jerked him away from the girl and drove his fist into the man's face. The cowboy reeled back and Cummings, stepping in, smashed him again in the face.

The cowboy hit the ground and his gun was knocked from his hand. Mouthing savage oaths he scrambled for the gun, got it and came up to his knees.

Cummings, moving in, was caught. The only thing he could do was hold his hands clear of his sides to indicate that he was unarmed.

"I'll kill you," screamed the cowboy.

"I haven't got a gun," Cummings said quickly.

It would have made no difference to the enraged cowboy, except that another Texas man spurred his horse in between Cummings and the cowboy on the ground.

"Hold it, Ben!" the new arrival cried. "You can't shoot an unarmed man."

Ben got to his feet, shook his head and stepping around the man on the horse, faced Cummings. "Get yourself a gun," he snarled. "Get yourself a gun and come back."

"We can settle it without guns," Cummings said calmly.

"Nothin' but guns'll finish this," the cowboy cried. "I'll

give you ten minutes to get one or by God, I'll come and pistol-whip you."

By this time a dozen cowboys were surrounding the group on the ground. There was hostility on every face. One of the cowboys expressed the general sentiment. "You heard what he said. Get yourself a gun or start runnin'."

Cummings turned away. For a moment he looked into the wide eyes of the girl he had rescued from the drunken cowboy, then he walked past her, across the street to the hotel.

Inside, Paul Hobson caught his arm. "That's Bert Slocum's niece you saved, Cummings!"

"Yeah and that was Ben Slattery you hit," exclaimed Simmons, the former marshal. "He's lightning with a gun—killed a man day before yesterday."

Hobson looked narrowly at Cummings. "There's a horse behind the hotel."

"Why would I want a horse?"

Grudging admiration came to Hobson's eyes. "You've got guts, Cummings, but you can't go up against a gun fighter."

"It doesn't seem as if I've got much choice in the matter." Cummings looked at the marshal. "You've got a Navy gun. Wonder if I could borrow it."

"You're going to face Slattery?"

Cummings held out his hand and the former marshal gave him his gun. Cummings hefted it to get the feel of it, spun the cylinder and examined the caps on the nipples. Then he took off his coat and, dropping it on the hotel desk, stuck the Navy gun in the waistband of his trousers.

He stepped to the window and looked across the street. More than a score of cowboys were assembled. Ben Slattery was the only one afoot.

Cummings opened the door and stepped out upon the wooden sidewalk. A man across the street, yelled: "There he is!"

The distance between Cummings and the cowboys was two hundred feet, too far for accurate shooting. Cummings stepped down from the sidewalk into the dust of the street. He started across walking nonchalantly, but at a fast pace. His eyes never left the face of Ben Slattery. The cowboy was suddenly alone, although he had not moved. It was the mounted men who had backed off to give Ben all the room he needed.

The distance between the two men narrowed to less

than a hundred feet, but it was Cummings alone who walked. Slattery remained by the hitchrail in front of the building that housed the Lanyard Land Company.

Seventy-five feet.

"All right, Slattery," Cummings called. "Make your play."

But Slattery remained as if frozen to the ground. His arms were slightly crooked and his right hand was within two inches of the gun in his holster, whereas Cummings' were hanging loosely at his sides.

Fifty feet and Cummings could see that Slattery's mouth was working nervously. He wasn't sure, but he thought that Slattery's face had broken out in perspiration.

"Wait a minute!" Slattery suddenly cried. "Wait a . . ."

Without breaking his stride, Cummings whipped out the borrowed Navy gun. He thrust it out before him, thumbed back the hammer and pulled the trigger. The motions were continuous; the work of a man who knew what he was doing and had absolute confidence in himself.

Both guns roared, Slattery's as well as Cummings', but it was the latter's which went off first. The bullet struck Slattery dead center in the forehead, knocked him off balance, so that his own gun merely fired into the sky.

Slattery was hurled backward to the ground. Before he touched, Cummings was pointing his gun at the mounted cowboys.

"Was it a fair fight?" he cried.

The cowboys were stunned by the unexpected defeat of their champion. They exchanged glances, looked at the unswerving gun in Cummings' hand.

There was a man in the front of the crowd, the same one who had come between Slattery and Cummings before. He saw the gun muzzle pointed at him. He said quickly: "It was a fair fight," and, turning his horse, galloped it off.

A cowboy followed, then another and then the entire lot of them. They rode down the street and out of Lanyard.

Before they had gone very far, Bertram Slocum sprang out of the door of his office. He strode toward Cummings, giving only a brief glance at the dead cowboy.

"I saw it from the window," he said. Then he looked again at Cummings' face and exclaimed. "Cummings! The Pleasanton detective. . . ."

"Former detective," Cummings corrected.



Then he stepped to one side to watch Hobson and the men from the hotel come up. In their van was Simmons. Cummings held out the Navy Colt, butt first.

"Here's your gun, Simmons," he said. "It shoots straight."

"If there's a good man behind it," Simmons replied in a tone of respect.

Cummings walked past him, heading for the hotel. Paul Hobson halted, wheeled. "Cummings, wait a minute, we want to talk to you."

"Later," Cummings called back over his shoulder. "There's some sleeping I've got to finish first."



It was a few minutes after seven when Cummings came down from his room. It was getting dark outside and in the hotel lobby a pimply-faced youth of eighteen or nineteen was lighting lamps. New glass had been put into the front windows.

The saloon adjoining the lobby was doing a rushing business. The noise from it had awakened Cummings in his room overhead.

Cummings opened the door and stepped out upon the wooden sidewalk. Sounds of revelry came from the saloons, but otherwise Lanyard seemed reasonably peaceful. Nobody was galloping horses up and down the street and there was no shooting.

A sign next door to the hotel caught Cummings' eye: *China Cafe*.

He walked over to the building and peered through the window. The interior seemed clean, although only sparsely patronized for what should have been the dinner hour.

Cummings entered and sat down at a table. A pigtailed Chinese came padding up. "Got nice beefsteak," he said smiling.

Cummings nodded. "All right."

A man got up from an adjoining table and, crossing, seated himself opposite Cummings. It was Dave Oldham, the lean man who had been a stagecoach passenger that day when Cummings had been found, handcuffed to a dead man.

"That was quite a stunt you pulled this afternoon," Oldham said. He shook his head. "Violence seems to follow you around."

"I imagine you've seen your share of it," Cummings retorted.

Oldham shrugged. "I'll never have a grey beard." He

pursed up his lips. "They say you quit the detective business, Cummings."

"Who're 'they'?"

"Everybody in town. Hobson . . . Slocum."

"This Slocum," Cummings said. "What does he do in this town?"

"He's manager of the Lanyard Land Company that owns the townsite. The girl, for whom you killed Ben Slatery . . . she's Slocum's niece. Evelyn Slocum."

Oldham, looking into Cummings' eyes at that moment, saw that they were oddly masked. He dropped his own eyes to the table.

"This is a new town," he went on. "Nobody knows much about anybody, but there's talk about Slocum being more than just manager of the land company . . ."

Then he stopped and pushed back his chair. "I'm late."

He got to his feet. "Stop in at the Eldorado if you feel like it." He left the cafe.

Cummings stared unseeingly at the far wall. Evelyn Slocum, the girl whose uncle had paid the Pleasanton Detective Agency to get Jim Dancer. And because of her, this afternoon Cummings had killed a man.

The Oriental brought the dinner and Cummings ate, but scarcely tasted the food. He paid for it and, leaving the restaurant, stood outside and looked across the street at the narrow building that housed the Lanyard Land Company.

Then, after awhile, he drew a deep breath and walked up the street to the Eldorado Saloon & Gambling Hall. It was one of the biggest places in the block and when Cummings pushed open the swinging doors he saw that it was doing a thriving business.

A bar almost fifty feet long ran down one side of the room. Six bartenders were working behind it. The rest of the room was given over to a few tables and gambling layouts.

Cummings pushed his way through until he came upon Dave Oldham dealing faro. The gambler caught his eye and nodded slightly. Then he inclined his head to the right and Cummings, looking in that direction, saw another old acquaintance, Florence Peel, the girl with the green eyes who had also been on the stage that memorable day.

Her blonde hair was combed high upon her head and in striking contrast to the low-cut green velvet evening gown she was wearing. She was weaving her way in and out

among the tables and Cummings watched her for a moment, as she came closer.

Then her eyes suddenly caught his and she stopped. She recognized him but her face remained inscrutable.

A cowboy, beside whose table she had stopped, reached out drunkenly to grab her, but she brushed away his hand without even looking and came forward.

"Mr. Cummings," she said.

"Hello."

She smiled impersonally and said under her breath, "My office in the rear." Then smiling again, she walked past him, talking to a man here, another there.

Cummings watched a faro game for a moment, then headed aimlessly toward the rear of the room. An anaemic-looking man with a cigarette in his mouth was playing a tinny piano beside a door and gave Cummings a shrewd look as he opened the door and entered a small room, furnished with a roll-top desk, a couple of chairs and a small steel safe.

Cummings pulled up one of the chairs and started to seat himself when the door opened and Florence Peel came in. He got to his feet again.

"It's all right, sit down," she said. She crossed the room to the desk and sat down in the swivel chair.

"You own the Eldorado?" Cummings asked in surprise.

She nodded briefly and, leaning back in the chair, studied Cummings thoughtfully. A little frown creased his forehead, but he remained silent, waiting for her to speak.

Then she said suddenly: "You almost gave yourself away this afternoon."

"What?"

"The fight with Ben Slattery; you were too good."

He regarded her steadily. "How can a man be too good in a gun fight? I had to kill him or be killed."

"Detectives aren't gun fighters. You beat Ben Slattery to the draw."

He seated himself and drew a slow breath. "I don't get you."

"I think you do."

He shook his head. "I don't."

"Would you understand if I called you by your real name . . . Jim Dancer?"

Without hesitation, he exclaimed softly. "Jim Dancer's dead!"

"Is he? When did he die?"

"That time we met down by the Wakarusa. When you told them to cut his hand from mine." And then he looked into her green eyes. "When did you know?"

"Then. Your right hand was handcuffed to his left."

"The others didn't notice that."

"I think Dave Oldham did, although he's never mentioned it. But then Dave's one of us."

"Us?"

"Us," she repeated clearly.

He shook his head slowly. "Oldham's a gambler."

"And so am I," she said quietly. "In a little while you can go out there and watch me deal faro, or poker—or three-card monte."

"And tomorrow morning," he added, "you can walk down the street and people will talk to you. They don't talk to . . . Jim Dancer."

"Jim Dancer!" she exclaimed. "Who's Jim Dancer?"

"A man who rode with Quantrell."

"And who's been riding ever since. Why, Jim Dancer?"

"Because they wouldn't let us come in. Yes, I know all Confederate soldiers who were given amnesty. Some of the boys who rode with Quantrell tried to surrender in '65. They were murdered." He shrugged. "So some of us are still riding."

She looked at him narrowly. "Are you here in Lanyard alone?"

He jerked up his head. "I haven't ridden with anyone since the war. No matter what they say."

There was a knock on the door. Florence Peel looked at Dancer, then called: "Yes?"

The door opened and Dave Oldham slipped into the room. He closed the door before he spoke. Then he addressed Jim Dancer: "Paul Hobson and Bert Slocum want to see you."

"What about?" Florence Peel asked sharply.

"They didn't say."

Dancer got heavily to his feet. "All right."

Dave Oldham left the room as cautiously as he had entered and Dancer started to follow, but Florence called to him. "Mr. Cummings!"

Dancer turned.

Florence Peel said: "That's all I wanted to say—*Mr. Cummings*. Watch yourself with Hobson; he's tricky."

Dancer nodded and left the room. Out in the gambling hall he discovered Slocum and Hobson seated alone at a



table. Hobson had a glass of milk before him. He saw Dancer approaching and signaled.

Dancer pulled out a chair and sat down.

"We've got a proposition to make you," Slocum said bluntly. "But first I want to ask you a few questions."

"Yes?"

"Do you have any objections to my telegraphing the Pleasanton Agency?"

Dancer looked carefully at Slocum. "Why?"

"I want to make sure that you really quit the agency."

"You were there at the time."

"I know, but how do I know you didn't retract later? If you're here in Lanyard on detective business there'll be no proposition."

"Why don't you tell me what the proposition is?"

Hobson nodded to Slocum. "Why not?"

Slocum's face showed annoyance, but he shrugged. "We want you to be the marshal of Lanyard."

A little shiver ran through Dancer. In his wildest dreams he had never thought of himself as a law officer. He looked from Slocum to Hobson, then back to Slocum.

"You're offering me the job of marshal of Lanyard?"

"Yes," said Slocum. "There's no actual city government in Lanyard, but a number of the merchants have chipped in to pay the marshal's salary. However, we're having a city election the day after tomorrow. Simmons' name has been down for marshal but we're going to take it off. After what you did today you won't have any trouble being elected."

Dancer began to shake his head and Hobson exclaimed. "So you *are* still with Pleasanton?"

"I'm not. It isn't that. . . ."

"We haven't told you what this job'll pay."

"I imagine it'll be as much as the M.K. and P. paid me these past nine weeks."

"You've been working on the railroad?"

"Laying track."

Slocum snorted. "A common laborer, at two dollars a day! We were going to offer you three hundred dollars a month—"

"Which is a lot of money," Hobson offered.

"And three dollars for every arrest you make," Slocum added angrily. "If you're the kind of marshal I think you are, you can make five hundred a month. You can't refuse that kind of money."



Dancer leaned back in his chair and studied the two men for a moment. Then he said slowly: "You can get a lot of good men around here for five hundred dollars a month."

"Wild Bill Hickock asked for the job," said Slocum. "He's a killer, but only when the breaks are in his favor. John Wesley Hardin, a seventeen-year-old boy, backed him down in Abilene. Nobody would have blamed you for backing down this afternoon. But you didn't." Slocum paused. "Besides, the whole West knows by now that you're the man who got Jim Dancer."

Hobson said, "That alone will make those Texas men behave in Lanyard."

Dancer pushed back his chair and got to his feet. "I figured I'd had enough of manhunting when I turned in my badge to Pleasanton. I don't intend to start being a killer, not for pay."

He walked away from the table and left the place. Outside he walked to the Drovers Hotel and climbed up to his room. He locked the door on the inside and, undressing, went to bed.

But it was hours before he went to sleep. Nor was it the noise from the saloon on the first floor that kept him awake.

It was the middle of the morning when Dancer came down from his room. The youthful clerk was in attendance behind the desk and he was spared having to talk to Paul Hobson. Outside he walked to the China Cafe and, taking a stool at the counter, ordered his breakfast.

He was starting on his eggs when Dave Oldham entered and sat down beside him.

"Up rather early, aren't you?" Dancer asked, to make conversation.

"I don't sleep well," Oldham replied. He gave his order to the waiter, then said: "There's talk that Slocum offered you the marshal's job."

"I refused it."

Oldham was silent awhile, then asked: "Why?"

Dancer knew that Oldham was pressing the matter for reasons other than idle curiosity, so he said, "It's not the kind of work I'd like."

"Because your sympathies are with—" Oldham smiled thinly—"the underdog?"

Dancer hesitated. "Perhaps."

Oldham nodded thoughtfully. "They'll probably hire a man like Wild Bill Hickok or Johnny Tancred, who shoot first and ask afterwards if the man was guilty."

"In other words, you think I ought to take the job."

"I think it'd be a good job for the man who got Jim Dancer."

Dancer finished his eggs and mopped up the remaining yolk with a piece of bread. When he had eaten it, he said: "You've talked to Florence Peel?"

"No," Oldham said quickly. "But I served under Colonel Plumb in Clay and Jackson Counties. Man for man, we got licked by the guerrillas every time. It took me a long time to figure it out. Our men were good soldiers. They

were willing to die if they had to, but they wanted to go home again."

"They had homes to go to."

"I saw you fight that Texas man yesterday. He knew he was fast and he'd won some fights. He thought he had the edge. He didn't expect to *be* killed . . . and when he finally figured that out, he went to pieces. . . . Quantrell went into a fight to kill *and* be killed. We to kill *or* be killed. That one little word makes all the difference in the world. We cared, you didn't."

"You may be right," Dancer said slowly, "but sometimes a man gets tired of killing. And there comes a time when he can't run any more."

"Then you've got to compromise," Oldham said. "Florence Peel's father worked the river boats. He took her along with him because a man with a child is above suspicion. Well, his luck ran out when Florence was twelve. She had every reason in the world to hate cards and what goes with them, but she found out after awhile that no matter how bad a thing is, there's something worse. She was a drudge, worked in the homes of the rich. And always there was a man around because she was poor and a poor girl can't fight a rich man. So at last Florence knew that she had to be rich and turned back to the one thing she hated more than anything else."

He stopped and began eating. Dancer, who had finished his own breakfast, watched him for awhile. Then he said, "And you, Oldham?"

Oldham shrugged. "I'm a gambler because I was no damn good as a lawyer."

"You know that I'm Jim Dancer?"

"Dancer's dead," said Oldham. "Remember, I helped bury him."

"All right, Oldham," Dancer said.

"This is Lanyard, Kansas," Oldham went on. "It's a new town and it's raw, just like all the country west of the Missouri. It's a strong man's country and the weak are going to give up or die. But in a few years the country'll be civilized and the ones who've lasted from the beginning, the strong ones, are going to own it. . . . You're as strong as any of them, Cummings."

"Fighting's all I know," Dancer said. "Fighting and losing. We fought in Missouri and lost and then after it was over I went down to Mexico with Shelby and fought with Maximilian. And after that I went with the French to

France and we fought the Prussians and lost again. I've been in a few of these small towns and I've seen some pretty good marshals; they never stood a chance to win. Sure, I got Ben Slattery yesterday, but what about today and tomorrow when a hundred Texas men come back to get revenge for Slattery? I can't fight them all."

"If someone doesn't," Oldham said, "you might as well set fire to Lanyard, because this is going to be the roughest, toughest trail town of them all. It's the closest to Texas and all the herds and all the trail drivers and what comes with them will come here."

Dancer was silent for a moment. Then he shook his head slowly. "This man, Slocum—does he own the town?"

"Why, yes. He pretends to be the local manager for the Lanyard Land Company, but he's the land company. He owns the townsite and all the country round about. He's selling it off piece by piece and he isn't taking all his pay in cash. He's got an interest in almost everything in town, the dry goods store, the barbershop, the bank—most of the saloons . . ."

"The Eldorado?"

"No, Florence had enough money to buy her site outright."

"Where does Hobson come in?"

"Slocum's front man. He's going to be the mayor tomorrow. There's talk that Slocum and Hobson were in business together during the war—selling rotten beef and weevily flour to the Union Army."

Dancer said carefully: "What sort of a woman is Slocum's niece?"

There was just the shade of a pause before Oldham replied. "I don't know her and as far's I know, nobody does." He stopped, then, looking out of the window.

Dancer's eyes followed and he saw Evelyn Slocum walking past on the opposite side of the street.

He put a silver dollar on the counter and, rising, said to Oldham. "If I don't see you again—so long."

"You're leaving?" Oldham asked in some surprise.

"I usually do," Dancer replied and left the restaurant.

Outside he saw Evelyn Slocum turning into a shop. He walked down the wooden sidewalk until he was directly across from the shop and he could read the sign on it: *Carrie Brown, Milliner.*

Beyond a few doors on Dancer's side of the street was a livery stable. He walked down to it and found the livery-

man shoeing a black gelding and not enjoying the task, for the horse had spirit.

Dancer watched for awhile until the man finished nailing down the shoe. Then he looked up irascibly, but his annoyance disappeared quickly.

"'Morning, Mr. Cummings," he said.

Dancer nodded. "Good horse. Yours?"

"Until I can find someone to take him off my hands."

"He can run a bit, I imagine?"

"He can run like hell," snorted the liveryman, "but so can every goddam Texas pony and the people in town don't want to rent a horse that don't like to be rid."

"What were you figuring to ask for him?"

The liveryman wiped his mouth with the back of his hand. "Well, Mr. Cummings, if there's one thing around this damn barn I got too much of, it's horses, and another thing I ain't got much of, it's money. So what do you figure you'd want to pay for a horse that ain't much good for nothin' but runnin' and buckin'."

Dancer thought a moment. "He's worth more, but I can pay only fifty."

The liveryman shook his head. "I couldn't accept fifty dollars—not unless you took this-here saddle and bridle along with him, which ain't much good, anyway."

He pointed to a saddle and bridle that hung over a stall.

"The saddle alone's worth fifty," Dancer snapped.

"To who? These fool cowboys sell them for ten dollars when they're drunk and want to get more drunk. The demand sets the price, Mr. Cummings, and out here there are more cows and horses and saddles than there are prairie dogs on the prairie. I figure I ought to board the horse for you a month for that price."

"Well," Dancer said, "I want you to keep him here a little while at least." He took out a roll of greenbacks and counted out fifty dollars and then he saw Evelyn Slocum come out of the shop across the street and hurriedly left the livery stable.

On the sidewalk, however, he showed no haste. He crossed the street leisurely and was setting foot on the board sidewalk just as the girl came along.

She started to pass him, then suddenly stopped. "Mr. Cummings, isn't it?" she asked.

"Why, yes."

Her color was rather high. She was embarrassed—but



that was all. "I—I didn't thank you yesterday," she said, "for what you did . . ."

"It's all right, Miss Slocum," Dancer said stiffly.

"Oh, but it isn't. You were forced into that terrible . . ." She shuddered and could not finish the sentence, so shifted to another. "What I meant to say was, well, my uncle suggested I ask you to dinner." And then she suddenly threw up her chin and attempted a wan smile. "Tonight?"

"Why, thank you, ma'am," Dancer said slowly, "but I'm afraid I can't make it. You see, I'm leaving town in an hour."

"Oh!" She squinted a little as if in pain. "I'm sorry. I—I mean, I didn't know. At any rate, I want to thank you. . . ." And with that she nodded and walked past him.

Dancer remained standing a moment where he was, then began walking back toward the hotel, clumping heavily along the wooden planks. His eyes were straight ahead, so that he didn't see Florence Peel, who had just dismounted from a horse in front of the Eldorado. She spoke to him and he took another step before the words penetrated his brain and he wheeled.

"I'm sorry," he apologized.

"Daydreaming, Mr. Cummings?" Florence Peel asked calmly. She was wearing a green riding habit and carried a quirt.

He grimaced wryly. "I was just thinking about the horse I bought. The liveryman didn't recommend him very strongly."

Florence Peel's eyes were looking past him, down the street. "A filly, Mr. Cummings?"

He turned and followed her eyes. Evelyn Slocum was just disappearing into another store. He said: "No I haven't found fillies good for the kind of traveling I do."

Her green eyes regarded him inscrutably. "You're riding on?"

"Yes."

She nodded and slapped her quirt into her gloved left hand. "I suppose there are still some hills you haven't crossed?"

"No," he admitted, "there aren't. At least, the other side always looks the same. But what can I do in Lanyard?"

Dave Oldham was crossing the street from the China Cafe. Florence Peel looked at him broodingly and said to Dancer: "I don't know, Mr. Cummings."

Oldham came up and stopped. "Have a good ride?"

"Yes," she said. "Mr. Cummings and I were just discussing work. Have you heard of any jobs that are open in Lanyard?"

Oldham looked closely in Dancer's eyes. "No," he said, "I don't know of a thing."

Florence pointed across the street with her quirt. "Maybe Mr. Slocum knows of something? He's got his fingers in a lot of pies around town. Why don't you go over and talk to him, Mr. Cummings?"

Dancer said: "Perhaps I will."

He smiled bleakly at Oldham, nodded to Florence Peel and started across the street. There was a heavy-set man with a black spade beard in the office with Slocum, but the latter saw Dancer through the window and was on his feet when he came in.

"Ah, Cummings," he greeted Dancer. "Shake hands with Carter Bullock." He smiled. "Mr. Bullock's president of the bank."

The banker shook hands with Dancer. "How are you, Mr. Cummings? There's been quite a bit of talk about what you did yesterday. Mr. Slocum was just telling me that he suggested your running for the office of marshal, but that you couldn't accept."

"I've changed my mind," Dancer said.

Slocum blinked quickly. "Damn it, I told Paul not to be in such a hurry." He pulled out his watch, a massive gold stem-winder. "The stage has gone by now. It's carrying a letter to Johnny Tancred."

Dancer suddenly knew disappointment. "That's all right, Mr. Slocum, I should have spoken sooner."

"No," Slocum exclaimed. "I'll send another letter telling Tancred not to come. He was a last resort. The job's yours, Cummings."

Bullock coughed gently. "By all means, Mr. Cummings; you're the sort of man this town needs. A, uh, firm hand, you know . . ."

Slocum reached for his hat that was lying on a chair nearby. "I'd better run over to the printer's; he was going to start on the ballots. I want your name on it." He smiled thinly. "Better if it's legal, you know."

"Yes, yes," agreed Bullock. "It ought to be legal."

That afternoon the Texas men hurraed the town, but Dancer remained inside the hotel, despite a pointed remark or two from Paul Hobson.

"You could take over today, Cummings," Hobson sug-

gested at one point, after a window of the hotel had been smashed by a stray bullet.

Dancer shook his head. "Mr. Slocum likes things legal."

He went to bed early that night, but sleep was almost impossible. Every ten or fifteen minutes a drunken cowboy came out upon the street and emptied his gun at the moon. And generally he let go a few Rebel yells to accompany his bullets.

The next day the voters of Lanyard went to the polls. This was an amazingly simple matter. A large wooden box with a slot in the top was set on the desk of the Drovers Hotel. It was guarded by Paul Hobson, a clerk from Bullock's bank, and a man named Meeker, who dealt faro in Hobson's gambling hall. Hobson himself handed out the ballots to whatever citizens were in the mood for coming into the hotel and voting. It was Hobson, too, who decided who was a qualified voter, since the oldest resident in point of time was Hobson himself and he had been in Lanyard just a few days over sixty.

When Dancer came down from his room, Hobson extended a ballot to him.

"For voting," he said.

"But I've only been in town two days."

"What of it? You're a resident of Lanyard, aren't you? Not many people have been here a great deal longer."

Dancer examined the ballot. Paul Hobson was down for Mayor, Chandler Leach, Justice of the Peace, Kenneth Vedder, Prosecuting Attorney, and George Cummings, City Marshal. There were three other names on the ballot: Bertram Slocum, Carter Bullock and Jason Walcott, who were running for City Council. No space was provided on the ballot for writing in candidates. You either voted for the people on the ballot or you didn't vote.

Dancer borrowed a pencil from Hobson and put an X in front of all the names, including his own. Then he folded the ballot and deposited it in the box.

Hobson nodded in satisfaction. "All right, you're marshal of Lanyard."

"Before the ballots are counted?"

"A mere formality." Hobson reached under the counter and brought out a nickeled badge. "Put this on and go

down to Keller's Store and pick yourself out some guns—whatever you think you'll need."

"A couple of things I have to know," Dancer said. "If I arrest someone, what do I do with them?"

"Why, you throw them in jail."

"There's a jail?"

"Of course there's a jail," exclaimed Hobson. "At the end of the street on this side, the two-story log building."

Dancer nodded. "And after I throw them in jail?"

"Judge Leach and Prosecutor Vedder will try the prisoners every morning in the courtroom over the jail."

"What about a man to guard the prisoners, or am I supposed to do that?"

"I don't see why you can't hire a man for about fifty dollars a month."

"I pay him myself?"

"I guess you'll have to, since there's no provision for such a job. The same goes for a deputy marshal, if you feel you need one. You can hire him, but you'll have to pay his salary yourself." Hobson suddenly smiled wolfishly. "A good man would earn his pay from the fees."

"He probably could," Dancer said, "but I think I'll try the job alone until I see how it goes." He started to turn away, then stopped. "Suppose I step on the wrong toes?"

"What do you mean?"

"I mean, can I be fired?"

"Who's going to fire you? You're *elected* by the voters." Hobson looked narrowly at Dancer, then added, "Of course, you're responsible to the city council, which includes all the names on this ballot."

"Including myself?"

"You're a member of the city government, so you'll have a vote." Hobson pursed up his lips. "There's just one thing you want to keep in mind: it's the businessmen of Lanyard who pay your salary."

"And a very good salary it is," Dancer said, and left the hotel.

Outside, he walked to the gun shop of Keller, a few doors up the street. Keller greeted him by name as he entered the store.

"Good morning, Mr. Cummings."

"Good morning. Mr. Hobson suggested I stop in and pick out some guns."

"Certainly, Mr. Cummings. Heres a very fine forty-four . . ."



"Have you got a secondhand Navy gun?"

"I've got a dozen of them, but surely you'd rather have something new."

"I wouldn't. No better gun was ever made than the Navy Colt and I'd prefer a gun that's been used."

The gunsmith took a couple of guns out of his showcase. Dancer picked up a .36 Navy Colt, tried the action and spun the cylinder. He hefted it for the grip, twirled it once or twice and examined the nipples to see if they showed any signs of wear.

"That gun's been taken care of," Keller said, as he watched Dancer handle the gun. "This other one would make a mighty fine mate for it."

"One's all I'll need," Dancer replied. "Although I think I'd like to have a good shotgun."

"A shotgun, or a rifle?"

"A shotgun." Dancer pointed to a fowling piece that was hung on the wall. "What sort of a shotgun is that?"

Keller got it down. "It's an English gun, Mr. Cummings. Double-barreled and uses a brass shell." He broke the weapon and handed it to Dancer.

The latter examined it closely. It was a beautiful weapon of fine tempered steel with a carved walnut stock. Keller brought out a boxful of brass shells and Dancer tried a couple in the gun. They slipped in smoothly and when he broke the gun again, after closing it, the shells were thrown out.

"That's all right," Dancer said in satisfaction. "I'll take this and the first Navy gun."

He bought a supply of shotgun shells, a couple of hundred caps for the Navy gun and enough paper cartridges to go with them. He completed his purchases by buying a worn holster and broad belt to hold it.

He wore the holster and gun and carried the shotgun under his arm when he left the shop.

A few minutes later he stopped before the town jail. It was a two-story log building, well constructed. A staircase on the outside led up to the second floor.

The door on the lower floor was unlocked. Entering, Dancer found a room some eight by twelve feet, which contained a wooden table and three or four chairs. A barred door, standing open, led into another room twelve by twenty feet—the jail. A single iron-barred window lighted up the interior.

He found a couple of large keys in a drawer of the ta-

ble in the marshal's quarters and put them in his pocket. Leaving the building, he climbed the outside stairs and found the door of the second floor also unlocked. He opened it and looked into the courtroom, which was merely a single room covering the entire second floor. A chair and table at one end comprised the furniture.

He closed the door and started down the stairs. A whiskered man, riding a mangy horse, was passing the building. He went twenty or thirty feet, then turned his horse and rode back, reaching the foot of the stairs just as Dancer came down to the street level. He peered into Dancer's face.

"I know you," he said suddenly.

"You'll know me a lot better if you don't behave yourself in this town," Dancer retorted.

"I ain't makin' no trouble," the man on the horse said in a whining voice. "But I do know you from somewheres." He scratched his whiskers. "I can't just remember where."

"When you remember come and tell me," Dancer said sarcastically. "You'll find me right here in the jail."

He walked away from the man and entered the marshal's office where he deposited his shotgun on the table. And then he looked at the table for a long moment and exhaled heavily.

The man out on the street had known him, all right. And Dancer knew the man. His name was Yancey and because of him Dancer had murdered a man in cold blood—Evelyn Slocum's father.

It was nine years since Dancer had seen Yancey, for the guerrilla had deserted during the black days following the Lawrence Massacre. General Ewing had issued his infamous Order #11 and his troops, under Colonel Plumb, had burned every home in three and a half Missouri Counties; they had killed every head of livestock in that territory and destroyed the crops in the fields so that no guerrillas could exist.

The scorched earth policy had scattered Quantrell's guerrillas; many had deserted and the rest had retreated to Texas where they remained inactive for the rest of the war.

Dancer went to the door, opened it and stepped out upon the street. Yancey was gone, refreshing himself in some saloon, no doubt.

Dancer walked down the street and, entering the China Cafe, had a breakfast that he scarcely tasted. Leaving the restaurant, he stood outside a moment and watched a half dozen Texas cowboys ride up to the Drovers Hotel and, tying their horses to the hitchrail, go in.

The time of day apparently meant nothing to the wild Texas men; they could drink as well at ten in the morning as ten at night. Then Dancer remembered that the Drovers Hotel, today, was the polling place.

He went quickly toward the hotel and even before he entered heard blustering voices. He pushed open the door and stepped into the lobby.

Paul Hobson spied him instantly.

"Here, Marshall!" he called. "Get rid of these men."

The Texas men faced Dancer. "Look—he's got a tin badge," one of them jeered.

"Get out!" Dancer snapped.

"Who's going to make us?" a second Texas man challenged.

"I am," Dancer said calmly.

The Texas men exchanged glances; they apparently knew that this was the man who had killed Ben Slattery two days ago and they were a little worried, but they had evidently discussed this subject before riding into Lanyard and had probably come on a dare.

Their bluff had now been called and it was up to the Texas men to make the next move.

Only Dancer didn't wait. He took a quick step forward, half turned so that his left side was toward the closest Texas man, then with his right hand whipped out his newly purchased Navy Colt and laid it along the side of the nearest man's head. The man fell like a log but before his body hit the floor Dancer had leaped back and was covering the others.

"Reach!" he said.

The Texas men were caught flatfooted. They cursed wildly, but as Dancer's eyes narrowed, they began raising their hands.

Dancer signaled to Hobson. "Get their guns."

Hobson and one of the poll workers came out from behind the counter and collected the weapons of the Texas men. Then Dancer holstered his own gun and stepped to one side.

He pointed to the unconscious man on the floor. "Pick him up."

The Texas men shuffled about for a moment, then two of them picked up the buffaloed man, one by the shoulders, the other by the legs.

"Outside," Dancer ordered.

He herded the group out to the street where they waited for further directions. Dancer nodded up the street in the direction of the jail.

Half of the population of Lanyard came to doors and windows as the little procession passed and a half dozen men joined in, among them Dave Oldham.

"Well, how's the job?" the gambler asked.

"Six head, at three dollars each," replied Dancer grimly. "Not bad."

In the jail, Dancer herded the prisoners into the back room and locked the door on them. As he left, curses followed him. Dancer and Oldham walked silently back to the Eldorado. At the door of the gambling hall, Oldham stopped.

"What made you change your mind?"

Dancer had had ample time to figure out an answer to that; he'd been thinking about it since the day before. "I guess you convinced me that this is my job, Dave."

Oldham looked at him in sudden embarrassment. "A man does the job he's cut out for."

"And you think I'm cut out to be a law man?"

"You've just proved it, haven't you? Simmons wouldn't have tackled those six men—not if he knew that they'd come primed for him."

Up the street Yancey, the former guerrilla, came out of the China Cafe. He saw Dancer and came over.

"Saw you leadin' those boys to the calaboose," he said. "Nice work." He cocked his head to one side. "Was it Cheyenne we met, Marshal?"



"No," Dancer replied shortly. "I've never been in Cheyenne."

"I have," Oldham said calmly.

Yancey sized up the gambler. "Yeah, I seen you. Dealin' faro in French Jack's, wasn't you?"

"The time you got run out of town," Oldham finished.

Yancey scowled at Oldham and trotted off at a shuffling gait.

"Dirty bushwhacker," Oldham muttered.

"He thinks he knows me," Dancer said.

"Does he?"

"Yes. He can't remember from where." He paused a moment, then added, "It'll come to him."

"Run him out of town," Oldham suggested. "It'd be good work, too, for he's a sneak thief and cutthroat."

"He'd still remember."

"Oh, it's like that."

"He was at Lawrence."

Oldham whistled softly.

Either the voters of Lanyard had all voted by noon or Paul Hobson judged that enough votes had been cast to make it legal, for he announced that the polls were closed and that all the candidates on the slate had been elected.

An hour later Dancer got his first taste of what it meant to be a politician.

Walt Kerigan rode into town from his camp five miles out on the prairie. He sought out Paul Hobson, the newly elected mayor of Lanyard, and talked to him for ten minutes. Then the two men went to look for George Cummings, the marshal. They found him standing outside the barbershop.

"Cummings, this is Walter Kerigan who's got a herd of six thousand Longhorns south of town."

"We've met before," Dancer said quietly.

Kerigan exclaimed. "Of course, you're the Pleasanton man who killed Jim Dancer."

"That's right," Hobson said. "You were on the stage-coach with me that day." He nodded. "Cummings, those men you arrested this morning work for Kerigan."

"That's too bad."

The fat cattleman grunted. "I want you to turn 'em loose."

Dancer looked at Hobson. "That's not within my province, is it?"

"It's all right. The boys didn't really mean any harm."



They meant to kill me."

"Oh, say," expostulated Kerigan. "That's pretty strong. They came to town to have a little fun, that's all. You're making too much of this business."

"You've got a judge," Dancer said to Hobson. "If he says turn loose the prisoners, I'll turn them loose."

The mayor of Lanyard made an impatient gesture. "That won't be necessary, Cummings. I've vouched for Mr. Kerigan and it's all right to let his boys out."

Dancer said deliberately: "You told me the procedure was to deliver the prisoners to Judge Leach in the courtroom."

"Ordinarily, yes, but not this time."

"Oh, there are exceptions to the rule?"

Kerigan blustered. "Looks like your marshal doesn't know who's boss around here, Hobson."

Hobson flushed. "This is Cummings' first day on the job, Walter. You'll have to excuse him."

"I'll excuse him as soon as he lets my boys out of his calaboose."

"That'll be when the Judge says to let them out."

"Now look, Cummings," Hobson said ominously, "let's not have trouble right at the start."

"All right, let's not," Dancer replied. "So just get Judge Leach to tell me to let the prisoners go."

Angrily, Hobson turned away and strode to a narrow building between two saloons on which was a sign: *Chandler Leach, Lawyer*. He disappeared inside. Kerigan followed Hobson, but waited outside the building.

Dancer walked to the jail a block away. As he reached it he turned and saw Hobson, Kerigan and a tubby little man coming toward him. He waited in the doorway.

Chandler Leach, Justice of the Peace, was about five feet four inches tall and about two-thirds of that distance wide. He affected a goatee and a black slouch hat.

"Marshal Cummings," he snapped briskly as the trio came up, "what are the charges against these men?"

Dancer looked at Hobson. "What *are* the charges?"

"How should I know?" Hobson said testily.

"You told me to throw them out of your hotel."

"They weren't doing anything."

"Case dismissed," Judge Leach said. "Lack of evidence."

Dancer went into his office and unlocked the jail door. The man he had buffaloeed was on his feet with his friends. "You're free, boys," Dancer said to them.

They filed out of the jail, each man in turn giving Dancer a dirty look. Outside, they began complaining to Walter Kerigan.

"It's all right, boys," Kerigan soothed. "The marshal got a little uppity. You've had a long trip from Texas and you're entitled to a little fun. Go and enjoy yourselves."

Dancer came out. "Without your guns," he said.

"Are you crazy, Marshal?" Kerigan demanded. "A Texas man isn't dressed without his gun."

"Then he'll have to do his celebrating outside of Lanyard," Dancer said, "for I'm not going to permit the wearing of guns inside the town limits."

Hobson bared his teeth. "You're going too far, Cummings. There's no ordinance against carrying guns."

"I'm making a personal one," Dancer told him. "And I'm going to arrest every man who carries a gun."

"And I'll turn them loose," barked the justice of the peace.

"In that case," Dancer said calmly, "you can hold a new election for a town marshal."

He closed the door of the jail and walked away from the group. But before he had reached the Drovers Hotel Hobson caught up with him.

"Don't be a fool, Cummings," the mayor said. "You're making a mountain out of a molehill."

"I didn't ask for the job," Dancer replied. "You asked me to take it."

"I know," Hobson said, "and personally I agree with you about that gun-toting business. After what happened yesterday such an ordinance might be a good thing. I'll bring it up before the council."

Bert Slocum was cutting across the street from the land company office. Dancer saw him coming and stopped.

"What's the trouble?" Slocum asked before he reached the two men.

"Cummings has threatened to quit his job," Hobson said surlily.

"I haven't threatened—I've quit."

Slocum shot an angry glance at Hobson. "What's this about, Paul?"

"Just a misunderstanding, Bert. Cummings arrested some of Walter Kerigan's men and Kerigan got all hot and bothered so I asked Cummings to let the men go. He—uh—insisted he couldn't let them out without an order from Judge Leach."

"What was wrong with that?"

"Nothing." Hobson frowned. "But you know Kerigan. He brings four-five herds up the trail every year and, well, he's an important man. Bert, you know that as well as I."

"True, he spends a lot of money here and the railroad gets a lot of his business, but if we're going to have law, Paul, it's got to be the same law for everyone." Slocum clapped Dancer on the shoulder. "You were quite right, Marshal. Of course in the case of a man like Walter Kerigan, you *could* have taken the men before Judge Leach right away."

He smiled. "Is that all that this is about?"

Hobson hesitated. "He also thinks we ought to pass an ordinance against gun-toting within the town limits."

"An excellent idea. I was going to bring that up at the first meeting of the council. You saw what happened here a couple of days ago. Such a thing couldn't take place if we had such an ordinance and enforced it."

"You're right, Bert, I agree with you."

Slocum beamed at Dancer. "So it's all settled then, eh, Cummings."

Dancer shrugged. "We'll try it."

"Good. Paul, have you told him about tonight?"

"Clean forgot. There's a party tonight at the Masonic Hall, Cummings. Sort of celebration. We expect you to be there."

# 11

---

The Texas men began coming into town around noon, but Dancer, in view of the promise of a forthcoming ordinance prohibiting the wearing of firearms, decided to forego the disarming of the cowboys until he could do so legally.

There was some carousing during the afternoon, but no shooting. Some of the Texas men left town before dark, but their places were taken by others who had been riding herd during the day.

Dancer had his dinner at the China Cafe around seven and then went to his office in the jail building and got the shotgun. He left it with the clerk at the Drovers Hotel. The hotel was centrally located and if he needed the gun he could get it more quickly here than from the jail.

He made a leisurely tour of Main Street afterwards, going down one side of the street and returning on the other. He stopped in at two or three saloons and gambling halls and received the hostile stares of a few Texas men.

Dancer didn't like it; things were too quiet. At eight o'clock he stopped in at the hotel and found Paul Hobson freshly shaved and wearing his best Prince Albert.

"You're going to the party, aren't you, Cummings?" Hobson asked.

"I intend to look in."

"Make it before nine; we're going to have a little meeting and I'd like to get started before there's too much drinking."

Hobson left the hotel with Dancer and they walked a half block to a big frame building which had a wooden sign over the door: *Masonic Hall*. The front door was open and the interior brightly lighted. A small orchestra at the rear was tuning up its instruments. Fifteen or twenty people, including several women, were already inside.



"I'll see you later, then," Hobson said as he left Dancer at the door.

Dancer nodded and started down the street. As he was crossing to return on the other side he met Bert Slocum and his niece, Evelyn, just crossing to the side on which the Masonic Hall was situated.

"Evening, Marshal," the land company man greeted Dancer. His niece nodded.

"Good evening," Dancer responded. He finished crossing the street and looked in at the Panhandle Saloon. Two or three cowboys were having a warm argument with a bartender and Dancer lingered for awhile, but when the argument subsided he left.

As he came opposite the Masonic Hall, music came across the street, the lilting strains of "Sweet Betsy from Pike." Dancer stopped and listened for a moment, then crossed the street.

There was a small crowd standing outside the hall. All were well dressed which indicated that they were businessmen of the town. One or two greeted Dancer and he responded. The door was partly closed now so that he could get only a glimpse of the interior, but since it was already eight-thirty or later, he opened the door and stepped inside.

The room was a large one, with a staircase at the far end leading to the second floor. Just inside the front door was a plain table behind which sat a middle-aged man with flowing white mustaches. Behind him was a row of nails upon which hung revolvers and pistols of all sorts.

"Check your gun," he said to Dancer, then recognized him and grinned. "Guess we'll make an exception in your case. And you won't have to buy no ticket neither."

"I don't mind buying a ticket," Dancer said. "How much is it?"

"Dollar, but we can't take money from the marshal. Go in and dance." He winked. "Some mighty nice-looking womenfolks here."

Dancer had already seen one: Evelyn Slocum. She was dancing with a paunchy middle-aged man whose Prince Albert dragged below his knees. She was smiling but it was a forced smile.

The music stopped and Evelyn's escort said something to her and, walking off, left her in the middle of the floor. Evelyn shook her head and started for the side of the



room, then suddenly changed her course and came toward Dancer.

"Well, Mr. Cummings," she said as she came up. "What do you think of our society? They're all here—the best people of Lanyard."

"They're good people, I imagine," Dancer said.

"Until the men get liquored up." She nodded toward the staircase at the rear. "We're not supposed to know why the men keep going upstairs." She smiled. "Well, I'm keeping you from joining the procession."

He shook his head. "I don't."

"You don't—drink? A Southerner . . ."

"I'm not a Southerner."

She seemed surprised. "I wonder what made me think you were?"

At that moment the four-piece orchestra started playing and Evelyn looked at Dancer questioningly. For just a second Dancer stiffened, then he drew a deep breath.

"Are you engaged for this dance, Miss Slocum?" he asked hesitantly.

For answer she smiled and held up her arms. Dancer placed his right hand in the small of her back and took her right hand in his left. He started to lead her awkwardly. Fortunately the piece was a waltz and he could concentrate upon the steps, for it was ten years since he had danced.

They made a half circuit of the room without speaking, then Evelyn broke the silence. "You're an improvement over my last partner."

"Not much, I'm afraid. It's some time since I've danced."

"Well, you *are* a little stiff," Evelyn admitted. "It might help if you relaxed a little."

A fine film of perspiration was already covering Dancer's face. "Would you rather sit it out?" he asked.

"Oh, no, I'm enjoying the dance." She looked up at him. "Besides, I've wanted to talk to you ever since the—the other day. You say you're not a Southerner, Mr. Cummings. I was almost certain you were because I can't imagine a—well, a Northerner risking his life to help a woman. What made you do it?"

"I don't think I stopped to think of a reason."

"You acted instinctively?"

Dancer didn't like the trend of the conversation, but did not know how to change it, so remained silent. A little

frown of annoyance flitted across Evelyn Slocum's features.

"I understand you're not supposed to question a man about his past out here," she persisted, "but I'm curious about you, Mr. Cummings. Where *are* you from?"

"Hasn't your uncle told you about me?"

"Why, no," she said. "I asked him but he said he knew nothing about you."

Dancer was surprised. "He didn't tell you I was . . . a detective?"

She exclaimed. "A detective . . . !"

"That was my qualification for the marshal's job."

The music stopped and Dancer released her, but for a moment she stood with her arms half raised, frowning at him. "Is there some reason my uncle hasn't told me about you?"

"I can't think of any. I was a detective for Arthur Pleasanton." He paused to let that sink in, then added: "I'm the man who got Jim Dancer . . ."

She recoiled as suddenly as if he had slapped her. "You . . . you . . . *got* him? You mean Jim Dancer is *dead*?"

"Didn't you know?" Dancer asked tonelessly.

Around them the couples had left the floor, but Evelyn Slocum seemed not to have noticed. She stared at Dancer with burning intensity.

"I'm sorry," Dancer said stiffly. "Your uncle probably had a reason for not telling you."

Her lips parted a little and her tongue came out to moisten them. Her eyes remained wide open. Dancer bowed. "Thank you, Miss Slocum, for the dance."

He walked off, heading for the stairs at the rear. It wasn't until he was climbing them that he risked a quick glance back at the dance floor. Evelyn Slocum was walking to the side of the room, her legs carrying her stiffly as if she were an automaton.

Dancer swore under his breath.

"Ah, Cummings," Hobson called from the top of the stairs. "I was just coming down to see if you'd showed up. We're ready to start."

There was a little room at the top of the stairs where there was a table on which stood a half dozen bottles of various brands of whiskey. Several men were sampling them, but Hobson took Dancer beyond to another room.

Here were gathered around a table the rulers of Lan-  
yard. In addition to Leach, Justice of the Peace, there was

Kenneth Vedder, the prosecuting attorney, a lean consumptive-looking man in his early thirties and the members of the city council, Bertram Slocum, Carter Bullock, the banker, and Milo Meeker, who owned the biggest dry goods store in the town. With Hobson, the mayor, and Cummings, the marshal, they comprised the "elected" public officials.

Hobson introduced Cummings to those members of the council whom he had not yet met, then they seated themselves at the table.

"We might as well get right down to business," Slocum began, then, "Paul, as mayor of Lanyard, you have the chair."

Hobson pursed up his lips. "What'll it be first—money matters?"

Carter Bullock chortled, but found that his humor received no support and quickly sobered. "Money's always interesting," he said lamely.

"If you've got it," Vedder, the prosecuting attorney, said drily.

"We haven't," Slocum said testily. "A few of us have been digging down into our own pockets, but we've got a regular government now and I think we ought to make it self-supporting." He frowned at Vedder. "How much pay d'you figure you ought to have?"

"That depends on how much time I'll have to give to the job."

"I think you'll find that it'll take just about all of your time," Slocum said grimly. "I want Lanyard to be the kind of town where a respectable woman can walk down the street at any time of the day or evening without being in danger of her life, or—"

"Or dignity?" Vedder suggested.

Slocum scowled at the prosecuting attorney. "Or dignity!"

Hobson hastened to say, "A good town means business for all of us. Lanyard's the fastest growing town in Kansas. Another two years and it'll be a city."

"Danged near a city now," declared Judge Leach. "If you don't mind, I been doing a little thinking. I can make my office self-supporting."

"How do you figure that?" Slocum demanded.

"The fines. Marshal Cummings arrested six men this afternoon." He looked furtively at Paul Hobson. "I could

have fined those men ten dollars apiece for disorderly conduct."

"Which amount you expected to keep for yourself?" Slocum asked witheringly.

"That's the way they do it in a lot of towns," Leach said defensively. "The Justice of the Peace keeps the money he takes in."

"You'll get twenty-five per cent," Slocum snapped. He turned to Vedder. "And another twenty-five per cent goes to you. The other fifty goes to the town treasurer."

Kenneth Vedder smiled mockingly. "And who'll be the treasurer?"

"Bullock. He's used to handling money." Slocum took a slip of paper from a pocket, unfolded it and studied some notes. "Now there's taxes."

"Taxes!" exclaimed Vedder. "Isn't that a county matter?"

"We haven't got a county government. Lanyard's the county—except for Bruno, that wart on the prairie, up north. But we don't have to consider them. I'm in favor of taxing the businessmen of this town—"

And then Milo Meeker spoke his first now. "Wal, now, Mr. Slocum," he began.

"Yes?"

"Wal, I dunno, don't they usually tax the property owners afore they do the businessmen in a town?"

Slocum's eyes glowered angrily. "A man makes money off business, not land."

"Correction," interposed Vedder. "The first money around here is made by the land-owner who sells the property to the businessman."

Slocum fixed Vedder with a cold glance. "Seems to me you're making a lot of suggestions, Mr. Vedder."

"Oh, am I?" Vedder said, not at all abashed. "I apologize. I'll let some of you other gentlemen talk. What do you think, Mr. Bullock?"

"Oh, quite," said the banker of Lanyard. "I agree with Mr. Slocum. Don't you, Mr. Mayor?"

"What Mr. Slocum says makes sense to me," Hobson said. "It's the merchants of this town who'll get the benefit of the—ah—civic improvements and I, for one, expect to pay for them."

"Then it's agreed that we tax the businessmen of this town?" Slocum said.

"Objection!" cried Vedder.



Slocum banged the table with his fist. "What the hell are you objecting to, Vedder? You don't own any business."

"I'm objecting to what you objected a moment ago, Mr. Slocum," Vedder said coolly. "Too many suggestions by one man. I think we should have a vote."

"A vote on what?" Slocum demanded.

"Your *suggestion* of taxing the businessmen instead of the property owners."

Bertram Slocum leaned back in his chair and looked around at the faces around the table. "All right," he said finally. "What's your vote, Meeker?"

"How much would the tax be?" Meeker asked fidgeting.

"No more'n you could pay."

"I'd like to know how much. I paid quite a lot for my store building and I'd like to get it back."

"You'll get it."

Meeker still did not seem too certain. "Business has been all right so far, but you can't tell what it'll be like in winter when the herds stop coming to town."

"Taxes won't be as high in winter."

"How are you going to determine just how much a man's to pay—and when? Some businesses are bigger than others. And more profit in them. You take a saloon—or a gambling hall—it's nearly all profit. But I sell merchandise that costs a lot of money. My prices are low. . . ."

Slocum pounded the table again. "Let's not get into that or we'll be here all night. My idea is that the tax will depend on the size of a man's business, but we can thrash that out later. Let's just decide now who's going to be taxed—the businessman or the—the property owner. Mr. Vedder thinks we ought to vote on it. All right, let's vote right now."

"I vote that *both* the property owner and businessman should be taxed," Vedder said promptly, and received a glare from Slocum.

"Hobson?" snapped Slocum.

"The businessman."

"Meeker?"

Meeker swallowed hard. "I vote like Mr. Vedder."

"All right, what about you, Bullock?"

"I cast my vote with yours, Bert."

"That leaves the judge and the marshal."

Judge Leach cleared his throat. "I'm afraid, Mr. Slo-



cum, that I'll have to agree with Vedder. The property owner—"

"All right, you've said it," Slocum cut in. "That makes it three to three, with the marshal yet to vote."

"I know very little about city governments," Dancer said, "but what the prosecutor said seems to make sense—those who get the benefit of a government should pay for it and it strikes me that the property owner gets as much benefit as the businessman. . . ."

"Very well," Slocum conceded, "the majority votes that the property owner pays a tax along with the businessman. That takes care of the city finances. We'll work out the details later. Now, Marshal, you suggested a special ordinance prohibiting the carrying of guns in Lanyard. Suppose we passed such an ordinance? Do you think you could enforce it?"

"I could try."

"You can't be on duty day and night, though. I think you ought to have a deputy marshal."

Chandler Leach suddenly brightened. "A town this size really needs two law officers and three mightn't be a bad idea."

"Two ought to do it, for the time," Slocum said. "I propose that the council employ a deputy marshal to assist the marshal, at—say, a hundred dollars a month. And a percentage of the fees would only be fair, wouldn't it?"

Dancer saw that he was being penalized for having voted against Slocum on the other proposition and he could foretell the vote on the next issue: the more peace officers in the town, the more arrests, and cases brought before Judge Leach—at twenty-five per cent.

# 12

---

The vote was a unanimous one, for Dancer surprised the others by voting in favor of it. Kenneth Vedder hesitated over his own vote, but when Dancer announced his own decision, Vedder went along.

Two or three minor matters were brought up by Slocum and disposed of, then Slocum pushed back his chair. "I guess we've about covered everything now. Shall we join the ladies downstairs?"

They filed out of the room, but Vedder, catching Dancer's eye, held him back. Then, when the others had gone out, Vedder held out his hand.

"Didn't really get a chance to say hello before," the prosecutor said.

Dancer smiled. "Hello."

"I'm glad we're to be friends," Vedder said, "for it looks like you and I are going to be on the same side in a lot of things." He grinned. "We forgot to give a vote of thanks to the mayor for the way he conducted the meeting."

"The mayor?"

"Isn't Slocum the mayor?" Vedder asked innocently.

"Dancer chuckled. "Well, it's his town, isn't it?"

"That's why I thought he ought to pay for its upkeep," replied Vedder.

They left the room. Judge Leach was in the anteroom with a bottle tilted over his mouth, but the other members of the city council had gone downstairs.

Vedder indicated the liquor. "A snort, Marshal?"

Dancer shook his head.

"Guess I'll have a short one," Vedder said.

Dancer left him with his colleague, the judge, and proceeded on down the stairs. At the foot of the stairs he stopped and surveyed the dance floor. It was considerably more crowded than it had been before and it seemed to

Dancer that the character of some of the guests had changed.

He got it after a moment. Some Texas men had filtered in. Two or three were even dancing with the wives and daughters of businessmen. And the latter were not exactly showing approval. Several were gathered in one corner in a spirited huddle. Bert Slocum, one of the group, spied Dancer and started across the room.

Dancer, seeing him coming, tried to ease along the far side of the room, but was blocked by the dancers so that Slocum caught up to him.

"Look here, Cummings," Slocum said angrily, "I want you to get rid of these Texas men."

"Sure," replied Dancer, "if you'll point them out."

"I don't have to point them out," snapped Slocum. "You can pick them out by their clothes."

"Oh," said Dancer, "I get it. The ones wearing old clothes are Texas men." He suddenly reached into the dancers and caught hold of a man wearing a suit of rusty broadcloth. "Here, you, Mr. Slocum says to get out of here."

Slocum lunged forward and grabbed Dancer's arm. "Not him," he cried. "He owns the Lanyard Hardware Store. Excuse it, Chester. . . ." He stabbed his forefinger at a man in soiled Levis and high-heeled boots, who was dancing nearby. "There's one."

The cowboy saw Slocum's pointing finger and released his partner. "You pointin' at me?" he demanded truculently.

"Throw him out," Slocum ordered Dancer.

Dancer went up to the cowboy. "This is a private party, Mister."

"Who says so?"

"I do."

"And who the hell do you think you are?"

"I'm the man who's going to break your thick skull if you don't get out of here quietly," Dancer said.

The Texas man started to bluster but Dancer grabbed his arm and twisted it around behind the man's back in a savage hammerlock. He propelled the man through the dancers toward the door and was shoving him out of the hall when he heard pounding footsteps behind him. He released the man and whirling, faced three charging cowboys.

Dancer stepped quickly to one side and dropped his

hand to the butt of his gun. That brought up the cowboys, for they were all unarmed.

"Out," Dancer said coldly.

"It's a goddam Yankee trick," one of the men snarled. "We have to check our guns and they keep theirs."

"I'm the marshal," Dancer said. "There's a law against carrying guns in Lanyard."

"Since when?"

"Since ten minutes ago, when the city council passed it."

One of the cowboys suddenly winked at his friends. "Okay, we're leaving town now. Give us our guns." The last sentence was spoken to the white-mustached custodian of the checked guns.

Dancer blocked the table of the gun checker. "You'll get your guns tomorrow."

"We ain't comin' into town tomorrow."

"Then you'll have to wait until you do come in."

"Oh, yeah?" sneered one of the Texas men. He made a sudden lunge for Dancer—and reeled back as Dancer smashed him in the face with the barrel of his Navy gun.

"Now you go to jail," Dancer said.

The man at the door, the one whom Dancer had brought out from the dance floor, ducked outside. But the other three men were caught and Dancer herded them out of the Masonic Hall and up the street to the jail where he locked them in.

Leaving the jail he returned to the Masonic Hall, but found that whatever other Texas men had been there had left. And quite a few of the townspeople were leaving.

Dancer caught a glimpse of Evelyn Slocum, but she either did not see him or saw him and kept her eyes averted. He left the hall and walked down the street to the Eldorado, where he turned in.

The place was doing a land office business and Dancer saw Florence Peel herself presiding over a faro table. She did not see him as he approached the table.

"Place your bets, gentlemen," she was droning. "The house pays Number 7—eighty dollars to the man with the hat on."

She manipulated the cards in the box. "The king wins and the deuce loses."

She looked up then and met Dancer's eyes. "Are you playing, Marshal?" she asked mockingly.

"Not during working hours," he retorted.

"A drink on the house?"

"Yes."

She shoved the card case toward the house man beside her, and came around the table. Touching his arm lightly, she led the way through the crowds to the bar.

"Bourbon, Marshal?" she asked.

"Beer."

"You fight on beer?"

He grinned. "I do my best killing on water. I've just come from a meeting of the city council—that's why I need the beer."

"As bad as that?"

"You'll find out when you get your tax bill."

"What taxes?"

"City taxes. That's what the meeting was about." He shook his head. "You can't run a government without taxes, you know."

"Then let Bert Slocum pay taxes. He owns everything around here."

"Oh, he's going to pay taxes. We outvoted him on that—four to three."

"Who voted against him?"

"The prosecutor, the judge, Milo Meeker and myself."

Florence's lips curled contemptuously. "And Bullock and Hobson voted with him? . . . How much are these taxes going to be?"

"It wasn't decided. I have a hunch Slocum's going to decide that without bringing it up in another meeting."

"And then who's going to do the collecting?"

"Not the marshal of Lanyard. Oh—that reminds me, there's going to be an assistant marshal."

Dave Oldham came up and dropped his hand on Dancer's shoulder. "Evening, Marshal. How long are you supposed to be on duty?"

"Don't know's there are any special hours. Why?"

"Thought you'd be turning in by now."

"What's up?"

Oldham shook his head. "Nothing. Just thought you'd be tired along about now."

"Don't try being subtle, Dave," exclaimed Florence.

Oldham said in a low voice: "Just overheard something. They're getting together a crew to break some of their friends out of jail." He smiled and signaled to a bartender. The man brought a bottle of whiskey and a small glass. Oldham filled it and tossed off the whiskey in a single gulp.



"What's the difference, Marshal? The judge let six of them go this morning."

"I can't help that," Dancer said. "But you're right, I can't stay up all night. Think I'll turn in." He nodded to Florence, smiled at Oldham and left the bar.

He moved leisurely toward the door, but once through it, walked swiftly toward the Drovers Hotel. The pimply-faced night clerk was dozing in an armchair behind the desk and Dancer got his shotgun without awakening him.

Leaving the hotel he crossed the street and strode quickly toward the jail. By striking a couple of matches inside he found a lamp, which he lighted and by its light examined the front door. It was a sturdy one, made of planks two inches thick, and would withstand any assault less than a battering ram. But looking about the room Dancer saw only one window and that was on the side. The architect of the building had made an error there. If he locked the door on the inside, Dancer would be a prisoner himself—until the door was broken down and then the fighting would be at extremely close quarters.

He shook his head and stepped out of the jail. He walked to the edge of the building, noted the stairs going to the second floor and, returning to the front door, pulled it shut and locked it with the key.

Then he ran lightly up the stairs and unlocked the courtroom door. He stepped through the door and closed it to within two or three inches. He leaned the shotgun against the wall and seated himself beside it.

For a mob, the Texas men were pretty quiet. Dancer, his ears cocked, had expected to hear loud talking and shouting as they approached the jail building, but the first he was aware of their presence was when the doorknob was rattled down below.

A voice called: "Hey, Marshal, there's a man been hurt at the Texas bar."

There was of course no reply from inside the jail. Upstairs, Dancer got to his feet and picked up the shotgun.

Down below and around in front, a Texas man banged on the door with his fist. "Open up, Marshall!"

After that, wrangling began among the Texas men. Dancer swung open the courtroom door and stepped cautiously out upon the stair platform. Boots pounded and a man came running around the corner. He was headed for the rear of the building.

"Looking for something?" Dancer called down.

The man cried out and skidded to an abrupt halt. His eyes darted about on the ground for a moment before they turned upwards and picked out Dancer, who was silhouetted in the moonlight.

"It's the Marshal!" the Texas man cried out hoarsely.

By that time there was a rush from the front of the building. Eight or ten Texas men pounded around the corner of the building in a solid body and like their vanguard came to a halt and searched for the whereabouts of their enemy.

Dancer called down from the head of the stairs: "I've got a double-barreled scattergun here."

A man shouted, "We want those prisoners!"

Moonlight gleamed on a revolver down below. "Drop that gun!" a man cried.

"I've got my finger on the trigger," Dancer said calmly. "Even if you get me, half of you'll die."

The truth of that was apparent to the Texas men, for the range was not more than fifteen or sixteen feet. It was merely a matter of nerve and the men on the ground had seen his stand against Ben Slattery a few days ago when Dancer had gone against almost certain death.

A couple of the Texas men began edging backwards so that they could spring around the edge of the building for protection, but Dancer saw them move.

"Stand still," he warned.

He started down the staircase, taking each step with deliberate care. When he was halfway down so that he stood about six feet above the men, he stopped.

"All right now," he said, "start unloading your hardware."

From the middle of the street a cool voice called: "Do what he says!"

And they obeyed, nine Texas men who had been a mob only a few minutes ago. Dave Oldham moved forward from the gloom of the street with a derringer in his left hand and a full-sized six gun in his right.

Dancer came down the rest of the stairs then and, moving up beside Oldham, handed him the key to the jail. "Unlock the door, Dave."

A couple of minutes later the jail held an even dozen prisoners. At twenty-five per cent of ten dollars a head, Judge Chandler Leach would make a nice profit on his next day's work.

When the Texas men were locked up, Dancer and Old-

ham stepped out upon the street. "Thanks, Dave," Dancer said.

"I didn't do much," Oldham replied. "You had the situation well in hand before I showed up." He paused. "As a matter of fact, it was Florence who suggested I go and see if you'd really gone to sleep."

Dancer was silent for a moment. Then he said: "I'm going to bunk down here tonight."

"I'll keep you company."

"That won't be necessary. I doubt if they'll try anything else tonight."

Oldham hesitated, then nodded. He walked off into the night. Dancer watched him until he was out of sight, then locking the door of the jail, climbed up to the courtroom. He locked that door on the inside and stretching out on the floor, was asleep inside of two minutes.

# 13

---

Judge Chandler Leach, accompanied by the prosecutor, showed up in the courtroom a few minutes after eight.

"Hear you got some prisoners, Marshal," he said, with satisfaction in his tone.

"An even dozen."

The judge rubbed his hands together. "Fine, fine. Bring them up, please."

Dancer went down to the jail and unlocked the inner door. "All right, boys," he said, "the judge is ready for you."

The Texas men filed out sullenly. Out on the street a group of Lanyard residents had gathered and watched the prisoners climb up to the courtroom. They followed Dancer up the stairs.

Judge Leach surveyed the prisoners. "Well, Marshal, what's the charge?"

Dancer picked out the three men he had arrested first. "Disorderly conduct for these three."

Vedder said: "What'd they do?"

"They were at the dance last night and Mr. Slocum wanted me to throw them out. I asked them to leave and they—well, there was some argument. . . ."

"The charge is disorderly conduct and resisting arrest, Your Honor," Vedder said.

"Good, good!" exclaimed Judge Leach, then caught himself. "How do you plead—guilty or not guilty?"

The three men looked at each other, then all said, simultaneously, "Not guilty."

"Guilty!" snapped Judge Leach. "And you're fined twenty-five dollars each."

"You go to hell!" cried one of the Texas men.

"Twenty-five dollars for contempt of court," snapped Judge Leach. "That's fifty dollars for you and if you say another word it'll be another twenty-five."

The Texas man glared at Judge Leach, but swallowed hard. "I haven't got fifty dollars."

The three sentenced prisoners got together in a huddle and produced some money. "We got sixty-two dollars," one of them announced.

"Try again," the judge instructed.

This time the trio went into a huddle with the other nine men and the hundred dollars was raised. Judge Leach accepted it and thrust the money in a pocket. Then he nodded to Dancer.

"Next case."

Dancer indicated the nine men. "These men tried to break the other three out of jail."

"Jail breaking, eh? That's a serious charge. Guilty or not guilty?"

"Not guilty," cried a couple of the men.

Leach surveyed the prisoners coldly. "I find you guilty and fine you twenty-five dollars apiece."

Howls of rage went up and there was considerable calling of names, but when the contempt charges had all been slapped on, Leach was holding out for a total of four hundred dollars from the nine men.

They scraped together one hundred and eighty dollars of the amount. Judge Leach singled out four of the men, along with the three whose cases had been disposed of first. "You men can go; the others stay here until the fines are all paid."

Outside, boots pounded the stairs and Paul Hobson and Walter Kerigan came into the courtroom.

"Just a minute, Judge," cried Kerigan, "I've hired an attorney for these men—he'll be here in a minute."

"Too late: I've already sentenced them."

"You can unsentence them," roared Kerigan.

The judge pounded the table with his fist. "Mr. Kerigan, I must warn you, you're liable to be in contempt of court. I've already had to fine several of these men for that very thing—"

A stocky, middle-aged man came into the room. "Your Honor," he said, "I've been retained to defend these men. . . ."

"You're too late, Counsellor," said the judge. "But you're in time to advise Mr. Kerigan to make up the balance of the fines."

"I'll see you in hell first," roared Kerigan.



Leach pounded the table. "Fifty dollars for contempt of court!"

Kerigan began to sputter. "Why, you goddam two-bit imitation—"

"One hundred dollars!" thundered Judge Leach.

Kerigan's lawyer grabbed his arm. On the other side Paul Hobson took hold of him and between them they propelled Kerigan out of the courtroom, out upon the stairs. Then, after a couple of moments, Hobson returned, his face flushed.

"What's the total amount, Judge?" he asked.

"It was two-twenty and I fined him one hundred for contempt of court—three-twenty all told."

Hobson took out a large roll of bills and counted out the money.

"All right," Leach said to the prisoners, "you can all go now."

They left with a good deal of mumbling and muttering. As soon as the door was closed, Hobson strode to the judge's table. "Now look here, Leach, you've gone too far."

"Have I?" Leach asked grimly.

"Kerigan is the biggest cattleman in the Texas Panhandle," Hobson cried. "He's brought two herds to Lanyard already and he'll bring five a year—"

"Then it's a good thing he learns about law and order," Leach snapped.

Hobson whirled on Charles Vedder. "That twenty-five per cent stuff was a mistake. You two have cooked this up between you."

"Oh, no, we haven't," retorted Vedder. "This is the judge's own idea." He chuckled. "Although it's not a bad one, if you ask me. The town's cut is three hundred."

Hobson choked down more angry words and fled the courtroom.

The judge took out all the money he had collected in fines. "Six hundred dollars," he said gleefully. "Not bad, not bad. That's one hundred and fifty for me, the same for you, Prosecutor." He was sorting out the money. Vedder watched him in astonishment.

"Aren't you going to turn it over to the city?"

"What for? The agreement was twenty-five per cent to you and me, so why shouldn't we take it when we get it? And you, Marshal, you get three dollars per arrest. Here's

your thirty-six dollars. Keep up the good work and we'll make ourselves a nice little pile here."

"I think you'd better turn mine over to the city treasurer," Dancer said. "I'd prefer to collect it from him all at one time."

"That goes for me, Judge," Vedder said.

Leach shrugged. "Just as you say, but I'm taking mine now."

Dancer left the courtroom, but before he had reached the ground, Vedder was coming down the stairs after him.

"I'll walk with you, Marshal," Vedder called.

They walked side by side a moment, then Vedder said, "Well, what do you think of justice in Lanyard?"

"About the same as yesterday."

Vedder grinned. "Yes, but Leach is going to be on our side—he's so hungry for money he'll defy even Bert Slocum."

"Do you think Slocum will take it?"

"Slocum's in a pretty good spot. He owns the townsite and Lanyard is a hundred miles closer to Texas than any point on the railroad; that's a saving of ten days' travel with a herd, and the drovers will come here whether or not they like the town."

"Yes, but Slocum's money comes from selling business lots. And merchants do a better business if the town is wide open. So by tightening up Slocum hurts his own interests."

"That's the part I'm wondering about," Vedder said. "Slocum's got some angles I haven't figured out. I'm convinced that he owns the Drovers Hotel and most of the bank and he's got some sort of influence with the railroad."

"Are you guessing about that?" Dancer asked. "Or do you know?"

"Look at the map," Vedder replied. "The road was originally surveyed to go through Bruno, eight miles north of here, but suddenly the route was changed—the road made a neat little curve to run through Slocum's prairie lands. It cost the railroad quite a bit of money to do Slocum that little favor."

"Maybe Slocum owns part of the railroad?"

Vedder shook his head. "I don't think Slocum's that rich." Then he added, "Although he will be before Lanyard is much older."

At the China Cafe, Vedder left Dancer and the latter

entered and had his breakfast. Leaving the restaurant he went to the Drovers Hotel.

As he climbed the stairs to go to his room, a big man who had been sitting in the lobby, his face concealed by an open newspaper, folded the paper and followed.

Dancer unlocked his door on the second floor and, entering, closed it. He was starting to take off his coat when there was a light tap on the door.

"Yes?" Dancer called. He dropped his right hand down to the butt of his gun.

The door opened and the big man stepped into the room. He was well over six feet in height and weighed more than two hundred pounds. He wore a neat suit of heavy black serge.

Dancer stared at the man in utter astonishment.

"My name is Harrison," the big man said quickly. "Stanley Harrison."

Dancer stepped forward and gripped the big man's hand and at the same time reached past him with his free hand and closed the door.

"It's been a long time," Dancer said.

"So it has," Harrison replied. "I saw you last night at the Eldorado. I couldn't believe it was you because we were so sure that you were dead."

"I took the Pleasanton man's name."

"Isn't that risky?"

"It was the only thing I could do at the time. I even rode into the Kansas City office where Cummings wasn't known and resigned his job for him, so there wouldn't be so much mystery if he disappeared."

"Being marshal of a boom town isn't such a good way of disappearing."

"I was forced into this job." Dancer motioned to the chair. "Sit down."

Harrison seated himself on the chair and Dancer sat down on the edge of the bed. "Yancey's here in town," Dancer went on.

"Yancey?"

"He was with us for a few months."

"Oh, yes, I recall him now." The big man's nose wrinkled distastefully. "Scum!"

"He hasn't placed me yet."

Harrison looked at Dancer thoughtfully for a moment. "What about this marshal's job, Jim?"

"It's a strange story."

"Feel like telling it?"

"It goes back to Lawrence."

Harrison grimaced. "You had some trouble with Quantrell there, I seem to recall."

Dancer nodded. "There was a name on the list—Theodore Slocum. Yancey was dragging him out of the house by the heels and Slocum's daughter, a fourteen- or fifteen-year-old girl, was trying to help her father. Yancey slapped her around and I interfered. He ran off for Quantrell and came back with him—and Thrailkill and Todd. Quantrell ordered me to shoot Slocum. And—well, I did."

He was silent a moment and Harrison prodded gently: "I don't think any of us feel very proud about Lawrence."

"There's a little more to the story than that. Either Yancey or Quantrell called me by name and the girl never forgot it. About two years ago the Pleasanton Agency got on my trail. George Cummings followed me to the Northwest, to California and then Mexico and back here to Kansas. He was a good man and—he caught up with me."

"Pleasanton's a bloodhound," said Harrison. "He may get us all one day." His eyes narrowed suddenly. "You think this young Slocum girl got Pleasanton after you?"

"Yes. She spent twelve thousand dollars with Pleasanton, or her uncle did. He was in the Kansas City office when I came in to resign as George Cummings. His name is Bertram Slocum."

Harrison exclaimed. "The man who owns this town!" Then he whistled softly. "And he knows you as George Cummings, the former Pleasanton man!"

"Yes. Last night I danced with his niece, Theodore Slocum's daughter."

"She didn't recognize you?"

"It's nine years and she was only a child at the time. She remembers a name—Jim Dancer. . . ."

Harrison leaned back in his chair and studied Dancer thoughtfully. "But you're sitting on a keg of powder, Jim. She may suddenly remember you, or . . ." He snapped his fingers. "Yancey! You were only nineteen at Lawrence and you've changed a lot since then, but Yancey hasn't—he was over thirty then."

"I've thought of that."

Harrison's eyes narrowed. "Maybe I'll look up Yancey."

"You're not here with him?"

"Good lord, no!" There was disgust in Harrison's tone.

"You don't think we'd let a scurvy chicken thief like Yancey ride with us?"

"I didn't think so, but—well, what are you doing here in Lanyard?"

Harrison's mouth opened to reply, then suddenly he grinned. "How serious are you about this marshal business?"

Dancer was silent a moment. "I'm going to play it out, Cole."

"I wondered about that." Harrison exhaled heavily. "What have you been doing all these years, Jim?"

"You knew that I went to Mexico with Shelby?"

Harrison nodded. "Yes, but Maximilian was killed in '67. That's five years ago."

"There was a war over in Europe I got mixed up in. I got back about two years ago and since then I've been running. A man gets tired of that. Although I guess you know that as well as I do."

"Yes, Jim, but what else can we do? It's too late."

"Is it, Cole?"

"For us it is."

"Is that why you're here in Lanyard?"

"Do you remember Jesse?"

"Yes, although I knew Frank better. We're about the same age. I haven't seen either Frank or Jesse since '64. They stayed with Quantrell, you know, when you and I went south with Bloody Bill."

"Jesse was only sixteen then," said Harrison. He shook his head. "He's changed."

"You mean he really is the leader?"

"There's some difference of opinion about that. Frank has matured; he's got about as fine a brain as I've ever seen."

"Yours wasn't so bad."

Harrison smiled wryly. "Book stuff. Well, Frank's got that, too, but he's got more. I guess the reason they haven't got us yet is Frank. But Jesse; there's no man in the world like him."

"How do you mean?"

"Well, it's not that he's so very fast with a gun, although he's fast enough and Donny Pence could shoot rings around all of us, and Jesse hasn't got any more nerve than Clell Miller. It's just that he's—*desperate*. No one will ever take him alive."

"He's here, Cole?"



"N—no."

"Why are you here, the bank?"

"I don't think I'd better answer that one, Jim."

Dancer shook his head slowly. "Don't. . . ."

Harrison nodded. "I'd hate to think that you and I were looking at each other across guns. And Frank thinks a lot the way I do."

"Jesse?"

Harrison sobered. "You can't ever tell about him. If it wasn't for Frank he and I would have tangled long ago. Frank can handle him most of the time."

Cole Younger, alias Stanley Harrison, got to his feet. "We'd better not be seen together around town."

"You're staying awhile?"

"I thought I'd have a talk with Yancey. Oh, it won't be about you, Jim. I'm just going to put the fear of the Lord into him, that's all. He always was chicken-hearted." He held out his hand. "It's been good seeing you again."

"Good luck, Cole."

"The same to you." Cole Younger stepped to the door, but stopped with his hand on the knob. "I hope you can see it through." Then he opened the door and went out.

# 14

---

After Younger had gone, Dancer stretched himself out on the bed, but it was a long time before he slept and then it was only fitfully. Toward noon he got up and, stripping to the waist, washed himself in cold water.

A few minutes later he descended to the lobby. The place was deserted except for Paul Hobson, who was behind the desk.

"Cummings," exclaimed the hotel man, "I was just about to come up and see if you were in."

"Yes?"

"Mr. Slocum would like to have you step over to his office. He's got a man with him he thought would do for a deputy marshal."

"He hasn't wasted any time."

"Don't you think we need another man?"

"We may need a bigger jail," Dancer said as he went out.

He crossed the street to Bert Slocum's office. With Slocum was a lean young man of twenty-four or -five, who wore a gun on each hip. He had deep brown eyes, one of which had a slight cast. Jim Dancer thought him the most vicious-looking man he had ever seen—and he had seen many in his time.

"Ah, Marshal," exclaimed Slocum as Dancer entered, "I want you to shake hands with your new deputy—Johnny Tancred."

"H'arya, Cummings," said Tancred, although he made no move to extend his hand.

Dancer nodded shortly. "Hello, Tancred."

"Johnny left Abilene before he got my second letter," Slocum explained. "He came here expecting to have your job, Cummings." He coughed. "He's quite agreeable to being deputy, however. I've told him you'd split the fees."

"Hear you got twelve last night," said Tancred. "Not

bad, but we ought to get twice as many in a day—especially with that no gun-totin' ordinance." He winked. "That worked out fine in Abilene and Wichita. Towns're too tame now, though."

"We want a tame town here, Johnny."

"You'll get it."

"The quicker the better. All right, Cummings, I'll let you two get acquainted."

Taking that as a dismissal, Dancer and his new deputy left Slocum's office. Outside, Johnny said: "Guess we might as well start earning some of those fees, eh?"

"Go right ahead, Johnny."

Johnny Tancred grinned wickedly at Dancer. "Don't care much for me, do you?"

"Slocum hired you."

Tancred squinted at Dancer. "What'd you ever do, Cummings, outside of drowning Jim Dancer?"

"You and I are going to get along fine, Johnny," Dancer said.

"Look, Marshal," said Johnny Tancred, "I know this business. I've been doing it in other towns. It takes something that you don't find in Chicago—plain nerve, see? I'll show you what I mean."

Across the street two cowboys had come out of a saloon; both were wearing guns on their hips. Johnny Tancred started across the street and when he was a dozen feet from the men he whipped out both of his guns.

"All right, hombres!" he cried. "Reach!"

The hands of both men shot up into the air. Tancred stepped up to them. "There's a law against gun-totin' in this town," he sneered. "You're both under arrest."

He holstered his left gun, then stepped up to the cowboys and relieved each of his six gun, which he tossed away contemptuously. Then he struck one of the men in the face with the back of his hand. "When you get out of jail you can tell your friends that Johnny Tancred's running this town."

Dancer crossed over and handed Tancred the key to the jail. "Nice work, Johnny," he said. "Now you can lock them up."

"Sure, and they'll have company in a little while." He fired at the boot of one of the men, missing by about a half inch. "Get movin'!"

The Texas men started down the street, their hands still in the air. Johnny Tancred swaggered after them.

Dancer drew a deep breath and sought out the local print shop, where he learned that the printer, a man named Anderson, was about to issue the first edition of a weekly newspaper to be called the *Lanyard Lance*. Dancer ordered a dozen placards, to read:

The carrying of guns within the limits of this town is prohibited by a town ordinance. Please deposit all firearms at designated places immediately upon arriving in town. They can be retrieved when leaving.

Signed: CITY COUNCIL

Lanyard, Kansas

The printer promised the placards for that evening and Dancer began a tour of the saloons and gambling halls. In every place he told the proprietors of the new ordinance and asked them to accept the guns of the Texas men as they entered their places. There was some grumbling on the part of one or two of the saloonkeepers, but all agreed to act as gun repositories.

The job took Dancer almost two hours to complete and twice as he came out upon the street he saw Johnny Tancred heading for the jail with prisoners. His last port of call was the Eldorado, where he found Dave Oldham playing solitaire at a table.

"Sit down, Marshal," Oldham invited as Dancer came up to the table. "Tell me how you like your new deputy."

"I don't," replied Dancer, seating himself opposite the gambler.

"Do you have to keep him?"

"I've been wondering about that, Dave. Slocum figures he made a mistake making me the marshal and he hired Johnny Tancred to keep me in line."

"That's what I gathered. But just what could Slocum do if you refused to have Tancred?"

Dancer shrugged. "I'm not worried about that. I'm just wondering what Slocum's game is. He's certainly doing his best to antagonize both the cattlemen and the businessmen of the town."

"Maybe he just hates everybody."

"It goes further than that."

"He'd better not go much farther," said Oldham. "He's sold a lot of property here at pretty stiff prices. The buyers have got to make out on their investments or there's going to be hell to pay." Oldham began laying out

the cards for a new game of solitaire. "Did you know that there's a private railroad car on a siding at the depot? President of the M.K. and P., or maybe just the vice-president. Slocum spent most of the morning with him—" He broke off as two shots sounded on the street.

Dancer kicked back his chair and ran to the door. He sprang through, drawing his gun, and saw Johnny Tancred standing over a man in the middle of the street.

As Dancer approached, Tancred put his foot against the man on the ground and turned him over. Dancer needed but a glimpse of the staring eyes to know that the man was dead.

"He drew against me," Tancred said briefly.

"While you had your gun on him?"

"Sure. There's always some damn fool who doesn't know when the score's against him."

"How about you, Johnny? Do you know when the score's against you?" Dancer raised the muzzle of his Navy Colt to the level of the deputy's stomach.

Tancred stiffened. "What's the idea, Cummings?"

"You're through. I'm firing you, Johnny."

"You are like hell," retorted Tancred.

"Drop your gun, or try to beat my bullet, Johnny—like the Texas man tried to beat yours."

Out of the corner of his eye, Dancer could see Bertram Slocum striding toward them, but he continued to concentrate on Johnny Tancred.

"You can't fire me," still protested Tancred.

"Maybe not, but I can kill you," Dancer said grimly, "and I will if you don't drop that gun."

Tancred let the gun fall to the ground and then Bert Slocum reached them.

"What's going on here?" he cried.

"Cummings says I'm fired," Tancred said quickly.

Slocum fixed Dancer with a cold look. "You have no authority to do that, Cummings."

"You had no authority to hire Tancred," Dancer shot back at him.

Slocum's eyes blazed. "You know very well that the city council authorized the employment of a deputy—"

"I know," Dancer said grimly. "I voted for it myself. But nothing was said about *you* doing the hiring. You forget that *I* was elected marshal. I'll hire my own deputies."

"What's the matter—afraid I'll get your job?" Tancred



taunted. Then he appealed to Slocum. "I've arrested eighteen men in less than two hours."

"And you murdered one," Dancer added.

"I did like hell—he drew on me."

Slocum said "You killed a man the other day, Cummings."

"In a fair fight," Dancer retorted.

"I fail to see the difference," Slocum said. "Slattery drew on you and you beat him to the draw. This man drew against Tancred—"

"While Tancred had his gun on him. And Tancred drove him to it."

"What the hell do you mean?" Tancred cried. "He was violatin' a city ordinance and I told him he was under arrest, that's all."

"Just like you told eighteen men you've already arrested."

"Yes."

"All right," said Dancer. "I won't argue the point. But you don't work for me."

"Now look here, Cummings," exclaimed Slocum, "you're carrying things too far." He glared at Dancer a moment, then suddenly capitulated. He signaled to Tancred. "Johnny, I want to talk to you."

Tancred stooped to reach for the gun he had dropped, but Dancer kicked it away. "You'll carry no guns in Lanyard."

"I'll take custody of his guns," Slocum said quickly.

Johnny Tancred started to protest, but Slocum shook his head warningly. He picked up Tancred's gun, then drew the other from his holster.

"And now," Dancer added, "you can remove this body."

"What'll I do with it?" Tancred asked sullenly.

"That's your lookout."

Tancred was spared that, however. A couple of sullen-looking Texas men who had been listening to the proceedings from the doorway of the Eldorado came forward and relieved Tancred of his job. They loaded the dead man on a horse and rode out of Lanyard.

At Slocum's office the land company man found a man in the uniform of a trainman awaiting him with a note. It read: "Come and see me—now!"

Slocum thrust the note in his pocket. "I've got a new

job for you, Johnny," he said, "but I haven't time now to tell you about it. I'll be back in a half hour."

"I'm not going to hang around here a half hour without any guns," Johnny Tancred cried.

Slocum put the guns down on the desk. "The law's against wearing the guns, Johnny. Nothing says you can't sit inside here, *near* guns."

Johnny Tancred chuckled wickedly and Slocum left the office. He walked to the end of the street to the railroad depot and then another hundred yards to the siding where the private car was standing.

A trainman, who had a big bulge in his side coat pocket, was sitting on the little observation platform. "It's all right, Mr. Slocum," he said. "Mr. Lanyard is waiting for you."

Slocum pushed open the door and stepped into the car. The rear half was fitted out as a luxurious office, and Lanyard was seated behind a desk dictating to a secretary.

"Ah, Mr. Slocum," he said; then to his secretary, "I'll be occupied for awhile."

The man got up and went into the other section of the car. Lanyard reseated himself, took a fresh cigar from a humidor and took some time biting off the end and lighting it. Slocum, meanwhile, seated himself on a sofa and waited for the railroad man to speak.

# 15

---

Lanyard took a couple of puffs on his cigar. Then he finally said: "All right, Slocum, lay your cards on the table."

"I haven't got any cards," Slocum replied calmly.

"No?"

Slocum shrugged and made no further reply. Lanyard took three or four puffs on his cigar. "You hired a notorious killer as a deputy marshal this morning. I understand he's arrested over a score of men in the last two hours."

"Something like that, Lanyard. And a few minutes ago he killed a man who resisted arrest. However, he isn't working for the town any more; the marshal fired him."

"Good!" snapped Lanyard. "But you should never have hired the man in the first place."

"What else is on your mind, Lanyard?" Slocum asked.

The railroad man looked narrowly at Slocum a moment, then he grunted. "I said, put your cards on the table."

"And I told you I haven't got any cards," Slocum retorted. "But maybe you've got some."

"I have, Slocum. I've got a half interest in the town of Lanyard."

"What did you pay for it?" Slocum asked insolently.

"Seven miles of a railroad."

"And how much freight has this town given your railroad in two months?"

"Quite a lot—but it would have had the same amount if the railroad had gone through Bruno. But stop beating about the bush, Slocum. If this is a showdown, let's have it."

"*You're* making the showdown, Lanyard."

"All right, so I am."

Slocum nodded. "What were the terms of our deal?"

"I don't think you've forgotten, but I'll remind you. I

built the railroad here, instead of through Bruno and for that I was to cut in for one half of all the money you made out of this town."

"That's right, Lanyard—and haven't you gotten your half? It seems to me that I've paid you something like ninety-five thousand dollars in less than sixty days."

"I haven't complained about that part of it."

"Then what do you want?"

"I want half of *everything* you've got here."

"Correction, Lanyard. The deal was for you to get half of whatever money comes out of the town."

"What's the difference?"

"The townsite measures a mile by a mile."

"I still don't see your point. The town, including the railroad right of way and the loading pens, doesn't take up the entire townsite. Even if it grows it'll be some time before the mile is built up."

"That's right, Lanyard."

"Then what are you quibbling about?"

"I'm not quibbling; you are."

"You've got something up your sleeve," Lanyard said, screwing up his face.

"Uh-uh," said Slocum. "You can come down and look at the books anytime. I've sold town lots to the amount of one hundred and ninety thousand dollars. There are roughly three hundred lots left in the townsite."

"What about our interest in the hotel and bank?"

"You'll get your share, but it'll be awhile before there are any profits from them." Slocum hesitated a moment. "I'll tell you what, Lanyard, if you're dissatisfied, I'll buy you out. . . ."

"Not a chance!"

"Then how would you like to buy me out?"

Lanyard exclaimed in surprise. "What?"

"I'll sell you half interest in the townsite, the hotel and the bank."

"For how much?"

"Make me an offer."

Lanyard looked at Slocum narrowly. "Seventy-five thousand?"

"Why not make it ninety-five—the amount you've taken out so far?"

Lanyard pushed back his chair and came to his feet. He walked around his desk and looked down at Slocum. "You'll pull out of here?"

"I didn't say that."

"What would be the point your hanging around if you sold out your interest?" Lanyard asked musingly. "All you'd have left is some prairie land . . ." His eyes suddenly widened. "Just how much prairie land *have* you got?"

"Quite a lot." Slocum smiled like a wolf about to devour a jack rabbit. "I had twelve thousand acres to begin with."

"And the townsite occupies only six hundred and forty acres. That leaves you more than eleven thousand—"

"Oh, no, it leaves me about twenty-one thousand. You see, I spent most of my ninety-five thousand for more land. Along the right of way. Cost me quite a bit of money—some of it four dollars an acre."

"You've got twenty-one thousand acres of land—along our right of way?"

"A mile and a half on each side of your track, for about fourteen miles. The townsite is right in the middle of that land."

"In other words you've got the town surrounded?"

"That's what it looks like on the map."

"And anyone who wants to get to the town would have to cross your property?"

"Unless he came by train; I deeded a strip ninety feet wide to your railroad, you'll remember."

"It's still a blockade; we need those ninety feet for trackage." Lanyard leaned back against the edge of his desk and chewed the cigar that had gone cold in his mouth. "So you've had an ace in the hole all the time!"

"An ace in the hole is a good thing to have."

Lanyard's face was suddenly very pale. His tongue came out and licked his lips. "It rather looks as if your ace wins the pot, Slocum."

"I don't see any stronger hands, do you?"

Lanyard shook his head slowly. "What are you going to do?"

"Why, we were talking about freight awhile ago, Charlie," Slocum said genially. "According to my figures close to one hundred thousand head of cattle have been shipped from here since the railroad came. There are about that many head out on the range now, grazing on *my* land and the way the herds are coming in, I wouldn't be a bit surprised if another half million head are shipped from here by the first of November."



"I'm not arguing the figures, Slocum," Lanyard said tightly.

Slocum nodded. "I've given the railroad a lot of freight business. Don't you think the railroad ought to give me a commission?"

Lanyard swallowed hard. "How much?"

"I thought about a dollar a steer."

Lanyard cried out hoarsely, "You're mad, Slocum!"

"Oh, I don't think so."

"My brother-in-law would never stand for it."

"You sold him on swinging the road south of the original survey."

"And I had a hard time doing it. It cost a quarter million dollars."

"Of the stockholders' money."

"Harley Nelson is the principal stockholder, a fact of which you're undoubtedly quite aware."

"Yes, he owns about twenty-five per cent and you've got ten—only your stock is pledged to a couple of St. Louis and Chicago banks because of the beating you took in the New York Central."

Slocum regarded Lanyard steadily for a moment. "As you said awhile ago, Charlie, I've got you blockaded—not a head of cattle will go into your loading pens unless I let them." He paused. "But if I raise the blockade the cattle will have to cross the townsite of Lanyard . . . and the original agreement is that we split share and share on what comes out of that."

Lanyard grabbed at the lifeline. "You mean . . . ?"

"Get the road to pay that dollar-a-head commission and we split fifty-fifty."

Lanyard widened his eyes and began to breathe a little faster. "Fifty-fifty . . . straight down the line?"

"A quarter million dollars apiece . . . inside of four months!"

Lanyard whistled softly and Slocum drove in the last nail. "More than enough to redeem your stock in the M.K. and P."

Lanyard straightened from leaning against the desk and took a quick turn up and down the private car. Then he suddenly stopped and faced Slocum.

"I'm going to have trouble with Harley over this."

"A man can stand a lot of trouble for a quarter million dollars."

"I know—I need the money. Harley's pretty tough, but so is his wife—my sister. I *might* swing it."

"Why don't you tell him the truth? That a dirty dog named Bert Slocum's got the railroad over a barrel." He chuckled. "Although I don't think you'll want to tell him that you're the dirty dog's partner."

After Slocum was gone, Lanyard sat at his desk staring out of the window. His secretary came into the room and seeing that Lanyard was in deep thought tiptoed out again. But after a time Lanyard struck a bell on his desk and the secretary re-entered.

"Russell," Lanyard said, "I need a man to solve an important business problem and I find that I don't know how to go about getting the right man for the job."

"What is the business problem, sir?"

"I want to rob a bank."

The secretary gave a start of surprise. "I beg your pardon!"

"I'm serious, Russell. A pipsqueak who's suddenly gotten too much money is trying to destroy me and the only way I can stop him is to take away some of his money. He keeps it in a bank, where he can get at it quickly. I don't want his money myself, but I want it removed from this man's reach. Now, the problem is to find a man who can remove it."

"I'm afraid that's a rather large order, sir," said the secretary.

"Aren't you from Missouri, Russell? I thought that's where all the bank robbers come from."

"As a matter of fact, sir," said Russell slowly, "my home is at Independence. . . ."

"Independence!" exclaimed Lanyard. "Isn't that the home of . . ."

Russell cleared his throat. "As a matter of fact, sir, I—I have a cousin—a distant cousin, who . . ."

A gleam came into Lanyard's eyes. "As a matter of fact," he said, slowly, "I've been thinking of visiting Independence. You, ah, might happen to run into this cousin—the distant cousin. . . ."

Mounted on the horse he had bought his first day in Lan-  
yard, Jim Dancer rode beside Dave Oldham, who was as-  
tride a rented gelding. On the right of them was a herd of  
at least fifteen hundred Longhorns, grazing on the rich  
buffalo grass. Off to the left was an even larger herd and  
straight ahead, the prairie was dotted with cattle.

"You wouldn't think people could eat that much beef,"  
Oldham said.

"There are a lot of people in the East," Dancer replied,  
"and beef is cheap." He pointed straight ahead. "There's a  
sodhouse up there."

"Could be the place we're looking for."

They put their horses into a canter and passed through  
the herd of Longhorns. The sodhouse seemed to be about  
a half mile beyond and, once through the herd, Dancer  
and Oldham picked up a rutted wagon trail.

They rode at a trot to within four hundred yards of the  
house, then Dancer pulled up his horse. "That's a barbed  
wire fence around the place," he said to Oldham.

"Why would anyone want to fence in a place like that?"  
Oldham asked, in surprise.

"To keep out the cattle—maybe. . . ."

A sharp whining sound penetrated Dancer's ears. He  
was already flattened down behind his horse's head when  
the boom of a rifle came over.

He looked sideways at Dave Oldham, who sat erect in  
his saddle, his revolver in his hand. "Careful, Dave!" he  
cautioned.

"That was only a warning shot," Oldham said. "Seems  
like they don't want visitors. What do we do?"

Dancer sat up. "We can't charge because he'd pick us  
off with that rifle before we got in revolver range."

"Then we go back to town?"

"I'd rather ride back than be carried back."

But even as Dancer said that a man came out of the sodhouse and vaulted into the saddle of a horse that stood inside the fence. He rode toward a gate, leaned over and unfastened it, then sent the horse through the gate and putting it into a gallop came toward Dancer and Oldham.

"Oh-oh," said Dancer.

He drew his Navy Colt, holding it carelessly across the pommel of his saddle. Near him, Oldham suddenly exclaimed: "That isn't a man!"

Dancer had already discerned that. "I know. It's—Evelyn Slocum. . . ." He holstered his gun.

Evelyn Slocum, wearing boots, Levis, flannel shirt and black, flat-crowned Stetson, pulled up her horse, a spirited young filly. "I recognized you through the glass," she exclaimed. "I'm sorry about that shooting."

"You did it?" Dancer asked.

She shook her head. "No, it was Bill Harmer."

"Who's Bill Harmer?"

"A former buffalo hunter who works for Uncle Bert. He lives there."

Dancer and Oldham exchanged glances. She caught the look and laughed. "My horse threw a shoe and Bill offered to nail it on. Uncle Bert couldn't wait, so he and Johnny rode on."

"Johnny?" Oldham asked.

"Johnny Tancred. He works for Uncle Bert, you know."

"I hadn't known," Dancer said. "I thought he'd left town."

"Oh, he has: he works out on the ranch."

Dancer nodded toward the sodhouse. "Is that the ranch?"

Evelyn half turned. "Oh, no, that's just a sort of storehouse."

"Must be storing something valuable," Dave Oldham observed, "if the caretaker shoots at anybody comes close."

"I'm sorry about that," Evelyn said. "I had no idea what he was going to do until he fired." A frown creased her forehead. "Isn't it rather unusual for you to be riding out here?"

"Just getting a little exercise," Dancer replied.

Oldham gathered up his reins. "We rode out farther than I expected to. Do you mind, George? I've got to get back."

"Not at all."

Oldham nodded to Evelyn and Dancer, turned his horse and put it into a swift trot, in the general direction of Lanyard, five miles away. Dancer knew that Oldham was in no hurry to get back to town; he was merely riding ahead because he thought that Dancer wanted to be alone with Evelyn Slocum.

And that was one thing that Dancer did not want. Or thought he did not want.

Evelyn fell in beside Dancer and they began to ride easily. For a moment they rode in silence, then to make conversation, Dancer said: "I didn't know Mr. Slocum was going in for ranching."

"He's got all this land," Evelyn said, "he thought he might as well get some use out of it."

"That was quite a shipment of barbed wire that came out this way, a few days ago."

Evelyn started to nod, then suddenly looked sharply at Dancer. "Aren't you unusually, well, *concerned* about my uncle's activities?"

Dancer shrugged. "There's been a lot of talk that he's fencing the range."

"What if he is?" exclaimed Evelyn. "It's *his* land."

Dancer nodded. "So it is, but you see, your uncle made the town and he brought the trail herds to Lanyard. He sold a lot of townsites to people who depend on those herds. They're a little nervous now that fencing in this grazing land will interfere with the herds."

Evelyn showed sudden relief. "They've got nothing to worry about. Uncle isn't fencing in *that* much land."

"I hope not."

"But why should *you* be worried?"

"I'm not."

"Isn't that why you rode out here?"

Dancer nodded reluctant assent. "Yes."

"Well, now you know."

"I know your uncle's fencing in some land," Dancer said. "I don't know why he has an armed guard to shoot at anyone who comes in rifle range. And I don't know why your uncle has hired a man like Johnny Tancred."

Evelyn's color was several shades deeper than normal and her eyes were blazing. "What's the difference between a man like Johnny Tancred and you? You're both—killers!"

Dancer jerked his horse to an abrupt halt. For a mo-



ment he stared at the girl. Then he exhaled slowly. "I'm sorry," he said and raked the horse's flanks with his spurs.

The animal leaped forward and went into a gallop. Dancer let it run for awhile, but had to slacken speed as he passed through a herd of cattle. Through the herd, he saw Dave Oldham, jogging along a few hundred yards ahead.

He put his horse into a gallop again and Oldham stopped his horse when he heard the drumming of hoofs. The gambler looked at him sharply as he came up, but as Dancer glowered at him, he made no comment. Not for a half mile.

Then Oldham said, with a ghost of a smile playing about his lips, "Maybe I shouldn't have gone ahead."

By that time Dancer was in better humor. He grinned wryly: "I guess it was kind of a dirty trick to pump her about her uncle."

"Just the same," said Oldham, sobering, "there's something awfully fishy about Bert Slocum. Aside from Johnny Tancred, have you noticed some of the people that've been coming into town, staying a few hours then riding out this way?"

"They've been quite a few salty-looking lads lately," Dancer admitted, "but I haven't paid much attention to the direction in which they've been riding." He paused a moment. "You think Slocum's hiring a crew of gun fighters?"

Oldham shrugged. "That sodhouse couldn't hold a half car of barbed wire, let alone six full cars."

"The wire goes farther?"

Oldham nodded. "I'd say the lad with the rifle is stationed at the sodhouse to discourage anyone from *going* any further." Then he added: "And I notice, Slocum's niece didn't get past the sodhouse, either."

"She said her horse threw a shoe."

"That's what she *said*," Oldham agreed, although the emphasis on the word "said" was not lost on Dancer.

They rode into Lanyard and returned their mounts to the livery stable. Then Oldham went to the Eldorado and Dancer walked to the jail, over which a middle-aged ex-mule skinner, named Romeike, now presided. Dancer paid him fifty dollars a month, out of his own pocket. In the jail proper, a man named Chadwick was serving out thirty days because of his refusal to pay a twenty-five-dollar fine for disorderly conduct.

"Hello, Marshal," the jailer greeted Dancer. "There was a fella here lookin' for you."

"Who?"

Romeike scratched his head. "He gave his name, but doggone if I can recollect it now. Harper, or something like that."

"I don't know anyone by the name of Harper. What'd he look like?"

"Tall, pretty well set up. Black whiskers. Seemed anxious to talk to you. Stranger around here. Leastwise, I never saw him before."

Dancer nodded and started to leave, but with his hand on the door, turned. "The name couldn't have been Travers?"

"That's it!" exclaimed the jailer. "Travers. And I remember now, he said he'd be staying at the Drovers Hotel."

Dancer left the jail and walked down the street. He was nearing the Eldorado when he saw the tall figure of Captain Travers of the Pleasanton Agency come out of the barbershop. The detective recognized him at a distance, but waited until Dancer had come up before speaking. Then he held out his hand.

"Hello, Marshal," he said, in a conversational tone. "How are you?"

"Good enough," Dancer replied. "And you?"

"Couldn't be better. Like to buy you a drink."

Dancer nodded toward the Eldorado. "Here's a good place."

They entered the saloon and Dancer headed for the bar, but Travers touched his arm. "Could we have it at a table?"

"Of course."

It was midafternoon and there were only a few patrons in the place. Oldham was watching a desultory poker game in the far corner, but Dancer was sure that he had spotted him coming in.

He signaled the bartender and led Travers to a table, at the near side of the room. They seated themselves.

"Been reading about you," Travers said, as he rested his elbows on the table and leaned forward. "There was a piece in the Kansas City paper last week that said you'd tamed this town."

"It's a job of work," Dancer said indifferently.

The bartender came up. "What will you drink, Cummings?" Travers asked.

"Beer."

"Make it two, bartender."

Travers leaned back and surveyed the room until the bartender brought the beer. Then he raised his glass.

"Howl!"

He drank about half of his beer, although Dancer barely wet his lips on the glass. Travers set down his glass and smiled. "You should have left a forwarding address, Cummings," he said.

"I didn't have any, not for quite awhile."

"So we discovered, when our mail came back from your old Chicago address."

Dancer raised his glass and drank beer slowly. It was coming now, and Dancer had to guess at the right answer.

"Your brother was quite worried about you," Travers said.

Dancer said, "My brother?"

There was a shade of hesitation before Travers replied and Dancer knew that he had guessed correctly. "Why, yes," Travers said.

Dancer shook his head. "I haven't got a brother."

Travers looked at him in surprise. "Why, I'm sure the chief said it was your brother. . . ."

Dancer nodded. "Probably. That's why I didn't leave an address."

Travers exclaimed. "You don't mean . . ."

"I guess even Dancer had friends."

Travers leaned back in his chair and regarded Dancer steadily. "The chief thought that might be a possibility. But after I sent him that piece from the Kansas City paper—well, he wondered if you'd use your right name out here." He half smiled. "It's outlaw country, you know, and Dancer's friends—"

"I think a couple of them have looked me over."

"Lately?"

"About a month ago."

Travers frowned. "We've got a lot of men devoting their full time to Jesse's outfit. We came pretty close in Omaha, a couple of weeks ago."

"Just a little late, though."

"As usual." Travers sighed. "Mr. Pleasanton said you could name your own salary to come back."

Dancer shook his head. "I'm afraid not."

"What difference is there, whether you work for the agency, or work as a marshal?"

"I sleep in a bed here."

"And you're a walking target. The average life of a peace marshal is pretty short. Yes, I know, you've tamed this town, but Tom Smith tamed Abilene and he was dead in three months."

"A man's got to play out his hand," Dancer said, doggedly.

"But he can draw new cards."

"No," said Dancer, "whatever's going to happen is going to happen here."

Captain Travers drank the last of his beer. "The chief's coming down to Kansas City; you'll go in and talk to him?"

"I haven't got anything to talk to him about."

Poorly suppressed rage began to darken the detective's face. "There's no chance of you changing your mind?"

"None whatever."

Captain Travers pushed back his chair and got to his feet. "Good-bye, Cummings," he said angrily and stalked off.

Dancer remained seated at the table and after awhile Dave Oldham came over. "An old acquaintance, Jim?"

"Captain Travers of the Pleasanton Detective Agency."

Oldham whistled softly.

"Pleasanton sent him out from Kansas City. George Cummings disappeared a little too completely."

"Disappeared? They were able to find you."

"Most people have relatives somewhere. Although I know one relative Cummings didn't have. A brother." Dancer traced a design on the table top with his finger. "Captain Travers was very cute about it." A frown flitted across his features. "Or maybe he wasn't cute."

"Another month," Oldham said, "and there won't be a Texas man in town. Half the business places in Lanyard will board up their windows until next year. I'm thinking of going to New Orleans for the winter."

"The Eldorado'll close?"

"No point keeping it open for just the townspeople. Besides—Florence has been talking about selling."

Dancer looked up in surprise. "I thought the place was doing well?"

"It is—too well, perhaps. That may be the trouble. Some nights she doesn't even come out of her office."

"Why not?"

"She's lost interest. Or maybe her heart isn't in it."

Dancer looked steadily at his friend. "You're in love with her, Dave?"

Oldham looked at his lean, flexible hands. "I'm a gambler, Jim. Florence is the daughter of a gambler?"

"And for that reason she wouldn't marry a gambler?"



"I mean," Oldham said evenly, "Florence isn't in love with me."

Dancer, looking past Oldham, saw the door of Florence's office open and Florence come out. His eyes on her, he said to Oldham: "How do you know, Dave?"

Oldham, who saw that Dancer's eyes were focused on the office in the rear, pulled out a chair and seated himself across from Dancer. He took a pack of cards from his pocket and began to manipulate them.

Dancer watched the gambler a moment; then, looking up, caught Florence watching him from across the room. He got up, looked down at Oldham a moment; then circling a table, bore down on Florence Peel.

She stood in the doorway of her office, watching him approach. As he came up, she said, "Afternoon, Marshal; haven't seen you around much, lately?"

"I'm here, now."

"So I see."

Dancer looked about the sparsely populated gambling hall. "Things are pretty quiet this afternoon."

"Yes."

"Has business fallen off lately?"

"Some; why?"

"I was thinking that the herds haven't been coming in so fast lately. Another month and there won't be any."

"They'll come again in the spring."

"I know, but there won't be much doing in Lanyard during the winter."

"And Dave told you that I might close up for the winter? Is that what you're getting at, in a roundabout sort of a way?"

Dancer winced a little because of his bungling. "He mentioned that he might go to New Orleans."

She looked at him steadily for a moment then turned and walked into her office. When she reached the middle of it, she stopped and turning about, signaled with her head.

"Come in!"

He went into the room.

"Close the door," she said.

He swung it shut and stood with his back against it.

"All right, Jim," Florence said. "You asked for it."

"No," he said quickly.

"You wanted to know if I was going to New Orleans, with Dave?"

"I said Dave thought he might go there."

"I'm closing the Eldorado for the winter. I might even sell it. But I'm not going to New Orleans."

Her greenish eyes were on his so intently that he had to drop his own. He cleared his throat awkwardly and tried to say something, but did not know what to say. And Florence, the dam having burst within her, could not stop.

"Don't you know there's only one man with whom I'd go to New Orleans—or anywhere he wanted me to go?"

And still he could not speak.

Florence went on, poignantly. "You're blind, Jim, or you're a fool."

"Yes," he admitted, tautly.

"Yes, what?" she cried harshly. "Yes, you're a fool? She won't have you, Jim. She won't have you even as George Cummings and if she knew you were Jim Dancer, she'd cross the street to keep from passing near you."

"I know that even better than you, Florence," Dancer said, tonelessly. "You see, it was her money that put the Pleasanton Agency on the trail of Jim Dancer."

"What?"

"She paid twelve thousand dollars to get—*me!*"

Florence was shocked out of her bitterness. She came toward Dancer and looked up into his face. "Why? Why should she do *that*?"

"Because I killed her father."

A low cry was torn from Florence's throat. Her hand reached out and involuntarily gripped Dancer's arm. "I don't believe it. You—you're not that sort of a man."

"I was in August '63."

"But that was during the war!"

"What Jennison and Anthony did in Independence was war; what Jim Lane forced Ewing and Plumb to do in Clay and Jackson Counties, that, too, was war. But *they* won the war and we didn't. So what we did in Lawrence—" he made an impatient gesture—"that wasn't war."

Florence let go of his arm and retreating to a chair, sat down heavily. "And she's lived with the hatred of a man named Jim Dancer for all of these years?" She shook her head and a tear splashed her hand. "And I've been feeling sorry for myself."

"Don't, Florence," he said, "don't feel anything—for me."

She laughed bitterly. "There's not much pattern to it, is

there? Dave and me and—you. Maybe I'll go to New Orleans, after all."

Dancer opened the door and looked back at her. Her eyes met his. "And maybe," she said, "I'll go to hell."

He closed the door softly on her and went through the saloon. As he passed near Dave Oldham's table, the gambler looked up from a game of solitaire he had started. He looked at Jim Dancer and looked through him!

Dancer walked out of the Eldorado and walked up the street to the Drovers Hotel.

He entered and Paul Hobson picked up an envelope from the desk.

"Cummings, here's a letter for you. From Bert Slocum." He handed the envelope to Dancer. "Leastwise," he added, "I suppose it's from Bert. His niece left it here a few minutes ago."

"Thanks," said Dancer, and climbed the stairs to his room.

Inside he closed the door and looked at the envelope Hobson had given him. His name was scrawled on the face of it. He stretched out on the narrow cot and putting his thumb under the flap, tore open the envelope. But even then he waited a moment before unfolding the note.

At last he opened it.

Mr. Cummings:

Won't you come to dinner this evening, so that I can apologize for this afternoon? Unless I hear from you otherwise, we shall expect you at seven.

Evelyn Slocum

Dancer re-read the note, then returned it to the envelope. After awhile he got up from the bed and, finding a pencil and some paper, wrote a note:

Dear Miss Slocum:

Thank you for your kind invitation. I would like to accept but my duties will not permit.

Sincerely,  
George Cummings

Two minutes after writing the note he tore it to shreds. He left his room and, going out, stopped in at the barber-shop where he had a shave and haircut. Then he returned to the hotel and in the lobby wrote a duplicate of the let-

ter he had torn up; only this time he wrote it with pen and ink.

He went so far as to locate a colored boy who worked as a swamper in a saloon, to deliver the message, but even as he put it in the boy's hand, he changed his mind.

And at a quarter to seven he rode his horse out of the livery stable and started for the home of Bertram Slocum.

It was a big two-story frame house, the most imposing in Lanyard, as was to be expected of its foremost citizen. The house was located on the main road, leading west of town, approximately three-eighths of a mile from the center of Main Street.

As Dancer rode up, a man came around from the side of the house and took the reins from Dancer's hand. And then Bertram Slocum appeared on the veranda of the house.

"Good evening, Marshal," he said heartily. "I understand you're having dinner with us."

"Yes," said Dancer. He climbed the short flight of steps to the veranda.

"Dinner's almost ready," said Slocum, "but suppose we have a drink before we sit down?"

He held open the door for Dancer to enter. The latter stepped into the living room which was furnished like an eastern room. Beyond the living room was the dining room, where a colored maid was setting out plates.

In the living room, Slocum poured out whiskey into small glasses and filled a couple of tumblers with water. Slocum winked. "You can't buy stuff like this in town."

To Dancer, who was not a drinking man, it tasted no different than the other occasional drinks he had been forced to drink at one time or another. But he nodded approval.

Then Slocum said: "Evelyn tells me you were out riding on the prairie today and that Harmer took a shot at you." He shook his head. "I'll have to fire that man."

"Not on my account."

Slocum chuckled. "A miss is as good as a mile, eh? You were in the war?"

Before Dancer could reply, Evelyn Slocum entered the



room. She was wearing a deep red velvet dress, cut low and trimmed with stiff black lace.

"Good evening, Mr. Cummings," she greeted him and held out her hand. "I'm glad you could come."

"Thank you for asking me," Dancer replied stiffly.

In the dining room the maid announced: "Dinner is ready."

They entered the room and seated themselves at the table, Slocum at head, Evelyn on the right and Dancer directly across. The maid brought out the food, roast pork, a rarity in the cattle country, and vegetables that had come on the railroad from Kansas City.

As they ate, Slocum pursued the subject he had touched on before Evelyn had come in. "I'm fencing in some land out south of town. That is, I'm getting ready to do some fencing. Though I'd wait to do the actual work until the drovers have gone home for the winter. They don't seem to like my fencing." He grunted. "Got an idea they can graze their herds wherever they please. They'll find out differently next spring."

"You're going to run cattle yourself?" Dancer asked.

"A few head." Slocum looked sharply at Dancer. "I don't see any reason to keep it a secret any longer. People find out soon enough. I'm planting wheat."

It was apparent from her surprised expression that this was news even to Evelyn.

"Wheat?" she exclaimed. "Out there on this prairie . . . ?"

"Winter wheat," said Slocum, "You plant it in fall and it's ripe before the really hot weather comes along in the summer. T. C. Henry, over in Abilene, planted five thousand acres last fall and this summer harvested forty bushels to the acre."

Dancer lowered his fork and looked at Slocum in astonishment. "Isn't wheat selling for around a dollar a bushel?"

"That's why I'm going to raise wheat."

"How many acres are you going to put in, Uncle?" Evelyn asked.

"I've got twenty thousand acres of land."

"But you're not going to plant it *all* in wheat!"

"Why not?" Slocum saw the frown on Dancer's face. "This isn't cattle country, Cummings; no land is if it can be farmed. Food comes before anything else."

"Beef is food."

"Beef can be raised on barren ground; this soil is too rich to waste on grazing cattle."

"The same might be said of all the land east of here."

"Right. There'll be no herds coming east of Lanyard. But that's all right, the railroad's going to build westward during the winter."

"Even so, isn't this the closest point to the Texas Panhandle?"

Slocum shrugged. "What if it is? They'll just have to drive their herds a little further—and ship them a few miles more. There'll be just as many steers going on the trains—only they won't go from Lanyard."

"But suppose the cattlemen insist on shipping from here?"

"Insist?" cried Slocum. "What good would it do them to try if they can't reach the shipping pens? Why do you think I'm spending all that money on fencing?"

"And what happens to the town of Lanyard?"

Bert Slocum's face twisted in a cruel smile of power. "Lanyard's *my* town; I made it and I'll keep it going, but it'll be the kind of town I want it to be, without saloons and gambling halls. A few stores, the bank and hotel . . .

As he talked, Dancer heard the drumming of hoofs outside come to a sudden stop. Boots pounded up stairs and someone banged loudly at the front door.

Evelyn Slocum pushed back her chair. "Excuse me," she said, and got to her feet.

Slocum did not even seem to notice. "Lanyard will exist because I'll need a town for the people who'll work for me. It takes a lot of men to farm twenty thousand acres and—"

He stopped as Evelyn re-entered the room, accompanied by the youthful night clerk of the Drovers Hotel. "Excuse me, Mr. Slocum," the lad said, "but there's hell—I mean, things have popped in town. Milo Meeker's been killed and—"

Bert Slocum kicked back his chair. "Milo Meeker dead! How . . . ?

"His store was held up by some men. Mr. Hobson thinks it was the James gang."

Dancer was already on his feet. "You'll excuse me. . . ." He started for the door.

"Wait!" cried Slocum. "I'll ride with you."

But Dancer was going through the door. Outside, he sprang to the ground and ran around the house to the stables. He found the hostler rubbing down a couple of Slocum's horses.

"I've got to get back to Lanyard in a hurry," Dancer exclaimed.

"Sure," said the man. "I didn't know how long you'd be so I didn't unsaddle your horse."

Slocum came running up. "Amos, saddle Black Ben—quick!"

Dancer unhitched his horse from a stall, backed it out. "I'm sorry, Mr. Slocum, I can't wait."

He led the horse out of the stable, mounted and almost ran down Evelyn Slocum who was coming around the corner of the house. He pulled up his mount as she threw up a hand in a signal to stop him.

"I'm sorry we didn't get a chance to talk," she said. "I wanted to apologize for . . ."

"You already have," Dancer replied. "And thanks for—everything!"

He touched his horse's flank with his heel and the animal sprang past the girl. He sent it into a furious gallop and inside of three minutes was pulling it up before Milo Meeker's store.

It was dark on the street, but enough light came from inside the store to reveal a crowd outside. Dancer tied his horse to the hitchrail and pushed through the crowd at the door.

Inside Meeker's store were eight or ten townsmen. Hobson spied Dancer at once.

"Here you are, Marshall! A fine thing when you're needed—"

"What happened?" Dancer interrupted.

"The James gang!" Hobson exclaimed.

"How do you know it was the James boys?"

"Who else would it be? A half dozen men galloped into town, pulled up outside here and while a couple of them stayed outside the others charged in and—and killed Milo."

Dancer brushed past Hobson to where the merchant's body lay sprawled in a pool of blood, at the end of the counter. He had been struck by no less than three bullets; the killers had wanted to make sure.

Dancer turned back. "Was he here alone?"

A man in shirt sleeves and wearing an apron pushed forward. "I was in here with him, but it was like Mr. Hobson said, they came in shooting—"

"What about money? Did they get much?"

The man's mouth fell open. "Why, uh, I don't know's

they got anything. There was three-four of them inside here and they was all shooting—”

“At you, too? Or only Meeker?”

“I guess at both of us, although they didn’t hit me. I ducked down soon’s they began shooting—”

“Where did Meeker keep his money?”

“In the till.”

“Where’s that?”

The clerk went behind the counter, reached underneath and pulled out a drawer. He exclaimed, “They didn’t touch the money!”

“Guess they didn’t have time,” a man said.

“The James boys *take* time,” retorted Dancer. “This isn’t their work.”

“How do you know it ain’t?” Paul Hobson cried.

Dancer did not even bother answering that. He brushed past Hobson and headed for the door. As he stepped through to the sidewalk, Bert Slocum dismounted at the hitchrail.

“Is it true, Cummings?” he cried.

“About Meeker—yes. But it wasn’t a holdup. No money was taken. It was just—murder!”

“But who’d want to murder Milo Meeker?”

“I don’t know.” Dancer turned to the crowd. “Anybody see which way they went?”

Two or three men pointed eastward. “That way.”

“How long ago?”

“Not more’n a half hour,” someone said.

“A half hour!” exclaimed Dancer.

Paul Hobson had come out of the store. “Everybody in town was looking for you, Cummings. Seems to me we’re paying you enough money so you’d—”

“He was having dinner at my house,” Slocum interrupted sharply. He looked at Dancer. “Do you think we ought to organize a posse?”

“It wouldn’t do any good tonight. They rode east, but once out of town they could have gone in any direction. I’ll try to pick up their trail in the morning.”

“This is a terrible thing,” Bert Slocum said, “just as I was thinking that the town was tamed. . . .” He smacked his right fist into the palm of his left hand. “Some drunken Texas men, who had it in for Meeker. . . .”

Dancer caught sight of Dave Oldham standing at the edge of the crowd. Oldham’s head moved almost imperceptibly and as soon as he could Dancer slipped away



from the crowd. He joined Oldham near the entrance to the Eldorado.

"I heard the shooting," Oldham said, "and I was at the door when they rode off. They weren't Texas men."

"How do you know?"

"It wasn't quite dark yet and you know that I can spot a cowboy anytime, anywhere. They were riding northern horses—good ones."

Dancer shook his head. "Hobson keeps saying the James boys, but that's ridiculous. Stores aren't in their line and anyway, no money was taken."

"Too excited, Jim? I doubt it—those boys knew what they were doing." He paused. "One of them was your old guerrilla friend, Yancey. I recognized him."

Dancer was silent a moment. "So he came back."

"The others were strangers, Jim. But they weren't cowboys."

Dancer said, "Meeker was a member of the city council. . . ."

"That's what I was thinking," Oldham said softly. "Vedder was by a few minutes ago; said if I saw you to tell you he'd walk down to the courthouse in a little while."

Dancer looked down the street and saw a light in the second floor window of the jail building.

"He's there now." He started to walk off, then turned back. "If you're not busy, Dave, come along."

Oldham fell in beside Dancer and they crossed the street to detour about the crowd in front of Meeker's store. A few minutes later they climbed the stairs to the courtroom and found the door locked. Dancer knocked.

"Who is it?" called the voice of Charles Vedder.

"Cummings," Dancer replied.

The bolt was shot on the inside of the door and Vedder opened it. "You've been over to Meeker's?" Vedder asked.

"Yes."

Vedder frowned as he saw Oldham on the stairs outside. "Dave, do you mind? I'd like to talk to the marshal—"

"I'd like him to hear, Vedder," Dancer said quickly.

Vedder hesitated, then bobbed his head. "All right then."

Dancer and Oldham went into the room and Vedder closed the door.

"Marshal," the prosecutor said, "I just got back from a trip to Kansas City. I went there because of Slocum. Do



you know that six carloads of barbed wire have gone out of Lanyard in the last two weeks?"

"Dave and I know about that," Dancer said. "As a matter of fact, we took a ride out south of town today to see where the wire went to."

"Did you find out?"

"We turned back because someone took a shot at us with a rifle. But it's all right, the wire's Slocum's. He's told me all about it—and why he bought it."

"Why?"

"He's fencing in his property—to raise wheat."

"That's what I was going to tell *you!*" Vedder cried. "I found it out in Kansas City. He's placed an order for two hundred plows that are going to be delivered in a few days. They've never had an order like that in Kansas City and they think Slocum's crazy—but he's paid for the plows and for a lot of other machinery he's ordered."

Dancer said, "He told me about a man at Abilene who got forty bushels of wheat to an acre on five thousand acres. Slocum's going to plant twenty thousand acres."

Oldham whistled. "That's going to cost him something."

"Two hundred plows," said Vedder in a tone of awe, "at least four hundred good horses to pull them, discs, harrows, seed—at least three hundred men to do the work."

"Has Slocum got that sort of money?" Dancer asked.

"Nobody knows what he's got. He's made a lot off the town but still . . ." Vedder exhaled heavily. "If he wins he'll clear a half million in a single season."

"If he wins," Dancer said. "Do you think the town'll let him?"

"If he fences in that land," Vedder said, "he'll kill the cattle business for this town." He paused. "And I don't think the people in Lanyard will let him do that. That's why I called you over here."

"To stop Slocum? I don't see what we can do."

"I've already done it." Vedder took a long envelope from his breast pocket and handed it to Dancer.

The latter looked at the envelope.

"What's this?"

"Your appointment as sheriff of Bruno County."

"County!" exclaimed Dave Oldham.

"I've been working on it for several weeks," Vedder said. "The population of Lanyard alone is over one thousand and there are a couple of hundred people in Bruno."

"But how could I be appointed sheriff?" Dancer asked, puzzled, "Who appointed me?"

"Judge Currier of the Third District Circuit, who arrives in Lanyard tomorrow." Vedder smiled faintly. "And I'm county attorney. Of course the appointments are only temporary until county elections are held, but that won't be for several months yet. In the meantime, Judge Currier runs the *county*."

"And Leach?"

"Is a Justice of the Peace. He can perform weddings—and things like that."

Dancer opened the envelope in his hand and studied the warrant that appointed him sheriff of a Kansas County. "Town marshal is one thing, Vedder," he said, "but sheriff . . ."

"Don't be silly, Cummings," Vedder said warmly. "There isn't a better man in Kansas for the job."

"He's right," Oldham added.

Dancer looked steadily at the gambler.

# 19

---

Dawn was scarcely breaking over Lanyard when Jim Dancer entered the livery stable. But early as it was the liveryman was up and already had Dancer's horse saddled.

"He's all ready for you, Marshal. Had a good feed of oats."

"Thanks."

Dancer started to lead the animal out when a voice spoke to him from the adjoining stall. "Morning, Marshall!"

It was Dave Oldham.

"Dave!" exclaimed Dancer. "There's no point in your getting up this early."

"I haven't been to sleep," chuckled Oldham. He led out his horse, saddled. "Don't argue—I'm riding with you." He tapped a rifle in a scabbard alongside his saddle. "And I'm a little better armed than we were yesterday."

They rode out of the livery stable and started down Main Street.

There was a well-defined trail rutted by wagon wheels leading eastward but within a quarter of a mile after leaving the town, the trail became a dozen trails, each cutting off across the prairie land to wherever the Texas outfits, that had made the trails, had camped. Both Oldham and Dancer realized the futility of trying to pick up the trail of a half dozen riders in the maze and ignoring the trails completely, jogged in the general direction of the sodhouse where they had been stopped the day before.

They passed a trail herd of seven or eight hundred Longhorns. A range cook was making breakfast for a half dozen Texas men who were still wrapped in their blankets near the fire.

Dancer and Oldham swerved their horses so they came up to the camp.

"Morning," Dancer said to the cook.

"G'morning to you," replied the cook. "Coffee's just about ready if you want to light."

"Don't mind if we do," said Dancer and climbed down from his horse.

Oldham also alighted and the cook got out tin cups which he filled with scalding black coffee.

"That hits the spot," Oldham said.

"I ain't human until I've had my coffee," the cook said. He gulped down a mouthful of the steaming liquid. "Out pretty early, aren't you?"

Dancer nodded. "You didn't happen to see six men riding by this way yesterday evening, round about eight or nine o'clock?"

"Waal, no," said the cook. "I didn't see anybody, but I heard—"

"He didn't hear nothin'," said a voice behind Dancer. He turned and discovered that one of the cowboys was sitting up in his blankets. "He's deaf, so he couldn't hear a damn thing."

"Come to think of it," said the cook, "it was some Longhorns I heard."

"Six men who weren't from Texas," Dancer said, "they murdered a man in town."

"You're Cummings, the peace marshal," retorted the man on the ground, "I wouldn't tell a marshal what day of the month it was."

"That's your privilege," Dancer said coldly. He returned the tin cup to the cook. "Thanks for the coffee."

He and Oldham climbed back on their horses and rode off. Out of earshot of the camp, Oldham said: "I guess they passed this way, all right."

"There wasn't much doubt in my mind that they'd wind up down there," Dancer replied. "It was just a question of how directly they went. I guess they were in a hurry."

They put their horses into a canter and in about twenty minutes sighted the sodhouse from which they had been fired upon the day before. As they approached at a more conservative pace, Oldham said: "Quite a lot of horses inside that wire."

Dancer made note of the smoke coming from the stove-pipe that stuck a couple of feet out of the roof. "And somebody's up, making breakfast."

"Well, what do we do—snipe?"

"No—there are enough of them so they won't be afraid of two men riding up. Come on."

Dancer put his mount into a fast trot and Oldham kept pace a few feet beside him. Dancer had an idea they were being watched from inside the house as they bore down on it, but there was no sign from it.

They pulled up outside the barbed wire gate and Oldham started to drag the long rifle out of the scabbard, but Dancer shook his head. "Too awkward for close use, Dave."

He put his hands to his mouth and hallooed the house. "Hello, inside!"

The door opened and a middle-aged man stepped outside. "Hello, yourself," he called back.

"Your name Bill Harmer?" Dancer called.

"That's me."

Dancer gestured to the gate. "Like to talk to you."

"Sure, why not?"

He came forward and unlatched the wire gate. Dancer and Oldham passed through and Harmer began fumbling to close the gate. "Go right in the house and make yourself at home," he invited carelessly.

"No hurry," said Dancer.

He stood aside and waited until Harmer had closed the gate, then he and Oldham fell in behind the caretaker. At the door, Harmer reached forward to open the door, then stepped to one side, but Oldham suddenly gave him a shove so that he went hurtling through the door. Then Oldham followed, reaching for his gun. He let go of it when he saw the guns in the hands of the six men who were ringing the room.

Dancer came through the door, hands swinging at his sides. His eyes picked out Yancey, the ex-guerrilla, as dirty as ever, more vicious-looking even than the last time Dancer had seen him.

"Hello, boys," Dancer said easily.

"You got a nerve bustin' in here," one of the men said. Dancer retorted, "Harmer invited me in."

"This-uns the marshal," Yancey said, pointing at Dancer with his Navy gun.

"Yeah?" said the first man. "Well, a marshal's got no authority outside his town."

"That's right," conceded Dancer, "but I thought you fellows might want to ride into Lanyard on your own account."

"We ain't lost nothin' in Lanyard," retorted one of the ruffians.



"No, but you killed a man there last night."

"Look here," began Yancey, "I know you from somewhere and I'm beginnin' to remember from where. It was a long time ago—"

"In St. Louis?" asked Dancer, smiling.

Yancey scowled. "I ain't ever been in St. Louis."

"Maybe it was Chicago," said Dancer. He took a casual step forward and with a lightning blow struck down Yancey's gun hand with his left fist.

With his right hand he grabbed Yancey's left shoulder and whirled him completely around, at the same time circling the former guerrilla's neck with his left forearm. With his then free right hand, Dancer whipped out his Navy Colt and jammed it in Yancey's back.

"Anybody shoots," he cried, "and Yancey gets it first!"

"Don't!" choked Yancey. "Don't shoot—he's Jim Dancer!"

"Jim Dancer!" cried one of the ruffians, falling back.

"It came to me," babbled Yancey in sheer fright. "We was at Lawrence together."

At Dancer's side, Oldham drew a derringer with his left hand and a nickel-plated six gun with his right. But the announcement of Dancer's real identity was what did the trick.

A gun clattered to the floor, then another. Dancer shoved Yancey away so roughly that the outlaw fell to his knees. Then he fanned the other outlaws in the room. One of them looked for a moment as if he would try to shoot it out, but when Dancer's gun came even with his eyes, he dropped his weapon hastily.

Dancer stepped to one side. "Start filing out!" he ordered, gesturing to the door. "And that goes for you, Harmer."

"I ain't done anything," Harmer whined.

"You gave shelter to a bunch of killers."

"Yeah, but you ain't got no authority outside of Lanyard. You said so yourself."

"This is enough authority," Dancer said, raising his gun. "Although you're wrong. I can arrest a man anywhere in the county. I'm sheriff of the county."

"Sheriff!" exclaimed a couple of the men. "There's no sheriff out here."

"There has been since yesterday. I guess if you'd known it you wouldn't have stopped here last night."

"If I'd known Jim Dancer was the sheriff, I wouldn't even have *come* here," one of the men retorted.

"Outside," ordered Dave Oldham.

The men filed out and Dancer and Oldham stood to one side, while they saddled their horses. Clear of the enclosure, Dancer and Oldham mounted their own horses and the cavalcade started for Lanyard.

They had gone less than a half mile when Yancey fell back.

"Stay up there," Dancer ordered.

"I want to talk to you, Jim," Yancey whined.

"I've got nothing to talk to you about."

But when Yancey still held back, Dancer let him talk. "Look, Jim, you don't want to go arrestin' me," the ex-guerrilla said. "We rode together during the war, you know, and since then I—" he dropped his voice in the hope that Oldham wouldn't hear—"I saw Cole Younger a few weeks ago. . . ."

"Are you through?" Dancer asked grimly.

"No, I'm not through," Yancey said with sudden spirit. "But maybe you are, Jim. You're supposed to be dead and there's been talk for years that you been ridin' the night trails yourself. I'll bet they don't know in Lanyard that you're Jim Dancer."

"They'll know it after you sound off," said Dancer.

"I don't have to tell them, Jim. Just give me my gun and nobody'll ever see me around here."

"Or your friends."

"They'll go with me—and they won't say a word, Jim. I promise you they won't."

"There's a better way to keep you from talking," said Oldham. He drew the rifle from the scabbard.

Yancey bleated and spurred his horse ahead to catch up with his gang. Oldham looked sideways at Dancer. "You know he's going to sound off."

"Yes."

"This way nobody'd know."

"You and I would, Dave. And I don't think you could murder seven men in cold blood."

"They killed Milo Meeker in cold blood."

"Even so."

Dave Oldham exhaled heavily. "Maybe you're right, Jim, but you know what that is going to do to you . . . ?"

"I've a fair idea. I wasn't cut out to be a sheriff."

"The hell of it is, Jim, I think you were."

Oldham and Dancer had ridden out of Lanyard before five and a few minutes after seven they rode back into the town. There were only a few people on the streets and they stared in astonishment at the sight of seven mounted men being herded along to the jail by Dancer and Dave Oldham.

Romeike the jailer stood in the doorway as the cavalcade came up. The prisoners were herded into the cell at the rear of the jail and locking it, Dancer handed the key to the jailer. "Don't let anyone talk to them," he instructed the man. "I'm going to get some breakfast, then I'll be back."

He and Oldham remounted their horses and rode slowly back up the street. As he dismounted in front of the China Cafe, Charles Vedder darted out of his office; he lived in a back room.

"What's this, Cummings?" he cried. "Somebody just told me you got the men who killed Meeker."

"They're in jail."

"That's terrific, Sheriff!" Vedder's eyes lighted up with an unholy gleam. "Judge Currier comes in on the eight o'clock train. I'll run him right over to the courthouse and we'll show Bruno County some fast justice."

"All right," said Dancer. "Romeike'll bring in the prisoners and if you want me I'll testify, but before court opens I think you'd better give this back to Judge Currier."

He took the sheriff's warrant out of his pocket and handed it to Vedder, who exclaimed in surprise.

"What's the idea, Cummings?"

"That's the idea, Vedder," Dancer said. "It's made out in the name of Cummings and my name isn't Cummings."

"Well, what is it, then?"

Dancer drew a deep breath. "Jim Dancer."

For just a second Charles Vedder remained motionless, then he recoiled in horror. "Jim Dancer!"

"That's right," said Dancer and, walking away from the prosecutor, entered the China Cafe.

He seated himself at the counter and had given his order for ham, eggs and coffee before Dave Oldham came in and sat down beside him.

"It's going to be a warm day," Oldham said, after a moment.

"I expect so," replied Dancer, "but there's one thing a man can't do anything about—the weather."

They were almost finished eating when the train whoohooed, as it neared the terminus of Lanyard. Judge Currier was on that train; Judge Currier represented the only real *law* within two hundred miles. Vedder would be down at the depot to meet him and then Lanyard would receive a shock—two shocks.

Dancer put two silver dollars on the counter and got up from his stool. The door of the Cafe opened just then and Paul Hobson stormed in, his face bleak.

"Here you are, Marshal. We're having a council meeting over in Bert Slocum's office—an emergency meeting."

"Now?"

"They're waiting."

"Don't go," Oldham said under his breath, but Dancer pretended not to hear. He followed Hobson out of the Cafe and across the street, neither of them speaking.

In Slocum's office were gathered Slocum, Chandler Leach and Carter Bullock. Slocum sat behind his desk, grim-faced. Chandler Leach was seated in an armchair fidgeting nervously, and Carter Bullock looked unhappy about the whole thing.

As Dancer and Hobson entered, Slocum grunted: "We're not going to wait for the prosecutor; in fact that's why we're holding this meeting."

"You're sure you want me here?" Dancer asked.

"You're still the marshal of Lanyard," replied Slocum, "although you may not be when we get through."

It dawned on Dancer then that the group had not yet learned of his real identity, merely that he had been appointed sheriff of the newly formed county. He sat down in a straight-backed chair.

"Vedder," Slocum began, "thinks he's pulled a fast one. Behind our backs he's gone to the state authorities and



had a county made of this territory with himself as county attorney and our friend, the marshal here, sheriff."

There were no reactions among the other members of the city council, so they all knew that already. Slocum went on: "There's a Kansas City judge coming out here this morning—in fact, he's probably arrived during the last ten minutes. He thinks he's going to tell us how to run this town. But he isn't. This is a legally elected council and Lanyard is a legally incorporated city. If this Kansas City judge knows his law, he'll know that he can't go interfering with city affairs."

"He can keep me from trying cases," Chandler Leach said morosely.

"To a certain extent, yes. We'll take that up later. First of all, there's some more important business to take care of—specifically, two things."

He drew a slip of paper from his pocket and consulted it. "I want to propose a new city ordinance, to wit: 'Because it has become a public nuisance, it is hereby ordered that the driving of cattle through the city streets of Lanyard be declared illegal, as of October 1, 1872.'"

He lowered the piece of paper. "That's a week from today."

"I move that we have a vote on that," Paul Hobson said quickly. "All in favor?"

"Aye," said Slocum.

Bullock, the banker, bobbed his head: "Aye."

"Aye," said Paul Hobson.

Chandler Leach looked unhappily about the group, swallowed hard and said: "Aye."

Slocum fixed Dancer with a cold stare. "Cummings?"

"Opposed."

"The ayes have it," declared Hobson, "four to one."

"The driving of cattle on our streets is illegal as of October first," Slocum amplified. "We now come to the second matter of business." He paused but this time did not consult his slip of paper. "Because he has been found derelict in his duties, the city council hereby suspends Marshal George Cummings and relieves him of his duties."

"All in favor?" exclaimed Hobson.

This time Chandler Leach did not hesitate. He had made his choice a moment ago and voted promptly with the majority. Dancer unpinning his badge and dropped it on Slocum's desk. He headed for the door, but Slocum called to him.



"The keys to the jail, Cummings."

"Romeike has them."

"He's your man; tell him to turn loose the men he's got in jail illegally."

"Not illegally, Slocum," Dancer said quickly. "I arrested them outside the city limits—in my capacity of county sheriff. They're murderers and they'll go on trial before Judge Currier."

"That remains to be seen." Bert Slocum rose quickly.

"Johnny!" he cried in a sharp voice.

Johnny Tancred appeared through a door that led to a rear room.

"Johnny," Slocum said, "you've been appointed temporary marshal of Lanyard. I order you to clear the Lanyard city jail of all people held there illegally. Now!"

Johnny Tancred grinned lazily at Dancer. "Going to stop me?"

"I don't know," Dancer replied. "But *I'll* walk to the jail with you."

Tancred winked at the members of the city council and followed Dancer through the door. Outside, a couple of men who had been loafing at the hitching rail fell in behind the two. And a few hundred feet behind them came the city council.

The procession moved toward the log building that housed the jail and courthouse. From a distance, Dancer saw that a crowd had gathered outside the place and he saw Vedder, the newly appointed county attorney, standing at the top of the stairs that led to the courtroom. Dancer quickened his pace then and as they came up to the jail, the crowd parted to let him and Tancred through.

A tall, heavy-set man of about forty-five came out of the courtroom and stopped beside Charles Vedder.

"Sheriff," Vedder called down, "Judge Currier is ready to try the prisoners."

"There's a little difference of opinion, Vedder," Dancer replied. "Mr. Tancred, the new city marshal, insists that this is a *city* jail and that he has sole authority over it. He intends to turn loose the prisoners."

"What's that?" cried the man standing beside Vedder.

"You heard what the man said," Johnny Tancred said, smirking.

"And you listen to what *I* say," Judge Currier said savagely. He came down the flight of stairs. "I represent the state of Kansas in judicial and criminal matters and if you

interfere in any way with the prisoners of this court, I'll hold you in contempt of court. In other words, you'll go to jail—and it won't be *this* jail."

Johnny Tancred's cocksureness faded. He licked his lips uncertainly and looked about the crowd and saw only hostile faces. But then he spied the city council coming up.

"Mr. Slocum," he cried, "he says he'll send me to jail. What do I do now?"

Slocum, his face taut, pushed through the crowd. "You're Judge Currier?" he asked of the newly arrived judge.

"I am," snapped Judge Currier. "And you?"

"I'm a member of the city council. . . ."

"Then tell this fool marshal of yours what he's in for if he tries to defy this court."

Slocum also saw the hostile faces about him and knew that they would become even more hostile when they learned of the new city ordinance. He nodded to Tancred. "He's the boss, Marshal."

Charles Vedder, meanwhile, had come down the stairs. He indicated Dancer. "Here's the sheriff, Judge."

Judge Currier shifted his fierce eyes to Dancer. "Ah, yes, bring the prisoners into the courtroom, Sheriff!"

Vedder nodded to Dancer. "All right—Sheriff!"

Dancer went to the front of the jail and discovered that Romeike had barricaded the door on the inside. But he opened it in response to Dancer's command.

Dancer went in and accepting the key from Romeike, unlocked the cell door.

Yancey popped forward. "So you're turning us loose, eh? Got your orders."

"You'll go outside, around the corner and up the stairs," Dancer said.

"Sure, sure," chortled Yancey, licking his lips. "Gotta make it look official, eh?"

The prisoners filed out of the cell, went through the jail office and out through the front door. They hesitated a moment or two, in the face of the throng outside the doors, but with Dancer prodding them along they rounded the corner of the building and climbed the stairs.

In the courtroom, Judge Currier had taken his place at the "bench." Vedder stood in front of the table and the prisoners lined up at one side, facing several spectators on the other side of the room, the entire city council and a few townspeople. More of the latter came in.

Judge Currier picked up a little wooden mallet and tapped the table. "Fourth District Court, County of Bruno, State of Kansas, now in session."

Charles Vedder took a step forward. "Your Honor, the case of the State of Kansas, versus seven John Does, on a charge of willful murder."

"Proceed," Judge Currier said.

Judge Leach stepped out from his crowd. "Just a minute, Your Honor, I'm Judge, ah, Chandler Leach. I, ah, represent the defendants and I ask the court to dismiss this ridiculous charge on the grounds of lack of evidence."

Dancer, looking at Yancey, saw the former guerrilla grin foolishly.

"Lack of evidence?" Judge Currier asked. Then, to Vedder: "What do you say, prosecutor?"

"Let me call just one witness, Your Honor," said Vedder.

"Objection!" cried Leach.

Judge Currier gave him a withering look. "Hold your objections until later, Counsellor."

Vedder said: "Otto Holtz!"

The clerk from Milo Meeker's store stepped out of the crowd.

"Raise your right hand," Vedder ordered and as the

man obeyed, "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

"Yeah, sure," said Otto Holtz.

"Mr. Holtz, what is your name?"

The clerk blinked. "Why, Otto Holtz—you just said it."

"What is your occupation?"

"Why everybody knows that I been workin' in Milo Meeker's store."

"You were working there yesterday?"

"Of course."

"What happened there yesterday evening, shortly before eight o'clock?"

Holtz looked at the prosecutor, puzzled. "Ain't that what this is all about?"

"It is, Mr. Holtz." Vedder drew a deep breath. "Perhaps you'd better tell the court—in your own words—just what happened at Mr. Meeker's store last night."

"Sure, that's what I'm here for. Mr. Meeker got killed by them—"

"I object!" cried Chandler Leach.

Vedder made an impatient gesture. "Perhaps you'd better just answer questions, Mr. Holtz."

"Huh? Did I say something . . . ?"

Vedder said patiently: "You were working in the store last night, Mr. Holtz."

"That's right."

"And while you were there some men came in?"

"Yeah, sure, four of 'em. Like I told you last night. They come bustin' in and began shootin' and then they tore out again an'—"

"And after they left, your employer, Milo Meeker, was dead; is that right?"

"Yeah, sure."

"Thank you, Mr. Holtz. Now answer the next question carefully. Did you see the faces of these men who shot Mr. Meeker?"

"Of course I seen 'em. Them's them."

"I object!" howled Chandler Leach.

"Objection overruled," snapped Judge Currier. "It is apparent that the state is endeavoring to make an identification. Proceed, Mr. Vedder."

"Thank you. Now, Mr. Holtz—these men you saw shoot down Milo Meeker . . . do you recognize any of them here in this courtroom?"

"I sure do." Otto Holtz moved across the room, let his

eyes roam over the prisoners. "They was all shootin', but this man here," he pointed at Yancey, "his was the first bullet to hit Mr. Meeker."

The smirk was suddenly gone from Yancey's features. His mouth fell wide open. But then it suddenly clamped shut. "Hey!" he cried. "What's the idea? I thought . . ."

He took a step forward to cross the room toward Bert Slocum, but Dancer, standing near, reached out and pushed him back.

Otto Holtz picked out three more men. "These three was also in the store with him. There was a couple of them outside holding the horses, but I didn't get a good look at them."

"The state rests!" Charles Vedder announced in a loud tone.

Then Chandler Leach pounced forward. "Look here, Judge," he blustered. "I demand a jury trial for my clients."

Judge Currier banged his gavel on the table.

"You may think you're within your rights, Counsellor, and if this were Kansas City I would be the first to concede it. But it isn't; it is a raw frontier community. Only a few moments ago there was a discussion as to who had jurisdiction over this very building. This is a new county and it so happens that I have special judicial powers—which I assure you are not without precedent in this state. We have neither the time nor facilities for jury trials in clear-cut cases and your appeal is therefore denied. . . . The four men who have been identified by the witness, step forward."

The men remained where they were. Dancer wagged his finger at Yancey. "All right, Yancey, that's you. . . ."

Yancey moved forward in a sudden rush, past Dancer and Vedder, to the judge's desk.

"Looky here, Judge, I got somethin' to say that's goin' to knock you off that there chair."

Judge Currier banged down so hard with his gavel that he splintered its handle. "Order!" he thundered. "You'll get your chance to talk later."

"But, Judge—" still protested Yancey.

*"Shut up!"*

Yancey closed his mouth, but his eyes glowered dangerously. Dancer prodded forward the other three prisoners who had been identified by Otto Holtz.

"You men," said the judge, "have been identified by a



proper witness of this court. The court finds you guilty of murder, and sentences you—" he paused for just a second—"to be hanged by the neck until you are dead, each of you!"

A roar went up in the courtroom. Judge Leach shouted over and over that he objected, but his words were drowned out. Judge Currier, having broken his gavel, pounded on his table with his fist and after awhile the noise subsided.

He said then: "And in view of the fact that we have no facilities for keeping prisoners in this county, I order the executions to take place as soon as possible. Sheriff, I remand the prisoners in your custody."

"Sheriff, hell!" howled Yancey. "That's what I been tryin' to tell you all this time. He ain't no goddam sheriff. He's—Jim Dancer! It's him that ought to be hung, not me. He's Jim Dancer, the outlaw!"

For a moment there was a stunned silence, then a roar went up that was even greater than the one that had followed the sentencing of the murderers.

Bert Slocum, during the hubbub, moved up and gripped Dancer's arm. The latter tried to shake it off, but couldn't. And then suddenly the room became silent.

Except for Slocum's lashing voice: "Is that true, what he said?"

Dancer said evenly: "The part about my name being Jim Dancer—yes!"

Charles Vedder stepped up beside Jim Dancer. "Your Honor, the sheriff's real name has nothing to do with the case before the court."

"You're right, Prosecutor," Judge Currier said, "still, I would like to know if you were aware of the sheriff's true identity?"

"He told me this morning."

"This morning?"

"Yes. He—he gave me back the warrant you issued, appointing him sheriff."

"Where is it?"

Vedder took the document from his pocket. The judge examined it and laid it on the table before him. "This court is adjourned for an hour." Then he grimaced. "That is, it will be adjourned after the prisoners have been locked in the jail downstairs." He looked steadily at Dancer. "Lock them up, then come back here."

Dancer nodded to the prisoners. "Let's go."

"Ain't you goin' to lock *him* up?" Yancey cried. "He admitted he was Jim Dancer. . . ."

Judge Currier merely glared at him.

Dancer nodded to the prisoners. "Let's go."

Yancey drew back. "I ain't going with you, Jim Dancer."

Dancer struck him a blow that smashed the former Quantrell man to his knees. He drew his revolver and Yancey bleated in fright and, scrambling to his feet, hurried for the door. The other prisoners followed him quickly.

Going down the staircase, Dancer held his gun on the seven men and after two or three looked over their shoulders, they kept good order and marched quickly around the building to the front door.

Dancer locked them in the cell and handed the key to Romeike. "You may earn your pay today, Romeike," he said.

He left the jail office and reclinbed the stairs to the courthouse, which had been cleared of most of the spectators, although there were still eight or ten present, including the entire city council. Slocum was orating savagely to Judge Currier as Dancer came in.

"This is the most ridiculous situation I've ever heard in my life," he was saying. "Appointing as sheriff the most notorious criminal of our time."

"Just a moment," cut in Judge Currier. "I appointed a man named George Cummings, not Jim Dancer. However . . ." He fixed Dancer with a cold glare. "Let's get to the bottom of this. You actually admit that you are Jim Dancer?"

"Yes."

"The *outlaw*, Jim Dancer?"

"I'm the Jim Dancer you're referring to," Dancer said carefully, "but I'm not an outlaw. I never have been."

"That's absurd, Judge," cried Bert Slocum. "Everybody knows Jim Dancer's an outlaw."

"That's a matter of opinion," interposed Charles Veder. "The Jim Dancer we've known in this community for three months has been anything but an outlaw. He's been marshal of this town and he's been a good marshal."

"He's a highwayman and murderer!" shouted Slocum.

"You can prove those statements?" Judge Currier demanded.

"I don't have to prove them, any more than I have to prove that two and two are four. Everybody knows—"

"Everybody doesn't know," the judge snapped. "I'll admit that I've always heard Jim Dancer referred to as an outlaw—just as I've heard that Jesse James is one—"

"He's one of the James Gang!"

"You can prove that?"

"Make him prove that he isn't."

Judge Currier shook his head. "No, the burden of proof is upon the court. A man is innocent until proved guilty."

Slocum pointed a finger at Dancer. "Didn't you kill George Cummings?"

"No."

Paul Hobson leaped forward. "That's a lie! That's one thing I can prove. And so can two other people in this town."

The judge's eyes narrowed. "Who are these people?"

"A man named Oldham and a woman named Florence Peel, who owns the Eldorado—"

"Get them!"

Bert Slocum signaled to Chandler Leach and the fat justice hurried out of the room. Then Slocum nodded to Hobson. "All right, Paul, tell them about the first time you met," he pointed to Dancer, "him!"

"It was when I was coming out here on the stagecoach last May. He was sitting on the riverbank with a dead man handcuffed to his wrist. He told us the dead man was Jim Dancer, the outlaw, and that he was George Cummings, a Pleasanton detective. I—I even helped bury the dead man after—" he cleared his throat—"after we cut the man's hand off because there was no handcuff key. . . ." Hobson sneered at Dancer. "You deny that?"

"No," said Dancer. "That part of it's true enough. I deny, however, that I killed George Cummings."

"Oh, he was drowned trying to swim across the river?" Slocum said sarcastically.

"The ferryboat capsized," Dancer said. "There were two horses on the boat and in the struggle one of them kicked Cummings. He was dead before we struck the water."

"And what about the ferryman?"

"He drowned."

"You expect us to believe that?"

"No. I didn't expect Arthur Pleasanton to believe it,

either. That's why I assumed the identity of Cummings and went to Pleasanton's Kansas City office."

"Oh, you admit that part of it? Will you also admit that you met me in that office?"

"Of course."

"And why was I in the Pleasanton office?"

Dancer paused and saw that the eyes of everyone in the room were upon him. He said: "You were there because you had hired the Pleasanton Agency to run me down."

Triumphantly, Slocum turned to Judge Currier. "Is that enough for Your Honor?"

"Hardly," retorted Currier. "Anybody can employ a private detective. I could go to Arthur Pleasanton and tell him that you were an outlaw."

"All right," said Slocum, "then I'll tell you *why* I employed the Pleasanton Agency. As a matter of fact, it was on behalf of my niece." His eyes glowed with an odd yellow light. "Nine years ago this man Dancer shot down my niece's father, my own brother. He did it wantonly and in cold blood—before my niece's eyes. Ask him to deny that . . . !"

Dave Oldham stepped into the room and said: "That was in 1863, during the war!"

The judge turned on Oldham. "Who're you?"

"My name is Oldham; I was told that I was wanted here."

"He's the man who was on the stagecoach," said Hobson, "when we buried the Pleasanton detective that Jim Dancer killed. But I must warn Your Honor that this man is friendly to Dancer."

"I gathered that," Currier said. "A moment ago, Mr. Oldham, you came to Dancer's defense—"

"Merely as a former soldier, Your Honor. Jim Dancer's crime—if it was a crime—was committed during the war. The war has been over for more than seven years. History will decide as to the right and the wrong of it."

"Well put, Mr. Oldham," conceded Judge Currier. "I know a little about the war myself."

"Your Honor," cried Bert Slocum, "Jim Dancer was never a soldier. He was a murdering bushwhacker, no more. . . ."

Judge Currier's eyes gleamed. "You rode with Quantrell?" he asked. And as Dancer nodded, "I think we had a little brush with you the day before Westport. The Fourth Wisconsin Cavalry?" He nodded thoughtfully. "You fought



very well, considering we outnumbered you about four to one." Then he suddenly caught himself. "This is not a war commission trial; it's a civil court. It's not up to us to decide upon the war guilt of—"

"You're siding with him," howled Bert Slocum.

"I'm not siding with anyone, Mr. Slocum. You say your brother was killed by Quantrell—"

"By Jim Dancer, not Quantrell. He was foully murdered during the Lawrence Massacre. The war had nothing to do with it. Any more than it had to do with Jesse James being an outlaw!"

"Jesse James isn't on trial before this court," declared Judge Currier. "Nor for that matter is Jim Dancer."

"Then I'll bring him to trial."

"If you can furnish sufficient evidence—actual evidence, Mr. Slocum, of any crime that Jim Dancer has committed since April 15, 1865, this court will consider the issuing of a warrant against Jim Dancer."

"You mean you're not going to do anything to him?"

"Until you furnish this court with proper evidence, no."

"You're keeping him on as sheriff?"

Judge Currier cleared his throat. "That is another matter. Whereas this court lacks evidence that Jim Dancer is an outlaw, there seems to be sufficient *rumor*, or perhaps I should say public opinion, which is unfavorable—although perhaps unwarranted—against Jim Dancer, which would make his appointment an unhappy one." He looked steadily at Jim Dancer. "An officer of the law must be above reproach. Mind you, *I* do not say you are not, Dancer, but public opinion is against you and I feel therefore that I must void this appointment."

Jim Dancer nodded. "Thank you, Judge."

He turned and walked to the door. As he passed through, Dave Oldham fell in behind him.

Dancer started down the stairs and Oldham clapped his shoulder. At the bottom of the stairs a crowd of forty or fifty people stood silently watching him. The expressions on their faces were not especially hostile. They'd all heard that George Cummings, the man who had tamed Lanyard, was Jim Dancer, the notorious outlaw. Curiosity was on most faces, pity on some.

As he reached the foot of the stairs, the crowd parted and made a passageway for Dancer. He walked through, started up the street in the direction of the hotel.

Behind Dancer came the drumming of a galloping



horse's hoofs. A clear voice shouted at him: "Jim Dancer!"

Dancer flinched visibly but continued walking. A small caliber gun barked and a bullet whistled past Dancer, missing him by less than a foot.

Dancer stopped and slowly began to turn. Twenty feet away, Evelyn Slocum pulled up her horse so suddenly it skidded to its haunches. She bounced from the saddle, a riding quirt in one hand, a .32 caliber revolver in the other.

"Jim Dancer," she cried, "get ready to die!"

She raised the revolver.

Dave Oldham leaped out of the crowd and lunged toward the girl. She saw him coming and sprang forward to avoid him, firing at the same time.

The bullet seared Dancer's left side, but before she could fire again, Oldham had knocked the gun from her hand. She started to stoop to retrieve it, but Oldham kicked it clear across the street.

Evelyn leaped clear of Oldham, the quirt dangling in her hand. She rushed straight at Dancer.

He could have torn the riding quirt from her hand as she came blindly at him, but he didn't. The leather sizzled through the air and lashed his face and neck like a red hot iron.

"Maybe the law can't do anything to you, Jim Dancer," Evelyn cried hysterically, "but I can. . . ."

The quirt went back again and again it seared Dancer's face. She struck a third and a fourth and was in the act of striking a fifth time when Florence Peel stepped off the sidewalk and wrenched the quirt from her hand.

"Go home, you fool," Florence said. "Go home and ask the God that made a fool like you to forgive you. Jim Dancer's the best man you've ever known and some day you'll know it."

She reached out and with the flat of her hand pushed Evelyn off balance so that she fell to one knee. From that position, Evelyn looked up at the proprietress of the Eldorado. The hysteria was suddenly gone from her and Florence, seeing that, threw the quirt contemptuously at her feet.

"Maybe you'd like to use it on *me*. Well go ahead!"

Evelyn picked up the quirt, got to her feet and, still staring at Florence Peel, walked to her horse. She got stiff-

ly into the saddle and, suddenly whirling the animal, galloped it away in the direction from which she had come.

Dancer, the blood trickling down his side and his face smarting from the blows of the whip, gave Florence Peel an odd glance and, turning, walked off.

For a moment that day, the city of Lanyard, Kansas, had known law and justice. Four murderers had been arrested, brought to a quick trial and sentenced to a death they deserved.

But the execution of the sentence was not carried out, for there was no one to perform it.

Judge Currier offered the post of sheriff, upon the recommendation of Charles Vedder, to a man named Kelso, who ran the livery stable and was known as a good man. Kelso almost accepted until he learned what his first official duty would be.

"No," he said, "maybe they need it, but I'm not hanging four men."

The county attorney made a list of a half dozen potential candidates and went about the town and canvassed the men. He returned in a half hour to the courthouse and shook his head.

"I'm sorry, Judge," he said. "Nobody'll take the job—not when they have to begin with a hanging and the job only a temporary one."

"What do you mean, temporary? There won't be any election here until next year."

"By which time Lanyard will be a ghost town," said Vedder. "Bert Slocum played his trump card this morning; he put through a city ordinance making it illegal to drive cattle through the streets of Lanyard."

The judge looked at him in astonishment. "But that'll kill the cattle trade that made this town."

"That's what Slocum wants; you see, he's through with cattle. He owns twenty thousand acres of land and he's going to plant it all in wheat."

"And Slocum thinks he can get away with that? Bring him here!"

Charles Vedder hesitated, then shrugged and went to

see Slocum in his office up the street. Johnny Tancred and a couple of his friends were loafing outside the office and followed Vedder into the building, where Vedder delivered the judge's order.

"So the judge wants to see me," Slocum said. "Well I've been thinking things over and I don't think that I want to see the judge."

"He'll issue a warrant for your arrest if you don't come to him."

"And who'll serve his warrant?"

Vedder looked at Tancred and his associates, each of whom wore two guns on their hips and he turned and walked out. Tancred and his friends followed him.

"Going to get yourself a gun, Prosecutor?" taunted Tancred.

White-faced, Vedder went back to the jailhouse. At the foot of the stairs Tancred sent a last taunt after Vedder.

"Like to hire a good sheriff, Prosecutor?"

In the courtroom, Vedder told the judge of Slocum's defiance. Currier listened in silence, then got up and went to a carpetbag that he had brought with him directly from the train that morning. He got out a long-barreled revolver.

"Vedder," he said, "I followed the Union Pacific all the way across the country. I've seen fifty towns without law and I've known a lot of lawmen, some good and some bad. And sometimes I've seen bad lawmen who were better than the good. Tom Smith was the leader of the Bear River riots and two years later he was marshal of Abilene—the best lawman a boomtown ever had. . . . We're going to call on Jim Dancer and *beg* him to become sheriff of this county." He headed for the door, but Vedder, his eyes shining in delight, beat him to the door. He started out and downstairs, the judge following.

From below, guns spouted flame and death. Charles Vedder cried out and fell headlong down the stairs and after him came Judge Currier!

Johnny Tancred holstered smoking guns and said calmly to his two assistant murderers:

"They drew on us!"

He walked to the front door of the jail and tried the door. It was locked on the inside. He banged on the door with his fist. "This is Marshal Tancred," he cried. "Open up!"

"I don't take my orders from you," Romeike called through the door.

Johnny Tancred stepped back, drew one of his guns and placing it to within six inches of the lock on the door, fired twice. Then he kicked in the door.

A shotgun roared inside the jail office, but Tancred, expecting that, had jumped aside and the full blast of the charge tore a huge hole in one of his men.

Then Tancred fired twice into the jail and walked calmly into the room. He saw the cell key lying on the table, got it and unlocked the cell door.

"All right, boys," he said, "you're free."

The seven prisoners, four of whom had been convicted of murder and sentenced to death and three, to whom the judge had not got around, poured out of the cell into the jail office.

"Hold up your hands, boys," Johnny Tancred said jocularly. "I'm going to swear you all in as deputy marshals."

"What about the judge?" asked Yancey, a bit nervously.

Tancred laughed. "What the hell do you think that shooting was for? There ain't no more judge—and no law in Lanyard except us."

"Where's Jim Dancer?"

"He got fired. Yeah, by the judge, before he died himself."

"I've got a score to settle with him," snarled Yancey, "and I don't mean for what he did to me today."

"Go ahead and settle it."

Yancey's face twisted in a frown. "You say we're the law in Lanyard?"

"That's right."

"Then why don't we all go and get Dancer? Make it legal."

Tancred looked sharply at Yancey a moment, then began to chuckle. "Legal, eh? Yeah! Dancer didn't like the way I worked the last time I was a marshal. Well, let's give him a sample of the way we're going to run things from now on."

The eight men poured out of the jail and started up the street. But before they had gone very far they turned in at a hardware store and requisitioned a round of revolvers and ammunition.

"Charge them to the city," Tancred said to the cowed hardware store man.



As they came out of the store they were met by a frightened Bert Slocum.

"Johnny," cried Slocum. "You—you killed the judge and Vedder. . . ."

"Sure," Johnny replied easily. "They drew on us. It was self-defense."

"There'll be trouble over that, Johnny," said Slocum, shaking his head in foreboding.

"Nothing we can't handle. Don't worry about a thing, Bert. We got plenty of law here." He winked. "I deputized the boys. We're on our way to arrest Dancer. Legal-like, too. Which reminds me, round up Judge Leach so we can give Dancer a quick trial—like he give the boys this morning. . . ."

Tancred winked again at Slocum and led his procession of deputies up the street.

As they neared the Eldorado, Tancred caught sight of Dave Oldham standing in the doorway. His eyes lit up in unholy glee. "Well, well," he cried. "If it ain't the ex-marshal's volunteer assistant."

"Leave me alone, Tancred," said Oldham tautly.

"Why, I wouldn't think of bothering you, Mr. Oldham," Johnny Tancred said smoothly. "But I thought since you like to help marshals so much you might want to come along—while I arrest your friend, Dancer. . . ."

"You're going to arrest Dancer?"

"He's an outlaw, isn't he? This is a law-abiding town and we don't tolerate outlaws."

"What about this rabble that's with you?" Oldham asked savagely.

"They're my deputies."

Florence Peel came through the door. "Deputies," she said scathingly, "that scum isn't fit to clean Jim Dancer's boots."

"Just for that, lady," snarled Tancred, "you can have a ringside seat at Dancer's hanging."

"The likes of you will never see Jim Dancer hang."

"Oh, no? Where do you think we're going now?"

Oldham stepped out upon the sidewalk to block Tancred and his cutthroats. "They mean it, Florence. Go and warn Jim."

Startled, Florence Peel looked at Dave Oldham. What she saw in his eyes caused her to inhale sharply. She stepped out upon the sidewalk, started to run past Oldham, toward the Drovers Hotel a hundred feet away.

Tancred cried out: "Here, you . . . !"

He reached for his guns. Oldham was already reaching for his own, but Oldham was an amateur gun fighter, Tancred a professional. Tancred's bullet slammed back Oldham, drove him to his knees. From that position Oldham fired at Tancred, putting his bullet through Tancred's left forearm. And then Tancred's second bullet caught Oldham between the eyes.

"The girl!" shouted one of the ruffians. "She's going to warm Dancer . . . !"

Yancey was already in pursuit of Florence Peel, but she was outstripping him. He stopped suddenly, whipped out his gun and fired. Florence broke in her stride and plunged to the sidewalk. The Tancred men, their leader among them, pounded up. Tancred, blood dripping from his wounded arm, did not even spare a glance at the girl on the sidewalk as he ran past her.

## 23

---

The group tore into the hotel, grabbed the young clerk who was in the lobby. With a gun in the boy's stomach, Tancred demanded the number of Dancer's room.

"N-number eleven," bleated the clerk.

Tancred shoved him aside and bounded for the stairs.

On the second floor, Tancred wasted no amenities. He kicked in the door of Number 11 and caught Dancer on the bed, just sitting up. His gun was in his belt which hung from a nail on the wall.

"You're under arrest, Dancer!" Tancred cried.

"And you're going to hang, damn you!" howled Yancey.

"So you let them loose," Dancer said soberly. "I guess that was the shooting I've been hearing."

"The judge, yeah," sneered Tancred. "And your friend, Oldham."

"Oldham's dead?"

"I never saw a deader man in my life. And that gambling woman friend of his. . . ."

"Florence Peel?"

"Yancey got her. She tried to run ahead and warn you we were coming."

Dancer looked steadily at Yancey. "I guess that more than evens things between us."

Yancey shrank back from what he saw in Dancer's eyes. "I been after you a long time, Jim Dancer. . . ."

"And now you've caught up with me?"

Yancey reached forward and struck Dancer in the face with the muzzle of his gun. The blow laid open a two-inch gash on Dancer's cheek. Blood trickled down onto his shirt.

Dancer said: "I expected that from you, Yancey."

Dancer's calmness enraged Yancey. "You're tough, Dancer, but you'll be down on your knees begging before this day is over."

"Let's get going," Tancred said impatiently. He shoved Dancer toward the door. Hands gripped him roughly and propelled him down the stairs and through the hotel lobby.

Out in front of the hotel, Tancred stopped his crew. "Where the hell's that judge?" He looked up and down the street which was virtually deserted, except for four horsemen who were standing a few feet down the street.

Tancred swore roundly. "Yancey, take a couple of men and find the judge. Bring him here even if you have to drag him by the heels."

Yancey started to protest, but Tancred roared at him: "I'm running this show."

Yancey touched a couple of his friends and the three trotted off up the street. Downstreet, two of the horsemen dismounted and giving the bridle reins of their mounts to the others, walked over to Tancred's crowd.

Tancred scowled at them. "What do you birds want?"

"Not a thing," said one of the men. "We're strangers here and we thought—"

"Go and mind your own business," Tancred snarled. "It'll be healthier for you."

The two men held their ground. "We were only trying to pass the time of the day."

"You've passed it."

"All right, but you don't have to be so tough about it. We thought some of settling in this town, but if people are like this—"

"Look, stranger," Tancred said sourly, "we're law officers and we're about to hang an outlaw. We haven't got time to make a reception committee for strangers."

"Well," said the bigger of the two men, "a hanging, eh? I've always wanted to see one. When does it come off?"

"As soon as the judge tries him. We do things legal in this town."

"Good! Good!" said the big man. "There's nothing like a legal hanging."

A muffled shot sounded in a saloon up the street and a moment later the door burst open and Judge Chandler Leach came running out as fast as his short legs could carry him. Behind him came Yancey, the former guerrilla, and his two mates. And behind them Bert Slocum.

Leach outstripped the others in his approach to Tancred's crowd.

"Marshal," he cried, "I can't do it. I haven't got authority to try a man on a hanging matter."

"You had plenty of authority before that Kansas City judge came here," sneered Tancred.

"Yes, but that was before we knew that a county had been formed."

"Well, it's been unformed," snapped Tancred. "And if you need any authority to try this man, here it is. . . ." He drew his gun and pointed it at Leach's stomach.

Slocum came up. "Johnny," he pleaded, "you've gone too far. You can't get away with this."

"But, Mr. Slocum," Tancred mocked, "I'm just a hireling—don't you remember? You hired me."

Slocum walked stiffly away from the group, crossing the street to the bank, which he entered. Johnny Tancred glowered after him a moment, then gave his full attention to Leach. "All right, Judge, do you think you've got the authority now?"

Leach gulped. "Y-yes."

"The prisoner," said Johnny Tancred, "is a notorious outlaw and murderer, one Jim Dancer. That's him over there, the sick-looking bird with the blood on his face."

Judge Leach seemed to be trying to swallow his Adam's apple. Tancred poked the muzzle of his gun into the judge's ribs—not gently. "Can't you talk, Judge?"

"Uh, yes, uh, what is the evidence against this—this man?"

"Evidence, Judge? Why, I just told you he was a murderer; isn't my word good enough in this court?"

Yancey piped up. "I can give some evidence. I saw him kill a man once."

"There," said Tancred. "What more evidence do you want? Even Judge Currier took the word of only one man this morning."

The Judge grasped at the straw. "That's right. I—I find the prisoner guilty as charged."

"That's fine, Judge, just fine. Now the sentence."

"Twenty-five dol—" began the judge, then caught himself and shot a frightened glance at Tancred. The marshal's cold eyes caused him to drop his own.

"Death," the judge croaked. "Death by hanging. . . ."

"Thank you, Judge," Tancred mocked. "You've done a good job—and there are plenty of witnesses here who heard you sentence the prisoner. Just in case there's any question about it later. . . ."

"No, no," sobbed the judge.

"What's that?"



Leach tried to turn away but Tancred caught him roughly by the shoulder and turned him back. "I think you'd better put the sentence in writing. Andy—run into the hotel and get the judge some paper and a pen."

One of the deputies ran into the hotel. He returned in a moment with the required articles which were handed to the judge and the little man scrawled a few words on a sheet of paper.

"And now," Johnny Tancred announced, "we're going to have that little hanging party that the town's been looking forward to." He chuckled wickedly at Yancey. "You lucky dog; it coulda been you just as well."

"Don't joke about a thing like that!" cried Yancey.

"I'm not joking; you had a close shave. And just to make you appreciate your good luck I'll let you tie the knot and slap the horse out from under him. How's that?"

"That's something I've been looking forward to!"

"All right, what do you say to that nice cedar at the end of the street? There's a branch just about eight foot off the ground that's just made for a nice hanging."

The crowd started up the street, herding Dancer along in front. From doors and windows townspeople watched the procession, but no one interfered. The law of Lanyard was gone; the town was in a worse condition than when Jim Dancer had first entered it. And now—now Dancer, the man who had made law in Lanyard, was leaving. . . . But the hanging party was going to have some spectators after all: the four strangers who were mounted on beautiful horses, followed the procession at a distance of about a hundred feet.

One of the marshalls picked up a horse along the way and after awhile the hanging party came to the end of the street where a fine cedar tree stood alone at the side of the road. Ahead, less than an eighth of a mile, was the imposing residence of Bert Slocum, the deposed ruler of Lanyard. And now that they had the tree and the horse, the would-be executioners discovered that they lacked the essential item, a rope. No one had thought to bring one along.

That was where the four strangers came in. They rode forward and one of them, a lean, sun-tanned young man of twenty-four or twenty-five, took a coil of rope from his saddle pommel. "Here's the article you want, friends," he said, smiling crookedly.

Tancred stepped forward to take the rope and looked

sharply into the lean man's face. "Didn't I tell you a while ago to go mind your own business?"

"Seems to me you did say something like that, Mister," retorted the lean young man. "But hangings don't come along every day, you know, and we hate to miss a good one." He suddenly smiled. "Besides, you're going to use my rope. That ought to be good for an admission ticket."

Tancred took the coil of rope and scowled. "You can stay, but keep clear, understand?"

"You bet!"

Tancred turned and tossed the rope to Yancey. "You said you wanted the pleasure of tying the knot."

But Yancey was suddenly standing as if petrified. His mouth was agape, his eyes threatened to pop from his face. He was staring at the lean young man who had given Tancred the rope.

"What's the matter with you, Yancey?" cried Tancred.

He whirled suddenly and looked at the lean man. The latter was smiling lazily and Tancred, puzzled, turned back to Yancey. He gripped the ex-guerrilla's shoulder and shook him. "Snap out of it. You look like you'd suddenly seen a ghost."

The lean man on the horse said: "Takes nerve to hang a man. Maybe your friend's a little chicken-hearted."

"I told you to keep out of this," exclaimed Tancred. He grabbed the rope from Yancey's hands, shook out a length of it and began to tie a knot. By the time he had finished, Yancey had recovered somewhat, although his Adam's apple was moving furiously up and down.

Tancred gave him a disgusted look and, walking past him, threw the clear end of the rope over the low limb. One of the "marshals" caught it and, twining it about the tree trunk, knotted it securely. Tancred stepped up to Jin Dancer with the noose in his hands.

"Well, sheriff," he said, "you had a short run."

"Yours may be even shorter, Tancred," Dancer said evenly.

"Not as short as you think. I don't mind telling you that my plans don't call for me to hang around this territory." He grinned crookedly. "Old Slocum's going to get the surprise of his life when we run out on this and let him hold the bag—an empty bag. He's got a hundred and fifty thousand dollars in that bank of his that we're going to relieve him of."

The lean stranger suddenly rode his horse forward.

"What's that, Mister? You're figuring to hold up the Lanyard bank?"

Tancred turned savagely to the mounted man. "I warned you to keep out of this. . . ."

The lean man's horse was oddly restless; it moved so that it was sideways to Jim Dancer and between him and Tancred.

The man on the horse said: "Hanging's one thing, Mister; that may be your job. But mine's holding up banks. . . ."

"Look out, Tancred!" suddenly screamed Yancey. "*He's Jesse James!*"

And at that moment Jim Dancer reached up and grabbed the butt of the revolver that was so conveniently within his reach in the lean man's holster.

The man on the horse didn't seem to mind; his own right hand had gone under his coat—and came out with a twin to the gun that Dancer had appropriated.

Dancer fired the first shot; he dropped to his knees and, firing under the horse's belly, caught Johnny Tancred with his gun only half drawn.

The bullet knocked Tancred backwards into Yancey, the former guerrilla, and spoiled his own aim. Jesse James' bullet caught Yancey in the stomach.

Yancey fell to his knees and took a second bullet in the back of his head; it was fired by the big stranger on horseback who had spurred forward.

"I told you to stay away from this town," cried the big man, who was Cole Younger.

That was all the shooting there was. There were nine more men in Tancred's group; one or two had gone for their guns, but the swift deaths of their two leaders paralyzed their hands—or perhaps it was the sudden knowledge of the identity of the four strangers . . . who were aligned with Jim Dancer.

Guns began dropping to the ground, to the great disgust of the young bandit leader. "Why, damn you for a bunch of chicken-hearted cowards," he raged. "You've got us outnumbered. Why don't you fight?"

"I ain't fightin' Jesse James," whined one of the craven crew.

"Then, if you ain't fighting," cried Cole Younger, "start running!" He fired at the foot of the man who had spoken, his bullet clipping off a bit of the leather toe.

The man started running blindly—as did his friends. The outlaws fired a few shots after them.

Jim Dancer went around to the four horsemen and shook hands with each of them. He gripped the hand of Cole Younger, the longest. "Sorry I had to break my promise to you, Jim," said the big outlaw. "I wouldn't have done it only we thought it would help you out." He smiled. "We got word in a roundabout sort of a way that you were having a lot of trouble here because of a man who owned the town and had too much money."

"Bert Slocum!"

"That's the man. Well, we were tipped off that this man wouldn't be so much trouble around here if he lost about a hundred and fifty thousand dollars that he kept in the local bank."

"What do you mean, you were tipped off?"

"He's telling you the truth, Jim," laughed Jesse James.

"A big railroad man named Lanyard tipped us off." He made a clucking sound with his mouth. "He's got a good railroad, too. May have to hold it up sometime."

Dancer, looking past the outlaws, toward the town of Lanyard, saw two riders come slowly toward them. At a distance of more than a hundred yards he recognized Bert Slocum and his niece, Evelyn.

Jesse James said: "Of course you're riding with us, Jim."

Dancer shook his head. "A man's got to play out the hand he's dealt . . . and mine is here."

"Jesse!" exclaimed a tall, mustachioed man. "We'd better go." He gestured toward the approaching riders.

Jesse nodded. "Right, Frank!" He looked down at Dancer. "Been good seeing you again." He grimaced wryly. "And maybe this makes up for the time you saved my life at Baxter Springs."

He gave Dancer a half salute and dug his spurs into his horse's flank. The animal sprang away, headed for the open prairie. The other outlaws followed Jesse James at a full gallop. Jim Dancer looked at the gun he had borrowed from the outlaw chieftain and forgotten to return, and thrust it into the waistband of his trousers. Then he mounted the horse that had almost served as an execution block for him, and rode toward the town.

After a moment he had to pull up for the horses of the Slocums had stopped and were blocking the road.



"Well, you won after all, Dancer," said Slocum in a strangely tired tone.

Dancer made no reply and Slocum drew a slow breath. "I give you the town of Lanyard, Dancer. . . . Carter Bullock ran off with all my money."

Dancer stared at him and the broken ruler of Lanyard rode past him. But the road was still blocked for Dancer, for Evelyn Slocum remained. Dancer finally looked into her face and saw that it was heavy and dull.

"She loved you, didn't she, Jim?" Evelyn said slowly.

Dancer gave a start: "Florence Peel?"

"Who else? She died trying to help you and I—I tried to kill you." Her impassive face suddenly broke and she buried her face in her hands. A sob shook her body and Jim Dancer, sitting his horse awkwardly, a half dozen feet away, felt as old as the plains of Kansas.

Then, finally, Evelyn Slocum stopped sobbing and lowered her hands from a tear-stained face. "A person can live only so long with hatred," she said.

"Or with death," said Jim Dancer. "If it helps any . . . I never forgot. Not for one minute of these nine years. . . ."

"You were only a boy," Evelyn said. "What did you know about it all? I—I thought of that and fought it and today—today, I learned that there are things stronger than hate."

Dancer stared at her.

"I'm going away," Evelyn went on. "Maybe I can forget all this after awhile and then perhaps I can live a normal life and see people . . . as they really are."

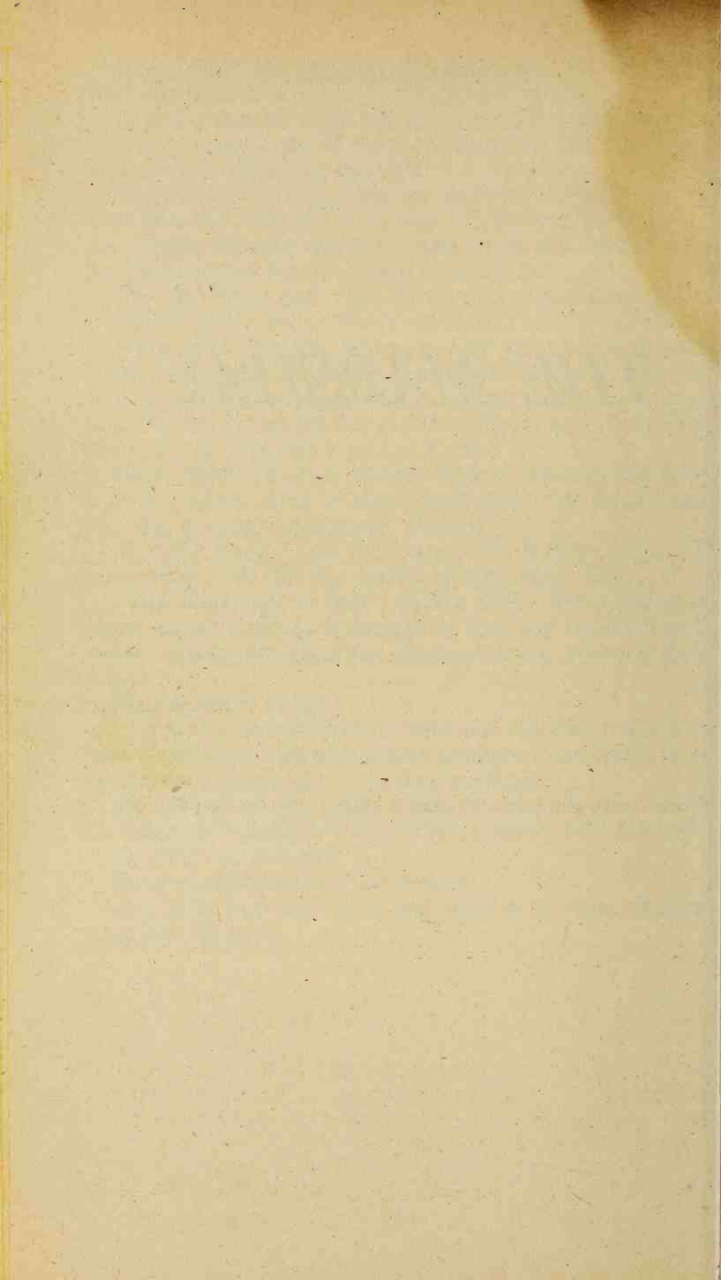
She picked up her bridle reins. "Maybe I'll even come back here to Lanyard." She looked squarely into Dancer's eyes. "Will you be here?"

Dancer said hoarsely: "I'll be here."

She rode past him then, and after a moment Dancer rode into the town.



# *THE MARSHAL*



**1** On Sunday, April 9, 1865, Robert E. Lee surrendered the Army of Northern Virginia to Ulysses S. Grant. The surrender was made at the home of Wilmer McLean, in the hamlet of Appomattox Courthouse.

In a field hospital only three miles from Appomattox, on that same afternoon, a Union Army surgeon looked down upon the haggard face of Captain Thaddeus Shay, of the Fourteenth New York Cavalry. He said to an orderly, "This one will be dead before sundown. Move him out to the shed and bring in the amputee whose leg I removed this morning."

The eyes of Captain Shay were closed. The breath in him was weak, but he heard the words of the surgeon and as they carried him out to the shed at the rear of the field hospital and placed him on the ground, wrapped in a blanket that was to be his shroud, the tiny spark of life that still flickered in him was fanned into a glow. His lips moved, but the orderlies were gone before the tortured words came from his lips.

*"I won't die! I won't . . . !"*

In the morning, when a detail came to bury him, Shay's eyes were open. Later in the day he was returned to the crowded ward. The surgeon looked down at him and brought another surgeon. After a while the second one said, "He has no right to be alive."

"I know," said the first surgeon, "by all the rules he ought to be dead, but he has the will to live. Perhaps he'll make it."

The weeks of agony, when the tiny flame of life flickered so weakly and sometimes sputtered . . . the days when hope began to grow . . . the weary period of convalescence. The long, long months in the hospital.

Two years.

A man had to do something. He couldn't just lie on his

back and think, he couldn't relive Antietam and Gettysburg, the Wilderness and Yellow Tavern. . . . He couldn't bring back the smell of the dead, the screams of the dying, the thunder of carbine and rifle, the roar of the cannon. The faces of the comrades who were no more.

They were dead and he was alive.

Life must be lived.

There were two years of convalescence. He had time to think, and one fact became dominant in his mind.

He would not go back to the crowded city in which he had lived before the War. He could not go back to his old way of life . . . the dreary clerkship in the office of the shoe manufactory. He could not go back to his old way of life.

The tide of empire was flowing West, across the Missouri, into the broad sweeps of the prairie country. A new land was opening up, a new way of life. A more peaceful one.

The fragment of lung that still remained in him needed dry, clean air. His mending body required exercise. He would cross the Missouri, and in the new world, find himself. That, Thaddeus Shay decided upon in those early months.

Yet a man had to make a living and he knew only one trade.

Killing.

There would be no more of that, he said to himself over and over, sometimes in agony, through clenched teeth. He wanted peace, he wanted it more than anything in the world and it came to him that this would be his new life. A life of peace and quiet . . . and order. He would seek it out there in the new country.

Law, order, peace and quiet.

After some weeks of thinking thus, Shay sent for some law books. He read them. He studied and he memorized and he spent long hours thinking of the law and how people could live by it if they practiced the things the law said were good.

After a long period, a judge from the nearby county seat came to the hospital and asked Thaddeus Shay many questions about the law, what he would do in such and such a case, if such or such problems were presented to him. He was satisfied with Shay's answers and gave him a document which stated that Thaddeus Shay was fully qualified to practice at the bar.

**2** In May of 1867, Thaddeus Shay rode the steam cars from Washington City to Cincinnati, from Cincinnati to St. Louis and from there to Kansas City.

Kansas City bore the scars of war. Thousands of Minié balls were embedded in trees. Buildings had suffered severely and gleaners were still sifting the earth of the breastworks around the Westport section for the tons of lead that had been fired into them during the bitter three-day battle in October, 1864.

Shay carried his carpetbag from the St. Louis train to the Kansas Hotel, near the Landing. He got a room, and after refreshing himself from the fatiguing train journey, he went down into the lobby, bought a thin cigar, and lighting it, stepped out upon the veranda to survey the immediate reaches of Kansas City.

This was the jumping-off place. From here he could take a river boat to the north and west. In the spring the shallow-draft boats could go all the way to Fort Benton, in Montana Territory. It was mining up there; the land was raw and wild, the towns were few and far between and it got very cold in the winter.

He could travel straight West, with one of the wagon trains that were perpetually starting for the shores of the Pacific. The gold seekers had thinned down to a trickle and Shay had read in a magazine that fortunes could no longer be torn from the beds of streams, but had to be prized from the quartz veins in dank shafts far under the ground.

No, the new frontier was here, just before Shay. The railroads were now probing into the plains that had been traversed by the gold seekers. The country was not too hot and not too cold. The winds blew and cleared the atmosphere. It was good for the lungs.

A new town, a town just beginning. He could grow with it, regain his health . . . and find the peace and quiet he wanted so much.

He left the hotel veranda and strode down the street and soon found himself in front of the Wells Fargo office. A stagecoach stood before the place and luggage was being deposited in the boot. Passengers were already inside the coach. Shay stopped.

A Wells Fargo strongbox was brought out and boosted



up to the driver's perch. A man with a shotgun climbed aboard and with a "Hi-yah-yah!" from the driver, the stagecoach was off.

The Wells Fargo agent started back into the office. Shay followed.

"Where does your stage go to?" he asked.

"You name it. Oregon, California, New Mexico and all points between. Wells Fargo ships anything, anywhere, and we take you anywhere."

"Isn't there a railroad building out of Kansas City?"

The Wells Fargo man grimaced in distaste. "There's some contraption that huffs and puffs and runs on some tin rails or something, but it don't go anywhere. It's got some fancy name like Kansas and California Railroad, but it's bogged down somewhere the other side of Lawrence and I doubt if they ever lay another tie or rail."

"The Union Pacific is building out of Omaha."

"They got their own troubles, but this Kansas-California bunch, they're nothin' but a bunch of blue-sky promoters. They got a beautiful railroad on paper. On the ground, they got sixty miles of rusty rails and a dinky engine that burns a cord of wood every two miles. Mister, you want to get there, go by stagecoach."

"I'm going to do just that," said Shay, "if I can find the kind of town I'm looking for."

"What kind of place is that? Does it have to have streets of gold? I haven't got any towns like that, but I got some with a lot of dust and gumbo mud when it rains; and some nice buffalo chips mixed in it that's good for the grass."

"I'd settle for a town that's just beginning to grow," Shay said. "A town that the railroad's going to reach one of these days."

"Alder City," said the Wells Fargo man promptly, "just a hop, skip and a big jump. She ought to be a fine town for a man with a little piss and vinegar. Fare's fourteen dollars and fifty cents and the next stage leaves tomorrow morning at seven."

"How big is this Alder City?"

"How should I know? I ain't been there. Maybe fifty people, may five hundred. I sell lots of tickets to it. Two-three every week. It's on the railroad route . . . if they ever get enough money to lay forty more miles of track."

"It's forty miles beyond the end of track?"

"More or less."

Shay was thoughtful for a moment, then took out a sheaf of greenbacks. "I believe I'll buy a ticket to Alder City. On tomorrow's stage."

**3** A few minutes later Shay left the Wells Fargo office. He was about to turn back to the hotel when he heard a sound with which he was altogether too familiar.

A revolver shot. Wincing, he turned back. The revolver was fired again at intervals, and Shay made out a group of men about a hundred yards away. They were in the town square on the opposite side of the street. Apparently they were firing at a target.

Target practice in a public square would not have been permitted in an Eastern town, but this was the frontier, country that had been fought over only two or three years before. It was natural that men should have guns and indulge in competitive target shooting. It was something to which Shay would have to grow accustomed.

He hesitated a moment, then crossed the street and advanced toward the square. As he neared it another contestant stepped out of the group and emptied a revolver at a target. He was a fast shot, this man, firing the gun about as quickly as a man could work the hammer and pull the trigger. The man would be fortunate if he even came close to the target, Shay thought.

Yet as Shay came up a paper target was being passed around the group.

"Six bull's-eyes!" a man exclaimed.

The bull's-eye was one inch in diameter. Shay caught a glimpse of it and asked a man at his elbow, "What was the distance?"

The man pointed to a tree. "A hundred feet, if she's a foot."

A youth of no more than nineteen or twenty stood to one side, reloading the cylinder of a Navy Colt revolver. A man with a short stubble of beard stepped up to him.

"What'd you say your name was, bub?"

The youth gave the bearded man a careless glance. "I didn't say."

An older man, with a revolver stuck behind the waistband of his trousers, also approached the youth. "You licked me fair and square." He grimaced. "First time it ever happened."

Another man chuckled. "Now you know how Wild Bill Hickok felt when *you* beat him."

The man beside Shay nudged him with his elbow. "Fella with the beard's Jacob Bartles. They say he always beat Wild Bill Hickok shootin' at marks when they was both with Jim Lane's Redlegs."

Shay indicated the youth who had just bested the man who had beaten Wild Bill Hickok. "Who's the young chap?"

Shay's new acquaintance looked carefully around, then lowered his voice. "Don't know for sure. This is a rigged-up job. Somebody got to shootin' off his mouth about old Jacob Bartles and next thing you know they brung the young fella here and bet a hunk of money on him." He paused. "I got a hunch the boy's name is Donny Pence."

"Pence?"

"He rode with Quantrell. Supposed to be the best shot of any of the guerrillas . . ."

He stopped. A short distance away, Jacob Bartles, after talking to a pair of his backers, walked back to the youthful marksman. "Your name's Pence," he said grimly. "You were with Quantrell at Lawrence. . . ."

"No," replied Pence simply, "I didn't join up until afterwards."

"But you did ride with Quantrell?"

Pence shrugged.

One of Bartles' backers snapped: "I'm a Kansas man myself. I always said I met up with any damn guerrilla, I'd——"

"Yes?" said Donny Pence quietly.

Bartles' man looked into the mild eyes of the young guerrilla, then suddenly turned away. A hulking bruiser of a man took his place.

"I fit with Jennings," he growled. "You bastards bushwhacked us outside of Independence. . . ."

He reached a huge hand toward the slender Pence. His hand did not touch the young marksman, however. A man almost as big as he was stepped forward, caught the big arm and pushed it down.

"Pick on somebody your size, Mister!" the newcomer said.

The belligerent one snarled: "You're my size!" He tried to jerk his arm free, found that he could not do so. A surprised, shocked look came into his eyes.

The man who had gripped him said, "My name's Younger. Cole Younger. You want a fight, you got yourself a fight. Any way you want it." He released the big man's arm, took a quick step back. "But I'd advise you to shut your big mouth and go home."

The man who had been about to assault the young guer-

rilla backed away. He bumped into another man, jumped as if stabbed, then, whirling, dashed through the crowd.

The crowd itself, Shay saw now, could not disintegrate too quickly. Inside of thirty seconds, less than half of the men remained and these, it struck Shay, were mostly men who had wagered on Donny Pence. They were, almost to a man, hard-faced, bleak-eyed.

One of them saw Shay and came up to him.

"You waitin' for somethin'?" he asked.

"Not necessarily," replied Shay.

"Fun's over."

"So I see." Shay regarded the man facing him, nodded, then turned away. As he walked back toward the hotel, Shay found that he was perspiring freely. The situation he had just left had been a delicate one. The wrong word, a sudden movement, and blood would have been spilled. Much blood, for virtually all of the participants and spectators had been armed.

Two doors from the hotel there was a display of revolvers in the window of a store. Shay paused a moment, examined the display, then shook his head in annoyance and went back to the hotel.

**4** A team of six horses was hitched to the stagecoach. Three persons were already in the stage when Shay arrived with his valise. The driver took it from him and stowed it in the boot.

Shay was about to get into the coach when the Wells Fargo agent came out of the office. He was carrying a squarish leather bag and a carpet bag. At his heels came a young woman wearing a green velvet traveling dress.

"This is Miss Torbert," the agent said to the stagecoach driver. "She's going to Alder City. Take good care of her."

The driver's eyes sparkled. "I shore will take good care of her." He opened the stagecoach door, helped the young woman into the coach. His eyes fell on Shay. "We're ready to roll, Mister."

Shay got into the coach, taking the seat facing the rear, on which two men already sat. He found himself facing the female passenger. She sat beside a man wearing buckskins, an unshaven, long-haired man. Tobacco juice stained his reddish chin whiskers.



Beside Shay was a rather plump man in a sack suit and derby hat. Beyond him was a lean, swarthy man in a grey Prince Albert. He, too, wore a derby.

The passengers eyed one another for a moment or two, then the plump man beside Shay cleared his throat and said, "This is going to be one rough trip, folks. Be all right from here to Lawrence, but after that . . ." He grimaced.

The man in the buckskins said, "Me, I won't feel good until we get *past* Lawrence. I come to the big city to have some fun and all I got out of it was a big head and a taste in my mouth like stale moccasins."

Outside, the stage driver and shotgun guard mounted their posts. A whip cracked, the driver yelled, "Hi-yah-yah!" and the stagecoach jerked forward.

A wheel hit a deep rut inside of a few yards and Shay was thrown halfway out of his seat. His hand went out instinctively to brace himself and his fingers flicked the arm of the young woman across from him.

"Sorry," he apologized. "I wasn't prepared."

She gave him only a fleeting, wan smile.

"I'm in the hardware business," the plump man announced. "I'm opening a store in Alder City." He pursed up his lips. "My name is Fred Reynolds."

"Howdy, Reynolds," exclaimed the man in the buckskins. "I'm Taw Smith. Alder City, hey? Used to hunt buffler there before the big fracas. Man's got to go two-three hundred miles b'yond Alder City now before he can make hisself a good stand."

Reynolds nodded enthusiastically. "Alder City's going to be a regular metropolis in a year of two. When the railroad gets there . . ."

"If it gets there," said the fourth man in the stagecoach.

"You don't think it will?" asked Reynolds. "I've been assured that there will be regular train service to Alder City by midsummer. . . ."

"Who gave you that assurance?" asked the lean man.

"The president of the railroad, old Akers himself."

"Before or after you bought shares?"

Reynolds scowled. "Come to think of it, he did try to sell me some shares." He looked suspiciously at the man in the Prince Albert. "Anything wrong with those shares?"

"Nothing much," was the reply. "I've seen some of them. They're beautiful specimens of the printers' and engravers' art, but I wouldn't put up ten dollars against a hundred shares of K and C stock."

"You're a gambler, Mister?"

Ben Goff nodded, smiling thinly. "I am, sir."



"You're figuring to open up in Alder City?"

"Why not? It's a lively little town, I'm told, and *if* your railroad gets there, it'll be even livelier."

The hardware man scowled. "I've nothing against a friendly game——"

"There's no such thing as a friendly game," retorted the gambler. "You try to get my money, I try to get yours." He leaned forward and smiled across at Shay. "What do you say, sir?"

Shay shrugged. "Every man to his taste."

"You're not averse to a game of chance? Although there's little enough of that when you play against a professional." The gambler smiled thinly. "I don't believe I caught your name, sir?"

"It's Thaddeus Shay."

"How are you, Mr. Shay? You are also traveling to Alder City?"

"Yes."

Reynolds squirmed around to look at Shay. "You're opening a business, Mr. Shay?"

"Not exactly."

Reynolds frowned. "You're—you're not a gambler?"

"No." Shay hesitated, realizing that his reticence would seem discourteous to these people. He added, "I'm a lawyer. I intend to open a practice."

Reynolds stared at him. Beyond him the gambler chuckled. "A lawyer! Now I've heard everything."

Reynolds said, "There's no chance for a lawyer in Alder City."

"Why not?"

"You been there? Alder City's got maybe fifty people. What lawin' would they need?"

"They need legal documents, contracts," Shay said. "People get in trouble. . . ."

"How do you mean, trouble?" demanded Reynolds.

Shay was becoming annoyed. "People break laws."

"What laws? There ain't no laws where we're going."

"He's got you there, friend," exclaimed Goff, the gambler. "I haven't been to Alder City, but I've been to places like it. People settle their own troubles. They don't need lawyers. I think, Mr. Shay, you're going to get your eyes opened in Alder City."

Across from Shay, Lucy Torbert suddenly spoke: "Mr. Reynolds, I believe you said you've already been in Alder City. Do—do you know my father?"

Reynolds looked blank. "Your father?"

"My name is Lucy Torbert. . . ."

"Torbert," mused Reynolds.

"Yes."

"I thought I met everyone in Alder City. How long has he been there?"

"For some time. Several months." The girl across from Shay frowned. "Father wrote me that he owned a business in——"

"That's impossible," exclaimed the hardware man. "I would have met him. Torbert, you say?"

"Jason Torbert."

"Jason . . ." began Reynolds, then tried to suppress an exclamation. He coughed, cleared his throat. "I'm afraid I do not know your father, Miss—Miss Torbert. I was only in Alder City two days. . . ."

"Father isn't a forward man." A tiny frown creased the girl's forehead.

Shay, beside the heavy-set Reynolds, could feel a tremor running through the man. Then Reynolds said, "Your father's expecting you, Miss Torbert?"

"Why, no," she said. "At least not now. He said that I was to join him later in the summer, but something came up and I—I decided to go out to Kansas now and surprise him."

"He'll be surprised, all right," said Reynolds heavily. He slumped back in his seat and half closed his eyes as if tired.

**5** The various passengers lapsed into silence. The stage rolled on, along the rutted road, bouncing the passengers until they were bruised and weary. A stop was made at Lawrence for lunch. There were many new houses in Lawrence, but there were still many charred remnants of houses, too, relics of the Quantrell massacre of August, '63, when the guerrillas raided the town and slaughtered most of the male population.

West and south of Lawrence the stagecoach road ran for several miles parallel to the rails of the railroad that was being built westward. After a half-dozen miles the trail angled away from the railroad and headed due west.

It was midafternoon and they were some twenty miles west of Lawrence when the stage coach rolled into the horse-relay station. It was a flat log cabin with a sod roof, a lean-to and a corral. The stationkeeper had the fresh team all hitched

but was at some distance from the station when the coach pulled up in a cloud of dust.

As the shotgun guard climbed down from his perch beside the driver, two men came swiftly out of the open door of the stage station. One had a rifle in his hands, the other a revolver.

"Holdup!" the rifleman yelled. "Drop the Greener."

The shotgun guard was caught by surprise. He was turned toward the coach, the gun gripped in his left hand. He would have had to swing half around, cock the hammer and fire . . . and he would have been dead before he could have pulled the trigger.

He dropped the shotgun.

The man with the revolver came swiftly forward, scooped up the shotgun, and putting away his revolver, came up to the stagecoach. He pointed the lethal weapon at the door of the coach and said, "Everybody comes out with their hands reaching."

Shay, on the near side, opened the door and stepped down from the stagecoach. He turned to help Lucy Torbert and was warned back by the shotgun wielder.

"Never mind that!"

Lucy came out, then the hardware man, followed by the buffalo hunter. Last out was the gambler, Goff.

"Be damned," he said as he lined up with the other passengers. "I thought the war was over."

"Man's got to make a living," said the shotgun wielder cheerfully. "We-uns can't find jobs nohow. We got to do this." He gestured to his accomplice with the rifle. "You search, Mose. You can find a quarter better'n any man in the business."

The rifleman came forward. He said, "Nobody's going to get hurt, friends, if nobody tries nothing. But we don't aim to get our necks stretched, so I'll warn you, anyone tries anythin' fancy, the bunch of you get it. . . ."

He stepped up to the stagecoach driver, who had taken his place at the left of the line. The two men exchanged glances, then the rifleman shook his head.

"Free ride for you," he said to the stage driver, and stepped up to the next man, the buffalo hunter. The latter grinned. "Me, too," he said, "unless you take my chawin' tobacco. . . ."

"Don't gimme that," snapped the holdup man. "Shell out."

"Would I be goin' back if I still had money left?" retorted the buffalo hunter. "Hell, the on'y reason I'm ridin' instead of walkin' is that I bought the ticket before I took my first drink."

The holdup man slapped the pockets of the buckskin outfit and turned them inside out. He found no money and he was snarling as he moved along to Reynolds.

"You better have a pile," he said ominously.

"I haven't," replied the hardware man, perspiring. "I spent most of my money in Kansas City buying hardware. . . ."

The holdup man tore at the hardware man's inside breast pocket and brought out a wallet. He skimmed out a sheaf of bills, riffled through them, estimating the total amount.

"There ain't more'n fifty dollars here," he complained.

"Give me back some of it," pleaded the hardware man. "It's all I've got in the world, except my hardware stock. . . ."

"Sell that!" The bandit slapped Reynold's pocket, found some small change and took it. He glared at Reynolds, then moved along to the gambler, Goff.

"He looks like a live one," remarked the second holdup man.

"Guess again," said the gambler thinly, "I've had a run of bad luck."

"You've got *some* money!" cried the man with the rifle. He went through the gambler's pockets, one by one, and produced a crumpled dollar greenback and some silver. He spat in disgust.

"You people got a nerve travelin' without money! How you expect us folks to make a livin'? We risk our necks for chicken feed. . . ." He moved along to Shay, glowered at him.

"I suppose you're busted, too?"

"No," said Shay tautly. "I've got three hundred dollars but I'll need every cent of it. . . ."

"So do we," snapped the shotgun man. "Fork it over."

Shay shook his head. "This money's all I've got to show for four years of the War and two years in a hospital."

"We was in the War too," snarled the man with the shotgun. "You ain't the only one . . ."

"Pass it up," said Shay curtly.

The man with the rifle reached a dirty hand for Shay's breast pocket. Shay half turned away from the man, grabbed the wrist.

"I said no!"

The ruffian had the rifle in his free hand. He brought it up, attempting to smash Shay on the head with the barrel. Shay grabbed the barrel of the weapon, gave a hard jerk and pulled the gun from the holdup man's hand.

His movement was so unexpected that the man with the shotgun was caught by surprise. He tried to swivel the shot-



gun toward Shay, was caught with Shay pointing the rifle at him.

"Drop it!" Shay said grimly.

The man with the shotgun showed panic but he maintained his grip on the gun. He could bring it up, pull the trigger. He might or might not get Shay, but his own end was certain if he tried it.

"What're you gonna do to us?" he demanded sullenly.

"There's no sheriff around," said Shay. "I'm not going to take you back to Lawrence, or Kansas City. . . ."

"Kill him," said Goff.

The shotgun man backed off a step or two. "Me 'n Mose'll make a run for it. . . ."

"Don't let them," said Goff. "They would have killed us."

The man with the shotgun turned and started running toward the corrals. His companion, Mose, gave a yelp and took off after him.

"Let him have it," screamed Goff. He lunged at Shay, attempted to wrest the rifle from his hands. Shay held him off with a detaining hand.

"That would be murder," he said.

"They're Jayhawkers," cried Goff, "not worth the powder to blow them to hell. They'd kill us as soon as snap their fingers. . . ."

The two ruffians had reached the corral where two saddled horses stood. They clambered aboard and took off, away from the stagecoach and stage station.

Shay tossed the rifle to the shotgun messenger. "That's a fair exchange for your shotgun," he said.

The shotgun guard shook his head. He indicated Goff. "He was right, Mister. You should have dropped them both when you had the chance."

"My money," snapped the hardware man. "You didn't make him give it back. . . ."

"You could have lost more," said Shay. "Your life."

He started back to the stagecoach, but before he could reach the door, Goff brushed past him. He reached into the coach, dug down behind the seat cushion and brought out a fat wallet. "I stuck this behind the seat before I climbed out," he said, grinning wolfishly.

Reynolds snorted, "Why didn't I think of that?"

"You only lost fifty. I've got a thousand here. Or more. . . ." Goff climbed into the stage. The buffalo hunter and Reynolds followed. As Shay moved up to help Lucy, she suddenly turned to him.

"You're a brave man, Mr. Shay," she said, "regardless of what the others think."



6 A few minutes later, the horses having been changed, the stage was again rolling westward. The several passengers looked at one another and at Shay; then Goff, the gambler, said, "A lawyer! I get in trouble, Mister, I'll get you to defend me. We lose in court, we can shoot it out with the judge and jury."

"No," said Shay. "That's why I became a lawyer. Because I do not believe in violence."

"How do you reconcile that with what you just did back there?"

"That was an exception. The money they were going to take was all that I have in the world. Without it I would not stand a chance of opening up a practice. I *need* the money. . . ."

"A man attacks you, you might need your life."

Shay shook his head. "I would not have resisted if I had not needed the money so desperately."

Beside Shay, the hardware man snorted, "In other words, your nonviolence stand depends on the circumstances?"

"I had four years of war," Shay said evenly. "I saw enough violence to last me for a lifetime. I will not fight again."

"I won't fight either," declared the buffalo hunter, "unless someone comes at me." He chuckled. "'Course, with a snootful of liquor, it might be different."

"You will recall," Goff said sardonically, "I made no resistance myself. It wasn't worth it for the small change I had in my pocket. Of course, if they had started to search the stage coach . . ." He stuck his hand down behind the cushion, then brought it out, holding a short-barreled revolver. "I also had *this* stashed away!" He grinned, then stowed the revolver away, putting it into his inside breast pocket.

The passengers lapsed into silence. After a while Lucy Torbert opened her handbag and took out a folded envelope. She extracted a letter from it and read for a moment. Then she looked at the hardware man.

"Mr. Reynolds," she said, "you said you spent two days in Alder City. . . ."

"That's right, Miss," replied Reynolds cautiously. "I was pretty busy, however, buying a place, figuring out my stock."

"It says here," Lucy went on, "that my father *recently* opened his own business." Her eyes went down to the letter and she read: "It is easily the largest establishment in town and while the population is still modest, Alder City is bound to grow. My business will then be quite large and I intend to send for you. . . ."

"What kind of business did he say it was?" Reynolds asked, a little note of desperation in his tone.

Lucy glanced again at her letter, but finally shook her head. "That is something he forgot to tell me."

"Well," said Reynolds, "you'll soon find out."

He shot a quick glance at Shay and the latter noted that, in addition to the hardware man's face being flushed, there was a fine film of perspiration on it. He knew the girl's father, of that Shay was certain.

Three hours after the attempted holdup, the stagecoach was stopped before a fairly large relay station, run by a man and his wife. Food was on a rude table and the passengers, without waiting to stretch themselves, filed into the station and ate. The hardware man fairly wolfed his food, and catching Shay's eye, gave a slight signal for him to follow him.

Shay pushed back his unfinished plate and sauntered outside.

Reynolds, waiting just outside the door, caught his arm and led Shay toward the stagecoach.

"I do know her father," he said. "Jason's an uncommon name and there is a Jason in Alder City." He shot a worried look toward the stage station. "He's the swamper in Hageman's Saloon," he exclaimed. "He takes his pay in whiskey."

Shay whistled. "I was wondering why you held back."

"Could *you* tell her that her father's a rumpot? A broken-down, disreputable joke of a man . . . ?"

"She'll find out when she reaches Alder City," said Shay.

"I know. That's what I'm worried about. She came out to surprise her father. Well, *she's* the one that's going to be surprised. . . ." He groaned. "The old soak apparently has a few sober moments—and he's been writing her." Reynolds grimaced. "The largest establishment in town! Well, it's that, all right, but Jason doesn't own it." He scowled and sent a look toward the stage station. "They're coming! What'll we do?"

"I don't know what we *can* do."

"You're a lawyer—you ought to be able to think of something."

"I've had no experience with such things." Shay frowned. "For that matter, I've had no practical law experience. My knowledge is strictly from books."

Reynolds stared at Shay. He shook his head. "Start thinking. We'll be in Alder City in about four hours."

The passengers approached the stagecoach. "Last stop," the driver said cheerfully. "Hang on!"

In a moment or two the stage was off once more. The sun was dipping toward the horizon in the west and darkness fell quickly upon the prairie. The stagecoach did not slacken its speed. The trail was clearly defined and the horses had covered it before.

Shay dozed in spite of the jolting. He roused once or twice when an especially heavy jolt bounced him from his seat, but he fell back again into an uneasy slumber.

He was finally awakened by the shout of the buffalo hunter.

"There she is!"

The passengers squirmed about to look out of the windows. A faint shimmer of lights showed in the distance.

It was another half hour, however, before the stage reached a lighted building. Then it was just a moment or two before it pulled up.

"Alder City!" shouted the stage driver, as he leaped to the ground.

The passengers descended from the coach. Several townsmen surrounded it and for a moment there was confusion. Then a lank, lean man of about forty emerged from the group of townspeople and said, "I've got only two rooms left." His eyes fell upon Lucy Torbert. "Guess you'll have to take one of them, ma'am."

"I won't need a room," Lucy said, "if you'll direct me to my father's store."

"Your father's store? There's only two stores and——"

"Her father's Jason Torbert," cut in Reynolds. "I told Miss Torbert that I didn't know him, but——"

"Torbert?" asked the hotel man. "I don't know anyone named Torbert. Not in Alder City."

"Mr. Shay!" exclaimed Reynolds. "Tell her . . ."

Lucy exclaimed, "What does Mr. Shay know about my father?" Her eyes went quickly around the group. "Is there some mystery about my father?"

"There's no mystery," Shay said quickly. "It's just that—well, your father has not—has not yet opened his store. You'd better take the room in the hotel for tonight, at least."

"Why? Why should I?" She showed sudden alarm. "Has something happened to my father?"

"No, no," Shay said quickly. "It's just that he hasn't opened his store yet. . . ."

"But he's here, isn't he?" She appealed to the hotel man.

"Torbert," repeated Reynolds. "*Jason* Torbert. . . ."

"Jason?" Then the hotel man inhaled sharply. "Jason the . . ."

"Yes," said Shay. "Miss Torbert, I'll bring your father to you."

Lucy Torbert stared at Shay a moment. Her mouth opened to ask a question, but she suddenly closed it and went with the hotel man. Reynolds grabbed Shay's arm.

"You're in for it!"

Shay nodded. His eyes went to the hotel, a two-story, unpainted building of raw lumber. Next to the hotel were two small shops, beyond them a large building.

"That's it," said Reynolds. "Hageman's Saloon. . . ."

Shay drew a deep breath and started for the saloon. As he walked toward it he glanced around at Alder City. Daylight would probably reveal its full size, but at the moment it seemed to him that it consisted merely of a cluster of shacks gathered around the hotel and Hageman's Saloon. The Wells Fargo man, back in Kansas City, had guessed that it had somewhere between fifty and five hundred population. From the look of things, the smaller figure seemed more nearly correct.

**7** He reached the saloon, pushed through the batwing doors.

It was a large enough place, built by an optimistic man who expected the town and the saloon business to grow considerably. It was at least fifty feet wide and almost twice as deep. A bar ran down half of the left side.

The remainder of the room was furnished with a half-dozen tables and some chairs. There was a large open space at the rear. A private office was on the left beyond the bar.

There were eight or ten customers, most of them gathered around a table where a card game was going on. A bartender stood behind the bar, polishing glasses.

Shay walked up to the bar. "Hageman?"

The bartender shook his head. "Uh-uh." He nodded toward the card game.

Shay hesitated. "You've a man working here named Jason . . ."



The bartender could not resist a grin. His eyes went to the corner where the barkeeping space ended and the office wall began. Shay, craning to look over the bar, saw a man slouched on the floor in a half-sitting, half-prone position.

He walked to the end of the bar. The swamper wore trousers that had been ancient before the War. He had long ago stopped trying to patch them. A dirty knee showed through a huge rent. His shirt was filthy, torn. He wore someone's castoff Army shoes, but no socks.

He had not shaved in at least two weeks and spittle was drooling from his mouth even now, fouling him. The bartender came up behind the bar.

He gave the oldster a dispassionate kick. "Jason!"

Jason mumbled something unintelligible.

"She can't see him like this," Shay said.

The bartender looked at him inquiringly.

Shay turned, looked toward the card game, then walked to it. His eyes roamed over the players, finally picked out the man he assumed was Hageman, a well-dressed man with a Prince Albert and brocaded vest.

"Mr. Hageman?"

A heavy-set man, wearing a flannel shirt, looked up. He looked more like a farmer than a saloonkeeper. "That's me."

"Could I talk to you a moment?" Shay asked.

"Just get in?"

Shay nodded. "It's rather urgent."

Hageman tossed his cards into the discards. "Just as well." He got to his feet and shook hands with Shay. "Welcome to Alder City."

Shay started back toward the bar, forcing Hageman to walk with him. "It's about Jason. His daughter came in on the stage. . . ."

"Jason's got a daughter?" exclaimed Hageman.

"She doesn't know about her father," Shay said. "She—she thinks he's a businessman."

"Jason?" Hageman stopped and stared at Shay. "This Jason's daughter?"

"Is there another Jason in town?"

Hageman shook his head. Then he asked sharply, "What kind of a woman is she?"

"A lady."

"Come to think of it," Hageman said, "I should have known. I picked up a letter a few days ago. I was sure it fell from Jason's pocket, but when I asked him, he denied it was his letter." He paused. "I read the letter."

"She's at the hotel," Shay said. "Waiting for him."

"She isn't likely to come here?"



"She doesn't know he works here. However . . ." Shay frowned. "She's getting suspicious of something."

Hageman walked around the bar, started to kick at Jason, then caught himself. He stopped, grabbed Jason's shoulder. "Wake up, Jason!"

"Whiskey . . ." mumbled the old swamper. "Need drink . . ."

Hageman straightened. "He's had it for today.

"He's in no condition to face Lucy"

"There's a shed out back," Hageman said. "I let him sleep in it."

He stooped, caught one of Jason's arms and yanked on it. He raised the booze-soaked old man to rubbery feet, and bending quickly, let him fall over his right shoulder. Straightening, he held the man with small effort. There was little more than skin and bones under the ragged clothes.

He nodded to Shay and led the way through his private office to a door at the rear. Outside, across an alley, was a shed, part of it used for a pair of horses and the rest made into a small room, apparently intended for supplies.

Shay passed Hageman as they reached the shed and stepped inside, struck a match. He found a smoked-up lamp and put the match to it. There was a huddle of blankets in one corner of the shed and on these Hageman deposited Jason.

"I think we ought to let him sleep it off," Hageman said, "then early in the morning try to get him into some kind of shape." He looked around the shed, which was littered with sacks of grain, harness and a pair of saddles. "I hope he hasn't got a bottle stashed around here." He hesitated. "That isn't likely, though."

"How long has he been like this?"

"Three months that I know of," said Hageman. "Since he drifted into Alder City. But I've seen him in other towns and I've heard of him. Been this way ever since any one remembers. Only nobody ever heard that he had a daughter. . . . Can she straighten him out?"

"Here?"

Hageman swore. "Makes a man feel like giving up the saloon business. But if it wasn't me, it'd be someone else."

"A man who wants liquor will find it somehow," said Shay. He frowned. "I'll tell her her father's out of town, but expected back tomorrow.

"About noon."

They closed the door of the shed, crossed to the rear of the saloon and entered. In his office, the saloonkeeper said, "Going to settle in Alder City?"

"If I can make it. I'm a lawyer."

Hageman grinned. "You're a little early for that."

"So they tell me. I thought I'd get in on the ground floor."

"I could use a relief bartender," said Hageman, "until you get started." He grinned. "No disgrace in being a bartender out here on the frontier."

"I may have to take you up," said Shay, "but I'll look around first."

"Do that."

Lucy Torbert sat in the small hotel lobby, her luggage at her feet. As Shay came into the lobby she got to her feet and searched his face.

"You—you found him?"

Shay shook his head. "He didn't know you were coming and he had some business to take care of out of town. He's expected back tomorrow."

Lucy showed her dismay, but it was only momentary. "He *does* have a business then? I—I was beginning to be worried after what happened. . . ."

"I spoke only to one or two people," Shay said heavily. "They say his store is not ready as yet. . . ."

"Then I can be of help to him," Lucy said eagerly.

"You can help yourself by getting a good night's sleep."

The hotel man came forward. "I've saved your room, Miss Torbert." He picked up her bags and headed for a staircase on the right of the lobby.

Lucy smiled wanly at Shay. "Thank you, Mr. Shay. You've been very kind."

The hotel man was gone only a moment or two, then returned to the lobby. "You found Jason?"

"Unconscious."

"He's a mess and she's going to find it out tomorrow. I hope she has enough money to go back to wherever she came from."

Shay nodded. "I'd like to get some sleep myself."

The hotel man grimaced. "I've got two people in every room except the girl's." He looked at a door behind the desk. "I've got a cot back here that I use myself. I'll be sitting up most of the night, anyway."

"It won't inconvenience you?"

The man shrugged. "I'm still not used to a bed. I imagine you were in the War yourself."

"Yes, but I've been sleeping in a bed for the past two years. A hospital bed. . . ."

"Then you'll take my cot." The hotel man held out his hand. "Hankey's my name, Howard Hankey. They tell me you're a lawyer."

"Everyone seems to think the law business will be rather lean."

Hankey shrugged. "The railroad'll be here soon. I've an idea this is going to be quite a place then. I hope so."

Hankey led Shay into a room that was no more than an alcove, scarcely large enough even for the narrow cot that was set up in it. Shay, however, was too tired to pay much attention to his surroundings. He undressed and was asleep within moments.

**8** Shay awakened in the semidark and stared at the ceiling. For a moment he thought he was back in the hospital, where he had spent so many long months, where he had awakened so often during the night to find the place in semidarkness.

Then remembrance flooded through him and he threw back the single blanket that had covered him and swung his feet to the floor. He found his trousers, his shoes and his shirt. Dressing quickly, he stepped to the door and opened it.

The hotel lobby seemed deserted, but when he stepped up to the desk he saw Hankey, the proprietor, asleep in the only armchair in the lobby. His eyes opened as Shay came around the desk into the lobby proper.

He yawned. "'Morning, Lawyer." He took out a watch and frowned at it. "Ten after five. Time I got busy."

"I've got to see about Torbert," Shay said.

Hankey grimaced. "I forgot about him. Can you shave with cold water?"

"I'll clean up later."

Shay left the hotel and stopped for a moment in front of it. It was his first real glimpse of Alder City and it was more disappointing than it had been the night before. There were no more than a dozen store buildings on both sides of the short street, although beyond the stores were a few houses in each direction. All of the buildings were painfully new and all but one were raw, unpainted lumber.

Next to the hotel was a small, vacant shack; beyond it another, housing some kind of business. Then came the saloon. Beyond it was a single building. Directly across from the saloon was a blacksmith shop and beside it the second-largest building in the area. A somewhat weathered sign over it

said: AMOS FRISBIE, GENERAL MERCHANDISE. Beyond the general store, coming back up the street, were two more store buildings, one brand-new, with a sign: HARDWARE. Reynolds' store, not yet open for trade, as Shay knew. There were two or three other buildings, but they were small and nondescript-looking, like the vacant store next to the hotel.

That was all there was to Alder City.

Shay walked quickly along the hard earth in front of the stores. Reaching the saloon, he cut through a passageway to the alley behind the saloon.

He reached the shed in which Hageman, the saloon-keeper, had deposited Jason Torbert the night before. As he stepped up to the door, he heard a groan inside the shed.

The door was unfastened. Shay pulled it open and stepped into the little room.

Jason Torbert sat on the floor, his head cupped between his hands. He was rocking slightly back and forth. His eyes, however, caught sight of Shay.

"Mister," he said, "you got a drink of whiskey on you? Just a mouthful?"

"I've got some bad news for you," said Shay. "Pull yourself together."

Jason Torbert lowered his hands. He peered at Shay through rheumy eyes. "I need a drink."

"You're through drinking," Shay said. "Your daughter's here."

"My . . . !" A shudder ran through Jason. "*What did you say?*"

"Lucy's here—in Alder City. . . ."

"Nol" cried Jason, aghast. "She—she's in Ohio, living with her Aunt Phyllis. She—she doesn't know I . . ." A second shudder shook the frail body of the man on the floor. "You're lying! You're playin' a joke on me. Someone's always playin' jokes. Who—who told you about Lucy?"

"She came in on the stage last night. She's at the hotel. Waiting for you."

Jason Torbert made a tremendous effort and climbed to his feet. But he swayed uncertainly. A dirty hand clawed at Shay. "I don't know what the game is, but . . ."

"There's no game," said Shay, nettled. "Your daughter's here and you're a filthy mess!"

"Tell her to go away," cried Jason. "Tell her I'm not here. Tell her—anything. She can't see me—not like this."

"Your daughter," said Shay bluntly, "is a lady."

"I know. She—she sent me a picture. A year ago. Or maybe it was two years ago. Right after the War. I wasn't



drinking so much then. She's—she's a beautiful young lady and I——" Tears began to well up in his eyes. They were tears of self-pity and Shay, angry, slapped the old man's face.

It was a stinging blow, but it had its effect. Jason cowered back like a rat at bay. "Lemme out of here," he snarled. "You got no right to hit me. I never did nothin' to you."

Just before entering the shed, Shay had seen a wooden water bucket standing outside the door. It was evidently used for watering the team of horses in the stable.

Shay turned and stepped out of the door. He picked up the bucket, returned to the shed and deposited the bucket on the floor.

"Take off your clothes," he ordered. "Get yourself cleaned up. I'll be back in a while with some decent clothes."

He left Jason shivering, and crossing the alley, pounded on the back door of the saloon. The door was opened after a moment by Hageman, the saloonkeeper. He already had his boots and trousers on, but was still shirtless.

"You beat me to it," Hageman said. He looked past Shay toward the shed. "Jason's awake?"

"Yes, but he's in bad shape. Where can I get some clothes for him?"

"We can rouse Frisbie, I guess."

Hageman stepped back so that Shay could enter his office. A folding cot was set up in the room. Hageman apparently used the place as a bedroom in addition to an office. He scooped up the flannel shirt he had worn the night before.

"This girl of Torbert's," he said as he slipped on the shirt. "She's attractive?"

"Quite," said Shay.

Hageman grinned. "I thought so."

Shay shook his head. "I didn't exchange a dozen words with her on the stage."

"But you looked."

"You're wrong," Shay said in annoyance.

"Sure," said Hageman, "sure."

Shay said, "You run a saloon. You've got a shiftless, drunken bum working for you. Why are *you* trying to straighten him out?"

"I guess you've got me there," said Hageman glumly. They started into the saloon, that smelled of sour beer. Hageman looked sideways at Shay. "Don't get a wrong impression of me, Lawyer. I'm not soft."

They went out the front door of the saloon and crossed the street.



Frisbie lived at the back of his store. He was awake and dressed, although the store was not yet open. Repeated rattling of the doorknob brought him to the door.

"Didn't think you ever got up this early," he grunted as he recognized Hageman.

"Emergency," said Hageman. "This is—what is your name?"

"Thaddeus Shay."

"Mr. Shay, Mr. Frisbie. Amos, we need some clothes for Jason. . . ."

"What's the matter with the ones he's wearing?" asked Frisbie cynically. "He's only wore them ten-fifteen years."

"His daughter arrived last night. I haven't seen her, but I understand she's—well, I guess you'd say a lady. Old Jason's been writing to her, it seems. Passing himself off as a respectable citizen of the West." He grimaced. "In fact, he told her he was a businessman. We can't let her see him as he is."

Frisbie shook his head in amazement. "Who'd a thought Jason had a daughter!"

He led the way to a display of clothing. He took down a business suit of heavy wool. "Jason's a pretty small chap. This is about the smallest suit I've got in the place."

"It'll do," said Hageman. "Now, how about a shirt and some shoes?"

"And socks," added Shay.

"I don't think he's ever worn socks," said Hageman, "but socks. And we might as well get him a hat."

The clothing was gathered together and Hageman said, "What's the charge, Amos?"

Frisbie scowled. "Nothing. It's the least I can do."

"It's decent of you, Amos."

"I'd rather give the clothes than face the girl."

Shay and Hageman distributed the wearing apparel between them and left the store. They crossed the street and cut through the passageway next to the saloon.

As they crossed to the shed, Shay saw that the door was wide open. A swift feeling of apprehension swept over him, and as he stepped up to the door and shot a quick look into the shed, he was not surprised to see that it was empty.

"He's gone!" he said to Hageman.

Hageman whirled, went swiftly to the rear door of the saloon. "The lock's been broken!" he cried.

A muffled shot from inside the saloon caused his hand to freeze in mid-air as he reached for the doorknob.

"Jason!" exclaimed Shay.

Hageman whipped open the door and sprang into his office-bedroom. Shay crowded on his heels. Both went quickly through the office, which was obviously vacant.

The saloon also seemed empty, but Hageman made a sharp turn to go behind the bar. He stopped abruptly, his eyes going down to the floor.

"The poor, drunken slob!" he said bitterly.

What was left of Jason Torbert lay on the floor behind the bar. A whiskey bottle, broken, lay near his head, and a revolver, where it had fallen from Jason's dead hand.

Shay came up behind Hageman. He let out a slow sigh. "He couldn't face his daughter."

Hageman held up the wearing apparel he still held in his hand. "Well, we can return this to Frisbie," he said. He suddenly put the clothes on the bar and, stooping, scooped up the revolver. "It's mine. He found it in my room."

"Does his daughter have to know?" Shay asked.

Hageman looked at him, puzzled. "You mean . . .?"

"I think she ought to remember him as he was the last time she saw him."

**9** Shay was standing in the hotel lobby when Lucy Torbert came down the stairs. She saw from the sober expression on his face that he had something of importance to tell her and she came quickly toward him.

"My father . . . !"

"I don't know how to tell you——"

"He's dead!" she cried poignantly. She swayed and Shay caught her arm and helped her to the armchair. She sat for a moment, her face lowered. Only a single sob wracked her body and after a moment she looked up at Shay.

"I knew it," she said, "the way everyone acted whenever I mentioned him. . . ."

"It happened a week ago," Shay said heavily.

"Where?"

"West. Some Indians attacked a stagecoach on which your father was a passenger." He took a thick envelope from his pocket and extended it to Lucy. "This was found on him. There's enough to take you back East. . . ."

"Back East? I've no one there. I lived with my aunt ever since Father left home, but she—died two weeks ago. There's no one back East. . . ."

"You must have friends."

"They have their own problems."

Shay frowned. "Alder City isn't exactly the place for an unattached young woman. . . ."

"What's wrong with it? Father said it would soon be as civilized as—as Ohio. He had great faith in this country." Her eyes narrowed thoughtfully. "This business he was planning to open . . ."

"I don't think it's the kind of business a woman——" Then Shay caught himself. "I really don't know enough about it."

"It was to be a store. Surely someone here can tell me about it."

"I'll try to find out for you," Shay said lamely.

They buried Jason Torbert in a small plot of ground a half mile from Hageman's Saloon. It was part of a piece of land that the saloonkeeper owned.

"Town needs a graveyard," Hageman said cynically. "This is as good a piece of ground as any."

There were only three people present at the burial: Shay, Hageman and the latter's bartender. They took turns digging and all helped to fill in after the remains had been deposited in Jason Torbert's little plot of earth, the only piece of earth he had ever owned.

They put up a cross made of two pieces of board nailed together. They did not mark it. After it was over, they got into the wagon and drove back to Alder City.

"She's going to ask questions," Shay said then, "about the business her father was going to open. A store . . ."

Hageman groaned. "Why can't she take the eastbound stage and go back home?"

"Why don't *you* talk to her?" Shay asked. "I had my turn and got nowhere."

"What kind of a store?" exclaimed Hageman. "What kind of a store can a woman run?"

"That's the thing that's been bothering me since this morning."

"I've gone as far as a man can go," Hageman said heavily, but after a moment he exhaled wearily. "If we have to, we have to."

"I've no money," said Shay. "Less than fifty dollars."

"You expected to hang out your shingle with a capital of less than fifty dollars?"

"I had more. It's all I have left."

Hageman looked sharply at Shay. "How much did you give the girl?"

"Two-fifty."

"You're a bigger fool than I am."

"I thought she'd use the money to go home. I told her the money was found on her father."

"Two hundred and fifty dollars," Hageman repeated. "Well, the least I can do is give her a store building. Can't seem to rent them, anyway. They've been talking about that damn railroad for so long I've given up." He grunted. "I suppose you'll want that bartending job?"

"Not yet. You said you had some buildings to rent."

"What'll you use for rent money?"

"How much will you charge me for a small store building?"

"Twenty a month for the one next to the hotel. It's not really big enough for a store. I'll give the girl the one right across, next to Frisbie's. It's a little larger."

Shay took a thin sheaf of bills from his pocket and counted out four five-dollar greenbacks. He tendered them to the saloonkeeper.

Hageman waved the money away. "Pay when you get some law business."

"I'd rather pay now."

Hageman shrugged. "If you insist." He took the money and thrust it carelessly into a pocket. "You'll need some furniture."

"A few pieces of lumber. I'll make the furniture myself."

Lucy Torbert remained in her room the rest of that day. Shay ate his supper in the dining room that was part of the hotel, a squarish room, containing a long table around which all those wishing to partake of food gathered and were served by a Chinese who also did the cooking. There was but one course—steak and potatoes. The price of the meal was fifty cents. Dinner, served at noon, was the same. Breakfast cost but a quarter.

Food would cost Shay a dollar and a quarter a day. His narrow room, furnished simply with a cot, a chair and an unpainted stand on which rested a pitcher and bowl, cost him a dollar a day. Later, he could buy food from a store and cook for himself, and if the office was large enough, he could put up a cot at the rear of it. He would not need too much money.

Not if a few clients came his way soon.



**10** Shay rose early the next morning. Immediately after breakfast he sought out a man named Toler, who owned several loads of lumber that he had freighted out from Lawrence, more than seventy miles away.

He picked out some planking and several two-by-fours.

"Twenty-two dollars," Toler said.

Shay exclaimed, "Isn't that rather expensive?"

"Sure," agreed Toler. "It's the freight charges run it up. Your credit's good, though." He hesitated. "I had a talk with Charlie Hageman last night."

It annoyed Shay that he had to go into debt, but there was no other way. He had to conserve his small amount of cash. He carried the lumber to his newly rented office himself, making three trips.

He crossed to Frisbie's General Store then, picked out a small quantity of nails and borrowed a saw and hammer. Frisbie accepted a dime for the nails.

Shay was hard at work in his new office when Lucy Torbert entered around midmorning. "This is going to be your law office?" she asked.

He nodded. "If I ever get any clients."

"That's why I stopped in," she said. "I'd like to be your first client."

He stared at her.

"There are some matters I'd like you to handle. Concerning my father. First of all, I'd like you to find his burial place and then arrange to have his remains brought here and buried at Alder City." She paused. "Could you take care of that for me?"

"Yes," he said briefly.

"Then I'd like you to find out, if possible, about my father's store. He definitely told me that he'd rented a place. . . ."

Shay stepped to the door and pointed across the street. "That's easy. There's the building."

She brightened. "Then that's true! I'm sure the rest will not be too difficult. Father must have told someone here of the kind of business he was opening. Perhaps he—he even made arrangements for stock. If so, I want to know the details." She paused again, then added hopefully, "Perhaps he even bought the merchandise and it is on the way."



"Your father didn't talk much to people," Shay said. "At least not here. But—I'll do my best. . . ."

"I'm sure you will. You've been very kind." She fumbled with her purse. "What is it I should pay you now as a retainer, is it?"

"It's not necessary."

"But it's customary?"

Shay winced slightly. "Very well, five dollars then. It shouldn't cost much—not too much. I may be able to do very little about the store."

"But you will try?"

He nodded. She gave him a wan smile and left. He remained at the door and watched her cross the street and peer into the windows of the store Hageman had indicated he would give her.

Ben Goff, the gambler, who had come to Alder City on the stage with Shay and the others, came from the hotel and stopped in the open doorway.

"This where you're going to deal law, Mr. Shay?" he asked.

"Where I'm going to *try*."

Goff nodded thoughtfully. "Guess I underestimated you, Lawyer. You didn't talk much on the stage, but you apparently did a fine job with the little lady who came to town with us. Convinced her that her father was an upright citizen."

"What else could I do in the circumstances?"

"What the rest of us did—nothing." Goff brought out his wallet, peered into it and skinned out a single bill. A hundred-dollar note. He extended it to Shay. "My share."

"Your share of what?"

"I happen to know how much money you came here with. If you can show me the three hundred dollars, or even two hundred, I'll put this back in my pocket. Otherwise . . ." Goff shrugged. "My share."

"You're quite a surprise, Goff," said Shay.

"So're you."

"She's going to open a store. I'll put this money toward it."

"Good enough."

Goff gave Shay a mocking half salute and left. Ten minutes later Hankey, the hotel man, came into Shay's place. "I've been living on prospects so far," he said, "but I've got a few dollars I can spare." He counted out sixty dollars in one-two- and five-dollar bills.

Shay took the money. "I may not make a living in Alder City," he said, "but I think it's going to be a town in which I'd like to live."

It was less than a half hour before Charles Hageman strolled

into Shay's office. He carried a cigar box under his arm, from which he extracted a sheaf of papers.

"Tell me if this is legal," he said to Shay and read from one of the papers: "I hereby sell to Amos Frisbie the lot next to his store. Signed: Charles Hageman."

"It's legal," said Shay, "as long as both parties accept it as legal."

"It'll stand up in court?"

"That depends on the court. The intent of a contract is the important thing. If you know that what you have sold is fifty feet to the south of Frisbie's store and Frisbie knows it—and admits it—the contract is legal. If one of the parties contends otherwise . . ." Shay shrugged.

"You lost me after the word 'contract,'" Hageman said, shaking his head. "The town's growing. We'll have a court here one of these days and I thought I'd better get these here papers fixed up legal-like. Want you to handle it for me."

"For how much?"

"Whatever's right. Say two hundred and fifty for this batch and——"

"I thought so," said Shay tightly. He reached out and took the papers from Hageman's hand. He skimmed through them quickly. "Nine bills of sale. They'll cost you exactly one dollar each. Nine dollars."

Hageman grimaced. "You can make a living at those prices?"

"It's what the work is worth."

"All right, Lawyer. Maybe you better make out another paper and date it back a few weeks. A bill of sale to Jason Torbert for the store building across the street." He grinned wickedly. "That legal, dating it back?"

"It'll be legal if no one contests it."

"This business of Jason's," Hageman said, "you decided yet what it was?"

"No, I haven't. I thought you might have some ideas. . . ."

"What kind of a store can a girl run?"

"I have an idea that Miss Torbert can operate just about any kind of store."

"How about grub—groceries?"

"Why not?"

"I had a talk with Amos Frisbie this morning. Seems he's got a shipment of groceries coming in sometime today or tomorrow. He doesn't like the grocery part of his business——"

"How much did it cost you to help him decide that?"

"It was *his* idea. Ask him."

Shay took from his pocket the hundred and sixty dollars

that had been given to him by Goff the gambler and Hankey the hotel man. "Here's part of the money for the groceries. Ben Goff gave me the hundred-dollar bill. The rest is from Howard Hankey."

"Fella who's opening the hardware store, Reynolds," said Hageman. "He gave me a hundred."

"I happen to know that Reynolds doesn't have a hundred dollars in cash."

"He borrowed it."

"From you."

"He's opening a store. I have confidence in this town. Only thing that keeps me going. The town dies, I go broke. The town grows, I wind up a rich man. Hell, I own the town."

The lumberman, it developed, donated the materials to put up shelving and counters in Lucy Torbert's new store. The work was done by various people, including Shay.

Five days after Lucy's arrival, her store was ready for business. It was a rather well-stocked store, containing, Shay knew, over six hundred dollars' worth of groceries, wholesale value.

That was the day that the stagecoach brought a Kansas City newspaper which had a news item of interest to every resident of Alder City.

The Kansas and California Railroad had resumed construction.

**11** One morning in early July, eighteen men gathered in Hageman's Saloon. The eighteen men represented more than one half of the adult male population of Alder City. Charles Hageman opened the discussion.

"If the work proceeds according to shedule, the railroad will reach Alder City in exactly seven days. Alder City's going to have a boom. How big a boom, how long it will last, is anybody's guess. But of one thing all of us can be sure, the quiet life we've led, the leisurely pace of our existences, is a thing of the past. People are coming into Alder City every day, businessmen with an eye to opening a business. Land has been bought by farmers, settlers. I've even had a report that a Texas trail herd is on its way here. A cattle buyer checked into your hotel yesterday, Howard. . . ."

"That's right," agreed Hankey, "and two more this morning."

"The railroad crew will be here in a day or two," continued Hageman. "I think all of us are expecting things to happen. I know that all of us have based our hopes on what *will* happen. We welcome the growth of Alder City, we've been waiting for people to come here and I think we're as ready for them as we'll ever be. Except for one thing." He paused and looked around the circle of faces. "We have no government."

"We're getting along all right," cut in Amos Frisbie. "What do we need a government for?"

Hageman said, "A good question. One I'm going to ask Lawyer Shay to answer. Mr. Shay, tell us why we need a government."

"All people need a government," said Shay. "Even savages and barbarians have a government of a sort. Someone has to say that a thing is right or wrong. Someone has to make the decisions. A very small group of people can, perhaps, live without a government, but the moment that group of people becomes of any size at all, someone has to form a government. We've had very little trouble in Alder City so far. But strangers are coming in now, a great many. There are laws to be observed. . . ."

"What laws?" demanded Frisbie.

"The laws of human nature. Laws of decency that make it possible for people to live together in harmony. Suppose someone stole something from your store, Mr. Frisbie. What would you do?"

"I'd shoot him!"

"What if the thief had a gun and shot you?"

Frisbie scowled, but had no answer for that.

Hageman took over again. "I run a saloon, you all know that. It's a dirty business. People drink too much sometimes. I try to see that that doesn't happen, but you can't control it. People who've had too much to drink, they do things sometimes that they wouldn't do while sober. Ben Goff, you're opening a saloon. You're going to have trouble in your place as I will."

"I can handle trouble," said Ben Goff thinly.

"If it comes to that, so can I. But I don't think you or I should be permitted to take matters into our own hands. Or anyone else in this community. Actually, we're all living under laws now. State laws, federal laws and I guess you might say county laws, even though the county seat is seventy miles from here. I say we need a local government to make laws for this town, and to see that everyone keeps them."

Hageman's speech was well received by all those present and a discussion ensued as to what kind of local government



was necessary, how to get it into operation. It was finally agreed that one square mile of land, which included the present confines of Alder City, should be incorporated as a city and that its government should be in the hands of a mayor and town council of five residents. The mayor would also be given the powers of a justice of the peace, who could handle local or petty law violations. More serious matters would be referred to the county authorities, or to a circuit judge, who, it was hoped, could be persuaded to pay periodical visits to Alder City.

Charles Hageman's name was then proposed for mayor, but he refused the honor, declaring that it would not look well for a saloonkeeper and major property owner to be the mayor. He did, however, agree to become one of the city council. Frisbie also declined the office of mayor, claiming he was unsuited by temperament for such a job.

The hotel owner, Howard Hankey, was next suggested and accepted. Frisbie, Reynolds the hardware man, Toler the lumberyard man and Thaddeus Shay were proposed for council members and accepted. The mayor and city council were declared elected to serve until November, when a special election would be held. It was felt that a few months were required to see what the shortcomings of the present government would be. The election in November would be a general one, every legitimate resident of more than six weeks' residence being eligible to vote.

Neither the mayor nor the city council was to receive compensation or salaries.

Shay drew up the papers of incorporation that afternoon, and the following morning departed for Lawrence, seventy miles away. He carried with him the city incorporation papers and a thick sheaf of deeds and bills of sale that he felt should be registered with the county. He rode a horse borrowed from the blacksmith.

Shay left Alder City shortly after dawn and rode swiftly along the stagecoach trail. He had traveled perhaps an hour when the shrill blast of a train whistle split the stillness of the prairie, and when he reached the crest of a small rise he saw the smoke of a train. Soon he could see the activity of the construction crew. Graders were working a mile ahead of the tracklaying gangs; men with scrapers were leveling ground, filling in.

There were perhaps two hundred men working on the railroad. All of these men would be in Alder City in a few days, the first town they would have seen since work had been recommenced on the railroad.



Leaving the railroad construction, Shay passed a wagon train of a half-dozen wagons, loaded high with merchandise, toiling along the stagecoach road. An hour later he passed several more freight wagons. Then, shortly behind them, two Conestoga wagons, containing rawboned farmers and their families.

They intended to settle near Alder City, "if the land was right," they told Shay when he stopped briefly to talk to them. Less than two months ago Shay had traveled over this road on a stagecoach. They had not passed anyone going West and no one coming East.

Before noon Shay passed not less than fifty people. All were headed for Alder City. Freighters, settlers, a man in a light buggy, horsemen, and even a man walking with a pack on his back.

Shay pressed on. Shortly after midday he reached a stage relay station about halfway to Lawrence. Here he left his tired horse and transferred to a fresh animal. On the way back he would pick up the first horse and ride it to Alder City.

He made good time during the afternoon but when darkness fell he was still miles from Lawrence. He pressed on and after a few miles more saw the twinkling of lights ahead. He forded a shallow river, rested the weary horse a few minutes, then sent it into a trot. The horse, sensing that the end of the trip was near, gave his best, and shortly after nine o'clock Shay rode down Lawrence's main street and stopped at the Eldridge House. Gutted by fire during the War, the place had been rebuilt.

He went into the hotel, arranged for his horse to be taken care of and engaged a room for himself. He went up to it, washed, then descended to the lobby. The hotel dining room was closed and he inquired for a cafe.

He was given directions, went to the cafe and had a good meal. Coming out, he noticed that the courthouse was across the street, and seeing a light in one of the rooms, crossed to it.

The lighted room turned out to be the sheriff's office. A fat deputy sat dozing in an armchair with a newspaper covering his face. He removed the newspaper as Shay came into the room.

"I've just gotten in from Alder City," Shay told the deputy. "I want to get an early start back tomorrow and I thought you might tell me the names of the people I ought to see first thing in the morning."

"Depends on what you want," grunted the deputy. "Alder City, huh? The sheriff was talking to me about that place

only this afternoon. He's thinking of sending out a deputy . . . ne."

"We've had no need of a law officer so far," Shay said.

"You will, though, from the stories I've heard. That railroad crew's going to camp on you. Half of them are gonna drink up their pay and be stranded."

"They'll continue on with the railroad. . . ."

The fat deputy chuckled. "How far do you think that railroad's going? Hell, they'll be lucky to make it to Alder City. They raised some money, but they're just about out of it. What I hear, there ain't nothin' in Alder City at all and if the railroad expects to make money from freight they got another think coming. Mister, all you're gonna have in Alder City is trouble. I hope you've got a good, big jail."

"We haven't even got a small one."

"Then whaddya want with a deputy?"

"We don't want one. Haven't asked for any. We've just incorporated Alder City and that's why I'm here. To file our incorporation papers. And land deeds."

"You ain't got a jail? No law at all? Mmm, glad to hear that, on account of there's nothin' I'd hate worse right now than to be shipped out a hundred miles from nowhere. You tell the sheriff that you don't want me, huh?"

"I imagine the sheriff knows his business."

"He's a politician," said the deputy. He rose heavily to his feet. "I guess you and him talk the same language."

"I'm no politician."

"You're just runnin' an errand for the Alder City bunch?"

"Not exactly. I'm a member of the city council and——"

"Then you're a politician."

"I'm a lawyer," said Shay, becoming annoyed with the fat deputy.

"Same thing. Tell you what, Sheriff Simpson lives on'y about a half block from here. He's got insom—insomnia. Why don't you run over and see him? It's the new white house, third from the corner." The deputy hesitated. "And tell him what you told me, that you don't want a deputy in Alder City."

Shay shrugged and left the sheriff's office. Outside, he stood in front of the courthouse for a moment, then picked out the sheriff's house on the cross street, and seeing a light in the window, walked to it.

He used an iron door knocker and a man in his undershirt opened the door.

"I'm Thaddeus Shay, of Alder City," Shay told the sheriff. "Your deputy suggested I drop in."

"Sure, sure, glad to see you," said Sheriff Simpson, shaking hands. "Alder City, eh?"

"I brought some papers I'd like to file at the courthouse," continued Shay.

"So you folks out there admit that you're in this county?" chuckled the sheriff. "Been hearin' a lot about Alder City, but no word *from* there. Shay, did you say? The name's familiar. . . ."

"We've never met," said Shay, "and I've only passed through Lawrence once before. On a stagecoach, going West . . ."

"That's it! Wells Fargo man turned in a report, mentioned your name. You're the man turned the trick on those Jayhawkers who tried to rob the stage. . . ."

"A matter of necessity."

"Hung Mose Congdon last week. Him and his partner, Pete Farvel, had the nerve to rob O'Neil's store right here in Lawrence. Congdon's horse broke a leg when they made a run for it and we got him. Farvel's still on the loose, but he better not show up around here. Before we stretched his neck, Congdon said it was him and Farvel tried to rob you people on the stage. Wasn't any use sending for you since we already had him dead to rights. Hmm, you don't look it."

"Look like what?"

"Take a man's gun away from him when you ain't got a gun in your own hand."

"Sometimes we're forced to do things we don't want to do."

The sheriff nodded. "Been thinkin' of sendin' you a deputy, but the county can't rightly afford it, not until we get some tax money from you folks in Alder. What's these papers you want to file? Tax returns, I hope?"

"Not yet. Incorporation papers for Alder City. A number of land deeds."

"That'll help some. Got the papers with you?"

"At the hotel."

"The county clerk lives three doors up the street. You want to fetch them we'll walk over and I'll introduce you."

Shay left the sheriff's house, walked to the hotel and got his papers. When he returned to the sheriff's house, the latter had put on a shirt and string tie.

"Been thinkin'," he said to Shay. "If you don't need a deputy just yet——"

"We don't."

"Fine. County board meets in three weeks. I'll try to get them to give me some more money and maybe I can hire a good man and send him out to you. Mmm, be interested in the job yourself?"

"I'm an attorney."

"Lawyer? Didn't expect it of a fighting man. . . ."

"I'm not a fighting man," exclaimed Shay. "I had enough during the War to last me a lifetime, two lifetimes. I became a lawyer because I believe in the law—I believe that the laws our people have made are excellent and that if people live by them, there's no need of violence."

"Mr. Shay," said the sheriff, "have you looked around Lawrence? This was a law-abiding community of farmers and peaceful citizens. Just about four years ago—four years ago next month—Quantrell rode in here. Him and his men murdered one hundred and seventy-nine citizens, not one of whom resisted him. They burned practically every building in town. . . ."

"I've heard of it," said Shay.

"There are laws even in war," the Sheriff said sententiously. "You don't kill noncombatants, not deliberately, anyway. But even in war there are men like Quantrell and that bushwacking crowd of his. You know what I think? I'm a lawman myself, but I think it's the duty of every citizen to defend himself and his neighbor. You can't live alone. Everybody does that you got nothing. Then people like Quantrell can come along and kill you and your neighbor. They can do it because you didn't try to defend your neighbor and your neighbor didn't try to defend you."

**12** Having turned his papers over to the county clerk in the evening, it was not necessary for Shay to remain in Lawrence for the following day. He slept until shortly after dawn, then checked out of the hotel, and getting his rested horse from the livery stable, was soon in the saddle, riding swiftly along the trail to Alder City.

The return trip was without event. Shay passed as many travelers on the road as he had on the previous day. When he reached the railhead he found it had progressed almost two miles. The railroad men told him that they would be in Alder City in five days.

He reached Alder City an hour after nightfall and found the short, single street more crowded than it had ever been. A number of freight wagons had reached the city, as had several immigrants.

The stores were still open and there were customers in them.



Having returned his mount to the blacksmith, Shay started for his office, but while crossing the street, changed his mind and headed back to Lucy Torbert's grocery store. A customer was just leaving and he found Lucy alone.

Her eyes lit up. "You're back."

"A man's anxious to return to his home. Yes, it's become that in the few short weeks that I've lived here. Didn't realize it until I was away. . . ."

She smiled. "I felt at home in Alder City almost from the first day. Back in Ohio the people are more reserved. Here, it seemed that everyone was my friend. Everyone wanted to help me."

"We were only being neighborly."

She looked at him steadily. "Is that all?"

He was the first to lower his eyes and she said then, "I took in forty-two dollars today."

"Is that good?"

"My best day so far. I think it's very good, since almost half of it is profit."

She had made a profit of twenty dollars in a single day. In the six weeks since Shay had opened his office, he had earned a trifle more than twenty dollars, most of it from Charles Hageman, who paid him a dollar for every document that he drew up. Shay owed money at the hotel. He had not been able to pay his lumber bill and he had eight dollars in his pocket.

He was living on prospects, hoping that the influx of population into Alder City would help his legal practice. If it didn't . . . well, the other merchants would be prospering. They would give him a job of sorts.

Leaving Lucy's store, he went to the hotel, washed up, then came down and walked to Hageman's Saloon. The place had a fair crowd, more, in fact, than Hageman had ever had at one time.

The saloonkeeper greeted him warmly. "How are you, Councilman?"

"We're an official city," Shay told him. "The sheriff's offered to send us a deputy—as soon as we pay some taxes."

Hageman frowned. "We may need that deputy sooner than you think. There's a grading crew coming to town tomorrow. They're going to start grading eastward to meet the tracks coming west. How many people do you think have come to town since yesterday?"

"Hankey tells me he's sleeping two and three to a room at the hotel." He paused. "He hasn't put anyone in with me, though. Come to think of it, I'd be doing him a favor by moving out."



"Owe him money?"

Shay nodded. "If I had the cash I'd buy a cot and some blankets and set up quarters at the office."

"Frisbie'll give you credit."

"I owe too much now."

Hageman gestured toward the bar. Shay shook his head. "I'll wait another week."

"You can start to work any time."

"Thanks." Shay looked around the room. "This has been a pretty good town, Charlie. Some decent people in it."

"So?"

"I hope it lasts, that's all."

Saturday was The Day.

The graders had met three miles east of Alder City and the tracklaying crews worked at top speed to lay ties, drop the rails in place and spike them down to the ties. They had been promised their pay on Saturday if the tracks reached the hastily constructed depot in Alder City.

Immigrants, workers, prospective businessmen and drummers continued to pour into Alder City. Some of them slept in the lobby of Hankey's hotel. A dozen men used a shack at the rear of the hotel for sleeping quarters.

On Saturday morning, more than five hundred persons moved down to the depot and the right of way. A quarter of a mile away, tracklaying crews were working furiously. Behind them was a complete train which had left Kansas City the night before. It was filled with passengers who intended to ride into Alder City.

The rails moved forward and so did the train behind them. Those who were watching in Alder City saw the movement. Some went out to meet it, stood on both sides of the right of way and cheered the workers.

A quarter mile, then six hundred feet. Tie carriers raced forward, dropped the ties into place. They reached the Alder City depot, went fifty feet beyond. Then they stopped laying ties and raced back to join the men carrying iron rails. They dropped them loosely into place. The rails soon reached the depot, continued a length beyond the depot.

The train whistle blasted the air, drowning out the hubbub of noise around the depot. Sledges rang on spikes. The train crawled ahead. Passengers dropped from the train, joined the spectators already lining the right of way.

Some silk-hatted officials of the railroad got off the train, waved to the crowd. A sledge was handed to the president of the Kansas and California Railroad. A gold-plated spike was driven into a tie an inch or two.

Akers said to one of his underlings, "This is a great day. Next week we'll go into bankruptcy."

The regular spikers spiked down the last rail. They drove in every spike except the gold-plated one.

The president of the railroad drove in that spike himself. A cheer went up that lasted for more than five minutes.

Then it was over.

The railroad had reached Alder City.

Later, the construction crews were paid off. They were also told that there was no more work for them and that they were, from this moment, on their own. Transportation back to Kansas City was not offered.

Ben Goff's Saloon had been opened a few days before. By noon it was jammed with celebrating railroad workers and visitors to Alder City. The traffic in Hageman's Saloon was so heavy that men who fought their way to the bar could not get away.

**13** Shortly after noon Shay tried to get into Hageman's Saloon and was unable. He went around to the rear and found the door unlocked. He went into Hageman's office, forced his way from it to the bar.

Hageman, working behind the bar with his bartender and another man he had pressed into service, saw him.

"Shay!" he cried. "This is your chance to get some barkeeping experience!"

Shay, helped by hooting customers, climbed onto the bar and dropped down behind it. He took off his coat, hung it on a nail and began to serve customers.

He drew beer from a barrel. He poured out glasses of whiskey and raked in money. All drinks, beer as well as whiskey, were a quarter.

Small change was not used.

By midafternoon the press at the bar abated somewhat, although the saloon was still jammed. Some of the drinkers had had their fill, others had slumped to the floor unconscious, had been dragged aside. There had been four fist fights, three of them stopped by bystanders who were accidentally struck. The fourth had required the interference of Hageman and the regular bartender.

Two faro dealers had finally started a game and were doing a thriving business. Three poker games were going on. Hage-

man would receive no profits from these, as he merely sold the playing cards to men who wanted to play among themselves. There were no "house" players.

A third barrel of beer was tapped. Fresh cases of whiskey were brought up.

Thus things were at 3:05 on the afternoon of the day that the railroad reached Alder City.

A few second after 3:05, death entered Hageman's Saloon and changed the course of history for Alder City.

A tracklayer, almost blind from whiskey, was playing faro. The pay he had received only a few hours ago was almost all gone. He had two lone silver dollars to show for his seven weeks of backbreaking work.

He put the two dollars on a card and saw the money swept away by the dealer. For a moment he stared, stupefied, at the smooth hands of the dealer. Then he lunged across the layout.

"You cheated me!" he screamed. He grabbed at the green-backs in front of the dealer, got his hands on them.

The dealer's hand barely flicked under his Prince Albert, but a short-barreled derringer appeared in his fist. It spurted flame and thunder . . . and a hole appeared in the forehead of the drunken tracklayer.

A look of astonishment came over the man's face. He swayed for an instant; then slumped to the floor. He was dead before he touched it.

A hush fell upon the crowded saloon. It was punctuated by the snarl of the faro dealer. "Nobody accuses me of cheating!"

The press of people was still too heavy about the bar for those behind it to come around. Charles Hageman came over the top of the bar, leaped to the floor. A narrow passageway was made for him by customers crowding back.

He strode up to the dead man, looked down at him briefly, then thrust out his hand. "Give me that derringer, Menlo!"

Menlo, the gambler, took a half step back. "He had it coming, Hageman. . . ."

"Give me the gun!"

Shay came over the top of the bar, bore down upon the group around the table. Menlo sent a swift look around at the sullen faces of the saloon customers. He saw no friendly faces, not even the faces of Hageman and Shay.

He said, "What're you going to do?"

"I don't know," Hageman said, "but you've just killed a man and——"

"Kill him!" suddenly cried one of the railroad workers.

A low rumble started in the saloon. Hageman, his face twitching, shot a swift look around, his eyes coming to rest

upon a railroad man just two or three feet from him. Hageman said, "Step up to the bar, gentlemen, the next drink is on the house."

"The hell with your drink," spat the railroad man, facing Hageman.

Hageman winced. "Maybe I said the wrong thing." He turned back to the gambler-killer. "You'll have to come with us, Menlo. . . ."

"Where?"

"Our mayor . . ." He wheeled, appealed to Shay. "Is that the right thing?"

"At the moment, yes," said Shay. "Mayor Hankey is also our justice of the peace."

"Hang the dirty murderer!" screeched one of the dead man's former co-workers.

A roar went up in the room and there was a stamping of feet, as men began to move around. There was, however, no concerted forward movement. The railroad men needed a leader and they had none.

Shay stepped around Hageman and without a word leaned across the table and took the derringer from Menlo's hand. The gambler did not even protest. His face had gone ashen. He knew what could happen to him if the wrong thing was said, or done, in this instant. The sullen crowd, most of them somewhat the worse for liquor, many of them out-and-out drunk and mean, could explode into a roaring fury in an instant.

Shay gestured with the gun. The gambler came around the table. Men moved aside sullenly, gave him passage room. The gun held high before him, Shay started for the street door of the saloon. Men gave way before him. Menlo followed close on his heels, and behind him came Hageman.

They were halfway to the door before another yell went up. This time it was taken up by a number of the customers of the saloon and Shay swiftened his pace toward the door. Men still gave way, but they were more reluctant. One even tried to stand his ground, but Shay thrust him aside. The man cursed and swung his fist as he staggered aside, off balance. The fist missed Shay, but struck Menlo.

Menlo uttered a frightened yelp and jumped forward, bumping into Shay. Another man swung on Menlo. Shay reached the batwing doors, went through them. Menlo stumbled after him, hands clawing at him.

Hageman went through the door and the three were in front of the saloon. Behind them men began to pour out, yelling and cursing.

"Run!" Shay said tautly.



He headed in the direction of the hotel, Menlo and Hageman pounding behind him.

The men coming out of the saloon were still disorganized, but they were incensed at the apparent escape of the man who had killed one of their friends.

"Bring him back!" someone yelled.

"Kill the stinkin' murderer!" shouted another.

"Hang him!" cried a third.

The latter cry was taken up and men continuing to pour out of the saloon began to chant, "String him up!"

Movement began toward the hotel.

Shay burst into the hotel. Hankey, apparently attracted by the noise on the street, was just coming from the desk toward the door.

Menlo and Hageman came in after Shay.

"We've got to hide this man," Shay cried.

"What's he done?" asked Hankey.

"Killed a man!"

Hankey winced. "You want to hide a killer?"

"Nothing else we can do. We can't let him be mobbed."

"Why not? An eye for an eye . . ."

"Mr. Hankey," declared Shay, "if a judge and jury find this man guilty he'll pay for his crime, but it's up to a court."

"Hankey's a justice of the peace," declared Hageman. "Can't *he* pass sentence on him?"

"A justice of the peace can't try a man for murder," Shay said.

Hankey showed relief. "What'll we do with him?"

"I don't know," Shay replied, "but we can't turn him over to the mob." He drew a deep breath. "The three of us are city officials. It's up to us to see that justice is done. . . ."

Outside a crowd was forming. It was a noisy, raucous crowd. Hankey stepped to the window, came away quickly. "I don't like the looks of that crowd."

Outside a man yelled at the top of his voice, "Bring that dirty killer out here!"

A stone crashed through the window, missed Shay by inches. Shay said, "We've got to talk to them."

"Me?" bleated Hankey. "I saw a mob in action once. . . ."

"They've no leader," said Shay. "We've got to disperse them before they get one. If we don't . . ."

His eyes went to the gambler, Menlo. The man was white-faced, trembling. Hageman groaned and started for the door. Shay followed, and after a pause, Hankey.

A crowd of between thirty and forty men had already gathered outside the hotel when the three men stepped out. Shay sent a quick look up the street and saw men still coming



from the direction of Hageman's Saloon and from Ben Goff's place.

A giant redhead was in the forefront of the mob. He roared out: "Where's that stinkin' murderer?"

"What do you want with him?" cried Charles Hageman.

"We're gonna stretch his neck," retorted the redhead. His words struck a responsive note and a roar went up.

Hageman looked at Shay. The latter raised his right hand, but it was a full minute before there was enough quiet for him to speak.

"Men," said Shay in a ringing voice, "I was in the saloon when this man killed your friend. I also happen to be a city official. I can assure you that this man will be punished but it's got to be done legally."

"The hell with that legal stuff," cried the redhead in the front of the crowd. "Just give him to us and we'll save you a lot of time and trouble. . . ."

"No," said Shay promptly. "You're not going to lynch him. I promise you that he'll be turned over to the proper authorities——"

"What authorities?"

"The sheriff . . ."

"There's no damn sheriff in this town," was the redhead's retort. "You ain't even got a jail."

"He'll be taken to jail at Lawrence," cried Shay. "He'll receive a trial and I myself will appear as a witness against him. . . ."

"That's what you say," said the redheaded railroad worker. "What guarantee we got that you won't turn him loose the minute our back's turned?"

"I give you my word!"

"Your word, hell, you're a pal of his'n. I saw you tendin' bar and the man beside you, he owns the saloon. . . ."

"I do," said Hageman fervently, "but I can assure you that I will not stand by him because of that. Menlo killed a man and he's going to pay for it." He appealed to Howard Hankey. "How about it, Mr. Hankey? Our mayor, Mr. Hankey . . ."

Hankey gulped at being singled out, but he took a step or two forward. "That's right. I'm backing up Shay and Hageman——"

"And who's backin' you up?" cried a voice in the crowd.

Another hoot and some jeers went up, but the redhead, for the moment, could think of no suitable remark. Shay, seeing that the crowd was momentarily impressed, and could now be swayed, moved into the attack once more.

"This is a new town, gentlemen!" he announced. "We've

only formed our government this week and there're things we haven't worked out as yet. You, gentlemen, you're merely visitors here, but we—Mr. Hageman, Mr. Hankey, myself—we live here. We want this place to be a decent town, one that we will be proud of. . . .”

**14** In the rear of the crowd a man raised his hand into the air. A revolver was in it. He fired and continued to fire until the revolver was empty.

The shooting had a devastating effect. Those in front thought they were being attacked. Others, listening to Shay's speech, were caught completely by surprise. Everyone in the crowd reacted, and all those who could not see the man with the revolver wanted to move away—quickly.

Men jumped, collided with others, were frightened. Some went down, were trampled by others. Five seconds after the man in the rear began shooting, every man in the crowd was in motion. The shooter himself, having emptied his revolver, was knocked over by fleeing men.

Some of those knocked down scurried off on hands and knees. Some injured crawled painfully along the street. In a few seconds there wasn't a man in front of the hotel.

Hageman exhaled heavily. "That was a close one!"

"They had no leader," said Shay. "I thought for a moment that the redhead . . ." He shook his head. "We've got to get Menlo away from here."

"Where to?"

"Lawrence."

"Who's going to take him there?"

"I will, if nobody else will do it."

"I don't envy you the job."

Hankey said bitterly, "Whose idea was it to make me mayor?" He looked at Shay. "You're the man ought to have this job."

"I don't want it."

Hageman exclaimed, "Don't look at me. I don't want the job either."

"Nobody wants it," said Shay. "I didn't even want to be a councilman, but somebody has to do the work and——" He shrugged. "We're elected for the jobs."

Hageman shook his head. "We kept waiting for the boom."

All of us. We wanted the money. Well, we've got the boom, all right, and we'll probably get the money. But we've also got the trouble."

"Charlie," said Shay, "if you'll go over to the livery stable and get two horses and bring them around to the rear of the hotel I'll get ready for the trip to Lawrence."

"You're sure you want to make the trip?"

"I don't want to do it, but I will. . . ."

Hageman nodded. "I figured you'd do the dirty job. All right, I'll do my part."

He started across the street.

Shay and Hankey turned toward the hotel door.

In the lobby, Menlo, who had been watching from the window, said, "You don't have to bother taking me to Lawrence. Just give me a horse——"

"No," said Shay, "you're going to jail."

"I shot that man in self-defense. Isn't a town in the West where self-defense isn't justified. . . ."

"A jury may decide that. Nevertheless, you're going to stand trial."

"Maybe I am," sneered Menlo, "and maybe I'm not."

"You're going," said Shay firmly.

"Who's going to make me? You a sheriff, or even a marshal?"

"I'm neither," Shay said, "but I'm going to take you to Lawrence."

Menlo reached under his coat, jerked and brought out a knife with a six-inch blade. Shay reached for his coat pocket, produced the derringer. He saw then that the little gun was a single-shot pistol. Menlo sneered at him.

"Surprise!"

Shay tossed the gun aside, appealed to Hankey. "Do you have a gun, Mr. Hankey?"

"Yes, but . . ." Hankey started to move for the desk, stopped as the faro dealer made a slash at him with the knife.

"Stay where you are!" Menlo said.

He made a rush for the desk, went behind it and slammed through the door that led to the rear of the hotel. Shay started to follow.

"The gun, Hankey!"

Hankey ran behind the desk and pulled out a drawer. He brought out a Navy Colt, handed it to Shay. Somewhere at the back of the hotel a gun banged. It was followed by the slam of a door, the pounding of feet. Menlo, no longer carrying the knife, whipped open the door behind the desk and came into the lobby.

"They're watching the back door!" he cried. His bravado was gone. He was again trembling, abject.

"You're not worth saving," cried Shay.

A gun was fired on the street. Shay, carrying the revolver given him by Hankey, headed for the door.

Up the street, in front of the livery stable, Charles Hageman had come out with two horses. He was being threatened by a half-dozen men. At least three of the men had revolvers and even as Shay looked, one of them fired a gun.

How close the bullet came to Hageman, Shay could not tell, but Hageman took the horses back into the blacksmith shop.

The half-dozen men now turned and started down the street in the general direction of the hotel. Shay moved back into the lobby. Menlo, who had been watching from the window, was in a panic.

"They've got guns!" he bleated.

Shay spoke wearily. "At least three of them are armed."

Hankey exclaimed, "This is worse than the mob without guns!"

"They're drunk enough to use them," Shay said bleakly. He looked at the revolver in his hand, suddenly thrust it at Hankey. "Put it away. . . ."

"You can't," screamed Menlo. "You can't let them kill me!"

"You're not worth saving," snapped Shay.

Hankey took the gun proffered by Shay and tossed it to the gambler. "Go out there and face them."

Menlo dropped the gun as if it were red-hot. "You can't face down a bunch of drunks with guns in their hands."

"You started the trouble, you finish it," Hankey said angrily.

A gun banged out on the street and a bullet shattered more glass from the already broken window. A loud voice yelled, "Come on out, tinhorn!"

"Go ahead," snapped Hankey.

"They'll kill me," Menlo squeaked.

"What's wrong with that? You killed one of their friends who didn't have a gun. At least you'll have a chance. . . ."

"You're the mayor. It's your duty to protect me."

A bullet tore through the gap in the window pane, another thudded through the door, and splinters showered Shay. One of them stung his cheek.

He sprang to one side so that the wall sheltered him. Outside, the rioters continued shooting at the hotel. Both Hankey and Menlo dropped to the floor, Hankey to his knees, Menlo flat on his face.



Shay, looking at the men on the floor, felt a sudden revulsion. He left the protection of the front wall, crossed quickly and scooped up the revolver. He spun the cylinder to check the loads in the revolver and started for the door. Hankey saw him and cried out, "Don't Shay. You're risking your life. . . ."

Shay stopped. He said, "I hate violence and killing more than anything in the world. But I know I can't live in Alder City if a mob lynches a man—even a murderer."

He turned to the door, pulled it open and stepped out.

There were six men on the street. Four of them, Shay noted in that first quick glance, had guns in their hands. One of the men was the giant redhead who had been in the forefront of the mob earlier. He was in the act of raising his gun to take another shot at the hotel window when he saw Shay step into the open.

He yelled, "Put that gun down, Mister. We only want the tinhorn. . . ."

"You can't have him," Shay replied evenly.

"The hell we can't," retorted the redhead. "The man he shot down was my buddy, Shawn Hennessey."

"He's going to stand trial," said Shay. "I told you that just a few minutes ago. The situation hasn't changed. . . ."

"Yes, it has!" cried the redhead. "We got guns now."

"Use them, then! Because you'll get Menlo only over my dead body."

A man beside the redhead cried out, "Don't make a mistake, Mister. Jim Pollock's a dead shot with a revolver."

Pollock was apparently the name of the redhead. His mouth spread in a wicked grin of triumph. "You heard him, Lawyer. I'm going to count to three and if you ain't dropped that gun by then——"

"Count," said Shay.

"Damned if I don't. One . . . ." There was a slight pause, then Pollock said tautly, "Two . . . ."

Shay's hand dangled at his side. His index finger was inside the trigger guard, on the trigger. His thumb was tight about the hammer. At the count of three, he would pull back the hammer, bring up the Navy Colt and press the trigger.

The count of three never came, Pollock, with his revolver already raised, saw that Shay had not yielded one whit. It came on him suddenly that he was not going to back down, that he was not going to drop his revolver. Even if Pollock's gun sent a bullet into him, Shay was still going to try to bring up his revolver—and fire.

Pollock cried out, "Damn you, what do you want?"

"Drop your gun," said Shay evenly. "Drop it . . . or use it."

Pollock sent a desperate sideward glance at his friends. All

were watching him. He was their leader, had thrown down the gauntlet to Shay. It was up to him to fire the first shot at Shay. They might follow, but the battle was between Shay and Pollock.

A groan was torn from Pollock. "What're you going to do?"

"Depends on you," said Shay. "Nothing . . . if you drop your gun. . . ."

"You won't shoot me?"

"No."

Pollock's grip on his revolver loosened. For an instant the gun dangled from his finger, still caught inside the trigger guard. Then he crooked the finger straight and the gun dropped to the ground.

Instantly Shay's gun came up, swept over Pollock's friends. "The rest of you drop your guns!"

There was no hesitation. The decision to fight—or surrender—had been Pollock's. He had surrendered. The other railroad workers promptly dropped their guns.

Shay gestured with his gun for the men to step back. They shuffled away, expecting to be told when to halt, but when Shay did not give such a command, they continued on up the street. Shay went forward, scooped up the four guns that had been dropped, and turning, walked stiffly toward the hotel.

Hankey met him at the door. "That was the nerviest thing I ever saw in all my life!" he said in a tone of awe.

Holding the guns cradled in his left arm against his chest, Shay held out his right hand. It trembled violently. Hankey whistled. "You were afraid?"

Shay nodded.

Charles Hageman, who had watched the entire episode from the doorway of the blacksmith shop, came running toward the hotel. Shay sent a look over his shoulder, then entered the hotel.

Near the window, Menlo had gotten to his feet. He stared at Shay. His jaw was slack, and he did not speak.

Shay carried the revolvers to the desk. He added Hankey's own revolver that he had used to quell Pollock. As he turned away, Hageman came into the hotel.

"What happened, Shay?" he cried. "One minute it looked like they were going to shoot you down, then you seemed to get the upper hand."

Shay made a gesture of dismissal, but Hankey would not have it. "He backed them down, Charlie. Faced them down with nothing but sheer nerve——"

"—And a gun!" Shay added.

Hageman shook his head in admiration. "I'm beginning

to think," he said, "that you're quite a man, Thaddeus Shay!"

Embarrassed, Shay indicated the gambler, Menlo. "I said I'd take him to Lawrence."

Hageman regarded Menlo with contempt. "I don't know what the court will do to you, but don't come back to Alder City."

"You won't get me within fifty miles of this place again," Menlo exclaimed fervently.

Hankey said, "He can go to Lawrence by train now. No use riding all that distance. And I don't see why Shay should have to take him. We—we may need him here."

Shay showed chagrin. "I did what had to be done, but I'm not going to do a thing like that again. I—I would have killed that man."

"That would bother you?" asked Hageman quietly.

"Yes!"

Hageman nodded thoughtfully.

**15** The rest of the day and evening went quietly enough in Alder City. Not that the railroad workers ceased their drinking. Some had already spent their money, but there were still others with plenty in their pockets and they kept the two saloons busy.

Some of the railroad workers refused to spend their hard-earned money on whiskey. Some bought presents for their wives and families back home. A few even declared their intention of settling near Alder City. One man bought a business lot from Charles Hageman.

The real drinkers continued to drink, although perhaps not as recklessly as earlier in the day. They had the example of one of their number who had drunk too hastily, too heavily, and who had died a violent death.

Some, among them the redheaded Pollock, had even had enough of Alder City. When the train started back for Kansas City, shortly after five o'clock, they were aboard. Also on the train was Menlo, under the care of two men hired by Hageman.

Before he boarded the train, Pollock, stone sober, came to see Shay at his office. "You beat me fair and square," he said. "I'm making no complaints. You're a good man and you've got a lot of sand, but I want to give you a friendly

warning. You're an amateur. Me, I've been in a gunfight or two and I've seen some others. Don't ever go against another man like you did to me. When you've got a gun in your hand, use it. Shoot to kill. Don't ever draw a gun unless you're ready to kill."

"I won't be drawing a gun," Shay said evenly, "because I never expect to carry one."

"That's what you say now. You think this town was wild today? Mister, you haven't seen a real boom town. Wait until the cattle drovers come up from Texas. They'll make today seem like a Sunday-school picnic. And don't go up against those Texans with a gun. They cut their eyeteeth on guns and they'd sooner shoot than eat. Especially if the man they're shooting at is a Yankee!"

Shay himself walked down to see the train leave Alder City. After it pulled out of the depot, he strolled back up the street, crossing so that he would pass Lucy Torbert's store. He had not intended to enter the store, but as he came up, Lucy was just inside the window, waiting on a customer, and she signaled to him to come in.

He entered the store and waited until the customer had left. Lucy came toward him then.

"I saw the whole thing from the window," she said. "I—I was never so frightened in my life."

"So was I," said Shay.

"Why would you do a think like that? I understand it was just to save the life of the gambler who had killed a man."

"I'm a lawyer, Lucy. I believe that people must live by the law. Menlo, the gambler, had killed a man, but it wasn't my duty—or any other private citizen's—to judge his guilt."

"Was it your duty to protect him? You're not a policeman. . . ."

"I know," said Shay, "but lacking a constable or policeman, it is the duty of all citizens to help protect the community." He stopped, then added lamely, "And I *am* a member of the city council."

Lucy regarded him thoughtfully a moment, then shook her head. "You're a strange man, Thaddeus. . . ."

"Thaddeus? Try Tad."

"Tad."

"That sounds better."

Charles Hageman did not open his saloon on Sundays, but shortly after nine o'clock, Hageman's bartender sought out Shay at the hotel and told him that Hageman was calling a meeting of the city council. He passed the same message on to



Hankey, the hotel owner, and the two walked together to Hageman's Saloon.

Goff's Saloon, Shay noted, was open and seemed to be doing a thriving business, for there were still plenty of the railroad workers in Alder City and many of them had hangovers that required a hair of the dog.

Toler, the lumberman, was already with Hageman and Frisbie, and Reynolds entered the saloon almost on the heels of Hankey and Shay.

Hageman opened the meeting by apologizing for having called it. "I swear I'll not be the one to call the next meeting. But I think this is an emergency. All of you know what happened yesterday. In a way, we all hoped that there would be a boom in Alder City, but I think all of us underestimated the effects of such a boom." He nodded to Frisbie. "Amos, the boom help your business any?"

"Did more business yesterday than I did in the past six weeks put together."

"You, Toler?"

Toler shrugged. "I sold some lumber and I wouldn't be a bit surprised if I sold some more."

Hankey said, "I've got four people in some of my rooms."

Reynolds added, "I'm selling hardware."

"Then I guess it's obvious that a boom is a good thing for Alder City. But what about the *trouble* that's bound to come along with the boom? Are we ready for that?"

"Seems to me, Mr. Shay handled the trouble all right," said Frisbie.

"It ain't right that he should have to handle it," declared Howard Hankey. "I saw what happened yesterday. He could'a been killed."

"We're embarrassing Mr. Shay," said Hageman. "Let's get on with it. I've been told that a Texas cattle herd has crossed the state line and is headed in this direction. It's likely to arrive here within the next few days. There are some twenty or twenty-five cowboys with the herd and if the herd is sold in Alder City, these men will be paid their wages here. . . ."

"That'll be good for you and Ben Goff," said Frisbie sourly. "Little the rest of us'll see of their money."

"You may be right, but the question remains: What about the trouble these cowboys are liable to make? It's customary for them to wear guns and it's a known fact that all of them are Yankee haters."

"Me, I'll close my store and go fishing until the cowboys leave town," grouched Frisbie.

"If I thought it would prevent trouble I'd do the same," said Hageman, "but that's not solving the problem." He

paused. "Alder City is a duly organized city. We have an executive government, but we have no judicial."

"What's that mean?" asked Hankey.

Hageman grinned. "I read it in a book. I guess Mr. Shay could explain it to all of us, but I'd rather continue talking because what I'm going to say concerns him."

Shay looked sharply at Hageman as the saloonkeeper continued.

"This town," said Hageman, "needs a constable. A marshal to keep the peace. A full-time, paid marshal."

He looked around the group. There seemed to be no resentment in the faces of the men and Hageman went on, "We also need a jail."

Frisbie grunted. "Never heard of a town without a jail. Or taxes. I can see that this is going to cost us money."

"No town or city can operate without taxes," Shay said. "They told me at Lawrence the other day that they'd send us a deputy sheriff as soon as they began to get some tax money from us."

"We still need a city marshal," said Hageman.

"Sure," agreed Reynolds. "But how do you go about getting one? Where do you find them?"

"We've a man here," said Hageman, "who seems to know how to handle trouble. Shay?"

Shay had already sensed the drift. He shook his head and said bluntly, "No."

The dour Frisbie turned to Shay. "Why not, Mr. Shay? You ain't doin' much law business. You got plenty of time——"

"I've time to kill," snapped Shay, then winced at his use of the word "kill." "That isn't the point. I'm a lawyer, not a policeman."

"Who'd know the law better'n you?" demanded Frisbie. He pointed to Hageman. "How much you figure on payin' this here marshal?"

"It's a job with a considerable amount of personal danger. I would say at least a hundred dollars a month. . . ."

"For that much I'd take the job myself," declared Toler, the lumberman. "If I knew which end of a gun's supposed to shoot."

Shay pushed back his chair. "Unless there's other business to be brought up, I'll take my leave." He hesitated. "I approve of what you want to do. I think Alder City *needs* a marshal . . . but I'm not the man for the job."

He walked out of the saloon.

He was sitting in the hotel lobby an hour later when Hankey entered.

"The job was voted," Hankey said. "I'm going to Lawrence tomorrow and see if the sheriff can recommend a man for the job." He paused. "We start building a jail tomorrow."

Sunday passed without incident. The train did not make a run but the stagecoach brought several new people to Alder City. Two of them sought out Charles Hageman. Hageman talked to them for a while, then the two men crossed the street to Ben Goff's Saloon.

Hageman came to Shay's office, where the latter was drawing up some deeds for Hageman's latest real-estate transaction.

"Ben and Billy Myers are in town."

"Am I supposed to know who Ben and Billy Myers are?"

"I guess not," said Hageman. "They wanted to buy into my saloon. I turned them down and they went over to Goff's. Judging from the offer they made me, I'm afraid Goff will take their money."

"Goff already has gambling."

Hageman nodded. "So have I, for that matter. But I don't have Ben and Billy Myers. Ben's a killer and Billy's a troublemaker, and to make it worse, they're Texas men."

An hour later Goff and the Myers brothers came to Shay.

"Like you to draw us up a partnership agreement," Goff said. "Ben Myers, Billy Myers. Our lawyer, Thaddeus Shay."

Shay shook hands with the two men from Texas. Ben was in his early thirties, a squat, powerfully built man. Billy was four or five years younger than his brother and about that many inches taller.

"You're the feller we been hearin' about," said Billy Myers. "Talked some railroad slobs out of a fight." He grinned wickedly. "Don't try talkin' a Texas man out of a fight."

"I got it that Mr. Shay doesn't want to fight," said Ben Myers mildly.

Shay turned to Goff. "What's the agreement? A three-way partnership?"

"Yes and no. Ben and Billy are paying me five thousand dollars for a half interest. I own half and they own a half together."

"Don't forget the survivor thing," said Ben Myers. "One of us dies, his share is divided between the other two."

Shay frowned. "Do you think that's a wise provision, Goff?"

Goff shrugged. "They insist on it."

"None of your concern, Lawyer," said Billy Myers.

His brother added, "We got to be protected. We're goin' to bring in the business and somethin' happens to Goff we

got a right to run the whole shebang. Same for us. Somethin' happens to us, Goff gets the whole thing." Ben Myers smiled wolfishly. He did not believe that anything would happen to him or his brother.

It was none of Shay's concern. He drew up the partnership agreement and when the three partners had signed it, he said, "That'll be ten dollars, please."

"Ten?" exclaimed Goff. "You been drawin' up papers for Charlie Hageman for a lot less. . . ."

"Mr. Hageman is a local man," Shay said evenly. "I charge local people less."

"Pay him," said Ben Myers. He smirked at Shay. "Be seein' you around, Lawyer. Maybe you'd like to come over sometime and buck the game."

"I doubt it," replied Shay.

"Me 'n Billy have run games in Dallas and El Paso," said Ben Myers. "Nobody ever said we didn't run an honest game."

"Nobody still living," added Billy Myers wickedly.

The first regular run of the train arrived in Alder City shortly after noon on Tuesday. Shay was at the depot when the train pulled in. It was a crowded train, bearing many people from Kansas City, a few from Lawrence. There were even four extremely well-dressed women. They had about a pint of perfume on them and about two pounds of scented talcum powder.

Also on the train was Howard Hankey, the mayor of Alder City. With him was the fat deputy from Lawrence. He looked rather mournful as he shook hands with Shay.

"Didn't think I'd be here this soon." He shook his head. "I'm your new city marshal. I got a feelin' I ain't goin' to like the job."

"Then why did you take it?" demanded Hankey testily.

"The money," the fat man replied. "County only paid me forty a month." He scowled at Shay. "My name's Hor-ace Taney. It's two syllables, Hor-*ace*. I don't like for to be called Horse." He looked gloomily up the short street of Alder City. "Don't look like much of a place."

Shay said, "I think you'll find Alder City a lively enough town. There's a herd of three thousand Texas longhorns said to be within a day's journey."

Taney grimaced. "Just my luck. Those Texas men been tryin' to drive cattle to southwestern Missouri ever since the War. Been nothin' but trouble. Some good Union people over there and the Texas people been tromplin' their crops. Makin' all sorts of trouble."



"That isn't the way I heard it," snapped Howard Hankey. "I got it that the Jayhawkers been cuttin' the Texas herds. Stealin' their steers."

"I hate all Johnny Rebs," said Taney dourly. "I'll make them toe the mark if they try anythin' here."

Later, Taney examined the jail on which construction had started the day before. It still consisted only of two-by-fours, but he complained of the size.

"Won't be room for more'n two-three prisoners at a time," he complained to Hankey. "I figure to arrest more'n that many people every day."

Later, Charles Hageman observed to Shay, "Our new marshal talks a good fight."

Shay merely shrugged. He had not taken a liking to Taney.

**16** And now Alder City entered into a new phase. It had gone through the pioneer stage into the first boom period. It was now about to enter the second boom . . . and the time of violence. The attempted lynching of the gambler-murderer by the mob of railroad men would be like a gentle breeze compared to a tornado.

Several gentleman from Kansas City had come into Alder City during the past few days. They represented meat-packing firms and were lured to the railhead town by reports that herds of longhorn cattle were being driven up the Chisholm Trail, and veering westward from their former destination of southwestern Missouri, were attempting to reach the railroad.

The arrival of Ben and Billy Myers in Alder City had verified these reports. They were themselves from Texas, had come up the Chisholm Trail for some distance before turning eastward, then due north to the railroad, finishing the final lap of their journey by stagecoach from Kansas City.

Two days after their arrival, a man galloped into Alder City on a heaving, foam-flecked mustang. He was one of the herders from the Texas trail herd, sent ahead by his foreman to size up the situation. He was promptly surrounded by the various cattle buyers, who immediately left him to himself when they learned of the proximity of the herd. The cattlemen scurried to the blacksmith shop, rented all the horses the blacksmith had, which still left a few of them afoot. These gentlemen bribed horse owners in town to let them

use their horses. Soon every cattle buyer was out of town, headed southward to meet the trail herd and get in his bid.

Late in the evening a half-dozen whiskered, grimy men rode into town. They were hawk-eyed, grim men, who had a few drinks at Ben Goff's Saloon (drinks given them without charge by the gambling partners of the firm). They left Alder City after a while.

The next day a score of the riders rode into town. They tied their horses at the hitchrails and stood around in groups, talking and smoking brown-paper cigarettes that they rolled themselves.

It was late in the afternoon when their leader came out of Goff's Saloon, where he had held conferences with some of the cattle buyers. He carried with him several sacks of coin. He emptied one of the sacks on a section of smooth earth and began counting out money.

Whooping went up among the cowboys and two or three of them fired revolvers into the air, which brought the new city marshal to them.

"That kind of thing may go in Texas," he said nastily, "but it don't go here. Anybody disturbin' the peace gets himself a little visit with the judge."

The cowboys exchanged looks, but let it go at that. Their employer was ready to pay them off and they were not anxious to delay that.

As soon as a man received his pay, given him in silver dollars, he made a beeline for the Goff Saloon. It took about twenty minutes to distribute the pay to the twenty-odd cowboys and the men were then off the street.

Shay, standing outside his office, saw Hageman coming toward him.

"Maybe Goff wasn't so dumb selling a half interest to the Myers boys," Hageman observed. "Every one of those Texas men is spending his money in Goff's Saloon."

"There's talk that there's another herd just a day or two behind," said Shay.

Hageman grimaced. "More money for Goff and the Myers brothers."

"You may be well off without their trade."

In Goff's Saloon, the cowboys were lined up at the bar. Most of them drank their whiskey straight and they drank it in gulps. There was no sipping or tasting. The Texas men drank for results. They got them quickly and it was less than fifteen minutes before the first Texan drew his revolver and fired into the ceiling.

Marshal Taney, who was in the saloon, rushed toward

the man who fired the shot. "I warned you about that," he cried. "Now you hand me that there gun and we'll go see the judge."

The Texan looked at him puzzled. "What you talkin' about? I didn't do nothin'."

"You fired your gun. That's against the law. . . ."

"What law?"

Billy Myers, who was waiting at his faro layout for the cowboys to get their fill of liquor so they would then turn to gambling, came up.

"This is private property, Marshal," he said. "You got no authority in here."

"Who says I haven't?" blustered Taney.

"I say so. My name's Billy Myers, in case you haven't heard."

"I've heard of you, Myers," retorted Taney.

"Then you know I'm from Texas and that these men are my friends."

"Atta boy, Billy!" cried one of the cowboys.

"See what I mean, Marshal? You leave my friends be. They had a hard trip and they got a right to celebrate."

"They're not going to shoot their guns in Alder City," persisted the marshal. "I warned them out on the street before they come in here."

"All right, you warned them," snapped Billy Myers. "Now I'm warnin' *you*. Leave my friends have their fun, or you're goin' to have trouble with me. Understand?"

The marshal looked at Billy Myers in astonishment. Lawrence, where he had served as an officer, was a civilized community, a settled town. No one talked like that to the law-enforcement officers.

Taney exclaimed, "I'm the law in this town."

"Just so there's no mistake," said Billy. His hand flicked out suddenly and the back of his knuckles raked the fat marshal's face.

The knuckles caused no great damage to the marshal's face, but the very fact that Billy Myers had struck him, knowing he wore the badge of marshal, sent a shudder running through Taney.

"Y-you can't do that," he said thickly. "It ain't right."

"No," said Billy Myers, "it ain't right. . . ."

He hit the marshal again, a harder blow this time. Taney reeled back. Billy's smile was icy. "You want to make somethin', Marshal, you got a gun." He let his own right hand dangle carelessly at his side.

The marshal knew now. He had been bandied into it and he could go for his gun . . . and die . . . or he could back

down and leave the saloon. He carried a gun, but he knew that he was no match for a man who, reputation said, was the survivor of a half-dozen gunfights. The power of the nickeled badge that Taney was used to wearing was gone.

The marshal walked stiffly out of the saloon. As the batwing doors swung behind him, a roar went up in the saloon. A half-dozen of the cowboys fired their guns at the ceiling. One even took aim at a bottle behind the bar, but paid for the damage without protest.

The shooting inside Goff's Saloon had been heard on the street, and Hankey had come out of the hotel and joined Shay and Hageman outside the lawyer's office. Amos Frisbie left his store and came across the street as the marshal came out of Goff's and walked toward the group.

**17** The little group watched Taney come toward them. Taney stopped a half-dozen feet away. His jowls were shaking and his mouth moved once or twice before words came.

"He hit me," he said tonelessly. Then, "He hit me twice."

"Who hit you, Marshal?" asked Hageman.

"He dared me to draw my gun," Taney went on.

"Who?"

"Billy Myers. I—I was only doin' my duty and he—he hit me."

Howard Hankey groaned. "A hundred dollars a month!"

Hageman looked at Thaddeus Shay. "Well?" he asked.

Shay shook his head. The abject hulk before them was a pitiful object. Caustic comment about his inadequacy would only be degrading the man even more.

The others did not look at it that way. Frisbie's lip curled contemptuously. "You're the marshal," he snapped. "Go and arrest him."

"No," said Hageman quickly. "Billy's not the dangerous one. It's his brother, Ben. Billy only starts the trouble. Ben finishes it. Ben's killed six or seven men, getting his brother out of trouble."

"We hired us a marshal," sneered Frisbie. "It's his job to take care of trouble."

"Even a marshal can't go up against a man like Ben Myers," protested Hageman.



Shay turned and walked from the group into his office. He closed his door and went behind his rough plank desk and sat down on the crude chair he had made himself.

He thought of the long, long months in the Army hospital. Two years. He thought of his dreams and hopes, the thick law tomes he had studied with such enthusiasm, the plans he had worked out so carefully, over so long a period.

He would come West, find a new town and grow with the town. He would live a life of peace and quiet. Without strife and violence. He had had so much of it in the War and had suffered such grievous wounds from it. Wounds that were not physical alone.

A picture flashed through his mind, a scene late in '64, when his troops had been given orders to burn every home in the area, in retaliation for the murderous raids of Mosby's Partisans. There was a fine white house, with pillars running along the front of it. A girl in a crinoline who looked—yes, who looked very much like Lucy Torbert—had stood by while the house went up in flames.

She had also stood by later when her brother, a Partisan, had been flushed from one of the outbuildings, after killing a trooper. He saw her now as vividly as he had seen here three years ago, when a rope had been put about her brother's neck . . . when Shay himself had given the order to drive the horse from under the Partisan. Every word that the girl had screamed at him then was still etched on Shay's memory.

That the order for the execution had been given to Shay directly by the commanding general, who had come up after the Partisan's capture, had not helped to allay Shay's conscience. Shay, himself, had given the immediate order that had taken the life, by hanging, of the Partisan . . . in the presence of the doomed man's young sister.

The girl had been no more than eighteen.

And now, in a little Kansas town of raw frame shacks, Thaddeus Shay had to re-examine his life. He was forced to make a readjustment of values. Of hopes and fears . . . and dreams.

The group outside of Shay's office dispersed. Hageman came to the door, but with his hand on the knob, changed his mind and went back to his saloon. Hankey and Frisbie returned to their own places of business.

Taney, the marshal, stood aimlessly on the street for a few minutes, then walked to the hotel and sat down on the cane bench that stood just outside the door. He stared at the ground before him for a long time.

A shot from the direction of Goff's Saloon roused the marshal. He said aloud, "It ain't right!"

He got heavily to his feet and started for Goff's place. He re-entered the saloon, stopped just inside the door and looked around. There were only a few cowboys still at the bar. The rest had moved to the gambling tables. Several were in a poker game with Ben Goff and the rest were about evenly divided between the faro games of Ben and Billy Myers.

Taney shuffled toward Billy's game.

"Myers," he said thickly, "you can go for your gun."

Billy Myers, slipping a card out of his card case, looked at the fat marshal in astonishment. Then he saw Taney's hand going for his gun.

A cry was torn from Billy's throat. He kicked back his chair, started upright, his hand snaking for the revolver in the holster at his side. He was fast, but even then Taney's revolver was in the clear before Billy's. Taney had drawn first.

There was only a split second between the reports of the two guns. Taney could have killed Billy Myers, for his was the first gun to fire. But in this crucial last moment of his life, Taney faltered. He could not point his gun directly at a man and shoot him. His bullet smashed into the faro layout.

Billy's bullet went true into the chest of the fat man before him.

Taney was dead before he hit the floor.

In an instant, Ben Myers was beside his younger brother, a Navy gun in his fist.

"The marshal drew first," he cried out ringingly.

"He almost got me," said Billy Myers in a tone edged with awe. "I didn't think he had the nerve."

"We gonna talk or we gonna play cards?" asked one of the Texas cowboys.

The Myers brothers knew that the Texas men were with them.

Ben holstered his revolver. "Drag him outside," he ordered a couple of the cowboys. "Drinks are on the house."

Two cowboys caught up the dead man's feet, dragged him to the doors and heaved. The body of the marshal went between them, landing on the ground outside the saloon.

The Texas cowboys lined up at the bar.

In the past half hour the people of Alder City had become accustomed to the sound of gunfire, so it was two or three minutes before anyone paid any attention to the thing that lay on the ground in front of Goff's Saloon. Then a passerby gasped at what he saw and ran into Frisbie's store. Frisbie came out, ran up to the body of the dead city marshal.

He got down on one knee, turned what was left of Taney over on his back and looked at the dead, staring eyes.

He came to his feet with a jolt. "My God," he said, "I taunted him only ten minutes ago with being a coward."

He turned away, saw that Lucy Torbert had come out of her store and gestured her back. Lucy misunderstood the gesture and continued to come forward.

"Go back," Frisbie cried. "The marshal's been killed."

Lucy stopped abruptly. "Killed? By who . . ."

"Someone in the saloon," exclaimed Frisbie.

Lucy's eyes went automatically across the street toward Shay's office. Frisbie saw the look and said bitterly, "It always gets back to Shay. He's the only man in this town with any guts."

"No," said Lucy poignantly, "he mustn't. He—he's done enough." Then she caught herself, clapped her hand to her mouth and stared at Frisbie. Frisbie shook his head, took her arm and led her back to her store. She went inside without protest and Frisbie crossed the street to Shay's office.

Hankey, who had come out of the hotel, saw Frisbie and came toward him.

"The marshal's dead," Frisbie called. "They killed him in Goff's Saloon."

Hankey said bitterly, "The poor, fat slob!"

"I practically called him a coward," said Frisbie. "I could bite off my tongue."

They entered Shay's office.

Frisbie burst out, "They killed the marshal. . . ."

Shay stared at Frisbie for a long moment, then let out a slow sigh. "Of course," he said simply.

His eyes went beyond the little group in his office to the open door. Through it he could see Charles Hageman and several other men running toward Goff's Saloon. He saw them stop at the huddle in front of the saloon.

In Goff's Saloon, a drunken cowboy reeled to the doors. He parted them a few inches and looked owlshly at the group gathering about the dead marshal.

A wicked grin came over the cowboy's face. He drew his revolver, pointed it at the ground in front of the saloon and pulled the trigger.

The effect was as if a bomb had exploded in the midst of the group. The group dispersed in utter panic, men bumping into one another in their haste to get away.

The cowboy, delighted with the results of his little joke, emptied his gun into the street. He fired indiscriminately,

not trying to hit anything or anyone, not caring especially if he did so.

In his flight from the cowboy's gunfire, Charles Hageman dashed across the street to the shelter of Shay's office. Only a few steps more would have taken him into his own saloon, but he went instinctively to Shay in time of trouble.

"Well," Shay said as Hageman pounded into the little office, "what now?"

Hageman looked around the little group. He was shaken but recovered quickly. "Goff and the Myers brothers will have their money in a few more hours. Until then, I think it's safest to stay off the street."

"And when another trail herd comes to Alder City?" asked Shay. "Do we close up the town and hide under our beds until the Myers and Goff have their money?"

Hageman frowned. "I haven't known you to be sarcastic, Shay."

"A decision's got to be made," said Shay. "We give our town to the Texas people or . . . ?"

"Or what?"

"I think you know what has to be done."

"These men aren't railroad workers," Hageman said seriously. "They've got guns—and they know how to use them. You—you can't go up against men like the Myers brothers."

Shay said, "I'll need a gun."

"No," said Hageman, "we can't let you fight our battles."

"You can raise enough men to disarm twenty drunken cowboys—and the Myers brothers?"

Howard Hankey groaned. "You can't fight them alone."

"I can get the man who killed the marshal. At least I can try."

Hankey opened his coat and revealed the Navy Colt that Shay had used a few days ago in quelling the railroad men. It was stuck under the waistband of his trousers. "Don't know why I carry it," he said lamely. "I don't really know how to use it, but since the other day . . ." He left his words unfinished.

Shay took the gun from Hankey and spun the cylinder to check the loads.

"You're determined?" Hageman asked.

Shay nodded.

Hageman opened his loosely clenched left fist, revealing the marshal's badge. "I—I took this from Taney. Maybe you'd like to wear it?"

Shay hesitated, then nodded. He took the badge from



Hageman and handed it to Hankey. "Mr. Mayor," he said, "I'd like you to pin this on me. To make it legal."

"I wished I'd stay in Kewanee, Illinois," said Hankey as he pinned the badge on Shay's coat.

"Shay," said Amos Frisbie, "I've got a sharp tongue and I say a lot of things I don't mean, but"—he thrust out his hand—"I'd like to shake hands with you."

Shay took the hand briefly, then, afraid that the scene would become embarrassing, stepped to the door. He went out into the street, gripping the revolver loosely in his right hand, swinging at his side.

He crossed the street, keeping his eyes on the door of Goff's Saloon, and tried not to look at the body of Horace Taney, still huddled in front of the saloon. His eyes, however, flicked down and took in the face of the dead man, noting a fly on the tip of Taney's nose.

Inside the saloon, the games had been suspended while the cowboys were drinking at the bar. The Myers brothers had joined them at the bar, but were separated by several feet.

Shay entered the saloon and stopped just inside the door.

He said in a steady, ringing voice, "I've come for the man who killed Marshal Taney."

A sudden hush fell upon the saloon. Billy Myers, who was at the near end of the bar, a glassful of whiskey in his fist, said, "Well, if it ain't the lawyer-man." Then he saw the badge on Shay's coat. "Hey, what's that on your chest?"

"The marshal's badge," replied Shay. "I've taken it over. Long enough to get the man who murdered the marshal. . . ."

"Murdered!" exclaimed Billy Myers. "You got a rough tongue, Lawyer, I'm not one of those working stiffs you talked out of a fight. . . ."

"You killed Taney?"

"It was a fair fight," snapped Billy. He set the whiskey glass on the bar and made a sweeping gesture about the crowd. "Wasn't it, boys?"

"It was," said Ben Myers at the far end of the bar, "and just so there's no mistake, I'll tell you I'm backing Billy all the way."

Goff stepped out from behind the bar, into the open. Shay's eyes went to him. "That go for you too, Goff?"

"They own half of this saloon," Goff said, frowning.

"You didn't answer my question. I want to know how many men I have to kill?"

"Kill?" snarled Billy Myers. "You can't kill nobody, you white-fingered Yankee carpetbagger!"

"You're under arrest, Myers," Shay said to Billy. "Put up your hands or——"

Billy made his move. Shay, knowing that Ben Myers was the more dangerous of the two, that he had to fight both brothers, wheeled to face Ben. He whipped up his gun and pulled the trigger. At the moment of firing, a red-hot blade seared his left forearm.

Shay did not even pause to see if his bullet struck Ben Myers. He was allowed but two shots in this fight. If he missed the first, he was dead. If he missed the second he was dead. He had to pull the trigger twice and he had to score a bull's-eye each time. The instant he thrust the gun at Ben Myers and fired, he made a half swivel to the left, whipping back the hammer of the gun in the same movement.

Billy Myers would be making the same movement. It was a matter of who would first complete his second cocking and firing, who would shoot the more accurately.

Shay fired at Billy. He was aware that the Texan's gun spat flame, but aside from the first searing of his arm, he was unhurt. He cocked his gun and waited.

Billy Myers was swaying. He cried out, "Oh, God . . ." and pitched forward on his face.

Only then did Shay risk looking toward Ben Myers.

His first glance did not find him; then his eyes, sweeping the floor, found Ben Myers.

He was dead.

A surge of triumph swept through Shay. He was not yet out of the woods, but he knew that he had won. His gun fanned the dumbfounded cowboys along the bar.

"Don't anyone make a move!" he cried.

"Lord," whispered a cowboy, "he got both of them. Ben and Billy Myers . . . !"

"Get out!" said Shay loudly. "Your celebration is over. . . . Move!"

For a moment there was no response. Then a man shuffled his feet. It broke the tension and the cowboys began to leave the bar. Eyes on either Ben or Billy Myers, they went to the door, walked out.

In fifteen seconds the saloon was cleared of all save Shay, Goff and the employees of the saloon.

"Well, Goff?" asked Shay.

"You got me out of a hole," Goff said fervently. "I didn't want them as partners in the first place, but they threatened me. . . ."

"They didn't threaten Charles Hageman."

Goff scowled. "What would you have done? Five thou-

sand for a half interest. I didn't put that much into the whole saloon."

"I know," said Shay.

He walked out of the saloon. Across the street, Charles Hageman and Howard Hankey stood in front of Shay's office. Hageman had somehow obtained a Winchester repeating rifle and stood with the gun slanted across his breast. The moment he saw Shay, he cried out and came running forward.

"Shay," he yelled in vast relief, "you're alive!"

"Ben and Billy Myers aren't," replied Shay.

Hageman came to an abrupt halt. "Both? You—you killed *both* of them?"

"I had to."

Then Hageman saw the blood that had seeped from Shay's arm wound and was staining the material of his coat. "You're wounded!"

Shay had almost forgotten the wound. He held up his arm. "A scratch."

Amos Frisbie came striding toward Shay and Hageman. Close on his heels was Lucy Torbert. "I knew you'd pull us out of the hole, Shay," Frisbie said.

Lucy came up and took Shay's wounded arm in both of her hands. She kept her eyes averted from his face. "I'll fix this," she said simply.

**18** It had been inevitable from the day Shay had arrived in Alder City. He had hated violence and killing more than anything in the world. He had seen too much of it. He wanted peace, but there was no peace in this new land he had chosen, in this new way of life. Before the law could prevail, *someone* had to fight for that peace. And Thaddeus Shay, formerly captain of the Fourteenth New York Cavalry, was the man to establish that peace.

So Thaddeus Shay became the marshal of Alder City.

Shay retained the badge that he had pinned to his coat. All he did was transfer it to his shirt. When he finally made the decision, he went into the job as wholeheartedly as he had gone into everything else he had ever done.

The combination marshal's office and jail was completed two days after Shay put on the metal badge. He closed his law office then, returning the key to Charles Hageman. He

moved his few possessions into the brand-new marshal's office.

It was not a very large building, consisting merely of a marshal's office, some ten by twelve feet, and a room adjoining, which was separated by a heavy plank door. The rear room contained a window of crisscrossed iron straps made by the blacksmith. It was furnished with a double-decker bunk and a short bench.

The office contained a roll-top desk, donated to the city by Amos Frisbie, a swivel chair from the same source, a long bench and a rack with a lock on it that was intended for whatever rifles or shotguns the duties of the marshal would require. It was left for Shay to select the firearms, it being understood that everything he needed would be paid for by the city.

At Frisbie's store, Shay selected a Winchester repeating rifle and a Navy Colt, .36 caliber, which he bought to replace the one borrowed from Howard Hankey. He also selected a double-barreled shotgun.

Shay had carried a Navy revolver throughout most of the War. It was not government issue, but the weapon was so superior to any other small arm that most of the officers purchased it with their own money, and Shay had bought one the same day he had received his commission. He had lost it two days before Appomattox in the last desperate battle, in which he had almost lost his life.

As a cavalryman, Shay had carried the Navy gun in a holster attached to the same belt that held his saber. The belt fitted tightly about his waist. The drawing of the revolver had always been an awkward thing, but appearance was important in the Army and speed of draw was not essential. You drew your revolver during a charge and kept it in your hand until the emergency was over.

Shay had noted that the Myers brothers and the Texas cowboys carried their revolvers in holsters that were slung low from the belts.

He saw such a holster in Frisbie's store and bought it. Back in the marshal's office, he loaded the revolver and shotgun and put them in the rack.

Then he buckled on the belt to which the low-slung holster was attached. He dropped the Navy gun into the holster and essayed a few trial draws. He made an adjustment in the belt, wearing it tighter. The leather of the holster was new and somewhat stiff. Shay got saddler's soap from the blacksmith shop.

He soaked the holster in a bucket of water and rubbed it with the saddler's soap, working it into the leather. He



let it dry and repeated the process until the holster, when finally dried, was soft and pliable.

He dropped the Navy gun into the holster, drew it, and replacing it, drew it again. The gun was a long-barreled one and the drawing was awkward when he tried to do it swiftly. Shay made a readjustment in the belt and the holster and found that the lower he carried the weapon the less clumsy it was to draw it.

He recalled the shooting contest he had seen in Kansas City, when the youthful ex-guerrilla, Donny Pence, had bested the older Jacob Bartles. Bartles had fired carefully and methodically at his target, but the boy had raised his revolver quickly, merely pointing it, and fired as rapidly as he could cock the hammer and pull the trigger.

One thing especially Shay had noted. The guerrilla had not closed one eye and sighted down the barrel. His movement had been smooth, swift, sure. He brought up the gun swiftly, cocked it as he raised it, then pulled the trigger quickly. The aim was no more than pointing at the object he wanted to hit.

Shay practiced it in the marshal's office. He slid the gun loosely into the holster, drew swiftly and cocked the hammer with the crook of his thumb as he drew. He did not aim, he merely pointed and pulled the trigger the instant he pointed.

It was awkward, and Shay, of course, did not know whether such "pointing" would prove accurate for him.

He went to Frisbie's store, bought a hundred extra cartridges for the Navy Colt and asked Frisbie for an old sack.

He went to Hageman's Saloon, got the sack filled with empty whiskey bottles, then, borrowing a horse from the blacksmith, rode out into the country about a mile until he came to Alder Creek, a shallow stream that wound through the countryside. He found a cottonwood tree with a low, outflung branch, and taking several of the bottles, lined them up on the branch. He walked back a distance of forty or fifty feet, and facing the tree on which the bottles rested, proceeded to try out his theory of marksmanship.

He drew the Navy gun swiftly, cocked the hammer, and bringing it up to a bare point, pulled the trigger. He missed completely, but continued to cock and fire the gun until all six loads had been fired. He failed to score a single hit.

The cartridges for the Navy Colt were little bags of paper. Each contained a load of powder and a ball. He poured the powder into a cylinder, dropped in the ball, then rammed the paper of the cartridge into the little cylinder to

keep the powder and ball in place. There were six cylinders and each had to be thus loaded.

He removed the used caps from the nipples, put on new ones and once more faced the tree. This time he raised the gun easily, took careful aim in the old way and pulled the trigger. A bottle crashed. He repeated the maneuvering, again taking careful aim and firing. He broke six bottles with six shots.

He nodded, frowning. He had been considered one of the best revolver shots in the Fourteenth New York Cavalry and had lost none of his skill.

But that was not good enough out here on the frontier. The Texans were skilled in the use of the revolver. They could fire standing, lying or from the back of a galloping horse. They could draw swiftly and fire accurately.

The guerrillas who served under Quantrell in Missouri were said to have used no other weapon but the Navy Colt. They rode into battle with the reins in their teeth, a Navy gun in each hand. They had terrific firepower and had seldom lost a pitched battle, even against great odds.

The best shot of the guerrillas was the boy Donny Pence. Shay had seen him bring up his gun with amazing speed, thrust it out and fire so fast that the shots seemed to blend into one roll of thunder. At an incredible distance he had scored six bull's-eyes.

The system was right, but Shay was not yet skilled enough. He *had* to acquire that skill. He had become a peace marshal and he had to become the best peace marshal in the business; in that he was determined. If he had to beat gunfighters he had to learn gunfighters' tricks.

He loaded the gun once more, set up a new series of bottles and walked back to a distance of not more than twenty feet from the targets.

He would draw, point and fire, but he would do it slower this time—from a closer distance.

He broke the first bottle. Elated, he fired too quickly at the second and missed. He continued to fire, deliberately keeping both eyes wide open and merely pointing the gun at the targets. He missed the third shot, hit the tree limb with the fourth and broke the fifth bottle. The sixth shot was a clean miss.

Two out of six.

He forced himself to be more deliberate with the next round and broke four bottles. The round following he broke five bottles. He again broke five the next time, then fell back to three when he fired too rapidly.

Speed alone was wrong. He had to be accurate *and* fast.

He broke the last of the bottles, then got chunks of earth and some stones from the creek bed. They were smaller than the bottles and more difficult to hit, but Shay kept at it until the Navy Colt was hot to his touch. He let it cool, cleaned the gun and fired again.

Finally, with only a dozen cartridges left, he lined up six fair-sized stones and moved back to his first distance of approximately fifty feet.

He fired swiftly, evenly . . . and made six complete misses. It would take time.

He put the last six cartridges into the gun, holstered it and rode back to Alder City.

In his office, he unloaded the gun once more and practiced drawing and snapping the trigger for a half hour. He was still engaged in the task when the door opened and Charles Hageman came in.

Shay grimaced. "Go ahead, laugh."

"No," said Hageman, "It's what I expected of you. If you'd taken a bartending job, you'd try to be the best damn bartender in the business. You're that kind of man."

Shay flexed his right thumb, sore from the firing practice down by the creek. "In this job, I've *got* to be good if I want to stay alive."

Hageman nodded. "There's a new herd due here tomorrow. The trail boss rode into town this afternoon."

Hageman left Shay's office and the latter went to his desk. He found himself still flexing his sore thumb, and leaving the office, he walked to Reynolds' hardware shop. He bought two files and a small bottle of oil. Reynolds was in a cheerful mood. "Herd coming tomorrow," he said.

"So I've heard," replied Shay. "I hope there won't be too much trouble."

Reynolds chuckled. "Don't mind a *small* amount of trouble. Not if I get another four-hundred-dollar order."

Shay looked sharply at Reynolds. "A four-hundred-dollar order?"

"Yep. All cash, too."

"The cowboys spent four hundred dollars in here?" Shay persisted.

"Not the cowboys, no. The man who owned the herd. Came in here before he started back for Texas. Bought half a wagonload of nails, blacksmith tools, fencing, a kitchen stove for his wife, a bunch of pots and pans. Shucks, he spent six hundred with Amos Frisbie and the girl must have sold him three-four hundred dollars' worth of groceries."

"Be damned," said Shay, "nobody told me."

"Fellow told me they've very little hard money down in

Texas. Since the War they've had to do without a lot of things. But he got over forty thousand for his herd, all of it hard money. Even after he paid his men and spent three-four thousand here, he had plenty left to take home with him. He's figuring on getting together another herd and coming back before fall."

Shay carried his small purchases back to the marshal's office, and taking out his Navy revolver, took it apart, laying out each piece carefully. He could assemble the gun in the dark, but he wanted to study each part carefully.

He massaged his thumb, and picking up the spring that manipulated the hammer, examined it. After a moment he took one of the files and filed away at the spring. He then filed a bit of the hammer itself, and studying the trigger for several minutes, worked on it. He touched the file lightly to several other pieces, then cleaned each with oil.

He assembled the gun and tested it. The hammer came back with much less effort and it required but a touch of the trigger to snap the gun. Nevertheless, he took the gun apart once more and did some more filing.

When he reassembled the gun, the barest flick of the thumb brought the hammer into a cocking position and a mere touch on the trigger snapped it.

He got to his feet, slipped the empty gun into his holster and made a swift draw, cocking the gun and snapping it. He nodded in satisfaction, certain that he had cut a split second from any previous time.

**19** Walking the street in the morning, Shay was struck by the number of buildings under construction. There were seven in various stages and stakes had been driven into the ground for four more. From three to ten men were working on each job. Most of these workmen had come to Alder City in the last week or two.

A number of tents had been pitched and people were living in them. There were women walking on the street, at least a dozen children. He did not recall having seen a child in the town before the railroad reached Alder City.

He looked into the store windows as he walked easily along. There were customers in them. He came to Lucy Torbert's grocery store and entered. Lucy was at the back



of the store. Near the front, a seventeen- or eighteen-year-old boy was stacking groceries on the shelves.

Lucy smiled at Shay as she saw his surprised look. "Yes, business is good," she said. "I only wish the store was larger so I could carry more stock."

"A trail herd's due," Shay said. "You'll probably get another large order before the men start back to Texas."

"I wouldn't mind." She regarded him thoughtfully. "You're going to keep the—the marshal's job?"

"The law business wasn't very profitable."

"Of course that's not the reason you gave it up."

"Isn't it?"

"You want me to believe you became marshal merely for the salary?"

"Isn't that why a man usually takes a job?" He nodded toward the boy at the front of the store. "He isn't working for you because he likes the work."

"All right, you fought the Myers brothers for money. . . ." She winced almost as soon as she brought out the words. "I shouldn't have said that."

He gave her a quick look and when her eyes held, he averted his. "I'm glad you're doing well."

He left the store and continued on down the street. Passing Frisbie's store, a woman wearing a flouncy red dress gave him a wide smile.

"Good day, Marshal," she said.

Shay nodded briefly. "Ma'am," he said, and continued on.

He crossed the street and entered Hageman's Saloon. Hageman was talking earnestly to a man who looked like a farmer. Shay ordered a glass of beer at the bar and toyed with it until Hageman shook the farmer's hand and clapped him on the back.

"If you like it, come back and we'll talk price."

The man left and Hageman came to Shay.

"Another farm?" Shay asked.

Hageman nodded. "Sold two yesterday. I don't even go out with them. Just give them directions, they look, then come and buy."

"How much of this land do you own around here?"

Hageman grinned, "Not as much as I used to. The railroad owned every other section for three miles on each side of the right of way. They needed money to lay track so I bought up a few sections. . . ."

"How many sections?"

"Twenty. This town's built on one of them."

Shay whistled softly. "I see what you mean now when you said you might become rich if this town grew."

"The land cost me a dollar an acre."

"Cheap, still twenty sections cost——"

"I made some money during the War," Hageman said quickly. He paused a moment. "My father died in 'fifty-seven. He left me a woolen mill in Massachusetts. I sold a great many blankets to the Federal government." He sighed. "The Army inspectors weren't very particular. There was more cotton than wool in the blankets."

"You got out of the business?"

"In 'sixty-three. After Gettysburg. I enlisted as a private in the Nineteenth Massachusetts Infantry. . . . They issued me one of my own blankets. It didn't keep me too warm."

He signaled to the bartender, who brought a bottle of whiskey and a glass. Hageman poured out a drink and drank it without pleasure. Or displeasure.

Shay said, "I ate a lot of spoiled pork during the War. And I had a pair of shoes once that rotted the first time I got them wet."

"Sure," said Hageman. "There were others, but maybe it didn't bother them. I had a younger brother who was killed at Gettysburg."

A bleakness came into Hageman's eyes and Shay decided to ask the question that had brought him into the saloon. "A rather well-dressed young lady spoke to me on the street . . . a girl in a red dress."

Hageman glanced moodily at Shay, then suddenly chuckled. "You're a little behind the times, Shay."

"I see. . . . Where does she work—Goff's?"

"No. As a matter of fact, they don't work."

"They?"

"There are four of them. They live in the two tents just beyond the hotel."

"What do I do about them?"

"What *can* you do?"

"I don't know. Laws pertaining to . . . such matters are usually made by towns or cities. So far Alder City has made no laws."

"Then you'll have to make your own decision as to what to do about——" Hageman grinned. "The little ladies."

Shay scowled at his glass of beer. He drank a little of it, then set the glass on the bar and left the saloon. He walked down the street past the hotel. Two or three stores were under construction, then there was a gap of about a hundred feet which ended with two tents, one behind the other.

Shay covered the gap, faltered in front of the tents, then went on. He sent a quick look at the front tent. The flaps

were open and he could see movement inside and the flash of brightly colored clothing.

He walked a hundred feet or so, then came back. A woman wearing a flowered dress now stood in the open doorway of the tent.

"Hello," she called.

Shay stopped. He was perhaps a dozen feet from the woman. She was in her late twenties, a well-built, strikingly handsome woman with golden-reddish hair.

"Hello," Shay said lamely.

The woman caught a glimpse of the badge on his shirt and winced. "Oh-oh, you're the marshal."

Shay took a step or two toward the tent, but stopped again. "Yes," he said.

"Am I in trouble?" the woman asked.

"I don't know. What have you done?"

She faltered a bit, then smiled brightly. "I talked to you."

"There's no law against that."

"Well, now," the woman said, "that's neighborly. Maybe you'd like to come in and—and sit awhile."

Shay shook his head. "Not now."

"Tonight?"

"There's a trail herd supposed to arrive today," Shay said.

"How do you mean that? That *you'll* be busy, or . . . *we'll* be busy?"

"That I'll be busy."

"Oh." The woman looked steadily at Shay, then said, "My name's Beverly . . . Smith."

Shay nodded. "Ma'am. . . ."

He walked on. As he neared the hotel he became aware of Hankey standing in front of his place. There was a sly grin on the hotel man's face.

"Nice morning for a stroll," he observed as Shay came up.

"It's all right," Shay replied somewhat shortly.

The hotel man cleared his throat. "I like the one calls herself Agatha. Although some might say Beverly's the best looker. . . ."

Shay walked away, aware that Hankey was grinning wickedly. He crossed the street and entered Frisbie's store, where he bought some caps for his Navy gun and a hundred cartridges. Leaving the store, he continued on to the blacksmith's and saddled the horse he usually borrowed.

**20** Shay rode to Alder Creek at a swift trot, tied the horse to a tree and selected a number of fair-size stones from the creek. He lugged them to the tree where he had practiced shooting the day before. He lined up a half-dozen stones on the branch and was stepping back when he became aware that two riders were approaching from downstream.

They were still some distance off and Shay, even more irritated than he had been when he left Howard Hankey in front of the hotel, paced off fifty feet. Facing the stones, he drew his revolver swiftly, and as rapidly as he could manipulate the gun—without aiming—he blazed away at the stones.

The gun seemed to be alive in his hand. He cocked it, fired without effort. Although he barely pointed the gun as he worked it, he made four solid hits and chipped a fifth stone.

His irritation disappeared as he reloaded the gun and watched the two riders approach.

They had not shaved in days and their clothing showed much travel and use. Both men wore revolvers in low-slung holsters.

"Howdy," one of the riders said as they came up.

"How are you?" replied Shay. "You're from Texas?"

"Yep," said the second rider. "We've got a herd back three-four miles. Jim Hasley sent us ahead to look over the grass."

"It's about the same everywhere."

The second rider suddenly exclaimed, "Hey, Will—he's wearin' a badge."

The other rider looked, saw the badge. A frown came over his features. "You're the marshal of Alder?"

"Yes."

"Man who downed the Myers brothers?"

Shay said, "You won't have any trouble in town . . . unless you make it yourself."

"We met the Cross-Bar outfit goin' home," said the cowboy called Will. "Name's Shay, isn't it?"

"Yes."

The first cowboy leaned forward, resting his hands on the



saddle pommel. "You were shootin' at those stones. How many did you hit?"

"I didn't count."

The two cowboys exchanged glances. Then the one called Will nodded to his friend. "Go ahead, Sid. . . ."

Sid held up the palms of both hands. "I'm going to shoot at the stones, Marshal." He paused. "I'm not in your class, way I hear the story, but I've got five dollars I'm willing to risk. . . ."

"I got five myself," said Will.

Shay shook his head. Grinning, Sid drew his revolver, a Navy Colt. He looked at Shay, then began firing at the stones. He worked his revolver smoothly, swiftly, but his first two shots were complete misses. His third smashed a stone and his fourth hit the tree limb, dislodging two of the stones. His fifth and sixth shots were misses.

"Three," said Sid. "Not bad for a hundred feet."

The distance was no more than sixty feet and Sid had actually hit only one of the stones.

"Beat it, Marshal," urged Will, "and my five dollars is yours."

"Let's see if you're as good as they say," exclaimed Sid.

Shay said. "I've got to get back to my job."

"You're not going to shoot?"

"No."

"If you're afraid to bet I'll give you five dollars," taunted Sid. "All you got to do is beat me. If you lose, you keep your money."

Shay shook his head and went to his horse. He untied it and mounted. The two cowboys watched him, scowling. Will said something to Sid and the latter laughed loudly, but Shay continued riding, taking an oblique route that would keep his eyes on the two cowboys, out of revolver range.

In Alder City he returned his horse to the blacksmith shop. As he turned away from the shop, Hageman, coming across the street, hailed him.

"The herd's south of town," he said. "It's already been sold to Armour and Plankinton of Kansas City. Man named Hasley brought it up."

"I know. I met a couple of his men down by the creek."

"Hasley's in town. He's going to pay off his riders this afternoon."

"That means there won't be much sleep tonight."

"Not for us," chuckled Hageman. Then he sobered. "I hope there won't be any trouble." He looked past Shay in the direction of Frisbie's store. "That's Hasley now."

Shay turned, saw a tall, heavy-set man come out of

Frisbie's store and look toward Ben Goff's Saloon. He started toward it.

Shay said to Hageman, "I think I'll have a talk with him." He nodded to Hageman and followed Hasley. He caught up with him inside Goff's Saloon.

"Mr. Hasley," he said, "I'm Thaddeus Shay, the marshal of Alder City."

Hasley grunted. "You the man killed the Myers brothers?"

Shay nodded. "I ran into two of your men down by the creek. They were looking over the grass."

"Sid Cook and Will Robinson." Hasley looked sharply at Shay. "You didn't . . . ?"

"No," Shay said quickly. "There wasn't any trouble. They wanted me to shoot at mark, but I didn't."

Hasley gestured to the bar. "Have a drink with me, Marshal."

Shay hesitated, then shrugged and stepped up to the bar with Hasley. "A beer," he said to Ben Goff, who came up in place of his bartender.

"A beer for the marshal," said Goff. "You, Mr. Hasley?" "Whiskey."

"Mr. Shay's our marshal," Goff went on as he set out the whiskey bottle. "He's a lawyer, but he's real handy with a shooting iron. It was right here that he took care of Billy and Ben Myers."

"All right, Goff," Shay said testily.

Goff was oblivious. "We run a clean town, Mr. Hasley. We don't mind you spending your money here, but we don't like trouble. Got a brand-new jail and nobody's been in it yet."

"My boys been on the trail six weeks," began Hasley.

"That's hard work," said Goff. "Mean, too. Imagine the boys want to do a little celebratin'. Might even like a glass of"—He shot a wicked look at Shay—"a glass of beer." He set the beer he had drawn for Shay on the bar, spilling some of it. "Excuse me, Marshal," he apologized. "Here——"

He picked up the beer and filled the glass so that the suds overflowed. "Better?" he asked Shay brightly.

Angered, Shay picked up the glass, saluted Hasley and sipped a mouthful of the beer. Then he set the glass on the bar and nodded. "Welcome to Alder City, Mr. Hasley."

He started for the door. Hasley scowled after him. Behind the bar, Goff chuckled. "The marshal's touchy, Mr. Hasley."

Still angry, Shay walked to his office.

He was still there an hour later when the door was opened and Lucy Torbert stuck in her head. "Tad," she said.

Shay got hastily to his feet. "Lucy!"

"Haven't seen your office yet," she said, coming into the room.

"Not much to see."

She looked around, stepped to the door that led to the cell room at the rear. "Mind if I . . . ?"

He stepped quickly to the door and opened it. She looked inside, then turned back to him. "The cowboys are coming in this afternoon," she said. "There—there won't be any trouble, will there?"

"I don't expect any." He looked at her sharply. "Why?"

"There's a rumor that——" A frown creased her smooth forehead. "I guess I'm overly anxious. . . ."

"What sort of rumor?"

She hesitated. "Perhaps I'm misconstruing what he said. . . ."

"Who is *he*?"

"Mr. Frisbie. He came into the store a little while ago. Beat around the bush and then—well, he said he'd heard that you had made threats to the—the foreman, or the rancher who brought in the cattle today."

"I made no threats." Shay stopped and shook his head.

"I shouldn't have come here, should I?" Lucy asked, biting her lower lip.

"I'm glad you did."

"I'd better get back to the store." She went to the door, stopped with her hand on it. "You won't say anything to Mr. Frisbie? I like him. If he hadn't given up the grocery end of his business I—I wouldn't be doing as well as I am. He's been very friendly."

"He's a good man," said Shay.

She went out, giving him a worried glance. Shay took a turn about the office. Although she had asked him not to talk to Frisbie about the latter's remark to her, he had not told her definitely that he would not do so.

He drew a deep breath, exhaled and left the office.

Frisbie also had a clerk working in his store now, and when Shay entered the store, Frisbie turned a customer over to the clerk and came forward. "Glad you dropped in, Marshal."

"Some talk came to me, Amos," Shay began.

"Sure," said Frisbie. "I saw her pass the store a minute ago. She told you. Just as well. Guess I should have come to you direct, but I didn't know quite how to—well, how to put it to you."

"I'm supposed to have made threats to Hasley."

"Goff."

"I thought so. He shot off his mouth to Hasley in front of me. I guess he's holding it against me, yet he profited five

thousand dollars, the money the Myers boys paid him for a half interest in his saloon."

"I didn't know that."

"I drew up the partnership agreement. The survivor was to inherit the others' share."

"Then you actually did Goff a favor by——"

"By killing his partners!" The anger was rising again in Shay. "But I also gave him the opportunity of siding with the Myers brothers. I guess that's what he's got against me. Or perhaps he's making a play for the Texas business."

Frisbie cleared his throat awkwardly. "I guess we all want that."

"No reason you shouldn't have it."

"Lacking forty-two dollars, Hasley spent a thousand in here just an hour ago."

"I saw him coming out of the store."

"Makes it sound like I went to the girl because of Hasley's order." Frisbie snorted. "Hell, maybe that's why I did go to her. I didn't think so at the time but I guess I'm as mercenary as the next man when it comes down to it. You want to please the big spenders."

"Nothing wrong with that, Amos," said Shay. "I'm not going to pick a fight with Hasley or his men. As long as they behave themselves. . . ." He saw the change of expression on Frisbie's face and snapped, "I'm not going to stop their fun—don't worry!"

He left the store abruptly. Frisbie started to follow him to the door, then decided against it. But he watched Shay as the latter stood outside the door a moment before turning off to the left.

Shay knew that he was making too much of it, but the anger was still in him as he entered Lucy's grocery store. The store was empty of customers, but her youthful clerk was stacking tin cans onto one of the shelves. Shay's eyes went to him and Lucy said to the boy, "Mike, why don't you burn the empty boxes in back of the store?"

The boy could not conceal a smirk as he went to the rear of the store.

"I'm sorry, Tad," Lucy said as the boy left. "I didn't stop to think when I went to you with the gossip——"

"You were supposed to pass it on to me."

"What?"

"It's true. I stopped in at Frisbie's just now. You were supposed to tell me that the merchants of the town want me to handle the Texas people with kid gloves because they spend a lot of money in Alder City."

A flash appeared on Lucy's face. "Amos said . . . that?"



"He didn't say it, but that's what he meant."

"I'm afraid you misunderstood him. Mr. Frisbie isn't like that. I'm sure he had no such thing in mind when he talked to me."

"Did he suggest you talk to me?"

"No-no. At least I don't recall that he did. Only . . ."  
The frown on her forehead became heavier. "I'm sure Mr. Frisbie isn't any different from anyone else. He doesn't want trouble in town——"

"And I want it?"

She exclaimed, "Of course not. No one suggested anything like that."

"Goff baited me in front of the Texas man. Then inside of an hour Frisbie came to you and you in turn came to me."

"Tad," said Lucy, "aren't you imagining things? A little. . . ."

"Am I, Lucy? Am I imagining things?"

"There isn't a person in town who doesn't admire you. Why, Mr. Frisbie's talked about you several times. Says you're the finest man he's ever known."

"That was after I risked my life and before—before the thousand-dollar orders from the Texas men."

Lucy exclaimed, "Surely you're not suggesting that——"  
She stopped and stared at Shay in astonishment.

"Did Hasley place an order with you?"

"Yes, but I don't see——"

"How much was the order for?"

"You just said—a little over a thousand dollars."

"A thousand dollars on one order."

The frown returned to Lucy's forehead. "Tad, I don't like the way you're talking. I thought you would be glad that I'm doing so well with the store."

"I am glad," said Shay, "and don't worry. I won't bother the Texas men. They're good spenders and Alder City needs their business."

He nodded and went to the door. He was opening it when Lucy called to him, "Tad!"

He went out, closing the door behind him.

**21** The Texas men came to Alder City shortly after four o'clock. Hasley had set up his money at one of the tables in the Goff Saloon and paid the men off. He had already made arrangements that they were to receive several rounds of drinks without paying. By six o'clock, the noise that came from Goff's Saloon could be heard the length of the street. Shay paid no attention to it.

He had his dinner at the hotel, then bought a thin cigar and stood in front of the hotel smoking. He was wrapped in thought when a whiff of perfume assailed his nostrils.

"Still busy, Marshal?" asked the girl who had told Shay her name was Beverly Smith. She had come up and was standing a few feet away, smiling at him.

"No," he said.

"What's the law about a woman buying a drink in this town?"

"There's no law that I know about. Except——" He paused. "I don't think you want to go to Goff's for a drink."

"Don't I?"

"I'll bring you a drink," Shay said.

"You will? That would be nice." She started to turn away and stopped. "Soon?"

"In a few minutes."

He walked to Hageman's Saloon and ordered a bottle of rye whiskey. "Would you put it in a bag?" he asked the bartender.

"Sure thing, Marshal," was the reply.

Hageman came out of his office. "Well," he said. "A new customer."

"How much is it?" asked Shay.

The bartender looked at Hageman. "A dollar."

Shay took two silver dollars from his pocket and dropped them on the bar. "That's about what it really is— isn't it?"

Hageman shrugged. "If you say so."

The bartender had put the bottle into a paper sack. Shay wrapped the paper tightly about the bottle and stuck it in his left coat pocket. He nodded to Hageman and walked out of the saloon.

Hageman looked after him thoughtfully.

Howard Hankey was standing in the hotel doorway when Shay came up.

"Nice evening, Marshal," he said.

"If it doesn't rain," retorted Shay and went on. Hankey whistled softly.

The tent flap was closed, but Beverly Smith was waiting outside.

"You meant it," she said as Shay came up.

She reached out, drew back the flap and Shay, bending low, entered the tent.

The air inside the tent was heavy with the scent of perfume and powder. Shay stood erect, embarrassed, as Beverly Smith took his arm and introduced him to two of her friends.

"Behave yourselves, girls," she said. "This is the marshal. Mr. Shay, my friends, Agatha and Carlotta, or Aggie and Lottie."

"Hi," said Aggie. Lottie smiled ravishly.

"Hello, Marshal." She was a brunette, with a very fine figure and an olive skin.

Aggie was tall and voluptuous. Her hair was a honey color.

The rear flap of the tent bulged inwards and another girl came into the tent. She was the one Shay had seen earlier that day on his way out of the store.

"Fancy meeting you here, Marshal," she said mockingly.

"No nonsense," said Beverly. To Shay: "This is Tillie. You've got to keep an eye on her."

"Not too close an eye," retorted Tillie, adjusting her low-cut dress, which merely called closer attention to her bosom.

Shay took the bottle from his pocket. He had a feeling that his neck was a flaming crimson, but he had come this far and did not know how to beat a retreat now.

"I brought something to drink," he said awkwardly.

"Champagne!" cried Tillie.

"I'm afraid not." Shay pulled the bottle out of the paper sack. "It's rye, I believe."

"Rye's all I ever drink," declared Beverly. "Aggie, the glasses. . . ."

The tent was furnished with a sofa on one side and two chairs covered with a brocaded fabric. Between the chairs was a cupboard containing dishes and glasses. A wood-burning stove was at the rear. A short stovepipe went through a round hole in the roof of the tent.

The rear tent was apparently where the girls slept. It was close quarters for four girls, but they were probably used to it.

The girls gathered around Shay. He removed the cork from the bottle of rye and poured whiskey into the glasses pro-

vided by Aggie, who, Shay suddenly recalled, was the girl Howard Hankey had told him he liked best of the group. She was an attractive girl, all right.

She got a bucket containing water from beside the stove. There was a tin dipper in it, which she picked up half full of water.

"Water?" she asked.

"Not for me," said Shay.

Beverly held up her glass, into which Shay had poured about three fingers of whiskey. "Trying to get me drunk?" she asked Shay. Then she added, "You don't have to, you know."

"To tell you the truth," said Shay, "I'm not very good on whiskey. I haven't had a real drink since the War."

"I knew it," exclaimed Beverly. "Let me see, you were in the Cavalry...."

"Why, yes. How did you know?"

"You're a gentleman. All the Cavalry officers I knew were gentlemen."

"How about Major Shelton?" cried Tillie. "He was a perfect gentleman, even if he was in the Quartermaster Corps."

"Too bad they kicked him out of the Army," said Aggie drily.

Tillie swung at Aggie with her open palm, but Aggie stepped back neatly.

"They did not throw him out of the Army," Tillie said fiercely. "He resigned."

"Sure, after he was caught selling supplies."

"He was framed," said Tillie stoutly. "It was his colonel who actually did it. The major told me so. Anyway, he was a gentleman. He would have married me."

"Who stopped him—his wife?"

Tillie swung another blow at Aggie, which landed this time. Aggie charged in to retaliate, but Beverly stepped between the two.

"Girls!" she cried. "We've got company. Please try to act like ladies."

"Then make her stop picking on me," snapped Tillie.

Outside, a short distance up the street, a gun banged. A drunken cowboy's wild yell split the evening air. The gun, or a different one, was fired again.

"Someone's killing someone," cried the dark-skinned girl, Lottie.

"Cowboys celebrating," said Shay laconically. "They can't do it without shooting off their guns."

A gun was fired less than fifty feet from the tent. Then



there was a scurrying of boots, hoarse grunts and half-shouted imprecations. Shay stepped to the flap of the tent, but before he could look outside, the flap bulged inwards and a cowboy catapulted into the tent. He was followed by a grinning man, who had pushed him in. There were two more cowboys on their heels.

"Yippeel!" yelled one of the men in glee, as he saw the girls.

Sid Cook and Will Robinson were two of the cowboys. It was Sid who saw the marshal. "Hey, the marshal," he yipped.

"Good evening," Shay said to Beverly Smith.

"You're not going?" Beverly cried. "I thought you were——"

Shay shook his head. Sid Cook caught his arm. "We chasin' you out, Marshal?" he smirked.

"No." said Shay. He shook off the cowboy's arm, stooped and went out of the tent. A raucous yell went up inside the tent.

"Don't know's I want to follow the marshal," chortled the voice of Will Robinson. "Which one of you girls was he with?"

The girls' voices began to chatter; they were intermingled with yips and boisterous talk of the cowboys. Shay, walking away from the tent, touched his face and found it warm.

**22** Shay returned to his office and paced the floor several times. Then he got out his Navy Colt, emptied it of loads and practiced drawing, cocking and snapping the trigger. It was fairly quiet on the street and a half hour went by with only an occasional uninhibited yell.

The revolver practice kept Shay's thoughts from himself. He kept doggedly at the task of trying to improve his draw until the rattle of gunfire brought him back to the present.

He stepped to the door, opened it and was about to step into the street. A gun cracked and Shay could hear lead zinging through the air, not too many feet from his head.

He slammed the door, reloaded his revolver. By the time he was through there were men in front of the building. A raucous voice yelled, "Hey, Marshal, come on out!"

Shay stepped carefully to the door, whisked it open and sprang back. A revolver spat fire almost in his face. The bullet missed him by inches and whacked into the wall on the far side of the room.

"Come on out, Marshal," yelled the man on the street. "I want to see how good you are with a sixgun. This is Sid Cook."

"—And Will Robinson," cried another voice.

Shay dropped low, crawled past the window in the front of the room and scurried to the window at the side. He raised the window and stepped through to the ground. He moved to the edge of the building and peered out.

Several men were milling around the street in front of the jail and marshal's office. Even as Shay looked, one of the shadows fired through the door of the marshal's office.

Shay stepped out into the street. The attention of the Texas cowboys was on the jail building. Shay moved swiftly into the street, bore down upon the group.

"C'mon, you Yankee yellow-belly!" roared Sid Cook, just feet away from Shay. "Come out and dance. . . ."

"Here I am, Sid!" said Shay tautly.

The voice behind him caused Sid Cook to gasp. He started to whirl—as the long-barreled gun in Shay's hand struck down at his head.

Sid's cry was cut off. In almost the same movement with which he struck Sid, Shay lunged forward and swept the gun sideways, in a smashing blow. It caught Will Robinson in the face, crunching cartilage. Will started to fall.

Shay fired the hair-triggered revolver into the ground, then swept it in front of the three remaining cowboys.

"Pick them up!" he snarled. "Pick them up and carry them into the jail."

The men had guns in their hands, which they were too startled, by the sudden turn of events, to use. One gun dropped to the hard earth, then another and then the third. Shay swept them aside with his foot, prodded one of the cowboys. "Go ahead—move!"

Two of the men caught up the unconscious Sid Cook. The third caught the groaning Robinson and stumbled forward with him.

Shay followed, the gun in his hand, ready for outside interference, ready for resistance by the men in front of him.

They crossed into the marshal's office. Shay went around the group then and swung open the cell. The five Texas men moved inside. Shay swung the door shut, locked it.

He stepped to the door to see if there were any more

Texas men outside. He could see none, and holstering his Navy Colt, he stepped out and walked swiftly to Ben Goff's Saloon.

At least a dozen of the cowboys, along with some of the townsmen, mostly carpenters and laborers, were in Goff's Saloon when Shay entered. His eyes swept around the room, saw Hasley, the leader of the Texans, playing faro. Goff was the dealer.

Shay moved down on the game.

"Mr. Hasley," he said, "you may be missing some of your men. About five. They're in jail."

Hasley whirled on Shay. Then his eyes flicked to Goff. "You promised me there wouldn't be any trouble."

"Mr. Goff runs this saloon," Shay said frostily, "that's all. Unless Mr. Goff wants to make something of it. . . ."

Goff stared at Shay, saw that Shay was tensed, ready for anything. He said thickly: "No. . . ."

Shay turned back to the trail driver. "A couple of your boys'll have headaches in the morning, but they'll be able to travel back to Texas with you."

Hasley's eyes swept around the saloon, apparently trying to spot which of his cowboys were missing. He said: "You—you've got Sid Cook?"

"And Will Robinson. They were a little too free with their guns. Thought I'd better lock them up before they got into trouble."

Hasley licked his lips with his tongue. He was uncertain as to his next move. Shay decided it for him by turning and heading for the door.

Outside, Shay stood a moment in front of the saloon to see if anyone was of mind to follow him and pick up the gauntlet. No one came out of the saloon, however, and he crossed to Hageman's place.

Hageman's Saloon, also, was doing a roaring business. There were even a few cowboys in the saloon, although they were a reasonably well-behaved group, merely standing in a clump at the bar and talking among themselves. Most of the other patrons of the saloon were local workers.

Hageman was watching a poker game, but when he saw Shay he left the game and came to him.

"I heard shooting," he said, "but by the time I was able to get outside, the street was clear." He paused. "We were having a little ruckus in here."

"I arrested some of Hasley's cowboys," Shay said.

"Some?"

"Five."

Hageman whistled softly. "They didn't resist?"

"Two were unconscious."

Hageman shook his head. "That job of yours isn't any cinch."

"It's all right." Shay looked thoughtfully at Hageman. "If the townspeople back me up."

A frown appeared on Hageman's face. "You know you can count on me."

"All the way?"

"I don't change."

"Frisbie changed. So did——" Shay was about to say "Lucy Torbert," but made a gesture instead. "The Texas people are spending money."

"I know." Hageman shrugged. "Nobody benefits more from them than I do."

Shay looked past him at the cowboys. "Goff is still getting most of the Texas trade."

"The saloon business. He can have that. But I'm the only one selling real estate." He grinned. "Sold Lucy Torbert the vacant lot next to her store."

"For how much?"

"Three hundred. She paid cash."

"How much is it worth?"

"I told you what I paid for the land."

"I know. But what would you sell a similar lot for today? To a stranger?"

"You take what you can get. Nobody else's made me an offer for that particular lot."

"What did you get for the lot from the—the girls?"

"Nothing." Hageman grimaced and added hastily, "And I'm not taking it out in trade. What I mean, I didn't sell them the ground. They just squatted." He hesitated. "There's been some talk about those girls."

"Complaint talk, or just talk?"

"Woman talk." Hageman grinned. "Nothing would have been said when this was just a man's town, but some of the men've brought out their wives. Toler, Reynolds."

"The mayor and the council can give the marshal an order any time."

"Nobody wants to bring up a thing like that. Not in a public meeting."

Shay said, "As long as they didn't buy the property——"

"I'm not complaining," Hageman said quickly. "Only—well, Toler said he had some lumber he wouldn't mind dumping out in the country a few miles."

"So they can build their own house?"

"They can get some carpenters to do the work. Two-three miles isn't so far out of town."



"That's beyond the city marshal's jurisdiction."

"That's the idea," grinned Hageman.

Shay left Hageman's Saloon, stood on the street a moment, then crossed the street to his office. As he started for the door, he noted that it was ajar a few inches. He had closed it tightly when he had left it.

He reached for the knob with his left hand. At the same time he drew his revolver with his right. He swung the door in so that it slammed against the wall. Then, about to stride into his office, he faltered.

Lucy Torbert was seated in the swivel chair behind Shay's desk.

She smiled at him. "A person could get shot around here."

Shay slipped his Navy gun into its holster. He reached for the door and was about to swing it shut when he decided to let it stay open.

"You left the door open," he said. "I remembered that I'd closed it."

"You can close it now." He reached for the door, hesitated and she exclaimed, "I don't want the whole town to know that I'm here. Besides," she nodded toward the cell door, "you've got some chaperones in there."

He grinned ruefully and closed the door.

Lucy said, "You're annoyed with me."

He stared at her. "What?"

"Because I told you what Frisbie said to me." She shook her head. "No, because I sided with him."

"A person's livelihood is the most important thing in the world," Shay said. "The Texas people are spending money in Alder City."

"That's no reason for us to go against a thing if it's right. And you *are* right, you know."

"It's not a question of being right. . . ."

Lucy pushed back the swivel chair and got to her feet. She came up to him, stopped not more than a foot away and smiled up at him. "Well, what's the right thing to do now?"

He stared down into her eyes and what he saw there sent a shock through his entire body. His hand went out, touched her shoulder . . . and then she was in his arms.

He held her tight and she turned up her face. His mouth crushed hers and she responded hungrily. Their lips held for a long moment, then she drew back.

"That day on the stagecoach," she said. "I watched you and I made up my mind——"

His lips silenced her, but this time it was Shay who drew

back. His arms released her and she stepped back, looking at him, disturbed.

He said, "We'll have to wait."

"What for?"

"That's it. As long as I'm wearing this badge, I'm a target. It wouldn't be fair to you."

"Then give up the job. You're a lawyer. . . ."

"I can't support you as a lawyer. I think you know that."

"Well, if it comes to that, the store is doing very well——"

"No," said Shay, "when I get married, I'll support my wife."

Lucy looked at him, a little frown creasing her forehead. She nodded and walked to the door. With her hand on the knob, she said, "Think about it." She opened the door, then flashed over her shoulder, "in the meantime, keep away from those girls."

She went out into the night.

**23** Beyond an occasional shout on the street, the night passed quietly enough. Along about three o'clock in the morning, there was commotion on the street, some galloping of horses and two or three shots fired at the sky, as the cowboys left Alder City for their camp south of town.

Shay took a final look at his prisoners, found them all sleeping, then locked the outer door of his office and went to the hotel.

He slept until seven o'clock, then descended to the lobby and had breakfast in the dining room. As he came out, Howard Hankey stepped out from behind the desk.

"Understand you've got some prisoners at the jail."

Shay nodded. "Five. When would you like to see them?"

Hankey groaned. "What do I do with them?"

"That's up to you. They were disturbing the peace."

"Disturbing the peace? Is that serious?"

"It's a misdemeanor. The prisoner is usually let off with a fine."

"How much of a fine?"

"That's up to the judge. I would say anywhere between five dollars and fifty." Shay paused. "Calling what they did a misdemeanor is giving them the best of it."

"What if they can't pay their fines?"

"Then they stay in jail."

Hankey scowled. "I guess we might as well get it over with." He grinned wryly. "Save us giving them breakfast."

Hankey and Shay walked to the marshal's office. As they crossed the street, Hasley, the leader of the cowboys, came out of Goff's. He was accompanied by the saloonkeeper.

"Marshal," Hasley called, "I want to take care of the boys' fines."

Shay indicated Hankey. "Mr. Hankey's the justice of the peace."

"The boys were only blowing off some steam. They spent six weeks on the trail."

Shay went ahead, entered his office and unlocked the cell door. The cowboys were all awake and regarded him sourly.

"The judge is ready to listen to your cases," Shay said to the men at large.

The men filed out into the marshal's office. Hankey and the others came in from the street. Hankey looked around nervously. "My first experience as a justice of the peace," he said lamely. "Any special way I ought to do this, Marshal?"

"It doesn't make much difference. The prisoners are charged with disturbing the peace."

"All right, I fine them twenty-five dollars."

"That's pretty stiff, a hundred and twenty-five dollars." complained Hasley.

Hankey gulped. "Uh, I mean twenty-five for the lot. Five apiece."

"I object!" said Sid Cook suddenly. "I won't pay no fine, I wasn't doin' nothin' when the marshal come along and buffaloeed me."

"Your Honor," said Shay, "in the case of Sid Cook, I want to make a change in the charge. Rather, I want to make additional charges. Resisting arrest, discharging a lethal weapon with intent to kill . . ."

"Sid!" cried Hasley. "Keep your mouth shut!"

Hankey was bewildered. "What—what do I do now?"

"You can send him to jail for up to six months, or you can increase his fine——"

"Increase, hell," sneered Cook. "Just gimme my gun and I'll——"

"Shut up, Sid!" roared Hasley.

Sid opened his mouth to continue, but looked at his foreman and subsided. "I pass," he mumbled.

"Judge," said Hasley earnestly. "I'm sorry the prisoner spoke out of turn, I apologize for him and I hope you won't hold it against him."

"You can add contempt of court," Shay suggested.

Ben Goff exclaimed, "Now wait a minute, Marshal, you're going too far."

"You've got busniess here?" Shay demanded. "If you haven't, get out."

"You may be the marshal of Alder City," retorted Goff, "but you don't run this town. I've got something to say and——"

"Say it and I'll throw you in that cell," snapped Shay. "None of this concerns you and the best thing you can do is keep your mouth shut."

"Goff," said Hageman from the doorway, "shut up."

Goff shot a venomous look at Hageman, glared at Shay and walked out of the office.

Shay said, "All right, your Honor, you can proceed now."

Hankey was even less certain of himself now than he had been before. "What—what's next?"

"Sid Cook," said Shay. "The additional charges."

"We can't keep him here for six months. . . ."

"You don't have to. I suggested it merely if you wanted to give him a stiffer sentence. You can increase the fine. . . ."

"All right," said Hankey, then gulped. "Ten dollars."

"That's a deal!" exclaimed Hasley. "Thirty dollars." He took out a handful of money and picked out an eagle and a double eagle. He started to hand them to Shay, then thought better of it and gave the money to Hankey.

Hankey looked at the coins. "What do I do with this?"

"We've no specific law about that," said Shay. "In most towns the justice of the peace gets half of the fees, the other half is turned over to the community."

Hankey cocked his head to one side. "I keep half?"

Shay looked inquiringly at Hageman. The latter shrugged. "Why not?"

A thoughtful look came into Hankey's eyes.

"The boys can go now?" asked Hasley.

"Their fines are paid," replied Shay.

The cowboys left the office in a vast hurry. Hasley paused a moment as if to say something, but thought better of it and went out. Hankey exclaimed in relief.

"What I don't know about being a judge!"

"In a week you'll be an old hand at it," said Hageman wryly. "Especially with those fines . . ."

"Say, that's all right. Nobody told me about that before." Hankey grinned at Shay. "Any time you arrest some boys, le' me know. I'm available to—to pass sentence on them."

After Hankey and Hageman left the office, Shay walked to the blacksmith shop and saddled the horse he had been bor-



rowing from the smith. He rode out to Alder Creek for his daily target practice.

He set up stones, paced back what he judged was seventy-five feet and drew swiftly. The revolver tugged at his holster and he missed the first shot. He slipped the gun back into the holster and tried another swift draw without attempting to fire. He thought he detected another slight tug at the bottom of the holster and tried again, slower this time.

The gun came out smoothly. He made a second slow draw, found no difficulty, then tried three very fast draws. The drag seemed to be present whenever he tried the fast draw.

He took off the belt and with his penknife dug a small hole in the leather at the bottom of the holster.

He searched for a string, then saw the rawhide riata coiled over the saddle pommel. He cut off a two-foot length, split the rawhide and ran one end of one of the segments through the hole he had made at the bottom of the holster.

He put the belt on, and wrapping the rawhide about his thigh, tied it down tightly. He tested the revolver in the holster, thought that it came freer, then once more squared away at the targets.

He let his hands dangle loosely at his sides, and drawing a deep breath, made the fastest draw of which he was capable. The gun came up smoothly and he began to work the hammer and the trigger. He fired five shots as fast as he was able.

Four of the stones were smashed and the fifth was knocked from the limb by the bullet hitting just underneath the stone.

He nodded in satisfaction. He had learned a trick that might stand him in good stead one day.

He fired his hundred rounds and was thoughtful on the way back to Alder City. As he returned the horse to the blacksmith shop, Charles Hageman, who had been standing in front of his saloon, called to him. "Come over in five minutes, Tad."

Shay nodded and went to his office. He cleaned the revolver quickly, reloaded it and then, holstering it, strolled across the street to Hageman's Saloon. Howard Hankey was coming toward it.

Inside the saloon, Toler, the lumberman and Frisbie, the storekeeper, were already waiting with Hageman.

"Council meeting," Hageman said to Shay. "Called by Amos Frisbie. Go ahead, Amos, it's your show."

Frisbie gave Shay a frown. "I'm not going to beat around the bush. Shay, you got to ease off on the Texas people."

"You people hired me," said Shay, "you can fire me."

"It's not a question of that," said Hageman.

"I think it is. If I'm going to be the marshal I've got to make the decisions as to whether or not a man is committing a crime."

I can't watch a man shoot somebody, then run to you people and ask if I can arrest him or not."

"You're being ridiculous," snapped Frisbie. "I'm not talking about anyone killing somebody. I'm talking about arresting these men for—for having a little fun."

"Just what do you call fun?"

"Last night. Some of the boys popped off their guns. You clubbed a couple of them with your own gun. Laid open their scalps. That's pretty rough treatment for a little fun."

"That little fun," said Shay soberly, "consisted of five men shooting at me."

"They weren't trying to hit you."

"I think they were."

"They said they wasn't."

Hageman said, "It seems we have a difference of opinion. I think we ought to resolve certain things at this time, the main one being whether the marshal is to have a free hand. Toler, what's your opinion?"

The lumberman frowned. "I wasn't goin' to say anything, but now that you bring it up, I think the marshal ought to do some things around here. Like telling those girls up the street to move out of town. My wife's complained to me about that. Says no decent woman wants to see those—those girls parading around in their fancy clothes."

"This council can make certain laws," said Shay. "If you want to pass a law against—well, against those young ladies, that's your privilege."

"We'll take that up in a minute," said Hageman. "The question of the marshal having full authority hasn't been settled. Amos, you've expressed yourself. Toler?"

"I think Amos has a point."

"Very well. That's two against the marshal. Tad, you're voting for yourself. I vote with you. That leaves it up to the mayor to throw the deciding vote."

"We got to have law and order," declared the mayor. "Me, I'm backing the marshal one hundred percent."

"Would you vote for him if you weren't getting half the fines?" demanded Frisbie.

Howard Hankey scowled at the merchant. "You boys elected me mayor."

"Maybe we made a mistake."

"You want the job?"

Frisbie hesitated. "I'm too busy with my store."

"I'm kind of busy myself," said Hageman.

"Shay's a good man," Frisbie went on. "I was the first to say that and I say it again. Only things are changing all the time. Alder City's growing. What was good a month ago—a

week ago—ain't good now. Those Texas people are spending a lot of money in Alder City. We want them to keep coming here."

"I've an interest in this town myself," said Shay. "I'm not going to do anything to make people hate Alder City. Only . . . I'm going to maintain the law." He paused. "As long as I'm the marshal."

"You've got the job, Tad," said Hageman. "As long as you want it. . . ."

"Until the election," Frisbie corrected. "You *are* planning to hold an election, aren't you?"

"Of course," said Hageman.

Frisbie said to Shay, "Don't be so free with that gun of yours."

He started to walk out of the saloon. Hageman called to him. "We haven't settled the other matters."

"Do what you like," snapped Frisbie over his shoulder.

He went out of the saloon. Toler cleared his throat. "I guess that's that."

"There's still four of us here," said Hankey. "Do all five of the council have to be present at the meeting?"

"No," said Shay. "A quorum is all that is necessary. I think you're safe in saying that four fifths of the members constitute a quorum."

"Then we can pass some laws?"

Toler said, "How about a law movin' those girls?"

"Not too far," chuckled Hankey, then put on a sober expression. "Somebody said something about moving them two miles out of town."

"I said that," offered Hageman. "All in favor, say aye."

All voted in the affirmative. Hageman then brought up the legalizing of fees of the justice of the peace. Toler hesitated over that, but voted with the others. No one could think of any other laws to pass then, and the meeting was adjourned.

**24** A load of lumber was deposited the next day beside Lucy Torbert's store and Shay, coming up in mid-morning, saw a crew of workmen hammering away at two-by-fours.

He stopped to watch and noted that stakes had been set out, marking the extent of the new store building. Lucy's original store had been only twenty by thirty feet. The new store would

by forty feet wide and sixty feet deep. An additional thirty feet was being added to the rear of the building already occupied by Lucy, which, with the twenty by sixty at the side, would give Lucy a store four times the size of the original.

Lucy came out of the store as Shay watched the workers.

"Well," she asked, "what do you think?"

"You'll have the biggest store in town, Lucy. In fact, it'll probably be the biggest grocery store in the state."

"Groceries? That'll be only a part of the business. I've ordered a line of clothing, for men and women. I'm also putting in a children's department and another for furniture and housewares."

"You're going to compete against Amos Frisbie?"

"Why not? They say competition is good for business." She paused. "There'll be enough to keep both of us busy."

"No," said Shay, "I'll never work in your store."

"Who said anything about work? You'll be the boss." She looked at him apprehensively. "You're not going to be difficult, are you, Tad?"

"No," he said, "I'm not going to be difficult."

He nodded to her and walked away. Lucy looked after him for a long moment. Then she exclaimed in annoyance and went back into the store.

Shay entered Frisbie's store. The clerk started toward him, but Frisbie waved him away and came to wait on Shay.

"The usual."

Shay nodded and Frisbie got a package of a hundred cartridges. As he took the money, he said, "No hard feelings about yesterday?"

Shay shook his head. He pocketed the cartridges and was about to leave the store when Frisbie, coming out from behind the counter, said casually, "What do you think of that fool girl building onto her store?"

"Business is good and she's ambitious."

Frisbie grunted. "Wasn't for you and Hageman she'd have gone back to Ohio."

"How much did Hageman pay you to quit selling groceries?"

"Five hundred. You gave her that much yourself, didn't you?"

"Only half. The rest was contributed by—others."

"I guess Hageman took a real shine to her. First he gave her the building, then—"

Shay gave the merchant a sharp look and went out of the store.

Ten minutes later he dismounted at Alder Creek and was soon blazing away at the stones lined up on the tree limb. It was a bad day. He couldn't seem to get a smooth draw in spite



of the holster being tied down with a rawhide thong. And his marksmanship was poorer than the first day he had come out here.

After wasting thirty or forty shots, Shay began to realize that it was his mental condition that was causing the trouble. He stopped shooting and sat down by the stream.

He was still sitting there some ten minutes later when he heard the clop-clop of a horse's hoofs. He looked over his shoulder and saw a horse and rider bearing down on him. He got to his feet and suddenly uttered a soft whistle.

The rider was a woman. She rode man fashion, and handled herself well in the saddle. It was not the riding that had caused Shay to whistle, however. It was the woman.

Beverly Smith.

She pulled up her mount near Shay's and swung nimbly to the ground. She wore a silk blouse of a neutral color and a black divided riding skirt. Soft elkskin boots were on her feet. Her hair was caught back on her neck.

"All right," she said. "I've been hearing about your shooting. Let's see how good you are."

"The way I'm shooting today I couldn't hit the side of a barn."

"That's a Navy gun you're wearing," Beverly said. "I've fired one once or twice." She held out her hand. "Mind?"

He hesitated, then drew the gun and handed it to her.

"What're you shooting at?" she asked.

He pointed. "The stones on that limb."

They walked from the creek toward the tree. Some eighty or eighty-five feet from the target, Beverly stopped. "All right?"

"Better get closer."

"I'll try one from here."

She gave him a smile, brought the gun up easily and fired. One of the stones was smashed to bits.

"That wasn't the one I aimed at," she protested. She brought the gun up again, fired. Another stone was shattered. She fired quick at a third stone, hit it, then missed the fourth.

"I guess I'm not very good," she said. "I missed again."

"You can shoot rings around me now," he said. "Where're you from?"

He was not surprised to hear her say, "Missouri." Then, after a pause, "Clay County."

"A while ago, in Kansas City, I saw one of the Clay County boys shoot. He beat a man named Jacob Bartles."

"That must have been Donny Pence. He was the best revolver shot with Quantrell. He—he showed me how to shoot by pointing."

"I've been trying it myself," said Shay. "I did a little shoot-

ing during the War, but I never saw anything like the Pence boy. . . ."

He reloaded the gun, then moved up to his usual distance of about seventy-five feet. "I've been trying it from this distance."

He holstered the gun, drew swiftly and fired all six loads as fast as he could pull the trigger. This time his marksman-ship was as good as it had been poor before Beverly showed up. He made six straight hits.

"I think," Beverly said softly, "Donny would have a hard time beating that."

"That's the best I've shot," said Shay. "I guess your own shooting inspired me."

"You were a Yank during the War, weren't you?"

He nodded. "Any feeling I had during the War died during the two years I spent in hospitals."

"Two years? I had almost a year myself." She hesitated. "They said I spied for Quantrell and they put me in the women's prison in Kansas City. The building collapsed in '63. I was one of the lucky ones. I was only hurt. A lot of the girls were killed." Her voice became low, dull. "Things were a little difficult after the hospital. That's when I became . . ." Her voice faltered, but she finished bravely enough, "what I am."

"You don't like it," he said. "Why don't you quit?"

"Yes, why don't I marry a good man and settle down? Would you marry a girl like me?"

He said evenly, "There are plenty of men who would."

"But not you." He was silent and she said, "It's Lucy Torbert, isn't it?"

"I don't know," Shay said dully.

Later, they rode together toward Alder City, but when they were still a half mile from the town, Beverly suddenly flicked her mount with a riding quirt and set off at a swift gallop toward the far side of Alder City. She did not want to embarrass Shay by being seen riding with him.

**25** On a morning in late September, Shay stood in front of the marshal's office and watched the flow of traffic on the street. There were farm wagons and buckboards, light rigs and ordinary buggies. There was even a Conestoga wagon toiling along heavily. There were horses, many horses. They

were tied to the hitchrails on both sides of the street and they were moving back and forth on the street.

It was a noisy street, for underneath the sound of traffic there was the pounding of many hammers in all directions from where Shay stood. Saws tore into planks and lumber and timbers banged and crashed. The town was building.

A little more than four months ago, when Shay had first arrived in Alder City, there had been scarcely more than a dozen buildings on the little street. Now the street extended for two blocks to the south, two solid blocks of business buildings. There was a cross street just beyond the hotel and there were stores even on this street.

To the right, across the tracks of the Kansas and California Railroad, the street continued for another two blocks. But here there were no stores, only houses. The homes of the businessmen of Alder City. There were, in the town, on this day in September, more than three hundred buildings, as against the dozen or so when Shay had first arrived in Alder City.

New buildings were still being started daily and older buildings were in the process of being remodeled. Amos Frisbie had moved out of his modest store to the next block, now occupying a store at least six times as large as his previous one. He had expanded and was now a general purveyor, selling plows, livestock feed, groceries, clothing and just about everything a Western home required. He also bought buffalo hides and buffalo bones. He shipped carload lots of the latter to a fertilizer company in Chicago.

Beyond Goff's Saloon was the huge building that housed the department store of Lucy Torbert. Her new ground-floor store had been quadrupled in area and only a few days ago the carpenters had put the roof on the second-floor addition. Formerly, Lucy had had a small sign outside her store, which read: LUCY'S. It had been replaced three days ago by an enormous sign between the first and second floor, reading: THE NEW YORK STORE. Seven clerks worked in the store. A man spent his full time in the stockroom and another worked in the second-floor office.

Lucy Torbert was having a home built north of the railroad tracks.

Across the street, just beyond the hotel, where two tents had stood a few months ago, was Alder City's newest pride, the Alder City Bank, opened a month ago by a man named Jedediah Black.

Beyond the bank was Alder City's fourth saloon. The third saloon occupied the premises vacated by Amos Frisbie.

A man passed the marshal's office. He nodded and said, "Mornin', Marshal."

Shay returned the greeting. His eye fell on two cowboys riding up to the hitchrail. They, too, saw Shay and turned their horses back into the street and rode down the street a short distance, before they dismounted and tied their animals to the hitchrail.

A somewhat gaunt herd had reached the prairie south of Alder City a couple of days ago. Several buyers had refused to buy the herd.

It was late in the season and the grass on the trail was in poor condition. It had been an extremely hot summer. The days were still warm, but the nights were cool. A few weeks more and there would be frost.

Shay left his post and started up the street. He looked into the new saloon, saw that there were several townsmen and cowboys in the place and continued on. He passed up Goff's Saloon and continued on to Lucy Torbert's store.

He went into the store. A clerk, coming forward, recognized him and indicated the stairs at the rear.

Shay passed down an aisle between counters heavily laden with merchandise and approached the stairs. A man was coming down. He looked at Shay, frowned, then smiled broadly.

"Marshal!"

Sheriff Simpson, whom Shay had not seen since his visit to Lawrence, extended his hand.

"How are you, Sheriff?" Shay said, shaking hands.

"Fine, just fine. Be in your office in an hour or so?"

Shay nodded and the sheriff hustled past him. Shay looked after him. He had not known that Simpson was in town. He looked upward, wondering why Simpson had come to see Lucy Torbert before he had come to Shay's office.

Shay climbed the stairs. One of the rear corners had been cut off from the rest of the floor and divided into two offices. In the first of them a middle-aged man with sleeve guards was poring over a ledger. Beyond, in the rear office, Lucy Torbert sat at her desk, going over a sheaf of invoices. She saw Shay through the open door. Her face brightened and she got to her feet.

Shay entered Lucy's office. "Morning," he said. "Just ran into the sheriff downstairs."

Lucy came around the desk, went past Shay and closed the office door. Then she turned, and stepping up to him, put her arms around him. Rising up on her toes, she kissed Shay.

"You never will learn," she said.

Shay's arms went about her and for a moment he held her tight. Then she moved in his arms and he released her.

"Where were you yesterday?" she asked.

"It was a busy day."



"We were busy here, but I still had time to think about you."

He shook his head. "The store's so crowded sometimes I hate to come in."

"You can always come up here."

"You've got people up here usually."

"Just salesmen from the wholesale houses."

"And the sheriff."

Lucy looked sharply at Shay. "Is that supposed to mean something?"

"I didn't know he was in town until I ran into him downstairs."

"He said he's going to see you." Lucy bit her lower lip. "All right, if you *must* know, he's checking up on you."

Why should he check up on me?"

She suddenly smiled. "It's not that kind of checking up. He's sounding out certain people in Alder City on whether—" She suddenly shook her head. "No, I'll let him tell you."

There was a light knock on the door. In the other room a voice called, "Miss Torbert?"

"Yes, Henry."

The door was opened and the bookkeeper stuck in his head, "Mr. Hageman's here."

"Of course. Send him in."

Hageman came in. "Lucy. Tad."

"Hello, Charles," said Lucy easily.

Shay said, "Seen the sheriff?"

Hageman nodded. "He's coming over to see you later."

"What's he want?"

Hageman grinned, then looked inquiringly at Lucy. "Was he here?"

She nodded. "Yes. I was just about to tell Tad why."

"Politicking," said Hageman. "Be better if Simpson tells you." He grinned. "He's a sly one, Simpson."

"As far as I know," said Shay, "this is his first trip to Alder City."

"Maybe so, but he knows what's going on. He knows how many carloads of freight have come into Alder City, how many cars of steers have gone East. He knows how many real estate transactions there've been."

"He's after taxes?"

Hageman grinned. "Let him tell you."

Shay nodded and stepped to the door. He looked inquiringly at Hageman, but the latter shook his head. "Want to talk to Lucy."

Shay went out.

**26** Shay was in his office an hour later when Sheriff Simpson finally came to him. He shook hands again with Shay.

"You got a busy town," he said. "Must be ten-twelve hundred people living here, not counting the transients."

"They've been coming in steadily," said Shay, "although it seems to me that the number is down somewhat lately."

"That's to be expected. I imagine the cattle drives will be over in another month." The sheriff grinned. "Town may fold up and die then."

"A lot of people are going to be fooled, if that's the case," Shay said. "I understand that there's going to be building activity all through the winter."

"Could be," conceded the sheriff. "There's talk that the railroad's going to lay some more track, come spring. They've done all right with the cattle trade and they shouldn't have too much trouble selling more stocks and shares during the winter."

The sheriff took two thin cigars from his pocket and handed one to Shay. When they had them lighted the sheriff went on. "I've been watching things back in Lawrence. Couldn't get out here sooner because the county's too doggone big. Same with the other county officers. Too much to do in Lawrence to pay much attention to Alder." He looked shrewdly at Shay. "Ever think of cutting away from Douglas County and making a brand-new county, with Alder City the county seat?"

"The thought's occurred to me," said Shay.

"What you need," said the sheriff, "is a politician. Takes an act of the state legislature to make a new county. It's a tricky business, but it's done all the time." He paused. "I'm a politician."

"But you're the sheriff of Douglas County. Would you want to see half of your county taken away from you?"

Simpson shrugged. "Douglas County's full of politicians. Most of them old-timers. Things are pretty well cut and dried. I can stay in Lawrence and get re-elected as sheriff. But that's about as far as I can go. On the ground floor, in a new county, a man's got a good chance. Most of the folks are busy trying to get rich, they've no time to hold public office. Me, I'm no storekeeper. I like politics."

He puffed at his cigar and blew out some smoke rings. Shay watched him carelessly. The sheriff said, "You're a lawyer,

Shay. Lawyers usually go in for politics. A county gets one seat in the state legislature. Feel like taking that seat?"

"No," said Shay promptly. "I couldn't afford it. The job pays only three dollars a day, while the legislature's in session—which isn't more than thirty days every year."

"I know," said the sheriff, "but the pay aside, would you take the job?"

Shay shook his head. "When things are quieted down, I'd like to resume my legal practice. I want no office."

"How about county prosecutor?"

Shay hesitated, then again shook his head.

The sheriff seemed disappointed. "I thought we could work together. Prosecutor and sheriff make a good team."

"All I want is to continue in the job I've got."

A frown came over the sheriff's features. "I'm going to lay my cards on the table. I've been talking to people all morning. The man on the street thinks you're the greatest thing ever hit this town. Some of the businessmen don't agree with that. They say you're too hard on the people come to Alder City and spend money here. Wrong man gets in as mayor, you might have a hard time getting reappointed."

"Then I'll hang out my shingle again," said Shay testily. "Or—" He looked sharply at the sheriff. "Or I might run for the office of sheriff."

The sheriff grinned frostily. "Mean that?"

"No. I don't want to be the sheriff."

Later that day, Hageman came to Shay's office. "I guess we're going to be a county," he said.

"With the sheriff as the county boss?"

Hageman grinned. "There's always a boss. Simpson may not be too bad. He sold Howard Hankey on running for the state legislature."

"Does he stay on as justice of the peace?"

Hageman nodded. "That's a local job and the other one doesn't take much time."

"Then who's to be mayor?"

"Frisbie said he'd like to take a crack at the job."

"That means I hang out my shingle after the elections."

"No," said Hageman. "I'm going to run against Frisbie."

"You didn't want the job before."

"I'm selling the saloon."

"Because of me?"

"Because I never liked it."

Sheriff Simpson was a fast worker. On October sixteenth he returned to Alder City with the information that the County of

Alder had been voted into existence by the state legislature and would have legal status as soon as the officials could be elected. The county election was to be November fourth, the date already set for the Alder City elections.

He brought with him a proposed slate of county candidates. There were nine names listed for county supervisors, of whom six were to be elected. All but three of the names were Alder City businessmen. The rest were farmers who had settled in the county territory in recent months.

Howard Hankey was a candidate, unopposed, for the state legislature. Gregory Simpson was unopposed for sheriff. There were two names unknown to Shay for county treasurer and county clerk. Shay learned later that they were friends of the sheriff, who were moving to the new county in order to run for the offices.

A man named Walter Trent was the candidate for county prosecutor.

Hageman brought the slate to Shay. "Sheriff, county treasurer, county clerk and prosecutor," he said. "All from Lawrence, all friends of the sheriff's. I think we've been taken."

"We're no worse off than before; all Douglas County officials were Lawrence people," Shay said. "Like the sheriff said, Alder City people are too busy trying to make money."

"That's the truth," declared Hageman. He brought out a sheet from an inside breast pocket. "Here's the Alder City slate." He read: "For mayor: Amos Frisbie, Charles Hageman. For Council: Toler, Black, Reynolds, Shay."

"Not me," said Shay. "I don't think the city marshal should be a member of the council. Puts him in the position of voting for—or against—himself."

Hageman frowned. "What do you suggest?"

"Paul Adams, the man who opened the print shop two weeks ago. I understand he's going to bring out a weekly newspaper. He struck me as a good man and I don't think it would be a bad idea to have him on the council."

"You may be right, but he's only been in town two weeks."

"Simpson and his friends haven't lived here at all. Besides, none of us have been in Alder City very long. We're all new residents."

Hageman hesitated, then nodded. "I'll take it around to the boys." He smiled. "Frisbie'll probably be against it. He barely talks to me since I came out against him for mayor."

It wasn't more than a half hour after Hageman left before Lucy Torbert's bookkeeper came furtively into Shay's office. "Miss Torbert sent me over," he said. "She—she wonders if you could stop in at the store."

"Tell her I'll be along in a few minutes."



Lucy had never before sent for him, knowing that he usually stopped in at the store at least once a day. He half suspected what it was Lucy Torbert wanted to see him about.

He was right. When he entered Lucy's office, closing the door behind him, she remained seated at her desk. There was a note of asperity in her tone when she spoke.

"I can't understand you sometimes," he said. "Sheriff Simpson practically offered you any office you wanted in the new county and you turned them all down. Do you *like* killing people?"

"That's a strange way of putting it, Lucy," Shay said defensively.

"Why else would you want to keep the marshal's job?"

"Perhaps I think I'm the best man for the job."

"A man of your caliber shouldn't be a policeman."

"Somebody's got to be the policeman. You saw a sample of what could happen here just a few months ago."

"That was before there was a town. A thing like that couldn't happen now. . . ."

"Couldn't it?"

She leaned back in her chair, frowning at him. "I've gotten the house pretty well straightened out, Tad. Would you—would you like to come out this evening?"

"Of course, Lucy."

"I thought I'd leave the store early and try out my new range." She suddenly smiled. "I *can* cook, you know." She got up from her chair, came around and kissed him.

**27** Lucy Torbert's house was so new the paint had scarcely dried. It was a four-room house consisting of a kitchen, a front room and two bedrooms. There was a porch in front of the house, on which was a canvas-covered sofa-bench.

The house was built on a hundred-foot lot and was set back from the street about thirty feet.

At half past six that evening, Shay came down from his room at the hotel and walked leisurely northward. He crossed the railroad tracks, went down a block of new homes, mostly unpainted, some of them covered with tarpaper, and picked out Lucy's home in the next block. It was the third one from the corner.

The front door was open and Shay could hear Lucy moving about in the kitchen. He knocked on the door.

"Come in!" Lucy called from the kitchen. "I've got my hands full."

He entered the house, dropped his hat on the living-room table and walked into the kitchen. Lucy was at the wood-burning range, on which were a frying pan and two saucepans containing vegetables.

She turned her cheek for him to kiss her, keeping her hands busy. "You can set the table. You'll find dishes over there in the cupboard. Silverware's in the table drawer."

"Is that an apple pie I smell?" Shay asked.

"Somebody—I forgot who—told me that Yankees practically lived on apple pies."

"I haven't eaten good pie since before the War," said Shay.

"I haven't baked any since I came to Kansas," Lucy declared. "As a matter of fact, I've had most of my meals at the hotel dining room." She shuddered. "I sometimes think Howard is trying to discourage people from eating there by serving the worst possible meals. . . . How do you like your steak?"

"Kansas style. Crisp."

"You would!" She reached for a long-handled fork, took one of the steaks out of the pan. "I'm going to have mine rare." She set her steak on the table, returned to the kitchen and turned the remaining steak. "Take the pie out of the oven. It ought to be ready."

Shay found a dish towel, opened the oven and saw that the pie was a golden brown. The smell of it was almost overpowering and a feeling of warmth spread through Shay.

How long was it since he had eaten a home-cooked meal? Two and a half years since the War and almost four years before that.

The entire meal was excellent and the pie was the best Shay had ever tasted.

Lucy cleared the table, declaring she would wash the dishes later, and they adjourned to the porch. It was beginning to get dark, and as they seated themselves on the canvas-covered sofa, Shay stretched out his long legs and heaved a sigh of contentment.

"Thanks, Lucy," he said simply.

"I'm trying to break you down," she retorted.

"You have."

He reached out and took one of her hands in his. She relaxed, leaning back against the sofa. "Six months ago," she said, "all I had on my mind was meeting the right man and getting married."

"Am I the right man, Lucy?"

"You are. I knew it the moment I saw you getting on the stage back in Kansas City." She squeezed his hand. "I guess that, as much as anything else, is the reason I didn't go back East when—when I heard about my father."

"I'm glad you stayed."

They were silent for a moment, then Lucy said, "I made up my mind that I wouldn't nag you tonight, but it's on my mind all the time. What are we going to do, Tad?"

Shay had thought of it so many times, and so many times he had failed to arrive at any definite decision. He said, "I don't know, Lucy, I don't know."

"I don't know, either," Lucy replied, "but I think we ought to talk about it. Come to some decision."

"Well, let's talk."

She exclaimed, "I could almost feel that wall going up around you."

"I'm sorry, Lucy." Shay exhaled. "The wall's down. Let's talk."

"You're determined to stay on as marshal?"

"I think that'll depend largely on who's elected mayor next week. If it's Frisbie, I think the problem will be solved. He won't want me."

"And if Charles Hageman's elected?"

Shay was silent a moment until he could feel her hand tensing in his own. "I didn't want to be marshal, but I took the job and I've got to see it through."

"Thought what, Tad?"

"The crisis. I'm convinced that it'll be next year. Alder City's new. No one knew what to do. We went along day by day. The same is true of the cattle drovers. It was a new business to them. They didn't know what to expect. But they know now that they can make money bringing cattle from Texas. I think there'll be so many drives next year that it'll provoke a crisis. The Texas men know that their money is wanted—needed here. They'll be much more difficult than they were this year."

"You think there'll be trouble?"

He nodded. "I think there'll be a great deal of trouble."

"You'll be risking your life every day. You'll be a target for drunken cowboys every time a bunch of them come to Alder City."

"That's why I can't step down. Another man wouldn't last long in the job."

"You think you're *better* than any other man?"

"I think I've learned something about being a peace marshal,

yes. I think I'm better equipped than another man to cope with the type of people who'll be making trouble."

"I've heard of that shooting practice you've been doing every day. You—you can shoot better than the Texas men?"

"I believe I can shoot as good as they can. And I've given time—and practice—to the thing in which they pride themselves. Their expert marksmanship, their skill in drawing their weapons. I've practiced every day. I even think I've established somewhat of a reputation this year that will spread among the cowboys and make them think twice before they reach for their revolvers."

"More likely that reputation will be a challenge to them. They're the most reckless men I've ever known." A shudder ran through Lucy. "I don't know how I'll live through it. Every time there's a shot . . . I'll think it's someone shooting at you."

"It may be my gun you'll hear."

"Is that any better?" cried Lucy.

"Somebody's got to do it and I think I'm better qualified than anyone else.

"But you're a lawyer, Tad. You had such high hopes when you first came here. What happened to those hopes?"

"I came too soon. The country wasn't ready for me."

"It's ready now. Alder City's grown. There're enough people here to support a lawyer."

"There are enough people, but there isn't enough law. Not yet."

It was Lucy's turn to be silent now. But after a while, she said, "Suppose I were to sell the store . . .?"

"I don't think you want to sell it."

"No, I don't. I—I like it. It's stimulating and exciting. I would hate to give it up."

"That's what I thought."

She exclaimed, "What's wrong with a girl having a business? I'm making money, a lot of money. Am I supposed to give it all up just because of some stupid convention that says a man must be the provider of the family?"

Shay had no answer to that and they were as far apart as ever. Their talk deteriorated into trivialities and after a while Shay got up to leave. Lucy kissed him, but there was no warmth in her kiss.



**28** When Shay climbed the stairs of the New York Store the next day, he was told by Lucy's bookkeeper that she was busy with a drummer from a Chicago dry-goods company. The following day he stopped in at the store and found her downstairs waiting on a customer. She smiled and spoke briefly, but after waiting a few minutes and finding her still occupied with the recalcitrant shopper, Shay left.

The third day he again found her office door closed to him. Another drummer.

The fourth day he did not stop in at the store.

He saw her only twice before the November fourth elections. Both meetings were brief. Lucy was busy, her mind preoccupied with her problems. They were unsatisfactory meetings and Shay had the feeling that they were being made purposely unsatisfactory. He stayed away from the store for three days and when he again saw Lucy she made no mention of the intervening days.

A coolness, due to the infrequency of their meetings, the impersonal tone of them, fell between them.

November fourth came; it was a brisk autumn day with a somewhat biting wind sweeping in from the west. A surprising number of wagons came into town. They belonged to farmers and settlers who had chosen the day to do needed shopping and vote for county officers.

A full-page advertisement had appeared a few days previously in the *Alder City Plainsman*, the newly established weekly newspaper. It had urged the residents of the town and the county to vote and had listed the candidates. There was very little competition for the offices, but the idea of voting for the first slate of officers in the town and county had apparently appealed to the voters.

They turned out in considerable numbers and the results of the election, posted in the window of the newspaper office that evening, indicated that more than four hundred votes had been cast for the county offices. Simpson and his Lawrence friends, without opposition, had been elected sheriff, prosecuting attorney, county treasurer and county clerk.

Simpson received the largest number of votes, four hundred and eight. The others each received a few less.

The results of the town election were somewhat surprising. The councilmen had been unopposed, but there had been a

contest for the mayor's office. Charles Hageman won with 278 votes to 39 for Amos Frisbie.

Hageman, in spite of being a saloonkeeper, the richest man in the county and easily the largest property owner, was a popular figure in and about Alder City.

Marshal Shay was standing in front of the newspaper office, reading the results of the election, when Hageman came up.

"Congratulations," Shay said to the new mayor of Alder City.

Hageman grimaced as he saw the figures. "Amos isn't going to take that too well."

"Am I reappointed marshal?"

"You are—and you hold the job as long as I'm the mayor."

He turned as Lucy Torbert came across the street from her store, on the way to the hotel.

"Well, Mayor," she said as she took in the results of the election, "I suppose congratulations are in order."

"Thank you, Lucy."

"It's a good thing women aren't allowed to vote," Lucy went on. "I would have voted against you."

"You don't think I'll make a good mayor?"

"I think you'll make a very good mayor," Lucy said, "except for one thing." Lucy had pointedly ignored Shay, but she suddenly turned to him now and said, "I'm afraid I can't congratulate you, Tad, on continuing as marshal. . . ."

An electric shock seemed to run through Shay. He started to say something to Lucy, but she nodded coolly to him, and turning, walked off toward the hotel.

Shay stared after her.

"I'm sorry, Tad," Hageman said quietly.

"It's all right," Shay replied.

"Is it?"

"She wanted me to give up the job." Shay frowned at Hageman. "The truth, Charlie. The chief reason you ran for mayor was so I could remain on as marshal?"

Hageman hesitated, then nodded. "Amos would have fired you."

"That's what I thought."

**29** Few of the people in Alder City had ever experienced a Kansas winter. A week after the elections the sky became overcast and remained that way. Toward eve-

ning snowflakes began to fall, heavy, wet flakes that melted as soon as they touched the ground. During the night the temperature began to fall and the snow, still coming down, became hard and brittle. A wind came up from the west and toward morning shifted to the north. It keened across the flatlands and sent the snow driving ahead of it.

Whenever there was an obstruction the snow began to pile up in drifts. Crossing the street from the hotel to the marshal's office, after a chilly night in his room, Shay gasped from the biting cold. He had purchased an overcoat a few days before, but the wind seemed to cut through it, through his clothing underneath. There was a drift of hard snow three feet high in front of his office and he had to plow through it.

He finally reached the door of the office, fumbled at the lock with numbing fingers and got inside. The wind was cut off, but the place was freezing cold. There were no prisoners in the cell behind the office, and Shay had been accustomed to letting the fire in the potbellied stove go out at night.

He started it burning now and kept his coat on until the stove began to throw off some heat. He stepped to the window and looked out. Across the street, a man was bent over, going against the heavy wind. He finally turned in to a store.

The snow drove against the window, making a sound as of sand beating against the glass. Cracks in the window sill that had not been apparent during warmer weather now showed up by frigid air seeping through.

Shay took his overcoat, flexed his fingers and drew his Navy gun from its holster. The gun was cold to his touch. He removed the caps from the nipples, dropped the gun back into the holster, then drew swiftly working the hammer and trigger as fast as he could.

Since the day he had pinned on the marshal's badge during the summer he had not let a single day go by without practicing with the revolver. He never spent less than a half hour with the weapon, and although he had no way of timing such a thing, he knew he was drawing and working the gun about as swiftly as he was capable of—probably only a split second faster than a man might normally do such a thing, but that infinitesimal fraction of time could one day mean the saving of his life.

He was still practicing his marksmanship, although he did not fire daily. A farmer had moved onto the section of ground down by Alder Creek and he had to ride farther afield nowadays to do his firing. Also, the daily firing of a hundred rounds of ammunition was an expensive proposition. Of course he charged the ammunition to the town and no one had yet

questioned the size of his cartridge bill, but Shay was sensitive about it.

The snow stopped falling, but the wind and the frigid cold remained for several days. The activity of the town was reduced to a minimum. People went to the stores, but they moved quickly on the street and went outside only through necessity. Building activity came to a virtual halt. The train came to Alder City every day, but there were few passengers on it.

And then one morning the eaves were dripping. A warm wind was blowing from the south and east. The snow became soft, soggy. Water seeped out from under the snowdrifts and the streets of Alder City became a quagmire. It was like spring for more than a week and the snow disappeared entirely. Some farmers even turned out and did some plowing.

It was only a temporary lull in the weather, however. In December came another cold spell and in January, the coldest weather Thaddeus Shay had even known fell upon Alder City and held it in its grip for more than two weeks. The thermometer plummeted to twenty degrees below zero at night and once or twice hit the thirty-below mark. During the day it rose to scarcely above zero.

It was a hard winter. Reports came in that the livestock of the farmers was in bad shape. Several farmers even came to town carrying a few belongings on their backs and took the train to the city and a milder country.

Building went on spasmodically throughout the winter, whenever the weather was not too bitterly cold. There were still optimistic people in Alder City who believed that their fortunes could be made here.

One day in January, Shay got a horse from the livery stable and rode out on the road south of town. Some three miles from his office in town he turned in to a two-story, unpainted frame house. It was empty of occupancy, the doors locked, but looking through the windows, he could see furniture inside. Beverly Smith and the girls had gone to the city to wait out the winter.

He rode back to town and put up his horse at the livery stable. As he came out he encountered Amos Frisbie, walking along the sidewalk with head bent.

"How are you, Mr. Frisbie?" Shay said easily.

The merchant looked up at him, looked through him and continued on without replying to Shay's greeting. He had not spoken to Shay since before the elections in November.



Shay stopped on his doorstep, surveyed the street before him. After a moment he looked at the big sign of the New York Store up the street. He shrugged and started toward Lucy's big store.

It was warm inside and there were several clerks on duty. Not as many as there had been in early fall, but still enough to indicate that Lucy was doing a substantial business even through the winter. The clerks saw him come in, but none came to wait on him. They were used to his presence in the store now and then, although he had not been coming in oftener than once in two weeks of late. Frequently he merely stood inside a few minutes or wandered about, idly looking at merchandise.

Today, however, he climbed the stairs to the second floor and went into the bookkeeper's office. The inner door to Lucy's office was open and he saw her at her desk reading mail.

The bookkeeper looked up, sent a quick glance at the inner door. Shay nodded to him and continued on into Lucy's office.

She looked up. "Tad."

"How are you, Lucy?"

"I'm fine if only this beastly cold would let up."

"In summer we'll complain of the heat."

"Perhaps, but I'll need a good summer to make up for this winter."

"Business is bad?"

She hesitated. "Not *too* bad."

"You've still got four or five clerks."

"Yes, but they're scarcely earning their wages. They'd have no way of making a living if I let them go."

"Is that good business?"

"Maybe not, but . . ." She stopped, looked at Shay and sighed lightly. "You're losing weight."

"Not much."

She leaned back in her chair, but her eyes drifted to the mail on her desk. She wanted to get back to it.

Shay said, "I've missed seeing you."

Her right hand reached out and took a letter from the pile before her. She glanced at it, then suddenly lowered it.

"Isn't that your fault, Tad?"

"Is it, Lucy?"

Her eyes showed annoyance, but after a moment she said, almost softly, "I've missed you."

A step sounded in the outer office, then Hageman's voice said cheerfully, "Hello, you two. Mind if I come in?"

He came into the room. "Hey," he said to Shay, "you're not eating enough."

"I just told him that, Charlie," said Lucy.

Hageman made a playful poke at Shay's ribs, although he did not touch him. "You ought to eat some of Lucy's apple pie, man."

"I did," said Shay, "once." He nodded to Lucy. "I've got to run along. See you, Charlie."

The next day, when Shay was in Hageman's Saloon, Hageman saw him from his office and came out. He signaled to the bartender and when a bottle and glass were set out, he poured a small drink of whiskey. He downed it and said, "You know I've been out to Lucy's for dinner."

"Why not, Charlie?" asked Shay.

"I've always liked her."

"So have I."

Hageman grinned ruefully. "You had the inside track last summer, but when you dropped out I wasn't going to let anyone else get there ahead of me."

"You're a businessman, Charlie," said Shay. "She likes business."

A cloud came over Hageman's face. He poured out a second drink of whiskey.

**30** It rained in March. The ground froze, then it thawed and then it rained some more. It rained during the first week of April and then the sun came out and a gentle breeze blew from the west and continued to blow as the grass came up from the ground and seemed to grow an inch or more every week.

The trains from Kansas City were crowded. Laborers came to work on the new buildings that were going up in Alder City; a crew of railroad workers built an extensive siding and large stock pens. Traveling salesmen descended upon the town in hordes, selling merchandise to the Alder City storekeepers.

Building work on the county courthouse, begun late in the fall and abandoned during the winter, was resumed.

Alder City had again come alive. It was a bustling boom town and was prepared for further expansion should it be required. Charles Hageman had not sold his saloon, but he

was seldom in it. Real estate was his main concern now, and he apparently did a thriving business in town lots and business buildings. Many of the newly constructed stores had been erected by him and were rented or sold by him.

On the twenty-first of April a cattleman came in on the train from Kansas City and reported that a sea of cattle was moving northward from Texas. Some of the herds had started moving early in March and should now be nearing their destination. Other herds had been gathered and were planning to move northward as soon as the grass was well enough along.

The first herd arrived in Alder City the following day. It was a small herd of about a thousand head of cattle, and was accompanied by only six trail drivers. Their chuck wagon was driven into town. Scrawled on the canvas was the legend: "*The Hell with Yankee Marshals.*"

The chuck-wagon driver emptied his revolver at the blue sky and was promptly arrested by Marshal Thaddeus Shay. Taken before Justice of the Peace Howard Hankey, he was fined twenty dollars. Because he was unable to pay the fine, Shay took the chuck-wagon driver to the jail.

An hour later, five angry cowboys came to the marshal's office. Their leader paid the twenty-dollar fine of the chuck-wagon driver and said, "The Cross Bar outfit's two days behind us. We made an agreement with them not to do anythin' until they get here. But you just wait, you ain't gonna get away this year with what you did last season."

"Looks like a good season," Justice Hankey said cheerfully after the cowboys had left. "Been thinkin' the town ought to hire you a deputy marshal."

"So we can make more arrests?" asked Shay.

"The more the better," chuckled Hankey.

Another herd arrived on the prairie south of Alder City on the following day and then on the succeeding day came the Cross Bar herd. It was a large one, consisting of well over three thousand steers and a full complement of riders numbering almost thirty. With the men from the two previous herds in Alder City, there were around sixty Texans in the little town.

Sheriff Simpson, who had spent less than a dozen days at the county seat throughout the winter, happened to be in Alder City and came to see Shay.

"Strictly speaking, I'm supposed to leave Alder City alone," he told Shay, "unless things get too much for you. I've got two deputies who aren't doing much and you want some help, let me know."

"I'll manage," Shay said with more confidence than he felt.

Simpson frowned. "It may be only whiskey talk but I've heard that the Cross Bar outfit's threatened to get you."

"I've heard the same talk."

"Well, call on me if you need help."

Shay sat at his desk after the sheriff left. Then he got up and walked to the window. There were cowboys on the street, but it was midafternoon and they seemed to be wandering about aimlessly, merely riding up and down the street or walking along the sidewalks looking into store windows.

They had probably not yet been paid.

Shay left his office and crossed to Hageman's Saloon. The door of his office was closed and one of the bartenders told him that Hageman had left an hour ago to show some property to a prospective buyer.

There were two or three cowboys in the saloon, but only one was at the bar. The others were watching a small poker game between townsmen.

Walking down the street past the hotel, Shay came upon Hasley, the boss of the Cross Bar outfit. The Texas cattleman was coming out of the bank and stopped abruptly as he encountered Shay.

"Marshal," he said, "you're still alive."

"I'm not even sick," Shay replied evenly.

Hasley shook his head. "You figurin' to ride herd on my boys?"

"Will they need it?"

"They've had a hard time. Every damn river and creek we come to was overflowin'. They been wet almost since we left Texas. I can't stop them from havin' theirselves a good time."

"I heard some talk that they're planning to kill me."

Hasley scowled. "Where'd you hear fool talk like that?"

"It's around town."

"I don't know anything about it. You let the boys have theirselves a little fun and you got nothin' to worry about."

"Robinson and Cook are with you?"

Hasley hesitated, then nodded.

"I made a dicker for the herd," Hasley said. "Bank's gettin' in some money and I'm going to pay the boys in the morning. I figure to let them spend a little money for about two days, then head them down the trail. . . . Why don't you take yourself a little trip on the choo-choo tonight? Or go fishin' for a couple of days? Save everybody a lot of trouble."



"Why don't you buy a barrel of whiskey and take it along with you?" Shay retorted. "Your men can drink themselves stupid on the way home."

Hasley glowered at Shay, then turned away abruptly and headed across the street. Shay watched him as he turned in at the New York Store.

Shay shook his head and started back down the street when a voice behind him called, "Marshal!"

Shay turned.

Beverly Smith, whom he had not seen since the previous fall, was coming out of the bank. She was wearing a pink checked gingham dress and her face was bright with pleasure as she came toward him.

"I've been thinking about you all winter," she said as she came up to him. "I thought you'd be out to see me—us—by now."

Her hand was outstretched and Shay could not avoid shaking hands with her. Not that he wanted to avoid it. Her hand was smooth, muscular and gripped his hard before she released it.

"You're looking even prettier than the last time I saw you," he said.

"Well, you *can* say nice things!" she exclaimed. "You—you're coming out?"

"The town's full of cowboys," Shay said.

"They haven't been paid yet," Beverly declared. "They haven't any money to spend. We won't be busy tonight." She looked at him hopefully.

"I'll try," he said.

"Please," she said, and turning, hurried to a buckboard standing in front of the bank.

He watched her climb in, conscious of several pairs of eyes watching him—and her—from various open doorways.

His eyes went across the street toward Lucy's store and he saw Charles Hageman coming out. Shay started across the street.

"Charlie!" he called.

Hageman saw him, swerved and came toward Shay. They met in the middle of the street.

"I've been looking for you," said Shay.

"I just saw Hasley in the store," Hageman said. "Said he had words with you." Hageman smiled thinly. "Claimed you made threats."

"That's nonsense," said Shay. "He suggested I leave town for a couple of days and I told him to hold his boys in line. Neither of us agreed."

Hageman sobered. "Tad, I don't want to alarm you, but I've been hearing some things . . ."

"About the Cross Bar outfit getting me?"

"You've heard too?"

Shay nodded.

"Hasley's suggestion about being out of town for a couple of days might not be a bad one."

"If I left town now I'd have to leave every time a herd reached Alder City."

"You may be right, Tad, but there are one helluva bunch of cowboys in town right now. If they get organized——"

"I know," said Shay.

Hageman's eyes went up the street. "Amos Frisbie is sounding off again."

"Nothing unusual about that."

"He's been talking to some of the people who weren't here last summer and don't know what these Texas men are like when they're liquored up."

"They'll soon find out. The Cross Bar cowboys are being paid off tomorrow."

"Then we can expect some noise." Hageman hesitated. "Do you think you could call on the sheriff if things get out of hand?"

"He's offered his deputies, but the quarrel's between me and the cowboys. It's got to be settled one way or the other—between us."

Leaving Hageman, Shay continued on to the New York Store. He entered and saw Lucy Torbert at the rear of the store talking to Hasley, the boss of the Cross Bar. She had a pad and was writing down things Hasley was telling her.

Probably another thousand-dollar order.

Shay decided that it was a poor time to talk to her, and leaving the store, stopped in at Reynolds' hardware. Reynolds had a customer, but Shay waited until he was through with him.

"Glad you stopped in, Marshal," Reynolds said. "I suppose you know that Amos Frisbie's after the city council again?"

"I've heard that he's stirring up some of the merchants."

"He's not going to get anywhere." Reynolds paused slightly, then added, "Not this time."

"Are you doing business with the Texas people?" Shay asked.

"I did quite a lot with them last year, and I imagine I will again this year."

"Do you think the business they're bringing to this town

justifies them in shooting up the place every time they come here?"

Reynolds hesitated. "The honest answer to that, Marshal, is no. But I'd hate to lose the Texas business. On the other hand, I live in Alder City. My family lives here. I want it a decent, *safe* place."

Shay nodded thoughtfully. "Have you heard any rumors that the Cross Bar crowd is going to try to kill me?"

Reynolds winced. "Yes, I have, Marshal." He looked worriedly at Shay. "I don't take stock in rumors usually, but this has come to me from two or three different sources."

"It seems to be around town pretty much."

**31** Shay left the hardware store and returned to his office. He drew out his Navy gun and examined the loads. Since the previous year he had never missed a day without at least a half hour of practice in drawing, but today Shay decided to pass it up. If his skill was to be tested it would be within the next twenty-four hours, and during that period Shay could not hope to improve over what he had already spent a year on.

He slipped the gun back into the holster, and leaving the office, got his horse at the livery stable. He rode slowly up the street and back again. As he rode along his eyes scanned the sidewalks and the store fronts. There were a number of cowboys in town, possibly fifteen or twenty, and all wore the same travel-stained clothes they had worn on the trail coming up from Texas. Few had even bothered to shave or have their hair cut. And all seemed sober.

None of the three outfits that had reached Alder City seemed to have paid the cowboys.

He returned the horse to the livery stable and went to the hotel, where he had an early supper in the dining room. As he came out, Howard Hankey came from behind the desk and accosted him.

"Got any boys down at the jailhouse, Marshal?" he asked, smirking.

"Not yet."

The justice of the peace showed disappointment. "Shucks, thought you'd have a half dozen there by this time."

"They're behaving themselves. They haven't been paid yet."

Hankey brightened. "Tomorrow, maybe?"

"Probably."

"Good. It's been a long winter and I can use the money."

A wave of sudden anger swept through Shay, and to keep from telling Hankey what he thought of him, Shay walked abruptly out of the hotel lobby.

He crossed to his office, but was in no mood to spend the evening hours sitting there. He stood outside for a few moments, scowling at the darkening street, then, on a sudden impulse, walked again to the livery stable and saddled his mount.

He rode south at an easy canter. Reaching the edge of Alder City, he continued along the now well-beaten road toward the house that stood back from the road some two miles out of Alder City.

Someone had installed a hitchrail at the side of the house. A horse was tied to it. When Shay saw it, he hesitated, but finally got down from his horse and tied it to the hitchrail beside the other animal.

He walked around to the front of the house. He was within a dozen feet of the front door when it opened. Sheriff Simpson, starting out, saw Shay and stopped.

"Be damned!" he exclaimed. "You, Marshal?"

"Why not?" snapped Shay.

The sheriff shook his head. "Wouldn't have thought it of you!"

"I could say the same about you."

A grin creased the sheriff's face. He chuckled and walked past Shay.

Shay stepped through the door that the sheriff had left open. Beverly Smith, still wearing her afternoon dress, exclaimed when she recognized Shay.

"Mr. Shay, you're just what I needed to take the bad taste out of my mouth."

"Bad taste?"

"The sheriff—you ran into him outside. . . ."

"And he left a bad taste?"

Beverly cocked her head to one side. "Now, Marshal you're not *that* naive."

"Maybe I am," said Shay, puzzled.

"He's the sheriff, isn't he?"

"I still don't understand."

She regarded him in surprise. "We're not exactly running a legitimate business here. . . ."

Shay exclaimed, "He's going to close you up?"

"No, he isn't going to close us up. Not as long as we pay him fifty dollars a week."



"But that's blackmail!"

"Is it?" asked Beverly sweetly.

She stepped up to Shay, put her arms about him, and rising up on her toes, kissed him on the mouth. It was a passionate kiss, warm and clinging.

"What kind of blackmail do *you* want?" she asked softly.

"Blackmail . . ." he began, but she stopped him by again pressing her lips to his.

After a moment she stepped away from him and took his hand. She led him through a curtain door, down a narrow hall off which several doors opened.

Her room was at the very rear, on the left. It was a small room with bare, unpainted walls, but she had made it attractive and feminine with curtains and chintz.

**32** Shay left Beverly Smith's place by a back door. Going around to the side, he saw two horses at the rail beside his own. Both of the other horses carried Cross Bar brands. He mounted his own horse and rode leisurely back to town.

Returning his mount to the livery stable, Shay went to his office. He sat down at his desk and was there for several moments before he was aware of a scrap of paper lying on the scarred top of the desk. He picked it up. The paper had apparently been torn from the bottom of a sheet of letter paper and on it was scrawled in pencil, "*I stopped in on my way home. I would like to talk to you.*" It was signed with an "L."

Shay stared at the scrap of paper. What had been between him and Lucy had somehow faded during the long winter months. He saw her only seldom, and while she always nodded or spoke, her attitude toward him was aloof, formal. She greeted him as she greeted customers in the store, or other townspeople whom she might encounter on the street.

And now, within an hour after his visit to Beverly Smith's, she was asking to see him. The timing of it, the coincidence, caused a flush to seep over Shay's face and neck.

He got to his feet, left his office and started down the street. He crossed the railroad tracks and continued on to Lucy's house. There was a light inside and he stepped up to the door and knocked.

Her voice inside said, "Yes?"

"Shay," he replied.

She opened the door, drew it wide. "Come in, Tad." Her tone was warm, but impersonal.

He went in.

She closed the door and started past him toward the kitchen. "Can I get you a drink?" Then she stopped and turned back to him. "I don't believe you drink. . . ."

"I've been known to," Shay said, "but not tonight, thanks."

"I know so little about you," she said.

"I haven't seen much of you this winter."

She gestured to a chair. He crossed to it, but waited until she had seated herself before he sat down. The chairs were on opposite sides of the room and she looked across at him.

"I saw you in the store this afternoon," she finally said.

"You were busy . . . with Hasley."

"Oh, yes." A light frown crossed her face. "I don't know how to talk to you any more, Tad."

"I found your note on my desk," he said. "Apparently you had something you wanted to tell me. Why not . . . just tell me?"

"A few months ago I would have had no trouble. Now . . ." she faltered, then plunged into it and said quickly, "They're going to kill you, Tad!"

"The Cross Bar crowd?" He nodded. "I know about it." She stared at him. "You knew?"

"It's all around town. . . ."

"But you aren't doing anything about it!"

"What's there to do?"

"You can't just let them shoot you down!"

"I have no intention of *letting* them."

She grasped at the little straw that was thrown out in his remark. "What are you going to do?"

For a moment he looked at her, then his eyes flicked down to his side where his holstered gun hung. Her eyes followed his for an instant, then she grasped his meaning.

"You're going to . . . fight them? You can't! You won't have a chance. There are too many of them. Besides . . ."

He regarded her through slitted eyelids, then prodded gently. "Besides what?"

"You mustn't fight them!"

He leaned back in his chair, suddenly very tired.

Lucy went on: "Alder City is no longer a tiny outpost on the prairie. It's—it's a city now. We've got a county of our own, a government. We're grown up——"

"And you have a big store," Shay said quietly.

She was about to go on with her exposition, but his

casual remark suddenly penetrated through her almost incoherent tirade and she snapped into alertness. "What?"

"We're back to the same thing. The size of your orders from the Texans. . . ."

She started to her feet. "What are you saying?" she cried.

"Frisbie . . . you . . . the other business people in town. You want that Texas business first and foremost."

"What's wrong with that? We're business people. Look at me, Tad, look at it from *my* viewpoint. I came out here less than a year ago. I didn't have a cent to my name and now—now, I've got a store that brings me in more money than I ever dreamed of. I—I built that store myself. From nothing——" She winced. "No, I've got to give you some of that credit. You helped me. So did some of the others in town. You were all very kind. You helped me take over the little property my father left me and make something of it. . . ."

Shay got to his feet. "You've done fine, Lucy. You're a credit to Alder City. But you're just what you said you were—a businesswoman. From your viewpoint you're absolutely right. But . . . I'm the marshal of Alder City. It's a job I did not want. I took it because somebody had to take it and I seemed to have the qualifications. As you've tried to be the best businesswoman possible, I've tried to be the best in my own line. Do you know how many hours I've spent this past year practicing . . . ?"

"Practicing to kill!"

"Practicing with the tools of my trade!" he corrected. "If killing's necessary, I'll have to do it. I had a surfeit of that during the War. I was absolutely sick of seeing dead and maimed men. I hated it more than anything in the world——"

"Did you *really* hate it?" she lashed at him. "Or did you just pretend to yourself that you hated it? Don't you acquire a liking for killing—as for anything else?"

He stared at her as a slow sigh escaped his lips.

"Good night, Lucy," he said.

"Wait!" she cried fiercely. "I—I shouldn't have said that. I'm sorry." She crossed to him and her eyes were bright with tears. "Why do we have to quarrel, Tad? Every time we—we meet, I say something, or you say something. Why can't we be like we were . . . at first?"

"I don't know, Lucy."

He made a movement at the same time she did and the gun at his right thigh brushed her leg. It was as if she had been stung.

"That gun!" she cried. "That's what it is! Your gun's come

between us. You're wearing it every time I see you. Every time I think of you—I—I think of your gun and I turn cold inside. It's gotten to be a symbol of—of everything that's wrong between us. . . . Your gun . . ."

She stopped, wide-eyed, appalled at her outburst. He looked for a moment into her eyes, then nodded gently.

"Good night, Lucy," he said again.

This time she did not stop him.

**33** He went out and walked up the street, across the railroad tracks to his office and on to Ben Goff's Texas Saloon. Although it was after nine o'clock, when things should have been well under way in the saloons the interior of Goff's was reasonably quiet.

There were a fair number of customers, including a half-dozen Texas cowboys; there was no more noise than there would have been at any time during the year.

The cowboys had no money. One or two stood near the bar watching the townspeople sip their drinks and the others were at the gambling games—watching.

Shay's eyes went first to the bar, then continued on to the games. He passed a poker table, came back to it. His eyes met those of Sid Cook, the Cross Bar man who prided himself upon his skill with a sixgun.

Sid Cook sneered at Shay. "The fighting marshal!"

Shay's eyes flickered to the side of the room, some ten or twelve feet from where Sid Cook stood. Seated in a wooden armchair tilted back against the wall was Sid Cook's sidekick, Will Robinson.

His attention returned to Sid Cook. "There's a rumor around town," Shay said deliberately, "that you're going to kill me."

Sid Cook's eyes went to his partner, Robinson, saw that he was awake and alert. "Well," he said to Shay, "you started believin' in rumors?"

"Your trail boss's been spreading it around town," Shay continued. "Apparently he's backing your play."

The sneer disappeared from Cook's face. "You tryin' to crowd me?" he snapped.

At the adjoining table, Ben Goff pushed back his chair and started to rise. "Now, wait a minute, Marshal . . . !"

"Keep out of it, Goff," said Shay without looking at the



saloonkeeper. "I'm not going to stand by and wait for them to shoot me down when it's right for them. Cook—reach when you're ready. . . ."

Off to the right the front legs of Robinson's chair crashed to the floor and it was a distinct effort on Shay's part to keep his eyes from going in that direction.

Cook's tongue came out and licked his lower lip. "You been practicing all winter——"

"I've been practicing!"

"You think you can beat me to the draw," Cook went on tonelessly. "Takes more'n a little practice. You got to be born with a gun and——"

Cook's hand snaked to his gun.

Shay had never been more alert in his life. The instant Cook moved, he went for his own gun. He drew as he had never drawn before, not in his smoothest practice sessions. His hand went down like lightning, gripped the gun butt accurately, came up. His thumb whipped back the hammer automatically and it seemed to him that his finger worked the trigger before the gun muzzle was even up.

There was no question about it. Shay had beaten Cook. The bullet slammed into Cook before the gunfighter's gun was up. The shock of the bullet striking him caused Cook to pull the trigger of the already cooked revolver, but the muzzle was still inches from pointing at Shay.

Shay was no longer interested in Cook. He was wheeling to the right, working the hammer and trigger and thinking even in the split second that was allowed him that he would not try to kill the second man.

He fired at Robinson, who had been slightly handicapped by the swiftness of Cook's and Shay's actions. He had sprung to his feet before making his own draw. The movement lost him his own fight. Shay's bullet caught him high in the chest, but to the left. Robinson went back against his chair, ricocheted from it to the floor. His gun did not explode.

Shay's attention came back to Sid Cook. He was down on the floor, dead. But another man, a townsman, was clawing at his side. He was the innocent bystander. Cook's bullet had caught him in the right leg, high up near the hip.

Shay's eyes found Ben Goff. The saloonkeeper's right hand was dangerously near his left coat lapel, under which was his gun. It came away abruptly as Shay's eyes came to him.

"Don't—don't shoot," Goff said thickly.

"Maybe I should have killed you last summer," Shay said.

His gun still in his hand, Shay sent a quick look around. There were sullen-eyed cowboys in the room, but they would not draw on him, he knew.

"Take these men to a doctor," Shay said, and turning, walked out of Goff's Saloon.

Outside, he went directly across the street. He walked to the cross street beyond the hotel, turned right to the courthouse, where the sheriff had his quarters.

He found one of the deputies in the sheriff's office. The barred door that led to the county jail stood open.

"Where's the sheriff?" Shay asked.

"Home, I guess."

"Find him. Tell him there's a dead man at the Texas Saloon and two wounded men at Doctor Blanchard's."

The deputy stared at him but asked no questions. He went out swiftly.

Shay sat down at the sheriff's desk. He was still there ten minutes later when the sheriff came in at a half run.

"Who—who did you kill?" he asked, panting from running.

"Sid Cook, the Cross Bar gunfighter. I also wounded a man named Robinson and Cook's bullet—intended for me—hit one of the Alder City people."

The sheriff winced. "You shot in self-defense?"

Shay looked at him sharply. "Self-defense?"

"There's been a lot of talk around town that you were going to pick a fight. . . ."

"There's been talk that the Texas men were going to kill me. You told me about it yourself."

"Yes, of course. But——" The sheriff hesitated. "Did you provoke the fight tonight?"

"Yes," said Shay, "you might say I provoked it. I wasn't going to wait until twenty or thirty of them were together and used me for a sitting duck. The Cross Bar trail boss himself spread it around town that they were going to get me. Well, I gave Cook and Robinson their chance . . . only I gave it to them tonight when they were sober, instead of waiting until tomorrow when they'd be drunk. . . ."

The door was opened quickly and Charles Hageman came in. He was followed by the deputy. Apparently he had been sent by the sheriff to summon Hageman.

"Tad," exclaimed Hageman, "you're all right!"

"He's all right," the sheriff said gloomily, "but the other side isn't. There's going to be hell to pay over this. . . ." The sheriff indicated Shay. "He admits he *provoked* the fight."

"Provoked, hell," snapped Shay. "The fight was coming, no question of that. I merely picked the time and the place."

"You did the right thing, Tad," said Hageman. "I'm sure you did, but there's going to be a lot of noise about it. Frisbie's got a crowd all steamed up."

"Frisbie didn't have to face Sid Cook and Will Robinson," said Shay.

"Couldn't you have arrested them?" asked Sheriff Simpson.

Shay turned smoldering eyes on the sheriff. "Sheriff, you've been out politicking ever since you got elected. You haven't been in Alder City long enough to know what's going on."

Sheriff Simpson regarded Shay with cold eyes. "You've got a rough tongue, Marshal."

"You came here last fall," said Shay warmly, "after the trail herds stopped coming. You've had no experience with Texas cowboys——"

"You have," retorted the sheriff. "Seems to me you shot two men last summer—just about like you did tonight."

"I killed those two men last summer," Shay said, "right after they killed the man you sent here from Lawrence. Your deputy . . ."

"He wasn't my deputy. He quit before he came out."

"Wait a minute," said Hageman placatingly. "We're going to wind up calling each other names. That's no good for us or for the town. Sheriff, I've known Tad Shay since the day he landed in Alder City. He could have been mayor of Alder City—he could have held *any* office in this town or county, for that matter."

"Then why didn't he run for office?" the sheriff asked sullenly.

Howard Hankey came into the sheriff's office. He sent a glum look about the little group. "Frisbie's over at the hotel," he said to Hageman. "He wants you to call a council meeting. . . ."

"He isn't a member of the council," said Hageman quickly.

"I told him that," replied Hankey. "He claims he's got Toler and Black backing him. They're members of the council and want a special meeting. . . ."

"Tonight?"

Hankey nodded. His eyes went to Shay, then back to Hageman.

"Damn," swore Hageman. He looked at Shay. "I guess I've got to go through with it."

He hesitated, then nodded abruptly and headed for the door. Hankey started after him and then Shay.

Sheriff Simpson said, "Marshal, like to talk to you. . . ."

Shay turned and looked inquiringly at Simpson. The sheriff gestured to the deputy. "Go take a walk."

The deputy went out. The sheriff waited until he was gone, then went to the street door and tried it to make certain that it was tightly closed. He turned.

"That girl who runs the place," he said. "Smith . . . she

likes you. And I guess you don't exactly hate her yourself. . . ."

Shay said evenly, "I don't think the subject one we can talk about."

"You happened to see me out there," the sheriff went on, heedless of Shay's admonition. "Your name came up when I told the Smith woman I was going to close her up."

"You told her you were closing up the place?" exclaimed Shay.

"Why else would I go out there?" demanded the sheriff.

"To collect the fifty dollars a week she was paying you."

"I knew it," grunted the sheriff. "I *knew* she was going to tell you some damn lie like that."

"Sheriff," said Shay, "I'd rather believe Beverly Smith than you."

"You callin' me a liar?"

Shay's eyes met the sheriff's. "Yes," he said evenly.

The sheriff's gaze faltered. "I'm gonna close her up tomorrow."

"Are you, Sheriff?"

Shay turned his back deliberately on Simpson and walked to the door, opened it. He went out without glancing back.

It was a few minutes after midnight when Shay, lying sleeplessly on the cot in his office, heard steps approach the door. He sat up and swung his feet to the floor.

"Me, Tad," called the voice of Charles Hageman outside. He came in.

"Thought you'd want to know," he said, shaking his head. "It was one helluva brawl. Frisbie brought Hasley and Goff to the meeting. But I won. You're still the marshal."

"Thanks, Charlie."

"Frisbie had lined up Toler, Black and Adams," Hageman went on. "I won over Toler and cast the deciding vote." Hageman hesitated. "Frisbie didn't take it well."

"What about Hasley?"

"He swore he'd never bring another herd to Alder City."

"He's paying off his men tomorrow. Do I have to fight them?"

"Hasley wasn't talking to me by the time the meeting broke up." Hageman frowned. "All the talk I've heard is that those two cowboys—Cook and Robinson—were supposed to be among the very best gunfighters in Texas. Nobody's going to want to go up against the man who killed them. . . ."

"Them? I thought Robinson was only wounded. . . ."

"He died a half hour ago. The other man who was shot, McCausland, he's a married man with two children."

"He was hit by Cook's bullet, not mine."



"Didn't seem to make any difference. Not to Frisbie. He blamed you for it, too. Says if you hadn't gone for your gun, McCausland wouldn't have been hit."

"I could answer that by saying if he hadn't been in Goff's Saloon, he wouldn't have been hurt."

"I know," said Hageman. "Just telling you the way they think."

**34** Hasley, the boss of the Cross Bar, paid off his men the next day and they immediately scattered about the town to spend their hard-earned money. Much of it went to the four saloons that Alder City now boasted.

Shay made a round of the saloons in mid afternoon. There was much drinking going on, but as he entered each saloon, a hush fell upon the place. Sullen eyes watched him, but none of the Texas cowboys spoke to him. Stopping outside of Hageman's Saloon after his brief visit inside, Shay heard an explosion of cursing and yelling inside. He also heard his name used unflatteringly.

He walked down the street to the second block, stopped in at two saloons, then crossed over and came back down the street, passing the New York Store and finally entering Goff's Saloon.

There were more Texas men in Goff's than at any of the other saloons, but here, too, Shay encountered nothing more formidable than sullen glances.

As he came out of the saloon, a shirt-sleeved man stopped him. "Miss Torbert said to give you this." He thrust a folded piece of paper at Shay, then turned and walked swiftly back toward Lucy's store.

Shay unfolded the piece of paper. On it was scrawled in pencil, "*Come to the store.*"

The peremptory tone of the note caused a flush to sweep over Shay's face. He looked toward Lucy's store, actually made a step or two toward it, then wheeled and walked back to his office.

He was still seated at his desk an hour later when Charles Hageman entered. Hageman was frowning.

"It isn't easy, Tad," Hageman said bleakly, "what I've got to say to you."

"You've got to say, Charlie?"

"I put it badly. No, it's true. I don't want to say it, but I've got to."

Shay said, "Go ahead."

Hageman stared at Shay, then suddenly whirled and walked to the window. "I can't," he said over his shoulder.

Shay reached up to his shirt and unpinned his marshal's badge. "Charlie," he said quietly.

Hageman turned and Shay tossed the badge to the desk before him. "This make it easier?"

Again Hageman stared at Shay. His tongue came out, flicked over his lower lip. "You've guessed?"

"Lucy."

Hageman's eyes showed misery. "I told you last fall how [—how I felt about her. I've been seeing her all winter and I've asked her to marry me several times. She never gave me an answer. I figured all the time that—well, it was still you, Shay. . . ." He stopped. "She said you were at her house last night."

He stopped again, his eyes searching Shay's face.

Shay said, "What passed between us last night could have passed out on the street."

A measure of relief showed on the tormented Hageman's face. He said, "She sent for me a little while ago, said she'd made up her mind. She would marry me if . . ." He faltered once more.

"If you fired me?" prodded Shay gently.

"She didn't put it just that way, only . . . well, she said when things cleared up . . . when there was no one around to—kill people. . . ."

"Me," said Shay.

"Damn it," groaned Hageman. "What should I do?"

"You've done it, Charlie."

Hageman picked up Shay's nicked badge and fingered it. "Nobody knows more than I do what this town owes you, Tad. But maybe . . . well, maybe Alder City's big enough now to—well, maybe hire a couple of regular policeman. Not . . . gunfighters."

"Sure, Charlie, sure. I never wanted to be a marshal in the first place. I've saved a little money and I'd like to hang out my shingle again. If I can rent a small office . . ."

There was an almost unnoticeable pause before Hageman said, "I'll see if I've got a vacant shack."

"Since this has become a county seat there ought to be enough business for a lawyer."

Hageman nodded eagerly. "Maybe you could work out with Walter Trent, the prosecutor. He's opening up a law office himself."

"He's a friend of the sheriff's, isn't he?"

"I don't know. I guess maybe Simpson did bring him here. But now—well, now that you aren't marshal any more, Simpson won't be against you."

Shay got to his feet and came around the desk. He sent a quick look around the office. "It's yours, Charlie."

"Not mine," Hageman said quickly. He thrust out his hand. "Tad . . . thanks!"

"Sure, Charlie, sure."

Shay went out with Hageman. On the street they parted. Hageman started to cross to his saloon, then changed his mind and started off to the left. Toward Lucy's store.

Shay crossed the street and went to the hotel.

He went up to his room, took off his coat and stretched out on the cot.

The knock was a hesitant one, almost questioning, as if the knocker was merely trying to find out if anyone were inside the room. Shay called out, "Yes?"

"Shay?"

"Come in."

The door was pushed open. Howard Hankey came halfway into the room and stopped. "It's true, Shay? You've quit?"

"I've quit."

"Be damned," said Hankey.

He came another step into the room. "I thought you'd stay on after Charlie beat down Frisbie's ears last night."

"I was embarrassing him," Shay said.

"I'm gonna miss those fines," Hankey said, shaking his head. "Figured on building a wing onto the hotel, but without those fees, I dunno. That legislature job don't pay worth a damn." He paused. "Might have a chance for state senator next fall, Simpson tells me. I could use the money."

"Isn't the hotel making money?"

"Not in winter. I had to borrow to carry me through. All right in summer, but summer's only five-six months. . . . What you figure on doing now?"

"I came here as a lawyer."

"That's right, I almost forgot." Hankey shrugged. "Might be all right now."

"I'm going to give it a try."

Out on the street there was a burst of gunfire and wild yelling that was punctuated by more gunfire.

Coming out of the hotel dining room, Shay stepped out of the hotel and stood for a while looking up and down the

street. The horses were tied to the hitchrails on both sides of the street, bodies touching.

A wild whoop, muffled by distance, came from Goff's Saloon. A moment later a cowboy came dashing out, scrambled aboard one of the horses and let out a wild Confederate yelp. He started his horse up the street at a full gallop. Before he passed the hotel his revolver was banging away. Glass crashed somewhere on the street.

Shay was still standing in the darkness before the hotel five minutes later when several cowboys came out of Goff's place and tore up the street, yelling and firing at the sky.

Shay moved into the hotel, found a chair in the lobby and seated himself.

After a while, Hankey came in from the street, saw Shay and came to him. "Just saw Amos Frisbie. Some cowboy sent a bullet through his front window. Serves him right. He forgot what it was like here before you took over last summer."

"The police can handle things," said Shay.

"Police, hell," grunted Hankey. "Who the hell's going to be damn fool enough to take a policeman's job in Alder City?"

"There's a sheriff here."

"Says the town's not his business."

**35** Shay went up to his room early, but it was hours before he slept, and then he was awakened by the firing of at least a dozen revolvers. The firing was accompanied by yelling and hooting and the galloping of horses.

He slept again, but he was awake at dawn. He dressed and went down to the lobby. The night clerk was asleep in an armchair, snoring lustily. Shay went outside, and looking across at Lucy's store, saw that one of the windowpanes had been shattered during the night.

He stepped out into the street and crossed. He was not surprised to find the door of the marshal's office standing ajar and the windowpanes broken. Closer examination revealed that the door was hanging from only one hinge.

The Cross Bar outfit had given the marshal's place a thorough going over. He continued on to the livery stable, saw that the night attendant was already up and feeding the horses.

He entered, saddled the horse it had been his custom to rent whenever occasion arose. The attendant came over to him.



"Guess it's all right," he said.

Shay gave him a dollar.

"I'll pay hereafter."

"Yes, sir."

Shay mounted and rode out of the stable. He turned his horse to the right, rode up to the railroad depot, then turned back and rode the length of the street out to the south road.

He put the horse into a trot.

A short time later he turned off the road and rode up to Beverly Smith's house. There were two horses still at the hitchrail. Riding closer, he saw that a man lay on the ground only feet from the hind hoofs of one of the horses, which was restless at being kept from grass during the night.

Shay dismounted, and advancing on the man, found that he was snoring heavily. Drink had no doubt caused him to pass out before reaching his horse.

But there were two horses at the rail. Another man must be somewhere about.

He looked around, noting that the ground was pretty well pawed up around the hitchrail, indicating that a considerable number of horses had been tied here the night before.

He started toward the house. As he neared it a window was raised and a female voice yelled, "Go on, beat it. We need some sleep . . . !"

Then the window was slammed shut.

Shay walked back to his horse, stood a moment thinking. Then, shrugging, he untied his horse and mounted it. He was turning away from the hitchrail when he heard the front door open. Looking toward it, he recognized Beverly Smith in a quilted bathrobe.

"Tad!" she called to him.

He dismounted and again twisted the reins about the hitchrail. She came to meet him as he walked toward her.

"Aggie's yelling woke me up," she said. "How about some coffee?"

"I could use some."

She smiled at him wanly, started to take his hand, then thought better of it and hurried ahead of him into the house. He followed.

The front room was a mess. A chair was overturned. Someone had broken a whiskey bottle and the glass had not been cleaned up. The place smelled of whiskey.

"We didn't get time to clean up," Beverly apologized.

She continued on down the hall to the kitchen, which was at the rear, across from her own bedroom, in fact.

The kitchen, too, was untidy. Bottles stood around, some

of them empty, some still containing liquor. There were glasses everywhere.

Beverly looked around ruefully. "Maybe it wasn't such a good idea asking you in."

Shay went to the stove, shook up the banked fire and added fresh wood. Soon the coffeepot was on the stove and the fire was crackling merrily. Beverly cleaned off the table and set out some cups.

The coffee began to boil and she moved it to the back of the stove. She rummaged in the cupboard and brought out a sugar bowl. "No milk," she said.

"I like it black."

A door closed in the hallway and a voice sang out, "I smell coffee!"

Aggie came into the kitchen wearing an open wrapper that revealed too much. "The marshal," she said.

"Not any more," said Shay.

"That's right, the sheriff said you got fired."

"He was out here yesterday?" Shay asked Beverly.

She nodded. "Last night."

Aggie shuddered. "Place was jumping. Must have been fifty cowboys here and not one of them took a bath since last summer."

"There's one of them still out by the hitchrail," said Shay.

"One?" snorted Aggie. "We threw out three-four at three o'clock this morning and none of them was fit to ride a horse even if they could climb up on one." She yawned. "Guess I don't want any coffee." She gave Shay a half salute and left the kitchen.

"Sheriff get rough with you?" Shay asked.

She looked at him, puzzled. "Rough?"

"Night before last he was sounding off about closing you up."

"Closing me up?" Beverly exclaimed. "He never mentioned *that*. . . ." She suddenly got the coffeepot from the stove, and crossing to the table, poured out two cupfuls.

"All right, Marshal."

"I'm not the marshal any more."

"Of course."

"You knew?"

"All those cowboys talked about last night. I'm sure you know that their remarks weren't exactly complimentary." She picked up her cup, took a sip of the almost scalding liquid, winced and lowered the cup. "I'm glad you quit. They would have killed you sooner or later. In fact, the sheriff said——" She broke off.

He looked at her inquiringly. "The sheriff said?"

"Nothing. He was drunk. He said a lot of things."

"The sheriff's quite a man," Shay said. "He's going a long ways."

"And you, Tad?"

He shook his head. "I'm going to become a small-town lawyer. . . ."

"Where?"

"Right here in Alder City."

She exclaimed. "But the sheriff said——"

"That's the second time you quoted the sheriff. You might as well tell me just what he said."

"I've got a big mouth," Beverly said disgustedly. "Never did learn to keep it closed." She sighed heavily. "I don't know how much of it was the whiskey talking, but he said you were through in Alder City. You were being forced to leave and he, for one, was glad of it."

"That's probably true about him being glad. But no one's forcing me to leave——" Shay stopped. "Or *am* I being forced . . . ?"

Beverly looked at Shay moodily across her coffee cup. "The mayor, who was your friend——"

"Is my friend."

"Is he, Tad? Then why won't he rent you an office?"

Shay sipped some hot coffee and put the cup down on the table. "What else did the sheriff tell you about me?"

"Just crazy stuff. He was pretty drunk by the time he got to talking about you. Some silly stuff about—about Clay Howard . . . whoever Clay Howard is."

"He's a Texas man."

"What's different about him then? Half of Texas is coming up to Kansas."

"What did the sheriff say about Clay Howard?"

"He's coming here. Somebody's sending for him." Sudden alarm came into Beverly's voice. "Tad, who *is* Clay Howard?"

"A gunfighter."

She stared at him. Then she cried softly, poignantly. "Oh, no!"

Shay said, "Don't worry, Beverly. I'm a gunfighter myself." He reached out, clapped her shoulder lightly. "Thanks for the coffee, Beverly."

He headed for the door. As he was about to step out of the kitchen the door across the hall, which he knew was Beverly's room, opened. Sheriff Simpson, coatless, unshaven and looking as if he had just awakened after a three-day drunk, stared at Shay.

"You, Shay!" he said hoarsely.

"Morning, Sheriff," Shay replied. He nodded and started up the narrow hall. Beverly came out of the kitchen, called after him. "Tad . . . !"

Shay continued on out of the house.

In the yard beside the house, the cowboy who had passed out near his horse was sitting up. He looked stupidly at Shay.

Shay untied his horse, mounted and rode back to Alder City.

**36** The hotel dining room had opened by the time Shay got back to the hotel, after returning his horse to the livery stable. He went in and had his breakfast and when he came out he encountered Howard Hankey, the hotel owner.

"Meant to talk to you last night, Shay," Hankey said frowning. "About your room . . ."

"You heard I was leaving town."

"Well, yes, and I thought, what with being so short of rooms——"

"You can have the room tonight."

"Fine, Mr. Shay, fine. Uh, sorry you're leaving us, but——" Hankey cleared his throat, scowled some more, and bobbing his head, almost ran for the dining room.

Shay left the hotel, and crossing the street, returned to the livery stable. The night man had gone off duty and the liveryman, formerly the blacksmith, was in the stable.

"Howdy, Mr. Shay," he greeted Shay.

"Good morning. That horse I've been renting ever since last year——"

"Good animal. Sorry you won't be using him any more."

"That's what I wanted to talk to you about. I'd like to buy him from you."

The livery man scratched his chin with the back of his hand. "Hadn't counted on selling him. He's a mighty fine animal."

"Yes, he is."

"Worth a lot of money. Mmm, could you pay . . . a hundred?"

"Yes, I could. It's a deal then?"

"It is, Mr. Shay. When will you be wanting the horse?"

"Later this afternoon."

"Of course. Uh, the saddle you been usin' goes with him."

"That's more than I expected. Thank you."

"My pleasure." The liveryman sent a quick look around.



"I'm not one of those who—uh, well—who didn't appreciate you when you was the marshal."

Shay nodded and left the livery stable. Outside, he stood for a moment looking at Hageman's Saloon across the street. Then, drawing a deep breath, he crossed the street.

The door of the saloon was locked, but peering through a window, Shay saw a swamper working inside and he rattled the door until the man came and opened it.

He looked in surprise at Shay. "Marshal Shay . . ."

"Charlie still sleeping?"

The swamper shook his head. "He's up and around or I wouldn't be working. He doesn't like to be woke up."

Shay went into the saloon, passed along the front of the bar to Hageman's office, where the mayor and wealthiest man in the county still had his cot.

He had completed shaving and was knotting a necktie as Shay pushed open the door.

"Tad!" he exclaimed.

"About that office, Charlie," Shay said, "You're not going to rent me one, are you?"

Hageman finished knotting his tie, then turned and faced Shay. "You've been talking to someone."

"Yes, I have."

Hageman sighed. "What kind of a man do you *really* think I am, Tad?"

"Why don't you tell me, Charlie?"

"Would you say I've been a good friend to you?"

"Yes, Charlie, I'd have to say that."

"I told you about the War, how I sold my business and enlisted as a private."

"That was your conscience."

"I suppose so," agreed Hageman. "But it was the right thing to do. I think I've done some good things in Alder City, too——"

"Like paying Amos Frisbie to let Lucy Torbert get into the grocery business? Like giving her the store building and selling her the adjoining property cheaply?"

"Not many saloonkeepers would do things like that."

"Not many saloonkeepers ever owned a town."

"You think that's why I did it, Tad?"

"No, I never thought so. I knew you were making money selling stores, town lots and farms. It never bothered me. It was your property and there was no one I'd rather have seen making money."

"I'm a rich man today."

"You'll be richer a year from now."

"You helped, Tad. You kept down the violence and you

gave the people confidence in Alder City. And, judging from what I saw and heard last night, a lot of people are going to wish you'd stayed on as marshal. It's going to be plain hell for a little while."

"You can hire another marshal. Two, three—a dozen."

"None will be as good as you were."

Shay nodded. "Who sent for Clay Howard?"

A bleakness spread over Charles Hageman's face that seemed to make him ten years older in that many seconds. "You've heard quite a lot."

"The sheriff got drunk and talked in the wrong place. To the wrong person."

"He's a fool," said Hageman bitterly, "a drunken, blabber-mouthed fool." He paused. "I didn't think anyone in Kansas had ever heard of Clay Howard."

"I was your marshal for almost a year, Charlie. During that time I tried to be the best marshal it was possible to be. I spent an hour every day learning how to draw, how to beat any man I might have to face. I practiced shooting for weeks—months. I made myself as good a shot as I could possibly be. I subscribed to law-enforcement magazines. I read all the wanted posters that came in the mail. I'm that way, Charlie. I didn't want to be a marshal, but when I went into it I went all the way. Yes, I've heard of Clay Howard. He's the fastest man with a gun in all of Texas, which means all of the West. He invented all the gunfighting tricks that other gunfighters now use. There was quite a piece about him in one of the police journals I read this winter. . . . *You* sent for him, Charlie?"

"No," Hageman said quickly. "The Cross Bar man, what's his name?—Hasley. He and Frisbie sent for him. They sent the telegram the night before last, after I refused to fire you——"

"But you fired me yesterday!"

"You quit," Hageman said.

"Did I? If I hadn't handed you the badge, would you have gone out of my office without it?"

Hageman shook his head. "We've covered just about all of it, Tad."

"All except Lucy. You shy away from that subject."

"We can still part with no hard feelings."

"You're not afraid, Charlie, are you? To talk about Lucy . . . ?"

Hageman had difficulty controlling a twitching of his mouth. "I never said you didn't have the inside of the track with her. I never made my play until I thought you were out of it. All right, if it's going to give you any satisfaction

. . . after you gave me your badge yesterday I went back and told her about it . . . and then I learned that I would never have her unless you were out of it completely. Oh, she'd marry me, all right, but I'd be marrying a woman whose heart was somewhere else. With another man. I guess that's why I didn't tell you about Clay Howard yesterday when I heard that he was on his way."

"He's already on his way?"

"Hasley got a telegram from him. He won't be here for four or five days, though. You'll be gone by then."

"No," said Shay. "I'll be here."

Hageman exclaimed softly. "You're good with a gun, Shay, I know that. But you can't win against Clay Howard."

"Could I run away from him?"

Hageman stared at Shay for a long moment. Then he shook his head slowly. "I think that's why I've really hated you right from the start. You were too good a man . . . and I knew the kind of man I was when I was alone in this room, when I looked at my face in the mirror every morning." He paused. "I think you'd better go. You don't have to beat Clay Howard. You've licked *me* and I guess that's all that's important."

Shay said, "I told Hankey I'd give him my room this afternoon. You can force him to throw me out, but I'd have trouble finding another room in town."

"You're determined to stay?"

"I'm going to take some time and think about it."

**37** Shay sat in the hotel lobby for most of the day. The business of the hotel went on around him. Hankey came and went a number of times, but did not refer to the room, so Shay knew that he had spoken to the man who gave the orders in Alder City. Charles Hageman.

The Cross Bar cowboys still had money left and they spent it. They shot out some more glass during the course of the day and late in the afternoon were joined by a new crew of cowboys just arrived from Texas. By evening few of the townspeople were to be seen on the streets.

No arrests were made. The sheriff steadily maintained his neutrality within the town limits of Alder City . . . and there was no town marshal. No local man would take the job.

Shay had his supper in the hotel dining room and shortly afterwards went to his room. He was stretched out on the

bed when cowboys rode past the hotel with their inevitable yelling and shooting. A bullet crashed through the upper windowpane of Shay's room. He got up, lowered the shade and went back to his bed.

The hitching rail outside of Beverly Smith's house was so crowded with horses tied to it that some of the late arrivals were compelled to hobble their horses or take them a short distance away and tie them to a tree.

Beverly Smith, coming out of the back door shortly after nine o'clock, walked swiftly to the hitchrail and untied the horse at the end of the rail closest to her. She did not know whose horse it was and did not care.

She was wearing her evening dress and she had to raise it well above her knees before she could mount, and it was awkward riding with the dress hitched up, but she had ridden under worse conditions during the War and she sent the horse into a swift canter when it reached the road.

She pulled up the horse going through Alder City, but let it out again after crossing the railroad tracks.

She knew Lucy's house, and dismounting in front of it, tied the horse to the hitching post at the street. There was light in the house and Beverly went directly to the door. She knocked, then adjusted her dress as well as she was able to.

"Who is it?" a voice asked inside the house.

"You don't know me, Miss Torbert," Beverly said, "but I'd like to talk to you. . . ."

The door was opened, and with the light from inside shining over her shoulders, Lucy recognized her caller. "You're Beverly . . . Smith, is it?"

"Then you do know me."

"I know who you are, but I don't think we have anything to talk about."

"We do," said Beverly fiercely. "At least, *I* have some things to tell you . . . and you're going to listen."

"I am not," said Lucy firmly, and started to back away and close the door in Beverly's face.

Beverly had not made the long trip to have a door slammed in her face. She pushed against the door hard, swung it open and stepped into the living room of Lucy's house.

Lucy whirled on her. "Get out!"

Beverly swung the door shut and leaned against it with her back, facing Lucy.

"You're going to listen to me, Miss Torbert."

"I am not," snapped Lucy. "I know who you are and I know *what* you are."

"Everyone in Alder City knows what I am," retorted



Beverly. "We're not going to waste time talking about me. We're going to talk about Mr. Shay. I'm going to tell you some things about him."

"That he's been visiting you? You think I'm a fool? I knew that last year."

"There are *some* things you don't know. Some things the busybodies didn't tell you. Like about your father . . ."

Lucy's eyes flashed at the mention of her father. She tried quickly to mask her reaction but Beverly had seen it.

"I thought so. You were the one person no one told. Everybody else knew it and talked about it, but they kept it from you. Like they kept everything else from you—everything that might in some way wipe the wide-eyed innocent look from your face. . . ."

Lucy said furiously, "I'm not going to listen to you tell lies about my father. You never knew him——"

"No," said Beverly, "I never knew him. But everyone else knew him. Jason the drunken bum, Jason the swamper who cleaned the spittoons in Hageman's Saloon and took whiskey for his pay——"

"Stop it!" screamed Lucy. "I won't listen!"

Beverly went on mercilessly, "Old Jason who shot himself when you came to town because he couldn't face you——"

"You're lying!" cried Lucy. "You're lying, you—you—tramp. You . . .!"

"I'm all that," conceded Beverly. "But I'm telling you the truth. You've been protected long enough. That money Thaddeus Shay gave you after he told you your father had been killed out West by Indians . . . that money was Shay's. Practically every cent he had in the world . . ."

Lucy had stopped screaming. She was now staring at the girl facing her . . . but fascinated.

"They all got together," Beverly went on, "but it was Shay who started it. He didn't think you'd stay. He thought you would take the money and go home. He never expected anything of you. He gave you the money just because he was that kind of a man. The others helped, but it was Shay who started it and shoved them into it. Sure, Hageman gave you the store, sure he paid Frisbie to stop selling groceries, but Thaddeus Shay gave you your start. . . ."

"No one told me," whispered Lucy, now believing.

"No one's told you that they're paying three thousand dollars to bring a man from Texas to kill Thaddeus Shay."

Beverly suddenly thrust a hand down the front of her dress and brought out a crumpled sheet of paper. She unfolded it, smoothed out the paper and thrust the note toward Lucy Torbert.

"These are the men who are paying—and the amount of money each one is giving."

Lucy was able to read the top name from a distance. "*Charles Hageman . . . one thousand dollars. . .*" A cry was torn from her throat. "Oh, no!"

"Oh, yes! Hageman, the man who pretended to be his best friend, the man they say you're going to marry . . ."

Lucy took the note from Beverly's hand, read the rest of the names on the list. One she read aloud: "Simpson . . . the sheriff . . ."

"That's who I got the list from."

Lucy's eyes lifted to Beverly's face. "You—you love him . . .!"

"Me?" said Beverly. "What right does a woman like me have to love a man like Thaddeus Shay?"

After a sleepless night, Lucy Torbert sat at her desk in the office of her big store and wrote a letter to Charles Hageman. She sealed it in an envelope, wrote his name on it and then called in her bookkeeper.

"Take this to Mr. Hageman," she instructed the man. "Don't leave it with anyone else. Put it in his own hand."

The bookkeeper did not return for almost an hour. Apparently he had had to search for Hageman somewhere around town.

"You gave it to him personally?" Lucy asked.

"Yes, Miss Torbert."

"Did he read it while you were there?"

"Yes."

"What—what did he say?"

"He didn't say anything." The bookkeeper hesitated. "He looked like a man who'd just been kicked in the stomach by a horse."

The bookkeeper went out to his office, closing the door. Lucy stared for a moment at the wall across from her desk, then drew another sheet of paper before her and scribbled on it. After a moment she tore the sheet to shreds and threw it in the wastebasket, to join the shreds of four other letters she had already written and torn up.

She had half expected Hageman to appear at her office on the heels of the bookkeeper who had delivered the letter. But it was lacking a few minutes of twelve when he suddenly opened the door. He had taken more than three hours to come to her, three hours in which he had marshaled his thoughts.

He looked at her cold face now, and all that he had

thought of to say slipped back into the dark recesses of his mind.

He merely said, "You mean it, Lucy?"

"I never meant anything more in my life."

He nodded, turned and left.

It was then that Lucy was finally able to write a brief note to Thaddeus Shay. It said simply: "*Please come to me. Lucy.*"

The bookkeeper delivered it to Shay in the lobby of the hotel. Shay read the note, put it in his pocket, but he did not cross the street to Lucy's store.

The trip was too far.

**38** The Cross Bar outfit stayed on in Alder City. The trail boss, Hasley, had promised the men that they could see Clay Howard do to Thaddeus Shay what the marshal had done to Sid Cook and Will Robinson.

Most of the cowboys had squandered their pay, but the trail boss advanced them a dollar or two every day against future pay to be earned down in Texas.

They continued to drink, and because the money was doled out to them and they could not indulge in a wild free-spending orgy, a steady resentment was built up in them. They mingled with the new arrivals as they came to Alder City. The new trail riders bought drinks for everyone and they listened to the men who had been in Alder City for several days.

They learned that there was no law in Alder City.

Shortly after three o'clock, five or six Cross Bar men mixed in with about the same number of cowboys from one of the newly arrived groups, mounted their horses outside of Goff's Saloon and raced up the street to the prairie that led to Beverly Smith's house.

They stormed the place for an hour or more, held sway in the manner of medieval soldiers sacking a city after a long, costly siege.

They left finally, leaving Beverly's place a shambles.

They had imbibed much liquor during their orgy and when they burst back upon the street of Alder City they were ready for any atrocity. Guns firing to the right and left without aim, they tore down the street. A clerk in Frisbie's store, caught outside with bullets whistling about him, ran out into

the street and was knocked aside by a galloping horse. He suffered a broken ankle.

One cowboy, trying to ride his horse into Hageman's Saloon, found the doorway too low and was swept from the saddle. He spat out broken teeth and emptied his revolver at the batwing doors.

Hageman's bartender, rushing out with a shotgun in his hands, was shot down by the cowboy. A second bartender came out and with a nicely placed bullet killed the cowboy.

The cowboys stormed the saloon, killing the second bartender and wounding a townsman. They wrecked the interior of the saloon, smashing chairs and tables to bits. They overturned the bar and broke as many bottles of whiskey as they could find, pausing only to take drinks from the bottles now and then before they broke them. They rolled a beer barrel out into the street, peppered it with bullets so that beer spurted out of a score of bulletmade bungholes.

Hageman was not in the saloon at the time of the assault, which probably saved his life, for the cowboys were not capable of recognizing friend from foe.

Tiring of their sport at Hageman's Saloon, the cowboys went in a body to Goff's Saloon, but there were dissuaded from breaking up the place by Hasley and the trail boss of the newly arrived outfit.

An assault was made upon Reynolds' hardware store. The attack was made for the purpose of replenishing their store of cartridges, but while they were out gathering up the cartridges, the cowboys took along all of the revolvers and rifles, plus three shotguns that Reynolds had in stock.

Out on the street again, the liquor took effect upon two of the men and they were unable to mount their horses. One passed out cold in front of the store. The other sat in the dust of the street and owlshly fired his revolver at store windows on both sides of the street. He was too far gone to shoot accurately, but one of his bullets pierced the door of a store and struck a woman customer in the groin.

Hageman, in the bank during the assault upon his saloon, ran down the alley and entered the saloon from the rear. He saw the shambles, ran out again, and using the alley, reached the cross street.

He found the sheriff in his office.

"All right, Simpson," Hageman snarled, "get out and earn your pay."

"Me, I've got no jurisdiction inside an incorporated town," protected Simpson.

"You have when there's no local law," snapped Hageman.



"You said you were going to hire some policemen——"

"A dozen men have already refused the job."

"I can't handle it," protested the sheriff. "I've only got two deputies."

"Shay handled the town alone."

"Get Shay, then!" cried Simpson.

It was the wrong thing to say to Hageman. "I'm going to break you, Simpson." Hageman said savagely. "If it costs me every dollar I've got in the world, I'm going to run you out of this town, out of the county. When I get through with you there isn't a town in this state that'll give you a job as a dogcatcher. . . ."

Beverly Smith, who had walked all the way to Alder City, pushed open the door. Her dress was torn, her hair was bedraggled and there was dried blood on her chin.

"Your cowboy friends were out to my place," she said to the sheriff. "They wrecked the place completely. They've fouled it up so we can't live in it."

"They smashed up my saloon," Hageman interposed, "and they killed two of my bartenders."

"You're Mr. Hageman," Beverly said, turning stony eyes on him. "You're the man who owns this town . . . the man who's paying a thousand dollars to bring Clay Howard here to kill Thaddeus Shay. . . ."

Hageman was aghast. "Who's been spreading talk like that?"

"Your name's on the top of the list."

"List!" cried Hageman. "What list . . . ?"

The sheriff reached for Beverly, caught her left arm. "Get out of here, you slut. . . ."

Beverly tried to tear her arm free of Simpson's grip, but the sheriff gave her a violent shove and she slammed against the wall. A cry of pain was torn from Beverly, but then she stabbed out at the sheriff with her right hand.

"There's your man, Mr. Hageman," she said ringingly. "He talks when he gets drunk. He writes things down and carries the list in his pocket——"

Simpson, crying out, leaped for Beverly, but she avoided him, moving swiftly behind Hageman, then around him, so that she faced him.

"He's a big man, Mr. Hageman," she continued. "He's a mighty big man when he comes out every week to collect his fifty dollars and some free entertainment. . . ."

The sheriff, still pursuing the circling Beverly, reached for his revolver. Hageman's hand shot out and gripped Simpson's wrist.

"Oh, so you've got a gun, Sheriff? And you're not afraid to use it—against an unarmed woman. . . ."

The street door was slammed open and one of Simpson's deputies burst in. "They've just killed——" he began, then stopped as his eyes took in the tableau in the room.

"Get out of here," roared the sheriff. "Get out on the street and earn your pay."

"Uh-uh, not me, Sheriff," retorted the deputy. "I wouldn't go out there again if you changed jobs—and pay—with me."

"Then I'll go," said the sheriff. He gave Hageman a desperate look, stepped past him and went out into the street.

He reached the main street of Alder City as the marauding cowboys were coming back from shooting up the south end of the street.

Gun in hand, the sheriff moved out into the middle of the street. The cowboys, astonished, pulled up their horses.

"The sheriff!" one of them cried.

The sheriff brought up his gun and fired at the cowboy. His aim was poor and the bullet tore through the neck of the horse, killing it. The sheriff never knew that, however.

A dozen guns banged and Sheriff Simpson fell to the street, riddled with bullets.

That was all for the day. The cowboys moved down the street to Goff's Saloon. They dismounted and some of them stayed out on the street in a sullen group. Others went in to face their trail bosses, who knew that their men had gone too far that day. No town on earth could take what Alder City had suffered that day.

The trail bosses rounded up their men and rode out of Alder City with them, out to their camps on the prairie.

The town slowly came alive. Townspeople ventured onto the street, saw the havoc that had been created, the blood that had been spilled.

Reynolds, the hardware man, was the first one to go to the hotel where Shay had been throughout the morning and the early hours of the afternoon.

"Mr. Shay," Reynolds said fervently, "we need you!"

Shay shook his head. "I don't need you."

"I know how you feel, Mr. Shay——"

"Do you?"

"No one can blame you if you told us all to go to hell. No man's ever had a dirtier deal than you've received from this town. There're things you probably don't even know about. . . ."

"Like sending for Clay Howard to kill me?"

"You know about that! You know that they came around

with a list, asking people to subscribe money to— to pay Howard? I turned them down—even after Charles Hageman put his name at the head of the list.”

“Mr. Reynolds,” Shay said wearily, “don’t humiliate yourself by begging. It isn’t going to change my mind. Nothing’s going to do that. Nothing . . .”

Reynolds looked into the emotionless face of Thaddeus Shay and went out of the hotel.

Twenty minutes later, Howard Hankey came in from the street. “Amos Frisbie’s closing his store,” he said. “He’s taking the train out of here. Says he’s going back to Illinois.”

Shay shrugged.

Hankey looked past Shay at the door. He nodded quietly, and going behind the desk, opened the door and went into his private room.

From just inside the door, Lucy Torbert said to Shay, “You didn’t come. . . .”

Shay swiveled around to face her. “No, I didn’t come.”

“That—that girl came to me last night. Beverly . . . Smith. She—she told me things about you. About my father . . .” Her voice broke and a sob caused her to choke for a moment. Then she went on low, “I couldn’t sleep last night. All day I’ve sat in my office . . . thinking . . . waiting.”

“I’m waiting, too,” said Shay. “For Clay Howard.”

A shudder ran through her body. “Don’t, Tad . . . don’t! Don’t wait. I’ll go with you . . . if you want me. . . .”

“You can’t go,” said Shay tonelessly. “You’ve got a store here——”

“To hell with the store!” Lucy cried passionately. “I’ve never hated anything as much in my life as I hate that store. I—I want to be a woman, Tad, that’s all.”

She stopped. A vacantness had come into Shay’s eyes. He was not even listening to her. His mind had wandered elsewhere.

A heaviness seeped through Lucy Torbert. She looked dully at Shay, and after a moment, she turned and walked stiffly out of the hotel.

The town was quieter that night than it had been since winter. Not a single gun was fired on the street, no drunken yells split the night air.

Shay went to his room, after trying to eat a tasteless supper. He did not come out again and he even slept for a few hours.

**39** A man wearing a sack suit and carrying a carpetbag got off the morning train. He stood on the platform a moment, looking down the street, then stepped off the platform and strolled easily along.

He came to Hageman's Saloon. The place was open, but a crew of workmen were trying to clean up the shambles of the day before.

"Wrong place, I guess," the stranger said to one of the workers.

He walked outside, caught the sign of Ben Goff's Saloon across the street. He nodded and crossed over.

A swamper was mopping up the floor of the saloon.

"Goff around?" the stranger asked cheerfully.

The man shrugged. "I never see him until along about noon."

"Know where he sleeps?"

"Got a place north of the tracks. Dunno where. He don't invite me to his place."

Clay Howard began to be annoyed. "Where'll I find a man named Frisbie?"

"You won't. He left town last night."

"The sheriff . . . ?"

"Won't find him either. He's dead."

Howard swore roundly. "What the hell's hit this town? Looks like a regiment of Sherman's Bummers went through here——"

"Sherman!" exclaimed the swamper. "I was with him from Atlanta to——"

"I was with Hood," snapped Clay Howard.

He wheeled and walked out of the saloon. Diagonally across the street was the hotel. Howard crossed over and entered.

Hankey was behind the desk.

"I want a room," Howard said testily.

Hankey shook his head. "Ain't had a room to rent here in a week——"

"My name," said Howard icily, "is Clay Howard. That mean anything to you?"

Hankey gulped. "Yes, sir. I—I *have* got a room. Been saving it for you. It's right across . . ." Hankey gulped again.

"Give me the key," snapped Howard, extending his hand.



Hankey took a key from the rack and put it in Howard's hand.

"I'm going up and change clothes," Howard said. "If you've got a porter or some kind of messenger, send him out and tell Ben Goff I'm in town. Or your mayor-man, Hageman. . . ."

"Yes, sir!"

Howard headed for the stairs and Hankey swiveled around and stared at the door of the dining room. Thaddeus Shay was in there having a late breakfast.

Hankey stepped out from behind the desk, started for the dining room, but stopped before he could get to it. He hesitated a moment, then turned and went behind the desk again. He took up the desk pen, and drawing the register up to him, wrote in a bold hand: *Clay Howard, Texas.*

He had scarcely finished writing when Shay came out of the dining room. Shay stood uncertainly for a moment in the center of the little lobby, then moved toward the door.

"Mr. Shay," called Hankey, "train's in."

Shay turned, looked at the hotel man. Hankey pushed the register across the desk, an obvious invitation to Shay to look at it.

Shay crossed, looked at the last name on the register. He showed no concern, no unusual interest. After a moment, he stepped to the armchair in which he had sat so much the last few days. He sat down, drew a thin cigar from his pocket and lit it.

Shay was still smoking the cigar when feet appeared on the stairs, coming down from the second floor. Clay Howard, coatless, with a low-slung holster tight down on his right thigh, appeared.

"You send for those men?" he called to Howard Hankey.

"No, Mr. Howard," replied Hankey. "I didn't. I—we—we don't have a porter here and I couldn't leave the desk."

Clay Howard's eyes fell upon Shay seated in the armchair.

Shay saw a lean, hawk-eyed man not more than five feet, ten inches tall, of slight build.

Howard saw a man who also wore a tied-down holster, a man a little heavier than he was himself, two or three inches taller probably. He did not know Shay, of course, and if he gave him any thought probably took him for one of the businessmen of the town. Howard was accustomed to businessmen wearing guns in his native Texas.

Howard's eyes flicked past Shay toward the door. "I think I'll take a little walk," he said to Hankey. "Those fellows show up, tell them to wait."

He went out of the hotel.

Hankey stared at Shay, then cleared his throat. "That—that was Clay Howard," he finally said.

"Yes," said Shay shortly.

Hasley, the boss of the Cross Bar outfit, was riding into town. With him were two of his soberest cowboys. Hasley was riding in early, hoping to find Hageman, to make amends for the havoc of the day before.

Howard's eyes, darting about the street as he walked along, saw the cattlemen. His eyes went first to the brand on the animals' flanks, then to the men themselves.

"Hasley!"

Hasley cried out, "Clay!"

He sprang down from his horse, went swiftly to Hasley with outstretched hand. "Never more glad to see a man in all my life," Hasley said fervently. "We're in trouble here. . . ."

"I imagine," chuckled Howard. "The glass people are going to do a big business here in the next few days."

"It's more than just glass," said Hasley. "The boys got out of hand . . . did some shooting up . . . the sheriff, among others. . . ."

Howard whistled softly. "What about your gun-slinging marshal . . . what's his name—Shay?"

"I don't know," said Hasley worriedly. "I don't know how anything stands after yesterday. . . ."

"Wait a minute," said Howard, his voice becoming hard. "You sent me a telegram, telling me to come at once. You said three thousand dollars——"

"The man who told me to wire you's left town."

"Frisbie?"

Hasley nodded. "The boys went kinda wild yesterday——"

"The hell with the boys," said Howard. "I was promised three thousand and——"

Hasley's eyes went across toward Hageman's Saloon. "There's Hageman now. . . ." He waved. "Mr. Hageman!"

Hageman came toward them. He had not shaved that morning and looked drawn and tired.

"You still here?" he said to Hasley. "Thought you'd be hightailing it back to Texas."

"I just came from Texas," Clay Howard said meaningly. Hageman's eyes went to Howard.

"Clay Howard," Hasley said quickly. "He just got in. . . ."

Hageman's eyes flicked up and down the gunfighter. "You're late," he said. "Should have been here yesterday morning. . . ."

Hasley snatched at the straw thrown out by Hageman's words. "You mean . . . it's still . . . all right?"

"We sent for him, didn't we?"

"But Frisbie ran out and after what happened yesterday——"

"Nothing's changed," said Hageman flatly. "Shay's still here. Unless he ran out during the night." He looked at Howard. "I'll have your money as soon as the bank opens."

"Three thousand."

"Of course. I may have to pay it all out of my own pocket, but——" Hageman shrugged. "As soon as you've done the job. . . ."

"No," said Howard bluntly, "I want the money in my pocket. And I want the fastest horse in town, saddled and"—he pointed to the hitchrail in front of Goff's Saloon—"tied right there."

"You don't have to run, you know," said Hageman. "There's no law here."

"Don't care," said Howard. "That's the way I work. My own time, my own place. And a fast horse ready. . . ."

**40** Shay snuffed out the butt of his cigar in the ash stand beside his chair. When he looked up again, Hasley and Clay Howard were coming into the hotel. Hasley stopped, an expression of consternation coming across his face.

"Shay," he said.

"Shay?" Howard repeated sharply.

Shay got to his feet. "I'm your man, Howard. . . ."

Howard nodded. "Pretty foxy. You knew me when I came down, but you didn't let on."

"No one told me to wear a sign with my name on it," said Shay.

"You knew I was coming."

"Everyone in town knew it."

"You had a chance to run and you didn't?"

Shay shrugged.

"All right," said Howard, "you're a good man." He bared his teeth. "I never underestimate anyone. That's why I'm still alive."

"Whenever you're ready," said Shay.

"Oh, I'll be ready," said Howard. "Don't worry about that. Just——" An ice-cold smile split his crinkled lips. "Think about it, that's all. Think about it."

He went to the door. Hasley followed so quickly he almost stepped on the gunfighter's heels.

Nine o'clock.

Ten.

The word was up and down the street. People stood on the sidewalks, not too far out, but close to the stores and doorways into which they could dart.

At ten o'clock, Shay got up from the chair in the hotel lobby and moved out to the veranda. He leaned against the right-hand veranda post. He was half turned to the left so he could see the door of Goff's Saloon. Yet his eyes did not focus on it. They shifted from left to right, watching the street.

Inside Goff's Saloon, Clay Howard stood at the bar. He had sipped but one small glassful of whiskey, but there was a filled glass on the bar before him.

Ben Goff was behind the bar. Hasley and Hageman stood at the end. Two or three cowboys sat at a table. There was no one else in the saloon, not even a bartender.

No one had spoken a word in more than half an hour. One of the cowboys got to his feet. A board in the floor creaked and he winced and walked to the batwing doors on his toes.

He looked out on the street, then turned back.

"He's standing outside the hotel," he said.

If Howard heard he gave no sign. At the end of the bar, Hageman began drumming his fingers on the mahogany, caught himself and put the hand into his coat pocket. He took it out again. There was a short-barreled revolver in his hand. He looked down at it, grimaced and put the revolver back into the coat.

Howard picked up the glass of whiskey before him, downed it in a single gulp and set the emptied glass on the bar.

"All right," he said.

He drew his gun, slipped it lightly back into the holster and flexed the fingers of both hands.

He turned and walked toward the door.

The movement of the batwing doors attracted Shay's eyes. They flicked to the door of Goff's Saloon and remained there. Howard came out.

He crossed the sidewalk in a careless, even walk, stepped out to the street. Behind him Hageman and one of the cowboys came out of the saloon. The cowboy stopped in front of the saloon, but Hageman walked forward along the sidewalk. He seemed to move sideways, his eyes never once leaving the figure of Clay Howard.

Clay Howard walked at his even gait diagonally across the street toward the hotel.



Shay remained on the veranda, his shoulder still leaning against the post, but not pressed tightly to it.

Howard stopped some forty feet from Shay, looked at the former marshal, then took two or three more steps forward before he stopped again.

There was movement along the street, townspeople moving back into doorways from which to peer out, one or two daring even to move out, hoping to get a better view of the impending fight.

"This is the time, Shay," Howard announced.

"All right, Howard," replied Shay.

"Your move," Howard continued.

Shay straightened so that his shoulder no longer touched the post at his side. His hand dangled loosely at his side.

"*Your* move," Shay said, correcting Howard.

"I never draw first," said Howard. "Can't afford to with my reputation."

"I'm a lawman," said Shay, then caught himself. "Used to be. But it's still your move."

Howard's face twitched slightly . . . and he moved.

Shay had practiced and practiced. He had taken the work seriously and he had prepared himself for the one time when he would face a man like—a man like Clay Howard.

He let Clay Howard move first and that act almost cost him his life. Clay Howard was fast, lightning fast and the tiny edge that Shay had given him was enough for him.

Only an instinctive sideward movement on Shay's part as he went for his own gun saved his life. Even then Howard's bullet raked the side of his gun shoulder. But too late to do much damage.

Shay's gun was already in his hand, the hammer was already cocked.

Instinct moved up the muzzle, forced his finger to tighten on the trigger.

Shay fired only once at Clay Howard.

The force of the bullet swung Howard around to the right. The gun dropped from his lifeless hand and the corpse that was Howard pitched to the ground.

Shay cocked his gun again as he had trained himself to do after every shot. He took a step forward, his eyes on the falling body of Clay Howard.

Across the street, Charles Hageman jerked the short-barreled revolver out of his coat pocket. He fired at Shay. The bullet missed, but not by much. Hageman had never carried a gun openly in Alder City, but he was a former soldier. He knew how to use one.

He cried out in chagrin as he saw that his first bullet had

missed, and he cocked the gun a second time. He was squeezing the trigger when Shay's bullet came across the street and tore through his throat.

Hageman was dead before he hit the ground.

Shay holstered his revolver and started walking diagonally across the street. He passed the body of Clay Howard, continued on.

The cowboy in front of Goff's Saloon darted inside.

Shay reached the sidewalk in front of Goff's, looked at the batwing doors still swinging, but continued on. There would be no one coming out of that saloon to challenge him, not after their champion had fallen before Shay.

People came out of doorways, watched Shay turn in to the livery stable and were still watching when he came out, riding the horse he had bought from the liveryman.

Shay rode on the left side of the street and was not more than five feet from the sidewalk when he came to the New York Store. Lucy Torbert, her face heavy in anguish, stood in the doorway.

Shay called, "Goodbye, Lucy!"

She did not reply. There was no use.

Shay rode on, moving out into the middle of the street. He reached the cross street, headed toward the bank. Howard Hankey and Black, the banker, were on the sidewalk. Hankey stepped out into the street.

"You're leaving, Marshal?" he asked.

"Yes," replied Shay.

"Where are you going?"

"Another town. Somewhere where they need a marshal."

Shay gave the hotel man a half salute, rode on up the street.

He took the south road out of Alder City, but after a while he turned his horse from the road and struck out westward across the prairie.

Somewhere out there he would find his town . . . and perhaps his destiny.

Thaddeus Shay, gunfighter.

Thaddeus Shay, marshal.

## ABOUT THE AUTHOR

FRANK GRUBER was an eminently successful professional writer, who wrote some 400 stories that have been widely published in magazines and reprinted in anthologies. His first book, *Peace Marshal*, appeared in 1939. The next year, his first mystery novel, *The French Key*, was voted the best mystery of 1940. His 58 books include 22 Westerns, 33 mystery and suspense novels, and 3 biographies. His TV scripts include such successful series as "Tales of Wells Fargo," "The Texan," and "Shotgun Slade." Total sales for Mr. Gruber's books now exceed 12 million copies in the United States and 75 million in foreign countries. Among those titles published by Signet are *Bitter Sage*, *Lonesome River*, *Ride to Hell*, and *Broken Lance*.



---

## SIGNET Westerns You'll Enjoy

- ☐ **THE TRAILSMAN #1: SEVEN WAGONS WEST** by Jon Sharpe.  
(#AE1052—\$2.25)\*
- ☐ **THE TRAILSMAN #2: THE HANGING TRAIL** by Jon Sharpe.  
(#AE1053—\$2.25)\*
- ☐ **THE TRAILSMAN #3: MOUNTAIN MAN KILL** by Jon Sharpe.  
(#E9353—\$1.75)\*
- ☐ **THE TRAILSMAN #4. THE SUNDOWN SEARCHERS** by Jon Sharpe.  
(#E9533—\$1.75)\*
- ☐ **THE TRAILSMAN #5: THE RIVER RAIDERS** by Jon Sharpe.  
(#AE1199—\$2.25)\*
- ☐ **THE ANGRY HORSEMEN** by Lewis B. Patten. (#E9309—\$1.75)
- ☐ **PURSUIT** by Lewis B. Patten. (#E9209—\$1.75)
- ☐ **SIGNET DOUBLE WESTERN—LAWMAN FOR SLAUGHTER VALLEY** by Ray Hogan and **PASSAGE TO DODGE CITY** by Ray Hogan.  
(#J9173—\$1.95)\*
- ☐ **SIGNET DOUBLE WESTERN—BRANDON'S POSSE** by Ray Hogan and **THE HELL MERCHANT** by Ray Hogan.  
(#J8857—\$1.95)\*
- ☐ **THE RAPTORS** by Ray Hogan. (#E9124—\$1.75)
- ☐ **THE DEAD GUN** by Ray Hogan. (#E9026—\$1.75)
- ☐ **SIGNET DOUBLE WESTERN—PATCHSADDLE DRIVE** by Cliff Farrell and **SHOOTOUT AT SIOUX WELLS** by Cliff Farrell.  
(#J9258—\$1.95)\*
- ☐ **SIGNET DOUBLE WESTERN—APACHE HOSTAGE** by Lewis B. Patten and **LAW OF THE GUN** by Lewis B. Patten.  
(#J9420—\$1.95)
- ☐ **SIGNET DOUBLE WESTERN—SADDLE AND RIDE** by Ernest Haycox and **THE FEUDISTS** by Ernest Haycox.  
(#J9467—\$1.95)
- ☐ **SIGNET DOUBLE WESTERN—RIM OF THE DESERT** by Ernest Haycox and **DEAD MAN RANGE** by Ernest Haycox.  
(#J9210—\$1.95)

\*Price slightly higher in Canada

---

Buy them at your local  
bookstore or use coupon  
on next page for ordering.





## SIGNET Westerns For Your Enjoyment

- |                          |                                                    |                 |
|--------------------------|----------------------------------------------------|-----------------|
| <input type="checkbox"/> | <b>BITTER SAGE</b> by Frank Gruber.                | (#W8963—\$1.50) |
| <input type="checkbox"/> | <b>QUANTRELL'S RAIDERS</b> by Frank Gruber.        | (#J9735—\$1.95) |
| <input type="checkbox"/> | <b>RETURN OF A FIGHTER</b> by Ernest Haycox.       | (#E9419—\$1.75) |
| <input type="checkbox"/> | <b>RIDERS WEST</b> by Ernest Haycox.               | (#J9979—\$1.95) |
| <input type="checkbox"/> | <b>SUNDOWN JIM</b> by Ernest Haycox.               | (#E9796—\$1.75) |
| <input type="checkbox"/> | <b>TRAIL TOWN</b> by Ernest Haycox.                | (#J9779—\$1.95) |
| <input type="checkbox"/> | <b>THE DOOMSDAY TRAIL</b> by Ray Hogan.            | (#E9354—\$1.75) |
| <input type="checkbox"/> | <b>THE HELL RAISER</b> by Ray Hogan.               | (#E9489—\$1.75) |
| <input type="checkbox"/> | <b>OUTLAW'S PLEDGE</b> by Ray Hogan.               | (#J9778—\$1.95) |
| <input type="checkbox"/> | <b>PILGRIM</b> by Ray Hogan.                       | (#E9576—\$1.75) |
| <input type="checkbox"/> | <b>THE RAPTORS</b> by Ray Hogan.                   | (#E9124—\$1.75) |
| <input type="checkbox"/> | <b>THE DEAD GUN</b> by Ray Hogan.                  | (#E9026—\$1.75) |
| <input type="checkbox"/> | <b>THE ANGRY HORSEMEN</b> by Lewis B. Patten.      | (#E9309—\$1.75) |
| <input type="checkbox"/> | <b>POSSE FROM POISON CREEK</b> by Lewis B. Patten. | (#E9577—\$1.75) |
| <input type="checkbox"/> | <b>PURSUIT</b> by Lewis B. Patten.                 | (#E9209—\$1.75) |

Buy them at your local bookstore or use this convenient coupon for ordering.

**THE NEW AMERICAN LIBRARY, INC.,**  
P.O. Box 999, Bergenfield, New Jersey 07621

Please send me the books I have checked above. I am enclosing \$\_\_\_\_\_ (please add \$1.00 to this order to cover postage and handling). Send check or money order—no cash or C.O.D.'s. Prices and numbers are subject to change without notice.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Allow 4-6 weeks for delivery.

This offer is subject to withdrawal without notice.



## **SIGNET BRAND DOUBLE WESTERN**

### **FIGHTING MAN**

They claimed Jim Dancer was the most dangerous man in the West, that he had killed a thousand men with a thousand bullets. A killer with a record, he was now a marshal with a badge. He had taken an assumed name, but soon found he could not thrust aside the past... not when a vengeful outlaw with a deadly grievance came storming into town!

### **THE MARSHAL**

After the war ended, Tad Shay had had his bellyful of fighting. He came West searching for peace and a place of his own. But when the crooked gamblers and vicious killers swarmed in with the land and cattle boom, it seemed he was the only man in Alder City with grit enough to stand up to the rampant evil. So they made him marshal. And then his own supporters turned against him!

0



ISBN 0-451-11601-1



See Back Cover

**MAMMOTH**

**JANUARY 25c**

ANC

# WESTERN



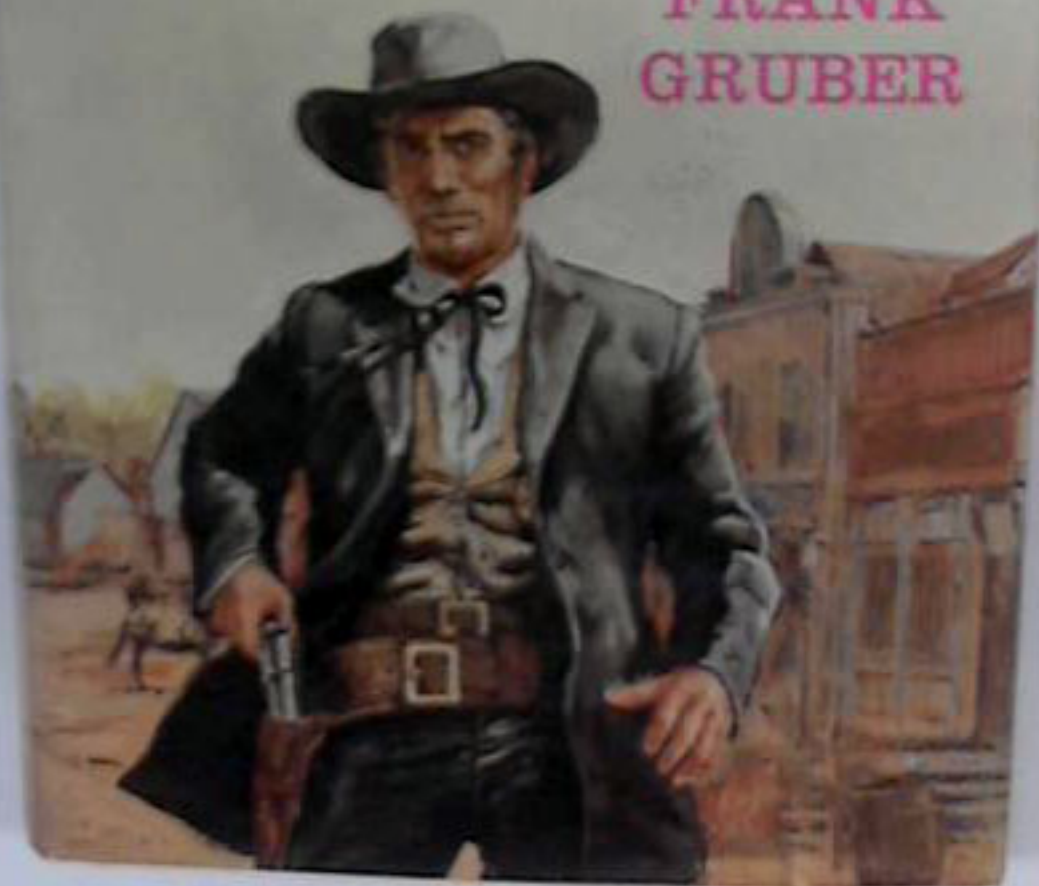
**FIGHTING MAN** by **FRANK GRUBER**



is wanted to be a peace marshal—  
but they forced him to kill

# THE MARSHAL

FRANK  
GRUBER

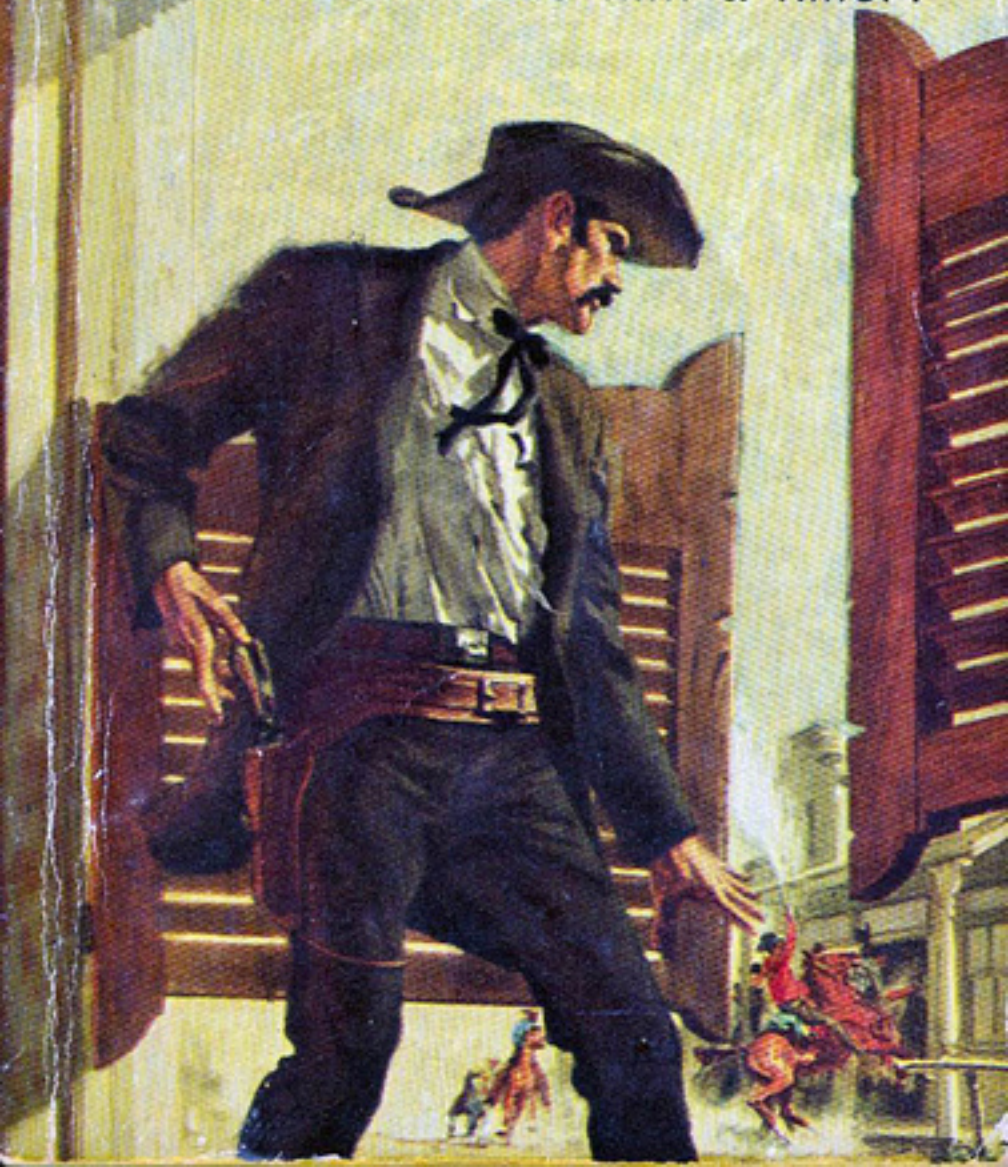




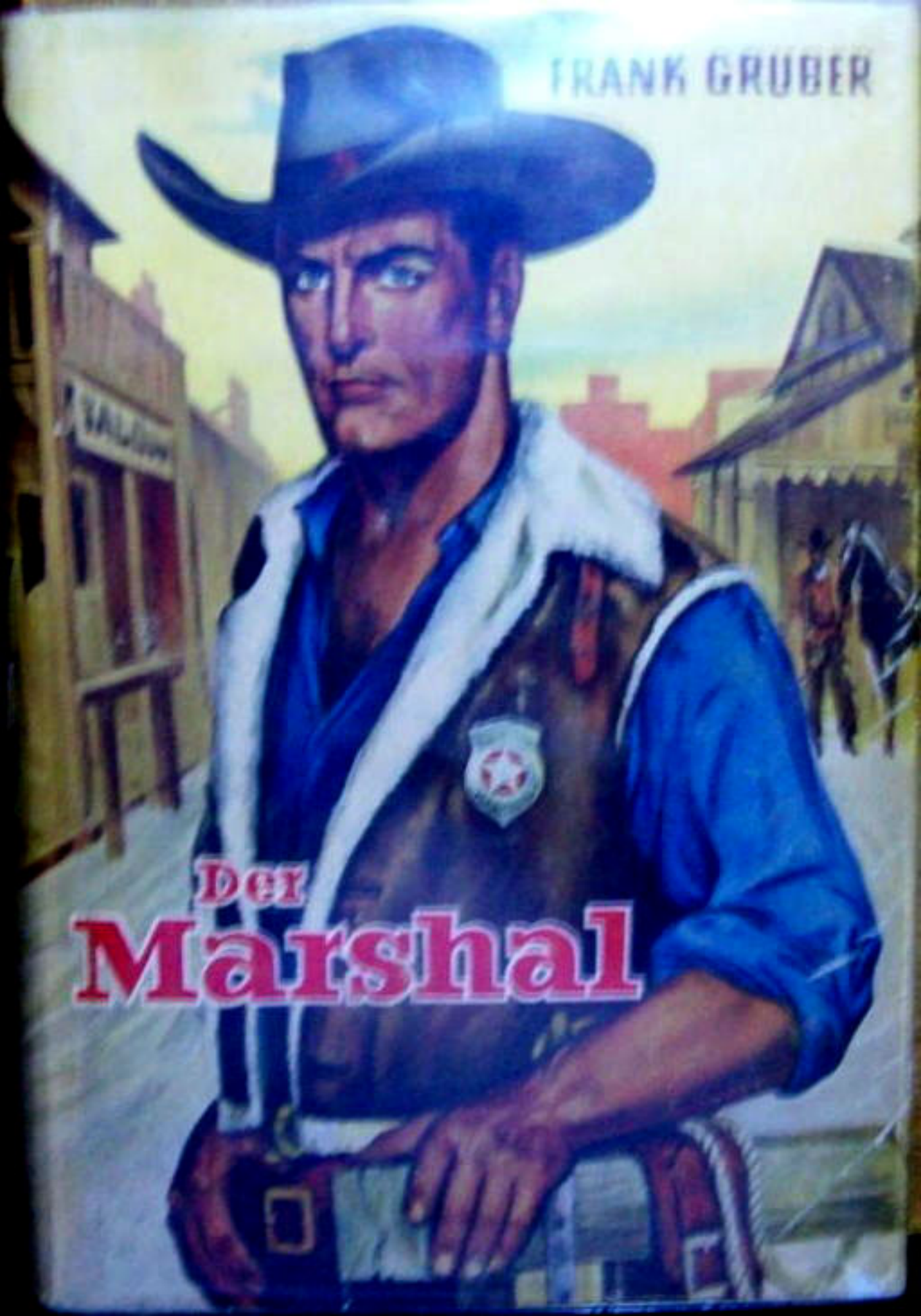
A2021 \* 35¢ \* A BANTAM WESTERN

# FRANK GRUBER THE Marshal

He wanted to be peace marshal—  
but the town made him a killer!







FRANK GRÜBER

Der  
**Marshal**

STAR WEEKLY

COMPLETE NOVEL

**THE  
MARSHAL**

by FRANK GRUBER

Which would he choose  
—a gun or a badge?

