# Tide of Empire

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*Title:* The Tide of Empire
*Date of first publication:* 1928
*Author:* Peter B. Kyne (1880-1957)
*Date first posted:* May 7, 2014
*Date last updated:* May 7, 2014
Faded Page eBook #20140508

This ebook was produced by: Marcia Brooks, Alex White & the online Distributed Proofreaders Canada team at http://www.pgdpcanada.net

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# *TIDE OF EMPIRE*

*BY*

## *Peter B. Kyne*

*THE COPP CLARK CO., Limited*
Publishers, TORONTO

*The Copp Clark Press*

TO MY FATHER

*Dear Exile of Erin and*
*Worthy Adopted Son of California*
*This Book is Affectionately Dedicated*

# *Tide of Empire*

## *Chapter One*

In the late spring of 1848 a mounted man, herding before him two pack-animals, paused at timber-line in the mouth of a pass through the formidable range which forms the principal barrier between California and Nevada and which since has been named, for no particular reason—for such is the paucity of men's imaginations—the White Mountains.

A little sigh escaped the man as his hungry glance swept the amazing panorama outspread before and some six or seven thousand feet below him. That sigh might have been one of relief in the knowledge that his struggle to pass this mountain barrier had been won; but it might, also, have been a sigh of resignation as his glance rested on a taller and much more impassable barrier some twenty miles to the west—the peaks of the Sierra Nevada Range, the Alps of America.

Months of solitary wandering in the wilderness had inculcated in this man the habit of talking to his animals. "We'll rest a bit here, Pathfinder, and enjoy the view," he announced. "Michael—and you, Shawneen," he admonished the pack-animals, "let me see none of your rascally attempts to rub your packs off on the lower branches of these scrubby pine-trees."

He dismounted, loaded a brier pipe, sat down on a windfall and smoked tranquilly. Between the range on whose western slope he had halted and the sullen blue-black buttress of the Sierra Nevada a lovely valley spread, emerald-green, with a river running through its center. In spots the verdant land gleamed blue and gold, dependent upon which color the lupine happened to be, or whether the dainty little bluebells and wild irises had outstripped the buttercups and eschscholtzia in their race to herald the spring.

Tiny moving dots, single or in groups, proclaimed herds of game animals, which later the lone traveler was to discover were elk, deer, antelope and grizzly bear, with here and there herds of fifty to sixty mountain-sheep making their spring hegira from the lower levels of the White Mountains, where they had wintered, to the lower levels of the Sierra, up which they would, as the season advanced, follow the retreating snow-line to the vast mountain meadows that lie among the lower peaks.

Millions of wild fowl, which had evidently wintered farther south in this valley,

were now making their pilgrimage into the north, there to raise their young; the crisp still air carried up to the wanderer a tremendous diapason of sound that was made up of the cries of trumpeter swan, the honking of geese and the shrill whistling or deep quacking of ducks.

The transcendent beauty of that lonely, silent land impinged upon the man's consciousness with a poignancy that was almost pain; accentuated, perhaps, because he too was lonely. He raised a hand as if in eager greeting.

"Ah, California, but 'tis sweeter you are than ever I dreamed," he apostrophized. "A young land for young men you are, my California, *acushla*. But 'tis up and over those hoary-headed peaks I must go and down to the plain that borders the Pacific, where the Spanish settlements are. And there's a bitter journey for you, Pathfinder, and you, Shawneen, and you, Michael—you imp of hell, stop that!"

He threw a rock at Michael, who was industriously striving to get his pack under a projecting limb and tear the hated burden from his back. "You thief! 'Tis a boot in the belly you'd be wanting, is it?" the man shouted, whereupon Michael, judging discretion to be the better part of rebellion, bounced out from under the tree and commenced to graze with an air of innocence possessed by no animal save the mule.

Suddenly Michael raised his head; simultaneously Shawneen did likewise; with alert ears they listened, meanwhile gazing inquiringly back into the pass. Instantly the man mounted his horse and darted into the timber, taking up a position where he would not be likely to be seen from the open patch of mountain meadow, down which men and horses undoubtedly were approaching. He had heard the snort of a horse, the low voices of men, and he feared Indians; realizing that he would have no time to hide his pack-animals in the sparse timber, he did not attempt to do so.

A troop of twenty horsemen rode down the glade, herding an equal number of Indian pack-ponies before them; at sight of Michael and Shawneen the leader drew rein and gazed about him for their owner.

"Hello, stranger—wherever you are!" he shouted.

The lone traveler rode out from his concealment, bowed low in his saddle with a grace and courtliness that bespoke a breeding singularly alien to his surroundings, and said gravely: "Good morning, gentlemen. I am Dermod D'Arcy."

"Hum-m!" The man who had called to him did not see fit to name himself. "Where's the rest of your party?" he demanded.

"I travel alone," D'Arcy replied, "on the theory that he who travels alone travels fastest."

"What's your hurry? There's no law west of the Ohio River."

D'Arcy's dark brown eyes gleamed resentfully. "It is not my habit to tolerate impudence from strangers. My business is my own affair. I haven't asked you who you are, where you are going and why. I'm not interested, me bold bucko."

The other man appraised D'Arcy coolly. He saw a young man, twenty-eight years old at the outside, he guessed, and above medium height; and, judging from the faint Celtic burr that hung like dewdrops in his speech, his crisp black hair, heavy lips, resolute square chin and reddish brown complexion, the stranger came to the conclusion that this cool young man was Irish.

He noted other things. This alien who dared the wilderness alone bestrode the finest horse any of the recent arrivals had ever seen. A dark, dappled brown with black points and a thin white blaze between his eyes—a horse that stood like a thoroughbred, ears alert, eyes fixed on the horizon, tail slightly arched. He must weigh, in good condition, nearly thirteen hundred pounds. And he was a stallion.

From the horse the insolent eyes of the recent arrival roved over the animal's equipment—a fine, well-cared-for saddle of the type then in use by the cavalry. A snaffle-bit on a bridle of plain black leather, with the exception of a yellow brow-band and reins of finely braided rawhide—a product, evidently, of Mexico. From a carved leathern boot the stock of a carbine emerged, and the butts of cap and ball revolvers protruded from holsters of similar pattern on each side of the cantle. At the rider's left hip a third holster swung, at his right a bowie-knife in a metal sheath.

The adventurer's clothing, although travel-stained and old, was not such as was worn by common men; his broad flat beaver hat, with the scarlet wing of a blackbird upthrust from the wide band, gave to him a faint suggestion of a dandified bandit. More incongruous still, he had shaved that very morning. He wore neither beard nor mustache. His hair, jet-black and wavy, hung upon his capable shoulders and was, apparently, accustomed to twice-daily brushing.

"Does your maw know you're out alone?" the stranger demanded of Dermod D'Arcy. A huge, rough, ignorant, and unkempt man, born and bred to the wilderness, he had achieved instinctively a dislike for this man whom he recognized as a superior.

A bound, and the big brown thoroughbred horse was beside him. "Faith, you're the inquisitive one, aren't you?" D'Arcy cried hotly, and with a furious blow of his open hand against the other's jaw, swept him to earth. The brown stallion whirled and the fallen man's companions saw in D'Arcy's hand a long revolver that swept through a menacing arc, seeming to cover them all at once.

Somebody laughed, then a pleasant voice hailed D'Arcy. "Put up the pop-gun, boy. Nobody here's going to quarrel with you for putting Alvah Cannon in his

place."

With his right hand D'Arcy backed his horse away from them, steadied the animal and drew another pistol. "If you have business farther ahead, gentlemen, pray do not permit me to detain you."

Alvah Cannon got sheepishly to his feet and mounted his horse. "Forward!" he commanded, and as his cavalcade swept on down the pass he looked with much interest at D'Arcy's two competent pack-mules with their neat brown canvas-covered packs.

Half an hour after the party had passed on, Dermod D'Arcy followed on their trail. He saw them half-way across the valley as he halted to camp for the night.

"I wonder now where those laddybucks are bound?" he queried of his mules when they came up to the fire for the flapjack he customarily shared with them. "The fellow Cannon is not a popular leader, yet he is the leader. That's because he knows the country and the others do not. He rides with assurance, so he does, Shawneen. Now, a knowledge of the passes over the Sierra I have not, nor have I a map."

He divided the flapjack between the mules.

"We'll be up betimes, lads, and follow on Cannon's trail. We'll be beholden to them, Michael, but thank God we will not have to admit it. Independence is a dear thing to the clan D'Arcy. Doubly dear, you beggar, in view of the fact that 'tis little else we have left."

His evening meal cooked, he extinguished his camp-fire, and leaving his hobbled animals to graze, rolled up in his blankets and went to sleep.

At sunrise he was en route again, following the easily discernible trail in the lush green grass. At the river-bank it turned south for a few miles, where evidently Cannon had found a ford and crossed to the western bank; in a grove of scattered bull-pines he caught up with the party.

He counted the bodies—nineteen white men and twelve Indians.

"Their horses and pack-ponies it was, Michael, that brought them to this. The Indians coveted the stock, and Cannon was careless and put out no pickets. Jedediah Smith, in his traverse through this valley in 1835, reported the Indians not customarily hostile but great horse-thieves. Michael, there's one man missing from the party. Where is the leader? The others stood their ground and fought to the last, but not that lad whose ear I boxed. The Indians have lifted their booty and departed, so we'll have a look through the wreckage. Hah, a map, as sure as pussy is a cat!"

It was lying in the grass close to the dead embers of the camp-fire, where, doubtless, someone had been studying it when the attack was launched. Dermod D'Arcy studied it now, without haste. A crude map it was, more panoramic sketch

than map, but at the conclusion of his perusal of it D'Arcy knew that approximately a hundred miles to the south was Walker Pass, leading over the Sierra and down into the Tulares, as the lower San Joaquin Valley was then known.

Before leaving that camp of the dead, Dermod D'Arcy satisfied himself that the marauding Indians had driven their captured horses back across the river and into the east. He decided, therefore, in his journey southward to the eastern entrance to Walker Pass, to keep as close to the Sierra foot-hills as possible. There was an abundance of water from the melting snows of the Sierra, flowing out into the valley in little creeks and emptying into the river, but the soil along the foot-hills was sandy and not productive of heavy feed. D'Arcy decided that for this reason game would be scarce in that direction and consequently he would be less liable to establish unexpected contact with the Indians.

He pushed south, taking his time, traveling by night and hiding in the sparse mesquite timber by day. Gradually as he drew into the south the valley became more arid; low stunted sage took the place of the rich grasses, and game was no longer encountered. Thereafter he pushed on in daylight.

In the middle of the afternoon of his first trek in daylight he came across the spoor of a shod horse!

"Indians do not shoe their horses, Pathfinder, my boy," he informed the big brown stallion, and thereafter rode on that trail. Eventually it swung at right angles toward the buttress of the Sierra and debouched into a canyon. D'Arcy consulted his map. "Walker Pass," he decided, and pressed forward.

The gradient increased rapidly, and by sunset he found himself two thousand feet above the floor of the great valley. The melting snow provided ample water, and bunch-grass, rich and nutritious, grew among the sage on the mountainside. A well-defined trail led over the pass, and the melting snow had made this trail slushy; D'Arcy noted clearly the hoof-prints of the shod horse.

Upon resuming his journey next morning he came suddenly upon the horse, lying dead in the trail. The animal was saddled, bridled, and still warm; investigation revealed that after it had fallen and broken a leg, a bullet had ended its misery.

But that was not all that interested Dermod D'Arcy, albeit his interest was not pronounced. In the dead horse he thought he recognized the animal the man Cannon had been riding that morning they had met in the pass of the White Mountains.

"A bad thing for any man to find himself afoot in this wilderness, Pathfinder, my boy," D'Arcy assured his horse. "And afoot the man is. There's his trail, showing plainly in the snow."

As he climbed upward the snow increased in depth, but fortunately it was frozen

solid and offered nice footing for the animals. The imprint of the boots of the man ahead showed plainly and all day D'Arcy followed them. At sunset he camped on the summit at an elevation close to ten thousand feet, and since there was no grazing here, he tied his stock in the scrubby timber.

At the first graying in the east he was on the trail again, for this day's march was to be a forced one. His stock had not eaten the day previous, and he was anxious to camp that night below the snow-line on the western slope of the pass, where his jaded animals would again find grass.

He walked, leading Pathfinder and gnawing on jerked venison for his breakfast. The footprints of the man ahead still showed plainly in the snow, and while they gave no indication of exhaustion or a slackening of pace, D'Arcy presently had indubitable evidence that he was catching up with the man. The snow-crystals that fringed his footprints were not frozen solid, and once D'Arcy saw a tiny wisp of smoke rising out of the snow; upon investigation he discovered it to be the dottle from a pipe recently emptied.

From time to time D'Arcy halted to rub his eyes, for the glare of the sun on the snow-field was causing them to smart and water. He drew his hat well down and stepped resolutely forward. Suddenly a rifle-shot echoed through the pass and a bullet ripped through the heavy mass of hair at the base of D'Arcy's neck.

"A miss is as good as a mile," he decided, his start of surprise over, and gazed about him. Up the hillside he saw a little thicket of young mountain cedar with a thin wisp of white smoke floating out of it. Instantly he mounted Pathfinder, drew his pistol and charged the thicket, firing into it when in range.

"Don't shoot! For God's sake, don't!" a man's voice shrilled.

"Very well. Come out with both hands above your head. Leave your rifle there. I'll get it presently."

The thicket parted and Alvah Cannon emerged, hands uplifted, blinking in the strong sunlight.

"I suppose you coveted my animals and equipment," Dermod D'Arcy suggested almost plaintively.

"I'm hungry and half blind and half crazy, Mr.—er—"

"D'Arcy, Friend Cannon, Dermod D'Arcy."

"Forgive me, Mr. D'Arcy."

"Certainly, you superb ass, certainly. But I'll keep an eye on you for all that. Go back and pick up your rifle. No time for mooning, Friend Cannon. We must push on to grass tonight. Have some of this jerked venison? It will stay your hunger pangs until I can prepare a good dinner."

Cannon hung his head. "You're mighty kind to me, friend—"

"You conceited jackdaw! In the event of more Indians, two rifles are better than one, are they not? Besides, you know this country and I do not. It's a fine large country, and I think there's room for both of us, provided you behave."

"I will, Mr. D'Arcy, I will," Cannon promised fervently. "To err is human, to forgive divine, as the Good Book says."

"I imagine you might not have erred if you hadn't been suffering from a touch of snow ophthalmia. Ordinarily you would never have missed me at such short range, I dare say. By the way, how did you manage to escape that massacre back in the valley?"

"I'd left camp to kill an elk for our party, and while I was away the Indians attacked. When I got back I found what you found; I couldn't do nothin', so I—I—just kept on."

"Well, dubious as your society must be, Friend Cannon, I'm grateful for it. Indeed, I'm fairly mad for human society, but if I cannot get that, inhuman society will do. Where were you and your party bound?"

"To trap in the Tulares."

"Ah! I take it, then, you know your way about the Tulares."

"I've trapped there two years."

"You can lead me to the Spanish settlements on the Pacific shore?"

"Happy to, Mr. D'Arcy."

"Thank you. I accept your guidance. By the way, hand me your powder-horn. I have never heard of a rifle doing much damage unless primed with powder. . . . Thank you, my friend. You have a pistol. Hand that over, too."

"It's empty, Mr. D'Arcy. My pistol balls I left in camp, and while the weapon was loaded then, I've used every charge to kill sage-hens and rabbits."

D'Arcy examined the gun and discovered his prisoner had not lied. He smiled grimly. "Evidently you're handier with a pistol than with a rifle."

Cannon nodded, a bit jauntily, now that he was convinced his life would not be forfeit because of his treachery.

"As a traveling companion you'll prove a bit of an embarrassment, I'm thinking. Well, no matter. Your presence will make the journey all the more interesting. How far had you and your party come when I first met you?"

"From the Mormon settlement on Great Salt Lake. Where do you hail from?"

"I have ridden from Springfield, Illinois."

Cannon stared incredulously. "Meet any Indians?"

"Hundreds. Fine fellows. Nature's noblemen. Poor divils! They haven't

encountered sufficient white men as yet to know any better than to behave. A man couldn't find grander hospitality in county Galway."

"I don't understand how you got through."

"I'm lucky—and careful."

"Any friends in Californy?"

"Divil a one."

"What you intend doin' when you git thar?"

"Lord knows. They tell me, however, 'tis a grand country for a poor man to get his start."

"Can that horse o' yourn run?"

"Like a hare. There's not a drop of cold blood in him, and he has yet to meet the horse that didn't have a look at the tail of him. He's five years old come Christmas day next."

"Then take my advice and do some horse-racing. Them greasers'll bet their last cow on a horse-race. It's the main sport at Monterey."

"Indeed. Well, now, that's interesting. What distances do they run?"

"Most of their nags are quarter-horses; some have enough blood to run the half, and there are mebbe two or three horses that race at the mile."

"With the help of God and Pathfinder here I believe I'll go into the cattle business," D'Arcy replied, gravely humorous.

"There's an easier way than that," Cannon suggested, "if you speak their lingo."

D'Arcy nodded. "Why?"

Cannon's hard face wore a smirk. "Marry a cattle ranch," he suggested.

D'Arcy had no reply to this. It occurred to him that Cannon was presumptuous and it was far from his intention to permit the slightest familiarity. They walked in silence the remainder of that day.

At dusk they were far enough down the western slope of Walker's Pass to find grazing for the stock, so they camped there. During the day D'Arcy had shot two grouse and they supped upon these, with flapjacks and black coffee, Cannon doing the cooking. At the conclusion of the meal the fellow glanced at his captor.

"Reckon you've forgiven me, Mr. D'Arcy?"

The exile from Erin laughed and tossed him over his plug of tobacco, which Cannon received gratefully. "I have to forgive you, in view of the fact that there is no law here—and if there was, where are my witnesses? Your word would be as good as mine."

"You're a sensible feller," Cannon decided approvingly.

"I am—for which reason I shall tie your hands behind your back when you turn

in for the night. I salvaged your horse equipment, so you may roll yourself in the saddle-blanket and the tarpaulins from the packs when you've finished your pipe. I can see in your fishy eye a plan to kill me and steal my outfit if an opportunity presents itself."

"I give you my word—"

"I'm a sensible man. Shut up."

"But I can't sleep with my hands tied behind me."

"Stay awake, then. On second thought, I shall tie your ankles together. Sleeping men can still be kicked to death by a big lummox like you. And be good enough to smoke on your own side of the fire whilst I amuse myself."

He produced a small tin flute and played with great cheerfulness, "I Know My Love by His Way o' Walkin'," "The Pretty Maid Milkin' Her Cow," and "The Bard of Armagh."

"You're a funny feller," Cannon hazarded.

"You would think so, of course. The joke's on you." And he rippled through "The Wind That Shakes the Barley."

Cannon sighed, prepared his bed and sat awaiting the minstrel's pleasure in the matter of binding him for the night.

"There's two thin strips of *látigo* in my saddle pocket. Get them for me, Mr. Cannon, darlin', whilst I play for you 'Owen Roe's Lullaby.' You can go to sleep on that."

His concert concluded, D'Arcy bade Cannon lie on his belly while he bound him securely. "To be sure, you might chafe that *látigo* on a sharp bit of rock and cut it through before morning," he decided, and tied a spare shirt around the bound hands. "Roll over into your bed now and I'll tuck our little Baby Bunting in," he commanded cheerfully. "And remember—the Lord loveth a cheerful loser, and a game sport never knows a regret. Good night."

He kicked off his boots, rolled into his blankets with a great sigh of contentment, and was asleep in five minutes.

Cannon was sleeping so soundly next morning he did not know he had been unbound until D'Arcy jerked the coverings off and awakened him with a not too gentle spurning with his boot. While D'Arcy prepared breakfast Cannon rounded up the stock, saddled and packed them. That night they camped in a lovely mountain meadow far below the snow-line, and since there was an abundance of grass, feed, and water, and the stock required food and rest, they camped there three days. From this point the pass dropped swiftly toward sea-level, and presently, from the heights, they gazed out above another wonderful valley, shrouded in a faint bluish

haze.

The prisoner pointed. "There are the Tulares, Mr. D'Arcy."

They descended, marching through an empire of wild oats and alfilerilla knee-high, dotted with wild flowers that distilled a fragrance upon the land. Once more they saw herds of game, but of humankind there was no sign.

"We cross the Tulares and skirt the northern edge of a great lake that lies off yonder to the westward, close to those mountains," Cannon announced. "We may meet Injuns, but they're a poor lot and afraid o' guns. There's a desert to cross, but at this season 'tain't difficult, and we can do it in a night. A pass leads through the range to the Mission San Miguel."

That was a delightful march across the Tulares and even the baneful presence of Alvah Cannon failed to detract from Dermod D'Arcy's enjoyment of the wild beauty through which they had wandered. In all that vast country there were no Spanish ranchos, the feeble civilization of Spain never having extended beyond the coastal plain at the foot of the Coast Range. They were fortunate, too, in not meeting Indians, and as they traveled by easy stages, Pathfinder, Shawneen, and Michael, as Cannon expressed it, "fleshed up." Even in that barren strip of country now known as the Kern desert, grass was plentiful and pools of water from a late rain lay in the arroyos, in consequence of which they did not have to travel by night.

At the western end of the pass leading to Mission San Miguel they came to the Chalame Rancho, where the *hacendado*, Señor Juan Barilla, gave them courteous and unstinted welcome. Here they rested three days, Cannon, at D'Arcy's suggestion, faring with the ranch hands while the latter occupied a guest-chamber in the adobe hacienda.

Cannon came to D'Arcy's room on the morning of their departure. "Well, what do *you* want?" D'Arcy demanded acidly.

"You told me you were a poor man."

"Well?"

"Don't be in too big a hurry to leave." The fellow winked mysteriously. "There's a surprise comin'."

"I like surprises," D'Arcy replied, and waited.

Presently an Indian servant entered, laid upon the dresser two buckskin bags and departed wordlessly. Cannon opened them and rolled out upon the dresser from each fifty dollars in United States gold.

"What is this for, Cannon?"

"For us, of course."

"But why? I, at least, have not requested a loan from our host."

"Of course you hain't, but then some of these har Californy dons carry hospitality to the limit. You see, Mr. D'Arcy, these greasers are always mighty polite, and Barilla is too polite to offer the money openly, on account maybe of hurtin' our feelin's. So he just has it left in the room. If we want it, we take it. If we don't, we leave it. It's up to us, understand?"

"I understand. Don Juan Barilla is too fine to question us as to our poverty and too great-hearted to see us depart penniless and perhaps hopeless, from the hospitality of his home. If we accept this gold I suppose there is no obligation on our part to return it."

"Hell, no. These greasers are all so rich they don't miss a few dollars."

"I see. They are *muy caballero*. Well, it's a long way from Galway to the Mission San Miguel, but there are real gentlemen at both ends of the trail. I could use this money but—I shall not."

"Why not, D'Arcy?"

"I am Mr. D'Arcy to you. Never forget that, animal. And do not question my motives. You are too low-bred to understand them."

"Well, you refuse yours if you feel that way about it, but I'm no fine gentleman. I'll take mine."

"Put it back, you scum," Dermod D'Arcy roared.

"Man, I'm clean busted."

"That is immaterial. Put it back."

Cannon met D'Arcy's fierce gaze unflinchingly. On the trail he had been meek, servile, unresisting, but now that he found himself in civilization he felt he could afford again to be his own man. As the two looked into each other's eyes the thought came to D'Arcy that Cannon was not without a certain animal courage.

"Give me that purse, you filthy rogue, or but one of us shall leave this hacienda alive!"

"So you'd shoot an unarmed man, would you?"

"No! I'll kill you with my naked hands."

Reluctantly Cannon handed him the purse. "Perhaps me and you'll meet again sometime," he hinted darkly. "Well, seein' as how I arrived afoot, with you mounted, Don Juan has give me a mustang to fit my saddle and bridle. I can keep the horse, I reckon."

"I shall pay for the mustang. Horses must be very cheap here. Get out."

At parting, D'Arcy insisted upon paying Don Juan Barilla for the horse.

"It is nothing," the old grandee protested. "We have here many horses and it is the custom to give all dismounted guests a horse."

"A sweet custom, too, my host, and grateful indeed must be the guest whose purse is too flat to permit of the purchase of a horse. Already we are your debtors for food and shelter; it will be an added kindness to permit payment for this horse."

Don Juan Barilla shrugged and spread his hands. "As you will, señor. The animal is costly at five dollars. Perhaps if you will give three dollars, señor, to my majordomo, that will adjust this argument."

D'Arcy gave five dollars to the majordomo and departed from the Chalame Rancho with Don Juan's benediction, the sweetest in any language and now, alas, no longer heard in California. "*Vaya usted con Dios.* Go you with God."

"I like this country, Cannon," D'Arcy announced as the two jogged toward Mission San Miguel with Shawneen and Michael mincing along in front, occasionally snatching mouthfuls of herbage along the trail.

"You won't like it very long, curse you!" Cannon growled. "I'll make it too hot to hold you."

"Braggart," the Celt retorted, and got out his tin flute to beguile the long miles with music.

Where the trail from the Chalame cut El Camino Real, the rutted dusty highway that connected all of the missions from Sonoma to San Diego, Cannon pulled up his horse. "I reckon I'll leave you here, D'Arcy," he said. "A few miles south is the Mission San Miguel, but I aim to push on to Monterey. Goin' to give me back my pistol and rifle?"

"Certainly. Get off your horse. I'm also going to thrash you for shooting a lock of hair off my sinful head. My rifle isn't loaded and I'm going to remove all the percussion-caps from my pistols and put the caps in my pocket. That precaution is taken in order that, should you succeed in upsetting me temporarily, you cannot run for a gun and shoot me."

"I'm right glad to oblige you, mister," Cannon cried exultantly, and dismounted. "How're we goin' to fight?"

"Your way—as an animal fights."

There, beside El Camino Real, they fought. But not long. As Cannon rushed to clinch, he brought his right knee up viciously. But his opponent's body was not there to receive it. A straight left under the chin tilted Cannon's shaggy head backward, and the shock of the blow, traveling along his jaw-bone to the brain, sent him reeling. Recovering his balance, he shielded his face with his great arms and rushed again, only to have a devil's tattoo beaten on his unprotected abdomen; when he dropped his arms and bent double, half a dozen wicked blows smashed into his face and straightened him up again.

"Enough!" he cried, realizing the futility of defending himself against such scientific onslaught.

"I shall be the judge of that," D'Arcy retorted, and walked around his man, cutting him, flattening his nose, closing his eyes, loosening his teeth, eventually knocking Cannon senseless.

Beside the fallen man he tossed powder-horn, rifle, and empty pistol, wiped his skinned knuckles on Cannon's shirt, mounted Pathfinder and turned south along El Camino Real, nor cast one anxious look behind until a patter of hoofs caused him to do so.

A horseman was approaching at the fast running walk to which California riders of that period trained their mounts, and D'Arcy saw that the stranger was a Hispano-Californian, evidently of the better class. He moved courteously to the side of the trail to permit the man to pass, but instead the latter pulled up alongside him, raised his conical-shaped hat, fringed with little silver bells on the brim, and said pleasantly:

"Good afternoon, sir. Do you speak Spanish?"

"I do, sir," D'Arcy answered him pleasantly, in the same language.

"I had thought, judging by your raiment and the manner in which you fight, that you were a gringo, but your Spanish is without an accent. And now that I look closer, I observe that you are of our people."

Dermod D'Arcy grinned. "I am an Irishman, but who can tell how much Spanish blood there may be in an Irishman from the West?" And he named himself.

"Ah, D'Arcy. That sounds French," the Californian suggested after the other had spelled the name.

"It was the fashion of the French, in days gone by, to come to Ireland to help us whip the English. The first D'Arcy of our line, however, fled to Ireland to escape the Massacre of St. Bartholomew. But that was a long time ago and I fear we are preponderantly Irish now."

"Pardon me. I am remiss in politeness, sir. My name is Carlos Felipe Maria Antonio Sanchez y Montalvo. May I be accorded the pleasure of riding with you? I am bound to my rancho close to the Mission San Miguel."

"Certainly. I am honored. I, too, ride to the Mission San Miguel. Is there an inn in San Miguel?"

"Yes, you are a gringo—a newcomer, after all, else you would know that in California there are no inns. You are welcome to my poor house."

Dermod D'Arcy extended his hand, then seeing that it was gory, apologized and withdrew it. "I accept your invitation, Señor Montalvo, in the generous spirit in which

it is extended. I have no friends in your California, and to a stranger—"

"I must beg to disagree with you, Señor D'Arcy. You ride with a friend and presently you will be among other friends. Is it permitted to inquire why you fought with that bearded fellow back yonder?"

Briefly D'Arcy explained.

"Then that was a meritorious deed, Señor D'Arcy," Montalvo commented. "Alas, we have many such ruffians among the Americans here."

"Gentlemen do not constitute the vanguard of new civilizations, Señor Montalvo. It is the rough, the hardy and the ruthless who press forward and pave the way for new tides of conquest."

"Ah, they will come in great numbers now," the Californian replied sadly. "Every ship brings them in from Mexico, and when the news of the discovery of gold reaches your country they will come like the grasshoppers in a dry year."

"Gold? You say gold has been discovered in California?" D'Arcy cried sharply. "Indeed, Señor Montalvo, I had not heard that news."

"It is true. Each traveler from the north brings the story and already all of the gringos and some of our own young men have departed to dig for gold in the Sierra. It is sad to note the greed, the wild excitement this discovery arouses everywhere. There is no other topic of conversation among the gringos." Señor Montalvo sighed and his fine, middle-aged countenance saddened. "It will be a curse upon California," he added.

"Is this gold plentiful and easy to come at?" D'Arcy queried eagerly. "You understand, of course, Señor Montalvo, that I am much interested, for I too am a gringo."

"It lies in the beds of the streams, washed down, I am informed, from the Sierra in bygone ages. A man named Marshall, an employee of the man Sutter, who has the fort and the great plantations on the Sacramento River, found it in the river at Coloma, while preparing the foundations for a sawmill which this man Sutter sought to build. It is in coarse flakes and small lumps, from the size of a pin-head to an egg, and is to be found in the sand-bars when the water is low in the streams. Other than that I am not informed, nor have I the slightest interest in gold-mining." He passed a package of Mexican cigarettes to D'Arcy, who selected one. "When we arrive at my hacienda," the Californian continued, "it would be well to bathe those injured knuckles in *aguardiente*."

"You are very kind, Señor Montalvo."

Señor Montalvo waved a deprecating hand and edged over to the extreme left of the road, the better to make a critical appraisal of Pathfinder. "By our Lady la

Purísima," he declared, "that is a horse!"

Thus, casually did he dismiss further discussion of the discovery of gold in California, a discovery that was to enthrall the entire civilized world, create new destinies and hasten, perhaps by a century, the upbuilding of the United States of America from the Mississippi River west.

"To secure this gold, then," D'Arcy persisted, "nothing is required of a man save the ability and the will to take it. Is that not so?"

"Thus runs the tale, señor. Two days ago, in Monterey, I met a friend, a gentleman in whose veracity I have the utmost confidence, and to me he related having seen in San Francisco a gringo with a bag of new gold weighing twelve pounds, and this the result of one week of labor on a stream."

"By the toe-nails of Moses," Dermod D'Arcy declared in English, "I've arrived in California just in the nick of time."

Montalvo glanced at him sharply and saw in his slightly heightened color and the far-away gleam in his eyes that the tale of gold had gripped him. "You will have the madness, like all gringos," he prophesied. "But for the present, tell me, señor, if you please, of the breeding of your horse, and if perhaps you would consider selling him to me. He is a stallion, I observe, and thus the more valuable. I would give much to own that horse."

"I fear I haven't the heart to sell him, Señor Montalvo, but if you would care to have some foals by him out of your best mares, then he is yours."

The Californian's face glowed with delight. "I have indeed met you, Señor D'Arcy, in a fortunate moment. You are a different gringo, and I shall have great pleasure in presenting you to all of my friends, who will welcome you for my sake. Yes, you are a fine fellow. You must spend many months with me. I will arrange a great *baile* to do you honor and—but tell me, señor, can this noble animal run? A little, no? Ah, do not desolate me with the statement that he is not as fleet as a deer."

"He can, I think, Señor Montalvo, outrun any horse in California. He is of a famous strain and the blood is pure."

"I am certain of it," Montalvo cried enthusiastically. "And I shall have colts by him? Of a certainty I am a happy man. Yes, he has in his carriage the pride that goes with royal blood. He has a powerful forehand, good ribs and great haunches. Good hoofs, too, and a sweet disposition, for I mark he does not fight the bit. Señor, if you will consider selling him to me, I will give to you for him five—no—ten thousand head of my fattest cattle."

"Cattle would be an embarrassment to me, Señor Montalvo. I have no lands upon which to graze them. Their flesh is valueless; I could sell but the hide and

tallow; I do not possess sufficient capital to hire men to slaughter the animals, skin them and reduce the tallow; nor could I haul that product to a market which is uncertain and dependent upon the casual arrival of a ship from the Atlantic seaboard. Meanwhile I would be afoot."

"I will, then, give you five thousand head and my *vaqueros* shall slaughter them for you, skin the carcasses and render the tallow. The hides and tallow may be stored at my warehouse at Monterey and sold for you with my own hides and tallow when a ship arrives."

"I suppose each cow would then net me two dollars gold."

"Undoubtedly. A high price for a horse, señor, but then I have many cattle."

But Dermod D'Arcy shook his head. "If what you tell me of the discovery of gold be but half true, I would be foolish to sell my horse. It is my purpose to find some gentleman who would care to race his horse against mine for a modest stake. The winning of this stake will enable me to outfit myself properly for the journey to the gold-diggings, employ labor, erect a suitable habitation, and purchase food."

"I am desolate," Señor Montalvo murmured. "Did I not tell you this gold would bring a curse upon California? Already it is interfering with one man's happiness."

# *Chapter Two*

A horse-race was to take place at the rancho of Don Emilio Espinosa near the Mission San Juan Bautista. Don Emilio was the owner of a black gelding of unrecorded breeding, but undoubtedly a splendid grade-thoroughbred, and known throughout California as Rey Del Mundo—King of the World. For more than a year, because of the disturbed political conditions incident to the Conquest and the Revolution, and the apparent impossibility of finding an opponent worthy to oppose this acknowledged champion of champions, Rey Del Mundo had not raced.

But lately Don José Guerrero, of the Rancho Arroyo Chico in Alta California, had purchased from a Kentuckian, who had ridden her from that state, a black thoroughbred mare that answered to the comparatively commonplace name of Kitty. After weeks of training and tryouts against the fleetest quarter-horses in Alta California, Don José had tried Kitty at the half-mile, then the three-quarter and finally the mile, and was thrilled beyond measure when his stop-watch told him she was as fast as, if not faster than Rey Del Mundo. Forthwith Don José, seething with an uncontrollable desire to challenge Don Emilio Espinosa to a match race, promptly dispatched a courier bearing the challenge.

Now, for many months no social affair of any import had occurred in the Santa Clara Valley; consequently the receipt of Don José's challenge fell upon the restless souls of Don Emilio Espinosa and his friends and relatives with something of the effect of a gentle rainfall over a district hitherto arid.

They had heard rumors of the prowess of the mare Kitty and had hoped for a match race; and as the wager proposed by Don José—five thousand head of three-year-old steers—was in consonance with the importance of such a sporting event, Don Emilio promptly accepted the challenge on condition that the race be held at his rancho, which, situated as it was approximately in the center of the state, entailed no unfair journey on the part of the *gente de razón* who would attend.

Moreover, the acceptance of this stipulation would enable Don Emilio to dispense hospitality on the lavish scale that always delighted him. He at once dispatched a courier to the south as far as San Diego to carry the news of the impending race and extend invitations to the leading families to attend as his guests.

As to the weights to be carried, neither Don Emilio nor Don José entered any stipulation, since horse-racing in those days was not hedged about and safe-guarded by the multitude of rules and regulations that distinguish the sport of kings in this decadent age. It was common knowledge that Rey Del Mundo never raced at less

than a mile on a straightaway course—in this instance a well-harrowed road.

A mutual friend would act as starter and his labors in this connection would be perfunctory, since there would be no jockeying for position; neither would there be interference or fouling; if, inadvertently, such occurred, the race would merely be run again, and when the winner should have been declared, the *vaqueros* of the vanquished would comb the plains and draws for the long-horned cattle that had been bet and lost and deliver them to the victor—a task, in this case, that would not be completed until fall!

Three weeks before the day set for the race El Camino Real was thronged with Californians en route to the hacienda of Don Emilio Espinosa. Mounted on their best horses bearing their gayest and most expensive harness, the dons and their ladies, followed by their retainers, jogged along the dusty, rutty trail. From Sonoma came the Vallejos; from Contra Costa, the Trujillos; from Alameda, the Peraltas and Alvisos; from the Mission San José, the Michelorenas; from the Mission Dolores, the Sanchez; from the Rancho Corral de Tierra Palomares, the De Haros; from the Rancho Canyada at San Mateo, the Miramontes; from the Santa Clara Valley, the American John Gilroy, the Zabalas and the Cotas; from Salinas, the Artelans; from Paso Robles, the Villareals. From San Diego came the Estudillos and Bandinis; from Santa Ana, the Sepulvedas; from San Gabriel, the Lugos; and from Los Angeles, the Dominquez.

In ancient, high-wheeled buggies, rockaways, and victorias drawn by skittish four-in-hands with postilions up, on sleek mules, on burros, the elderly women came. In heavy, rumbling, ox-drawn *carretas* the *peones* and their families rode, just behind the hundreds of gaily appointed *vaqueros*. All were in holiday garb.

With the exception of the first families, who found unstinted welcome in the haciendas along the route when night overtook them, these joyous pilgrims camped under the stars and slept in the sweet grasses. A steer, hastily driven in, was slaughtered, barbecued and eaten with tortillas made on the spot, the rude meal washed down with wine furnished by the *hacendado*; to the tinkling of guitars and the mellow piping of flutes these children of the sun danced and laughed and loved, happily unmindful of the great tragedy that even then was closing in around them, coincident with the discovery the preceding February, in the race at Sutter's sawmill on the American River, of a medium of exchange which within the year was to replace that of cattle.

Although the germs of the gold-fever were abroad in the land, these people did not know it, or knowing it, did not believe it, or believing it, attached no importance to it. All they knew or cared was that on the following Sunday a great sporting event

was to be decided. Next to their kith and kin they loved a horse, and with the devotion of loyal subjects they journeyed with light feet and light hearts to the coronation of a new king of the California turf.

At the fandango to follow the race—a fandango which would, doubtless, last not less than two weeks—new loves would be awakened, new family alliances made; relatives would be met with again, gossip would be exchanged, trades consummated, betrothals arranged by the old folks, the prices of hides and tallow would be discussed, and perchance some effort made to stabilize them.

What a golden age was that in California prior to the discovery of gold! Even to men whose brown palms had never closed over a gold coin poverty was unknown; no man went without food or shelter in that land where glad giving was almost a religion, where the meanest crime of all was to be niggardly.

Don Emilio Espinosa, standing at the entrance to the long avenue of palm-trees that led to his hacienda, welcomed each arrival with gracious words; when he quitted his post for any reason, one of his sons took his place, since to the high task of dispensing an invitation to the hospitality of the rancho no hireling might be assigned.

Following his courtly greeting to each new arrival, whether previously known to the don or not, ensued, after the California habit, some words of light badinage, of grave merriment, a sly dig, perhaps, as to the quality of the horse the stranger bestrode, a mild complaint of visits made too few and far between. Then the visitor would dismount, to be greeted at the hacienda by the don's family, while Indian servants took charge of his horse and equipment.

When all of the guest-rooms of the rambling old hacienda had been filled, the overflow was accommodated in tents and light-built outhouses thatched with palm-leaves.

At the entrance to the palm-lined avenue at sunset of the day preceding the great race, Don Emilio and his son Tomas waited to greet two late arrivals. "Yonder," quoth Don Emilio, "comes our good friend Carlos Montalvo, of San Miguel, and with him rides a gringo."

"And before them they herd two laden mules, my father. Assuredly this gringo can be no friend of our friend. It must be that he is a chance traveler met on the road."

A slight frown passed over Don Emilio's countenance. The insolence of Frémont and Commodore Stockton, so much in evidence following the raising of the American flag at Monterey, and the violence and degradation visited upon his kinsman Vallejo, during the Bear Flag revolt at Sonoma, were still fresh in his memory. He had learned to distrust foreigners, and Americans in particular.

"They come," he growled in his beard. "There must be a thousand of these Americans in California now. But yesterday we were their hosts. Today they bear themselves as conquerors. Bustling, eager, acquisitive, ruthless, they despise us because we are not as they. I like them not."

Don Carlos waved his plumed hat, trotted ahead of his companion, dismounted and embraced his friends.

"You have a companion, Carlos?" Don Emilio queried, his tone indicating a doubt that the man was a friend or social equal yet voicing a willingness to receive him in whatever relation he might occupy.

"A friend," Don Carlos corrected. "A well-bred man of gentle manner when not aroused; when he is, I verily believe, a devil. He has been my guest for the past month and I have made bold to bring him with me."

The slight frown faded from the host's fine face. Montalvo presented Dermod D'Arcy, who dismounted and proffered his hand to father and son.

"You are welcome, my friend," the former assured him. "For your own sake as well as that of Don Carlos. My son and I regret that we do not speak English."

"It is a regret wasted, señor. I speak Spanish."

"So? I had thought our guest an American."

It was patent to D'Arcy that Don Emilio was experiencing a modicum of relief in his disillusionment. "Although Irish, I have sworn allegiance to the American flag, señor. And I should regret," he added, "to think that I might be judged by some Americans I have met since entering California."

Don Emilio covered the situation adroitly. "What says the old Greek philosopher, my friend? 'We dislike people because we do not know them and we do not know them because we dislike them.'"

Retainers relieved them of their horses and the pack-mules, while D'Arcy unbuckled the belt containing his knife and pistol and handed it to Don Emilio, since he would not be so gross as to come armed into this peaceful and hospitable home. Father and son exchanged glances, for they judged men by such evidences of culture.

"This will be cared for in the room where we store our arms, señor," the don murmured, and handed the belt to a servant. "A very necessary equipment when one is on the road, but an annoyance when one is not. Carlos, I will escort you to your quarters. Tomas, I leave Señor D'Arcy to your care."

Tomas led his charge to a tent, in one corner of which was a pile of new clean hay and two brightly colored blankets. The only other furnishings were a rude bench, which held a basin, a water *olla*, soap, and towels.

"My parents are desolated to have to offer you this rude shelter," the boy explained. "At any other time we could accommodate you in the manner to which you are accustomed, but tonight we have many guests."

"It is a better shelter, with the exception of the room I occupied at Señor Montalvo's ranch, than I have been accustomed to for a year. By the way, are there many Americans here?"

"Perhaps fifty, señor. They are camped yonder. The majordomo looks after them."

D'Arcy smiled faintly, aware that his host was not averse to giving him to understand that he was being accepted as one of the *gente de razón*.

"When you have washed the dust of travel from yourself, señor, come to the colonnade of the hacienda—the west side. I shall be there to present you to our friends and to see that you do not retire to this horse's bed hungry." He bowed, showed his white teeth in a winning smile, and withdrew.

D'Arcy gazed after him. Tomas Espinosa was arrayed in the height of the fashion affected by the Hispano-California dandy of that day. His hat of black beaver had a high, conical crown and wide, upturned brim, to which were appended tiny silver bells that tinkled as he walked. His shirt, of white linen, fastened with diamond studs, was surmounted by a lace stock; his bolero jacket, of black velvet with a double row of silver buttons down the front, fitted him tightly; his pantaloons of the same material were skin-tight to the calf of his leg, but broke into a wide flare above the ankles and were there inset with a triangle of white buckskin; his gaiters were of fine, brilliant black leather, hand-made in the City of Mexico; a pair of beaded and fringed white buckskin gauntlets were tucked into a scarlet sash, the long fringed ends of which dangled at his side.

He presented a gay and colorful appearance and walked with the short, somewhat mincing step of the man whose life is spent largely in the saddle.

"A nice, courteous, friendly boy," D'Arcy soliloquized. "Pure Asturian stock, I take it." He sighed. "A wonderful people doomed to oppression and extinction as surely as the Indian. All that these Californians desire from strangers is courtesy and a square deal; dwelling here in pastoral peace, practically without government, dependent upon a code of gallant human conduct, they will be as helpless in the hands of the eager, greedy, empire-building Anglo-Saxon as a sheep in the maw of a tiger. For the wonderful *dolce far niente* spirit that is theirs they will be hated by men who know not how to suck the sweetness from life; for their lack of industry and commercial shrewdness they will be despised as weaklings, regarded as ripe fruit to be plucked and wasted. Poor Tomas! Poor Don Emilio!"

An Indian approached bearing a leathern hat-box and a plethoric valise. He opened it and laid out upon the blankets toilet articles, a change of linen and a suit of clothing of the style worn by well-dressed Americans of that period. D'Arcy fastened the flaps of his tent, shaved and gave himself a sponge bath; half an hour later he emerged from his quarters and strolled over to the hacienda just as a bell pealed loudly for the evening meal.

Passing through a heavy door set into the high adobe wall that surrounded the hacienda, D'Arcy found himself in the patio, which was given over entirely to what nowadays would be termed an old-fashioned garden. A graveled path led from the entrance to the broad, arched colonnade of the long, low, single-storied adobe dwelling-house, in its progress flanking on each side a rude fountain built of granite cobble-stones and cement.

The patio was resplendent in variegated flowers which added their fragrance to the heavy perfume of lime and orange blossoms; athwart the front of the hacienda passion-flower vines and bougainvillea clambered; humming-birds flitted from flower to flower, and from the topmost bough of a tiny scrub-oak a Spanish mocking-bird was indulging himself in his not inconsiderable repertoire.

Dermod D'Arcy paused to gaze with approval upon the peaceful scene. From the cloistered shadows of the colonnade voices reached him, a girl's melodious laughter rising at intervals from the deeper diapason of masculine speech. Then the shuffle of many feet along the tiled floor warned him that the exodus to the dining-hall had commenced and with the feeling that he might appear to be lacking in courtesy by being tardy, he hastened up the path to the colonnade.

It was empty save for two people, Tomas Espinosa and a girl seated in a rope hammock. Tomas, standing before her, turned at the sound of D'Arcy's footsteps; immediately he hastened to meet him and present him to the girl.

"Señorita Josepha Guerrero, may I have the honor to present our guest, Señor Dermod D'Arcy?"

As D'Arcy bowed profoundly the girl nodded with a sort of birdlike toss of her head; her brown eyes roved coolly over him. Intuitively D'Arcy realized that gringos were not popular with Señorita Guerrero and his response to the introduction—"I am the señorita's debtor for her charity in permitting Don Tomas to present me to her"—sounded lame and trite in his own ears.

The girl's ivory-tinted face flushed faintly, for she sensed irony and resentment in the words and knew that the hostility in her heart had radiated to his. "Ah," she breathed. "So we have here, Tomas, an American who speaks Spanish in a manner not to shock one's ears."

A disarming smile beat out of D'Arcy's face the flush of his sudden embarrassment. "I am forgiven, perhaps, for being an American, señorita?"

"You are forgiven because you are an American who might be suspected of understanding our people."

They appraised each other in a single swift glance. What Señorita Guerrero saw was a young man who, in girth and stature, might have made two of Tomas Espinosa; indeed, had he been dressed in the prevailing mode of the Hispano-Californians, he might readily have passed for one of them—an illusion due to his black hair, dark brown eyes and reddish-brown complexion.

His head was large, his brow high and wide, denoting intelligence, and his eyes seemed a trifle heavy with their long black lashes, for they closed the tiniest bit, thus lending to his gaze a suggestion of sleepiness, of laziness, of a whimsicality that contrived, somehow, to be direct and fearless—belligerent almost. His mouth was generous, his teeth white, even and strong, his lower lip a bit too full and boyish for the firm, square chin and powerful jaws.

A pillar of a neck to hold up that head of a leader, wide shoulders, slim waist, broad hips and sturdy graceful legs marked him as one of gentle breeding, a man of whom might have been written:

So brave and bowld his bearin', bhoy,
Should ye meet him onward farin', bhoy,
In Lapland's snow,
Or Chile's glow,
Ye'd say: "What news from Erin, bhoy?"

He was the first of his race Señorita Guerrero had ever seen.

"You speak Spanish, señor, like a Spaniard. There is but the faint accent to denote that Spanish is not your mother tongue," the girl remarked.

"I studied Spanish and French in Trinity College, Dublin, señorita," he informed her. "A German taught me Spanish, an Irishman taught me French, and my nurse taught me Gaelic. A knowledge of foreign languages was always regarded by my father as an asset, for when other sources of income fail it may mean bread and butter."

"But you speak also the Mexican patois," the girl reminded him. She had caught him using the colloquial form of the noun "butter."

"Because I have observed that many Californians employ the patois," he admitted. "I was a soldier during the war between the United States and Mexico."

"Ah, a Yankee soldier," Señorita Guerrero murmured, and D'Arcy had a feeling

that matters between them were now at an impasse.

"One fights for one's country," Tomas murmured, in an effort to minimize the situation. "It was the fortune of war that our people were not the conquerors. In what branch of the American army did the señor have the honor to serve?"

"I was a captain of cavalry, Señor Espinosa."

Tomas was interested. "I marked the horse you rode today, señor. I said to my father: 'That horse is a horse!'"

"I would, for sport and a small stake, challenge the winner of the race tomorrow, señor," D'Arcy replied.

"Your horse would be beaten," the girl informed him with considerable finality. "No gringo's horse has ever beaten Kitty or Rey Del Mundo."

"You have the unusual experience, señorita, of knowing one gringo who does not brag."

Her nose went up a thousandth of an inch. "And you are prepared to bet on your horse?"

"All I possess—including the horse."

"But you have never seen our horses run!"

"True. And I have heard that they are the fleetest in California and run best at a mile. Nevertheless, I would take great pleasure in pitting my horse against either, provided the matter can be arranged."

"It can be arranged," the girl replied proudly. "Kitty is owned by my father. I will speak to him of your desires."

"Then," Tomas advised gaily, "the match is as good as made, for I shall speak to my father, who owns Rey Del Mundo."

D'Arcy bowed his thanks. "I shall have to trespass on your good nature, Don Tomas, and beg you to provide me with a capable boy to ride my horse. The race might be horse for horse, but if my opponent should not care to bet his horse I will be enabled to wager some gold."

"The wager will be what you please, señor."

"I am a poor man, señorita, but if desired I will race my horse for the pleasure of the guests here assembled—for the sport of a race. It would be a great pleasure," he added, turning to young Tomas, "if I might, without undue forwardness, contribute to the joy of this occasion."

Tomas was delighted. "I will ask you to await the bell for the second table, Señor D'Arcy. Our table will accommodate but thirty persons, and must be set thrice for our guests this evening. Meanwhile we enjoy ourselves, I trust."

From between his drowsy lids D'Arcy bent upon the girl, in the course of their

conversation, a scrutiny so casual that even she did not suspect his interest.

Like most women of her race she was small—five feet three, perhaps, wiry, dainty. Her thick black hair was parted in the middle and drawn tightly back above her ears to form at her nape a roll of such unusual proportions as to seem unwieldy. A high tortoise-shell comb, set with diamonds and rubies, crowned the small, perfect head with an air distinctly regal.

Her face was small and oval, her eyes large, brown, and alert as a frightened deer's, her nose thin, high, slightly aquiline, her mouth firm above a firm chin, her carmine lips forming a line of singular sweetness. Not a particularly beautiful face, he reflected, but good to gaze upon—the face of a woman of character; a face the memory of which might grow upon one, particularly when a smile illumined it, when for a brief space a rare beauty flamed.

Señorita Guerrero was dressed simply but with exquisite taste, and D'Arcy hazarded a guess that everything she wore had been imported from the City of Mexico. She was, undoubtedly, a pure-bred Castilian. Not a drop of native Indian blood in her, he decided, although even among the *gente de razón* one could often discern more than a hint of aboriginal ancestry.

He was roused from his reflections by the girl's voice. "You have ridden far, señor?"

"Very far—perhaps more than two thousand miles. I have been on the road many months, since I did not care to exhaust my horse by pressing him unduly!"

Her fine eyes seemed to gaze within him. "What seeks the señor in California?"

"Gold, señorita."

A faint grimace of disgust, of disappointment, passed over the girl's cameolike features. "He is a true gringo, Tomas," she told her companion. Then turning to D'Arcy: "And when you have found all the gold you desire—if that be possible for an American—what will you do?"

"I shall buy a rancho and build for myself an hacienda and dwell if I may in something of that peace which I have observed is the portion of the Hispano-Californians whose sweet hospitality I have had lavished upon me since entering California. What sane man would make of this paradise a market-place?"

A swift light flashed in the dark eyes; the girl sat up and her little hand fluttered instinctively toward him.

"Ah, you are not, then, greedy," she breathed. "You do not covet that which is ours."

"If the gold in the Sierra be yours, then I covet it."

"It is not ours, señor, nor do we bother ourselves to seek it."

"Then, señorita, I shall take my fortune from the wilderness."

"You are bound now for the Sierra?" He nodded. "Poor man! He seeks a chimera, Tomas. For my part you are welcome to California, Señor D'Arcy, since gold is all you seek. I do not like your Yankee traders," and she grimaced with mild disgust.

He was tempted for an instant to inform her that he was not a Yankee, but decided proudly that it was no affair of his to undertake an education of disillusionment, particularly with one who cherished illusions. "I'm glad I shall not see much of this young woman," he soliloquized. "Undoubtedly we'd quarrel if I remained here until the end of the fandango. One race with Pathfinder to reestablish my fortunes and I shall be off; but that race I must have, if only to show her a real race-horse."

At dinner he found himself seated far down the table from her and with a savage joy in his isolation forbore to glance at her until the moment when the gentlemen rose as the ladies left the table. Then his glance, encountered hers fixed steadily on him. He returned her gaze with bold admiration and thrilled to see her lids droop and a faint flush suffuse her old-ivory skin. Yet his bold brown eyes held her, forcing her to look at him again. And when she did, his glance was triumphant, his knowing little smile one of near-possession; he appeared to grant her an equal partnership in the possession of a valuable secret—and her eyes told him she despised him for it.

# *Chapter Three*

In a grove of black oaks a short distance from the Espinosa hacienda a platform had been erected for dancing. Lanterns burning candles or whale-oil illumined the dance-floor dimly, and an orchestra composed of an accordion, a violin and two guitars was rendering a waltz when Dermod D'Arcy, escorted by Tomas, strolled over after dinner.

Señorita Guerrero was not seated among the women on the line of benches that flanked the dance-floor on all four sides, and D'Arcy wondered, with a faint feeling of disappointment, if she had retired for the night. Don Carlos Montalvo, Don Emilio, and Don José Guerrero were seated at a small table under an adjacent tree, sipping liqueurs, when Tomas brought D'Arcy over and presented him to Don José, who proved to be a stout, jovial man of fair complexion and not so much inclined to the flowery, ultra-polite mode of conversation practiced by the others.

"Hah! So this is our young American who would race his horse against ours for sport, Emilio. Well, that is the proper spirit. Sit down, my friend, and Emilio will see that you are served a liqueur." He made D'Arcy welcome with a paternal thump on the back, and it was evident to the latter that he was indebted to Carlos Montalvo for this gracious reception.

Don José glanced at his host. "Well, Emilio, to business. What say you to this young man's proposal?"

Don Emilio shrugged carelessly. He had faith in Rey Del Mundo; even if he had not, it would have been beneath his dignity to express a doubt in the matter. "Don Dermod's horse has traveled far and will be the better for a day of rest. He is even now receiving the same careful attention as Rey Del Mundo. Carlos tells me this horse Pathfinder has had grain for the past month and is fit for a race. I dare say, José, neither you nor I would care to race our horses twice in the same day."

"It would be fairer to all concerned if we accepted Don Dermod's challenge to race the day after tomorrow. For my part, however, a race is a race and my horse never runs for sport. There will be a wager, no?".

D'Arcy bowed. "I have five hundred dollars and I will wager also my horse against yours or Don Emilio's."

Don José pretended to be skeptical. "Is your horse, then, of equal value with my Kitty?"

"Ask Don Carlos," D'Arcy suggested.

"A better horse, I think," Don Carlos replied promptly. "I shall wager heavily

upon Pathfinder."

"Blood of the devil! Emilio, let us first look at this gringo's horse. When you have finished your liqueurs, gentlemen, we will gaze upon this prodigy."

Ten minutes later a servant led Pathfinder into the light of the lanterns on the dance platform, and trotted him backward and forward to demonstrate his action.

"Too heavy," Don José decided. "I accept the challenge."

"I also accept, Señor D'Arcy," Don Emilio added.

Thus lightly was the matter decided, and not a moment too soon, for the sound of castanets called their attention to the dance platform.

"Ah," said Don José pridefully, "my daughter is dancing."

With the others D'Arcy crowded to the platform, in the center of which Josepha Guerrero stood, poised, snapping the castanets while the fiddler put resin on his bow. She seemed like a bird ready for flight. Then the orchestra swung into an old, old tune, jaunty, lilting—and D'Arcy saw the girl's dainty foot tap the floor before her lithe little body dipped in the formal curtsy preliminary to the dance.

"Your daughter is as radiant as a star, Don José," D'Arcy murmured, lost in admiration as the bright figure stamped and whirled around the dance-floor. "I have seen dancers in the City of Mexico, but none to compare with her."

"True words," Don José replied complacently, "but you should have seen her mother dance, my boy."

Intuitively D'Arcy gleaned the impression that Josepha's mother was dead. In the dim light the girl's black and silver dress flashed as with dainty twists she drew her shawl now about her shoulders, now about her waist, the while her red, high-heeled slippers spurned the rough boards with a tap, tap, tap in unison with the castanets.

Suddenly Tomas Espinosa appeared upon the floor, a vivid, whirling form dancing with an equal grace, an equal agility. The orchestra doubled the time, and without visible effort the dancers met the challenge; amidst universal applause and hearty shouts of approbation, Tomas led the girl to her seat as the music ceased.

D'Arcy felt a hand on his elbow. Carlos Montalvo was beside him. "You have too many eyes, my friend," he whispered. "Let Tomas see but one of them and—"

"Egad, if a cat may look at a king, may not the same cat gaze upon a queen, Señor Montalvo? What a glorious girl! In all my life I have never seen one so lovely, so vital. What a mate for a man!"

Montalvo smiled paternally. "You are precipitate, my young friend."

"Tell me, Don Carlos, is Señorita Guerrero the promised wife of young Tomas?"

"The engagement has not been announced, but it is generally understood that

both Don José and Don Emilio desire the union, and in such matters our children usually yield to parental pressure. In all probability the matter will be arranged during the visit of the Guerreros here."

"I am an unlucky dog," Dermod D'Arcy murmured whimsically.

"You are, unfortunately, a gringo, and no gringo has yet found favor with Josepha Guerrero."

"Hum-m-m!" D'Arcy's retort was skepticism raised to the nth degree. Then he remembered the present unenviable state of his fortunes. He was a man with five hundred dollars, a horse, saddle and bridle, two pack-mules, and no definite objective in life. The sky was his only shelter.

"You are right, Don Carlos. Well, when my horse has run his race the day after tomorrow I shall say good-by and proceed north. Should I linger I might be tempted to become a mischief-maker. Meanwhile I think I shall retire. Good night."

"Good night, boy," the don answered kindly.

D'Arcy was up early, looking after Pathfinder; he had a seat at the first table for breakfast and thereafter wandered around the hacienda, being careful to avoid meeting Josepha Guerrero. He had not passed a very restful night, since for hours he had lain awake visualizing that radiant figure.

To gay amours he was far from being a stranger; he told himself that the shock of his meeting with this Hispano-Californian girl was largely due to the fact that it had been long since his eyes had been gladdened by the sight of a pretty woman. He tried to analyze his emotions. Why, he asked himself, had he not felt this strange, ecstatic thrill that possessed him now—a thrill that was akin to pain—when Tomas first introduced him to her? Why had he not experienced it at dinner?

He had thought then to indulge in a little guarded flirtation, and this out of a sense of sheer deviltry; through the medium of a glance and a tiny smile he had, he thought, conveyed to her some hint of his impish purpose and, for his pains and to his secret contentment, had drawn a single fleeting look of cool dislike.

It must be that his defeat had come in that instant when, catching sight of his dark head towering above the Hispano-Californians at the edge of the dance platform, she had looked at him again and shaken her castanets in a manner that suggested she would prefer to be shaking him in the same casual manner.

Then young Tomas, following the dictates of his ardent nature, had crushed through the crowd to dance with her, and the fervor of her dancing had, it seemed to D'Arcy, abated a little, but only momentarily; then, as they circled each other, the girl's eyes had again sought D'Arcy's, and in them then he had read a mute despair, a dumb pleading, a peculiar wistfulness.

Ah, what lambent eyes she had! In the dim light of the hurricane lamps hung overhead they had glowed suddenly with a profound emotion; the next instant she had stretched forth her dainty arm to Tomas—and in the wild heart of Dermod D'Arcy the miracle had happened. He who had come to scoff remained to pray.

"I'm damned if I'll fall in love with her," he told himself, "because that would be disastrous. A fool I am, but not that great a fool. I'm not her kind, nor is she mine. I'm as alien to her as an Arab. Had I the fortune of Omar to lay at her feet I would but demean myself by seeking her favor. Dermod, you ass, you're going to the gold-fields and forget this silly business in hard work. You'll forget it, you fool. D'ye hear me? You'll forget it!"

The race between Rey Del Mundo and Kitty was run just before noon, in order that the assembled guests might immediately thereafter partake of the barbecue furnished by Don Emilio. The mare won by six open lengths, yet, watching her as the Indian boy who rode her flailed her to her best speed and passed Rey Del Mundo, D'Arcy knew she was commonplace, that she would begin to fail at the three-quarter pole, that to Pathfinder she would prove an easy opponent.

Don Emilio did his best to accept defeat gaily, but D'Arcy noticed that for that day, at least, the joy had gone out of his life. "'Tis the way of a Latin," he told himself. "Good winners but bad losers. Well, tomorrow I'll take a tuck out of Don José Guerrero and see how he bears up under it."

During the progress of the barbecue he met Josepha Guerrero twice, but each time she bowed slightly and passed on. D'Arcy observed that Tomas Espinosa was always in her train, and found difficulty in throttling a growing dislike for the boy. "Can't he see he's making a nuisance of himself?" he growled under his breath. "There's no repression to these people. They have too much emotion to conceal any of it."

He was anxious to be on the road again. He was weary of idle discussion, empty compliments, perfervid phrases, badly barbecued beef, new wine, and string music. He wanted a girl to flirt with, to banter, to make love to after the fashion of his impulsive kind, but haggard duennas with overpowdered faces blocked his aspirations at every turn. He was treated with the utmost civility but little cordiality, and he had no interest in the conversational subjects which interested these people. They were childlike, impractical—dreamers all.

The Americans present—D'Arcy had a feeling that they had come to the hacienda uninvited—were not men he cared to fraternize with. Many of them drank of the new red wine to excess and slept their potations off, open-mouthed and fly-ridden, under the oak-trees; some of them fought and had to be separated by force

and disarmed. They were the riffraff of the American invasion, and apparently not a little proud of it. D'Arcy marveled that Don Emilio did not muster his friends and retainers and drive them forth with staves laid to their hulking backs.

Don Carlos Montalvo it was who decided upon a rider for Pathfinder—an intelligent, slender boy, son of his own majordomo; the lad had ridden up from San Miguel for this very purpose. Racing saddles were unknown in California then, and bareback riding was the order of the day. D'Arcy, however, elected to employ a saddle-blanket, held in place by a surcingle, and on the following morning when his horse went to the start his sole instruction to the boy was to make the pace and never slacken until the finish.

Josepha Guerrero sat with her father in the rear seat of the open carriage in which she had journeyed from the Rancho Arroyo Chico, nearly four hundred miles to the north. As the carriage was parked just opposite the finish line, D'Arcy strolled over to pay his respects to her and her father and from the same point of vantage watch his horse come thundering in to victory.

He had scarcely reached the side of the carriage, however, when a shout from the crowd informed him that the race was on. Deliberately he turned his back on the course and loaded his pipe.

"Ah," the girl said softly, "our American realizes that he is doomed to defeat. He has not the desire to watch the race."

"You are mistaken," he answered quietly. "I have a greater desire to watch Señorita Guerrero's face when, for the first time, she sees a real race-horse. My horse will win, señorita. I do not need to watch the race. For me it is already run."

"Brave words," she answered—and stood up to gaze over the heads of the crowd. The thudding of hoofs came faintly to D'Arcy's ears, growing louder and louder—a triumphant shriek from a rider and a shower of gray dust—and the race had been run.

"Tell me, señorita," D'Arcy spoke softly. "Was not the winner the brown horse—judged much too large and clumsy to contend with the pride of Arroyo Chico?"

Josepha's face flushed, her eyes gleamed angrily. "You have won, señor—by a dozen lengths. You own a truly great horse. I felicitate you. But—you brag!"

Don José stared open-mouthed into space. "Santa María la Purísima!" he growled deep in his throat. "Kitty has failed me."

Don Carlos Montalvo approached and prodded Don José in the ribs. "Eh, my friend? Did I not assure you the horse was not too big for great speed?" He chuckled good-naturedly. "I am a fortunate man. Yesterday, José, you won five thousand three-year-old steers from Emilio. Today I win those steers from you. If

you will be good enough to instruct Emilio to deliver them to my rancho I will say that this has been a most excellent horse-race and one long to be remembered."

Don José crushed Montalvo's conical hat down on his head. "Son of ten thousand foxes! You were right, Carlos. Well, I have lost the best horse that was in California until this gringo came. And I have also lost to him five hundred dollars in gold. Señor D'Arcy!" D'Arcy looked up and caught the buckskin bag Don José tossed gaily to him. "I congratulate you, señor," he added manfully.

"Good old sport!" thought D'Arcy. "He's more amazed than shocked."

The youth who had ridden Kitty led her over and, at a sign from Don José, laid the bridle-reins in D'Arcy's hand.

"Don José," D'Arcy said, "Kitty is not bred in the purple. She has a strain of cold blood in her—a very little strain, 'tis true, but—a strain. She is not a race-horse, but a very beautiful mare for a beautiful lady to ride. With your permission, Don José, I present her to your daughter." And he passed the reins up to Josepha.

"No, no," the girl protested. "There are gentlemen here who will gladly give you two thousand dollars for Kitty."

"There are occasions, señorita, when it pleases me to remember that there are other things in life more important than gold. Moreover, where I go there is gold to be had for the taking. *Adios*, señorita. *Adios*, Don José."

He raised his hat and strode resolutely away. His mules were already packed, and when Pathfinder had been cooled out and wiped, Dermod D'Arcy saddled him, said farewell to his host and Carlos Montalvo and, amidst the cheers of the assembled guests, rode down the palm-lined avenue. To his surprise he found Josepha Guerrero standing at the foot of it, the omni-present Tomas at her side.

"I take the mare for my father's sake, señor," she cried to him sharply. "He would be lost without her."

"I gave her to you—for your father's sake," he shot back at her. "Thank you ten thousand times for accepting her. Your father is a good sport and a true gentleman."

Their glances met and there was a faint film of emotion in her eyes. "Señor D'Arcy will never lack a welcome at the Rancho Arroyo Chico."

"I thank you, señorita, but I think we shall not meet again. *Adios. Adios*, Tomas."

The girl removed a red rose from her corsage, kissed it and tossed it to him. He caught it deftly, caught, too, the low benediction: "*Vaya usted con Dios.*"

Then he wheeled Pathfinder; herding Shawneen and Michael before him, he headed north to the new El Dorado to seek his fortune in the wilderness.

And he did not look back.

# *Chapter Four*

For two reasons Dermod D'Arcy had found it expedient to refrain from joining the early rush to the placer-diggings. One was the necessity for rest and recuperation for himself and his animals, following their long trek overland; the other was lack of capital.

His training as a soldier in the war between the United States and Mexico had taught him that it is fatal to embark upon a campaign without taking into consideration the requirements of equipment, rations, bases of supply, transport and intelligence; and during the month he had been the guest of Carlos Montalvo he had been much impressed, in view of all he could learn of conditions in Alta California, with the necessity for proceeding cautiously in the campaign for gold upon which he had decided to embark.

Day after day men en route to the placers had rested for the night at the Montalvo rancho, and although D'Arcy had questioned these men closely, his inquiries elicited no information likely to be of much benefit to him. He discovered that of even the crudest methods of placer-mining one and all were ignorant. Nor did they have in mind a definite objective.

The report that gold had been found in the American River at Coloma appeared to be substantially authenticated, but beyond the pertinent fact no other information had seeped into the southern part of the territory. It was assumed, however, that if gold had been found in the bed of one stream it could be found in the beds of all streams.

As they progressed north the gold-seekers confidently expected to obtain definite information; also mining equipment, of which at present they had none. Food, picks, shovels, spades, and other necessary tools they planned to purchase in San Francisco; the problem of transport was one which, seemingly, they were content to leave in the laps of the gods. Seemingly too the magic word *gold* had robbed them of reason; they were concerned solely with getting on the ground; thereafter they would decide what to do and D'Arcy gathered that in some vague, inchoate manner Providence was expected to arrange all things pleasantly thereafter.

As he fared up El Camino Real, D'Arcy resolutely retracted his thoughts from Josepha Guerrero and centered them upon the problem of his future. Thanks to his pleasant sojourn at the Montalvo rancho he had gained in weight; he was rested; once more he felt himself fit to essay arduous enterprises. His stock, too, was fit.

In the horse-race run that morning he had staked his all upon Pathfinder, and

because the noble animal had not failed him, he found himself now with a cash capital of one thousand dollars. In Pathfinder, Shawneen, and Michael he had transport to the diggings, provided no untoward accident befell them. All that worried him was the problem of rations and mining equipment, and in anticipation of being able to purchase both in San Francisco, he was content to await the crossing of that bridge until he came to it.

Nevertheless, he was worried. His common sense told him that since hitherto no extraordinary demand for mining equipment, wagons, pack-animals and pack-saddles, boats and portable foodstuffs had developed in California, the recent sudden demand must have denuded the dealers of their stocks and in consequence the market would be bare until the arrival of new goods ordered from the East. Also, prices had undoubtedly risen to unprecedented heights.

He pondered his predicament, and eventually decided that since a large majority of the adventurers en route to the placers had little capital, being adventurers all, a man with one thousand dollars might reasonably hope to secure what he sought, even in a bare market, provided he cared to pay the price. Indeed, it had been an earlier consideration of this problem that had decided him to take his time and condition Pathfinder for the race at San Juan Bautista, since in that race lay his sole hope of augmenting his fortunes to the point where, with thrift and sound judgment, he might hope to survive in this helter-skelter rush.

Don Carlos, too, had given him much sound advice. The don had reminded him that the wise gold-seeker would make careful preparations if he would winter in the Sierra foot-hills, and hazarded the guess that inadequate shelter, cold, and starvation would be the portion of many a hare-brained hopeful.

"This adventure will be a great deal like that which confronted settlers from the Atlantic seaboard when they moved to Kentucky and Tennessee," D'Arcy soliloquized. "Their first consideration was the erection of a habitation; their next, the clearing of land whereupon to raise foodstuffs. Thereafter they tempted fortune. Food purchased in San Francisco and transported to the Sierras for resale will be extraordinarily dear, because of the lack of adequate transport and a demand far in excess of the supply. Dermod, my boy, what you require is six more pack-mules!"

He stopped that night at the ranch of John Gilroy, who had settled in California in 1814. From Gilroy he purchased six good mules, broken to pack, paying therefor fifteen dollars each. The ranch saddle-maker made his pack-saddles and kyacks of cowhide and D'Arcy waited a week for them. Here, also, he engaged a half-breed Indian to accompany him and help care for the stock, the native supplying his own mount. Then with a light heart he proceeded to the pueblo of San José.

Here his earlier apprehensions were found to have been justified. Dealers in foodstuffs and hardware had naught but empty shelves to show him. In San José, however, he was fortunate enough to secure definite information as to the best route to travel in order to reach Sutter's Fort at the junction of the Sacramento and American rivers, this being the base of supplies and point of departure for all points in Alta California.

Two days later he was in San Francisco and camped for the night in a field near Mission Dolores. In the morning, leaving his servant Francisco in charge of the mules, he rode into town.

He found the hamlet of San Francisco—for it was little more—almost deserted, while those who remained were desirous of disposing of their inhibiting businesses as fast as possible and following the gold-rush. In the harbor a half-dozen ships swung at anchor, some entirely deserted but the majority with a loyal captain aboard, hoping against hope that the man-power of San Francisco would soon return from the gold-fields, hungry and disillusioned, and discharge the cargoes. D'Arcy learned too that fully fifty percent of the garrison at the Presidio had deserted, and that provost-guards sent to bring back the deserters had themselves deserted. Food was purchasable, albeit at extravagant prices, but hardware of any kind was unobtainable.

In a *cantina* near Portsmouth Square D'Arcy met the saddest citizen of San Francisco. He was seated at a table in a corner moodily playing solitaire, when D'Arcy breasted the bar.

"Hello there, friend," the latter saluted him. "Have a drink?"

"I suppose I ought to help you out," the sorrowful one replied without enthusiasm. "A feller can't drink alone, can he?"

"It isn't done in the best social circles," D'Arcy admitted.

"I shouldn't do this," the other complained. "When a feller's low in sperrits he'd ought to stay away from the danged stuff, or first thing he knows he gits to dippin' his nose in too deep." He leaned across the bar and surveyed the bartender with a morose eye. "A little cookin' whisky, Jim." Then turning to D'Arcy: "You're a recent arrival, ain't you? Well, you've sure come to a dead town."

"My name's D'Arcy," his host volunteered. Beneath the melancholy of the other he discerned a broad streak of homely, honest philosophy, good nature, and whimsicality. Here, he reasoned, was a man who would talk—one who evidently had time to talk. It occurred to D'Arcy that this man might be able to lead him to some picks and shovels.

"I'm B. Jabez Harmon. I'm the jailer in the local calaboose," the melancholy one

countered, not to be outdone in friendliness.

"Is that why you feel so downhearted, Mr. Harmon?"

"Call me Bejabers. Most folks call me that. I'm the joke of the town. Yes, bein' jailer is what hangs the crape on B. Jabez Harmon. Here I am, wild to pull out for the gold-fields—and I can't go."

"Why? Lack of capital?"

"No. Too much conscience. The sheriff, who's my superior officer, pulled out for the Sierra three weeks ago and left me in sole charge. The magistrate, the *alcalde* and most of the city council went with him, and I can't resign because there's nobody to resign to. There's no city government functionin' and I have eight human jackdaws in my bird-cage and don't know what to do with them. I can't quit my post until properly relieved. Grub's runnin' short at my jail, prices are sky-high and I don't know where to get any more, even if I could afford to buy more—which I can't. I'll be danged if I'll put up my own money to feed those prisoners, and yet I ain't got the heart to let 'em starve to death. Besides, they've all been in jail close to two months now; they're entitled to a speedy trial and they can't get it. 'Tain't right."

"I should imagine that imprisonment without trial is unconstitutional. Have they been indicted?"

"Nary indictment. Three of 'em is accused of hoss stealin', two killed their men in street duels, one's accused o' bigamy and two are runaway sailors and could be returned to their ship if the dog-goned captain hadn't deserted her and gone to the Sierra." He sipped his cooking whisky sadly. "Did you ever hear of a feller in my fix before?"

D'Arcy laughingly assured Bejabers that he never had. "Have you been paid recently?" he added.

"I'm three months behind. City treasurer's flew the coop, too."

"In that event I should say you are entitled to fly the coop also. In all probability, should your prisoners ever come to trial, they will be acquitted, because their accusers will not be present in court. Can you imagine a man leaving a fortune to come to San Francisco to testify against somebody who stole a five-dollar cayuse?"

"By the holy poker, I never thought of that. You reckon, Mr. D'Arcy, folks won't criticize me and call me a faithless public servant if I turn them fellers loose, lock up the jail and drift?"

"In my opinion, when a municipality fails to pay its faithful servants the wages due them and long overdue, that servant is justified in leaving the employ of the municipality without notice—particularly when there is no one to whom he may give notice."

The light of a new hope commenced to dawn in the dolorous countenance of Bejabers Harmon. "By the Lord, I'm glad I met you, Mr. D'Arcy. Shows what a mistake it is for a feller to decline to drink with strangers. You're sure a comfort to me, boy. Got any more bright suggestions?"

"Any number of them. What do your prisoners do for exercise?"

"Well, up until the last rain I been workin' 'em on the streets, scraping the mud off down to hard-pan, makin' sidewalks out of sand-bags, doin' a little quarryin' over to Telegraph Hill—"

"Have you got picks, spades, and shovels in your charge?"

"Two dozen of each."

"What else have you got? I mean in the way of hardware?"

"A lot of plain buildin' tools, handcuffs, leg-irons, chains—oh, a hell of a lot of stuff, including ammunition, pistols, knives, shotguns, and rifles. It's a pretty good jail, if I do say so."

"You are entitled to appropriate all of that property which we require in our business. You can leave a receipt for it in the sheriff's office with instructions to the sheriff to deduct the value of it from your overdue wages as jailer."

"What you aimin' at, man? A partnership?"

"I'm headed for the diggings, but I haven't gone hog-wild about gold, and I intend to arrive there with the necessary equipment, including food. I've purchased the food—more than I will require, in fact. But I cannot buy mining equipment for love or money. Now, the thought has just occurred to me that a good, honest, conscientious partner would be a distinct asset. I'm willing to finance the expedition provided you furnish the mining equipment and the labor."

"I'm busted, mister. I couldn't pay wages to nobody."

"It is not my intention to have you pay them. Come, Bejabers, me lad, use your head. Furnish the labor. You have eight prisoners. When you join fortunes with me, take your prisoners with you. I am sure they would much prefer to be with us than in jail, and as they have no capital and are doubtless fairly mad to join the gold-rush, the prospect of securing a good job when they get there will appeal to every man Jack of them. At least they will be assured they will not starve to death, and they will, of course, realize with gratitude that their troubles with the law are at an end."

"What's your first name, boy?"

"Dermod."

"Dermod, it's a go. Put her there, pardner."

They sealed their partnership after the ancient frontier fashion and cemented the union in another drink, after which they sat down at the table to draw up a list of

their requirements.

"There's a good team of horses in the jail stable," Bejabers confided, "and a good strong covered spring wagon that we use as a combination ambulance and black Maria. We can load our truck in that. I reckon the team and the black Maria will overdraw my credit with the city, but if a feller's goin' to help himself to a dollar's worth of goods from the city he might as well stretch his credit limit as not."

"Bejabers, you're the shadow of a rock in a weary land. One of your prisoners will drive the team, and another will sit on the seat beside him. The other six can ride my mules. I have eight. That will leave two mules to pack cargo, and the Black Maria will accommodate the remainder. We must find some saddles."

Bejabers scratched his ingenious head, and the last vestige of gloom departed his countenance. "Pendin' proof of the ownership of them horses alleged to have been stole by my three hoss thieves, the evidence, consistin' of three mustangs, saddles and bridles, has been reposin' in the jail stable. Reckon the fellers preferrin' the charges sort o' got the gold-fever after preferrin' 'em, and concluded not to have their movements hobbled and their time wasted by havin' to appear in court to prosecute the accused.

"Consequently, I hereby declare said evidence forfeited to the city and county on account of the unpaid feed bill, and I hereby commandeer 'em from the city and county in lieu of the wages I might earn if I stayed on my job as jailer, which it may be years before the city government discovers I've quit, and for all the city'll know my wages will be runnin' right along! Dermod, this evidence just naturally gets lost in the shuffle."

"On behalf of our partnership, Bejabers, I accept the sacrifice in the spirit in which it is offered. Select the best horse for yourself. Well, now, you, I, my servant, a Californian named Francisco, and three horse thieves are mounted on horses. The two murderers and the bigamist for their sins shall ride the mules, with a blanket and surcingle until I can pick up saddles for them at some rancho along the line of march. The two sailors shall command the wagon-train, and we will have five pack-mules. I must buy more food and a great deal of blankets and bedding to load them."

"Add a few cases of whisky," Bejabers suggested. "Not that we're drunkards, but in case of sickness, cold, or snake-bite. I'll rob the jail kitchen of cookin' utensils and table equipment, arm my prisoners, and from the jail dispensary I'll take a few simple medicaments. We'd ought to lay in a supply of rough clothing for our labor."

"I doubt the wisdom of arming your prisoners, Bejabers."

"I do not. They'll not shoot us. I've hearn tell of a rough element at the diggin's, doin' claim jumpin' and sluice robbin' and the like. Such fellers steer clear of a

sizable, well-armed party. And once we locate a gulch and start pilin' up the *dinero*, we'll come durn close to rulin' our own roost. Me, I'm for law and order every time."

"There would be considerable social disorganization at the diggings, of course," D'Arcy replied thoughtfully. "Not so much now, perhaps, because there is undoubtedly room for everybody to operate; but when the *big* rush comes—when the adventurers from every land come pouring in—then we shall see the depths to which greed and the lack of law can reduce humankind. Bejabers, tell me about yourself."

"Not much to tell, Dermod. If you was to run the Harmon family history down clear back to antiquity you'd find they've all been smiths. Like father, like son. I was a smith, too, back in Providence, Rhode Island. One day when I was hammerin' a hot iron on an anvil I says to myself: 'Am I doomed to do this all my days?' I waited a bit for the answer and, sure enough, it was just what I suspected it was goin' to be: 'Not by a long shot. Let's have a change.' So I hove the iron I was heatin' into a tub of water, took off my leather apron, said good-by to the old folks and went and joined up with the Marine Corps to see the world.

"I was twelve years in the Marines, goin' hither and yon.

"I come out here with Commodore Sloat, and the day he raised the American flag over Monterey my enlistment expired, so I concluded to go ashore and stay there. Yes, you've guessed it. I did blacksmithin' until here about a year ago when I got this job as jailer. I suppose they figgered an old sergeant of Marines would know how to discipline the prisoners, or mebbe 'twas because nobody else was fool enough to ask for the job. Tell me about yourself, Dermod."

"I'm Irish, twenty-eight years old. I'm a graduate of Trinity College, Dublin. I'm supposed to have a grand education, Bejabers, but one not likely to prove of practical use to me, I fear, unless I elected to live the life of an Irish county gentleman, riding to hounds, breeding horses, entertaining the county gentry and prodding my solicitor to keep the rents collected. I love Ireland and I hated the system of government there, so I mixed in politics—that is, I was guilty of treason, according to the English idea. My father was Anglo-Irish, but my mother was Celtic Irish—old, old stock. I fear I disgraced my father.

"My mother gave me two thousand pounds and got me aboard a ship bound for America. Like you, Bejabers, I wanted to see the world; I did not wish to live as my forefathers had lived—and I liked fighting. So I entered the United States cavalry and fought in the Mexican War, rising to a captaincy. After my discharge I decided to come to California, so I joined an emigrant train at Springfield, Illinois. In the army

I'd learned to be an expert packer and to put my dependence on mules; so my worldly goods I packed on two good mules, bought a Kentucky thoroughbred, and rode with the wagon-train.

"There was a captain of that train, a man named Henry Gould. He had a wife and four children, the oldest, a girl named Lizzie, being by a former wife. Lizzie was a red-headed, freckle-faced, green-eyed wench of eighteen who cast sheep's-eyes at me from the day we started. I doubt if she could read or write. A big, lumpy slattern she was and a great annoyance to me, Bejabers, for I could ill bear the slut.

"Owing to the fact that my mules far outstripped the oxen on the day's march, it became my habit to ride ahead, select the camp-site for the night and—since 'twas my delight—to kill game for the others. Well, Bejabers, the girl Lizzie rode a horse—bestrode the beast as a man would, for she'd no sense of modesty—and, uninvited, she chose to ride on ahead with me one day. I asked her not to, for the sake of appearances, but 'tis little she cared for appearances, so, seeing I could not reason with her, I told her plainly she was of no interest whatever to me and there was an end to it.

"I should have known better, Bejabers. Of course I offended the woman. She turned her green eyes on me and them all ablaze with the anger of the woman scorned. 'Very well, you fine gentleman,' she replied, and rode back to the wagon-train.

"In the morning her father waited on me and accused me of attempting to philander with his daughter. I laughed at the fool and brushed him out of my way. 'Keep your girl in the wagon where she belongs, Gould,' I told him, 'and she'll be in no danger from any man. Meanwhile, I tell you plainly, Lizzie lies.'

"He pulled his pistol and shot me twice—once in the right arm and once through the right shoulder—which was a mistake, because I'm a left-handed man! If he'd had brains he would have observed that I wore my holster on my left hip. He snapped the pistol twice more, but his percussion-caps must have been wet or else were too old, for the pistol failed him, and while he was snapping it I shot him through the right wrist and he dropped his weapon.

"'Now, then, you blackguard,' says I, ''tis only the thought of your helpless wife and small children that kept me from putting that bullet through your thick head.'

"'Twas not until I was wounded that I discovered how thoroughly I was disliked. There were women in that wagon-train that would have dressed my wounds, but their men would not permit it."

"You were not their kind," Bejabers suggested. "They knew you were superior to them—mebbe you didn't trouble to hide the fact that you knew you were—and

besides, you were a furriner."

D'Arcy smiled sadly. "They held a meeting and banished me from the wagon-train. We'd crossed the Platte by that time. I was too weak from loss of blood to protest, and in the belief that I would die, they took my outfit with them."

"The skunks! Dermod, it's a mistake to consider others. You'd ought to have killed that man Gould. The families of men like that aren't any better off with the feller dead than they be with him livin'."

"That would not have improved my situation, Bejabers. Remember, I had been wounded twice before I shot and disarmed him. He was a rough, uncouth man, an uneducated frontiersman. Likewise his fellows."

"We may run into some of them one of these days," Bejabers murmured a trifle wistfully. "Well, what did you do when they abandoned you?"

"I was picked up three hours later by a party of Sioux hunters. There was a white man with them, a chap who had married into the tribe. He dressed my wounds, Indian-fashion, and they carried me with them in a rude stretcher swung between two ponies. When we caught up with the emigrant train the following day this white man—I never knew his name—gave Gould the alternative of returning my mules, horse, firearms, and equipment or of being attacked."

"The good old renegade! What followed?"

"I remained with the Indians nearly two months, and paid my way with goods far more precious to the Indians than money. The best mares of the chief and subchiefs will have dropped a number of half-thoroughbred foals by now. When I was recovered they gave me an escort to the Mormon settlement on Great Salt Lake and I wintered there; in the spring I pushed on alone. I had a crude map secured from a member of the Mormon Battalion, who had returned from California last summer, and I had no difficulty finding my way, since all the prominent landmarks were clearly indicated and described. I met a few Indians but they did not bother me."

D'Arcy then proceeded to relate his experiences since entering the territory of California, while Bejabers nodded interestedly but made no comment until D'Arcy had concluded his recital.

"I'm glad you're a gentleman, Dermod, and glad you've been an officer in the service of the United States. I can understand your kind." He smiled. "Used to workin' with 'em. I'm a plain man myself, but none o' the Harmons have been in jail that I know of, exceptin' me, and I reckon I've disgraced the family by bein' a jailer. Well, supposin' we go up to my calaboose and interview my prisoners."

# *Chapter Five*

When Dermod D'Arcy left the hacienda of Don Emilio Espinosa and rode north, two people watched with mixed feelings the departure of this strangest of all strange gringos. Josepha Guerrero hoped against hope that he would look back, and when he did not—when a dip in the plain hid him forever—a little pang of disappointment stabbed her. She had wanted so much to wish him a secondary farewell—only a wave of the hand; perhaps, she reflected, had he looked back and seen her standing where they had parted, it might have occurred to him that she understood him better now and regretted his passing.

Tomas rolled and tranquilly smoked a cigarette, waiting for the girl to say something. He had been greatly attracted to D'Arcy until, the gift of the mare Kitty having been made, he had seen in Josepha's eyes a glow that had never been in them when she looked at him. Pride, gratitude, alert interest, the gladness of a new and interesting discovery, profound friendliness—all these Tomas saw, and the sight did not sit well on his temperamental soul; consequently he was secretly pleased to see the fine, straight back of this wanderer for the last time.

"Well?" he murmured lazily, in response to a stifled sigh from Josepha.

"He is gone?" the girl murmured, as if she almost doubted the evidence of her own eyes.

Tomas nodded, a trifle sulkily. "He came for gold; he won it; he has departed, since there are no more races to be won by that great horse he rides. He is not at home with our people, this restless, daring one."

"And yet," she retorted, "I think our people could always feel at home with him. There can be no doubt, Tomas, that he is a gentleman."

"It may be, Josepha, that he has associated with gentlemen in his time. We know not who or what he is. Often a valet has good manners."

Josepha turned upon the boy eyes of slumbering fire. "You are not usually so unkind, Tomas. Señor D'Arcy is a gentleman in his own right, and likewise a man of the world. And I would," she added, with sudden feminine malevolence, knowing she could hurt him thus, "that this gringo had remained longer with us, that we might know him better."

"He has remained too long," Tomas retorted bitterly. "Already you were half in love with him."

She shrugged this away. "He is different. No dandy, he, to whisper soft nothings to a woman, no coward to bend his manly pride to the thrusts of a woman's tongue.

Yes, it is true I liked him, Tomas. There is about that man a touch of the devil. He has in his saddle-bags a thousand dollars in gold; before the eyes of the wastrels of his own race he placed it there. He must know he is a temptation to robbers, yet he rides alone, indifferent. It must be that our gringo has much faith in himself."

"The fires of hell consume him!" Tomas cried angrily. "Come, let us return to the house."

"I will return alone, Tomas. In your present mood you are not pleasing to me, nor am I accustomed to obeying commands. You are jealous."

"I cannot help it. Do I not love you, Josepha? Are we not as good as engaged? Why, then, should I not resent your interest in this foreigner?"

"We are not engaged, nor shall we, I think, be engaged, even though our fathers desire it. I would have for my husband a man, not a petulant boy."

He took possession, a bit forcibly, of her dainty hand and carried it to his lips. "Forgive me, dear one," he begged, and tears of chagrin and misery started to his eyes.

She turned from him with a tiny gesture of disgust. "Please leave me, Tomas. I am in no mood for argument now. Tonight, perhaps——"

He swept his hat in the dust at her feet and left her with what dignity he could muster.

"A boy," she thought. "He is like all the others. Where women are concerned he will never grow up. Just now he begged my pardon because he thought he had affronted me a very little. Blood of the devil! Why can he not realize that I would have thought much more of him had he reserved his apology? Señor D'Arcy would not have permitted me to know what *he* felt in similar circumstances. He would have fenced with me, given me thrust for thrust, but never, I think, would he have permitted me to know that I was of interest to him.

"Yes, of a certainty that young man is a new note in life. And he is handsome. God of my soul, he is handsome. A great, strong fellow, careless of all things, he travels down the world, and some day he will take that world by the throat and tear from it that which he desires. How gracious of him to decline to take my father's horse! A man of great delicacy, he would not affront my father by declining the bet he won, nor would he be so gross as to sell the mare immediately. No, he presented her to me—for my father's sake. Would that Tomas could be so magnanimous!"

She followed tardily on the heels of Tomas, and in the colonnade of the hacienda found Don Carlos Montalvo meditatively smoking a cigar. He motioned her to the bench beside him.

"Well, our gringo is a strange fellow, is he not, señorita?"

"Yes, he is very different, Don Carlos. How long have you known Señor D'Arcy?"

"I saw him first," Don Carlos replied with twinkling eyes, "beating a vagabond in a field. From what he told me subsequently the wretch deserved death. Never have I seen a man fight so cleverly. A cool fellow, I tell you, señorita. However, I was not altogether interested in him because of the capable manner in which he chastised the animal who had attempted to assassinate him. In all my life I had never seen such a horse as the one he rode, so—contrary to custom—I addressed myself to him. I found him a charming man, well-mannered, humorous, gracious—so, since he was riding to San Miguel, I begged of him to accept my poor hospitality. He was travel-worn."

"He speaks Spanish very well—a purer Spanish, indeed, than we of California, Don Carlos."

"I have the assurance of the Frenchman Limantour, from San Francisco, that his French is equally perfect. Naturally, finding I had scraped acquaintance with an unusual man, I insisted that he prolong his visit. I have enjoyed him, and I am desolated now that he has departed."

"Tomas is very jealous," the girl confided, for Don Carlos was a kinsman, a second cousin of her father's. "Poor little Tomas!"

Don Carlos chuckled. "Tomas is a boy, and in the presence of this gringo he feels a masculine inferiority."

"A somewhat reserved man, this Señor D'Arcy, do you not think so, Don Carlos? He is not one to pay his devotions to women."

"I warned him that for you, my dear girl, he had too many eyes, and that Tomas was his host's son. So Señor D'Arcy declined to hurt the boy. Otherwise—well, who knows what a young man will do? After I warned him he kept in the background."

"You are a meddler, my cousin. I would have liked to know Señor D'Arcy better. Mine is a dull life. As you know, we meet so few strangers in Alta California. When one of our own people opens his mouth to speak I know what he is going to say. Always it is a compliment. Always, with me, they play a part. God of my soul, can I not have a man for my good friend? Must they always be lovers, whether they love or not? Indeed, Don Carlos, life to me is very dull, I assure you, and now this silly Tomas is making it duller."

"It will be different when you are married to Tomas," the man assured her. "His family is of the finest, on both sides; the monetary considerations are excellent; Tomas is a fine fellow."

"Yes," she agreed listlessly. "But there are other fine fellows in California, so why should I marry the first fine fellow that presents himself?"

"My dear girl, you are not dutiful. This is your father's desire."

"I will not be bought and sold in a marriage of convenience, Don Carlos."

"But you are already eighteen years of age. In a year or two you will be an old maid, Josepha," he warned.

"It is very sad, but now that I have seen a man poor Tomas will always be a boy to me."

"You mean this gringo, D'Arcy? Pff! He is gone. He knows no sweetheart save gold and power and place in this world, and when he has found it he will return to his own people. He is an Irishman, not an American."

"Perhaps," sighed the girl, "that is why he is so different. Is it not sad to think I shall not see him again?"

Her boldness, her appalling lack of maidenly modesty so far transgressed the ancient Castilian code framed by the dons of this world for their women, that the grandee was scandalized.

"Hah! A rebel," he snorted. "It will fare ill with you, little one, if your father hears you expressing such sentiments."

"That Don Dermod D'Arcy is a great devil," Josepha sighed. "I have known Castilian imps but never a great Irish devil until he came. I would that I might see him again. He did not flatter me."

"He ignored you," Don Carlos reminded her tersely.

"Ah, but you told him to, my cousin. He was a stranger among a people strange to him, so he acted with great reserve. I think he will not be so cold when we meet again."

"I heard you tell him he would always have a welcome at the Rancho Arroyo Chico, but I did not hear him ask you where the Rancho Arroyo Chico might be found! It is not likely that his travels will take him that far into Alta California—and the search for gold will soon cause him to forget everything else. No, he was not interested."

Josepha Guerrero shook her head. "I was not, then, distasteful to him. He will look for me. I saw it in his eyes when he bade me farewell. He will come. It may be long, but—he will come."

"I must not be a party to such seditious conversation," Don Carlos growled testily. "I think the fault lies in your dead mother's blood. She was half English, and the English have respect for nothing which they do not themselves create. But tell me, Josepha, where is your brother, Romauldo? I have not seen the boy as yet."

"Romauldo spends his time playing cards with the Americans. He is a madman. All games of chance fascinate him—and he has been drinking to excess—hence afraid to face my father. I fear he has lost heavily. If Romauldo should come to you, my cousin, for a loan, please do not oblige him."

Don Carlos Montalvo's fine brow darkened in a frown. "So they debauch our young men also, these gringos, eh? I must look after this boy. It is not seemly that he should associate with Americans. Your pardon, señorita. I go."

He went—and long after he had gone the girl sat and stared into the north. "I am a prisoner," she told herself. "All of our women are prisoners until they escape our dull tradition, until they rebel. Then—"

She saw Tomas coming toward her. Subconsciously, she compared him with Dermod D'Arcy—a slight, effeminate youth raging womanishly against the virile, masculine wanderer from beyond the Sierra—and in that instant the iron of bitterness and rebellion entered her soul. "I shall not marry him," she told herself fiercely. "I shall wait. I shall have hope."

And to the amazement of Tomas she fled and sought her room.

# *Chapter Six*

The prisoners in Bejabers Harmon's charge proved to be an assorted lot. The two men who had killed their opponents in street duels were tall, slim, wiry Texans, who looked D'Arcy clearly in the eyes and apparently felt themselves as good citizens as any in San Francisco. Their men, it appeared, had "called them out," they had accepted, and the duels had both been fought according to the rough and ready code of the period. Placing themselves back to back they had walked fifteen paces, then remained standing until each had assured the other he was ready; then a count of "One—two—three"; at the third count they had whirled and fired. Their names were Allen Judson and Martin McCready.

The bigamist was a little, furtive, undeveloped man, in whose history D'Arcy could find no interest. Indeed a brief interview sufficed to inform him that this man would not make a desirable addition to his party.

"Turn him loose," D'Arcy whispered to the jailer. "We cannot use him."

The three alleged horse thieves proved to be Americans, by name Ord, Sargent, and Lundy. Hardy men they were and, like Judson and McCready, they lent a ready ear to the proposal that, if Bejabers should consent to turn them loose, they should join D'Arcy's caravan and work for him at the going rate of wages, inclusive of board and lodging, then in vogue at the diggings.

Of the two sailors, one was a cockney, by name Pye; the other, Vilmont, was a huge Gascon, who spoke no English. He was quite at home with D'Arcy's French, however, and he and Pye readily—indeed, gratefully—agreed to D'Arcy's plans.

The afternoon was spent loading into the Black Maria such supplies as the jail afforded that might be likely to prove of value to the expedition. About six o'clock work was discontinued, and D'Arcy and his fellows repaired to a restaurant for dinner. Pathfinder had, in the meantime, found sanctuary in the jail stable. After dinner D'Arcy saddled him and returned to his camp near Mission Dolores, while Bejabers Harmon and his ex-prisoners again sought the cold comforts of the jail.

About seven o'clock next morning D'Arcy appeared with his string of pack-mules and Francisco. At the stores where he had ordered his provisions and other goods, the mules were packed, each mule bearing two hundred pounds of cargo; the evidence in the horse-stealing cases were also saddled, and a splendid team of black horses was hitched to the loaded Black Maria. D'Arcy's cash reserve was down to two hundred and fifty dollars when, eventually, the expedition was ready for the road. Following a hearty luncheon, they were about to start when the restaurant

cook, a diminutive Cantonese, who had been an interested listener to their conversation at luncheon, approached Bejabers Harmon, whom he knew rather well.

"You no ketchum cookee?" he murmured. "Maybeso you likum China boy for cookee? Can do. Jim Toy him likum go with boss to ketchum gold."

"Climb up on that wagon seat in front, Jim," Bejabers replied promptly. "You've got a steady job."

Jim Toy put on a Mexican sombrero, removed his apron, brought forth a bundle of clothing and—alas, a couple of packages of firecrackers, for like all of his race he feared malignant devils might dog the expedition at the outset, and as every Chinaman knows, it is well to frighten such spirits away by exploding firecrackers at the command "March!"

The inevitable occurred. The pack-mules stampeded, and only the heavy load in the black Maria prevented the team from running away. Over Montgomery Street they bumped through the half-dry mudholes and ruts and out through the deep sand of Market Street, while the envious citizens who still remained in the city whooped and cheered and fired their pistols in the air, thus adding to the confusion but, according to Jim Toy's theology, effectually dissipating whatever of evil might have attended the departure. He sat on the seat beside the big Gascon, and grinned happily until Vilmont, having at length controlled the team, released one huge paw from that service long enough to cuff Jim Toy heartily.

Within a few minutes after leaving the heart of San Francisco the expedition was in the open country, following El Camino Real, down the peninsula up which D'Arcy had journeyed so recently. There had been no opportunity to secure transportation across San Francisco Bay; consequently they were forced to make a one-hundred-mile march around the bay, at the conclusion of which they would find themselves some seven miles from their starting point!

Owing to the necessity for rating their progress on that of the wagon and the additional necessity for providing ample time for their animals to graze en route, they averaged less than twenty miles per day; indeed, after the first five days D'Arcy cut that down to fifteen, for the animals lost flesh rapidly. They required grain for such work as this, and the ranchos were too few and far between to permit of purchasing much of that. Game was plentiful, however, and they had fresh meat in camp at all times. Also, Jim Toy proved to be a pearl of great price, and his excellent cooking and cheerful disposition went far toward developing *esprit de corps* in the strange cavalcade. D'Arcy had the rare gift for leadership, and as leader the men accepted him.

They crossed the northern end of the Santa Clara Valley, skirting the bay shore between where the town of Mountain View now stands on the western side and the town of Alviso on the eastern. At the latter point they found a well-defined trail leading north along the bay shore, through what is now Alameda and Contra Costa counties, and on the forenoon of the tenth day they came to Martinez and their first objective—Semple's Ferry across Carquinez Straits.

D'Arcy and Bejabers rode forward to make arrangements for the crossing of their party, but long before they reached the rough board shanty of the agent on the Martinez side, it was apparent to them that they would have to wait at least three days for an opportunity to cross. An accident to the machinery of the steam-launch which shunted the ferry barge backward and forward had terminated the service for almost a week, and as a result gold-seekers and some Hispano-Californian *rancheros* from Alta California were camped in a long queue from the bay shore out into the little valley where a city now stands.

"You'll have to take your place in line, gentlemen," the agent informed them. "First come, first served."

"That's fair," D'Arcy agreed. "Well, Bejabers, I suppose we may as well ride back to our people and make camp at the end of this line until our turn to board the ferry arrives. It's a tiny ferry and was never meant for the glut of business presented for it now."

"Supposin' you buy our tickets now, Dermod," the canny Yankee suggested. "And make him date them today. That'll show we got prior rights to cross over some Johnny-come-lately who may try to euchre us out of our place, like that feller on the gray horse is doin' now."

He pointed down toward the tiny dock, and D'Arcy saw a big bearded man astride a gray horse, and accompanied by half a dozen other mounted men, forcibly herding out of line a little company of Hispano-Californians. The Americans had their pistols out, and before this menace the Californians were falling back.

D'Arcy called the attention of the agent to the outrage. "I thought your policy was 'First come, first served.' That company of horsemen passed us a mile up the road, so I know they have but this moment arrived, yet they are making place for themselves at the head of the line by force of arms."

"I know," the agent replied miserably, "but they're a hard lot and you can't expect me to fight a gang of desperadoes."

"I expect you to refrain from sending your ferry to the Benicia shore with them until I give the word," D'Arcy replied with spirit. "These fellows feel quite safe in hustling a party of gentle Californians out of their way, but by the Lord they still have

me and my party to reckon with. Those rascals shall go back to the end of the line and camp there in their proper place, or as sure as my name is Dermod D'Arcy they'll never cross Carquinez Straits alive."

"Them's my sentiments," Bejabers Harmon assured the agent. "You don't have to fight this gang o' desperadoes. We'll relieve you o' that detail. Just you hold the ferry here until I can ride to the rear and hustle up our reserves. Me, I'm for law and order every time, and as for the feller that can euchre me out o' my just rights, all I want to see is his picture."

"Bravo, Bejabers. Mr. Ferry Agent, I warn you not to send that ferry away with those men aboard. Come, Bejabers."

They galloped back, rejoined their company and led it into position in a field close to that of the last arrival on the ground. D'Arcy explained the situation to them and without exception other than Jim Toy, they voted unanimously to rectify it.

"Vilmont, you're not at home on a horse, and you're too big to ride one," D'Arcy commanded. "You remain here and help Jim Toy and Francisco unpack and care for the stock. The remainder of you men arm yourselves and follow me."

He led his company back to the ferry. A little distance from the craft, which was now tied up at the landing-place, the group of Hispano-Californians sat their horses together, cowed by the seven men who had forced them back and who now, at the head of the line, awaited permission from the agent to embark.

D'Arcy rode up to the man on the gray horse. "You're evidently spoiling for a fight, my friend," he announced in ringing tones, "so I'm here to accommodate you. Get back to the end of this line, you bullies, or fight—I don't care which."

The man on the gray horse turned—and D'Arcy gazed into the face of his late companion of the road, Alvah Cannon.

"So," Cannon muttered, "it's you?"

"Aye, Cannon, my lad—and with the drop on you. I have as many bullies at my back as you have—and with this advantage: every man of yours is covered by a pistol in the hands of one of my men. There'll be no government by force here, I'm thinking. Will you depart peaceably, or must we shoot it out here and now?"

"I reckon you're still givin' me orders, D'Arcy."

"Sensible man. Ride back with your followers and take your place at the end of the line."

Under the menace of D'Arcy's long-barreled pistol Alvah Cannon rode off the dock; one by one his followers fell in behind him. D'Arcy sat Pathfinder until assured the enemy was out of pistol range; then, returning his weapon to the holster, he rode up to the group of Californians, lifted his hat and bowed to the lady among them.

"Señorita, I have pleasure in announcing that these ruffians will think twice before attempting further discourtesy. My men and I will see that you are not again molested."

The girl raised a little white hand and flung back from her face a fold of her mantilla, which hitherto had served to protect it from the gray dust of the trail. She rode her horse—a black mare—straight to his side.

"I knew you would come, Señor D'Arcy," she said in a low voice. "You did not look back when we parted at San Juan Bautista, but—I knew we should meet again. I am grateful."

Eagerly he reached for her hand, and a smile of intense pleasure illumined his dark, dust-streaked face. "You will believe me when I assure you I did not wish to look back? To go thus was sufficiently painful. I would not reopen the wound by looking back to see that which I had lost. But where is Don José?"

"He has already crossed to Benicia, leaving my brother Romauldo and me and two muleteers to come on the next trip of the ferry. You did not meet my brother, I believe. Romauldo!"

A good-looking young man of twenty-four or -five spurred his horse to her side and surveyed D'Arcy with a haughty, slightly truculent stare. His sister presented D'Arcy.

"I am the señor's debtor," Romauldo assured D'Arcy with the typical graciousness of his class. "Had I some fighting men at my back I would not now be under obligations to you for a gallant courtesy." He dismissed the incident with a careless wave of his hand. "They were too many."

D'Arcy stared at the young man with equal truculence. "You are armed with two pistols, young man," he replied pointedly, "and there are six shots in each pistol, whereas there were but seven men in that rabble. Until you learn to fight for your rights—until you learn the value of the swift and merciless attack, you will find this class of Americans running over you and yours."

The agent came running down the dock. "All aboard," he cried, much relieved. "Step lively or make way for others."

Romauldo raised his hat. "Come, my sister."

The girl extended her hand to their deliverer, but D'Arcy did not raise it to his lips. Instead he held it for several seconds, while their eyes searched each other.

"I did not ask you where one might find the Rancho Arroyo Chico, señorita," he murmured, "nor shall I ask you now. I shall find it. Not soon, perhaps, but some day ——"

"I shall wait," she murmured breathlessly. "Go with God. *Adios!*"

D'Arcy backed his horse to the side of the trail and watched the Guerrero party ride aboard the tiny ferry. The girl was riding Kitty, the black mare he had given her, and he noted, with the instinct of the trained horseman, how gracefully she sat the side-saddle and with what ease and confidence she controlled the high-spirited animal. When she was well forward on the ferry he saw her dismount and stand to horse, soothing the mare as the lumbering ox-drawn *carretas*, the mounted men, foot-travelers, and a stylish four-in-hand drawing a high-wheeled buggy followed in their turn.

A stiff breeze was blowing up Carquinez Straits and in the short, choppy seat the ferry rolled at its moorings; as a result some of the horses, panic-stricken, reared and plunged, the principal offender in this regard being Romauldo Guerrero's mount.

"Dismount, blindfold him and stand to his head," D'Arcy shouted.

But the native egotism in Romauldo forbade such evidence of timidity or prudence. He sawed brutally on the cruel Spanish bit and roweled the frightened brute from shoulder to flank in a vain effort to assert his mastery—and suddenly the horse commenced to pitch. Instantly a panic appeared imminent, and D'Arcy's heart skipped a beat as he saw Josepha, by a quick dodge in under Kitty's neck, barely escape the mad horse's front hoofs.

The situation clarified with electric suddenness. Romauldo's horse obligingly leaped overboard and swam ashore, but not until with his last frantic jump he had unseated his rider, who went overboard with him. As Romauldo's black head appeared on the surface a gurgling cry for help reached D'Arcy; then the head disappeared again.

"The cocksure young ass is drowning," D'Arcy thought. "He deserves drowning, but——"

A touch of the spur to Pathfinder and they were off the tule-clad bank into deep water, swimming for the spot where Romauldo had gone down. He had come up and disappeared once more before D'Arcy could reach him, and the latter realized that in all probability the boy would not come up again. Straight past the spot Pathfinder plowed with swift, easy strokes, while D'Arcy swung himself almost under his mount's belly and groped swiftly.

His hands closed over Romauldo's head; his strong fingers twined themselves in the boy's hair; and when D'Arcy's torso emerged from the muddy waters Romauldo's head was held clear; a furious jerk and the limp body was lying across Pathfinder's neck while the horse, answering the pressure of his rider's leg, turned and swam back to the shore.

Bejabers Harmon received the unconscious Romauldo while Pathfinder was still

struggling to get his forelegs on the bank, and having a rather difficult task to do it, until D'Arcy slid off, whereupon the horse clambered up, catlike, shook himself and stood patiently awaiting orders.

"I reckon we'd better dreen this *hombre* a mite, Dermod," the practical-minded Harmon suggested, and threw Romauldo face down across Pathfinder's back, permitting him to slide far down the opposite side. "Roll the danged fool," he commanded D'Arcy.

So D'Arcy rolled him in the saddle and the muddy water drained out the boy's mouth and nostrils. "One of these here danged smart Alecks," Bejabers growled. "His sister got off and held her hoss, but of course this here young peacock knew more'n she did. Reckon he's dead, pardner? I hope so."

Romauldo was not dead, but he was unconscious and it required fast and intelligent first-aid work on the part of D'Arcy and Bejabers before he opened his eyes. Meanwhile his sister, having given her horse to one of the muleteers to hold, had come ashore to render what aid she could. D'Arcy paid little attention to her, being quite sufficiently engrossed in the task before him. Meanwhile the ferry agent had approached and stood by, plainly impatient at having his schedule dislocated, for from the gold-seekers whose turn it was to go aboard the ferry on its next trip came profane protests at the delay.

"Why didn't you let that fool greaser drown?" one of them demanded loudly.

Josepha Guerrero spoke furiously and in English. "Animal! You call theese brother of me greaser? Why you call theese name to a Guerrero?"

D'Arcy looked up at the man who had addressed him. "Come over here and apologize for that insult," he commanded.

"I ain't apologizin' to no greasers for nothin' I say. You hear me, don't you?"

"Don't challenge him, pardner," Bejabers Harmon suggested calmly. "You're a gentleman and a gentleman can't fight his kind. This job belongs to me. I'm your pardner and half of every insult to my pardner and his friends belongs to me. You're the first man with brains I've met in a blue moon and I don't figure to let this cheap bully blow 'em out." He strolled over to the man who had offended. "Take your choice, mister. Apologize or argy it in the smoke."

"I reckon we'll have to argue it."

"At fifteen paces? Is that agreeable?"

The other nodded. "Follow me," said Bejabers Harmon. "Pardner, you got your hands full. Lemme tend to this detail."

D'Arcy smiled affectionately upon Bejabers. "Why should I?"

"Why, 'tain't the least bit o' trouble for me to give this feller a lesson in manners.

He can't shoot. I've seed him in action down to San Francisco. He was a boarder o' mine once, but somebody bailed him out."

"But we must not make a brawl in the presence of Señorita Guerrero."

"Oh, nothin' so indelicate as that, *amigo*! Ain't I movin' off down the trail a piece?"

"Bejabers, I love you like a brother, but—I'll do my own fighting until the battle becomes general; then you can help me. I'll attend to that fellow after this boy and his sister have gone aboard the ferry."

Bejabers was not pleased. "You take the sunshine out of my life, Dermod," he complained. "'Tain't no use argyin' a matter o' principle with you, though."

The ferry agent now spoke up. "This young man and his sister have had their chance to get aboard. They've lost it. I can't hold the ferry any longer."

"That is fair," Josepha told D'Arcy in Spanish. "We have no wish to discommode the traveling public because of my brother's foolish effort to control an uncontrollable horse. Our men will deliver my horse to my father while I remain here with Romauldo. When he is able to travel we will cross, but not until Romauldo has taken this ruffian to task. It is generous of you, Don Dermod, to offer to fight the battles of the Guerreros, but that is an obligation of the Guerreros, is it not?"

Instantly D'Arcy made his decision. "Very well, if Romauldo cares to bell the cat, I dare say that is his privilege. The man yonder alluded to him as a greaser. If he feels himself insulted he will resent the insult. If he does not, I am at your service."

The ferry pulled out. In an hour it was back, but in that hour Romauldo Guerrero had regained consciousness and, although still weak, shaken and not a little nauseated, was able to lead his horse aboard the ferry. Before following him his sister whispered to D'Arcy:

"He is in no condition to resent the insult now, Don Dermod, but tomorrow he will."

D'Arcy bowed gravely, carried her hand to his lips and watched her go aboard the ferry; as it pulled away from the landing he and Bejabers mounted and rode back to join their party at the end of the long line of waiting adventurers.

"You reckon the young feller'll call him out, Dermod? Seems as if it's his job, after all," Bejabers decided, after D'Arcy had related to him the substitute for their joint plans to inculcate a lesson in ordinary courtesy.

"I have a suspicion he will not, my friend."

"Can't say I like the boy myself, Dermod. I figger him a mite loco in the head. If he'd had the nerve to make half a stand ag'in that man Cannon there wouldn't have been no necessity for us to interfere."

"I think he realized that, Bejabers; hence his insistence when his horse commenced pitching, to demonstrate what a brave and reckless young fellow he really is! Romauldo is in a fine temper now, I imagine. He realizes, undoubtedly, that he has succeeded admirably in making a fool of himself."

"The girl's a thoroughbred, though. Speaks fair English. Wonder where she learned it?"

D'Arcy was silent. His unexpected meeting with Josepha Guerrero, together with the near-tragic events of the last half-hour had set his mercurial soul in tumult, albeit no hint of this showed in his impassive countenance. He did not care to discuss the girl or her brother; rather he was trying to analyze a growing presentiment that the Guerrero family was destined to play no inconsiderable part in the adventures that awaited him in this new land.

"I think the gal's plumb beautiful," Bejabers ruminated. "In particular when she's got her dander up. If she'd been a man there'd been a fight or a foot-race about two seconds after that chuckle-headed fool alluded to her brother as a greaser. I like a spunky woman."

D'Arcy looked at his companion. Bejabers was a man close to forty years old, a short, compact, keen-visaged man with a singularly uncomplicated outlook on life. With Bejabers Harmon, right was right and wrong was wrong; he was congenitally incapable of compromises with either. D'Arcy had already discovered that Bejabers was a traitor to the grim religious concepts of his New England ancestry. He had a hazy notion, of course, that there might be a Supreme Being, but he was not at all interested in Him and certainly he did not fear Him.

The man was slow of temper but possessed of an amazing temperament which manifested itself in an almost overbalanced sense of equity, a passionate love of justice, a contempt for weakness or cowardice, and an incurable belief in the doctrine of personal responsibility. D'Arcy believed the little man to be capable of the most amazing loyalties and friendships, but weak on pronounced hatreds. Bejabers had had such meager education, up to his sixteenth year, as the times afforded, but he was immensely wise in the ways of the world; he had a keen sense of humor, and his demure impulsiveness was of a character to render him singularly lovable. Withal, a trustworthy person.

D'Arcy, thinking now of the perfectly natural manner in which his companion had offered to fight a duel in his behalf, was moved to a sudden affection for Bejabers. He rode close to the little man and laid his hand affectionately on his shoulder.

"I like you, Bejabers. I hope we'll be friends and partners always."

Bejabers nodded appreciatively. "If we keep our feet on the ground an' our heads out o' the air, Dermod," he replied with a flash of his Yankee horsesense, "we'll find our place in the sun. I'll stick to you, boy, while you play me fair."

"Wouldn't you stick just a little longer than that, Bejabers? Long enough to make a big effort to convince me I wasn't playing you fair, and in order that, thereafter, I *would* play you fair?"

"Well, I reckon I might be tempted to overlook a lot in you," Bejabers confessed, just a trifle embarrassed. "But you got to make me one promise, son. Whenever you're in trouble, don't you ever set yourself to git out of it until you've notified me. I want to be on hand to make sartin you git a square deal."

"I promise—provided you accord me the same privilege, Bejabers."

"*Seguro, amigo!* Dermod, it occurs to me that Spanish gal thinks you're quite an up-an'-comin' young feller."

"Nonsense."

"I wouldn't think much of her if she didn't. You goin' to see her ag'in?"

"Perhaps. The world is wide. We may meet sometime."

"The boy won't like you."

"What makes you think that?"

"You showed him up; you as much as told him—I understand enough Spanish to git the drift of what you said—that if he'd had the guts to tackle Cannon there wouldn't have been no call for us to interfere. Then you saved his fool life, an' it's been my experience that whenever I put a feller under obligation to me I made an enemy."

"Nonsense. The boy was outnumbered."

Bejabers grinned tolerantly. "Well, any time us two are outnumbered in a deal like that, there won't be so many odds left by the time the smoke clears away. Me, I'd ruther die than eat dirt. An' another thing. That young feller won't foller this matter up, an' that'll make his sister ashamed of him. Hell's fire, Dermod, if you hadn't been so high an' mighty I could have saved her that humiliation."

"Señorita Guerrero's decision was just. If there are any rats to be killed because of this affair it is the privilege of the Guerreros to kill them. She claimed the right for her people and, of course, she couldn't be denied."

"The feller seemed willin' enough to argy rather than 'pologize. I'd have liked to oblige him."

"In heaven's name, why? All parties to the incident are total strangers to you, Bejabers."

Bejabers Harmon turned in his saddle and looked his partner in the eyes. "I seen

a look on your face, son, when you recognized that gal—an' I seen a look on hers. An' I seen another look when you said good-by to her. So I couldn't see no sense in bustin' up a romance by lettin' you fight that coyote. If a feller can't serve his friends, what good is he?"

D'Arcy was profoundly touched at this simple profession of faith. "It was a lucky day for me that I met you, partner."

"An' a lucky day for me. I got a notion you an' me'll do big things together in this country. But we got to start right."

"That is true."

"Well, then, the minute we're settled down to minin' on some creek, I'm goin' to leave you long enough to drive the black Maria back to San Francisco. That an' the team plumb overdrew my credit with the city an' I'm worried. It's one thing to borrow somethin' without askin' for it and another thing to steal it."

D'Arcy threw back his head and laughed. He was young and the world seemed very bright to him just then.

# *Chapter Seven*

Vilmont and Jim Toy had made camp by the time D'Arcy and Bejabers reached the end of the line, and Francisco, McCready, and Judson had taken the live stock off a little distance where the animals could graze. D'Arcy rode over to them, leading Bejabers's horse, which had been unsaddled, and turned it and Pathfinder over to them.

"There's a rough element here that wouldn't object to stealing these animals," he informed his men. "I want you three to guard them until supper. Then Harmon and I will relieve you until the stock has grazed its fill, when we will bring them into camp for the night."

McCready nodded. "The gang we drove back from the head of the line are camped in that grove of oaks yonder," he warned D'Arcy. "Give 'em plenty of room."

On his way back to camp afoot D'Arcy saw Alvah Cannon advancing to meet him, so he halted and remained on the alert until Cannon came within speaking distance of him.

"Well, Cannon?" he demanded.

"Well, first off, I ain't lookin' for trouble, D'Arcy. What I want to say is this—me an' my party are a little shy on grub an' seein' as how you appear to have more than you need, the boys asked me to see could we buy some from you."

"It is true we have more than we need at this time, but it is our plan to hold it for use this winter. Sorry, Cannon, but self-preservation is the first law of human nature. I have no food for sale."

Cannon turned abruptly and walked back to his party, and a little later D'Arcy saw four of them, mounted, disappear into the hills. They returned in about an hour, driving before them a two-year-old steer; when close to their camp one of the men galloped alongside the animal and shot it with his pistol. Another cut its throat and presently the carcass could be seen hanging to the stout limb of an oak-tree while busy hands dressed and skinned it.

"Do you s'pose they paid for that critter?" Bejabers queried.

D'Arcy shook his head. "It would never occur to that rabble to defer to the undoubted property rights of the people they term greasers. Bejabers, that is a sample of the fate in store for the native Californians. Within five years an Anglo-Saxon civilization will be busy stealing their lands also."

Bejabers scratched his ear. "What this country's goin' to need an' need right

soon, Dermod, is a whole lot o' law an' order. Ain't it hell to think that you an' me've got to stand here an' watch a gang o' cow thieves operate in daylight an' never lift a hand to stop 'em?"

"Some day the blind goddess will slip her bandage, Bejabers. Hello, here comes Cannon again. Wonder what he wants."

With truculent assurance Cannon strode into their camp. "I'll trade you a side o' beef for a fifty-pound bag o' flour," he announced.

"We purchased some fresh meat this morning at a rancho in the canyon back yonder, Cannon. Besides, your meat is stolen."

"You're sartinly a most onneighborly man," Cannon growled.

"You bet he is," Bejabers assured the fellow. "An' lemme give you a word of advice. You keep away from this camp. The next time you come projectin' around here somebody's goin' to have to drag you home."

Cannon stared at him contemptuously. "All right, little feller," he said, and departed.

"I'm a light sleeper," Bejabers called after him. "An' if you or any of your gang does any sleep-walkin' in the neighborhood of this camp after dark your motives are bound to come under suspicion." He squatted on his heels, Indian-fashion, and rolled a brown paper cigarette. "This gold-huntin's not goin' to be anything in the nature of a church festival," he opined. "I got a notion, Dermod, we're goin' to be mighty popular while our grub lasts. All our neighbors'll be runnin' in to borrow a cup o' sugar or a can o' flour or a side o' bacon until their own supplies come up—an' if our generous natures lead us into starvation before said supplies come up, we won't have nobody to blame but ourselves.

"Let's make a rule now an' stick to it. No grub loaned or given away. Them as don't come provided can go back where it's to be had. The Bible says it's more blessed to give than to receive, but I ain't religious although up till now I've never begrudged a helpin' hand to a neighbor in distress. But hereafter I'm heartless."

"Let us say rather, Bejabers, that you're practical. Well, so am I. 'No grub donated or loaned' is our motto. That's final."

"I am exceedingly sorry to hear you say that," a well-bred voice spoke back of them. "Two things attracted me to your camp: first, the undeniably delightful aroma of that stew which your cook is preparing, and second, an apparently erroneous belief that I would be welcome at your bounteous board."

Both turned, to be confronted by a man of an age somewhere between fifty and sixty years, but erect and vigorous and keen of eye. He wore gold-rimmed spectacles and luxuriant iron-gray "side-burns" and was dressed in uniform. D'Arcy

stared at the man, noting his enormous gold epaulets and cocked hat, now heavily encrusted with dust, and wondered if a harmless lunatic had not wandered into camp. But former American Marine Bejabers Harmon had no such illusion. Long years of discipline brought him to attention now in the presence of an officer and a gentleman; automatically he touched his forelock and, for his courtesy, drew an answering salute.

"This gentleman, Dermod," announced Bejabers, "is a doctor in the British navy."

"You err in one particular, my astute friend, and that is in the matter of your tenses. I was a doctor in the British navy."

"Then why are you still wearin' the uniform?" Bejabers demanded.

"A fair question. I will answer it fairly. I had gone ashore in San Francisco from my ship, H. M. S. Invincible, which had entered the port that morning. Reports of the discovery of slathers of gold in the Sierra greeted us, so I am here—and since the impulse to desert her Majesty overwhelmed me while in uniform, naturally I am still in uniform and devilishly in need of a bath, a change of linen, and a generous helping of that stew. In plain English, I have invited myself to dinner. It is, I admit, a blow to learn that I am not welcome, but nevertheless, in so far as I am concerned, the invitation still stands. My card, gentlemen."

From a gold case this amazing individual produced an engraved card, and D'Arcy read:

Sir Humphrey O'Shea, Bart.
Captain, Medical Corps
H. M. S. Invincible

"What's a Bart, Dermod?" Bejabers queried bluntly.

"That is the abbreviation for baronet. All those who have been knighted, Bejabers, take the title Sir, but hereditary baronets—well, they're barts, in addition."

"Well, as far as I'm concerned, Dermod, the Bart's welcome to dinner." Without an instant's hesitation did Bejabers reverse his decision of a moment previous.

Sir Humphrey O'Shea bowed, in his alert old eyes a hope that Bejabers would name himself. "And to what former navy man am I indebted for this courtesy?" he queried.

"Bejabers Harmon, ex-sergeant of United States Marines, sir. Shake hands with my pardner, Dermod D'Arcy, former captain of United States volunteer cavalry."

Sir Humphrey bowed grandiosely to D'Arcy. "Is the name, by any chance,

spelled with an apostrophe, captain?"

D'Arcy nodded and extended his hand. "You are welcome to share our stew, Sir Humphrey."

"Thank you both, gentlemen. I had an idea I would be. I was fortunate enough to observe your good work at the ferry landing this afternoon; hence I decided you were a generous man. Now, having ascertained that you are Dermod D'Arcy, I know you for a gentleman, even had your action in dispersing those ruffians so summarily not already proved it. By any chance, are you related to Sir Malin D'Arcy, of Clonfert Hall, in Galway?"

"A very distant relation, sir."

"You're a liar," Sir Humphrey declared with a cheerfulness and cordiality that robbed his statement of offense. "You're his son. The D'Arcys are all alike—like a litter of hound pups. I heard some years back that you were on the run, which would, of course, account for your present state of distant relationship to Malin. Like myself, you are a traitor to the queen." He shook D'Arcy's hand with a heartiness that left no doubt of their fellowship in crime. "Your father and I were classmates at Trinity, Dermod. I seconded him in his first duel, which, by the same token, came close to being his last. You're a Trinity man, of course?"

D'Arcy nodded, smilingly.

Sir Humphrey glanced about him. "May I ask what those two cases contain, Dermod, my lad? The legend on each states that once they contained whisky."

"They still contain it, Sir Humphrey."

"I never knew a D'Arcy to have to be reminded that his guest had a mouth."

"My sense of hospitality has been momentarily obscured in my amazement. Forgive me; Sir Humphrey. Bejabers, will you do the honors on this memorable occasion?"

"Settin' 'em up for the Bart is where I shine, Dermod," Bejabers responded, and proceeded to produce a bottle and some tin cups. "Where're you camped, Bart?"

"Here—for lack of a better place," the visitor replied easily. "Where would one in my deplorable condition elect to camp unless it should be with friends? Pardon me, gentlemen, if I locate a soft spot on which to sit down. I have ridden a burro bareback from the Alameda shore, which I reached in a skiff from San Francisco. Yonder stands my trusty mount, cropping his evening meal."

Sir Humphrey calmly folded a pair of blankets and stretched himself luxuriously, while his hosts gazed upon the remarkable man, pop-eyed with interest.

"I have heard of you, of course, Sir Humphrey——"

"In the arena of activity to which my wandering fancy has now called me, my boy, I will be known hereafter as Doctor O'Shea, if you please."

"You will probably be called Doc O'Shea, sir."

"Better still."

"He won't, neither," Bejabers decided. "If we call him Doc he'll have to foller his profession whether he wants to or not, when his heart's plumb set on minin'. Besides, how's a sawbones goin' to operate without the tools of his trade? His name's Bart. Bart, here's mud in your eye!"

"A fellow of infinite jest," the Bart murmured happily, and raised his cup. "The queen—God bless her! I wish she'd paid me a better wage while I was in her employ."

"Hurrah for her Majesty," Bejabers echoed.

"I observe you are still an Irish rebel," the Bart declared, when D'Arcy failed to respond to the toast. "Well, every man to his own politics, say I." He smacked his lips. "By the toe-nails of Moses, that's excellent liquor."

"Have another, Bart," the hospitable Bejabers suggested. He had already served the other members of the party, not excepting Jim Toy.

"I thank you, no. My stomach is too empty. Solids would be more to my liking, for indeed food has been scarce with me of late. I take it, Friend Dermod, that as an additional member of your party I am welcome."

"You are, sir, although I have half a notion that you will be as useless in the diggings as a fifth wheel on a wagon. Yes, you are very welcome, for old sake's sake, even though we have not met before."

The Bart cleared his throat. "I have a traveling companion," he began, and glanced around to observe the effect of this broadside. Observing none, unless the sudden descent of some whisky down Bejabers's "Sunday throat" might be construed as such, he resumed. "A cultured and courteous young man whom I met in a gambling-house in San Francisco. His name is Obadiah Poppy—the Reverend Obadiah Poppy, to be quite exact. He is a Bostonian. What his religious affiliation is I do not know—that is, officially, for unfortunately the young and reverend gentleman is abnormally addicted to the use of alcohol and other worldly delights; hence, should I be indiscreet enough to name his faith in mixed company, I might unintentionally give offense to one who is unwilling to ascribe such—ahem!—indiscretions to one of the Lord's anointed. By the way, my dear Bejabers, I possess a most excellent pipe, but unfortunately I have lost my tobacco!"

The fascinated Bejabers handed the Bart his plug. "Thank you, Bejabers, thank you, my boy. And now a knife, if you please, to whittle a pipeful. Thank you again.

The Reverend Obadiah Poppy, I would have you know, has not been unfrocked—as yet—although I imagine a natural presumption that such calamity might overtake him induced his family to decide that a trip around Cape Horn in a ship commanded by a master to whom rum is abhorrent might have a beneficial effect on the young man."

"And did it?" Bejabers queried.

"Not—ah—noticeably, although his health would appear to be excellent as a result of the long months of enforced abstention. Aside from this pardonable human weakness, I found him a charming fellow and concluded to—ah—cast in my lot with him. Accordingly we pooled our fortunes, purchased two burros and started."

"For what destination, sir?"

"For the auriferous channel of some lonely stream in the Sierra foot-hills, Dermod, my boy."

Bejabers and D'Arcy exchanged swift glances but said nothing. Jim Toy, an interested listener, was not so politic, however. His shrill cachinnation echoed through the camp.

"Heap plenty fool," he announced.

"This heathen is taking liberties," the Bart suggested without rancor.

"I'm sorry, but he is entitled to his opinion. He is a member of our party, with a definite share in its fortunes, if any." D'Arcy felt that he must be firm with his visitor.

"Democracy is delightful, although on occasions it may be carried to an extreme. However, to get back to the Reverend Obadiah Poppy——"

"Ain't you sort o' leanin' on a reed there, Bart?" Thus the practical-minded Bejabers.

"We are all, to a certain extent, Bejabers, wobblers in the womb of Fate. Let us therefore be charitable, my dear fellow. I should be delighted to present to you gentlemen the Reverend Poppy."

Bejabers glanced round. At a little distance a lank young man, with a lank countenance, leaned wearily across the back of a burro, while the little animal cropped at the surrounding herbage. "That's him, I suppose." He glanced at D'Arcy, who gave mute consent to the dictum he realized Bejabers was about to enunciate, for in this extremity the excellent fellow realized that D'Arcy was placed at a disadvantage with this smooth, insouciant old man and was therefore resolved to save him.

"We can't be bothered with no preachers," he announced grimly. "As a seafarin' man, Bart, you know mighty well a preacher's bad luck."

"I am sorry," the Bart replied, "because your pronouncement places me in an

embarrassing position. Having already cast my lot, as it were, with Mr. Poppy; and furthermore having accepted subsequently in the generous spirit in which it was offered, an invitation to join your well-equipped and delightful party, I am now placed in the position of having to desert Mr. Poppy. As a gentleman I feel keenly ——"

"The man's Irish," Dermod D'Arcy interrupted, addressing Bejabers. "I know his kind. He has made up his mind to conquer us——"

"My dear Dermod! You father would be scandalized——"

"Yes, I know you seconded him in a duel and I know you were classmates at Trinity. Indeed, you are a tradition there still. I know there isn't a mean, ungenerous, or ungallant drop of blood in your veins, but I happen to know that your family found you a berth in the navy in the hope that your amiable rascalities would occur far from home. Sir Humphrey, you are quite out of place in this rout of fortune-hunters, I assure you. Please return to San Francisco and rejoin your ship."

"Impossible, my dear boy, for two reasons. One is that I should have to ride that debased jackass on the sorry return journey, and the other is that I should be court-martialed upon my arrival. I have been court-martialed in the past; I fear one more would be fatal and bring dire disgrace upon the O'Sheas."

"Personally, Bart, I'm free to say I like you. I got a notion you won't lie," Bejabers began, "but——"

"But me no buts, I pray you, Bejabers. You are right. I do not lie; neither do I desert a friend. By the same token, neither does the gentleman from Clonfert Hall."

"You win," D'Arcy laughed. "Bring over the Reverend Obadiah Poppy and we will make him welcome—temporarily. If it develops that he has possibilities we may agree to make the welcome permanent."

"Obie, dear fellow," the Bart called, "the sun is over the yardarm. Report."

The Reverend Obadiah Poppy raised his lank form from the back of the burro and cried hoarsely, "Hurrah!" He reported hurriedly and was duly presented to the party, whereat he proclaimed himself charmed.

Bejabers poured him a stiff drink. "I reckon you need this, Reverend," he informed the derelict, "but remember! Every drink of this is a nail in your coffin."

"While you have the hammer in your hand, Mr. Harmon, drive in another," the newcomer suggested sonorously.

The Bart rolled on the blankets and chortled at the sorry jest. "Did I not tell you he was a delightful companion? Sit down, Obie. I believe that stew is almost done."

When supper had been disposed of D'Arcy sent out a relief to the stock guard in order that the guard might come in to eat and be edified by an erudite discussion

of theology which had sprung up between the Bart and Mr. Poppy.

Bejabers's eye caught D'Arcy's and, obeying a slight inclination of the former's head, he rose and followed Bejabers out of camp.

"I sort o' feel the need o' mental relaxation after listening to them two," the little man complained. "Let's take a pasear down the line o' camps an' see what sort o' neighbors we're goin' to have in the diggin's."

"You're a dear fellow, Bejabers. I feel a little guilty permitting those two rascals to join our company, but upon my word, I didn't have the heart to refuse them. They're a pitiable pair, although, fortunately, they do not realize it."

"We got a Chink, two deserters from the mercantile marine, two killers an' three horse-thieves already," Bejabers replied, "so I reckon the addition of a Bart an' a Reverend sort o' adds to the social tone of the party. I can stand for them if you can. After all, you bought the grub an' furnished most of the transportation. I'm only the junior pardner an' what you say goes with me every time."

"They have no blankets; not even a change of clothing, Bejabers."

"Reckon we'll have to share up with 'em, son. Mebbe the misfortunates will work."

"I doubt it."

"I don't. I have Jim Toy's word for it they will. 'No workee, no eatee,' says the heathen. Still, they're amusin', Dermod, an' a feller can never tell when a doctor'll come in handy. An' the preacher's human."

"Too human, poor devil."

They strolled down the line of gold-seekers, and were appalled at the recklessness with which the adventurers were faring to the distant diggings. The majority of them were traveling on mule-, horse- or burro-back, few had vehicles, equipment was of the scantiest, and it was apparent that they were, for the most part, living on the country, which is to state that they helped themselves to the steers of the *rancheros* upon whose land they happened to camp for the night. Many of them did not have blankets, but thanks to the balmy climate of summer, plus camp-fires, they managed to bed in the luxuriant dry grass with a minimum of discomfort. All were cheerful, a bit noisy and exuberant, optimistic, impatient of delay.

There were no women in the long encampment, except in the camps of two groups of Hispano-Californians and their retainers; and these D'Arcy realized were dwellers in the land beyond the Carquinez Straits, now returning from the great horse-race and fandango at San Juan Bautista, for they recognized him and greeted him in friendly fashion. To them time was not a matter of consequence; the delay at the ferry, due to the rush of gold-seekers, was an annoyance to be borne cheerfully,

like sickness or old age.

With one of these groups, the Alcantara family, D'Arcy and Bejabers remained an hour, gleaning information about Alta California. These people occupied one of the later land grants between the Feather River and the Yuba, and Don Miguel Alcantara was passably familiar with the territory farther north. It appeared that watercourses which were mere creeks in summer but quite respectable rivers during the period of the rains and later, while the snow was melting in the Sierra above, abounded among the foot-hills on either side of the valley of the Sacramento. Some of them watered Spanish and Mexican land grants and hence, being private property, might not be prospected for gold, but many streams flowed through the public domain.

Don Miguel was certain there would be no difficulty in securing an excellent location farther to the north than any of the gold-seekers had, to his present knowledge, penetrated. As to the route to be followed after crossing the Carquinez, one pressed north of east across the Solano country until he came to the Sacramento River, which he should follow toward its source. Far up the valley, at this season of the year, the river was fordable at various places, thus permitting access to the Sierra foot-hills. There was a ferry to Sutter's Fort. Game was plentiful en route, but the haciendas few and far between; indeed, the steadily increasing hordes of gold-seekers had caused the *rancheros* of Alta California to temper their time-honored hospitality with discretion, and Don Miguel, on his part, was resolved to maintain open house no longer, save to his friends.

D'Arcy questioned the old man as to his experiences with the invaders, and was interested to discover that, up to the time Don Miguel had left his rancho to attend the fandango and horse-race at San Juan Bautista, he had been accorded the utmost courtesy and fair treatment by the gold-seekers who traversed his rancho or camped upon it. None of his cattle had been appropriated without payment, so far as he knew; he had given cattle to travelers without funds to pay for them, on their promise to pay later, and many of these had already fulfilled their promises.

On the whole, however, Don Miguel, like the majority of his people, regarded the invasion very much as he would regard an invasion of locusts. "Those who come first are men who have dwelt in California since the Conquest or who came here expecting to adopt some honorable means of making a living. Such men, my friend, are the strong and the sane," he told D'Arcy. "We had small need of jails for them. Jails are for the weak—and a land so distant from your American civilization as ours is not sought by the weak."

"It will be, Don Miguel. It will be sought by the criminal, the greedy and selfish,

the arrogant, and the ignorant. Already I see a few of these. The lure of gold is the father of madness and crime."

"I care not for it, Don Dermod. Peace and contentment are far more precious. And I think there is much reason in what you say, my friend. Our government is too weak, too unorganized, to reach into the far places. Yes, we shall have lawlessness, but out of it will come law. But it will be a stubborn birth, my friend, a stubborn birth. I have fears for my family, for myself, and for my possessions, for these gringos do not like our people. Since the United States has come into possession of California, and by the treaty of Guadalupe Hidalgo we have become American citizens, it seems that our fellow citizens do not regard us as such. We are still Mexicans, foreigners, interlopers between them and the spoils of conquest. They call us greasers. My friend, it is but a step from contempt to aggression."

"It will be almost a year before the country will be overrun, Don Miguel, but like you, I fear the later invasion. The vultures gather for the feast. By the way, I had the pleasure this afternoon of meeting young Romauldo Guerrero and his charming sister Señorita Josepha. They have crossed to Benicia. You are acquainted with Don José Guerrero, I dare say?"

Don Miguel nodded. "Don José is a fine fellow and his daughter is a saint. But the boy Romauldo—ah, he is a worry to his family."

"A bit wild, eh?"

"A gambler, without interest in his father's affairs. Outwardly he is polite, but in his heart he is not. You know, of course, that Josepha is his half-sister?"

"I did not." Vaguely D'Arcy felt relief at this.

"He is by Don José's first wife." A silence while Don Miguel rolled his cigarette. "She was a quarter-bred Indian and very beautiful. Perhaps that explains Romauldo. He is a throwback." D'Arcy nodded and Don Miguel continued: "Don José's second wife was the daughter of an English ship-master whose ship was wrecked near Ventura early in the present century. Her mother was a Carillo and there was no Indian blood in the Carillos. They were aristocrats. Josepha speaks English—a little. Her mother taught her."

"Her mother is dead, I take it."

Don Miguel nodded. "Two years ago."

"Where is their rancho?"

Don Miguel, like most of his kind, was more or less vague on distances. "Many leagues above the Yuba River, on the Sacramento, close to where the Arroyo Chico empties into it. It is an old grant, one of the first, if not the first, in Alta California. Eight square leagues, I think it is, running from the east bank of the Sacramento well

up into the hills. It is a glorious rancho."

"I noted at San Juan Bautista that young Tomas Espinosa was quite devoted to the señorita. Tomas is a young gentleman of excellent taste in femininity."

"Ah, poor Tomas. It seemed there would be a marriage there, but at the last Josepha would not obey her father's desires. There was a quarrel before they left the Espinosa rancho. Don José is much distressed—but then what can one do with a high-spirited girl like Josepha? It is her English blood. There is always rebellion in the Anglo-Saxon—rebellion and great independence."

A warm glow of delight swept through D'Arcy as the garrulous old don imparted his gossip. That boy Tomas! Why, how could any girl of spirit be attracted to him? "I have a fighting chance," he exulted. "I wonder if I constitute the reason for the wrecking of that well-laid plan. By the powers, I have now a clear field. I must call at the Rancho Arroyo Chico. Yes, I will fare north, far in advance of the northern fringe of this invasion. I must work within riding distance of the Guerrero hacienda."

"It is whispered," Don Miguel continued, "that a gringo has captivated Josepha, but that he knows it not. Alas, that any man should be so dull!"

"Perhaps," D'Arcy suggested, instantly on his guard, "that is not because the gringo is dull. It may be that his heart is engaged elsewhere. Or it may be that—oh, it may be for a number of reasons. Undoubtedly Señorita Guerrero is in all respects desirable. I had the honor to be presented to her at the Espinosa rancho, but since I was a stranger there my opportunities to warm myself in the light of her presence were negligible."

"What will be will be," Don Miguel answered enigmatically, and fell to discussing horses, for he had passed the age of romance.

Their conversation was interrupted by a volley of pistol-shots far down the line of campers, and Bejabers Harmon sprang to his feet. "That shootin's close to our camp, Dermod," he declared, and started running.

D'Arcy followed at his heels; with drawn pistols the pair came dashing into the dim glow of their camp-fire, to find the camp deserted. Half-way between their camp and that of Cannon and his party, however, a group of men could be heard talking excitedly.

"Who's there?" Bejabers challenged, in the strident tone of one who has done many a sentry-go.

"Ah, Bejabers, is that you? Is D'Arcy with you? Come here," the calm, cultured voice of the Bart answered. "It seems there's been an accident."

The partners hurried over to the group, and Mr. Poppy struck a light and held it

close to the ground. It flickered on a dead man's face.

"Who is he?" D'Arcy demanded. "Who shot him?"

"Me shootee him," Jim Toy spoke up. "Him come steal flour from wagon. Allee same catchee one sack. Jim Toy say: 'Dlop him. You no dlop flour I shootee.' Him no dlop flour, so Jim Toy shoot. Lookee, boss. Here him sack flour."

Mr. Poppy moved his lighted taper and disclosed the bag of flour at the man's feet.

"Is anybody from Cannon's camp here?" D'Arcy demanded.

"I am here, D'Arcy," Cannon replied. "I heard the shootin' an' come over to see what the excitement was."

"This dead man belonged to your party. He was with you at the ferry this afternoon. Drag him home, and in the morning you might bury him."

"The Chink had no call to kill him. What if he had lifted a sack o' your flour? That ain't no killin' matter."

"No? Well, if the theft of that sack of flour meant that this winter one of our party would starve to death without it, that would be a killing matter, would it not?"

"The Chink'll have to answer for the killin'."

"To whom?"

"To the law."

"There is no law but the law of might, Cannon. Jim Toy was justified in killing a thief on sight, particularly when he caught him with the plunder. Who besides Jim Toy saw this man running with the sack of flour?"

"I did," said Mr. Poppy.

"The rascal disturbed our rest," the Bart complained. "Rather good shooting for a Chinaman, I should say, Dermod, my boy. We were all asleep around the camp-fire, with the exception of Jim Toy, who was taking his rest in the wagon and felt the sack of flour being withdrawn from under his person."

"Well, call one of your men and remove this body, Cannon," D'Arcy ordered. "And let this be a lesson to you and your rascally party. What we have we hold. Come, everybody. Back to our own camp."

They departed, leaving Cannon alone in the darkness beside his dead associate.

# *Chapter Eight*

Bejabers Harmon spread his tarpaulin and blankets, removed his boots and rolled up for the night. "Law and order," he announced to his fellows. "Law and order. That's what we need and that's what we're comin' to. Necktie parties! Quick action and no mercy!"

"God have mercy on that sinner's soul," Mr. Poppy murmured piously.

"Dermod, my boy," said the Bart, "this shocking tragedy has shaken me a bit. Would it not be a good idea to have one little nightcap to settle our nerves before retiring?"

"*No!*" Bejabers roared, and sat up, as belligerent as a broody hen. "That's liquor's for medical purposes only and if I catch you or his Reverence broachin' our medical stores I'll make you hard to catch."

The Bart replied with great dignity. "Who, may I inquire, is the commanding officer of this party?"

"D'Arcy is, Bart, but where you're concerned, I am. I won't have you imposin' on his good nature just because you seconded his father in a duel and because you're both from the same college and the same part of Ireland. Personally, you don't rate high with me, Bart. You be quiet."

The Bart snorted indignantly, murmured something about having been accustomed hitherto to the society of gentlemen, and retired to the saddle-blanket he had appropriated.

"You sleep on the ground, Jim Toy," D'Arcy commanded; "otherwise somebody will sneak up and cut your throat. You sleep a different place every night."

"Me heap savvy, boss."

McCready spoke up sleepily from his blankets. "And it wouldn't be a bad idea if you got out of the habit of standing between Cannon's camp and the light of that camp-fire, D'Arcy."

"An excellent idea, Mac. I don't think we'll have any more visitors tonight, so I'm going to turn in, but tomorrow night we'll have a camp guard." He poured a bucket of water on the embers, removed his boots and crawled under his blankets.

It was after midnight, however, before he dropped off to sleep. Impulsive of action though he was, he was not impulsive of thought. He resigned himself now to a study of the problems confronting him, to a consideration of the problems that would be community matters in the days to come.

He was in a new country, where new customs were even now overriding the old traditions. Pastoral California was not gone, but it was going fast. A man in San Francisco had told him it was conservatively estimated that there were four thousand men mining in the country bounded by the Merced River on the south and the Feather River, with its forks and branches, on the north, and of these perhaps two-thirds were native Californians, Chilenos and Mexicans from Sonora and Sinaloa. Gold had been discovered in February. It was now August; hence the news had, by now, reached around the world.

Well, the spring of '49 would find thousands of men arriving in California via ships, but the real rush could scarcely come before the spring of '50, when the overland emigrants would arrive. Then would come a mad scramble for a place in the sun; then would human selfishness and greed, jealousy and mendacity, come to the front, particularly if the placers were as rich and widely scattered as report indicated. The country would be overrun, and the feeble government, still functioning along much the same lines as had obtained under the Mexican régime, would be a government in name only.

He had heard that Johann Sutter and John Marshall had entered into some sort of mutual agreement as to the exploitation of the mineral rights on the land which Sutter held under a Mexican grant and upon which Marshall had made the original discovery of gold. Unable to work the bars along the river themselves, they had attempted to exact a ten percent royalty from the men who did, and for a short while this royalty had been regarded as just, and paid. More recently, however, subsequent arrivals had declined to pay the royalty and jeered at the claims of Sutter and Marshall.

It had not escaped D'Arcy's notice that no man, in that long line of restless adventurers waiting to cross the Carquinez Straits, was without pistol and bowie-knife, openly displayed. These weapons, he reflected, would be the courts of first instance.

His mind dwelt on the tragedy which had just been enacted. Jim Toy had killed a thief, yet there would not be even a coroner's inquest, or official investigation, since there were no officials to investigate. In the morning there would be no court save that of public opinion, and public opinion was not at all likely to bother itself with the matter, since public opinion must ever be fanned to interest by some magnetic leader.

Cannon might attempt to do that, but—he was not a leader. If he attempted the impossible, D'Arcy would oppose him and, with competent witnesses, prove the killing to have been justified.

But what if the killing had been a cold-blooded murder? In that event, Jim Toy would probably leave the camp, and no man would be sufficiently interested to follow him and demand an eye for an eye, a tooth for a tooth, a life for a life. D'Arcy doubted if even the dead man's comrades would risk losing their place in line to avenge him. A white man, one possessed of unusual hardihood, probably would not bother to absent himself under the circumstances, but trust to the inchoate social conditions, backed up by his weapons.

"It will be a mad scramble," D'Arcy reflected. "Sutter's Fort at New Helvetia is the place I must visit first. That is the main base of supplies and the starting-point of men bound for the placers. There I can, doubtless, glean information that will be of value to us in our future movements. I must learn something of local customs, methods of operation, and routes of travel. In this adventure the lad who keeps his head, who is not swayed by popular excitement, who prepares well and then acts wisely, is the fellow who will reap the greatest reward."

His thoughts adverted to the original dwellers in this sweet land, the kindly, indolent, unimaginative, contented children of the sun. Soon such fellows as Cannon and his men would be raiding their ranch commissaries for food, lifting their horses and slaughtering their cattle. And following in the rear of the miners would come the gamblers, the oafs, the thieves and blackguards, the conservative, cold-blooded, adroit Yankee traders, the lawyers and lawyer-politicians, who batten on crumbs from the tables of the proletariat. When the fools had amassed a fortune the camp-followers of fortune would take it from them!

It occurred to D'Arcy that, in a broad sense, California had not been discovered until the previous February, when John Marshall had found coarse gold in the race at Sutter's sawmill. As a result, California would be admitted into the Union within two years, if this long line of gold-seekers, of whom he was one, was a portent of the hordes to come.

What, he reflected, would become of the unskilled miner when his work has been done—when the gold-rush, like a tidal wave, had expended itself on the beach of disappointment and disillusion? He answered his own question. The miner of today would be the farmer of tomorrow. He would go back to his ancient heritage, the land.

"The Hispano-Californians have secured, by grant, the most fertile and best-watered lands in California," he told himself. "And the gringo will covet those lands. He will attack their titles, he will formulate laws to disinherit the dons and open their land monopolies to colonization, on the principle that such action is necessary for the greatest good of the greater number.

"At this moment the finest grazing and agricultural land in California has little or no value—perhaps twenty-five cents per acre would be an excessive valuation. But when the tide sets back from the mines—when the women and children come across the plains by the hundreds of thousands—well, they will not go back. They will not abandon such a land as this, to endure again the miseries and hardships of the return journey.

"California will have been discovered, but the discovery of its gold will rank second with the discovery of its fat lands and equable climate. Dermod D'Arcy, if Fortune smiles upon you and you acquire gold, invest it in land while land is cheap and neglected. Don't stay too long in the hills, for the real wealth of California lies in her valleys."

Ten days D'Arcy and his party camped at Martinez before their turn came to go aboard the ferry, and when they departed the line of adventurers was twice as long as it had been when they arrived. The cautious Bejabers, having urged D'Arcy to purchase their transportation on the date of their arrival, was in excellent spirits, for the price of a crossing had since trebled, and but for the little man's forehandedness they would have been without sufficient funds to purchase transportation now.

Each night in camp they had maintained a guard, relieved at two-hour intervals, but no further raids upon them had been attempted. Nor had the news of the killing of a white man by a Chinaman caused a ripple in the camp. A few curious men dropped in at D'Arcy's camp to discuss the matter with him after Cannon had tried in vain to arouse some public interest in it, but upon ascertaining the circumstances they disseminated D'Arcy's report and the matter died a natural death. Nor did Cannon or any of his men again approach the D'Arcy camp on any pretext even in daylight until the moment came to leave the Martinez shore, when Cannon and two of his men led their horses aboard the ferry with D'Arcy's party, in order to make up a full load.

From Benicia a dusty trail led across country to Sutter's Fort and they set forth upon it immediately. Two hours later the Cannon party trotted by them. Four days later they crossed the Sacramento River at a point where the city of Sacramento, the state capital, now stands. The Black Maria, with Vilmont, Jim Toy and the mule packs, crossed on a ferry barge, but in order to save money, D'Arcy pushed into the river with Pathfinder and swam across. The mules, herded in after him, followed the leader tractably, with the other mounted members of the party bringing up the rear.

On the opposite bank the mules were again packed, and at nightfall the entire party encamped outside the walls of Sutter's Fort, the center of the vast plantations

which Sutter had laid out, beginning in 1836. No farming had been done this year, however, the discovery of gold having occurred coincidently with the spring planting, thus depriving Sutter of all of his laborers.

The evening meal disposed of, D'Arcy sought Johann Sutter in his office inside the fort. The despoiled empire-builder accorded him a chilly reception, for, indeed, each arriving gold-seeker was, in Sutter's eyes, an additional source of worry and distress.

"What do you want?" he demanded.

"Some information, if you have it to give, Mr. Sutter."

"If I did not have it to give you would probably try to take it. Everybody takes from me and nobody pays. The country is overrun with villains. They take my gold and refuse to pay the royalty. They help themselves to my granaries because I have no one to guard them; they butcher my sheep and cattle. A curse upon them! And there is no law."

"The law will come," D'Arcy assured him.

"*Ja*, when it is too late. Well, what information do you want?"

"How far is it to the Arroyo Chico and what is the best route?"

"A week's travel. Follow the river north."

"Are there any miners that far north?"

"Perhaps a few. I have not heard that any discoveries have been made north of the Yuba and its branches."

"Thank you. Have you any grain for sale?"

"So you would buy? Have you money to pay?"

D'Arcy nodded smilingly. "I would rest my party here for a week and harden my stock on grain. They have been a long time without it."

"You are different," Sutter answered, and a modicum of the chill and resentment had gone out of his voice. "You are the first to come here who has not been in a mad hurry."

"The race is not always to the swiftest, Mr. Sutter."

"I have grain. It is not very good, but it will cost you three dollars a bushel."

"I will take ten bushels. Here is the money."

"I have no food for sale."

"I require none."

Sutter laughed. "All are fools but you. Have you tents?"

"No. But I have tools to build cabins."

"So."

"Have the miners formulated any mining regulations at Coloma?"

Sutter nodded. "Each district makes its own rules, and the first to come organize the district, regulating the use of water for washing the gravel and outlining the size of the claim each man may have. At Coloma and on Mormon's Bar below my sawmill the claims are ten feet square."

"Are they very rich?"

"Very. There is gold in every stream that runs from the Sierra to the river."

"Thank you. If I may have the grain now I will be your debtor."

Because the last of the retainers he formerly numbered by the hundreds had deserted him, Sutter was reduced to the extremity of measuring out the grain himself. As he had stated, it was of poor quality, but D'Arcy was glad to get it.

When his men had carried the grain away to their camp Sutter questioned him regarding conditions in San Francisco. What news had he of the road? None of interest? Sutter had heard of a murder committed a few miles beyond Benicia ten days previous. An American had been roped from his horse by a Californian and dragged to death across the plain. The dastardly deed had been accomplished at twilight while the man was riding in advance of his party.

The murderer had not been identified, but suspicion pointed strongly to Romauldo Guerrero, son of Don José Guerrero, of the Rancho Arroyo Chico. Sutter had heard that the man had insulted him at Semple's Ferry by alluding to him and his sister as greasers. Had D'Arcy known of the incident?

D'Arcy professed ignorance, and the conversation shifted to other matters.

Later, when D'Arcy joined his fellows, he drew Bejabers Harmon aside and related what Sutter had told him of the murder.

Bejabers grinned. "I'll bet my share of Sierra gold young Guerrero did the trick, Dermod. I sized him up as a chap who would lack the courage to call his man out. Certainly a Hispano-Californian did that job. That is an old trick of theirs and one at which they are mighty dog-goned handy. An American would never descend to that; in fact, I doubt if there are more than a dozen Americans in California who know how to throw a riata, particularly in a poor light."

"Romauldo's mother was a quarter-bred Indian. The girl is his half-sister, but her blood's pure."

"I wonder if she knows how Romauldo settled the grudge."

"I doubt it. He must realize she would disapprove of such a course."

"Yet she sicked him on to the feller. Remember, she claimed the privilege for the Guerreros, when you and I offered to call the skunk out."

"I cannot believe that girl ferocious enough to stimulate her relative to murder." Bejabers noted the misery in his partner's eyes. "I wish that disgruntled Sutter had

kept his gossip to himself."

For a week, much against the desires of his companions, D'Arcy lay encamped at Sutter's Fort. In that week, however, he gleaned much information of value to him. Food was scarce in the diggings and very high. A side of bacon, for instance, was not purchasable under fifteen dollars, and the farther the demand from the source of supply and the more difficult to get it there, the higher the price. Already wagon- and pack-trains were in operation by freighting companies, the wagons bringing the supplies from Sacramento, or Nye's Ferry farther up the river at the point where the town of Marysville now stands, and the pack-trains distributing it throughout the mining country, where, as yet, there were no wagon roads. Barges, towed by steam launches, brought the supplies up-river from San Francisco.

D'Arcy, Bejabers, McCready and Judson had ridden up the American River and interviewed the miners working on the bars there. Later they had crossed the ridges to the various forks of that stream, noting the methods of operation, which in all cases were of the crudest kind. Upon returning to Sutter's Fort D'Arcy purchased more nails.

"I have had some experience in placer-mining," he informed his associates. "It was mostly dry placering, but I did evolve a method of separating the gold in sluice-boxes when we had water available. I can wash a great deal more gravel and save a great deal more gold by my method than can be done by any method I have observed thus far."

"Us Yankees are strong on inventin' things," Bejabers assured him. "We're all better at usin' our heads than our arms. Well, when do we start to make our everlastin' fortune?"

"Tomorrow morning, Bejabers. We've wasted all the time we are going to waste—although I think it has not been wasted. Has it occurred to you to consider the advantages that accrue to us by reason of our being a well-outfitted party? We have our own pack-train and are independent of the local freighting robbers; by buying our food here and packing it in ourselves we will save a great deal of money."

His men agreed with him. He continued: "We are going to proceed north, following the river, for about eighty miles. I want to go far beyond the farthest point where any mining has been done as yet. I want to locate a good stream, with plenty of water in it, prospect it, and if it proves up well, we will, among our own company, organize a mining district and set up our own mining laws. Which reminds me. We must have some stationery and books in which to keep the records of the district. Bart, if you're good, I'll make you the district recorder."

The Bart eyed him humorously. He realized D'Arcy had taken his measure

correctly and was rather pleased than otherwise about it.

"We'd ought to elect an *alcalde* first off," Bejabers suggested.

"There you go, Old Law-and-Order. Well, the Bart can fill that office also."

"How about his Reverence?"

"Mr. Poppy shall learn the gentle art of flirting gravel with a shovel."

Mr. Poppy announced, in his orotund bass, that he was entirely agreeable to that program.

"Where the miners are thickly settled," D'Arcy resumed, "one may not possess a claim larger than ten feet square. That is why I am moving on to some spot where we will not be crowded—at least for a while. It is customary for the original discoverers of a rich district to be allowed claims double the size of those who arrive subsequently, so—"

"Who allows it?" McCready wanted to know.

"Public opinion, Mac, which is the law where there are no statute-books. In our own area we will be public opinion. Our claims will be one hundred feet long and as wide as the river from bank to bank. As original discoverers, we will each then be entitled to a claim two hundred feet long. And as we will be the original preemptors of the water we will have prior rights thereto."

"How're we goin' to maintain those rights?" Judson wanted to know.

"By force—until we're outnumbered or outvoted. We'll set up a law and obey it. Then, if we have to fight for it, our cause will have a semblance of justice."

"Well, we can put up a pretty good fight while we all hang together," Judson admitted. He was one not at all averse to conflict.

"We *must* hang together. Therein will lie our strength. I have heard—and we all have noticed—that gold brings with it a peculiar sort of madness—the madness of dissatisfaction. Men with a rich claim on the Tuolumne hear of a richer strike on the Consumes, and immediately abandon their claim to race to the new strike. No sooner are they settled there than the old will-o'-the-wisp lures them elsewhere. They spend their precious time wandering like gipsies.

"I propose that if we find a satisfactory claim we stick by it and work it to a finish."

"We'd ought to have some sort of partnership agreement," McCready suggested.

"We shall. I'll get to work on that this afternoon and try to evolve something sensible and just. After I have outlined the main program we will discuss it and add amendments."

He sat down a little later in the shade of an oak-tree and fell to this task, to be

interrupted presently by a gruff voice saying:

"Stranger, if you'll be good enough to git out from under this here tree I can show you a better use for it."

D'Arcy looked up. Before him five men sat their horses, and in the midst of them another horseman, with his hands bound behind him, was looking at him with dumb pleading. The bound man was Romauldo Guerrero.

"What's this?" D'Arcy demanded.

"Goin' to hang a greaser, that's what!"

"What for?"

"Murder."

"Got any proof?'

"Proof enough."

"Let me hear it."

"We ain't got time to listen to no argument. Git out from under that tree."

"Not so fast, my friend, not so fast. Look behind you."

The quintet turned. Behind them stood the Bart, Mr. Poppy, McCready, Judson, and Bejabers.

"Who are these fellers?" the leader of the horsemen demanded.

"They represent Public Opinion. Incidentally, they are my partners and quite as curious as myself. What proof have you got that this young man has committed a murder?"

"He's the only feller that had a reason to commit it."

"Perhaps, then," D'Arcy smiled back at the man, "it was justifiable homicide. Did any of you see him commit the murder?"

"All five of us."

"Did you recognize him at the time?"

"No, but we recognized his hoss."

"You refer, I believe, to the murder of the man who was roped and dragged to death near Benicia some two weeks ago. There was some sort of quarrel between that man and some other Americans at the Martinez side of the Semple Ferry."

"That's the ticket!"

"I was present when that man alluded to this young man as a greaser. The remark applied equally to the prisoner's sister. I am a friend of this prisoner's family and in that capacity I offered to fight the man who used that obnoxious word, 'greaser.' My associate behind you, Mr. Harmon, insisted on taking the job off my hands, but the young lady reminded us that it was the business of her brother to avenge such insults to their blood and I agreed with her."

"Well, he avenged it, all right. None of us would have cared a whoop if this greaser had called his man out, but—"

"But you have no absolute proof that he roped the man and dragged him to death. You have nothing but suspicion, and you are about to hang this man on mere suspicion."

"Suspicion's good enough for us."

"I don't go in this company." Bejabers Harmon had spoken. "Hands up."

The five men, turning, saw a pistol in each of Harmon's brown hands; saw pistols in the hands of McCready and Judson, while the Bart, in lieu of a more lethal weapon, had picked up a large piece of granite. D'Arcy stepped up to Romauldo Guerrero and cut his bonds. "Your horse is weary, Señor Guerrero."

Romauldo smiled. "They caught me far up the river. I was with my father's *peones* working cattle, so I rode hard for this man Sutter's place, thinking there would be men here who would protect me. A mile out my horse failed me and I was overtaken."

"Did you kill that man at Benicia?"

"I did not. I intended to, but one of my relatives relieved me of the task. I was still too ill to sit a horse. But my cousin rode my horse—his own is still too green to rope well from—and the good deed was done. I am sorry to have been too ill at the time to do this thing myself but—well, it was a family matter."

"I see. And these men—all armed—got between you and home?" Romauldo nodded. "If you should reach your home safely, can you protect yourself there?"

"I will have fifty men at my back."

"Come with me."

D'Arcy led the boy to his camp and saddled Pathfinder. "Here is a horse that may not be overtaken. Mount and ride him home. I will keep your horse and some day I will call at the Rancho Arroyo Chico for this animal."

"I will treat him well, sir. I thank you. My father will thank you. My sister will thank you. Twice I owe you my life." He vaulted lightly into the saddle and jogged carelessly away. At a little distance he halted, faced about and kissed his hand airily to his late captors, who still stood immobile under the menace of Public Opinion.

"*Adios*," he called.

Half an hour later Public Opinion put up its guns and strolled back to camp. Bejabers squatted on his heels and stared meditatively at Dermod D'Arcy, enthroned opposite on a crate of bacon.

"Well," he announced presently, "I reckon you got your head about you, Dermod. Lendin' the young feller your horse is just about the best excuse I know of

for callin' on the Señorita Guerrero. As a gringo, it's up to you to make yourself mighty acceptable when you call."

"He didn't kill that man, Bejabers. He told me so. He was frank about the matter and I believe him."

"Who cares? All I'm interested in is law and order. Besides, the evidence didn't support the verdict anyhow. 'Tain't fair to hang a man on circumstantial evidence. However," he added humorously as he watched the five disappointed horsemen ride off toward the fort, "we could have done without them five additional enemies! But then, as the feller says, the path o' true love never did run smooth!"

# *Chapter Nine*

The dry midsummer heat of interior California lay oppressively upon the Rancho Arroyo Chico and furnished Don José Guerrero with an excuse he did not need for refraining from even the slightest form of physical endeavor. He lay at his ease in a crude hammock, fashioned from a bullock's hide and slung between two of the rough uprights that helped to support the long veranda of his hacienda. Close to the veranda an ancient bay-tree cast a grateful shade upon Don José, and with its pungent, pleasant aroma, aided by the drone of insects and the sharp buzz of a hummingbird's wing, sought to lull him to his siesta.

Close at hand stood a tall home-made commode, upon which reposed a bottle of white wine, a glass, a plate of black figs and a packet of Mexican cigarettes; at a hitching rack in front of the long, low adobe house a large blue roan horse, saddled and bridled against the extreme unlikelihood of Don José's taking a notion to ride him somewhere, drowsed with his fiddle-head between his knees; from somewhere back of the hacienda a woman sang, in a subdued minor key, a sad little Spanish song that was old when the Moors invaded Granada.

In a lovely parklike grove of white valley oaks, the hacienda squatted, infinitely forlorn in that vast, silent plain. It was a one-story building of sun-baked adobe bricks, which had subsequently been given a coat of wet clay that, after hardening, had been whitewashed. The house was perhaps a hundred and fifty feet long and about forty feet wide, with a hipped roof. In a more settled community this roof would have been constructed of red tile, locally manufactured, but either because of the impossibility of buying tile already made or—and this was probably the real reason—a disinclination for the labor involved in making it, the hacienda of the Rancho Arroyo Chico was roofed with a thatch of tules cut along the river-bank and in adjacent marshes.

The house had windows regularly spaced—a window to each room, doubtless, but the windows contained neither sash nor glass, a grated iron shutter serving instead.

A climbing white rose embraced the uprights of the veranda along the entire front of the house and spread out over the low roof, upon which a considerable quantity of red chilli peppers gleamed in the sunlight. Over the broad main portal an old ship's lantern hung; wooden benches were set against the wall for the full length of the veranda, which, like the house, was floored with boards whipsawed from the native fir timber. In the dust under the oak-trees about a dozen chickens of the game

variety fought each other without much enthusiasm or sought grasshoppers, while two dogs of indeterminate ancestry lay on the veranda and snapped at the flies that ventured near them.

Although he appeared to sleep, Don José was in reality very much awake, because of an unwonted cerebral activity which for the last few weeks had daily made of his attempted siesta a signal failure. For the first time in his calm and unruffled existence he was worried—and by a number of matters.

The owner of eight square leagues of the richest agricultural and grazing land in the world, upon which roamed four or five hundred horses and twenty-odd thousand cattle, Don José had gradually come to the realization that he was a much impoverished man in all save his pride of lineage. For the last few years the hide and tallow business, upon which the *rancheros* of California had depended for their sole income, had been going from bad to worse.

Such income as he might hope to glean in the future must come from the sale of beef to the miners who were invading Alta California and who in the very near future would probably come to mine on Don José's grant, the eastern extremity of which ran far up into the Sierra foot-hills.

Don José believed firmly that all gold in the beds of streams on his rancho belonged to him and, although he would never take the trouble to mine it himself, he resented the prospect of others' doing so, particularly without his permission and without paying him a reasonable royalty. He felt, quite justly, that he had a legal right to demand a royalty, but he was also aware that there was no legal authority in the land capable of enforcing his demand. Consequently, Don José realized he must abandon the idea and trust in God to protect his horses and cattle from similar appropriation, as the invaders increased in number and decreased in quality.

At that date his broad lands had practically no value except in so far as they supported his horses and cattle. A steer was worth about two dollars for its hide and tallow and there was no market for the beef, at least for the present, while horses were of such little worth that Don José would present one to the first person who asked him for it.

He had perhaps fifty retainers on the rancho and while he paid them nothing for the little work they did, nevertheless they dwelt under the mantle of his philanthropy and must be fed and clothed. And it irked the generous man to see anybody ill-fed or naked—that is, anyone with a modicum of Castilian blood in his veins. He did not worry over Indians. Somehow, God took care of them.

Don José's worries over his economic situation were as nothing compared with those anent his children. At eighteen, his daughter was unmarried, yet she was

singularly unappalled at the prospect of being accounted an old maid at twenty-one. He had arranged for her a wholly desirable alliance, and she had flatly refused it and flouted his authority in the matter.

The result was a social impasse—and for this reason: Don José was of pure Castilian blood. All of his people had been soldiers or civil servants, and in an age when the servants of the state were bound by a tradition that forbade degrading manual labor it was but natural that Don José should never have performed any feat more arduous than playing a guitar, gaffing a game-cock, riding a wild horse, lassoing a wild steer or a grizzly bear and playing a customarily disastrous game of Mexican monte. The motto of his time and race suited him in all respects. *Dolce far niente!* Sweet doing nothing!

Yet he had to do something—at least for his daughter. Here in Alta California there was no eligible young man she might marry—that is, among the families with which a Guerrero might ally herself. Already these social limitations had resulted in the Guerreros finding themselves related to all of the first families in California—and there was a point, in the following of this tradition, beyond which one might not go! On the other hand, Don José was resolved that his daughter should not marry into a family which, no matter how wealthy or socially prominent, was known to carry a strain of Indian blood. And few of the Californians, he realized, were wholly free from that taint.

True, in a moment of youthful passion Don José had married unwisely, but fortunately the death of the lady a few years later had enabled him to recover his pride by consummating a second marriage in his own select circle. Indeed, it had been this early and bitter experience that had indicated to him the necessity for his daughter's making a suitable marriage; and because of her refusal to conform to his desires, he was now a prey to many conflicting emotions.

For his son Romauldo, Don José had no such brave aspirations. Romauldo was at least an eighth Indian—perhaps a quarter, if the truth were but known. Therefore, the traditions of his father's class effectually barred Romauldo from that class, even had the young man the slightest inclination to enter it, which—whether fortunately or unfortunately—he had not. For Romauldo was a throwback to his mother's primitive ancestors.

Although handsome and the darling of the ladies of what might be termed the middle and lower classes, he was a born wastrel. This did not cause Don José to love him the less. Whatever the boy might be, nevertheless he was his father's son; while Romauldo maintained, outwardly, the semblance of gentlemanly conduct, Don José was not inclined to care a great deal what the boy did privately, provided the

results did not prove too annoying or expensive. Don José had been young himself and at no period of his youth had anybody been so optimistic as to suggest that he might adorn the habit of a Franciscan friar!

However, there had always been a limit to his deviltry; while he wore a long knife down the leg of his *bota*, or leathern legging, he had never carved a human being with it; he had always been honorable in financial matters; even in the heat of anger, he had never forgotten to be polite, and no man had ever left his roof and cursed it.

"Satan afflicts me," the don murmured, half to himself, as his daughter Josepha emerged from the house, sewing basket in hand, seated herself on a bench hard by and commenced to crochet a strip of lace.

"I have a fellow feeling for Satan, my father," the girl declared. "The poor red one must do something to pass the weary days; hence he afflicts people, that he may laugh at their misery and thus amuse himself."

Don José saw himself drifting into a confidence he was not willing to grant. He spoke, lazily and comfortably: "There is a thunder-head among the Sierra foot-hills yonder. I think it will rain there. I hope so. It will wet the gringos. May the devil skin them all, to make nightcaps for their mothers!"

"With the exception, my father, of one to whom this house owes much."

"Ah, that young man D'Arcy. Yes, a very agreeable fellow, I must admit. In fact, a gentleman. It is unfortunate that I may never have an opportunity of expressing my debt of gratitude to him for saving Romauldo from drowning."

"You will, one day, have such an opportunity."

Don José sat up in the hammock. "You think he will visit us?" The girl nodded. "But I have not asked him."

"I have."

A little frown darkened Don José's sun-baked countenance. Under the stimulus of some secret emotion he poured himself a glass of wine and sipped it moodily. Then, "I have a suspicion this gringo has turned your head, my daughter, even though you have met him but casually. Tomas Espinosa informed me—"

"A plague upon that sniveling infant! Please, my father, let us not speak of Tomas again, I entreat you."

"A father may not avoid a discussion of his daughter's future," Don José declared, thus reminding her of his inherent rights as the head of his clan. "I have high hopes that in a little while, when this mood of rebellion has passed, you will listen to reason and—"

"It is my hope that when I marry I shall marry an American," the girl interrupted

with quiet vehemence.

Don José was scandalized. "What! You prefer one of these gross fellows to a man of your own people?"

"I prefer for a husband a man who will do things, and no Californian does anything save drink, gamble, race horses, and fight chickens. They are lazy; while they have a *real* in their pockets they never think of tomorrow. Their all they spend upon trappings for themselves and their horses; they are incapable of emerging from the dusk of the ages in which we dwell. They are lazy, jealous, indifferent to the commonest requirements of their wives and children. Once they are married"—she snapped her little fingers—"they give orders.

"Do you not recall that just before the Conquest my third cousin Benito Sandoval beat his bride because she visited her mother, whom he did not like? For this she left him. Immediately he besought the *alcalde* for a writ compelling his wife to return to him, to be beaten again, if need be; and that fool of an *alcalde* at San José issued the order that the poor girl should, live with Benito, as God commanded.

"What do stupid *alcaldes* know of what God has commanded? We women have no liberty when we marry among our own people. Daily we grow poorer; worries come, but not to the young men in California. If they have a place to sleep, if they have fríjoles and beef and tortillas, if they have a horse to ride upon and a *real* to spend for *aguardiente*, they are content. Bah, I despise them! How selfish they are!"

"That is a severe indictment, my daughter. Do you think a gringo will do more for you?"

"He will work. He will use his head. He will prosper and support his wife and be tender of his children, seeing that they are fed and housed, dressed and educated. He will plant flowers around his home and make of it a place pleasant to look upon. The American is clean in his person, he is gay and scorns to take offense at trifles, although when he fights he is worth six of our young men. All of the California girls I know who have married Americans are happy."

"Bah! I do not believe it. Would you wed a man not of the faith?"

Josepha sighed. "I would, provided I loved him."

"Blood of the devil, what talk is this of love? I know what is well for you, child. Now, harken to me, Josepha. If this D'Arcy comes, he is welcome, but—"

His abrupt silence indicated that there were certain customs and precedents to be observed by D'Arcy, if and when he should present himself, and that a failure to observe them would make it incumbent upon Don José to indicate to him, politely, that he was offending; hence that he had best be off.

"Since when have you achieved such an admiration for the gringos?" he resumed witheringly. "Once you disliked them, but since meeting this young man D'Arcy, you have changed, it seems."

"I dislike most of the Americans I have met. They are not well-bred. But when they are well-bred—ah, that is different."

"This is rebellion," Don José murmured weakly. Each successive wordy battle with his daughter had served to render him easier to defeat and he was defeated now. He lighted a cigarette, picked up his stiff-brimmed red vicugna-wool hat from the ground and eyed it gloomily. "The fact is, Pepita, you are unhappy. It is lonely here, I know. You have little society of the kind you deserve. But if you will not marry Tomas, what would you? Your father's house is your father's house; it is all he has to offer you."

"I am content."

"No, Pepita, thou art not, my little one. Your mother was not content and I think, perhaps, her discontent killed her. It is the English blood. A restless blood, that. I do not understand it."

"I would rather discontent and loneliness than Tomas Espinosa."

"As thou wilt, child. As for Don Dermod D'Arcy, him you will not see again, I think. He is busy with thoughts of gold, and when he has found gold he will return and marry a girl of his own people. I know."

Her feminine wisdom told Josepha her father really knew nothing of any importance. Nor did any other California gentleman of her acquaintance. However, content with her victory, and realizing instinctively that she had won her point, she forbore further remark. Don José too appeared willing to direct the conversation into new channels. So he said:

"This wine is very poor."

"Why not? It is gringo wine, from Boston. An American, resident in California, would not drink it. He would plant his own vines and make for himself a much superior wine."

Don José sighed. "A vineyard is a devil of a nuisance."

"We have cows, but milk, butter, and cheese we know not. In the mission gardens the *padres* raised a vast variety of luscious fruits, but few *rancheros* have bothered to follow that example. To have an orchard, to raise some vegetables, other than beans, chillies, and cabbage, is always a devil of a nuisance. Ah, how weary I grow of the same food, year in and year out!"

"It is sound, nourishing food," Don José protested. He was amazed. His own appetite was always good, and since he had never known food other than *frijoles*

*con refritos*—beans boiled and later fried in lard—beef, coffee, tortillas and a few plain vegetables, he had no desire for it. A gay serape, or an embroidered velvet cloak, and silver trappings for his saddle were far more to be desired. He looked at his daughter sadly. "Your father's house is all your father has to offer you, little one," he reiterated. "If you are unhappy—well, is it not your own desire? Marry Tomas —"

"Tomas is the sort of man who would have me, whether I loved him or not—so enough of that monkey. Here comes Romauldo."

It was characteristic of Don José that he should look first at the horse his son bestrode. "Ha! Where did you get that horse, my son? By our Lady of Guadalupe, it is the horse of the gringo D'Arcy." The don leaped up and ran to his son. "If you have bought this horse, Romauldo, our fortune is made."

"I did not buy him," Romauldo replied sullenly.

"Then, vagabond, it must be that you have stolen him, since D'Arcy would never permit you to ride him otherwise. Explain!" Don José's voice was raised to a note his son had never heard before; the proud, fine head was lifted and a fierce glance swept the boy. "Blood of the devil, thou hast been fighting. If thou hast disgraced thy blood—"

"The gringo lent me this horse because my own was weary and I had need of a fresh, fleet mount. But you are in error, my father. I have not been fighting. I have been assaulted by five gringos."

"Ah, poor boy!" Don José tenderly aided his son to dismount and embraced him. "You have a blue eye, my son, and there is blood on your face."

"I have been beaten, my father."

"There will be an accounting."

With characteristic disregard of his mount's comfort, Romauldo dropped the bridle-reins over Pathfinder's head and left the animal to drowse in the sun beside his father's blue roan. Leaning on his father's arm, he limped into the house and called for warm water and towels. His sister followed:

"What has happened, Romauldo? Tell me."

"What happened," her brother replied haughtily, "is not a matter for discussion with women. However, it is enough that you should know that while I, with our men, gathered cattle at the south of the rancho yesterday, five gringos, well mounted, cut me off from my companions. I saw they meant mischief and that it would be useless to argue with them, wherefore I fled.

"The river was on my right, and while two rode behind me, firing their pistols, three rode out on the left flank; thus I had no alternative but to gallop straight ahead.

I gave them a noble chase. My sole hope of escape lay in reaching Sutter's Fort, for there I knew I would find other gringos; and it is the habit of these people to be orderly in all matters and to make strict inquiry before permitting one to be killed in cold blood.

"A little distance from the fort my horse stumbled, whereupon the fall and the fatigue of the chase enabled these thrice-accursed gringos to capture me. Forthwith they beat me. I fought back, but I was overpowered. They then bound my hands behind me, set me on my horse and rode to the nearest grove of oaks, it being their intention to hang me from a stout limb."

"In this extremity I trust you comported yourself with the dignity and reserve of a Guerrero," Don José suggested grimly.

"I cursed them and defied them, although I knew I was doomed. Fortunately, in that grove of oak-trees was encamped Don Dermod D'Arcy and his party. Immediately this charming fellow made inquiry and, being satisfied that justice was not being done me, he and his men, with drawn pistols, denied me to my captors. Then Don Dermod, seeing the pitiable condition of my horse, lent me his great mount Pathfinder and bade me go home. I departed, with joy in my heart, well knowing that with Pathfinder between my knees I could laugh at all pursuers. . . . Well, I am here, and I am very lame and bruised. Yes, but for Don Dermod I would now be dancing on air."

"May the Virgin Mother guard him as he has guarded my son. But tell me, Romauldo, of what gross crime did you stand accused by these five gringos?"

"They mistook me for another, who had roped one of their party from his horse and dragged the man to his death."

"Hah! The American who was slain beyond Benicia the night we crossed the ferry. I remember we passed the corpse as we rode north." Romauldo nodded. "You could not have done this thing, of course, my son. From the moment you came ashore at Benicia you were with your sister and me. Why, then, did these men suspect you?"

Romauldo washed his bruised features and did not answer. His shrug, however, was an eloquent admission of ignorance. His father questioned him no further, but Josepha gave him a curious, hard glance and left the room, passing through to the rear of the hacienda. About two hundred yards from the hacienda a score of small adobe huts strung out in line indicated the abodes of Don José's peons; beyond the huts stood the large corral where a number of horses, saddled, awaited any use that might arise.

"Porfirio," the girl called.

A ragged fellow, of predominant Indian blood, emerged from his house and ran toward her.

"There is a horse in front, Porfirio. My brother borrowed him from a friend. He is a valuable horse. See that he is unsaddled, groom him and feed him well. Nor is he to be turned into the corral with our other horses. They might kick him and injure him."

Porfirio hurried around to the front of the house and led Pathfinder away while Josepha resumed her crocheting.

"Ah, the abandoned one," she murmured, and her hot tears fell on the lace. "He is ungrateful. He thinks but of himself always. He would even neglect the horse so beloved of the man who has twice saved his life. Ah, Romauldo, thou wicked one! There is an evil reckoning coming to thee."

The father emerged presently and seated himself again in the bull's-hide hammock. "The poor boy is in pain. He had ridden far and fast and his very bones ache. I have sent him to bed," he informed her. "Ah, these gringos! They are devils."

"They are just men—according to their ideas of justice."

"What! You would defend murderers? Josepha, you desolate your old father."

"It is true that Romauldo did not rope that gringo and drag him to his death. That we know, my father. But what of his cousin Ramon Ortega, the companion of his rascalities?"

"What of Ramon?"

"That first night we camped after leaving Benicia, Ramon, who you will remember accompanied us to San Juan Bautista, joined us after dark. He was riding my brother's horse and the animal was wet with sweat."

"And why not? Romauldo was ill. He did not desire to ride again that day the horse that had so nearly drowned him, so Ramon mounted the brute and gave him a lesson in deportment. Romauldo rode a gentler horse."

"I speak English, my father. Enough to converse with the gringos. When we rode past the scene of that killing the dead man's companions cried out to me that my brother had done this thing, and when I asked them what reason they had for that statement they told me they had recognized his horse. Yes, the same horse that had leaped overboard with him at Semple's Ferry.

"One of these gringos understands Spanish, it seems. Well, at the ferry, when Romauldo's accident delayed the sailing, the man who was killed cried out to Don Dermod D'Arcy as he worked to restore my brother to consciousness, saying: 'Why do you not throw that greaser overboard? He is delaying us.' Thereat Don Dermod was minded to chastise this man, since the insult to my brother applied to

me, but one of his party forbade it, claiming the task was his.

"I saw there would be shooting, for the man who had referred to Romauldo as 'greaser' was very resolute; therefore, to save life, I claimed vengeance of the insult for my brother. I told Don Dermod and his friend that here was an affair for the Guerreros to adjust and insisted on the right, which was granted."

"Ah!"

"I spoke to Don Dermod in Spanish. One of the Americans understood me. Romauldo also heard this conversation and when we reached Benicia he thanked me for saving the gringo for him. 'You will do nothing to this gringo, foolish boy,' I told him. 'I but claimed vengeance for you to spare trouble and bloodshed to the man who saved your life.'"

"What happened next?"

"He called Ramon to him and they talked. Later Ramon mounted my brother's horse and rode ahead of our party. Remember, the gringos were in advance of us that entire afternoon. I have a suspicion Ramon killed the man who insulted Romauldo. The two are like brothers, as you well know. You know too, my father, that Ramon is a bad man. Has he not stabbed four men in drunken quarrels? And did not one of them die?"

Don José nodded miserably. "Yes, he is a wild boy, I admit. But it is not like my son to delegate to another the settlement of a matter of honor such as this. No, Romauldo is a Guerrero."

"Romauldo," the girl reminded him tragically, "is not a gentleman, and my father knows why. Listen to me, dear one. For my sake Don Dermod saved Romauldo from the vengeance of the dead man's companions, and for that Don Dermod has made himself five enemies. He is too generous and he has wasted his generosity on an ingrate. Romauldo is your son and my half-brother, but—he carries his mother's blood. He does not appreciate his good father; he does not hesitate to play the brawler and the drunkard, to bring disgrace upon the Guerreros."

"I cannot control him," Don José protested helplessly. "He grieves me much."

"It would be well for him to leave this house tonight," the girl went on sadly. "One rebuff does not defeat a gringo. The five who pursued and captured him will come for him here, and since we have no adequate number of firearms to defend him, it is best that he depart into the south and remain there for some months visiting with our relatives."

"I will talk to the boy," her father decided, and went to his son's room. When he returned half an hour later his fine old face was a mask of misery and Josepha saw he had been weeping.

"He has confessed," the old man murmured miserably. "Ah, that a son of mine should hide behind a kinsman's back in a matter of his family honor! I am disgraced, for my son has suborned murder."

The girl went to the suffering old man and drew his head down on her shoulder. "I dislike those who carry tales, but I had to tell you, my poor one. Those five gringos, and perhaps many more, will come here for Romauldo, and when they come and find him here they will not be denied. I had to tell you, my father, for Romauldo, it seems, has no conception of his danger."

"I have ordered a fresh horse for him—one of my best. A few hours of rest and then he must be gone. You are very wise, light of my life. Had these gringos come for my son and had I not known what I know now I would have fought for him to the death."

"I knew that. It is better, therefore, that he should go away. It hurts me, my father, to wring your dear heart, but—Romauldo has already wrung it and he will wring it again and again—and harder each time. If he goes now, time will bring forgetfulness."

He nodded. "You have the wisdom of the English—and something of their hard nature, their love of justice, no matter how or whom it hurts."

"This home is all we have. It must not be a battle-ground," she reminded him. "Ramon Ortega is with his people at the Rancho Solano. He must not visit us again."

"The black one of the black heart! He shall not."

"With reference to Don Dermod's horse. What does Romauldo say?"

"He tells me Don Dermod will call for him, as he rides past en route to some stream north of us to seek gold."

The girl's face rippled in a sad smile. "I knew he would come," she murmured.

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The five men who would have hanged Romauldo Guerrero had departed peaceably enough when Dermod D'Arcy, after realizing that the Californian was now beyond the slightest possible danger of recapture, gave them leave to go. Their leader had glowered at him.

"You've got the drop on us. You win," he had declared. "Seems to me, my friend, you're mighty interested in that greaser."

"His excellent old father and his sister are friends of mine, that is all. I believe, however, that your late prisoner is thoroughly no good; I think he'd rope and drag a man for a drink of *aguardiente*. But you didn't prove your case. He tells me his cousin did the job for him. The boy was quite frank about it, and somehow I think he told me the truth."

"Who's his cousin?"

"He didn't tell me."

"But this chap's an accessory just the same; you'd ought to have let us swing him."

"Not until you proved conspiracy—and your man didn't confess conspiracy to me. He said it was a family matter and I take it, therefore, that any of his kinsmen felt justified in settling it."

"Mighty underhanded, cowardly way of settling it. Well, we'll try to catch the young skunk some other time, when you're not around. I suppose you got a right to your opinions, mister, but remember this: Don't interfere in my business again. I don't like it"—staring at D'Arcy stonily—"I'll not forget you." With a wave of his arm he had then summoned his men and they had ridden off toward Sutter's Fort.

Back in camp, sitting on the crate of bacon D'Arcy settled down to writing. By sunset he had completed a rough draft of his articles of association called by him a partnership agreement. Briefly, the party bound themselves to be led by him and to labor hard and honestly for the common welfare until such time as, his leadership proving unwise or unsatisfactory to any member of the party, that member might call a meeting of the total membership and propose a new leader. A majority of votes would elect such a leader. Conditionally upon the faithful performance of all of the articles of association, each member of the party was to own an equal interest in the assets of the association, the interest to be repaid to D'Arcy out of each individual's share of such gold as they might acquire.

In the event that any member voluntarily quit the association, or was by a vote of two-thirds of the members expelled for just cause, he was to forfeit his interest in the assets to the others, but whatever sums he had paid on account of the purchase of his interest were to be returned to him. All gold produced was to be turned into a common fund and mutually guarded and equally divided at intervals.

Each man was to put in one day weekly as housekeeper and cook. The assignment of claims should be by drawing lots, and any additional labor engaged should be paid for out of the common funds, since it would be for the common good. Any member discovered "holding out" on gold should forfeit, upon conviction by the other members, all of his interest absolutely and be deprived of membership in and the benefits of the association. Any question of common interest could be brought before the association at any time and a vote should settle it.

Rebellion against the vote of the majority called for prompt expulsion from the association with forfeiture of all rights of every kind and nature. The members were bound to protect each other and fight for each other under any and all conditions.

In the light of the camp-fire D'Arcy read the articles after dinner. Bejabers Harmon promptly moved their acceptance, the Bart seconded the motion, and it was promptly and unanimously carried. Thereupon all the members signed, and, for lack of a seal, they shook hands with each other very solemnly and very heartily. In the brief silence that followed, Mr. Poppy had a brilliant inspiration. He suggested a drink.

D'Arcy waited an appreciable time. Then: "I do not hear a second to that motion, Mr. Poppy."

"I second the motion," the Bart boomed in desperation.

"It is regularly moved and seconded that the association have a drink. All those in favor say 'Aye.'"

The Bart and Mr. Poppy voted in the affirmative.

"Contrary-minded?"

"No!" In the vigorous and unanimous response there was no hope of division.

The Bart could not forbear expressing his sense of outrage. "Upon my word, Dermod, my dear fellow, aren't we a bit—ah—narrow-minded? On a solemn occasion such as the present—"

"I move the Bart be expelled from the association for violation of Article Seven," Bejabers announced maliciously. "Buckin' at the decision of the majority is barred."

"Second the motion," Judson observed quietly.

In his most dignified manner D'Arcy put the question and the Bart was promptly expelled by a rousing majority. Mr. Poppy, pained beyond measure, did not vote.

The Bart was horrified. "Gentlemen, gentlemen," he protested, "have you no sense of humor?"

"I make a motion to amend the constitution," the remorseless Bejabers went on. "Any member drinkin' alone and without consent of a majority gets expelled."

The amendment was promptly carried.

"I move another amendment," McCready piped up. "When a question is before the house it's got to be voted on, yes or no. Any member who don't vote gets expelled."

That amendment was promptly written into the articles of association, but Mr. Poppy pleaded that his offense could not be regarded retroactively and was upheld by the Chair. Nevertheless, he was badly frightened, but not to such an extent that he was unable to make a moving and dramatic plea for clemency in the case of his beloved friend Sir Humphrey O'Shea, Bart., K. C. B.

"What's that?" Bejabers yelled. "K. C. B. That means Kan't Come Back. The Bart's out."

"It would seem, gentlemen"—here D'Arcy fixed his glance on Bejabers—"that there is something to be said in the Bart's favor. The rules and regulations of our association are so new and human nature so weak that it is, perhaps, only natural that the Bart should have forgotten them."

"I heard them read but once, Dermod, my boy. I submit I have had insufficient time to commit them to memory."

"Well, I won't be no killjoy, chief." Bejabers appeared to be struggling inwardly. "I move we retract the Bart's sentence of expulsion and leave his punishment up to the chairman of the association."

A chorus of ayes—Mr. Poppy's louder than the others—promptly carried this motion, whereupon D'Arcy sentenced the Bart to get up first every morning for a week, make the fire and put water on to boil. In addition he was to wash and wipe the dishes and kitchen utensils.

"I respectfully and humbly protest at the sentence as excessive and humiliating," Mr. Poppy boomed in his best pulpit voice. "A knight of the British Empire transformed into a scullion is the sorriest sight human eyes can gaze upon."

"Mr. Poppy, you and the Bart are both entering upon the greatest experiment in democracy the world has ever known. There is no aristocracy in California today, not even the aristocracy of brains, for in the adventure before us success may be obtained only by men willing to engage in hard and continuous labor. Furthermore, your remarks are out of order since I suspect that since deserting the British navy the Bart is no longer a baronet."

"As for the K. C. B., most likely he gets read out of the party at that," Bejabers suggested. "A Knight Commander of the Bath sure must appreciate the value o' soap and water, as applied to dishes as well as the human body. No more buckin' and pitchin' at the chairman's decision, parson, or I'll make another motion."

Mr. Poppy and the Bart thereupon subsided so incontinently as to wring a gale of laughter from all hands, including Jim Toy.

"Reduced to the level of a Chinaman. Good Lord!" the Bart whispered.

"The meeting is adjourned," D'Arcy hastened to interject. "It is now seven o'clock. Mr. Poppy, you are on camp guard until eight o'clock. Judson, you go on from ten to twelve; McCready, twelve to two, and I will relieve you at that hour. At four the Bart will relieve me and enter upon his sentence. At six o'clock we'll be packed and en route to seek our El Dorado."

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There was no sleep for any of the party after the first faint grayish tinge appeared in the east, however. Thousands of birds that had roosted in the oaks awakened at

that hour and promptly set up a terrific clamor to greet the new day.

"What a sweet reveille!" the Bart exclaimed. "To one who has known the smell of the salt sea for a quarter of a century, the change to the odor of mother earth and the grasses sparkling with diadems of dew is most refreshing and adds a subtle comfort to my reduced social condition. What a glorious country! Who wouldn't cast his past behind him to revel in such a future? But I say! Whom have we here? The late candidate for hempen honors, or I'm a bailiff."

He was right. Into the camp rode no less a person than Romauldo Guerrero, mounted on his father's big blue roan mustang and leading Pathfinder behind him. He doffed his hat and dismounted.

"Good morning, my friend. Don Dermod, I am happy to return you this wonderful horse which you so kindly lent me yesterday, and with your permission I will linger long enough to have breakfast with your party. I am bound south."

"You are welcome to breakfast, Don Romauldo, and I congratulate you on your decision to get out of this country. Your father's idea, I take it."

"No, my sister's."

"Was it her idea that you return my horse as you rode south?"

"No, that was a suggestion of my father's. He realized our benefactor would sorely miss his wonderful horse and might perhaps find difficulty adjusting himself to mine, even for a few days."

"Ah! I am sorry, Don Romauldo. Your excellent father's concern for my comfort has deprived me of a reasonable excuse for calling at the Rancho Arroyo Chico to pay my respectful compliments to him and your lovely sister." D'Arcy's words were polite but chilly.

Romauldo, electing to ignore them, tied Pathfinder to the wheel of the black Maria, sat down on the wagon tongue and gave himself up to the delights of a cigarette.

"I reckon the old man's sort o' got the notion your room's to be preferred to your company," Bejabers struck in slyly. "This young blackleg appears to admit it."

"The fox! I mean the old man. His son hasn't brains enough to come in out of the rain. Yes, Bejabers, I dare say the old don would prefer to be indebted for his son's life to one of his own people. Well, I've been outguessed," D'Arcy admitted, and added, "but it's another thing to outplay me."

He busied himself with the preparations for their departure and paid no further attention to Romauldo. As for that young man, the moment he had eaten he bowed politely to the company, again expressed his extreme indebtedness to D'Arcy, mounted and rode away. The latter glared at his retreating form.

“The next time anybody wants to hang that young dandy in my presence I’ll not object,” he announced. “He has interfered with my plans.”

# *Chapter Ten*

They were on the march a few minutes later, following the river bank north. Ahead of them the floor of the great valley stretched, a region of dry grassy savannas studded with oaks, which did not grow so densely, however, that D'Arcy's party found difficulty progressing between them.

Antelope scurried before their advance, their white flags flashing comically; elk raised their heads to stare at them curiously, or moved sedately out of their path; deer there were in countless numbers, and from time to time they saw a grizzly bear shambling down to the river for a drink. They met with no other gold-seekers, however, because the latter, to a man, had proceeded up the American River, at right angles to the line of march of D'Arcy's party, thereafter spreading out over the hills to gold camps already established. They were yielding to the human instinct to be gregarious.

The progress of D'Arcy's party was slow, for every few miles they came to a dry arroyo which, in the winter, carried flood waters from the hills to the river. At these arroyos all hands turned to and picked and shoveled a rude roadway down one bank and up the other; when the crossing was to be made the horsemen fastened one end of their riatas to the Black Maria and the other to the broad pommels of their Mexican stock saddles; thus they helped haul it up the steep declivity on the far side. D'Arcy, Vilmont, the Bart and Mr. Poppy shoved from the rear. Jim Toy drove.

Despite these obstacles, however, they made ten miles before encamping for the night. The next day's journey was a repetition of the first. From time to time D'Arcy rode far out on the flanks of his little caravan, seeking that which he knew he must be approaching—the Rancho Arroyo Chico.

They forded the Feather River, for fortunately at this season of the year the water was very low. And they avoided the tiny settlement which subsequently was to become a famous mining center known as Marysville, for D'Arcy had set for his goal some stream much farther to the north than any where gold-bearing ground had as yet been discovered so far as he could learn.

He feared, for the present, the effect upon his party of intercourse with miners who were actually engaged in taking fortunes from the hills; he did not care to risk the breaking up of his little company in the face of the inevitable temptation to gather the gold nearest at hand.

In the afternoon of the fourth day of their march he glimpsed the white bulk of a

hacienda among the oaks on some high ground about two miles back from the river, and without hesitation he rode toward it. As he came closer to it, he saw he was approaching the house from the rear, so he circled to come at it from the front. He was within a hundred yards of the house when the barking of dogs announced his presence; immediately Don José Guerrero came to the door and greeted him with unfeigned cordiality.

"Welcome to my poor house," he said. "All that I have is yours, Don Dermod. I gathered from what my son told me that you were traveling this way and would accord us the honor of a visit. I will have your horse cared for immediately. Dismount, my friend, and enter."

They shook hands. "I thank you, Don José, but I may not remain long. I have called merely to pay my respects. My party will camp for the night a few miles north of here, and I—"

"You will dine with us, no? But surely, my friend. We will be desolated if you do not." He rang a bell, pendent from the roof of the veranda, and a faint shout answered from the corrals in back. "Your horse will be unsaddled, watered, and fed some grain. Come, you are the honored guest of this family. Words fail me to express the gratitude I feel for your noble conduct toward my son; my daughter Josepha, too, waits eagerly to acknowledge the debt."

"You attach too much importance to a trifling service, Don José."

"My son's life, twice saved, is not a trifling service, although to you the effort involved may have appeared trifling. Josepha!" He had his arm in D'Arcy's, leading him toward the door. "Josepha! Come quickly to welcome Don Dermod."

They entered the main portal and passed into a huge living-room, sparsely furnished and with a few old family portraits adorning the walls. From the living-room a bare, uncarpeted hall led toward the end of the house. A door at the end of this hall opened and D'Arcy's heart thrilled as Josepha stepped out.

"Ah, this is an unexpected pleasure," she called, and ran down the hall to greet him. "I have not expect theese veeseet," she added in her quaint clipped English, as his hard hand closed over hers. "I am glad you do those theeng to not be expect'. The—ah—surprise"—she accented the first syllable—"is very much."

He kissed her hand gallantly. "I was aware I was not expected when my horse was returned to me. In Mexico, a gentleman calling upon a lady for the first time leaves his cane. If the cane is returned it is a hint the gentleman is not welcome."

She flushed with embarrassment but met his humorous gaze unflinchingly. "Why, eef that you theenk, mus' you call?"

"*You* did not send back my horse."

"Those are true words." There was pride and triumph in her starry dark eyes now. "You are beeg devil, I theenk," she added.

"A bit devilish, at any rate. I do not care to have other people make my plans." He turned to Don José and said in Spanish: "Señorita Josepha compliments me by speaking English. For one who has so very little practice in that tongue she speaks it very well. But," he added, "I think she is more at home in the Spanish language." Thus tactfully did he allay the suspicion he saw in Don José's usually merry eyes.

"Don Dermod will honor us by staying for dinner, my daughter."

"We *rancheros* live simply, Don Dermod. Our fare is very plain, but we will be grateful to share it with one to whom we owe so much. Ah, you are brave and just! If I am ever a mother, my first son shall be named for you."

"By the powers, he will—if I have anything to say about it," the guest soliloquized. Aloud he said: "Don Romauldo breakfasted with me four days ago. He was well and safe when I saw him last."

Don José led him courteously to a seat—a home-made chair covered with tanned calf-hide—and clapped his hands. A barefoot man servant appeared from the kitchen, which D'Arcy saw was a lean-to against the main building. Don José closed one eye and the man disappeared, to return presently with a bottle of wine and three glasses.

"It is French wine," Don José explained happily. "We have a few bottles left, for those who deserve it."

The girl sat down opposite D'Arcy; while her father poured the wine her eyes roved interestedly over their guest, a happy little half-smile playing around her adorable mouth. "Ah, Don Dermod," she said softly in English, "you are beeg rascal, I theenk."

"I would warm myself in the light of your presence," he admitted, "and I am one who always consults his own desires."

"In all theengs?"

"In all important things."

"Ah! You theenk eet ees important you see me again."

Don José, who had been sipping the wine thoughtfully, interrupted with a roar. "This bottle is spoiled. Blood of the devil! That rascal Patricio has the intelligence of a sheep. He has embarrassed me. Don Dermod, your pardon for one little moment, while my daughter selects for us a new bottle."

Dutifully, Josepha left the room. D'Arcy was at no loss to interpret her father's adroitness. Don José was a stickler for the ancient code. He would not shirk his duty as a host, for to him the laws of hospitality were very sacred, but neither would he

risk leaving his daughter unchaperoned for a minute in the company of a young man—a suitor, possibly, and if so, unwelcome—to get the bottle himself.

"The chivalry of these people toward their women is mostly apparent when an exposition of chivalry does not interfere with their own comforts or desires," D'Arcy reflected. "They guard the purity of the women of their own household with a zeal almost fanatical, but in the matter of the purity of the women of other households they are worse than casual. Always hiding behind forms; slaves to custom and appearances. No wonder it makes weak hypocrites of them."

The girl was gone less than half a minute. "I think this bottle is good, my father," she assured him.

He patted her cheek and inspected the bottle. "Ah, my honor is restored," he murmured and drew the cork. "Permit me, Josepha. Your glass, Don Dermod. We salute a noble friend, a gallant gentleman. Health, prosperity, and long life to Don Dermod D'Arcy."

With his glass to his lips and his eyes gallantly upon the girl, D'Arcy took a sip. "We have a saying in English, Don José. It runs thus: 'I must see you alone tonight. Meet me in the oak grove in front of the house half an hour after I depart.' Translated into Spanish, Don José, that means: 'They are never alone that are accompanied by noble thoughts.'"

Don José bowed.

"Flowery words delight the old man," D'Arcy decided and raised his glass to the girl. She was gazing at him with the faintest suspicion of merriment, mixed with approval; the next instant she had advanced and stood between him and her father.

"I would air my poor English in a toast to our guest," she informed Don José. "Don Dermod, you ask the eempossible—almos'. But I understan'. You would speak weeth me of my brother, no?"

He nodded, smiling, delighted that she had fallen into a trap that was partly of her own making.

"What does that toast mean, Josephita?" Don José queried politely.

"It means," his daughter assured him in Spanish, "may every hair on your head be as a candle to light your soul to God."

This being a sufficiently pious and grandiloquent sentiment, Don José gave it his unqualified indorsement. "Ah, very fine, very fine, Pepita." In moments of expansion he was wont to address her so, employing the diminutive affectionate. "I must remember that and you must teach me how to say it in English. It is a graceful speech for use when one drinks with his American friends."

Josepha kissed him in grateful tribute to his delightful ignorance and simplicity.

As he stepped to the front door to give some instructions to the man who had arrived to take Pathfinder to the corral, the audacious Celt winked at the girl.

"I am not the only devil in this house," he murmured.

He was thrilled with victory, transported with delight. "If I praise the old rascal's wine," he decided—"and Lord knows I should not, for 'tis nothing to brag about—he will bankrupt himself opening fresh bottles. Well, the Spaniard was never born who could drink an Irishman under the table, so I'll trust to that angel to see to it that my glass is never empty at dinner, and since her father could not possibly be so discourteous as not to drink with me, glass for glass, why, then, with the help of God and my naturally rugged constitution, I may succeed in getting the old gentleman tipsy, or at least put him to sleep. Desperate circumstances require desperate measures, Dermod, my boy. Bad luck to any man that plays the duenna to his own daughter—when I will otherwise."

They talked—of the weather, the extreme dryness of the season and the necessity for rain, of cattle and the market for hides and tallow, of horses and horse-races, of the American invasion, of mining methods, California, its past and its future—and presently they were talking of D'Arcy, his people, his country, its customs. Don José was artfully pumping him, purposely monopolizing the conversation, or rather endeavoring to, but without much success, since D'Arcy insisted upon including Josepha in the discussions at every opportunity.

Presently dinner was announced, and after the guest had made his ablutions they went into a dining-room bare of all furniture save three long tables, with benches, capable of seating not less than forty guests. A white linen table-cloth had been spread across the end of one table, and D'Arcy noticed a bowl of eschscholtzia and wild iris as a center decoration.

The meal was almost Spartan in its simplicity. A clear beef broth, a grilled steak, some *fríjoles refritos*, some pickled chilli peppers and tortillas, with coffee. As D'Arcy suspected might be the case, Don José was not sparing of his best wine, nor was the rascally guest sparing in his extravagant praises of each glass he sipped.

The result was exactly what he had anticipated. Each new encomium but urged Don José to fill his guest's glass again—whereupon the guest tactfully waited until his host had also filled his own glass. The second bottle having been disposed of, Don José waxed more and more eloquent, more and more generous, more and more insistent on a lavish display of hospitality, culminating in his ordering a bottle of old French brandy to be served with the coffee.

With sincere pleasure the rascally D'Arcy observed the advent of this powerful ally. He sipped it, held it to the light, sipped it again, set it down and looked at it.

"Marvelous!" he breathed. "It is long since I have tasted such brandy as this."

He was fifteen minutes disposing of the first helping. Don José beamed. "If you had drunk that brandy as the Americans drink it—at a gulp," he declared, "I would not offer you another drop. Permit me, my friend." He filled their glasses again, but when once more they were empty D'Arcy waved aside Don José's offer of a third.

"What a night this has been!" he almost orated. "Another glass of that nectar of the gods would deprive me of my delightful memories. It is not my custom, Don José, to be so rude as to depart the instant dinner is over, but in this case I have no alternative. My companions do not know where I am. They will be worried, and even now they may be seeking me. It is not kind of me to harass them. May I have your permission to withdraw?"

Don José was only too happy to grant it, for already his speech was beginning to thicken; occasionally he closed his eyes, only to remember his dignity as a host and reopen them with a start.

"The old boy will have to be carried to bed if I delay my departure," D'Arcy reflected. "Well, he'll waste no time seeking his repose after I am gone. Thank heaven, he'll sleep soundly. As for the servants, nothing short of an explosion under their beds will awaken them, once they have retired."

D'Arcy shook Don José's hand warmly, kissed Josepha's and sought his horse, which a servant had brought around to the door. For some reason he appeared to have a slight difficulty finding the stirrup, but with the aid of the servant finally he mounted and jogged off into the moonlight. "Almost hoisted on my own petard," he decided. "My word, but the old man died hard. And I shall have a headache in the morning."

A hundred yards away he looked back. The door of the hacienda was closed and the candles had already been extinguished in the living-room. So he pulled up his horse and waited. Presently a light appeared in the window of the room at the extreme northerly end of the hacienda and Don José's voice reached him. It was raised in song. Then a man's protesting voice interrupted the song.

"Patricio is undressing him," D'Arcy decided. He dismounted and sat on the trunk of a fallen oak, holding Pathfinder's bridle in his hands. "She said I was a big devil," he chuckled. "Well, she is right. All the D'Arcys are devils. They've always loved their loves and be damned to the whole wide world."

And he removed his little tin flute from an inner pocket and commenced, very softly, to play "El Cielo," for he was immensely pleased with himself and the world as that moment created. Indeed, so preoccupied was he with his musical efforts that the girl had been standing beside him almost a minute before he saw her. With a

sweep of his arm he drew her down on the tree trunk beside him.

"You are mad, Don Dermod," she protested, and struggled away. "The servants will hear you."

"Had I known where you slept I would have played beneath your window." His gallantry was slightly alcoholic. His hand groped for hers but could not find it. "How many servants are there in your father's house?"

"Five, thou imp."

He drew five dollars from his pocket and tossed them into her lap. "Give each of them a dollar and tell them they heard nothing. They will believe you, sweet."

"Thou wicked one! Deliberately didst thou plan to get my poor father intoxicated."

"I desired that he should sleep soundly. I loathe his Castilian habit of interference."

"You desired to speak to me about my brother," she reminded him. "Is it something you would not have my father know?"

"If I have deceived you a little, Josepha, forgive me. My sole desire was to speak to you—alone."

"About what, Don Dermod?"

"I wished to tell you that I love you."

She was silent. Then: "You are quick to speak of love, Don Dermod. I know you but slightly. I—I—"

"I suppose I should have spoken first to your father," he retorted recklessly. "Well, I did not because I realize my position. He wishes you to marry Tomas Espinosa. The devil take Tomas! A nice boy but—a boy. Look at me, Josepha. Am I not a man, full grown?"

"Among my people," she replied evenly, "it is the custom to speak of marriage first. Love comes after—perhaps." She turned searching eyes upon him in the dim moonlight. "Do you think me one to listen to words of love—from a stranger—from a wanderer who, however pleasant his address and however brave and noble his conduct, is nevertheless unknown to anyone here in California? You hold me too cheap, Don Dermod. You have, without permission, attempted to embrace me. I am sorry. I have perhaps compromised myself by meeting you here—and I did not come to talk of love or accept it." She curtsied to him proudly. "Good night."

"If I did not speak of marriage, I assure you I had it in mind," he protested. "I did but follow the custom of my people, who speak first of love and then arrange the marriage. But, alas, I have nothing to offer you now except my love. A little later, when I have accumulated sufficient wealth and feel that I can offer you the sort of

home all women must desire—"

"Hssh! I hear someone," she interrupted. Instantly she was atremble, panic-stricken. "One comes. I hear the hoof beats of his horse. You must not be seen here, Don Dermod. Please go—quickly."

But a stubbornness born of his recent endurance contest with her father was on him. "I never undignify myself by an undue haste, my sweet. I have an explanation to make and little time in which to make it. You have misunderstood me, Josepha—"

"You desire me. You think you have but to claim me. Ah, I know," she cried furiously. "Go! If yonder rider prove to be a kinsman of mine he will assume that I am an abandoned woman. There will be trouble—bloodshed. Ah, please go. You would not make a scandal, no?"

"I will go," he declared with heavy finality, "only after you have told me that you return my love. That and one little kiss," he added.

She fled from him toward the house around the corner of which he watched her disappear. "Thought I held her cheap," he muttered. "Well, I'm glad she displayed a womanly pride. Adorable little aristocrat. Damn it, I felt certain of my ground, too. . . . Well, at some future time I'll try again."

With some difficulty he found his stirrup and, mounting, rode at a walk through the oak grove at right angles to the direction from which a horseman evidently was approaching. In the deep shadow under a giant oak he pulled up and waited for the rider to pass and gain the hacienda. When the man had done so, D'Arcy moved on again, circling the hacienda toward the open field near the river, where he had left his caravan earlier in the day. Presently he descried its northbound trail in the tall grass and followed it until the gleam of a distant camp-fire indicated where his party had outspanned for the night.

With the exception of Bejabers Harmon, who was on guard, the company was asleep when he rode into camp.

"Well, pardner," that worthy demanded, "was the evening a success?"

"Help me down, Bejabers, or I'll come in a grand heap."

"Hurt?" Bejabers leaped to Pathfinder's side, instantly apprehensive, and held up his stout arms.

"No, tipsy."

"Then the evening *was* a success," Bejabers decided, much relieved.

D'Arcy slid out of the saddle and was held until he could assert a sense of equilibrium. "Bejabers," he whispered, "I'm an ass."

"Then you and me are the only two that know it—and we won't admit it to the others. Where you been, son? I been worried most to death."

"I called on old Don José Guerrero and had dinner with him and his daughter. Wanted to speak privately with the girl, and the old man played the duenna. So I got him tipsy—"

"You mean he got you tipsy."

"He has a hard head. And I frightened the girl. Ruined my chances, Bejabers."

"Not at all," his practical partner declared. "That gives you an excuse to call again—to 'pologize. Take my arm, son, and I'll put you to bed."

He pulled off D'Arcy's boots and rolled him up in his blankets.

# *Chapter Eleven*

They were on the road again at daylight. Late in the afternoon they came to a wide arroyo in the bed of which ran a stream of unusual magnitude for this season of the year. Both banks were so high and precipitous as to preclude making a pathway down them for the wagon, so they turned east along the southern bank, seeking a low spot where they might cross with a minimum of difficulty. Not until they were within a mile of the first low foot-hills, however, did they find such a spot, and then it was too late to attempt the crossing that day.

While his men were picking down the low banks and preparing the crossing next morning, D'Arcy took a shovel and a pan and announced that he would prospect the arroyo a little. On a small sand-bar in the middle of the stream he panned gravel and each time he found a faint string of color, but the gold was very fine. So he shoveled off about two feet of sand and tested several pans at a level two feet lower and next to the bed-rock. His efforts were much more richly rewarded—he estimated a dollar's worth of gold to the pan—but the gold was still very fine, although he found one tiny nugget as large as a fat grain of wheat.

He rejoined his party and displayed to them the result of his prospecting. Instantly all were tremendously excited.

"It's nothing to get excited about," D'Arcy assured them, "although I have no doubt but that by working hard here we could pan about an ounce a day per man. This gold is too fine, however, and too widely scattered to interest us now, in view of the story it tells me. Remember, I have had some experience of placer-mining, and I have read considerably on the subject. Farther up this stream and below the point where it crosses a prehistoric river-bed which is undoubtedly gold-bearing, we should find gold much coarser and in much greater quantities. The farther down the stream the gold is carried the finer it becomes by erosion and consequently the more widely scattered and difficult to mine."

"That's logical," the Bart assented.

"We will, therefore," D'Arcy informed the company, "follow this stream as far toward its source as possible, prospecting it at intervals until we decide the ground is rich enough to warrant setting up a permanent camp and commencing mining. There is no suitable timber growing here, but there will be an abundance of pine-trees farther up in the hills. Indeed, we can see timber from here. And we shall need timber to construct shelter against the winter storms."

Bejabers nodded. In his excursions with D'Arcy among the diggings along the

American River and its forks, they had noted that few of the miners then on the ground had made any serious attempt to provide adequate shelter for themselves. Some few had tents, but the majority were camped in the open or had made themselves flimsy shelters of brushwood. They were concerned solely with getting out as much gold as possible before the rainy season should commence and the river bars, flooding, be impossible to work. Practically all of them planned to winter in San Francisco and return the following spring more fully supplied with food, tools, equipment, and creature comforts. Bejabers had hazarded a guess that in the social bedlam a gathering of miners in San Francisco would create, the gambler and saloon-keeper would reap the real harvest of the incredible toil of these fortune-hunters.

Mr. Poppy sat down on the wagon-tongue. "I wonder who owns this land?"

"That is a question we are not interested in, my friend," D'Arcy answered him. "It may be a part of a Spanish grant or it may be the public domain. The miners are no longer respecting titles, so I suppose no one will blame us if we drift with the public policy."

He was gratified to note that there was no disposition to dispute the wisdom of his decisions; he knew that while they proved wise and profitable his little company would stick together, and meanwhile he was resolved to continue firmly to demonstrate the leadership he had assumed, on the general principle that leadership is usually accorded to him who demands it.

He mounted Pathfinder and rode for ten miles up the arroyo. The farther up-stream he went, the thicker and heavier grew the timber. Eventually he discovered a little open flat between two hills on the north bank, and after assuring himself that this flat would not be subject to overflow during the period of freshet, he tied Pathfinder and spent an hour panning gravel here and there where the current set in strongest toward the banks, for he reasoned that here the greatest accumulation of placer-gold should be found.

And he was right. His first pan netted about five dollars in very coarse gold —"lumpy," in fact. In a crevice in a rock about a foot above the surface of the stream he found an accumulation of coarse gold, relic of the days when that rock had been lower in the creek bottom. With his bowie-knife he cleaned this crevice, exulting in the richness of it, and about an hour before sunset remounted his horse and returned to camp.

"Faith, we've struck brand-new diggings," he announced. "There isn't a soul up the stream, and I failed to find evidence that any human being ever has been there. I've found a grand camp-site, close to wood and water and with an abundance of

feed for our stock. We'll resume our march in the morning."

"Find any gold?" McCready queried.

D'Arcy spread a tarpaulin on the ground and rolled out of his buckskin purse at least two fistfuls of the dull yellow metal. His comrades gazed upon him in stunned silence; then ran their fingers through it, inspected it wonderingly. Finally Mr. Poppy broke the spell with an unchurchly expletive.

"My God!"

He was trembling with the gold ague! Jim Toy ran his fingers caressingly through the little mound of metal, and Vilmont chattered almost hysterically in French to D'Arcy. The habitual stolidity of Bejabers Harmon in moments of stress remained unbroken, however; the Bart's fine features wore a grin of delight reminiscent of an adolescent boy presented with his first pair of long trousers; McCready and Judson were as unmoved as Bejabers; Francisco crossed himself and gave thanks; the others of the party smote each other across the shoulders or solemnly shook hands.

D'Arcy gathered up the gold and replaced it in the buckskin bag. "Tomorrow morning we will travel up-stream to the camp-site I have selected, and immediately set to work to build a camp in which we can winter in comfort. Not until we are thoroughly prepared to withstand a siege of cold and hunger will we commence mining."

Early the following morning every animal in the company, including Pathfinder, was packed. The Black Maria, with Judson and McCready to guard the supplies remaining in it, was left at the ford, for D'Arcy had decided the vehicle would leave too easy a trail to follow in the bed of the wide arroyo and thus extend an invitation for other gold-hunters to invade the newly discovered district. On the other hand, by leading the pack-animals through the shallow stream their trail would quickly be obliterated.

"What are you going to do with the wagon after the last of our supplies have been packed in?" Bejabers wanted to know.

"You may return to it when opportunity offers, Bejabers, riding your own saddle-horse and leading the wagon team. You will then hitch and drive back to the Rancho Arroyo Chico. Don José Guerrero will gladly grant us permission to leave horses and wagon there until we require their use again."

"I've got to get that outfit back to San Francisco again and right soon. My conscience troubles me no little," Bejabers reminded him.

"If I may be permitted a suggestion," the Bart struck in, "before returning the Black Maria to the city it should be utilized to freight in a quantity of potatoes and such dried vegetables and fruits as may be obtainable. I have been studying our diet

list and as a medical man I must remind you, Dermod, me boy, that without the additional stock of rations I suggest, scurvy may develop in camp before winter is over."

"I will forgive you a great deal for that suggestion, Bart."

"If they are available in San Francisco, we should have a supply of simple medical stores."

"Every time you speak of late you demonstrate what a treasure you are, Sir Humphrey. Unfortunately the company's cash balance is very low; hence it appears necessary to do some mining almost immediately."

They outspanned at noon in the spot selected for their permanent camp, the animals were hobbled and turned loose to graze, and a temporary camp made for the night. After partaking of a luncheon prepared by Jim Toy, assisted by Vilmont, who, like most of his race, was an excellent cook, all hands invaded the adjacent timber with axes and saws. With a hatchet D'Arcy blazed the trees he desired cut down—young growth not more than a foot in diameter—and upon these the chopping gang set to work. As each tree fell, its limbs were neatly lopped off and the ends sawed off squarely.

Next morning D'Arcy and Francisco, herding five pack-mules before them, returned down-stream to the wagon, packed the remaining supplies, hid the Black Maria in some live-oaks and then removed one wheel and hid that, thus rendering the vehicle an unattractive object of loot. Accompanied by McCready and Judson afoot, they returned to the camp. Here Bejabers reported excellent progress in the matter of getting out the timbers for their cabin, although blistered hands had forced Mr. Poppy and the Bart to cease work.

Ensued a week of desperate labor. The prepared logs were hauled out of the timber by the wagon team to the cabin-site, close to a little stream that emptied into the arroyo. Here each log was squared top and bottom with an adz, and notched at each end to receive the cross logs; as the walls rose the spaces between logs were sealed with blue adobe mud taken from the arroyo banks.

The cabin was eighteen feet wide by fifty feet long, with rafters and ridge-pole of split timber from an old seasoned windfall. From the butt of another windfall with a smooth vertical grain, they sawed two-foot sections and split them into half-inch strips, or shakes, which served to cover the roof. A huge fireplace, built of small wash boulders and adobe, was erected in the center of the north wall.

When the cabin was finished the floor was plastered six inches thick with wet blue clay, tamped hard, smoothed off and permitted to harden. A long rough table, benches, and built-in berths along the wall, after the fashion of a forecastle, were

next constructed; at the end of ten days of heart-breaking, back-breaking toil, the house was completed and pronounced by all hands to be wind- and water-proof.

Their pride in it was inordinate; indeed, Mr. Poppy went to the trouble of setting a large flat sandstone rock at the entrance and carving upon it with hammer and cold-chisel the legend "God Bless Our Home." At the suggestion of the Bart, who declared it to be the habit of gentlemen to identify their country places with a name, the place was unanimously called Happy Camp and the name nailed over the door in letters a foot high, formed from pieces of manzanita cunningly fitted together. As the company stood off in the front yard to survey with pride this evidence of bucolic art, the Bart had a happy inspiration.

"Dermod, me boy, shouldn't we have—ah—some sort of—ah—dedicatory ceremony?"

"By all means," Mr. Poppy declared.

D'Arcy glanced at Bejabers.

"There are times," the little man answered that meaning glance, "when a little Christian charity goes a long way. The Bart and Mr. Poppy have worked hard—and not bein' used to hard work, they've suffered. I figure we ought to dedicate the shack, Dermod."

So they dedicated it with due formality to friendship, unity, and fraternity, Mr. Poppy making the dedicatory speech and soaring to unexpected heights of sentiment and oratory. A double ration of whisky was then served to all hands; the Bart, always at home when engaged in such convivial enterprise, gave a brief but witty toast; and Happy Camp was on the map.

"And now to the task of raking a fortune from the cold bosom of Mother Earth," the Bart boomed.

"In this glade there are about forty acres of excellent pasture," D'Arcy announced. "We will fence it, to insure our stock from wandering, and erect a shelter for them. Remember, Bart, a merciful man is merciful to his beast. Let us cherish our means of transportation, since without it we are at a decided disadvantage. I saw too many miners over on the American River carrying their own packs."

"Right-o, me boy. Only fools, mules, and horses do that."

They split rails from the seasoned windfalls and nailed them from tree to tree around the edge of the little valley. Then, taking advantage of half a dozen young pines that grew in a semicircle, thus forming natural uprights for a barn, they erected a rude shelter for the stock by using lodge-pole pine for the sides and roofing it with buck-brush.

It had taken them thirty days to establish themselves according to D'Arcy's

exacting dictates, and as yet no other gold-seekers had appeared on the creek. The barn and fence completed and the adobe floor of the cabin having dried out, they moved in. The sweet native grasses, cut and dried, made serviceable beds. A bundle of fir twigs tied securely to a stick did duty for a broom; the antlers of deer formed rests for their rifles over the fireplace; deer hoofs, tacked to the wall by the dried hide, formed pegs upon which to hang their clothing and hats; on whipsawed boards, set on stout pegs driven horizontally into the log wall through auger holes, their kitchen equipment and tableware reposed; their hams and flitches of bacon hung from the ceiling; their remaining rations were stacked neatly in a corner. D'Arcy, viewing their completed labors with huge satisfaction, was now ready to proceed, in his orderly, sane, and methodical manner, to the purpose for which they had dared this wilderness.

Seated around the table with his companions, he proceeded to draw up a set of mining regulations for the Happy Camp Mining District, to nominate its boundaries and, by unanimous vote, to elect the Bart district recorder.

"There ain't no law and order in Happy Camp," Bejabers Harmon announced, adverting to the subject closest to his soul, "so I move we elect an alcalde."

Upon motion duly made and seconded, Bejabers unanimously was elected alcalde of the district and, there being no further business before the meeting, D'Arcy declared it adjourned.

Thereafter they staked out their claims, and in order to define their boundaries, trenches a foot deep were dug between claims, the claims extending from bank to bank of the arroyo. During the summer season when the water was low, fully two-thirds of the creek-bed lay exposed in the form of gravel bars, the stream being confined to a narrow channel along the north bank. His preliminary prospecting had convinced D'Arcy that while the gravel bars would pay richly, the heaviest deposits of placer-gold lay in the channel, and already his active mind was busy with a plan for diverting the water from the channel to the south bank of the creek after the gravel bars had been worked. Thus the company would be enabled to mine the channel after denuding the bars.

The boundaries of the claims having been defined, work commenced at once. With pick and shovel each man dug a hole to bed-rock, panning the gravel as he went, with knife and spoon scraping the dull yellow metal from the crevices. It was slow work and tedious. The sun beat down upon them, and they worked in water to their knees. D'Arcy, drifting from claim to claim occasionally, noted the result of the pannings and while gratified with the reward of their terrific labors, he was quick to realize that in their hurry to get to the richest deposits on bed-rock or on the firm

blue clay where there was no bed-rock, rich values which it was almost impossible to save with their crude methods of operation were being left on the surface.

He saw clearly that he must formulate some more efficient method of mining the gravel bars. The claims were too rich to be worked in this helter-skelter fashion, since all too soon, should they continue their present method of operation, the ground would be denuded of its "cream." And once the claims ceased to produce as abundantly as formerly, he knew that human nature would assert itself. Dissatisfaction with their present holdings would manifest itself in his company; his men would clamor to move on to new diggings.

He walked up the arroyo, seeking a favorable spot to put in a wing-dam and divert sufficient water from the main channel down through the gravel bar. Presently he found two sugar-pine trees four feet in diameter growing at the edge of the stream on the north bank. By cutting these down and felling them across the stream diagonally he could effect a partial barrier to the waters. By filling in the space between both fallen trees with a riprap work of brush and stones, a dam sufficient to raise the water several feet, despite the leakage under the logs, would be created.

From this dam to the gravel bars below, the ground sloped sharply. By diverting the water around the end of the dam into a trench dug in the bar, he would have a swift and powerful head of water leading to his claims, just above which he would install wooden flumes with cleats nailed across the bottom. By shoveling the gravel into this flume the rush of water would carry the stones and all but the lightest gravel down the flume to a long "rocker" at the end.

The fine gold, being heavier than the gravel, would sink to the bottom en route and be caught by the cleats or "riffles," from which it could be salvaged on regular clean-up days, while the heavier gold, the nuggets, would be caught at the rocker and precipitated into a receiving box set below it. Of course there would be some waste at the end of the flume, but later this waste could be panned and the gold salvaged.

Crude as his new method was, it held tremendous advantages over the primitive method his company was then employing. He explained his plan to his fellows that night at Happy Camp and convinced them of its efficacy. Indeed, he did more. He aroused the inventive faculty dormant in them. With the characteristic belligerency of their kind, they commenced picking flaws in his scheme and then as resolutely set themselves to remedy the flaws.

Bejabers pointed out that water flowing from the rude dam would quickly erode a wide channel in the trench and result in a loss of hydrostatic pressure before the stream should reach the flume. He suggested that six- or eight-inch logs be fixed on

each side of the trench to prevent erosion—a plan to which D'Arcy instantly agreed.

They would have to have boards to construct the flume and to whipsaw them from green logs was a monumental task requiring months of labor. Judson pointed out that it would be a waste of valuable time to attempt that task now. Better, he argued, to continue with their present operations until the rains set in, at which time the gravel bar would undoubtedly be flooded, thus forcing a cessation of work. Why not, therefore, employ the long winter months in getting out the necessary lumber, and be prepared to adopt the new method of operation when the bar should again be exposed in the spring?

His plan was approved, and the work with pan, knife, and spoon was resumed.

At the expiration of thirty days sufficient work had been done under the mining regulations of the district to hold the claims for three months without the necessity for doing further work upon them. And to D'Arcy's satisfaction, no newcomers had appeared upon the scene.

Meanwhile, their gold had been accumulating. They had no scales, but D'Arcy made one and used for a counterweight a twenty-dollar gold-piece and was thus enabled to make a rough appraisal of their combined wealth. He estimated it as in the neighborhood of twelve thousand dollars, based on the market value of gold for supplies at Sutter's Fort, which was, he had ascertained while there, quite generally sixteen dollars an ounce. Could he but succeed in transporting the gold to the Philadelphia mint, he knew he would realize between nineteen and twenty dollars per ounce, dependent on its fineness.

It was evident that their supply of provisions would be consumed before the winter was half over, so it was decided that Bejabers and D'Arcy should take the team to the concealed vehicle and drive down to Sutter's Fort for a load of supplies, taking with them sufficient gold to pay for them. While he was loath to leave Happy Camp, still D'Arcy had confidence in the ability of Judson and McCready to preserve order, hold the company together, and handle any situation that might arise.

The stock was now thoroughly rested, and on the rich grasses of the pasture it had put on flesh. Riding their saddle-horses and leading the work team, the two partners descended the arroyo and found the Black Maria where it had been hidden. With the wheel replaced and the wagon greased, they hitched and started south, the two saddle-animals led behind, while Bejabers and D'Arcy rode on the wagon seat.

"We'll about make the Guerrero hacienda tonight," Bejabers announced presently. "I reckon we'll be welcome to put up there."

D'Arcy nodded. "We'll have to trade Don José out of some barley if he has any, Bejabers. Our stock cannot go through the winter on grass—particularly if, as I

suspect, we have more or less snow."

"I don't suppose he has any barley. I never knew one of them dons to bother raising anything. They ride a grass-fed horse till he drops and then rope another."

"They raise chilli peppers and corn for tamales and tortillas."

"Well, that lets 'em out in the vegetable line. They don't use milk and they import their butter and cheese. No wonder their women all look pale-complected. Me, I never saw one with rosy cheeks yet."

"It is not considered ladylike to take exercise."

"They exercise by flirtin' behind fans," Bejabers said. "They most certainly know how to work a fan. What sort o' gal is this Señorita Guerrero when you git close to her, Dermod?"

"Wonderful."

"She would be," the little man answered without interest.

They came at sunset to the Guerrero hacienda. As they pulled into the oak grove in which the house stood, a man rose from the porch and strode forth to meet them.

"You can't beat these people for politeness," Bejabers declared. "They never wait until you ring the front door-bell and ask to be put up for the night. When they see you comin' they walk out to make you welcome, which sure saves the visitin' stranger some embarrassment."

"This is our rough-and-ready young friend, Romauldo, Bejabers."

"Must have got himself into trouble down south and had to run north ag'in."

From a distance Romauldo Guerrero held up his hand in the gesture that means "Halt!" Bejabers pulled up the tired team. After the fashion of his dark blood, Romauldo approached for something to lean against. He decided the quarters of the off horse would do, so he rested his elbow on the animal and with his head in his cupped hand, gazed upon D'Arcy with a singular lack of enthusiasm. Nor had he bothered to raise his hat in salutation.

"Good evening, Señor Guerrero," the two travelers greeted him cordially.

"It is with regret that I find myself unable to return your greeting, Señor D'Arcy, or to bid you and your companion welcome to my father's house," the young man announced with cold deliberation.

"The absence neither of a greeting nor of a welcome from you can be regarded by any gentleman in the light of a serious deprivation," the exile of Erin retorted with blunt aggressiveness. "And yet," he added, "I had thought I had earned both from you. It cannot be that you are delivering to me a message from your father. He does not know that I approach."

"I speak my father's mind. I know his thoughts."

"As your father's ambassador I have small faith in your veracity and decline to accept your message."

"This is an insult." Romauldo's dark face was instantly pale with fury, the color of a new-made cheese.

"I intended it as such." The Irishman's lazy-lidded brown eyes narrowed. "I will take my dismissal from the master of this hacienda and not from his base-born son."

"You would have taken it from him long since had we but known where we might find you, animal."

"Is it possible your excellent father deems himself to have been insulted by me?"

"Not possible. True. When you were our guest before, gringo, you violated my father's hospitality. In this grove you met my sister—secretly. Thou vagabond!"

Bejabers sighed deeply, after the fashion of one who realizes that regrettable incidents, which he is powerless to avoid, are imminent. "The boy's speakin' out of his turn, ain't he, Dermod?" he queried plaintively.

"He happens to be telling the truth, Bejabers. Wonder how he found out?" He addressed Romauldo in Spanish. "Who told you this?"

"A servant of our household was a witness to your perfidy."

"Then, if this servant spoke the truth, you know that your sister came to no harm at my hands."

Romauldo, steeped in the tradition of his people, disdained to argue this point. To his way of thinking a clandestine meeting of his unchaperoned sister with this man implied wantonness on her part and a technical if not actual betrayal of her virtue on the part of D'Arcy; and in the face of that astounding situation no considerations of gratitude or obligation to the offender could stand. And of this, of the impossibility of explaining, of being forgiven, D'Arcy was all too well aware.

"Are your father and sister at home?" he asked mildly.

"They are—but not to you."

Bejabers gathered his reins and flapped them smartly along the backs of the team, which instantly moved forward at a trot. "Let's get to the bottom of it, son," he counseled his partner. "You won't be happy till you do."

Romauldo sprang aside, reached into his *bota* and drew a long knife.

"Gently, little one," D'Arcy called to him, and tapped his pistol significantly. "To attack me while I am in this wagon would be foolish."

The Californian ran after the vehicle; as Bejabers swung the team and halted them in front of the entrance to the hacienda, he drew his pistol and covered Romauldo.

"I'll hold the pup here," he advised D'Arcy, "while you have it out with the old

man and the girl."

Without a glance at the raging boy, D'Arcy descended, stalked to the door and crashed the heavy iron knocker thrice. Presently the door opened and Don José stood before him. In silence the don gazed upon the tableau before him.

Dermod D'Arcy bowed. Don José's glance was one of frozen hostility.

"D'Arcy, you are not welcome," he said slowly. "It is apparent that my son has explained the reason. You have brought dishonor upon my house."

"I deny that," D'Arcy retorted hotly, "although, according to the view-point of your people, I may have seemed to. And if I have offended in this particular, I would remind you, Don José, that you bring dishonor upon your own house by imputing dishonor to one incapable of it—your daughter, Josepha. And I would remind you further, my friend, that I have also on two occasions saved this house from grief and dishonor."

"I have thought of that." Don José bit his lips and his eyes sought the ground in his shame and embarrassment. "It is because of the great service you have rendered us that I must ask you to depart in peace; otherwise I will not be responsible for what may happen. You have offended deeply, Don Dermod D'Arcy, and for that I find it impossible to entertain you, even in the face of my great obligation."

D'Arcy realized that nothing he could do or say would have the slightest effect in mollifying the absurd situation. He realized, too, that Don José was suffering and he had no desire selfishly to prolong the old man's distress.

"I will depart—peaceably," he replied, "if first I may be permitted to express to Señorita Josepha my contrition for the embarrassment and grief I have so unwittingly caused her."

Don José pondered this and D'Arcy saw that it was in his mind to refuse the request. So he struck again. "It is necessary, Don José, that I should hear from your daughter's lips that she, at least, does not regard me with the same hostility which you and your son see fit to visit upon me."

"What you ask is impossible."

At that moment Josepha Guerrero entered the living-room, glanced past her father and saw D'Arcy standing in the portal; saw the wagon and team parked just beyond the porch, with a strange American holding a pistol pointed at someone not at the moment visible. For an instant her glance met D'Arcy's; then her finger-tips went to her lips, signifying silence; an instant she held them there, then flung them gently outward—and the wanderer was aware that she had thrown him a kiss! He thrilled at this; thrilled again in the realization that in her eyes there was no sign of hostility. Instead, they pleaded with him to go.

He bowed to Don José. "I trust that in the fulness of time, Don José, I may be of service to you and yours—a service that will balance the wrong you think I have done you." He turned toward Bejabers Harmon and said in English loud enough for the girl to hear. "Dear one, be brave. I will come for you one day—and when I do all the men and servants of your family will not be able to stop me from claiming you. I say to you again: 'I love you.'"

He strode to the wagon and climbed in; Bejabers gathered his team and they rattled off through the oak grove to the open country beyond. Far out into the grassy plain Bejabers drove, and no word passed between them. Presently he came to a watercourse along the bed of which the rapidly drying stream lay in little, still pools. Cattle, descending to water, had worn a trail down the bank, so Bejabers pulled up and said:

"We'll camp on the sand-bar in the bed of this stream. Those two lone sycamores have dropped a lot of dead branches—we have wood and water—and grass for the team. We can't be approached except in the open, and the banks of the creek afford good shelter. I've fought behind worse."

Silently D'Arcy helped him unhitch and hobble the horses. The wagon was left on the bank. In silence still they made a fire and cooked supper. And after supper Dermod D'Arcy produced his little tin flute and played until the honest Bejabers exploded in exasperation.

"Dang it, pardner, how can you act so contented-like when you know that sooner or later you got to kill that greaser half-brother o' the girl you're in love with? That boy ain't human."

"May the devil take him!" D'Arcy cried happily. "I stand aces up with Josepha. Why should I be downhearted because two men who are still living in the fifteenth century tell me I'm a bad boy?"

"I tell you, son, you'll have trouble with Romauldo. And he'll not fight you in the open. I know these people. I know how they act under certain circumstances. The girl might be willin' to give her right eye for you, pardner, but if you kill that rascal of a half-brother of hers, even in self-defense, she'll never disgrace her people by marrying you. You and me may agree that their sort o' pride's foolish, but you got to admit they got pride."

"I admit nothing of the sort. They have an abnormal self-conceit, and they are not very intelligent."

Bejabers loaded his pipe and lighted it with a brand from the camp-fire. "I reckon I'll have to kill the young feller myself, to save you a heap of embarrassment," he murmured presently. "You done that pup two great favors. Any

time you put a man under obligation to you, you lose a friend, and this boy Romauldo ain't got no moral sentiments to speak of. The Injun shows up in him strong—and there ain't none o' the noble red man about these here California Injuns. They're a mighty low form o' human life. Son, I'm tellin' you, there ain't nothin' more dangerous than a fool."

He rose, searched around until he found two large dead sycamore limbs about six feet long, and brought them up to the fire. Next he laid them on two rocks, plucked dry grass and piled sufficient of it around both pieces of wood to cause them, when covered by a blanket, to simulate the outlines of sleeping men.

"Now, fool," he addressed D'Arcy, "grab your other blanket an' follow me. Us two're going to sleep in the tall grass about a hundred yards off yonder—in the direction we just come. If that jackass Romauldo and some of his men pay us a visit tonight, the fools'll come creepin' up on our old trail. 'Tain't likely they'll step on us if we sleep to one side of it a bit. They'll sneak up to the bank o' the creek and in the moonlight they'll see these two dummies. They won't know which one is which, so they'll play safe and pour a volley into both. That'll wake us up and to their great surprise we'll meet 'em on the way back and sort o' argy the matter with 'em."

"You're a deadly little rascal, Bejabers," D'Arcy murmured approvingly. "But you're no fool—and I am."

He helped Bejabers arrange the dummies in the posture of men sleeping with their feet to the fire; then, bearing their firearms and an extra blanket, they walked out onto the plain and lay down to sleep in the tall grass about fifty yards off their trail, which was plainly visible in the dry grass. Bejabers stretched himself luxuriously and sighed with the deep contentment of a tired man.

"I hope you don't snore or cry out in your sleep, son," he called, and was almost immediately asleep.

Just before dawn the two were aroused by the reports of four rifle shots, following each other in quick succession.

"Single-barreled rifles, son," Bejabers murmured, rolling over and stretching himself. "So there's at least four in the party. That saddle animal o' mine ain't anything extraordinary, so they won't touch him, but I'm layin' you two to one that gang'll have Pathfinder at the end of a riata when they pass this way again. That hoss just can't be resisted. Have a good night's rest, son?"

"Perfect. But before I finally got to sleep I did some thinking and decided if Romauldo Guerrero and his men raided us, to permit them to escape."

"That's plumb foolish, Dermod. They'll help themselves to Pathfinder as sure as death and taxes, and in this country, where a horse may mean the difference

between life and death to a man, it's the best kind o' public service to bust a hoss-thief."

"We'll bust him—my way."

Faintly to their ears came the sound of hoof beats ringing sharply on stones.

"They're crossin' the rocky bed o' that little watercourse," Bejabers warned D'Arcy. "They waited a little to see if the corpses moved. Now they're movin' across the creek to find Pathfinder." He got up cautiously on his hands and knees until his head was on a level with the grass tops. In the brilliant moonlight it was possible to see moving objects a quarter of a mile distant. "One, two, three, four, five," he counted. "Two are out after our horses and three more have dismounted at the wagon. They're investigatin' that."

D'Arcy chuckled. "They'll find about two thousand dollars in gold-dust in a canvas bag in the grub box, Bejabers. During the night I got up, went back to our camp and planted the dust there."

"Bait?"

"Evidence."

"Evidence planted on a corpse ain't worth a hoot." Bejabers was always practical. "To be effective, you got to find it on a live man. Son, it does seem to me you're goin' to a whole lot o' trouble to be legal in a country where there ain't no law or order."

"I know what I'm doing."

"Hum-m! Mebbe. Look to your weepons, son. See that none o' the percussion-caps have slipped off. This'll be close work with pistols."

"There will be no shooting. Lie down, Bejabers, and stay down until I tell you to get up. Not a sound out of you, me boy."

"'Tain't fair, Dermod," the little man complained. "Here I go to work and set a trap for these murderers to walk into, they walk into it—and you got to upset my apple cart."

"If you weren't a Yankee, Bejabers, you'd have a finer sense of humor and a bit more imagination. You're much too practical."

"That Romauldo boy wants killin'," Bejabers insisted, "and when they ask for it I'm in favor o' givin' it to 'em—freely."

"Sssh!"

Again the sound of hoofs crossing the watercourse, a confused murmur of voices speaking in Spanish, the sound of hoof beats again, but duller now, as the raiders returned through the grass in the direction whence they had come.

"Please!" Bejabers pleaded.

"Shut up!" said D'Arcy.

The cavalcade passed at a fast canter, headed in the general direction of the Guerrero hacienda; D'Arcy and Bejabers counted five horsemen and one led horse.

"Well," Bejabers suggested finally, "suppose we take a pasear over to our camp and see how badly shot up our proxies are."

In the end of each—the end farthest from the dead camp-fire—they found two bullet holes.

"Aimed for what they thought were our heads, Bejabers. Two holes in each blanket, too." D'Arcy removed his hat and stood uncovered above the dummies. "Alas, poor Yoricks, and I knew you well," he recited. "Bejabers, see if the bag of dust is in the grub box."

Bejabers investigated and reported it missing. Thereupon they visited the hobbled horses across the watercourse. The wagon was there and the team and Bejabers's saddle-horse were quietly grazing, but Pathfinder was gone. Subsequently they found his hobbles beside the wagon where someone had dropped them. D'Arcy's saddle, bridle, and spurs had not been taken.

"Well, now that you've spoiled my plan," Bejabers inquired acidly, "what's yours?"

"On the canvas bag that contains our gold-dust there is a distinguishing mark, Bejabers. There was a hole in one corner and I sewed it up securely with black thread. The top is closed by a running string of buckskin. Remember the description, Bejabers. Now, then, for my plan. Romauldo is a gambler. His first instinct—being a fool—will be to sell that gold-dust and sell it cheap, in order to secure money with which to gamble. Therefore, it is obvious that he will repair, in a day or two, to the nearest market for gold-dust. A trader at Nye's Ferry is the nearest. Romauldo would patronize this trader anyhow, because at Sutter's Fort he would be fearful of meeting some of those men who wanted to hang him for murder a few months ago."

D'Arcy struck a light and glanced at his watch. "It will be dawn in half an hour. Let us breakfast and then you mount your horse, Bejabers, and ride for Nye's Ferry, at the junction of Feather River and the Sacramento. Gather together some good men and true, tell them your story and have some witnesses waiting to nab Romauldo when he rides up on Pathfinder and offers to sell our gold to the trader there. Public opinion will then take care of Romauldo. Meanwhile, I will be at the Guerrero hacienda, so no possible blame can attach to me if and when the unfortunate young man stretches hemp."

Silently Bejabers Harmon extended his calloused hand. "It's a great thing to have a college education," he declared. "It learns a fellow how to think high-class

thoughts with a polish on 'em."

# *Chapter Twelve*

The silence of the siesta hour lay upon the Guerrero hacienda when Dermod D'Arcy, two days later, strolled up to the entrance. On his shoulder he carried a double-barreled Tower carbine, a revolver swung at each hip, and following the fashion of the country, the handle of a bowie-knife peeped from its scabbard thrust into his right legging. He entered the porch and sat down on a bench there, lighted his pipe and waited patiently for someone to come.

He knew that at about three o'clock the members of the household would begin to arise from the siesta, but a little before that time the front door opened, and Josepha Guerrero stepped out on the porch. At sight of D'Arcy she started; with both little hands clasped over her heart she stared at him with frightened eyes.

"You are alone, Dermod?" she whispered.

He nodded complacently.

"You are mad to come," she protested. "You have been permitted once to depart in peace. If my father or Romauldo discover you have returned—"

"Bother your father and Romauldo! I have called to have a talk with Don José, but it is not my purpose to waste words on Romauldo."

"Romauldo is here, Dermod. You must go, else there will be bloodshed," she pleaded.

"Not my blood," he retorted cheerfully. "Please be good enough, my Josepha, to inform your father that I am here and that I desire an audience."

"On what subject?" she queried in a trembling voice.

"On the subject of the honor of his house," he replied sternly. "And tell your father that if he declines to meet me I shall find means to force a discussion."

"And Romauldo?"

"Do not tell him I am here, if you please. As soon as I have stated my business to your father I will depart."

Without further protest the girl reentered the house. Ten minutes passed; then Don José, sleepy-eyed and in slippers, stood in the doorway.

"Don Dermod," he said gravely, "I regret that you have seen fit again to present yourself at my house. It is not a pleasure to me to have to tell you twice that you are not welcome."

"I have no desire to obtrude myself upon you or yours, Don José. I have called today on a matter of business which may not be avoided. Just before the dawn, the day before yesterday, while my companion and I lay encamped in the plain yonder,

your son Romauldo, disdaining the fair fight I would have accorded him had he requested it, led four men in an attack upon us. He is under the impression that his men shot us as we slept. The fool does not know that his bullets penetrated, not sleeping men, but wooden dummies, while from a little distance we two watched the operation. Your son then stole from our wagon a quantity of coarse gold in a canvas bag. He stole also my horse—the great animal that raced against your Kitty at San Juan Bautista. My horse is now in your corral yonder."

Don José's face was a battle-ground of conflicting emotions, in which fear, shame, and unbelief predominated.

"If your horse is in my corral, may it not be that you yourself have put him there?" he managed to articulate.

"That might well be, had I any interest in bearing false witness. However, Don José, I will give you proof of the truth of my charges. Where is your son at this moment? He shall be his own witness."

"He takes his siesta."

"Awaken him and inform him that the gringo D'Arcy is without and demands to talk with him. Having delivered that message, return to me here. I charge you to say nothing further to Romauldo, but mark well his face when you deliver the message. Do not comment on what that face tells you, however, but return to me here, I beg of you, Don José."

Don José stared stupidly for a moment, then departed on his mission. When he returned with Josepha, his face was white and troubled.

"Come with me," D'Arcy commanded, and drew Don José and Josepha around to the rear of the house. Here, from the corner, they had an unobstructed view of the corrals.

"Wait!" D'Arcy cautioned father and daughter.

Suddenly Romauldo appeared, running from the hacienda toward the corral. Bullet pouch and powder-horn swung across his shoulders; he carried a carbine in his right hand, a serape and a canvas bag in his left. Two revolvers were in holsters at his hips and the handle of his long knife protruded from his *bota*.

He disappeared into the corral; presently he rode out.

"God of my soul," the girl murmured, "he rides Pathfinder!"

"Your son fears to face the man he thought he had murdered. Take my arm, Don José. What you have seen has weakened you. No, no, do not call to him. It is nothing—"

But Don José broke from him and shouted a curse upon the departing rider. "Vandal! Robber! Bandit!" His voice was hoarse, a furious scream. "Coward! Go

—and with thee my curse, thou foul one! Ho, you at the corral yonder! To horse!"

He started running across the space intervening between the hacienda and the corral. But D'Arcy pursued him and seized his arm. "It is useless to follow him now, Don José," he expostulated. "On Pathfinder he is safe from all pursuit."

Don José commenced to weep. "Would I were standing on his dead body and his soul in Heaven!" he moaned. "Ah, now am I indeed dishonored. But it is my right. It is a suffering I deserve, in that I fathered this cross-bred son. I, a Guerrero! I, whose blood is untainted, I—I—"

D'Arcy and Josepha led him around to the front of the house, where he collapsed on the bench in the porch, covered his face with his hands and sobbed in his wretchedness. D'Arcy's heart ached for him, but he could do nothing to comfort the old man save maintain a respectful silence. The girl sat beside her father, her arms around him, her cheek pressed close to his, the while she murmured to him endearing words. D'Arcy observed that in this emergency she did not avail herself of woman's accustomed luxury of tears.

When Don José in a measure could master his emotions, the girl summoned Patricio, who assisted the old man to his room, leaving D'Arcy and Josepha, the former standing with his back against one of the rough-hewn uprights, the girl on the bench facing him. Her gaze, as she bent it upon him, was curiously speculative.

"You are a strange man, Don Dermod," she murmured presently. "You travel in circles, like a coyote, and, I think, like the coyote, you are very cunning. Unlike the coyote, however, you are very brave; and because that is so I am puzzled to understand your conduct this day."

"Romauldo owes his life twice to me." D'Arcy's tones were hard. "Even after he had confessed to me that he had suborned murder, I saved him from those who would have hanged him—and justly so. This I did for your sake, because I love you."

She inclined her head a very little. "By that I am deeply complimented, Don Dermod. And I am far from ungrateful."

"Romauldo, on the contrary, is far from grateful. An attempted assassination has been my reward, and when he thought he had succeeded in assassinating me, he stole my horse and my gold. For these crimes I desired to convict him in the eyes of his own people, that he might thereafter cease from worrying them."

"You have broken my poor father's proud heart."

"Time will mend it," he replied unsympathetically. "I am content not to have broken yours."

"I think you might have spared my poor father. If, when I met you first today,

you had explained your errand to me, I would have recovered for you your gold and your horse, and my father would have been none the wiser. It is well to respect the feelings of the aged."

He grinned with a diabolical nonchalance. "It was necessary to get rid of that saddle-colored young scoundrel. He would be a great nuisance to us when we are married."

"Thou bold one! I have not said that I will marry thee. Is this not an impertinence?"

"Perhaps. But I do not care. Your father is foolishly opposed to my suit, so—it seemed well to put him under obligation to me. I could have killed his son as he rode out of the corral on Pathfinder. And you saw the bag of gold in his hand, did you not? Well, when your father's shame and grief have abated, he will realize perhaps that I do not set so great a store upon worldly possessions as most gringos. Perhaps, too, I will then be made welcome at this hacienda?"

She evaded an answer to this. "This friend who accompanied you?" she queried. "Where is he?"

"At Nye's Ferry now, I imagine."

For a minute she pondered his answer, her gaze upon her hands entwined in her lap. When she raised her eyes to his again he saw in them a smoldering fire.

"Yes, you are cunning, like the coyote," she said in even, precise tones. "You are clever at hiding your trail. But I have found it! You think, because I am a woman, I am a fool, that I possess a head I cannot use. I know now why you disdained to arrest Romauldo and force the surrender of your gold and your horse; I know why you preferred to frighten him into flight. Your gold in his possession is his death-warrant, and your horse does but bear him to the justice of men, a dumb witness against him. Romauldo rides south, but your friend has already ridden before him to intercept my brother at the Yuba. There will be other gringos to help, I dare say. Ah, how truly did you speak when you said you knew the ways of fools! You would not kill Romauldo a little while ago, as was your right. Ah, yes, I realize he is a vagabond, destined for an evil end. But your cool, calculating planning that his blood might not appear to be on your hands—that I do not like.

"There is in you, Don Dermod, much to admire, but there is also a streak of guile. You can be underhanded. You are too cunning, too prudent, too sure of yourself. Know this, Don Dermod D'Arcy—I do not love you and I never shall. I should always be afraid of you. Please go now and do not return."

Abruptly she rose and entered the hacienda. He leaped to intercept her departure, but the door slammed in his face; he heard the heavy bolt shot from the

inside.

"If she'd only permitted me to continue!" he growled. "Well, no matter. I'll give that colleen more time to think it over. By my faith, she *has* a head and knows how to use it; so perhaps some day it may occur to her that for all my cunning, for all my guile in tricking Romauldo into the hands of his executioners, I elected nevertheless to give him a sporting chance to escape, by mounting him on the fleetest and most enduring horse in California! I've given him even odds with the devil, and 'tis well she knows her brother was not entitled to those decent odds."

He strode away across the plain back to his camp. Toward evening a *vaquero* from the Guerrero rancho rode out to him, a led horse trotting behind. The man lifted his hat, dismounted and advanced, leading the black mare Kitty.

"It has been observed by Don José Guerrero and his daughter that the señor is without a horse to take him whither he goes," he announced coldly. "Señorita Josepha desires that Don Dermod should accept this mare from her."

"With her compliments?" D'Arcy countered banteringly.

"The señorita did not say."

D'Arcy tied the black mare to the tail-gate of the wagon. Then he loaded the wagon, rounded up the team, hitched and resumed the journey toward Nye's Ferry. He reached the store of the trader Ducroix at sunset the following day and found Bejabers Harmon seated on an empty crate on the shady side of the big log building. At a little distance, under a spreading valley oak and tied to one of the stout lower branches, Pathfinder stood, whisking flies from his satiny hide.

As D'Arcy noted this evidence of the success of his little scheme, a pleased grin overspread his countenance. But Bejabers gave him no answering smile.

"Well, Bejabers, lad," he hailed the little man, "the scheme worked, did it not? Tell me about it."

"Got the horse and the gold all right, but the wrong man was on the horse!"

"The devil you say! Who, pray?"

"Just a plain, lowly, half-Indian *vaquero*, name o' Santiago Otero. One of Don José's *peones*. He says him and four others was workin' cattle about three leagues south o' the hacienda when Romauldo come pelting by on Pathfinder an' ordered him to accompany him to Nye's Ferry. So he done it, never havin' disobeyed an order from his boss or his boss's son. About a mile from here this misfortunate greaser explains they halt and exchange hosses; then Romauldo gives him the bag o' gold an' tells him to come to Ducroix's store, sell it to the best possible advantage an' bring him back the money."

"The foxy divil. He played safe and took no chance of being trapped. Well, what

happened?"

"This greaser's story seemed reasonable enough to the miners' jury, Dermod, so I told him—I was the only one who could talk Spanish—that we'd let him go if he told me where Romauldo was waitin' for him. But he wouldn't do that. So the jury gives him ten minutes to think it over or swing, but he says he'll die before he betrays his master. Consequently the jury finds him guilty of being an accessory after the fact an' mebbe before it. We put him on Pathfinder bareback, loop a riata around his neck an' tie the other end to a limb. Still he stands pat—so we run Pathfinder out from under him an' he died. Lord knows I tried to save the sucker's life, but he just wouldn't have it nohow."

"Did you look for Romauldo?"

"Sure. After we'd hung the *vaquero* a dozen of us mounted up an' rode down the north bank o' the Feather toward the Sacramento. We was strung out for a mile an' I was ridin' Pathfinder. The hoss was pretty tired, but even at that I figured to run Romauldo down with him. And it was my luck to jump Romauldo. He headed west for the Sacramento, with a good mustang under him an' mebbe a two-hundred-yard start, with less'n half a mile to go to reach the Sacramento. Even at that I got close enough to empty my pistol at him. I hit his horse twice but couldn't stop him. And I think I hit Romauldo because he was swayin' in his saddle as his horse slid down the river-bank an' took to the water like a deer."

"You took after him, of course."

"I did not. Pathfinder was wet enough already from his long run. I got more sense than to swim a valuable hoss across a river when he's all het up. I didn't want to founder your horse, pardner."

"And right you were, Bejabers. Pathfinder is worth a regiment of Romauldos. But I'm sorry you hanged the *vaquero*."

"I done my best for the feller, but the vote was eleven to one ag'in me. He died acursin' us all."

D'Arcy sighed, climbed down from the wagon seat and examined his horse. Pathfinder appeared none the worse for his recent hard treatment, so his master rejoined Bejabers.

"Has Ducroix any provisions?" he queried.

Bejabers nodded. "A river schooner got in from San Francisco last night, and I bought a thousand pounds o' spuds, two hundred pounds o' dried apples, a box o' lemons, five hundred pounds o' dried peas and beans an' a smear o' sow-belly, a hundred pounds o' coffee an' a dozen bags o' flour, with a lot o' bakin' powder, salt, pepper, dried onions, terbacca an' a case o' French champagne. I've spent

more'n four thousand dollars, but I thought I'd best get the grub before the rush started. There's a feller here with twenty pack-mules, aimin' to start a freightin' business, an' I've engaged him to freight the grub in for us. This here black Maria theft's on my conscience, so I'm goin' to take the team an' drive to San Francisco while you go on back to Happy Camp with the grub. I'll get the Bart's fixin's in Frisco."

"You're the prop of my declining years, you little leprechawn," D'Arcy assured him affectionately. "Why the French champagne?"

"Christmas is comin'."

Bejabers directed him to a feed corral, where they unhitched and put up the team. Then, returning to Ducroix's store, they weighed their gold-dust and exchanged forty-two hundred dollars' worth of it, at the rate of fifteen dollars an ounce, for supplies which, under normal conditions, could have been purchased for not more than one-tenth of that sum. The adroit Ducroix, sensing their great need for a liberal supply, had cut the rate of exchange one dollar per ounce.

"When the miners on the Yuba hear Ducroix has sold so much to one man, they'll about mob him," Bejabers exulted. "They have a notion hereabouts that when the grub supply is low folks ought to divvy up with each other."

"The wish is father to the thought, Bejabers. Where is your freighter man with his pack-mules? Hustle him around here, and we'll load this plunder and get out of town before Ducroix's disappointed customers have an opportunity to work up public sentiment against us on the ground that we're a pair of greedy monopolists."

By noon the supplies were packed and the convoy started. D'Arcy gave Bejabers the gold-dust remaining on hand, to finance him on his journey to San Francisco and return. After taking an affectionate farewell of each other, D'Arcy mounted Pathfinder and rode out with the pack master and his Indian aids for Happy Camp.

Later in the day, when Alvah Cannon, with half a dozen companions, rode into Nye's Ferry and descended upon Ducroix to purchase food, they found the Frenchman bending over a barrel-head, upon which he had spread a piece of canvas. In the center of the canvas was the heap of coarse gold he had accepted in payment from D'Arcy and Bejabers Harmon.

"Where'd that color come from?" Alvah Cannon demanded. "'Tain't gold from this locality. Hanged if it ain't the lumpiest gold I ever did see. Why, them fellers must be takin' out as high as five hundred dollars a day each. Who turned that stuff in, mister?"

Ducroix replied, truthfully, that he did not know the man's name, but that the

lucky devil had departed with a pack-train of supplies, bound for his claim.

"Which way did he head?" Cannon asked.

"North," Ducroix answered. He swept the gold into a bag and tucked it in an iron box.

"How's chances for a grub-stake, Ducroix?" Cannon leered across at the trader with an apologetic sag to his big loose mouth.

"Impossible!" There was hopeless finality in the trader's reply.

Cannon did not press the argument. He and his companions clumped out of the log store and congregated in front.

"Ducroix says the feller headed north. We could easy overtake him an' follow him until we located his claim," Cannon suggested.

"Can't travel on an empty belly, Cannon."

"There's plenty inside—if we got the guts to help ourselves."

"Well, I reckon we got the guts," another man spoke up.

That night Ducroix, asleep in a room back of his trading-post, was struck on the head with a club. About ten o'clock the following morning some miners from up the Yuba hammered at his door and, receiving no response, decided something must have happened to him. So they broke in the door and found the Frenchman dead in bed, his skull crushed in and a bloody pick-handle, taken from the store stock, lying on the floor beside him. The heavy iron box in which it was known Ducroix kept his gold-dust, had been pried open with a crowbar and was empty.

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Any novice at woodcraft would have had no difficulty following the trail of D'Arcy's hired pack-train as it wound north to Happy Camp—and Alvah Cannon was far from being a novice. He and his companions caught up with it as the train outspanned for the noonday meal the second day out from Nye's Ferry. The muleteers were barbecuing the ribs and loins of a deer shot for the purpose that morning, when Cannon rode confidently up to the fire and addressed himself to the pack master with feigned heartiness.

"You fellers seem to be expectin' company, if a man can jedge by the size o' that barbecue. Any chance of me an' my party bein' given a snack?"

"Certainly," the pack master replied. "It'll be ready in a few minutes, an' I guess we can spare you a bite. Where're you an' your party headin' for—without grub?"

"Oh, we got some in our saddle-bags, but not much," Cannon replied readily. "We expect to shoot some game. We're aimin' to do a little prospectin' along any creeks we find up this way. Where you fellers headed for?"

"I don't know. Ask the feller that hired me. He knows."

"Where is he?"

"That's him, groomin' that brown stallion over in them trees yonder. Wait a minute. He's comin' to the fire now."

D'Arcy walked into the circle of men around the camp-fire.

"These fellers asked if we could spare 'em a mite to eat an' I told 'em we could, Mr. D'Arcy," the pack master informed him. "I don't suppose you have any objections, although now that I think of it you shot the deer."

"I have the utmost objection. Cannon, this company is just a trifle exclusive. Take this hind quarter of venison and prepare your own food. You're not wanted here. Get out!"

Cannon grinned evilly. "You're sure an unsociable cuss, D'Arcy. Well, we ain't here to pick a fight with you."

He and his party rode off, taking the haunch of venison with them. A quarter of a mile away they made a fire and proceeded to prepare their meal.

"I wonder what that blackguard is doing in this country?" D'Arcy asked the pack master.

"He says they aim to do a little prospectin'."

D'Arcy shook his head. "There isn't a miner's pan, a pick, or a shovel in the entire company and they haven't sufficient grub to last them a week." He sat down and loaded his pipe. "I suspected somebody would follow me," he concluded presently.

"You got a good thing, Mr. D'Arcy?" The pack master was only mildly curious, for his taste in fortune-hunting ran to mules rather than mining. All too well he realized that, as the owner of a sturdy pack-train, he would draw rich rewards from the labor of the gold-seekers who must, at any price, engage him to transport food to their distant claims in a wooded and mountainous country where roads were not.

"My friends and I are doing fairly well. We think we may do better. Of course I realize that I cannot expect to be without neighbors, and, as a matter of fact, I have no objection to them, now that we have had our choice of the ground. But I do deplore the prospect of having that scoundrel and his fellow scoundrels in my country." And D'Arcy related to the pack master the story of his first meeting with Cannon and their subsequent adventures together.

"I don't see how you're goin' to give 'em the slip, Mr. D'Arcy."

"Nor I. Unless," he added, glancing upward, "we are fortunate enough to have rain this afternoon and tonight—and I think we shall."

His prediction came true, for about three o'clock a heavy shower drenched them. Fortunately, however, the packs were all covered with waterproof tarpaulins,

so no damage was done to the supplies. Throughout the afternoon the rain increased. At five-thirty darkness fell, and Cannon and his party, following a mile in the rear, were lost to view.

"They will encamp when we do," D'Arcy decided suddenly. His party had halted for the night in a grove of oaks, the broad branches of which afforded fair shelter from the storm, and the pack master and his muleteers were preparing to unload the mules. "About a mile north of here," D'Arcy continued, "is the big arroyo upon which our camp is situated, but some ten miles up-stream to the east—quite in the heart of the Sierra foot-hills. It would be the part of wisdom to press on, cross that arroyo tonight and make camp in the timber on the north bank, for the reason that if this storm continues all night the stream will not be fordable by morning."

The pack master pondered. "This is the first storm o' the season," he decided, "an' more'n likely it'll pour for a week or two. Reckon you're right, Mr. D'Arcy. We better get across that arroyo while we can."

"Meanwhile," D'Arcy added, "we'll build a couple of large camp-fires in this grove and leave them burning when we push on. That will give Cannon and his men the impression that we have halted for the night. They'll follow on our trail in the morning, of course, but if our luck holds, they will be balked at the arroyo. Meanwhile we will have had a start at daylight. I'm sure we can manage to circle around to the north and come down on Happy Camp without Cannon discovering in which direction we have disappeared. And this heavy rain will obliterate our trail very soon."

The pack master agreed, largely because he was as anxious to avoid their pursuers as D'Arcy himself, having no desire to meet them en route back to Nye's Ferry after delivery of his load. He feared for the gold he would be carrying then.

Accordingly a quantity of dead branches was gathered and three camp-fires were lighted; the tired mules were left in their packs and supper was prepared and eaten. About ten o'clock they pressed forward through the driving rain. The waters of the arroyo were up to the mules' bellies when they forded it at the spot where D'Arcy and his party had picked down the banks to make a crossing some months previous. A few hundred yards beyond the north bank they found shelter in the oaks and scrubby pines, unpacked, hobbled the mules and turned in under their tarpaulins for a much needed sleep.

Throughout the night the rain continued to fall with increasing violence, and when at daylight D'Arcy rode back to the ford, he found the arroyo was running bank-full, an angry, muddy torrent whirling madly down the abrupt slope to empty into the Sacramento River. He knew that no horse could ford it now, nor could one, with a

rider on its back, hope to swim it and survive. He returned, jubilant, to the pack-train, and when the mules had finished their ration of grain from the nose-bags, they were laden and the journey resumed. Just before darkness closed in they debouched into the little valley the residents of Happy Camp had fenced for a pasture.

His friends came out of the cabin to greet them.

"Well, what's new since I've been gone?" their chief inquired of McCready.

"Nothing, Dermod. It's been raining in the hills for two days and the gravel bars are flooded. So we've quit minin'."

D'Arcy sighed with relief. "That means we'll not have company until spring."

"It means, too," Mr. Poppy announced, "that from now until spring we shall all be lumberjacks." Evidently he looked forward with dread to whipsawing lumber for their projected flume.

The Bart stuck his rubicund face around the corner of the canvas that covered the window. "Welcome, home, Dermod, me boy," he cried happily. "We've missed you. Are you quite safe and sound?"

"Quite, Sir Humphrey."

"Thank heaven for that. Surely you must be wet and cold. Under such circumstances would not a toddy, piping hot, be in order? Upon my word, I'd have had it ready for you—it's my day in camp, you know—but unfortunately the whisky appears to have vanished!"

"I buried it in a secret spot before I left, Bart, but I'll disinter it if somebody will bring me a lantern and a shovel."

"I'll heat some water, me dear lad," the Bart suggested joyously. "How much shall I heat?"

"Enough for all hands—and the cook."

Instantly the Bart's gray head disappeared and a minute later sparks were flying up the chimney, the while the ex-surgeon of H. M. S. Invincible proceeded to the task ever closest to his heart.

# *Chapter Thirteen*

It was spring in the foot-hills of the Sierras—that unforgetable spring of '49. Beyond timber-line the snow still lay and would lie until well into the summer; on the sky-line far beyond, Mt. Shasta and Mt. Lassen lifted their heads, hoary with the snow that never melts. But the rains were over and while the Arroyo Chico still ran channel-full, from the melting snows at higher elevations, it no longer ran bank-full. The sand-bars already were half exposed; each day saw a few inches more of the auriferous gravel rising from the singing stream, and the dwellers in Happy Camp, following months of arduous labor in the timber, were now busy making their dam to divert a stream from the main channel down the center of their claims.

Since the pack master and his muleteers had departed, none of the members of Dermod D'Arcy's company had seen or spoken to anyone outside their own circle. One worry assailed them, or rather it assailed D'Arcy—for his companions seldom spoke of it—and that was the unaccountable absence of Bejabers Harmon. Many times during the winter the waters of the Arroyo Chico had been low enough to permit fording; consequently, D'Arcy knew that no natural obstacles had prevented Bejabers from rejoining them. Hence, as spring advanced, he decided that Bejabers had gone the way of all flesh, and he grieved accordingly.

Not once during the winter had D'Arcy again visited the Rancho Arroyo Chico. He could not force his attentions on a woman who resented them; wherefore the wisest plan was to wait patiently for time to soften her attitude toward him.

His action, in the matter of her worthless brother, had been born of his Celtic impulsiveness and a natural disinclination to compromise with a scoundrel, whether of high or low degree. He had desired the death of Romauldo Guerrero as one desires the death of a mad dog, yet he had shrunk from killing the fellow. Many a night during that long and silent winter he cursed himself for yielding to a weakness—not at all uncommon in his race.

For the first time in his life he realized that the bearer of unwelcome news hath but a losing office. It is human nature to resent unpleasant tidings and to seek an ulterior motive in the bearer thereof. D'Arcy knew now that Josepha Guerrero had not resented his action because of its effect on her, but because of its effect on Don José. She was beyond grieving at any misfortune that might overtake Romauldo, but Don José was not. D'Arcy had protested his love for her. Why, then, had he not given proof of that love by magnanimously protecting her father from shame and disgrace?

That was the question she had asked herself, and her instant and cold dismissal of her suitor had been the answer. Womanlike, she had reasoned with her heart rather than her head, while his reasoning had taken a course diametrically opposite. He had been too sure of himself, too sure of her. He had ridden roughshod over her high pride, and whether such an act be justified or not, few women would have paused to consider that aspect of the case.

Too late he was experiencing the truth of the old adage that absence makes the heart grow fonder—in his case, at least. Never a day passed that his glance did not wander to Pathfinder, grazing in the meadow; yet each time he gazed he throttled the yearning to mount the horse, ride to the Rancho Arroyo Chico, explain himself and his motives and exculpate himself, if possible, from the charges the girl had heaped upon him. But the memory of the contempt in her blazing eyes always deterred him; he told himself that such a journey would be without profit, for the reason that the girl would decline to receive him.

By day he found surcease from his searing thoughts in the Herculean task of whipsawing lumber for the flume, in designing and constructing a "riffle" for saving the gold. But with the night the old longings, the poignant sense of irreparable loss, returned to plague him. Since the residents of Happy Camp were without lights, other than those cast by the flames in their mud-and-stone fireplace, it followed that, like the birds, they retired at twilight—a condition which added many hours to his mental distress before sleep claimed him. Eventually, what with long brooding, his thoughts became an obsession, blotting out even the most remote speculation as to the inexplicable absence of Bejabers Harmon.

And then one day Bejabers suddenly walked into camp. He was thinner than when they had seen him last; he was ragged and carried his earthly possessions in a battered old knapsack on his back. But he was pathetically happy to be back, as his cheerful whoop, while yet he was some distance from camp, amply attested.

D'Arcy ran down the Arroyo Chico to welcome him. "You dirty little divil!" he cried joyously. "Where under the canopy have you been?"

Bejabers embraced him, thumped him furiously between the shoulder-blades and showered upon him unique and affectionate vituperation. "I'm starving," he protested. "Give me food and drink and I'll tell you a wonderful story."

Back at the cabin, in anticipation of a golden opportunity, the Bart already had filled the kettle and swung it on the crane over the fireplace. "Nothing like a good stiff hot toddy to put the stuffings back in a man," he declared, after the party had welcomed the prodigal. "Dermod, me lad, shouldn't we have a drop o' the craythure?"

"Whisky is much too commonplace, Sir Humphrey," D'Arcy replied, and for the first time in months his companions saw the old, cheerful, happy light in his eyes. "We didn't have a calendar, Bejabers," he went on to explain, "so we never knew when Thanksgiving, Christmas, and New Year arrived. And we wouldn't drink that champagne until your return. I've had it buried in a little stream up yonder. The snow-water's been running over it all winter and it's cold enough to be served now."

He ran out of the cabin, to return presently with the case of champagne. Bejabers knocked the neck off a bottle; the others, even Jim Toy, followed suit, and they drank to a happy reunion.

"I've been in jail," Bejabers announced calmly, as he tossed the empty bottle through the cabin door and out into the field. "When I finally got back to San Francisco and turned the black Maria and the team over to the sheriff, he wanted to know what I'd done with the tools I'd helped myself to. I thought that was dog-gone small o' him and told him so; one word borrowed another and we had a fight, with the result that he busted me over the head with his gun and threw me into my own jail.

"Then the alcalde tried me, and I hope I may never see the back o' my neck if he didn't give me three months in the mill and fine me all the gold-dust they found in my possession. When I got out I had to get a job or starve to death, so I worked unloading ships at twenty dollars a day. It took ten o' that to house me and feed me, but by the first o' March I had a hundred and fifty dollars saved up, so I bought a burro and some grub and started back for Happy Camp.

"I been on the road ever since; I was broke and my grub give out the day after I passed Nye's Ferry. Then the dog-goned burro up and died on me, so I hoofed it on to the Rancho Arroyo Chico, figurin' to get a couple o' square meals, a night's lodgin' and the loan of a horse and saddle for the rest o' the journey."

He paused and glanced significantly at D'Arcy.

"Well?" the latter queried.

"They wouldn't let me in, and old Don José tried to sick his hound dogs on to me. I was as welcome as the flowers in spring until I told 'em I was your pardner—and *inmediatamente* the big freeze came on."

"So you had to pull out as hungry as when you pulled in?" D'Arcy asked.

"I sure did," the little man replied. "Somehow, they got me connected up with the hangin' o' that *vaquero* at Nye's Ferry. I explained all about that and how hard I tried to save the boy, but they wouldn't hear to it nohow, and Don José give me five minutes to make myself scarce. Then he went back on his word, because I wasn't more'n a hundred yards from the house when he took a shot at me. That

bein' teetotally ag'in' law and order, I went back and I went a-smokin', a revolver in each hand. I reckon Don José was all out of ammunition or else I bluffed him good and plenty, for him and his gang lit out for the back country *muy pronto*."

"The girl stuck," D'Arcy predicted confidently.

"You're right. It requires a lot to stampede that damsel. Findin' myself alone with her, I put up my weepons and bowed to her real polite. 'What you-all mean by such actions?' I says. 'You'd drive a desperate man to murder. What's a mess o' dried beef and beans and coffee and some tortillas between enemies, anyhow? If you want me to light out o' here under my own power, rustle me some grub and I'll go peaceable. I was goin' anyhow when war was declared.'

"She smiled at that and says: 'Very well, gringo. There is reason in what you say and it is true my father should not have shot at you. For the sake of Don Dermod D'Arcy I will give you food.'

"Never mind him, señorita,' I says. 'I'm a good man myself, in my way, so give me my rations for my own sake. You got any message to send to my pardner?'

"'Yes,' says she, after yellin' for the cook to come back in and serve me. 'You tell Don Dermod to remember he is not welcome here. It would be like that fellow to return some day, electing to forget that all is not as it should be. Tell him he risks his life to come to the Rancho Arroyo Chico and that I have no desire to see him until I feel that I may invite him here with the same feeling of hospitality as heretofore.'

"So I promised I'd tell you, and she fed me. Then she let me have a horse, tellin' me to turn him loose at the Arroyo Chico and he'd come home by himself. As I was ridin' off, she said: 'I do not think you are a bad man. One as brave as you would not be likely to hang an innocent man.'

"'Which I don't believe that *vaquero* was innocent,' I says. 'I think he was as crooked as a bed-spring, but I couldn't prove it and far be it from me to hang any man without proof. Me, I'm for law and order, every time.' Then I rode off and here I am."

"You're a welcome sight, Bejabers. What's the news from down below?"

Bejabers knocked the head off another bottle of champagne. "The news comes so fast in Frisco town, Dermod, that, in a manner o' speakin', it telescopes itself. There ain't no room for little triflin' items, like that about some feller stealin' my horse and saddle while I was in the *juzgado*. Gentlemen, that city's a madhouse. And when I say city I mean city. Two years ago she was a camp. Last summer she was an overgrown village, but today she's a city and there to stay. A feller's lucky to get a meal and a place to sleep.

"She's a rip-roarin', up-and-comin', bran-new constellation in the galaxy o' star

performances. She don't give back no change. About four-fifths of the folks that went to the diggin's after the discovery came back to town for the winter, but about now they're headed into the hills again. I see in the Californian that there was supposed to be about four thousand miners in the hills by the fall o' 1848, but you take my word for it, there'll be forty thousand there before the Fourth o' July this year. Man, the flight o' the Hebrews into Egypt ain't goin' to be a marker compared with the flight o' the Gentiles into California.

"Here, last May, the Californian had to suspend publication because everybody had gone to the diggin's. Now she's bein' published ag'in bigger and better. All the men you meet are spendin' their dust with both hands—just a-rollin' from one saloon and gamblin'-house to the other. There ain't no American women yet, but we got a right smart smatterin' o' Mexicans, Chilenos and Kanakas. Ships are arrivin' daily, in bunches, from the Sandwich Islands, Mexico, Chile and Peru, and just before I left town a lot o' wuthless characters arrived from Australia."

"Why do you call them worthless?" the Bart queried. "Australians are worthy British subjects."

"Because right off we have a series o' murders and robberies."

"What are the police doing about it?"

"Man, there ain't no law or order. While Mason, who was app'inted governor by President Polk, is issuin' solemn pronouncements and staggerin' along with a private government of his own at Monterey, nobody's payin' any attention to him. A killin' don't mean anything; it don't even excite comment, provided it's pulled fair. 'Tain't no unusual sight to see a pair o' gents step out on the sidewalk, stand back to back, walk an agreed number o' paces, turn and commence shootin'. Nobody thinks o' askin' the survivor how come he takes the law into his own hands. And there ain't no money in circulation to speak of."

"Gold-dust, I suppose," D'Arcy ventured.

"At sixteen dollars an ounce. A drink's a pinch o' dust out o' your poke, and the barkeeps that do the pinchin' got the most amazin' big thumbs and forefingers I ever did see. Common labor is mighty scarce, and them that labors only do it long enough to get a stake so they can start for the diggin's, while them that has any dust left scorns labor until they're broke. The easiest job to get is unloadin' ships in the harbor. As soon as the anchor's down, the sailors desert to go minin', and the harbor's filled with ships, loaded and empty, and most of them abandoned. For every dollar that's made in San Francisco somebody else loses two."

"Is food plentiful?"

"Plentiful, but prices are sky-high. And they'll be higher than ever about now, on

account o' so many men startin' for the mines."

"How about health conditions?" the Bart queried.

"Pretty fair in San Francisco, considerin', but not so good in the camps, from what I hear. They've had smallpox and scurvy, and I hear that starvation's pretty rife among some that elected to winter in the hills."

"Did you meet any prospectors on your way up the valley?"

"Dermod, I passed a plenty o' them. I reckon it won't be long before this here stream is overrun. By fall I wouldn't be surprised to see a hundred thousand people in California."

"Then," D'Arcy decided, "that means that we Californians must promptly set up a government of our own and not wait for the politicians at Washington to do it for us. With a hundred thousand inhabitants in California, this territory will enter the Union as a state in 1850."

Bejabers nodded. "A hundred thousand will be easy, Dermod. The whole world's rushin' to California, as near as I can figger out. Last year when we passed through Frisco most o' the stores was abandoned and the price o' real estate had gone to nothin'. Now the stores are all open and doin' a rushin' business, real estate is boomin' and some folks are figgerin' there's bigger fortunes to be made in trade than'll ever be took out of any creek."

"Undoubtedly," Mr. Poppy acquiesced. "These golden hills are God's harvest to the plain man accustomed to toil."

"And when the harvest has been gathered?"

"Some will have golden grain, but by far the great majority will have weeds and tares, D'Arcy."

"Easy come, easy go. That's my motto," the Bart declared.

"So!" Bejabers cried. "Dermod, you been lettin' the Bart here take life easy?"

"I've never worked so hard in my life," her Britannic Majesty's late servant protested. "However, there's an end to all things, and once I've made my fortune I'll take my ease."

"Hum-m! I bet you will. Dermod, what you boys been doin' since I been gone?"

"We've got our wing-dam in and about a quarter of a mile of fluming constructed and laid. This gives us a fine swift head of water for our sluicing operations, our riffle box is made and tomorrow morning we commence mining under new and improved methods."

Jim Toy set food before the famished Bejabers.

"Lot o' newspapers in that pack o' mine," he announced, and fell to the victuals while the remainder of the company eagerly fell upon the pack.

His meal finished, Bejabers sought his bunk, but until late in the night D'Arcy crouched before the fireplace, by its flickering light reading aloud to the company every scrap of news contained in the two dozen old newspapers the thoughtful Bejabers had packed in. The arrival of every ship in San Francisco Bay had been duly chronicled, together with the passenger lists. The columns teemed with "Notices of Arrivals of Goods"—and such goods! Foodstuffs, dress-goods, pianos, organs, gold-mining contraptions, jewelry, wines, liquors, cigars, pistols, knives, rifles, blasting powder, needles and pins. The shrewd traders of New England already were finding a new market for their wares!

This first remote touch with the outside world in nearly seven months was almost awe-inspiring to the men of Happy Camp, D'Arcy's swift computation of the number of ships and emigrants arriving in them during the twenty-four days of which the Californian had brought them the record amazed and disturbed them; for the first time they gleaned an idea of the tremendous multitude that, in ship and covered wagon, was bound for California.

"We got to clean up our claims an' stake new ones before the big rush arrives," McCready decided. "There ain't goin' to be gold enough for half the people that's comin'."

"And four-fifths of them will not know how to mine it," Mr. Poppy decided. "Well, thank heaven, we're on the ground first. I know what I'm going to do with my share of it?"

"Git drunk, I suppose," Bejabers suggested sleepily from his bunk.

"That remark is unworthy of you, Brother Harmon. I came West to make a new start. As a minister of the gospel, I admit I was cast in the wrong rôle, but in this new environment it would be strange, indeed, if I did not succeed in establishing myself in a line of endeavor to which I am naturally suited." Mr. Poppy sighed. "There's a girl back home waiting for me to make good," he continued. "She stuck to me after my own family had given me up in despair. I am not worthy of this fine woman, but—I hope to be. And when it seems I have conquered the devil in me, I'm going to send for Martha. She's the one human being in this world who will always give me another chance. Ah, what a wonderful thing is faith!"

"What a foolish thing it is!" Bejabers retorted. "If you got any conscience left, Mr. Poppy, you'll let the company here be the jedge o' whether or not you're to be trusted with an innercent and confidin' female."

"But, dear chap," the amiable Sir Humphrey interjected, "Poppy hasn't been drunk since we left San Francisco."

"That's because he ain't had a chance, Bart. It's a mite too early for you and

him to start pinnin' crowns o' glory on yourselves. One night in Frisco town'd knock all your good resolutions to pieces. You two just couldn't stand the pressure."

"You clap a stopper on your jaw tackle!" the Bart cried furiously. "Permit me to remind you, Mr. Harmon, that this was a happy and contented company during your absence. For my part I wish you had not returned. I consider you owe both of us an apology, sir."

"Dermod," the straight-thinking little man urged, "tomorrow you leave all our stock o' liquor out in plain sight where anybody can help himself to a drink whenever he wants it. If the Bart and Poppy don't git away with more'n their fair share inside a week, I'll 'pologize to both of 'em."

"Within a week, sir," the Bart replied severely, "I shall call upon you for that apology. Failing to secure it, I shall have no hesitancy in challenging you to a duel, sir. I will have you understand that no commonplace person can, with immunity, cast aspersions upon a gentleman."

Bejabers sighed. "I wouldn't have cast no aspersions," he explained, "if you and Poppy, thinkin' I was sound asleep and takin' advantage o' the interest o' the rest o' the company in what Dermod was readin' from the newspaper, hadn't each quietly hid a quart o' champagne in your bunks. You two pipe down and instead o' gittin' on your high horse be grateful I don't call a meetin' o' the Happy Camp Mining District and read you both out o' the party."

"Peace, peace!" D'Arcy urged. "Everybody to bed before we have a real quarrel." He rose and laid a hand fraternally on Mr. Poppy's shoulder. "You stick by your good resolution, domine," he urged. "If there's a spark of good in any man, a good woman can fan it to a flame. I suppose your girl's a good woman?"

"She's a saint," Mr. Poppy replied, with a catch in his voice. "I miss her. I'm lonesome for her. She can't write to me because she doesn't know where I am, and I can't write to her because there are no post-offices in this horrible country." Suddenly he leaned on the table and buried his face in his arm. Sobs shook his spare frame, and an embarrassing silence descended upon the company.

"Homesick," McCready murmured.

"I'll be charitable," Bejabers agreed. "He's homesick."

Jim Toy eyed Mr. Poppy owlishly. "Him dlunk," he announced. "Him no good, anyhow. Him heap lazy. Him no b'long hard workee. Him lie down 'lon'side!"

"You shut up, Jim Toy," D'Arcy warned the Chinaman. He ruffled Mr. Poppy's head. "You take a day off and write her a long letter, Mr. Poppy," he advised, "and when we go out with the pack-train for a new supply of provisions I'll find a way to mail your letter at Nye's Ferry. Pay no attention to Bejabers. He's tired and irritable

and perhaps the champagne is talking. Come, now. Roll into your blankets and tomorrow the world will be bright and sunny again."

The Bart assisted D'Arcy in rolling the brokenhearted Mr. Poppy into his blankets. Then the others turned in and silence descended over Happy Camp.

# *Chapter Fourteen*

The vanguard of the greater gold-rush reached them two weeks later. Up the Arroyo Chico one afternoon marched a company of ten men, although at first glance one might have been pardoned for suspecting that they were pack-mules, for their worldly possessions were carried in knapsacks on their backs. On their shoulders they carried rifles, picks, and shovels; from the belt of each a gold-pan depended; each carried a knife and a six-shooter. As they turned the bend in the stream and caught sight of the mining operations of the D'Arcy party, they cheered lustily and broke into a run.

The men of Happy Camp ceased shoveling gravel into the long flume and awaited their arrival. The first man to reach them was Alvah Cannon. Recognizing D'Arcy, he paused in momentary embarrassment, then his natural aggressiveness asserted itself.

"Well, here we are, D'Arcy," he announced. "What're ye goin' to do about it?"

"Nothing—while you behave yourself, Cannon. You and your party have as much right here as mine. There's plenty of rich ground up the creek, and I suggest that you stake your claims. Before doing so, however, permit me to remind you that you have arrived in what is known as the Happy Camp Mining District. The district has certain written and ratified rules and regulations covering mining on this creek, and we will expect you and your friends to sign the book and abide by the local laws."

Cannon considered this. "What right have you to make laws?" he demanded. "This is a free country."

"The majority rules, Cannon. Law has its genesis in the voluntary association of free men for mutual protection and justice. Since we were the first here, we have elected to plant the seeds of law and order and we have endeavored to be just."

"Hum-m-m! Don't look to me like you was in the majority. How big a claim does your private law allow a feller?"

D'Arcy informed him.

"'Tain't big enough," the newcomer decided.

"Very well, Cannon. Take as much ground as you please—until we have more miners in Happy Camp. Then you'll conform to our mining regulations or get out. I'm not ready for a quarrel with you yet."

"Any place to buy grub around here?"

"No. I imagine you'll have to freight it in from Nye's Ferry."

Cannon, with a jerk of his shaggy head, ordered his party forward and they disappeared up the arroyo. The following day three men, afoot but leading three heavily laden burros, came down over the ridge to the south. They accosted D'Arcy politely, inquired as to the desirability of staking claims on the stream and were encouraged by him to do so. There were just three claims lying above those staked by D'Arcy and his party, and across these the flume ran.

"We can't use that flume, so it would be in our way," one of the newcomers suggested, "and we would be in your way. We'll try the stream farther up. Got any rules and regulations here? If so, we'd like to read them, and if they're just, we'll sign them and play fair."

They signed them and erected a small tent in the meadow close to Happy Camp; at D'Arcy's invitation they turned their burros loose in the meadow. The following day they staked claims up the stream around the bend; the day after, five more fortune-hunters arrived afoot, and from them D'Arcy learned that men were wandering by the hundreds through the hills, prospecting every stream they came to. These latest newcomers were orderly men, accustomed to discipline, and well armed.

Cheerfully they subscribed to the Happy Camp mining regulations and staked claims up the stream. Then they borrowed axes and whipsaws from D'Arcy and in an incredibly short space of time had erected a small log cabin. Thus a town was founded. They had very little food, so D'Arcy, with the large hospitality of that day and generation, supplied their wants on credit. The result of their labors the first week paid the score; whereupon one of them rented Francisco's mustang and rode down to Nye's Ferry.

When he returned it was with a pack-train, heavily laden. About the first of May a pack-train of twenty mules came up the arroyo, and in the meadow back of Happy Camp a large tent was erected and a general store opened. For a mile up and down the stream from Happy Camp hundreds of men now toiled in the gravel bars; there was constant migration. Men came, worked a week or two, failed to find the ground as rich as their expectations and departed. Others promptly took over their claims. The three horse-thieves, Ord, Lundy and Sargent, and the cockney ex-sailor Pye caught the fever of migration about this time, and to D'Arcy's gratification sold out to the others.

Meanwhile, D'Arcy had seen Alvah Cannon and his party but once and that on a day when the former called to inform Cannon that he was decidedly in the minority along the Arroyo Chico. Thereupon D'Arcy and the deputation with him measured and restaked the claims of the Cannon party and presented to them the book of

regulations for the Happy Camp Mining District.

"Sign," he commanded.

In silence Cannon's party signed.

At first the general store sold provisions only, but when the storekeeper's long pack-train again wound its way up the Arroyo Chico fully half the cargo it carried was whisky. Another tent went up, and a heavy whipsawed plank laid across two five-foot sections of logs, upended, did duty for a bar.

Bejabers Harmon brought news of this additional evidence of civilization to his fellows. "That storekeeper's buyin' gold-dust, too," he added. "Sixteen dollars, in coin or goods, for an ounce of gold. Whisky's a dollar a drink."

"Good whisky?" the Bart queried.

"Rotgut. Leave it alone, Bart."

"I'm old enough to know my way about." Sir Humphrey was a bit acidulous.

Bejabers winked at D'Arcy and continued: "A feller come up the creek this morning with a wagon and an eight-horse team. He's got a little portable sawmill and aims to go into the lumber business. He tells me he's sold a bill o' lumber already. Feller's comin' in here to establish a dance-hall."

"Where's he going to get the girls?"

"They'll turn up from somewhere, like the gamblers. They follow the law o' supply and demand."

Mr. Poppy pricked up his ears, so to speak. "The daughters of Shiloh," he murmured. "God have pity on them."

"Well, I'm here to say they'll be a welcome note in my humdrum life," Bejabers confessed. "I'm out to have a good time while I'm young. Let other people look after their own souls, and never worry yourself about yours. That's my policy."

To D'Arcy, as they walked together down to the claims after the midday meal, Bejabers made a prophecy. "We'll soon come to the partin' o' the ways with Poppy and the Bart. The world, the flesh, and the devil's too much for them. Poppy can't stand temptation and the Bart can, but won't. We'll have to give 'em their share o' the swag and make 'em turn over their claims to us. Then we'll hire labor and work 'em."

"If the parting is to come, I hope it comes soon, Bejabers. We've made good money to date, but I have a suspicion that after we've cleaned up the gravel bars and diverted the channel of the stream to the south bank, we'll make a fortune in the present bed of the stream. Our two friends handle fully two-thirds less gravel than any of us, yet they have an equal share in the profits. However, they know the agreement between us, and if they break it—"

"Seen anything of Cannon and his gang lately?"

D'Arcy shook his head. "I avoid him, Bejabers."

"How much dust we got in the kitty?"

"Perhaps fifty thousand dollars' worth. So much, in fact, that I'm worried about it. I wish I had a safe place to store it."

"Shucks, this is an honest community, Dermod."

"It is—remarkably honest. But then, Bejabers, that is a somewhat unnatural condition. Each man is so helpless to guard his treasure and so dependent upon his neighbor's honesty that honesty has become a virtue each man enforces upon himself. If there are dishonest men in Happy Camp they are afraid to reveal their weakness. A thief would be hanged within an hour after the discovery of his crime, and the laws of evidence would be apt to receive a stretching, too.

"I hear that two men named Wells and Fargo have established an express company and are going to put in a system of stage-coaches from all the principal mining centers to Sacramento and that new camp, Stockton. The stages will carry passengers and treasure, with a messenger to guard it en route. Once the company takes over the gold it will be responsible for its safe delivery. There is a crying necessity for such a service."

"Where're we goin' to send our gold?"

"I'm going to send mine, by ship, to the United States Mint at Philadelphia. The gold on Arroyo Chico will run about nineteen dollars fine, and I do not intend to lose three dollars an ounce by selling it to local speculators."

"The dog-gone ship might sink."

"That's a risk I'll have to take. A company calling itself the Pacific Mail Steamship Company is now building a fleet of large steamers. They will ply between New York and Aspinwall, Panama. The passengers will transship at Aspinwall and be carried across the isthmus in canoes to the Pacific side, via the Chagres River, where other steamers of the fleet will transport them to San Francisco. Those steamers should be rather safe."

Bejabers looked up the Arroyo Chico. On every claim men toiled in the summer sun—a ragged, bearded, red-shirted crew. Recent arrivals trudged along asking questions, seeking unstaked ground, bargaining with some faint-hearted fortune-hunter for the claim he already had staked and was as quickly growing weary of. From the whisky shop in the meadow came the sound of drunken singing and the firing of pistols.

"She's gettin' to be a bedlam," Bejabers sighed. "And at that she ain't really started. Them two fellers, Wells and Fargo, had ought to be told about Happy

Camp. There's big business awaitin' 'em here."

"They have an office in Sacramento, Bejabers. I'm going to mount Pathfinder, ride down there and induce them to extend their service to Happy Camp," D'Arcy decided suddenly. "Somebody's got to do a public service for the district, because everybody's too busy at his own affairs."

He turned abruptly, caught up his horse, saddled, mounted and rode away into the south. A well-beaten trail now led down the valley of the Sacramento, and along this trail a motley company proceeded in both directions. A majority of them were afoot, carrying packs; some rode horses and mules, and the more fortunate drove packed burros before them. Here and there men far beyond the prime of life fought their way through the rout of fortune-hunters, but there were few of these.

A fever of excitement, of rare good nature born of high hopes, pervaded them all, and D'Arcy, who could be brother to all men, found his fellow travelers eagerly communicative. He listened to all of the latest gossip of the now widely scattered diggings, to tales of unbelievably rich strikes, of sorry failures, of disillusionment and disappointment. He learned, for the first time, some of the details of the almost unbelievable emigration to California, not only from the Atlantic seaboard and the still sparsely settled country east of the Mississippi, but also from Europe, Mexico, South America, and Australia. He had made that journey himself and he knew the terror of it for grown men; yet, if what he heard were true, women and children were risking it now.

He passed the Rancho Arroyo Chico glistening whitely among the oaks, and at sight of it the old ache, the old unstilled longing came back to him. He had thought that the excitement and romantic lure of life at Happy Camp had stilled it at last, but he knew now that it had not. From the hacienda he saw five persons, mounted, ride out across the plain, making for the road to Sacramento, and while he was still too distant to recognize them, he saw that two of them were women.

He pulled Pathfinder down to a walk to permit the party to reach the road ahead of him; when he saw that they had turned south he urged Pathfinder into an easy trot and gradually overtook them, whereupon he recognized Don José Guerrero and his daughter riding ahead, while an older woman, a relative probably, with two *vaqueros*, followed behind.

D'Arcy lifted his hat as he passed them, but he did not look at them nor did he speak. He knew they would recognize his horse, if they failed to catch a glimpse of his face. Very well, then. If they cared to speak to him, they would do so. If they did not speak, it would be evident they did not wish to.

"Good day, Don Dermod!"

Don José's hearty voice was hailing him. He pulled up, swung his horse, faced them and again gravely lifted his hat and bowed low in his saddle.

"Blood of the devil! You are a true gringo. You hurry! It is long since we have seen you and the country is overrun with maniacs. Since you travel our way, why not share the road with us?"

"You are very kind, Don José—kinder, in fact," he added with a searching glance at Josepha, "than I have any right to expect."

"You, at least, are sane. Don Dermod is welcome, is he not, Josepha?"

"The highroad is free to all who choose to travel it, my father." There was no sign of friendliness, of pleasure, at this chance meeting, showing in the girl's proud face. She pulled her horse and fell back alongside her duenna, and D'Arcy saw that the action of her good-natured and mercurial father had piqued her. A light of devilish mirth danced in D'Arcy's black eyes as they roved hungrily over her.

"Thank you, Don José. Since it seems my life, for the present, is not threatened, I shall be delighted to ride with you. I trust that all is well with you and yours?"

Don José shrugged, as if to reply that most decidedly all was not well, but why complain about it? "You ride from where, Don Dermod?"

"From up the Arroyo Chico. I am engaged in mining there."

"So! And are your activities amply rewarded?"

"I cannot, with justice, complain."

"You grow rich, perhaps?" D'Arcy shrugged in his turn. "I have heard of your activities," Don José went on with a sort of passive insistence. "I sent a man up the Arroyo Chico to investigate, and it seems you and your friends take gold from my land and without my permission."

"I was not aware that your grant ran so far up into the hills. Moreover, Don José, it appears not to be the custom to ask permission of landowners. It is felt that the right to mine is one paramount to that of the mere landholder."

"I would not descend to argue with such fellows," Don José replied with dignity, "but in the case of Don Dermod D'Arcy, who is, so it seems to me, a man of honor, I have not deemed an argument necessary. Surely, as the owner of this gold-bearing ground, I am entitled to a reasonable royalty which no reasonable man will withhold. In fact, I have been expecting you to call at my hacienda with my share. Evil days are upon us, and it would be a convenience if you could settle the matter at an early date."

D'Arcy glanced over his shoulder and met Josepha Guerrero's glance. She was flushing painfully.

"I have been too busy to call upon you, Don José," he explained lightly. "And,

moreover, the last time I called I was not welcome and was apprized of that fact."

"But this is an affair of business."

"Quite so. And since it is an affair of business I must first discuss the matter with my associates and verify your statement that we are taking gold from your land."

"You dispute my word?" Don José grew haughty.

"By no means, Don José, but I would verify it, since no man is infallible. I would look at the record of the title to your lands and verify the eastern boundaries. That matter settled, an answer to your demand will be promptly forthcoming."

Don José nodded assent. Matters appeared to be going more smoothly than he had anticipated, so he was content to be patient.

"How is the cattle business?" D'Arcy pursued.

"It has gone to the devil, Don Dermod. These wandering gringos help themselves to my cattle, whose carcasses dot the plain, and there is no law and no relief. The scoundrels have driven me to the verge of insolvency. Indeed, I ride today to call upon Johann Sutter for the purpose of negotiating a loan upon my lands. He will drive a hard bargain."

"If it is permitted to ask the question, Don José, what is the amount of this loan you seek?"

"Ten thousand dollars."

"And the security?"

"A first mortgage upon the Rancho Arroyo Chico. Land is worth fifty cents an acre, and I have eight square leagues. A loan of ten thousand dollars is not unreasonable."

"How do you purpose repaying the loan?"

Apparently that aspect of the matter had not occurred to Don José. He pondered the situation now. "In a few years my lands will be worth a dollar an acre," he suggested, "possibly more. I will then make a new mortgage for more money and repay the first loan."

D'Arcy rode on in silence for several minutes; from time to time Don José shot sharp, penetrating glances at him. Then:

"Perhaps Don Dermod seeks a sound investment for his gold. For the present I hear that too much gold is an embarrassment. It may be stolen. But he would be a strong fellow who carried away the Rancho Arroyo Chico!"

"I will investigate your title, Don José, and if it appears to be sound, I will make you the loan. Under the Treaty of Guadalupe Hidalgo the government of the United States is pledged to guarantee all legitimate land titles given during the Spanish and Mexican régimes."

"There are some spurious titles, I admit, Don Dermod." Don José winked, and with his tobacco-stained fingers made a movement as of one who counts money. "Since the land had no value, the *gobernadores* often gave it to their friends and favorites without troubling to have the home governments certify the grants. But I was careful. Politics are productive of enemies, so I had my title certified and duly recorded."

"I suppose I would have to proceed to the capitol at Monterey to examine the archives."

"You have a good horse, Don Dermod. You could make the journey and return in two weeks."

"What rate of interest is customary on such loans?"

Don José threw up both hands in an attitude of indifference. It was beneath his dignity to descend to such sordid details of barter and trade.

"If I make the loan, I will charge you seven percent."

"I am not a miser, Don Dermod." The Californian pulled up his horse. "It is fortunate that we met," he declared grandiosely. "Since I know the title is sound, I know also that you will make the loan. You are not a man to make idle promises. I will, therefore, return to my hacienda, since there is no further reason for continuing my journey." He considered the matter a moment longer. "A favor accepted is a favor to be repaid. We will say no more of the matter of which I first spoke—that of a royalty on the gold you have extracted from my lands."

"Thank you. I shall have the mortgage prepared in Monterey and within a month I shall call at your rancho for your signature to the mortgage and the promissory note, and deliver to you the ten thousand dollars in gold."

"I thank you, Don Dermod." Don José did not offer to shake hands, but lifted his sombrero with all the grace of the born cavalier, wheeled his horse and proceeded to retrace his steps. But his daughter sat her horse, facing D'Arcy, and in her eyes he saw a helpless fury.

"Yes, gringo, you are cunning. You play your cards well and well do you read the weakness, the lack of business acumen in our people. Some day you will own the Rancho Arroyo Chico, and it will have cost you ten thousand dollars. Thou bandit!"

His face flamed scarlet. "Once, it seems, I brought pain to your excellent father. I would erase the memory of that act by favoring him now."

"I know the reason for this kindness. It is land—land! Your kind are mad for it. You are brilliant and prudent. You look into the future and see clearly, but my father looks only into the past. To him tomorrow is always another day. You take

advantage of his distress—and when he cannot pay you, you will dispossess him. That is the reason behind this magnificence."

"That is not true, Josepha. I do this thing because I love you!"

Her lovely lips curled in scorn. "You would buy your way back into my good graces. So?"

"You are quite wrong, but there shall be no argument. It is much easier for me to find the title to your father's rancho defective. As for the gold I planned to lend him, know that to earn it I have done what no Californian has ever done. I have labored for it. I have won it in blinding sweat and weary muscles, in coarse food, in heat and snowfall, and when at night I seek my rest I find it on a bed as hard as your indictment. Since you bade me begone I have not sought your favor. Nor shall I, for I, too, come of a prideful race. From those we esteem our enemies, we solicit no favors. I tell you I have labored—and I planned a labor of love."

"I am not to be bought, like a steer in the market-place! If my harassed and worried father is weak, I am not. Tomas Espinosa will lend us the money. His father will gladly furnish it!"

"If *you* ask him, yes. But there will be a string to the favor he grants. You will marry him!"

"Well?"

"I thought you were not for sale!" He lifted his hat, whirled Pathfinder and rode from her at a furious gallop.

"Don Dermod!" she called, but the thud of hoofs, the wild, rageful beating of the blood in his brain, stilled that pleading call. So she drew her *rebozo* over her face to hide its pallor and the tears that flooded her eyes, and rejoined her father.

"That is an excellent fellow," Don José observed sagely. "It is true that I was incensed with him, following that affair with Romauldo and his clandestine meeting with you, but—the devil drives. One must not expect too much of these gringos. They are here and we must make the best of their presence. Soon they will overrun the land and make laws which we Californians must abide by. Resentments will profit us nothing."

"I do not like him, my father." Josepha's trembling tones belied her statement, but Don José, never given to profound thought, waved her objection aside.

"We must treat him with courtesy, my daughter. He who accepts a favor must be prepared to grant one, and the grant of courtesy is a small price to pay."

# *Chapter Fifteen*

As D'Arcy rode south and night overtook him, more striking evidence of the extent of the gold-rush presented itself. Along the trail leading into the north the gold-seekers were encamped so thickly that D'Arcy often rode for miles in the steady light cast by their camp-fires. The report of the discovery of gold at Shasta had within a few hours started a new hegira. Men hailed him cheerily and besought news of the new diggings; around the camp-fires others cooked, lolled in their blankets, sang or played harmonicas and concertinas. At one such jolly camp D'Arcy halted for the night, and was invited to share a rude meal; while Pathfinder, hobbled, grazed close by, his master rolled himself in the saddle-blanket and slept out under the stars.

He was in Sacramento the following afternoon and was amazed to discover that it was now a city of several thousand inhabitants. A rough-and-ready attempt had been made to lay out streets; there was an alleged hotel or two and several large general stores, but of churches, schools or jail, the indispensable adjuncts of civilization, there were none. Men's minds were upon material, not spiritual matters; there were no children, and life was being lived much too swiftly to bother with guarding criminals or to pander to the orderly processes of the law's delay, even had there been any law.

Saloons and gambling-houses—the latter combined with dance-halls in which a few haggard Kanaka, Chilean and native Californian girls sought further to enliven the already lively existence of the miners—predominated. Concord stage-coaches and three-seated spring wagons arrived from or departed to the principal centers within a radius of a hundred miles. There were short stretches of wooden sidewalk in front of the more pretentious establishments, but in general men trudged ankle-deep in the dusty streets. Along the river-bank barges, small schooners, sailing launches, and paddle-wheel steamers lay disgorging cargo, their masters driven to desperation in their efforts to secure labor. Convoys of every conceivable nature continuously were arriving and departing; from the gambling-houses came the never-ceasing monotone of rattling poker chips, the hum of roulette balls, low voices, drunken shouts, insane laughter, feminine squeals, and an occasional pistol-shot. In short, a scene of confusion and joyous disorder in which a curious sort of order was apparent.

After putting Pathfinder up in a feed corral and paying heavily for his care and fodder in advance, D'Arcy repaired to the principal hotel. In the rude lobby stood a huge packing-case with a slot in the top, labeled on the side, in huge scrawling

letters: "Post Office." Through the slot he dropped a letter which Mr. Poppy had entrusted to him, then breasted the hotel bar at the earnest solicitation of a number of bearded, booted, red-shirted, armed miners he had never met before, and had a few drinks. From this excited company he presently ascertained the location of the agent of Wells Fargo & Co., and called upon him.

"Happy Camp?" the agent queried. "Yes, I've heard of that place. Rich, eh? How about the trails?"

"As good as any in the country as far as the Arroyo Chico. You can travel up-stream along the sand-bars until the first rains. I purpose, however, proposing to all the miners in the district that we cease mining for a week and build a bridge across the creek at a spot I have selected, and then cut out a wagon road along the north bank to Happy Camp. We have a growing population, we are taking out a great deal of gold and we require an express and stage service."

"I haven't got the service here organized yet," the agent replied. "And none of the camps are helping to improve the rough trails. You're the first man I've met with sufficient public spirit to pause in his fortune-hunting long enough to do a public service. Get your bridge and road in, and we'll establish the service. The camps are spreading northward very rapidly, and it's merely a question of time and money until we'll have the country covered."

"Meanwhile, we have no place to store our gold," D'Arcy persisted.

"Better melt it into ingots and bring it to Sacramento. I can handle it here for the present."

"It will have to be protected from the gentlemen of the road."

The agent waved that argument aside. "There aren't any, my friend. Justice is too swift and terrible. The unprotected state of the miners makes them a unit against the few wastrels who might consider pillaging them should opportunity offer. Besides, the migration from the underworld has not yet set in. I believe it would be impossible to find a finer, cleaner, more honest type of human being than the men in the California gold-fields today. Even the gamblers play fair. Of course the others will come, but by that time our service will be organized to contend with them. Armed men who are expert shots will guard the treasure we engage to deliver. Prepare the road for us, my friend, and presently we will be serving you."

From the agent's office D'Arcy drifted from one saloon and gambling-house to the other, fraternizing with whomsoever he met, gleaning news of new discoveries and new methods of mining. Piled along the river-bank in sad abandonment, he found hundreds of alleged gold-washing machines, the inventions, for the most part, of Eastern geniuses who had never seen a mine, or gold in its raw state. From a

schooner captain he learned that the water-front of San Francisco was littered with similar impractical contraptions, and after dinner his backing was sought by an old man with the eyes of a visionary who exhibited to him a weird combination of dials and magnets which, when held pointed toward the ground and used in conjunction with certain necromantic incantations, upon occasions controlled by the sun, moon and stars, would report infallibly the presence or non-presence of gold in any formation. Another genius was loudly proclaiming ability to detect gold by means of a forked hazel stick resembling an isosceles triangle, the forks to be held in each hand, horizontally, with the point of the triangle to the front.

The spending of the miners was prodigal beyond D'Arcy's imagination. A pinch of gold-dust was popularly assumed to be worth a dollar, a small whisky-glassful was worth ten dollars, a tumblerful a hundred. Since the majority of the miners were ignorant of the fact that gold is measured by troy weight and not avoirdupois, the latter measure of weight predominated to the greater profit of the astute purchasers.

In a gambling-house he saw Romauldo Guerrero, seated on a box and hunched over a table, dealing Mexican monte. On a tin plate before him lay a pile of dull, yellow, coarse gold, worth perhaps a thousand dollars. Romauldo never lifted his glance from the table, so D'Arcy watched his enemy for two hours, while the pile of gold before him grew perceptibly.

At the end of that time D'Arcy decided, after making careful mental computation, that Romauldo won seventy-five percent of the time. Evidently a similar realization of his opponent's luck had begun to percolate through the alcoholic haze in the brain of one of the players, for suddenly, as Romauldo shuffled the cards to deal them again, this man reached forth and plucked the deck from the dealer's hand.

Instantly Romauldo rose, scooped the plate of gold-dust into a canvas bag that lay across his knees, bowed politely, and said: "*Buenos noches, señores*."

"*Spera!*" the miner commanded. "*Un minute!*" He was dealing the deck to himself rapidly. "Here, you scoundrel! There's one ace missing."

He lurched to his feet, reaching for his pistol; there was a crashing roar from Romauldo's pistol and the miner sagged back again, swayed in his chair and slipped to the floor, while Romauldo's weapon swept the circle of players in a menacing arc. Then he recovered the deck of cards, thrust the bag of gold inside his shirt, drew another pistol and backed swiftly out of the house, covering everybody as he did so.

And then, for the first time, he saw D'Arcy, and flashed his white teeth in an evil smile. D'Arcy's eyes held his. Suddenly Romauldo's savoir-faire broke; his pistol came up and as D'Arcy threw himself flat on the floor a bullet sang by his cheek. But

he was behind the table now, the other players shielding him from sight, so, between the legs of the table and the legs of one of these men, he fired twice as Romauldo backed out of the door. He saw one of Romauldo's legs buckle under him for an instant; then the door closed.

D'Arcy rose to follow, but the players seized him.

"Don't," they implored. "That greaser'll get you the minute you open the door. Try the back way." They indicated a side door to him.

He leaped for it, emerged in a vacant lot and ran around toward the front. Half a block down the street Romauldo Guerrero, mounted, was galloping furiously, while men scurried out of his way.

"Too late," D'Arcy muttered. "If I miss him I may kill some innocent man." He walked to the front door and from there followed a trail of blood to a point where he had observed a horse standing earlier in the evening.

"Well, I've put my mark on the scoundrel, at any rate," he decided, and returned to the gambling table. Romauldo's victim was dead. Nobody knew him and nobody was interested in his demise, beyond expressing a few perfunctory regrets at the suddenness of its arrival. The barkeeper and a miner who volunteered to help him removed the body to the vacant lot outside and laid it on the grass, while inside men discussed the affray.

D'Arcy said nothing. He was suddenly ill, depressed by a feeling that, because once he had been weak enough to permit the killer to survive, he was morally responsible now for the death of this unknown miner. He left the gambling-house and returned to his room at the hotel, where he slept on the floor in company with half a dozen others.

In the morning he purchased several flasks of quicksilver and departed for Happy Camp. At the Rancho Arroyo Chico he paused long enough to buy half a dozen stiff, dry, cattle hides, which Don José engaged to deliver to him by pack-horse next day, and then, declining Don José's invitation to remain for luncheon, rode away. He had not seen Josepha during his visit, nor had he begged Don José to present his compliments to her.

He was greeted at Happy Camp by Bejabers, it being his day at housekeeping. "Glad you're back, Dermod," he announced. "We got to have a meetin' of our company tomorrow mornin' and try the Bart and Mr. Poppy for malfeasance in office, rebellion, layin' off work and bein' drunk and disorderly. I knew that whisky pedler would bust up our happy home."

D'Arcy looked at his friend in whimsical interrogation.

"The minute they found out you was gone," Bejabers continued, "them two

declared for a vacation. As next in command, they asked me to declare a dividend on the company's gold. You know what I told 'em! So they cussed a little and went over to that grog shop to wash down their sorrows. When they didn't come in for dinner, I went over to investigate and found them treatin' all hands and payin' for it in coarse gold.

"While I'm there they spend a hundred dollars if they spend a cent, and as I'm naturally curious to know how come they got that much gold in their possession, I wait until they're mighty drunk and ask 'em. So they tell me they found a pocket on the Bart's claim. This they panned special, neglectin' to throw that rich dirt into the flume, as per agreement. They been holdin' out on their pardners, that's what."

"What have you done about it thus far, Bejabers?"

"I've hove 'em out of the nest and refused to feed 'em. No workee no eatee, as Jim Toy says. So they been buyin' canned goods and hardtack at the general store, although I reckon they don't take any time off to speak of in order to eat. Liquid nourishment's their long suit."

"Where do they sleep?"

"Where their legs fail 'em."

"What got them started on the road to ruin?"

Bejabers scratched his ingenious head. "Well, I got to admit they had a sound reason for startin'. This here feller with the portable sawmill's been sawin' lumber day and night, and as fast as he saws it the feller that aims to open the dance-hall's been knockin' the dance-hall together. The night after you left we had the grand openin' and for that first night all drinks was on the house."

"Who did the dancing? Are there girls in camp?"

"Nary gal. We started off with hornpipes and jigs; then somebody yelled for a Virginia reel, so a lot o' fellers tied red sashes around their middles and acted as ladies, and we cut her loose. I was one o' the ladies, and Poppy and the Bart was, too. Of course, after every dance the gents had to treat the ladies—and while I kept a grip on myself and tried to keep the Bart and Mr. Poppy within bounds, they got away from me." Bejabers sighed at the sad recollection.

"Are they still on their spree?"

"No, they're busted and sober, but too shaky to work, even if I'd let 'em, which I wouldn't. Last night, this mornin' and at noon today I made 'em eat.

"We'll not do it again, Dermod, me boy, the Bart cussin' and Mr. Poppy's cryin', but if we're to have law and order while I'm the alcalde o' Happy Camp, we got to maintain it."

"Very well, we'll dissolve partnership with those two in the morning."

The disgraced ones were not permitted to occupy the cabin that night and were forced to build a fire and sleep in the open. Jim Toy solemnly set their dinner and breakfast outside on a tree stump and later delivered to them a letter from D'Arcy, summoning them to a meeting of the company immediately after breakfast.

It was a weary, unhappy, and bleary duo that faced the jury of their peers. D'Arcy read the indictment, which he had drawn up the night before and which the witnesses had signed.

"Do you plead guilty or not guilty?" he demanded of them.

They pleaded guilty, but advanced extenuating circumstances for their lapse to inebriety.

"You're not being tried for that," D'Arcy reminded them. "This is a cooperative company and you two have operated on your own to the tune of several hundred dollars' worth of community gold."

"We'll not do it again, Dermod, me boy," the Bart promised lightly.

"Deduct it from our share of the gold we are justly entitled to," Mr. Poppy suggested.

But D'Arcy shook his head. "You've violated your contract with those who have befriended you and fed you and housed you and placed you in the way of making an independent fortune. Therefore, you must withdraw from Happy Camp. I have weighed our gold, cast up our accounts, and arrived at a balance. The record is open for your inspection."

"To the devil with it!" the Bart cried in agony. "My people have known your people for centuries, and there was never a dishonest D'Arcy."

Mr. Poppy said he knew nothing of accounting and was willing to accept D'Arcy's figures.

"Here is your share of the gold," D'Arcy replied, and handed each of them a bag of it. "You may, of course, continue to work your claims, but I warn you not to use our flume."

"Then," Mr. Poppy suggested humbly, "why not remove it from our claims? It runs across them."

"Perhaps you two'd better sell out to us before I kill two or three of you," the killer McCready suggested in a flat level tone.

"That's good logic," the other killer, Judson, suggested. "In case of a showdown I want this here renegade preacher for my victim."

There was no further argument. Mr. Poppy said he thought each of their claims was worth a thousand dollars; the Bart agreed. D'Arcy weighed out the gold, and the pair departed for the Happy Camp Dance-Hall, after giving a bill of sale for their

claims.

"Now, then," D'Arcy announced to his fellows, "it's against the regulations of the district for one man or one company to own more than one claim per man. Therefore, we shall all abandon our claims and concentrate on the claims of the dear departed. No man may jump our abandoned claims until after the expiration of thirty days, and before the expiration of that period we will restore our title by commencing work on them again."

"You mean we got to make the dirt fly and clean up them two claims in thirty days?"

"If possible, Bejabers, we must clean up the sand-bar. Later, when we turn the channel of the stream, we'll mine that portion of the claims that lies submerged. And, by the way, while I was in Sacramento I learned of some improved methods of mining this tough, blue auriferous clay that lies on bed-rock beneath the gravel. We must work fast, hence we must employ advanced methods. I'll build new equipment today."

He did. From the local sawmill man he purchased lumber and built what was known in those days as a "Long Tom." This consisted of a shallow trough about eighteen inches wide and increasing in width toward the end. This Long Tom he set under the flow of water from his flume, so that a continuous stream, flowing swiftly, passed over it and through a screen at the lower end. This screen D'Arcy made from one of the dried bullock hides, which a *vaquero* from the Rancho Arroyo Chico delivered late that day, by punching half-inch holes in it. A shallow box placed below the end of the Long Tom had wooden cleats, evenly spaced, nailed across it, and was open at its lower end. In these cleats or riffles, D'Arcy placed quicksilver to catch the fine gold which otherwise would have been lost.

When the men of Happy Camp made their first clean-up at sunset of that first day's operations, the wisdom of the new method was manifest. In addition to more coarse gold and tiny nuggets than they had recovered in a week of their previous operations, they had a double handful of a grayish, puttylike amalgam. D'Arcy heated this in a tiny retort borrowed from a neighbor, whereupon the quicksilver evaporated into a water-cooled coil and was condensed for use again next day. The residue was virgin gold.

From daylight until twilight the partners toiled, begrudging the brief periods they allowed themselves for meals. Returning from their labors at night, it was their custom to drop in at the local dance-hall and saloon for a few drinks and the exchange of the creek gossip with neighbors as weary as themselves. At such meetings D'Arcy seized the opportunity to tell the miners of his conversation with the

Sacramento agent of Wells Fargo & Company. He impressed upon them the necessity for contact with the outside world, of an express service that would insure the safe and regular delivery of their gold to market.

By degrees his propaganda commenced to take effect; eventually he secured promises from every man on the creek to cease mining on the first day of October and turn his efforts to road- and bridge-building. The prospect of a much more regular delivery of mail when the road into Happy Camp should be completed was the principal incentive of the miners to cooperate.

From time to time D'Arcy and his party found Alvah Cannon and his fellows at the dance-hall, but since the D'Arcy party avoided them, the former were without news of the Cannon activities. Indeed, it was difficult to keep track of anybody, for the ferment of unrest was very active. Men whose claims along the Arroyo Chico were yielding them rich returns sold them if they could or casually abandoned them at the first whisper of richer ground elsewhere. There was no claim-jumping while the Goddess of Fortune continued to smile; envy, jealousy, and greed were not; men rejoiced in the good luck of a neighbor and gathered renewed confidence in their own luck because of it.

Presently D'Arcy heard that Cannon and his men had pulled out for the Shasta country and was relieved to hear it, for while Cannon remained on the Arroyo Chico, he could not divest himself of a feeling that sooner or later a decisive clash would occur between them.

On the twenty-ninth day of their operations on the claims of the Bart and Mr. Poppy, the company ceased work on them and returned to the operation of their own claims. Other miners, observing the abandoned claims, jumped to the conclusion that they had been worked out and paid no further attention to them.

That day D'Arcy and Bejabers labored until past midnight melting their gold in a crucible and pouring it into ingots by the simple process of emptying the molten metal into a bucket of cold water. Then they borrowed the storekeeper's scales and weighed their treasure. There were no debts owing by the company except to D'Arcy for his original financing, and this sum he now deducted from his calculations as to the total value of the gold on hand.

When he had concluded his figuring he looked up at Bejabers. "About twenty-five thousand dollars each—and we haven't scratched our claims," he exulted. "That's our reward for remaining on our claims and not wandering around like the lost tribes of Israel, as our neighbors do. Bejabers, if we stick to our program the finish of the gold-rush will find us all rich, whereas ninety percent of the gold-hunters will retire in disillusion and disappointment."

Bejabers nodded. "Two o'clock in the mornin'," he replied, "and just listen to the racket goin' on in that dance-hall! Why, it can't take care o' the trade, and I hear two more are comin'. We got four more saloons and nine gamblin'-houses, and all that's needed now is some good-lookin' white women to clean up the rest o' the gold on the Arroyo Chico." He glanced seriously at D'Arcy. "Durn it, I wish they'd come in a hurry, Dermod. I'm sure lonesome. I hear there's a white woman over to Rough and Ready. She's runnin' a hotel there. The first chance I get I aim to go over there and visit with her."

D'Arcy disregarded his partner's vain repinings. "The Bart and Poppy have pulled out," he said.

"They won't go far, after bein' drunk for a month. I hear Poppy had the shakes last week. I reckon they're both broke by now."

"If Sir Humphrey would build a cabin, stock it up with a few simple remedies and surgical instruments and hang out his shingle, he'd make a fortune, Bejabers."

"Nobody can reform a fool. Dermod, what're we goin' to do with all this gold? A few months ago I wouldn't have worried about leavin' it in the cabin, but from all I hear 'tain't safe to trust strangers no more. I hear there's a regular organized gang o' cutthroats ridin' around among the camps, robbing returning miners and stages, shootin' up gamblin'-houses and what-all. They tell me there's a young greaser at the head o' this gang."

"Who was telling you?"

"Feller that come up from Sacramento yesterday. He's passin' the word to look out for this outfit. The greaser can ride and shoot one hundred percent perfect and'll take a chance at anything. He's got one game leg. That sounds like our young friend Romauldo Guerrero. You busted him in the leg at Sacramento, didn't you?"

"Yes, I'm a miserable shot. However, to get back to business. Tomorrow you, Judson, McCready and I will mount our horses, take some pack-mules and go down to Sacramento with this gold, where we'll turn it over to Wells Fargo & Co. to be sent to the United States Mint at Philadelphia; that is, all but about ten thousand dollars' worth I'm going to use locally."

"An investment?"

D'Arcy nodded. Bejabers looked curious, but it was alien to his nature to ask personal questions, so he was silent until D'Arcy, unable longer to bear the little man's sufferings, told him of his plan to lend ten thousand dollars to Don José Guerrero, to be secured by a mortgage on the latter's ranch.

"He'll never pay it back," Bejabers protested. He was scandalized. "His kind are honest enough. They'll never repudiate a debt, but they'll never pay it if they can

renew it and keep on payin' interest. Dermod, I don't regard that as a good investment."

"The best investment in the world, my dear Bejabers. When I'm through mining I'll turn my eye to other riches. They lie down in the valley. Why, man, in days to come, the Rancho Arroyo Chico will be worth millions."

"But you can't foreclose on the old man, son. You're in love with his daughter. I know you are, son. I've seen it in your eyes."

"There is no sentiment in business, Bejabers."

"I know it, but there's sentiment in you, so you can't do business that way. You just couldn't."

"Well, the girl's given me the mitten, hasn't she?"

"I reckon so, from what she said to me, but even if she has you ain't the sort o' man to make war on a woman."

"Well, the old man wants the money and I'm going to oblige him. If woe results, on his head be it."

"How do you know his title's good?"

"I haven't time to investigate it, Bejabers. I'm going to take a chance that it's good. The old don says he had it recorded and certified by the Mexican government, which is more than can be said for a lot of these old California land grants, if half I hear be true. Your native Californian is not a very thorough business man."

"What's Don José goin' to do with the ten thousand?"

"Gamble with it, buy some good wines and liqueurs and, perhaps, get himself a black velvet cloak with scarlet silk lining. He'll probably get Josepha some new clothes, too. Then he'll ride south to visit his kin and dazzle them with a display of wealth."

"Ever since that old razorback shot at me I don't like him," Bejabers protested. "I hate to see him enjoy my pardner's money."

"In days to come your partner will enjoy his rancho. I'm a bucolic person, Bejabers."

"Whatever that means, I hadn't noticed it."

"I like country life. I'd like to be a *ranchero*; raise fine cattle and horses and make two blades of grass grow where none grew before. Don José owns fifty thousand acres of rich river-bottom land. I covet it, so I have concluded to get my hands on it before he dissipates it for less money to somebody else."

"He's bound to go under. All his people are. The American invasion'll smother them all. They ain't got enough business sense to pound sand in a hole!"

"I do not care to see it smother Josepha. I look into the future and see the shadow of misfortune hovering over her, Bejabers."

"Oh!" A long silence. Then: "You figure if you get the ranch you can induce her to marry you?"

"I shall never ask her. She is not a woman to be bought like a fat steer."

Bejabers disliked mysteries. "Let's turn in," he suggested. "What with the burden of all this here wealth, I'm wore out."

# *Chapter Sixteen*

For a week Don José Guerrero had been scratching his head in profound perplexity. His perturbation had its genesis in the receipt, via the hand of a mounted messenger, of a letter from Don Emilio Espinosa.

Nothing irritated Don José more than the receipt of a letter, for Don José like many another proud Hispano-Californian of that day could neither read nor write; and when his friends, who were perfectly well aware of this, sent him a letter, he considered them a little unkind, for equally well they knew he must ask his daughter to read the letter for him—and upon occasion there are matters one does not care to confide in one's daughter.

For a week, therefore, he suffered agonies of apprehension, carrying the letter about with him; then, with the fatalism characteristic of his race, suddenly he handed it to his daughter and bade her acquaint him with its contents.

It was a courteous letter, almost ornate in its expressions of affection and solicitude, the letter of a diplomat. Don Emilio said that his son Tomas was in an uncertain mental and physical condition due to the lax manner in which the arrangements for his betrothal and marriage to Josepha were being handled. In a word, Don Emilio let it be known that he too was weary of the inexplicable and unnecessary delay, and unless his messenger could bring him Don José's assurance that the matter would move forward immediately, he, Don Emilio, must reluctantly decline to proceed further in the negotiations, which once abandoned could not be resumed.

"It is your stubbornness, your lack of obedience to the lawful wishes of your father, that has brought this unpleasant demand upon me," Don José complained to Josepha. "What else does Don Emilio say?"

"He says," the girl read calmly on, "that he is aware that affairs with the *rancheros* of California have not been going well the past few years due to political disturbances, and for that reason he is willing that the subject of a wedding-dowry should not be discussed. He is quite agreeable to any sum you may mention."

"Our family pride could not possibly permit me to consider a centavo less than ten thousand dollars." He pondered a minute. "It is past the time when Don Dermod D'Arcy should come to consummate the loan I arranged with him. Blood of the devil! His delay embarrasses me."

"He will not come," the girl informed her father confidently. "He has changed his mind."

"If he has he should notify me." Don José was disturbed. "I have had all things prepared and await now but the receipt of the money. My daughter, we can no longer delay your marriage. To do so would be fatal."

"I shall not wed with Tomas Espinosa."

Don José raised heavy eyes to hers. His face was cold and a bit cruel. "You will obey your father," he said, and stalked out of the room. To disobey was simply not done among well-bred ladies; hence, he considered that by morning his daughter would have considered from every angle the advantages of an alliance with the heir to the Espinosa acres and be in a tractable frame of mind.

Alas, morning found her as recalcitrant as ever!

"I will give you one week to conform to my desires," her father informed her furiously. "If then you are still wilful you shall be locked up until you change your mind. Your father knows where your best interests lie. Blood of the devil! Would you be an old maid?"

"Rather than marry Tomas Espinosa I would enter some religious order. I would wed myself to our holy religion."

"Bah!" her father replied rudely, and fell to thinking. "You love the gringo, D'Arcy?" he challenged suddenly.

"He has told me that he loves me; he has asked me to marry him, but mentioned no particular time. I refused him. His nature is such that, although my heart went out to him at our first meeting, I realize that were I to marry him my love in time would perish."

Don José took his daughter in his arms and kissed her. "You have relieved me of a great worry," he declared. "It is high time that D'Arcy should have returned from Monterey, whither he suggested going to examine into the title to the rancho. Today I shall ride to his camp on the Arroyo Chico to discuss the matter again. Will you ride with me, little dove?"

"Most certainly, my father. For a long time I have been consumed with curiosity to see these gringos at their mining operations."

With a light heart Don José summoned Patricio and bade him prepare horses for the journey immediately.

The midday meal had been consumed at Happy Camp and D'Arcy and his partners were seated on the long bench outside their cabin door smoking, when Don José Guerrero and his daughter, with two *vaqueros* following, rode up.

Bejabers Harmon rose on the instant. "Guess we can all finish our noon-hour rest down at our claims," he suggested. "Dermod's got company comin'." He walked away followed by the others, and D'Arcy rose to greet the Guerreros, lifting

his shabby hat in grave salutation. Since she wanted nothing that he possessed Josepha favored him with a cool nod. Her father's greeting, however, was more expansive.

"Ah," Don José boomed unctuously. "It is a pleasure to my old eyes to behold you, Don Dermod. I thought perhaps you might have returned from Monterey." He proffered his hand, which D'Arcy received grimly.

"I trust," the latter mumbled embarrassedly, "that your daughter enjoys the best of health and spirits."

The lady favored him with a wintry affirmative nod, although D'Arcy thought her glance somewhat less belligerent than when they had last met. "I am in excellent health myself," he added lamely. "Will you not alight and rest awhile in our poor house? It is past the luncheon hour, but if you will have a little patience I will have a meal served."

"You are very kind, Don Dermod." Without hesitation Don José dismounted, while D'Arcy advanced to assist Josepha to do likewise. But her little feet had touched the ground before he could reach her; she drew the reins over her horse's head and dropped them.

"It is pleasant here in the sunshine," she murmured, and seated herself on the bench; with a satisfied sigh her father sat down beside her, while D'Arcy entered to ask Jim Toy to prepare a meal.

"Well, Don Dermod," Don José began, as soon as his host had rejoined them, "you are still of the same mind regarding the mortgage loan which we discussed on the road recently?"

D'Arcy's glance flickered to Josepha's, and her eyes pleaded with him to say no. Instead he answered, "Business called me back here, Don José, before I had time to ride to Monterey and investigate your title."

"Ah, that is most unfortunate—for me!" For a moment Don José appeared to be profoundly depressed. But only for a moment. "I have brought with me the grant given me by the Mexican government, Don Dermod. Perhaps you would care to read it, no?"

From a capacious inner pocket he brought it forth—a yellowish parchment. D'Arcy read it carefully, noting the boundaries of the grant, the date of issue, the signature of the *gobernador* of that period and the seal of his office; noting, too, the fact that the reverse of the document bore the notation of the recording officer at Monterey, as well as an official certification and the Great Seal of the Republic of Mexico. Certainly Don José's title appeared to be genuine enough.

"I am quite satisfied your title is good, Don José," he told the don presently.

Don José bowed his acknowledgment of the compliment implied. "Then you are still willing to make the loan?"

"Yes, but I have no money. All I have, Don José, is virgin gold." Again his glance flickered for a split second to the girl's.

"The raw gold will not do, Don Dermod," she murmured. "One must have minted gold."

"I am not one to stand on trifles, my daughter." Don José looked at the girl with a glance faintly hostile. "You have scales, have you not, Don Dermod? And the rate of exchange is, I believe, sixteen dollars to the ounce."

"But my gold is worth nineteen dollars to the ounce, Don José."

"Not in California, my boy. However, men like ourselves never argue over trifles." He laid his great hand affectionately upon D'Arcy's knee. "Let us say that the rate of exchange shall be seventeen and a half."

"That is acceptable, Don José."

"Thank you. I lack words to express my appreciation of such noble acquiescence. I have had an American attorney in Sacramento prepare the mortgage and the note; already I have attested my signature before the alcalde there. Here, read, my boy." He thrust the documents into D'Arcy's hands.

D'Arcy read them carefully and deliberately, comparing the legal description of the lands mortgaged with that in the old grant. Everything appeared to be in perfect order, including the barely decipherable signature of Don José.

"You are satisfied, Don Dermod?"

"Yes, Don José."

"Is it permitted to inquire if you have the gold on hand?"

"I have it, Don José. I can weigh it for you immediately?"

"If you will be so kind."

As D'Arcy departed he caught in Josepha's eyes a look of dumb helplessness, of misery, of anger and cold contempt.

"You will persist in doing this when I have told you I object?"

"It is business," he pleaded.

"You say you love me?"

He nodded.

"I do not understand such love. I reject it."

Don José, following D'Arcy, growled to her a warning to be silent.

On the cabin table D'Arcy weighed out the requisite amount of gold, Don José signed the note, and D'Arcy placed the gold in a number of stout canvas bags and tied the mouths securely. "I will lend you a pack-mule to carry this treasure, Don

José," he suggested.

"Ten thousand thanks. I will have him returned to you tomorrow."

Jim Toy removed the scales, spread a newspaper across one end of the table and placed thereon tin plates, a tureen of venison stew, soda-biscuits and coffee.

D'Arcy stepped outside. "If you will now enter," he suggested, "you may find it possible to partake of our coarse fare. I am sorry it is not worthy of you."

"I do not break bread with my enemy," Josepha replied, and there was a catch in her voice. "I came here today, hoping you would change your mind and refuse to let my father walk into your snare, as a poor fly calls upon the spider. You think, by control of the Rancho Arroyo Chico, some day you will control me—is that so?"

He nodded affirmation.

"God of my soul," she almost hissed, "he boasts of it! So you would marry Josepha Guerrero, no?"

"To marry you is the dearest wish of my heart."

"Then listen, gringo." She drew him aside. "You may perhaps wonder why my father is so anxious to borrow this money that he has mortgaged his rancho. It is because he feels a great shame that when his daughter weds with Tomas Espinosa it may be said that she came to her husband with but the shirt on her back.

"Fool of a gringo, that gold is my dowry. You do not know our people. The word of the men—it is the law. So now I go to Tomas. Once that thought—ah, it hurt after I had met you. But now—well, it does not hurt so much. One has pleasure that one has escaped marriage with a fool and a rogue, a babbler of empty, meaningless words."

"I am sorry I am not to have the pleasure of entertaining you," he replied, and left her to report to Don José that his daughter was not hungry.

While Don José ate, D'Arcy caught up a mule and cinched a pack-saddle with heavy canvas kyacks on the animal. Into these kyacks later he helped Don José transfer the gold. As the don and his daughter mounted and prepared to depart, D'Arcy laid a hand on the girl's horse's bridle.

"Your half-brother," he murmured, "is an outlaw. It is said that he has committed, together with certain companions, many murders and robberies."

"Until that has been proved," she answered coldly, "his people prefer not to talk about him."

"It has been proved, Josepha. I saw him kill one man and he has tried to kill me twice. Some day the rascal will be hanged."

She glanced down at him scornfully. "When that happens, Don Dermod, you will perhaps be so good as to bring his body to the Rancho Arroyo Chico? We have the

family cemetery."

"If he is hanged where I can gain possession of his body I shall most certainly deliver it to his family." He favored her with a little impudent grin. "So you are going to marry that boy, Tomas, after all?"

"I will marry him now—for a reason."

"A woman's reason. One may not question that. Well, I have this to say, my proud Castilian beauty. You will never marry Tomas Espinosa; no, not even if I supply the wedding-dowry."

"No? You make me laugh. Why shall I not marry him?"

"Because you love me."

"Fool. I say—well, once I liked you very much, because I thought to myself, Josepha, this gringo is different. But no. All the gringos are the same—like beans. You are not *simpático*. You have the big head when you think of women. You think: 'This woman will come to me when I say *come*.' I am not one of those women."

"That is why I love you, you darlin'. As for this gold I have lent your father, know you that I do it for your protection. But to get back to the question of your rascally half-brother. When that boy and I meet again one of us will die. Is that understood?"

Her eyes widened in fright. "You must not fight," she quavered. "He is quick with the pistol."

Despite the obvious displeasure manifested in Don José's glance, D'Arcy came close to her. "I want you so much my heart aches for you," he confessed, ignoring her warning. "At night I lie awake and dream of you. I work for you, I fight nature for you, I endure privations for you. But I will not be a weak man for the finest woman in the world. First, I will be a man and then, if God is good, I may be your husband. And I tell you again you will not marry the boy Tomas."

"Why do you think that?"

"Because," he replied with the charming egotism of his race, "you are too much of a woman to be satisfied with half a man—now that you have met a full-grown man. Once you came to me when stupidly, I confess, I attempted to play the Latin lover. I have not forgotten and neither have you. Some day you will send for me and when you do, I will come. And you will not then send me away." Before she could realize his intention he seized her little hand and kissed it gallantly. "I have little time for love-making, light of my life," he reminded her, "but, by the powers, I can love when I have opportunity."

Don José spurred up. "We thank you, Don Dermod," he said coolly. "Pepita,

we go."

D'Arcy watched them ride along the Arroyo Chico, pausing from time to time to gaze curiously at the mining operations; then he went down to Bejabers's claim to tell him the object of the don's visit.

"That wasn't a loan," the astute Bejabers declared. "It was a bet!"

D'Arcy chuckled. Bejabers had a way of going, with unerring certainty, to the heart of things.

"Well, I wouldn't be surprised if you win your bet," Bejabers ruminated, and flipped a shovelful of gravel into the sluice. "But you should have made him give you twenty dollars an ounce. He'd have done it if you'd insisted, because all them people ever want is cash money. Still, if you figger on loanin' him any more, better have the title searched. If it's good I'd loan him another ten thousand because the ranch will be worth it, if not now, a few years from now. And if you're figurin' on ownin' that ranch some day you might as well get him as deep in the money-mire as you can."

"I suppose so." D'Arcy's mind was not on business affairs. For that matter, neither was Bejabers's.

"What you quarrelin' with that girl for?" he complained. "You give her her own way and she'll come flutterin' into your hand no matter what her family says."

"She'll respect me more in the long run for being my own man, not hers, me lad."

"I hope so. All I got to say is that if you two ever marry, I want to be on hand to see what the harvest's goin' to be. You're both so dog-gone proud I expect you'll breed a race of peacocks."

# *Chapter Seventeen*

Before retiring that night D'Arcy took a dipper from the wall and stepped out into the night. He was bound for a drink at the little creek which ran through Happy Camp and emptied into the Arroyo Chico. Having slaked his thirst, he stood for a little while screened by the darkness, which in the shadow of the towering sugar-pines was profound, and gazed across the meadow at the dance-hall.

Late as was the hour, Bacchus and Terpsichore still held revel under the swinging hurricane-lamps, in which the rancid odor of burning whale-oil dominated the air that for ages had been fragrant with the pungent aroma of trees, sweet grasses, and earth undefiled. Through the open door D'Arcy could see a gaily clad Chilean girl dancing with a drunken, gray-haired man.

Miners, dancing together, clumped noisily over the puncheon floor, and all to the music of a guitar and a flute. At the bar other men argued noisily, fighting good-naturedly with each other, beginning a habit that was to become peculiar to California—the habit of "treating" everybody in sight. Rough laughter, shouts, shrill feminine cries of spurious delight punctuated the night. These men had toiled from morn to eve for the gold they now tossed away for a few hours' forgetfulness of the travail of their unrestrained Odyssey.

"Curse them and their mad confusion," D'Arcy growled. "There are tired miners in all these cabins and tent houses hereabout. I'd offer no objection if that devil's hole kept open until nine o'clock on weekdays and midnight on Saturdays. But their all-night riots are robbing Happy Camp of its rest. We're not all drunkards and gamblers."

He dipped into the little stream and took another sip of water, then paused at attention with the dipper at his lips. From up the little meadow came the sound of galloping hoofs.

"Something or somebody milling the horses and mules around," he decided. "What for? Steal one of them, perhaps."

He ran to the cabin, informed Bejabers of his suspicions and buckled on his two long-barreled pistols. Bejabers had similarly armed himself. Together they left the cabin, closing the door behind them, and started up the meadow taking care to walk in the shadows of the fringe of woods, for stars dimly lighted the open.

Presently a number of horses, mules and burros galloped past them, pulled up in time to avoid crashing the fence just back of the dance-hall, then turned and retreated up the opposite side of the meadow. Two men on horseback were

following and one was swinging a rope. Suddenly the moon came out from behind a cloud, and the rider made his cast.

"Very well," he called softly to his companion. "I think this is the horse. You have already delivered the black mare to El Diablo. Is he satisfied?"

"For tonight, yes. He will have this stallion in the morning."

"Good. Then I shall ride him tonight. That rat of mine is leg-weary. We will drive all of these horses and mules out of the meadow at the upper end and scatter them. Those are El Diablo's instructions—and wise ones, too, in the event of a pursuit."

They jogged away in the darkness, hazing the accumulated animals of the district ahead of them.

"Quick, Dermod," Bejabers charged. "You heard him speak of El Diablo? That's what they call this greaser bandit that's sprung up lately. He's goin' to put over a raid on Happy Camp tonight. Never mind your horse. They'll come back here with him to do their job and we'll recapture him. Stay here and watch developments, while I rouse out the boys at our cabin."

"Have Mac and Judson guard our cabin. We have too much gold there to be careless," D'Arcy cried after him. "Of course they'll tackle the dance-hall, too, but you and I can handle them there if they are not too many. Hurry back!"

Bejabers returned in five minutes accompanied by Jim Toy, and together the trio waited. Presently six men rode down the meadow with a led horse; they let down the rude bars that formed an exit from the field and with creak of leather and jingle of spur rode straight to the roaring dance-hall. Here five dismounted and handed their reins to one who remained as horse-holder.

"There's but one way to get out of that dance-hall and that is the way they went in," D'Arcy told Bejabers grimly. "Come with me. I'll do for the laddybuck on the horse; then you and Jim Toy lead their horses quickly off into the darkness of the meadow. Jim Toy will hold them there whilst you run back and join me outside the door. I'll hold them within, never fear, but I might need help if reinforcements come from the outside."

The trio walked boldly toward the door, making no attempt to conceal their approach from the horse-holder, who, regarding them as three more potential victims the moment they entered the dance-hall, gazed at them idly.

"Good evening, my friend," D'Arcy hailed him. "Will you oblige me with a cigarette?"

"With pleasure," the fellow replied, and reached for the packet in the breast pocket of his shirt. As he reached to hand it, D'Arcy seized his wrist and jerked him toward him; simultaneously his pistol descended upon the fellow's skull before he

could cry out. He slid down into D'Arcy's arms and was carried out of the band of light that came through the dance-hall door, and there dropped. D'Arcy had a peep at the five men lined up at the rude bar.

Meanwhile Bejabers had gathered the reins of the horses together and handed them to Jim Toy, who led them quietly away. "They scattered our transportation," Bejabers whispered exultantly, "and now we have theirs. What're they waitin' for? A signal?"

"I think so. Ah, there it goes!"

From the direction of their cabin came a fusillade of pistol-shots. Instantly shooting commenced in the dance-hall.

"A volley to make 'em listen to reason," Bejabers suggested. "Don't reckon they aim to hurt anybody, so let's not interfere. We'll fix their clocks as they come out."

The shooting within the dance-hall ceased, and a sinister silence fell. Then a voice said in English: "You will behave yourselves, gentlemen, while my friends relieve you of your gold-dust. The man who makes one little move dies."

Followed the soft thud of footfalls and the jingling of spurs as the bandits went from gaming-table to gaming-table and patron to patron, collecting the pokes of gold-dust.

Presently a Hispano-Californian stepped out the door. In the hollow of his left arm he carried a number of bags of gold-dust; his right hand held a cocked pistol. From the side of the door D'Arcy struck him down, seized him as he sagged and threw him to the ground beside him. The man lay quite still. Almost immediately two more men appeared, an American and a Hispano-Californian, backing out, their pistols at the ready. D'Arcy took the fellow on his side, while Bejabers helped himself to the other.

"That's four of the brave lads accounted for," D'Arcy murmured across the beam of light to his partner. "I'm thinking the other two will take it on the run."

One did. He appeared so suddenly, clearing the door with a magnificent leap, that there was no chance to strike him down. D'Arcy's pistol barked once, and the man slid forward on his face. Then the last man came through on the jump, and Bejabers leaped upon him with tigerish ferocity, hurled him violently to the ground and disarmed him.

D'Arcy looked into the dance-hall. "If anybody here is sober enough to do it, come out and help with these prisoners," he commanded.

From behind the rough bar, from behind cases and barrels of liquor, heads appeared. "They've killed both barkeeps," somebody complained, "an' wounded

two miners."

Bejabers shoved his latest victim back into the dance-hall. "Drag all the prisoners inside," he commanded, "and guard them well. There's another robbery bein' attempted at our cabin, but I imagine that situation's well in hand."

"*Seguro, señor*," a voice answered him, and the Texan, Judson, strolled in. "McCready and I put the kibosh on that deal."

"How?"

"It was too easy. They come up to the cabin, afoot—five of 'em. One man laid back with the horses. The five pushed the cabin door open quiet-like, lit a big bundle of straw they carried, an' tossed it inside to give 'em shootin' light. I reckon they figgered on killin' us all as we lay asleep to save trouble, because the light from that burnin' straw wouldn't have lasted long enough for them to work quiet an' orderly—one gang searchin' while the rest held their guns on us.

"They never suspected us waitin' off in the dark, so me an' Mac crept up to take quick advantage o' the good shootin' light while Vilmont went after the horse-holder. It was fast shootin', but me an' Mac don't ever figger to be careless in a pinch an' we wasn't then. Vilmont an' the horse-holder exchanged shots, an' the Frenchman got one through the arm. The horse-holder mounted an' galloped off down the arroyo."

"I'll get him," D'Arcy promised, and ran to where Jim Toy stood with the outlaws' horses—the recaptured Pathfinder among them. At his call the intelligent animal trotted up to him; D'Arcy ran with him to the cabin, found his saddle and bridle and swiftly placed them on his horse. The empty saddle-holster he filled with a loaded pistol from one of the bodies lying in the doorway, mounted and rode down the arroyo.

It was an overcast night, and the light from a moon in the last quarter was dim and intermittent, so D'Arcy held his horse to the waters of the arroyo, which formed a faint silvery trail. He proceeded confidently at a trot, for the water was but a few inches deep along the south bank, and he knew the bottom to be of gravel, offering fairly firm and certain footing.

It would be natural for the escaped desperado to assume, D'Arcy reflected, that if a pursuit was organized it would take the form of a posse, and require hours to organize. Moreover, a posse would wait for daylight in order to trail him.

"Ah, Pathfinder, me darlin'," he crooned to the noble animal, "'tis the unexpected that always puts out the well-laid plans of men and mice. The scoundrel will act with discretion, no doubt, which means he will ride as I do; hence the sound of his own splashing will drown the sound of mine."

Two miles down the Arroyo Chico he left the timber-line and jogged between willows on both shores. Here, too, the stream widened and offered opportunities for greater speed and more certain footing. But D'Arcy did not urge his mount. He knew that the horse's long easy trot could be maintained mile after mile, covering the ground with a speed and ease not possible to a cold-blooded horse.

Once the sky cleared, and in the increased radiance he saw the hoof-marks of a single horse across a small sand-bar. He dismounted, struck a match and examined them. They were made by an unshod horse, fast ridden, and were extraordinarily recent; he observed that the left hind hoof had not made as deep an impression in the sand as the others; also that this hoof scuffed the sand a little, as if the animal favored it somewhat.

"Wonder if the beast received a bullet while Vilmont and his man were exchanging shots," D'Arcy pondered, and lighted more matches. Sure enough he found a small splotch of blood on a little stone. It had not yet congealed!

"Easy now," he thought. "We'll walk a bit, Pathfinder. He'll not be apt to suspect a single man overtaking him if we're not in a tearing hurry."

He knew there was but one practical ascent out of the Arroyo Chico and that was the one he and his partners had picked down the banks the year before. It had since become a common crossing. D'Arcy reached it at four o'clock, for he was taking his time now and saving his horse for the furious pursuit he felt awaited him.

In the gray dawnlight at the crossing he found the trail again; when he climbed out of the Arroyo Chico he saw, in the grassy plain half a mile in front of him and an equal distance off the main-traveled trail, a man riding a tired horse. In the uncertain light they bulked indistinctly. D'Arcy kept to the main-traveled trail, paralleling the other's southward course, and rode at a comfortable little jog.

And now as the dawnlight slowly flooded the sky D'Arcy saw that the man he followed was a Hispano-Californian mounted on a black horse that limped slightly at every step. He was interested to observe that when the man became aware of his presence on the plain he pulled up and studied D'Arcy closely; then, evidently disturbed, turned his horse west, apparently not only with the desire to put more distance between them but to lose himself in the heavy growth of oaks and willows along the river-bank.

"Well, Pathfinder, we might as well get this gossoon," D'Arcy observed to his horse, touched him with the spur, and headed him at the fugitive. As the animal broke into his long easy lope, the man on the black horse urged his animal to a similar pace—and the race was on.

D'Arcy called upon Pathfinder for all that the gallant animal had, and to his

surprise the man on the black horse pulled up, faced toward him and drew a carbine from a boot swung along his saddle under the sweat-leather. Instantly D'Arcy, realizing the man's intention, swung wide out of rifle range and pulled up.

"He'd put a ball in you, Pathfinder, my boy, and set me afoot; then he'd put another ball in me at his leisure. We must find another way to come to grips with that laddybuck, so we must."

The two men studied each other; then the Hispano-Californian turned carelessly and moved off at a walk, his head half turned to note D'Arcy's movements. D'Arcy followed him at the same pace, cursing himself for failure to have brought his own carbine.

Thus for two hours the strange pair went forward, the pursued frequently striving to elude his pursuer, but never succeeding. D'Arcy's pursuit was slow, patient, dogged. It was apparent that the man on the black horse was saving his animal, which, as the slow miles dropped behind them, began to show more and more the evidences of fatigue and a greater lameness. The shiny black head was drooping now, and from time to time the jaded beast halted, only to be driven forward again with spur and quirt.

"He'll have to have a fresh horse within the hour," D'Arcy thought. "Now, where will he get the animal? At the Rancho Arroyo Chico, of course. And, by the powers, there's the hacienda gleaming white through the oaks. Pathfinder, me jewel, the chase ends here, for we must have breakfast, and if that rascal gets to friends he's lost to us."

He was again the cavalry captain charging with raised pistol. On the instant he started the Hispano-Californian raised his rifle and took deliberate aim. But something happened. The weapon was not fired, and D'Arcy's enemy dropped the rifle, whirled his tired horse and fled widely through the oaks, firing with his pistol as he did so.

D'Arcy felt Pathfinder flinch under him and knew the horse had been struck. For a moment he faltered, then with the high courage of his royal blood, leaped forward again. But the other man's pistol was empty now, and every stride was carrying D'Arcy closer to his prey. It came into his mind to take this man alive, to bring him back to Happy Camp, there to be hanged with his companions.

His voice rose in a wild Gaelic hunting cry as they broke from the cover of oak-trees and raced straight for the main portal of the Guerrero hacienda. Fifty yards from it Pathfinder was at the black horse's tail; thirty, and he was at the black horse's saddle-girth. The Hispano-Californian leaned over, drew his long knife from his *bota*, turned in the saddle and slashed at D'Arcy—and in that moment the latter

recognized Romauldo Guerrero!

His pistol barrel fell swiftly on the wastrel's wrist, and the knife clattered to the ground, as the black horse faltered, staggered, and went to its knees. Straight over its neck Romauldo slid and turned a somersault in front of his mount; as he struggled to rise D'Arcy pulled Pathfinder up on the animal's hind legs and shot out of the saddle, landing on his feet some fifteen feet in advance of Romauldo.

His pistol covered Guerrero, whose hands automatically went upward. Romauldo, curiously enough, was on his knees, his attitude now one of supplication. Around the pair Don José's dogs raced, baying furiously, arousing the household to the extraordinary events taking place in the front yard.

"If you move from that position I will kill you," D'Arcy warned. Romauldo's horse lay outstretched, too badly dazed by the fall to attempt to rise. From the saddle D'Arcy took the riata, passed the loop over his prisoner's torso, imprisoning his arms, and then made several half-hitches around the man to secure him.

"You may stand up," he said. With the end of the riata in hand he examined Romauldo's horse. It was the mare Kitty, stolen out of the meadow at Happy Camp! So that accounted for the royal race Romauldo had given him!

He looked at Pathfinder. The big stallion stood panting heavily, dripping perspiration from every pore, and blood from a pistol wound through the muscle of his off leg, high up near the shoulder. Another bullet had notched one of his ears, and blood was running down his blazed face.

The door of the hacienda opened, and Don José and his daughter stood in the entrance.

"Hah! Romauldo!" the old don cried. "A prisoner, eh? Thou graceless one. What hast thou been doing now—God of my soul, Don Dermod D'Arcy!"

"Your son is my prisoner, Don José. I have but this moment captured him. He has given me a long race. Had I been able to come up with him off in the valley yonder I would not have subjected you and Señorita Josepha to this humiliating scene. At your very doorway his horse fell."

Father and daughter advanced and looked Romauldo over in agonized silence. Josepha was the first to speak.

"But this is not Romauldo's horse, Don Dermod. This is the mare Kitty. Unless it be that you have sold the mare to my brother—"

"I did not sell him the mare," D'Arcy replied hotly. "He stole her from me. I have pursued him half the night from my camp on the Arroyo Chico."

"Don Dermod D'Arcy lies," Romauldo replied coolly. "He sold me the mare. He cannot prove that I was on the Arroyo Chico last night."

"He cannot prove where it was I sold Kitty to him, Don José. Not only was he there, but I have trailed him from there. He was a member of a band of twelve robbers and murderers who raided the camp." And D'Arcy told in detail the story of the fight. "Behold," he added, "this liar is lame. He has a pistol wound in his leg. In Sacramento recently he killed a man who caught him cheating at cards. I was standing by and he tried to kill me. I returned the fire as he retreated and shot him in the thigh."

"Ah! So you figured in that affair, Don Dermod. I have heard of the occurrence, but you are the first to tell me that my son was a principal in it."

"I speak the truth, Don José. On my honor as a gentleman."

The don's face was a wilderness of conflicting emotions. In his heart of hearts he knew his son for the scoundrel the boy was, yet—he was a father. Also, he was—Don José Guerrero. He could not afford to side with a gringo against the blood of his blood.

"Did my son kill or rob anyone at your camp?" he inquired in a rather small choked voice.

"He was an accomplice of those who killed, and as such, as guilty as they. And he has robbed me of a horse."

"In the matter of the man you say my son killed in the gambling-house at Sacramento, I have it on good authority that Romauldo killed to avoid being killed."

"That is probably true, but—he drew first and fired first. He knew the penalty in that company for cheating in a monte game."

"There is much to be said on both sides, Don Dermod, and naturally I cannot side with strangers against my own flesh and blood. Be good enough to unloose my son."

But Dermod D'Arcy only shook his head. "He is my prisoner and as my prisoner he shall accompany me back to Happy Camp and there stand a fair trial for his misdeeds."

"In your camp, Don Dermod," Josepha said quietly, "this foolish boy will be without friends. In your camp you will hang him."

"I hope so!" The words came angrily and fiercely.

"For my sake, Don Dermod, would you elect to go back to your friends and say nothing of this incident?"

"I would not do that even for you, Josepha. To be faithful to you I would have to be faithless to society, to my friends, to the law."

"There is no law," Don José reminded him fiercely. "This boy is my son, and from the very shadow of his own home he shall not be taken to satisfy your desire

for vengeance."

"There is a law. True, it is not as yet here, but—it comes." He pointed toward the dim blue sky-line of the Sierras. "Until it comes in all its cold majesty and in its various forms, attended by its accredited servants, the laws on the Arroyo Chico are but two in number: Thou shalt not steal. Thou shalt not kill."

"At the Rancho Arroyo Chico," Don José reminded him, "I am the law." He commenced lifting the half-hitches of the riata over Romauldo's shoulders, but D'Arcy with a savage jerk drew the riata tight again. "You will force me to have my servants take my boy from you, Don Dermod." The old man was striving to the last to be courteous. "If you resist them I shall not be responsible for what may happen to you."

D'Arcy mounted Pathfinder, tied the end of the riata to his saddle, lifted his hat, and turned his horse in the direction he had come.

As the rope drew taut Romauldo was jerked along; in order to avoid being dragged on his face he had to walk behind Pathfinder.

"I give the mare, Kitty, to you again, señorita," D'Arcy called to Josepha. "She may still be worth saving, but I do not want her. She reminds me of that which today I lost forever."

Swiftly the girl ran to him and laid a detaining hand on the reins. "That which you have lost may be regained," she whispered.

He understood perfectly. "I would give this young animal to his people," he assured her, "did not the sorry gift carry with it the lives of other men. Already my weakness for you has cost the life of one man, but today this scurvy dog shall not escape to kill again."

"I know," she pleaded. "For my own sake I do not ask, but for the sake of my father, for the sake of our family pride, I ask it. I shall pray for you, Don Dermod. I shall ask the Virgin and all the saints to guard you and bless your enterprises, if you will but spare my father this disgrace. And I will not wed with Tomas Espinosa."

He removed her hands from the reins and with a gentle sweep of his powerful arm thrust her aside and rode on, with his prisoner trudging at Pathfinder's heels. Behind him he heard the hue and cry as Don José sought to rouse his retainers, so he drew his pistol and began to reload the empty chambers.

Suddenly he felt the riata slacken. He looked back. Josepha had found the knife her half-brother had dropped a few yards before the mare had fallen with him; she had cut the riata, and Romauldo was running for the house at his best speed. D'Arcy overtook him with ease, leaned from the saddle, swept Romauldo up and across Pathfinder's neck, whirled again and galloped away. He had a brief vision of

Josepha Guerrero standing in the dusty tarweed, her lovely face deathly white, her eyes brimming with tears. But the surprising thing was that she was not beside herself with baffled rage. He pulled up.

"I would die for you," he called to her, "but I will not be weak for you."

"When you have finished with his poor body," she sobbed in English, "bring it back to us, please. *Adios, hermano mío! Vaya usted con Dios!*"

Into D'Arcy's thigh Romauldo Guerrero sunk his sharp white teeth. He was a fighter to the last and scorned no weapons. D'Arcy brought the barrel of his pistol down on the defenseless head, and Romauldo loosened his hold. Pathfinder, despite his wound, swung into his long fast canter, and D'Arcy headed him north for the Arroyo Chico.

A mile out in the plain he looked back. Half a dozen horsemen were just emerging from the fringe of oaks and in their leader D'Arcy recognized Don José Guerrero. "If I can but reach the trail the miners travel, surely there will be men there to protect and help me preserve justice," he thought, and headed that way. The road was deserted when he reached it, but far up the trail he saw three horsemen coming toward him and rode to meet them.

To his relief the approaching horsemen suddenly broke into a hard gallop. Behind him pistols and rifles spoke, and bullets whined over him or threw dust up in the road in front of him. Then he was passing the horsemen who swerved to let him by, and his heart leaped to hear Bejabers Harmon shout:

"Crack on, Dermod. We'll take care of the greasers."

"Don't hurt the old man!" D'Arcy cried back, and pulled up. Straight at the advancing Californians rode Bejabers, Judson and McCready—three armed men against six who had already foolishly emptied their weapons. As one man the Californians turned and fled before that furious charge. Don José alone hesitated, but a volley of bullets whistling over his head decided him; he too turned and fled with his men.

"If they load up and tackle us again," Bejabers warned as he rejoined D'Arcy, "they're bigger fools than I think they are. Who you got there, son?"

"The horse-holder who shot Vilmont and escaped. Romauldo Guerrero. I trailed him and we had a running fight."

"His family know you got him—and why?"

"I told them."

"I'll spell you a few miles with the prisoner," Judson suggested and lifted Romauldo across his own saddle. "Your horse is well-nigh spent."

Bejabers grinned into D'Arcy's pale, tortured face. "The Lord moves in

mysterious ways His wonders to perform. When I found you'd gone trailing this wolf I give orders to the boys to hold the prisoners we had until I could see if we'd get enough for a mess. I was afeared something might happen to you, so me and Mac and Jud saddled up and lit out after you. We followed that bloody trail, too. I knew you'd get your man if you had to foller him to Mexico."

McCready rode up beside Bejabers and nudged him. "Drop back, you born eediot," he hissed. "Can't you see the chief's cryin'?"

# *Chapter Eighteen*

Late in the afternoon the four partners, with their prisoner, arrived at Happy Camp. No work had been done on the stream that day, and every miner and hanger-on in the district was eagerly awaiting their return. Bejabers, who now carried the prisoner behind him, rode up to the dance-hall door and threw Romauldo roughly off. Then he leaned from his horse and with the butt of his revolver hammered on the dance-hall wall.

"Comp'ny! 'Ten*shun*!" he shouted, in that dramatic moment reverting to type and becoming again that which he once was—an old Marine Corps sergeant. "When me and my pardners first discovered these diggin's we formed the district and put in a few simple rules and regulations for business and social guidance, as decent men should. Also, my pardners unanimously elected me alcalde o' Happy Camp.

"This is to be the first trial where Alcalde Harmon presides and, by the holy poker, he's goin' to be a presidin' officer. Don't let me hear no interruptions or loose, undignified talk. Everythin' about this here trial's goin' to be done regular, and if any gent present thinks he's equipped with better notions o' law and order than the alcalde o' Happy Camp he'd better make his will here and now!

"Hear ye, hear ye, hear ye! This honorable court is now in session. Draw near and pay strict attention. I app'int Judson and McCready sergeants-at-arms and direct them to produce the prisoners immediately. I app'int as prosecutin' attorney Henry Whittell, I app'int as defense attorney Joe Murphy. I app'int as clerk o' the court, with power to administer oaths, Orson Watson. I app'int as interpreter for them prisoners that mebbe can't speak English, Dermod D'Arcy, and I app'int the men o' Happy Camp Minin' District the gentlemen o' the jury."

The prisoners emerged from the dance-hall—propelled somewhat violently, it must be confessed, by the willing sergeants-at-arms. Bejabers eyed them coldly and one by one asked them if they spoke and understood English. Three admitted they did. "Are you guilty or not guilty o' the crime herein charged: to wit, murder and robbery under arms, committed here shortly after midnight this mornin'?"

D'Arcy repeated the question in Spanish to the others, and all six pleaded not guilty.

"The clerk has a list o' witnesses to the hold-up in this here dance-hall. Call the witnesses and swear 'em."

The witnesses stepped forward promptly, told their stories in brief terse

sentences and identified all the prisoners. Joe Murphy, the defense attorney, who had once practiced law in Ohio, endeavored adroitly to shake their testimony but failed; as prosecuting attorney, Henry Whittell merely asked a few questions. He, Bejabers, and Francisco were the last to testify.

Again Bejabers rapped the dance-hall wall with the butt of his pistol. "There bein' no further nominations I hereby declare nominations closed. Joe, you got anything to say?"

"What the devil can I say?" Murphy replied disgustedly.

Bejabers's bleak glance roved over D'Arcy, who shook his head.

"Somebody make a motion," Bejabers pleaded.

"I move that they be found guilty an' sentenced to git hung!" a voice in the crowd cried.

"Any second to that motion?" Bejabers, it appeared, had once in his mixed past, studied rules of order. There was a vociferous second from twenty men. "It has been regularly moved and seconded that these here skunks be found guilty and stretch hemp. All in favor o' the motion signify by raisin' their right arms."

Three hundred right arms were upthrust.

"Contrary-minded?" the alcalde shouted.

The forest of arms descended; the crowd remained motionless.

"Carried unanimous," Bejabers announced. "The alcalde desires to express his thanks and the thanks o' the community to the jury. Also, as presidin' officer o' this court," he added, turning to the prisoners, "it becomes my solemn duty to sentence you fellers to git hung. Desirin' to temper justice with mercy, I hereby announce that the necktie party'll take place in one hour, in order to give you condemned, no-good, worthless coyotes a chance to make your peace with God and write any loved ones you figger would be glad to have final news from their wanderin' boys. The prisoners are remanded in the custody o' the sergeants-at-arms, who will produce 'em in that grove o' sugar-pines yonder at my order. If there's a preacher in this camp, he might step forward. The details o' the execution'll be arranged by me later on."

"Curses, what's the use delayin' matters?" a miner growled. "Let's swing 'em an' git back to work."

Without an instant's hesitation Bejabers Harmon dismounted, walked to that man and knocked him down, removed the man's pistol and knife and walked back to his horse.

"I am the alcalde o' Happy Camp," he announced quietly. "The first man that lays violent hands on them prisoners until I give the words gits shot." He gazed

around him until his glance rested on the clerk of the court. He raised his horny hand in a military salute. Once more he reverted to type. "The first sergeant," he announced absently, "will dismiss the company."

"Hear ye, hear ye, hear ye!" the clerk yelled. "Court's over."

"Grave-diggers, front and center," Bejabers commanded. "All hands fall in with picks and shovels and follow me, but before we do, lemme say this: As the presidin' magistrate o' this district, the assets o' the late proprietor o' this here dance-hall are in my jurisdiction. Does anybody here know who his heirs are?"

Nobody appeared to know. Bejabers talked on. "This appears to be a job for the public administrator, which I'm him. Consequently the probate o' the estate—at least all that portion o' the estate that's liquid, will be distributed to Happy Camp right after the obsequies. The gold will be held by this honorable court until an heir shows up. No heir showin' up at the end o' one year, said gold will be given to any public charity that raises its head. Any objections to that program?"

A round of cheers appearing to indicate unanimous approval, Bejabers formed up his grave-diggers and led them to the extreme end of the Happy Camp meadow, where already a few graves formed the nucleus for a cemetery. Bejabers indicated an area some two hundred yards from these original inhabitants.

"This'll be the Potter's Field," he announced. "No plantin' o' cattle like this with honest miners while I'm the alcalde o' Happy Camp."

"How about coffins?" someone suggested.

"We'll roll 'em in their saddle-blankets."

Truly, Bejabers Harmon had been born to leadership.

The execution of the survivors of the raid on Happy Camp was accomplished silently and expeditiously. Each was mounted bareback on a mule, the hangman's knot adjusted under his ear, and the other end of the rope fastened to a stout limb. None of the doomed men weakened at the finish, and with the nonchalance typical of his mixed blood Romauldo Guerrero calmly smoked a cigarette while the rope was being adjusted.

Bejabers looked around at the mules, held by his helpers, standing calmly under their respective trees. "Are you all set?" he shouted.

"Ready!"

Romauldo spat out his cigarette—his hands were tied behind him. "*Adios, señores*," he shouted grandly. "I forgive you all."

"Will you listen at that hoss-thief, tin-horn, and killer," Bejabers cried in huge disgust, "a-tryin' with his last breath to intimate that everythin' hasn't been done in a lawful and orderly manner. Mule-holders! 'Tenshun! Hands off the head-stalls!

Ring-masters! 'Tenshun! Raise whips! Yow-w-w-w!"

The men laid the willow gads smartly across the rumps of the mules; the frightened animals sprang forward; the ropes tautened with a savage jerk as the condemned men slid, kicking, over the mules' rumps and dropped with a thud. They twisted spasmodically two or three times, then their legs straightened and they swung gently in the night breeze that blew down the cañon. Out in the meadow the mules paused, turned and snorted, but save for this and the rustle of the pines the silence of death lay over Happy Camp.

Bejabers Harmon broke that silence. "All hands down to the dance-hall where, as public administrator, I purpose distributin' the liquid assets of our late feller citizen, whose murderer has just paid the penalty of his crime in a highly legal and technical manner."

The crowd followed him silently away. As it passed the cabin of D'Arcy and company, Bejabers looked in at D'Arcy seated before the fireplace, his chin in his hands.

"Wasn't you to the party, ol'-timer?" he queried.

"No, Bejabers."

"Well, you missed a good hangin'. Everythin' went off as slick as a new red buggy, and that saddle-colored Romauldo said he forgave us all. You feelin' a mite disturbed below decks, son?"

"My heart's broken, Bejabers. I traded love and happiness with Señorita Guerrero for law and order and the body of her half-brother."

"Stood between your love and dooty, eh? Well, the luck runs that way for a while and then it gits worse, don't it?" He eyed his partner sympathetically. "What you need is a drink!" he suggested.

D'Arcy ignored the suggestion. "I promised her I'd bring the body back to the rancho for an interment in their little family cemetery, Bejabers. Will you help me?"

"Have I got to go traipsin' around the country with that feller's carcass?" the little man complained. "He's as big a nuisance dead as he was alive."

"I promised the girl."

"Well, I reckon you got to make good on your promise. I'll help you. But we got to wait till mornin'. Our horses got to have a rest. Dog-gone it, if we could only start while he's limber, it wouldn't be no trick at all to drape him over a mule."

"We'll make a sort of stretcher with blankets tied between two long stout lodge poles; then we'll swing this stretcher between two mules, fore and aft, and thus make shift to deliver Romauldo."

Bejabers scratched his ingenious head. "I reckon I'd better not let him hang

more'n an hour, or he'll be hard to lay out and make look pretty. Won't you come along and help celebrate the biggest day in Happy Camp?"

But D'Arcy declined, so Bejabers departed to manage the distributing of the estate. Two hours later he came in, and D'Arcy noticed he was a little drunk.

"Had to work myself up to it, son," he apologized. "The fellers are holdin' a grand wake over Romauldo—in the dance-hall. After the hard work I done on him I'm layin' you ten to one he looks ca'm and beautiful when we hand him over."

D'Arcy was touched. "Thank you, Bejabers," he murmured. "You're a thoughtful little man, so you are."

"Ain't no sense inflictin' needless shocks ter the innercent, son. Woops! Cracky, I'm tight. Prove the love of a pardner fer his pardner—and snake off my boots!"

D'Arcy undressed him and tucked him in his bunk. "Law an' order's established," Bejabers cried drowsily. "We set a precedent. Only regret I got—dug one grave too many—love's labor lost! Whoops, I'm tight. Had to do it, son. Dirty work, sober—because I ain't no undertaker!" His mind now took a legal turn. "Lordy," he murmured, "how I do hate to monkey with a *corpus delicti*!"

After breakfast next morning the pack-mules were rounded up together with four saddle-horses. The gold was packed in the kyacks; then the rude cacolet, containing Romauldo's body, was swung between two of the mules and D'Arcy, Bejabers, Judson and McCready, fully armed, mounted their horses and rode for the Rancho Arroyo Chico. Pathfinder was left at home this time. His wound, like Vilmont's, proved to be superficial and D'Arcy had dressed the wounds of man and beast by washing them with raw whisky and binding them up with the tails of his last two fine linen shirts.

Bejabers, watching both operations, cursed the Bart for not being on hand to do the dressings in a workmanlike manner. "Which I hear," he added, "that him and Poppy's struck some good ground on a little creek about ten mile from here, off yonder on the north fork. Consequently, I reckon we'll be seein' them two useless citizens about as often as they make a clean-up."

The long march to the Rancho Arroyo Chico was a silent one. In midafternoon they came again to the hacienda and again the chorus of yelps from the dogs brought the household to the front door. Behind Don José's stalwart shoulder D'Arcy saw the pale lovely face of his daughter. He bowed low in his saddle.

"Don José," he announced, "in conformity with the promise I made your daughter—"

But Don José had seen the cacolet and knew what it contained. "In heaven's name, depart with that which you bring!" he cried hoarsely. "To the grove yonder, I

beg of you. I will meet you there. There is a reason! Quickly, Don Dermod."

"About face! Forward! March!" Bejabers gave the commands. "Better fightin' ground among the oaks than here in the open," he suggested. "What d'ye suppose has run up the old man's back?"

"He may have company, Bejabers."

In the grove of oaks two hundred yards beyond the house the little cavalcade halted. Don José procured his hat and walked out to meet them.

"You have the body of my son?" he queried in a husky voice.

D'Arcy nodded. Don José leaned against the trunk of an oak and buried his face in his arms.

"He was tried regular, found guilty by a jury of his peers, and hung," Bejabers declared in his barbarous Spanish. Then to D'Arcy: "Poor old chap, I hate to rasp his feelin's but it can't be helped."

"I cannot receive the body," Don José cried sobbingly. "Don Emilio Espinosa and his son, Tomas, are here to arrange the details of my daughter's marriage. Fortunately they were not aroused from the siesta when you approached, but my daughter and I have not slept. We have been expecting you—"

He broke down completely, and D'Arcy and his party waited patiently until he could control himself.

"You have met Don Emilio," he charged. "You know that he is a proud man, jealous of the honor of his house. Rather than ally his family with one that has bred an outlaw he would thrust his right hand into a fire. He must not know of this. I beseech you, Don Dermod, protect me and the honor of my house."

"How?" The practical Bejabers had spoken.

Don José ignored him. "Ah, no," he wailed piteously, "not this disgrace. I cannot bear it. You must keep our horrible secret, Don Dermod. Tell me, my friend, you will not bring sorrow and humiliation upon a man of my years. I am old, I have not long to live; I would see Pepita safely settled in life before I die."

D'Arcy's heart bled for the don. "I will keep your secret, Don José, but others will not. Five of his companions were hanged with Romauldo, and six others were killed in the attempted robbery. This news cannot be stifled. The identity of your son is known; this affair will be told in every mining-camp in California within a month."

"Within a month—yes. But not now. Tomorrow I ride with my daughter, Don Emilio and Tomas to San Juan Bautista, there to consummate the marriage. It is possible to forestall this news, for we ride before it, and since Don Emilio and his son do not speak English and are not in the habit of conversing with gringos, it may be long before it comes to them."

"But when Don Emilio learns the truth—"

"It will then be too late. The marriage will already have been accomplished and there is no divorce among our people. The Espinosas will rage for a period, then make the best of the sad affair."

Bejabers cocked his short leg over the pommel of his saddle and eyed Don José disapprovingly. "If you're so anxious to see your daughter settled in life," he demanded, "why don't you marry her to Don Dermod? He's a gentleman. His people was fraternizin' with kings centuries before your people had quit bein' sheep-herders. He's rich, good-lookin' and don't believe in divorce. If you got to get rid o' the girl, why don't you saw her off on a life-sized man?"

"Hush, Bejabers," D'Arcy protested. "He cannot understand your logic."

"My daughter loves not Don Dermod D'Arcy," the old man reminded them both.

"She loves not young Tomas Espinosa," D'Arcy charged. "You would break her heart, Don José, by this enforced marriage."

"She will think better of the matter later, for look you, Don Dermod, she must accept. No Californian gentleman will seek her hand in marriage after this news gets abroad in the land."

Bejabers sighed. "Reckon the old codger's right, Dermod. You don't stand no show on earth with the girl now, after disgracin' the family the way you've done." Then to Don José: "Well, what about this." He pointed to the thing swung between the mules.

"Bury it—far from here," Don José pleaded. "It seems Don Emilio has heard whispers of my son's rascality; that is why suddenly he decided to come in person to investigate the desirability of considering this alliance further. He has questioned me about Romauldo, and I have assured him otherwise on my word of honor. I have shown him the dowry; I have pressed for an immediate marriage. And now, if you betray me, I am lost."

"You should have thought of that, Don José, when you and your men shot at him yesterday," Bejabers retorted. "However, pardner," he added in English to D'Arcy, "the matter's up to you."

"Very well, Don José. I will do as you desire, although it is hard for me to stay my hand when it is a winning one. Has it occurred to you, Don José, that Tomas will accept this deplorable situation when he discovers it?"

"Before marriage the news would be fatal. Tomas is proud of his blood and would immediately break the betrothal. But after the marriage—well, he would pretend it was but the idle gossip of fools."

"Then he's what I suspect him to be at heart—a cad. However, I'm out of the race. I realize that." He glanced at his partners. "Well, let's play the game, gentlemen."

"You mean you want us to dig a grave somewhere without tools," Bejabers roared. "Dang you, son, you got a heart like a child. Sometimes I swear I grow plumb weary o' humorin' you."

"I have a plan, Bejabers. We will carry the body to the river and throw it in. Then Don José can arrange to have one of his men find it. It will appear to be a clear case of murder—a situation, at any rate, that will enable Don José to cast grave doubt upon the story that his son was hanged at Happy Camp. The body must be recovered from the river while Don Emilio and his son are here. Then it can be buried decently, and the suspicions of the Espinosas will have been thoroughly lulled."

He turned to Don José and explained his plan. Eagerly the old don accepted it; indeed, tears of gratitude welled into his eyes, and he departed at once to arrange with one of his faithful retainers to find the body.

Presently a *vaquero* rode out and joined D'Arcy's party, which then moved off, skirting the hacienda in a wide circle and heading west for the Sacramento River. At the bank the body was removed from the cacolet, Bejabers put a bullet through its chest, the *vaquero* fastened his rawhide riata to it, and McCready and Judson tossed it out into the water. Solemnly the *vaquero* towed it down-stream a little way, then hauled it into the soft mud close to the bank and secured the other end of his riata to a tree, after which he galloped off to the hacienda, there excitedly to report to Don José the finding of his son's body in the river.

The cacolet Bejabers threw into the river and stood for a moment watching it float away. "Well, that job's done," he growled, "and as long as I live I ain't never goin' to feel the same. This here job's sort o' like body-snatchin'. Let's wash our hands."

They camped on the trail that night, their camp-fire twinkling in the long line with those of other miners bound to the new diggings farther north.

At Sacramento next day they deposited their gold with the agent of Wells Fargo & Co. for shipment to the Philadelphia mint, retaining only sufficient to purchase a supply of provisions. Then, following a night of the sort of gaiety peculiar to the masculine population of Sacramento, they packed their provisions on the mules and returned to Happy Camp. . . . As they rode north they met on the trail, a few miles south of the Rancho Arroyo Chico, Don Emilio Espinosa, his son Tomas and a body-guard of six *vaqueros* riding south. Without an instant's hesitation D'Arcy

made himself known to them.

"Hah! Don Dermod D'Arcy." Don Emilio feigned a heartiness he was far from feeling and proffered his hand to his quondam guest. Tomas merely bowed and raised his hat. "What do you in this country, my friend?"

"With my friends here I am engaged in mining, Don Emilio!"

"You prosper?"

"Exceedingly. But the labor is very great. And you? What, if I may ask, brings you into Alta California?"

"We have been visiting with Don José Guerrero, but departed sooner than we had anticipated. You have heard of the murder of his son Romauldo?"

"One never hears of the tragedies in the Californian families hereabouts," D'Arcy replied guardedly. "You say the boy has been murdered?"

"Murdered and his body cast into the river. One of Don José's *vaqueros*, working cattle along the river, found it. The boy had been dead perhaps two days. Shot through the chest. We remained only long enough to attend the funeral and then departed, leaving our poor friend immersed in grief. It is very sad."

"I grieve for Don José and his daughter. I remember meeting the dead boy not long after I had the good fortune to be your guest last year at San Juan Bautista. If I remember aright," he added, turning graciously to Tomas, "your estimable son was spoken of at that time as betrothed to Don José's beautiful daughter. What a fortunate fellow you are, Tomas!"

"The marriage must, of necessity, be delayed in view of her brother's death," Don Emilio replied for his son. "A due period for mourning—"

"How very unfortunate." D'Arcy held out his hand to Tomas, who appeared not to see it. "Well, we ride far today and must be moving on. It is a signal pleasure to renew our happy acquaintance, Don Emilio, even for so brief a period. And I am glad to have this early news of the sorrow which has descended upon the Guerrero family. I must call upon Don José as I ride past his hacienda, and express to him and his daughter my profound sympathy."

"That would be very gracious of you, Don Dermod." Don Emilio raised his red vicuña sombrero and they parted.

"Who're those two *hombres*?" Bejabers wanted to know.

D'Arcy told him and related the gist of their conversation.

"You're a two-faced sort of cuss, Dermod."

"I am not. I'm a diplomat."

"Well, you got a stay o' judgment with the gal, anyhow."

"I knew I would have that when I planned to make a soft bed for the Guerreros

to lie on. Don José chose the lesser of two evils, as I expected he would, my boy. He must have realized that a death in the family would of necessity delay the marriage, but that was to be preferred to the disgrace that impended. It would be very improper for the girl to marry immediately after her brother's death. According to the code she should have at least six months to mourn him. And in six months many things may happen."

"You're cuter'n ary fox, son. Mebbe in six months the old don gets tempted beyond his strength on a horse-race or a cock-fight and spends the weddin'-dowry."

"That means he'll be back for another loan, doesn't it?"

"I'd take a bet on it."

"Well?"

"Cuter'n ary fox, pardner, that's what you are. If a feller didn't know you he'd most likely think you was hard-hearted."

"My heart aches for Josepha, Bejabers. An English soul in Hispano-Californian surroundings. How she must suffer!" He rode boot to boot with Bejabers and laid his hand affectionately on the little man's arm.

"We are at the threshold of new destinies, Bejabers. The old order changeth and changeth fast; the Guerreros and Espinosas cannot compete. They have never had to compete and they do not know how. Somewhere beyond those mountains to the east are advancing the men who will shoulder the native incompetents aside—so I am wishful to protect these helpless Guerreros. The old man's a fool, a mercurial old jackass, saddled with illusions and worn-out customs. Also, he's a child, and his patrimony will slip through his fingers if he is given a free hand."

Bejabers stared at his partner, amazed. "A feller'd think," he retorted, "that you was still figurin' on marryin' his daughter."

"I have never planned for anything else. Of course I've run into some hard luck, but—I know what I am doing."

He got out his old tin flute and commenced playing a merry, lilting little Celtic ballad, for the first time in nearly a year. Evidently he did know what he was doing!

# *Chapter Nineteen*

In July, 1849, every foot of ground along the Arroyo Chico and its tributaries was being worked. The mining population was in a state of constant flux; men came, worked a week or two, became dissatisfied because the return was not immediate and, lured to other fields by rumors of richer ground, abandoned their claims; these were immediately occupied by newcomers, who, in turn, harkened to the whispers of greater fortune which every vagrant breeze that blew down the canyon seemed to carry.

A road had been built in to the uproarious settlement; a postal system had been established. Happy Camp had a post-office, a stage station, a "hotel," an express office, a butcher shop, two blacksmith shops, three general stores and many saloons, gambling-houses, and dance-halls.

Each day a great Concord coach, drawn by eight mules, rolled into the camp, the driver whooping in the sheer exuberance of his new and untrammeled life, his long whip cracking like pistol-shots, his teams stretched to a gallop. Beside him on the box sat the express company's guard—or rather "messenger" as, for some obscure reason, he was most commonly called—a sawed-off shotgun loaded with buckshot across his knees, a pistol at each hip, a cigar tilted confidently from the angle of his mouth.

Happy Camp grew rapidly, despite the fact that its mining population toward the close of the year dwindled considerably, for the mushroom town had become a trading center for the numerous isolated camps that were springing up daily in the country to the north and east. Lumbering freight wagons, mostly ox-drawn, delivered goods unloaded by the three little steamers that now regularly plied from San Francisco as far up the Sacramento River as Marysville, the new name for Nye's Ferry.

Long pack-mule trains wound up the Arroyo Chico from Happy Camp and disappeared along narrow trails over the ridges to the north and south, the east and the west, distributing these supplies and the mail to points where wagon roads were not to be for years to come. The camp presented for twenty-four hours daily a scene of unparalleled activity.

The rush of gold-hunters was truly tremendous. As autumn advanced the caravans of covered wagons commenced to debouch over Sonora Pass and down into the great central valleys of California. The three steamers of the Pacific Mail Steamship Company were plying regularly between Panama and San Francisco.

Sailing vessels, chartered or purchased by syndicates of gold-seekers organized along the Atlantic seaboard, were arriving in San Francisco daily by the dozens, to be deserted almost as soon as the anchors were down, and there to lie through the years and rot.

Sacramento, a town-site laid out by Johann Sutter a few months after the first discovery of gold, was now a city of ten thousand inhabitants. San Francisco boasted twenty-five thousand; the principal industries of the state were mining, gambling, and carousing.

Dermod D'Arcy watched with profound interest the sociological effect upon the population, and decided that in California existed the most complete democracy the world had ever known. Since there were no classes, class prejudice did not exist. All men labored; hence all were equal. The lawyer, the doctor, the savant toiled side by side with the farmer but lately released from his plow, the sailor, the convict, and the outlaw.

No man, unless he so desired, was the servant of another; the former master toiled beside the slave; ancient social distinctions were obliterated and a great leveling principle was at work. As a result the common man was elevated, at least in his own estimation. Horse-power and not brain-power was the gage of superiority. Worldly pride and the aristocracy of employment were not. Every man worked with his hands, and it mattered not at all what sort of work he accomplished, provided it was in demand. Indeed, if one aspired to any standing in a community he must labor with his hands; hence labor became dignified and honorable. Few men pretended to be what they were not; social intercourse was free and unreserved; men sloughed off the hypocrisy of an older social order as a snake sloughs off its skin in August.

Lacking social and legal restraint, men applied for their protection the doctrine of personal responsibility; hence honor, kindness, chivalry, and mutual helpfulness were everywhere manifested. A democracy of hardship and misery, D'Arcy decided, had brought men closer together, had developed in them all the latent nobility of their natures.

Until late in '49 crime was practically non-existent among the mining-camps. The fact that each miner was armed with pistol and bowie-knife was, doubtless, responsible for this, although in a greater measure a sense of mutual helplessness against a marauder and the knowledge of swift and terrible punishment at the hands of a miners' jury had a deterrent effect upon the weak and cowardly. News of the summary execution of El Diablo and his bandits by the men of Happy Camp had filtered into every mining community, but it was not until late in the year that men discovered it was no longer safe to leave their pokes of gold-dust unguarded in tent

and cabin.

A demand for transportation, far in excess of the immediate supply, made saddle-horses and pack-mules the cynosure of all covetous eyes; in San Francisco an organization of criminals, mostly from the penal colonies of Australia and calling themselves the Hounds, created a brief reign of terror until public opinion, aroused by their depredations, dealt with them summarily.

The state—for already men were alluding to it as such—was filling up so fast that some sort of government was imperative. From 1846 to the signing of the Treaty of Guadalupe Hidalgo, California had been held as a conquest; thereafter it had been ruled by a military governor of whose legal status there has always been a reasonable doubt. Congress, immersed in the slave question which was even then beginning to foreshadow the War of Secession, made no provision for a government in the new territory in 1848, and when on April 12, 1849, Bennet Riley arrived by steamer to relieve Governor Mason, he found the citizens of the new territory in no mood to await longer the action of a lethargic Congress.

The vital necessity for a form of government suitable to the temper of the people was apparent. Under the *de facto* form of government then in force, the old Hispano-Californian laws prevailed. A study of the situation soon convinced Governor Riley that the aspirations of the people were sane and logical; that they would not much longer continue to support the *de facto* government in the face of glaring congressional neglect, and accordingly, on June 3, 1849, he issued a proclamation calling for the election of thirty-seven delegates to a state convention.

On August 1 this election was held and on September 1, 1849, the convention met in Colton Hall, at Monterey, and proceeded to draft a constitution and select a design for the Great Seal of the State of California. On October 13, 1849, the convention adjourned, its labors completed; on November 13 the people unanimously ratified the constitution, which, although hastily drawn, was one of the best of the thirty-one state constitutions then existing.

At this election Peter H. Burnett was elected governor, John McDougal lieutenant-governor, and Edward Gilbert and George W. Wright representatives to Congress. At the same time there were elected in the various districts, as apportioned under constitutional schedule, sixteen senators and thirty-six members of assembly to constitute the first state legislature.

By December 10, the election returns had been submitted to the prefects, subprefects and judges of first instance in the respective districts, duly canvassed and by them transmitted to the secretary of state of the *de facto* government; whereupon Governor Riley issued a proclamation decreeing that the constitution be ordained

and established as the Constitution of the State of California.

When this proclamation reached Happy Camp the happiest man to read it was Bejabers Harmon. "A state!" he shouted. "No swaddling clothes for our baby, eh, gentlemen? Why, we've never even been a territory! Congress didn't give us what we wanted, so we went and took it without askin'. That's the ticket! Now we'll get our legal machinery workin' at a penal code and a civil code; and law and order'll be one job and minin' another. Dog-gone it, I reckon I'll soon lose my office as alcalde, seein' as how I sort o' helped myself to it without legal authority!"

On December 20, the newly elected legislature convened and subscribed to the oath of office. On the same day, as soon as he had been officially advised that Governor Burnett had taken the oath of office, Bennet Riley issued a proclamation to the effect that since a new executive had been duly elected and installed into office in accordance with the state constitution, there was no reason for his continued official existence, and accordingly he resigned—an act which brought more cheers from the exuberant Bejabers.

"He was appointed by the President o' the United States, but he resigned to the people o' California! Well, I reckon there's some as will hoot at the legality o' this here move, but I'm for it. It's common sense."

On the very day it convened officially, the new legislature elected two United States Senators, Frémont and Gwin. On December 22 all of the state officers were appointed, and thereafter, until its final adjournment on April 22, 1850, the legislature worked unceasingly in the erection of the state's legal machinery.

Throughout the remainder of 1849, however, Bejabers Harmon by common consent was continued in office as alcalde of Happy Camp. He had no courthouse and acted as his own clerk and bailiff. He kept no docket. He was opposed to jury trials, except in major causes, and he held court wherever and whenever the case overtook him; he administered oaths with a fine nonchalance and rendered his decisions orally and without an instant's hesitation.

In front of the post-office he had tried the case of a Mexican dance-hall girl who had knifed a miner, wounding him slightly. After listening to the evidence Alcalde Harmon had delivered himself of this decision:

"This honorable court finds that the defendant's more to be pitied than censored and that the skunk she stabbed didn't get more'n a quarter o' what was comin' to him. The fact that the lady ain't really a lady ain't no sound reason why she shouldn't be treated like one. In her laudable attempt to abate a public nuisance in the person o' this here Chico Dan person, she has the unqualified approval o' this honorable court." At this juncture Bejabers removed his battered hat and bowed low to the

defendant.

"However, takin' the law into one's own hands ain't to be tolerated where I'm the alcalde. If the lady had took her trouble to me in the first place I'd have made Chico Dan hard to catch, as a matter o' public policy, but when she slips her dirk into him I got to rise in my place and protest said action as savorin' of the assumption o' judicial rights vested only in me. I therefore sentence this lady to chuck her dirk into the Arroyo Chico and I further fine her an ounce."

The defendant thereupon protested that she did not possess the required ounce of gold.

"Then you git busy and act as the alcalde's laundress," his Honor thundered. "I got six shirts in the wash and no time to monkey with 'em myself."

"*Sí, señor*," the defendant murmured, and proceeded meekly to her punishment.

"As for you, Chico Dan," the alcalde continued, "you're a tin-horn and a perpetual drunk and no good in other ways. I fine you five ounces."

"I appeal from the verdict o' the court," the unhappy Chico Dan replied belligerently.

"I fine you another two ounces for contempt o' court by darin' to appeal from my decision. Come through with seven ounces, *muy pronto, amigo*."

"I ain't got nary ounce, jedge."

"Then go to work on my claim and earn it."

Thereupon Chico Dan was led away to his labors by the honorable court.

In addition to being the alcalde, Bejabers was not the least loath to carry out the sentences he imposed. On one occasion a resolute individual, sentenced to banishment for a particularly flagrant case of claim-jumping, refused to heed the sentence of the court, adding that Bejabers hadn't any more legal authority than a chipmunk and that, in the event of further unwarranted attempt at legal interference in his sovereign rights as an American citizen, Bejabers might confidently expect to be numbered with the angels.

It was an embarrassing moment. At least it would have been an embarrassing moment for anybody except Bejabers Harmon. He scratched his ingenious head for a moment and then solved the problem.

"All right, pardner," he announced. "We'll assume I ain't got any legal authority to enforce law and order in Happy Camp. I could appeal to public opinion and have you strung up in jig time or flogged, but here ag'in I'd be runnin' counter to your notions o' law and order. So we'll assume I ain't the alcalde o' Happy Camp, but jest a plain citizen about to invoke the doctrine o' personal responsibility. You're personally responsible for whatever you do, I reckon?"

"I certainly am."

"You're challenged to a duel, pardner." Without waiting for an acceptance, Bejabers scuffed a line in the dusty street, marched thirty paces and scuffed another line. "Here's your position," he announced. "Stand with your back toward me. I'll stand here with my back toward you. It's now a minute of twelve. When the Chinee cook at the Mansion House starts ringin' the dinner-bell, we turn and fire and continue firin' until our guns are empty. And the survivor's the alcalde o' Happy Camp."

The challenged man gazed into the stern, unsympathetic faces of the men on the Mansion House porch. "I guess you're the alcalde, Harmon," he admitted huskily. "I'll obey the order of the court."

"I find you guilty o' contempt o' court," Bejabers flung back at him. "You're fined whatever dust you got on your person. Fork her over."

Silently the man tossed his poke to Bejabers and walked away down the creek.

Bejabers entered the Stage Drivers' Retreat, as the hotel bar was called, and cast the poke upon the bar. "Drinks for the camp while it lasts!" he roared.

It was his humor never to retain for his own use and benefit the fines he collected. All offenses, he argued, were against the community; hence the community should share in the fines assessed against all offenders, and the most equitable method of doing this was by "settin' up the drinks."

The winter of 1849-50 was an unusually severe one. On account of its low altitude Happy Camp was not buried in snow, and the stage road into camp remained open all winter. Among the diggings far up in the Sierra foot-hills, however, the first snowfall early in November caused a cessation of all mining operations. Succeeding snowfalls, at short intervals, soon blocked the trails along which the pack-trains from below were wont to freight in supplies, and by Christmas there was a general exodus of miners from the higher altitudes because of a scarcity of food.

The majority were bound to San Francisco, there to spend the winter, or at least as much of the winter as their luck and prodigal natures would permit. Happy Camp was their first stop on the way out; hence Happy Camp buzzed with excitement and lavish spending. It was a paradise for the gamblers there installed.

The day before Christmas, in the van of this outward-bound hegira, the Bart and Mr. Poppy arrived. They came to the cabin of D'Arcy's company as it was seated at dinner.

"God bless all here," the Bart boomed jovially. Immediately he hung up his hat and coat, slid into a vacant space on the dinner bench and eyed Jim Toy benevolently. Mr. Poppy did likewise.

Said he, quoting from St. Luke: "Blessed are ye, when men shall hate you and when they shall separate you from their company, and shall reproach you, and cast out your name as evil, for the Son of man's sake."

"Shet up, you blitherin' sky-pilot," Bejabers roared. "Merry Christmas and see how you like it."

"I can quote a little Scripture myself," D'Arcy laughed. "'Blessed are ye that hunger now; for ye shall be filled. Blessed are ye that weep now; for ye shall laugh.' Jim Toy, feed these prodigals."

"Ah, Dermod, ye're a true son of your father. Divil a man ever turned hungry from his door—or thirsty, for that matter. What the divil's come over this house? Have ye nothing to welcome a man with?"

"'Wine is a mocker and strong drink is ragin'—'" Bejabers began, but a weary, pathetic look in Mr. Poppy's eyes halted his quotation. "Mr. Poppy," he said with rough tenderness, "ain't you well?"

"I'm worried," Mr. Poppy admitted.

"Which the same is no proper state to be in at this season o' the year. Nothin' like a scuttle o' hot grog to drown worry. Bart, the whisky jug's over in the same ol' corner, and if your hand ain't lost its cunnin' you might git busy and brew a Yuletide noggin for the gentlemen. Jim Toy's got hot water in the kettle."

The Bart stood up. There was a mist of emotion in his eyes. "We have marched thirty miles through the snow and without food, boys," he said, "and for a week before that we have lived on short rations. I need scarcely say how deeply this welcome affects Mr. Poppy and me. As we approached the old homestead, where together we spent so many happy hours last year, it was our first intention to avoid contact with you. But upon further consideration—"

"You talk too much, Sir Humphrey, at a time when action is required," D'Arcy interrupted good-naturedly. "Mix the nepenthe, and then tell us what you and Mr. Poppy have been doing."

"We haven't been doing much, Brother D'Arcy," Mr. Poppy admitted sorrowfully. "I fear God did not intend my partner and me for miners. We have lacked equipment and supplies."

"Likewise guts an' enterprise," Judson suggested. "What you two weaklin's been doin'?"

"We have a claim on Hot Creek—so called by some idiot who fell into it while drunk and almost froze to death. We believe it to be a very rich claim, but—er—ah —"

"How long have you panned on your claim?"

"Five months, Bejabers."

"Well, you must have a healthy poke by now."

"Alas for human frailty, no! Permit me to explain. Hot Creek lies in a deep cañon and flows from northeast to southwest into the Arroyo Chico near the headwaters of the latter stream. In coming from our claim to Happy Camp, however, one does not follow down Hot Creek to the Arroyo Chico and thence down the Arroyo Chico to Happy Camp. There is too much timber along both streams, and the stream bed, which is the only open path, is not passable. Not even, I might say, jackass-able! The alternative route is straight up a three-thousand-foot hill to the summit of the ridge; then one follows along the ridge through the open timber on a mule trail which gradually winds down to Happy Camp."

"What's all this got to do with makin' a livin'?"

"Nothing, my dear Brother Harmon, nothing; but a great deal to do with hanging on to one's living after one has acquired it. On the summit of the ridge a godless wretch has erected a rest station, where, at usurious rates, he dispenses liquor to wayfarers. Twice since leaving Happy Camp Sir Humphrey and I have essayed to run the gantlet of this deadfall with our full pokes, but each time—" He sighed.

"Tempted beyond your strengt', eh?"

"Even so, my good Bejabers, even so."

"Was this here saloon in runnin' order when you two passed it recently?"

Mr. Poppy nodded.

Bejabers stared around at the company. "Seems like we got a pair o' paupers on our hands," he said sadly. And then the little man threw back his head and laughed. "As the alcalde o' Happy Camp," he cried, "I charge these two human misfits with vagrancy. Bart, are you guilty or not guilty?"

"Guilty, I very much fear," the Bart replied amiably. He was not a whit abashed.

"Then listen to the sentence o' this honorable court," Bejabers continued, and banged the table with his fist. "What this camp needs is a doctor and a preacher. We had a doctor, and a good one, with all his tools o' trade and an assortment o' drugs and what-all that'd 'a' done credit to a city apothecary shop, but the durned fool can't stand prosperity. He wants to sell out his practice and go down to San Francisco for the winter.

"D'Arcy and company'll buy him out, clothe you in fine raiment, Bart, and install you as the local medico. I'll arrange the schedule o' fees and we'll give you board and lodgin' here. Your old bunk ain't been slept in since you left. Mr. Poppy we sets up in business as a regular parson, holdin' services in the local dance-hall every Sunday, which the Sunflower Kid plays the pianner and sings tenor something

beautiful. I'll pass the contribution plate and we make this a profitable enterprise; between the doc's fees and your collections we reimburse ourselves for setting you two up in business as comfort dispensers. How about it?"

"I should feel hypocritical," the honest Poppy admitted.

"Who cares a hoot how you feel! The idea is to git you settled for the winter and have you earn your keep. No back talk to the alcalde o' Happy Camp, Mr. Poppy, or I'll find you guilty o' contempt of court and make you wash the dinner dishes. However, I wouldn't deceive even Jim Toy in the matter of a job. There's a ketch in this one for you and the Bart. No drinkin'! In the case o' the Bart it'd be highly dangerous, and in your case, Poppy, it'd be unethical and subversive o' public morals."

"Not a single, solitary little nip?" The Bart was disturbed.

"Only under my supervision. I ain't no killjoy."

"I accept, Bejabers."

"So do I," Mr. Poppy promised, but without enthusiasm.

Bejabers glanced at D'Arcy. "This here camp's beginnin' to take her place in the galaxy o' fair cities," he decided, with all the vast enthusiasm of one who has labored long and brought forth a work of beauty, a thing of worth.

# *Chapter Twenty*

From the day he had attempted to deliver the body of Romauldo, Dermod D'Arcy had not seen Don José or his daughter, nor had he heard from them directly or indirectly. With the establishment of the express office and a trading store at Happy Camp, he had not had any excuse to leave the Arroyo Chico.

He had given all of his time and energy to mining, and with highly gratifying results. Nor did he care to leave Happy Camp even though an urgent reason presented itself, for despite the exceedingly desirable quality of their claims, Judson and McCready, born nomads and gamblers, were with difficulty restrained by D'Arcy's sound arguments from yielding to the gold-fever and wandering off to new —and according to unverified report—amazingly rich fields. They were good men, honest, fearless, and wholly dependable in a fight, and he did not wish to lose them.

He had another very vital reason for holding his little company together. In the autumn the first wave of antiforeign sentiment reached Happy Camp—a sentiment that had its genesis in the tendency on the part of American emigrants to regard themselves as the kings of earth, the natural heirs by right of conquest to this heritage of the ages. With the customary arrogance and greed of the Anglo-Saxon they had no hesitation, once they found themselves well in the ascendency in point of numbers, to bully, harass, and overpower the Kanakas, Negroes, Indians, Mexicans, Chileans, Peruvians, and in fact all Latin-Americans.

The French, also, fell under the ban of their selfishness and displeasure, and they unhesitatingly classed as "foreigners" the Hispano-Californians, who by virtue of the Treaty of Guadalupe Hidalgo were now American citizens. There had been threats, beatings, a few killings and uncounted dispossessions in several districts, and as a result the Latins in self-defense had migrated to the southern mines and were largely congregated in the vicinity of Sonora.

The first intimation D'Arcy and his friends had of the state of public feeling on the Arroyo Chico came one morning in January when a party of thirty miners called at the cabin. They were led by a hairy-breasted, red-shirted, ignorant, and thoroughly intoxicated exile of Erin, who brandished a pick-handle and made loud and profane demand for the persons of the Frenchman Vilmont and Jim Toy.

"We're a committ-ay to dhrive all the furriners out av the disthrict," he explained. "Thim that don't go whilst they have the chanct will shtay here for good," he added.

Dermod, amused, glanced at Bejabers, who looked around at the company, saw that none of them were at all impressed at sight of the clamorous mob, and

decided instantly to move into action. A bucket of greasy dish-water, in which the breakfast dishes had just been washed, stood on the cabin table. Bejabers reached for it, but D'Arcy was quicker. He deluged the spokesman with the unsavory fluid.

"Clear out, you scum," he ordered. "How dare you hold yourself the mental, moral, or social superior of Jim Toy? Jim Toy's a Chinese gentleman while you're a bestial, bog-trotting, ignorant Irish hoodlum."

"Hah! So you're Irish, are you?" the surprised and befuddled spokesman yelled.

"Not your kind!" the Bart, appearing around the corner of the cabin, made the answer. "And here's another Irishman. Not much of a credit to the dear green land, but loyal to his friends and partners in a fight. Guard me back, Dermod, my boy," he begged, and launched his old body at the mob leader. In an instant the antiforeigners were on top of him like a pack of angry, snarling dogs.

"My partner!" Mr. Poppy screamed hysterically. "They're killing my partner. I'm a man of peace, but if I must kill, why—"

"Don't talk. Kill!" Bejabers urged, and leaped into the fray, pistol in hand. The pick-handle, knocked from the hand of the mob leader, protruded from the midst of the riot, and Mr. Poppy grasped it. Uttering wild, almost feminine screams, he waded into the conflict; D'Arcy, Judson, McCready, and Vilmont, armed with pistols and pick-handles, followed him, while Jim Toy, a cleaver in hand, flirted around the fringes of the conflict, intent on lopping off as many antiforeign heads as possible. From somewhere in the center of the scrimmage the late surgeon of the British Navy was shouting a Celtic war-cry: "Faugh-a-ballagh! Faugh-a-ballagh!"

For the space of a minute pistols and pick-handles rose and fell; attackers and defenders were so inextricably mingled that shooting was impossible nor could Jim Toy find opportunity to smite with any assurance that he would not be smiting a friend and partner.

Suddenly from the antiforeign reserves crowding up from the rear a man shouted: "No fightin'! A lady! A white woman! Stop it! The first American woman in Happy Camp!"

The effect was magical. One by one D'Arcy and company backed and twisted out of the fray and retreated to their cabin. In the foreground a dozen men were down, some quite out of action, others on their hands and knees weakly striving to rise. Beyond them, the reserve of the antiforeign element stood gawking at the stage, on the front seat of which, between the express messenger and the driver, sat a gorgeously dressed female, obviously of Nordic antecedents. Over her head she held a little parasol, the while she gazed with cool interest upon the men of Happy Camp.

"No fightin' in the lady's presence," somebody warned.

The stage driver reined in his mules, and the express messenger casually "threw" his sawed-off shotgun down on the men still standing in the open. "Is this a private fight, or can anybody get into it?" he demanded raucously.

"For shame!" the lady cried. "Three dozen to a half-dozen. You cowards!"

The Bart picked himself up on hands and knees from among the fallen and scuttled like a gigantic land-crab to the shelter of the cabin. "A grand battle," he croaked. "What a pity to stop it!"

D'Arcy stepped outside again. "You vagabonds disperse," he ordered. "You cannot have Vilmont and the Chinaman except by killing us first—and by the time that's accomplished the local cemetery will have grown amazingly." He strolled over to the stage-coach and lifted his hat. "Welcome to Happy Camp, madame—or mademoiselle, as the case may be. For this unseemly brawl in your presence the entire camp desires to apologize."

A pair of humorous brown eyes appraised him approvingly. "The apology is accepted, sir."

Bejabers Harmon now stepped out of the cabin. "Three cheers for the lady!" he shouted. The cheers were given with a will, and immediately thereafter there came a tremendous fusillade of pistol-shots, Bejabers setting the example by tossing his ragged old hat into the air and putting three shots through it before it came down.

"Shall mere mules drag this angel into Happy Camp?" he demanded.

Cries of "No! No! Never!" answered him, and on the instant the late combatants made a rush for the stage. In a twinkling the mules were unharnessed and led to one side; whereupon four miners seized each whippletree, and while others toiled at the wheels and pushed in the rear the stage rolled up into Happy Camp, discharged its mail and with whoop and cheer proceeded to the express office and thence to the Mansion House. Here another bloody battle was almost precipitated in the general rush to see which Happy Camp male should have the honor of assisting the fair passenger to alight.

Bejabers Harmon, with his customary incisiveness, settled the argument.

"The honor's mine! Stand back, you scalawags and pot-wallopers. I'm the alcalde and what I say goes. I'll fine any man an ounce for interferin'." He came to the near front wheel and looked at the vision with wide-eyed admiration. "May I have the honor?" he pleaded.

"The honor is mine," she replied gallantly, and fluttered down into his arms. Instantly he lifted her to his shoulder and bore her in triumph into the Stage Drivers' Retreat, where he set her carefully on the end of the bar. Then he pounded on the

bar for silence.

"Gentlemen, this is indeed an occasion. Happy Camp's been honored by a visit from a lady, a lady of our own kind, a lady fair and beautiful. To us who for a year and mebbe longer ain't feasted our eyes on a single solitary reminder o' all that's sweet and fine and noble in this dog-gone world, the arrival of this here charmin' person in our midst is as soothing and comforting as the first blossomin' of the dogwoods along the Arroyo Chico."

He turned again to the unexpected guest. "I ask you, fair lady, to forgive my bad manners in bringin' you into a saloon. I figger you'll grant it graciously when I inform you that upon all notorious occasions in Happy Camp—and I assure you, ma'am, the present overtops 'em all like Mt. Shasta overtops the world—it's the custom to celebrate. With your gracious permission the men of Happy Camp'll drink, in champagne, a miner's welcome to you."

The lady, blushing, but unembarrassed and seemingly resolved to enter into the spirit of the occasion, nodded acquiescence.

They drank to her, silently, reverently, respectfully, and in the eyes of many a sentimental ruffian tears welled unrestrained. News of the tremendous event percolated through the camp and along the creek; new contingents of miners, dog-dirty and excited, crowded the Stage Drivers' Retreat to feast their longing eyes upon the unaccustomed spectacle. For an hour the lady remained perched on the end of the bar, while corks popped about her and hard, soiled hands were upthrust to hers. Then amidst wild cheering she was permitted to depart for the room which the proprietor of the Mansion House insisted upon placing at her disposal without cost.

Gradually Happy Camp returned to normalcy. The antiforeign sentiment had died, as Bejabers expressed it, "a-bornin'," effectually stifled by this amazing new interest.

About nine o'clock that night Bejabers returned from a round of the local halls of Not a Chance and awakened his partners. "I got a horrible announcement to make," he said tragically. "That there rose of a white woman we welcomed to camp today ain't a lady. She's the imported consort o' Feather River Henry—him that deals faro-bank at the Sluice-Box. I'm dogged if she didn't go on shift at eight o'clock. Yes, sir, right now she's a-settin' up on the dais actin' as lookout on his game. And nary a weddin'-ring!"

"Oh, my heavens!" Mr. Poppy moaned.

Bejabers sat down and kicked off his boots. "I never was so deceived in my born life," he lamented. "Us a-buyin' champagne for her and a-draggin' of her

around the camp by hand in the stage-coach! I'll never git over this. Everybody's a-blamin' me for it, too, on account o' me sort o' puttin' myself forward. It's hurt my standin' as alcalde. Didn't all o' you boys think she was a lady?"

"I thought she was wearing too many diamonds," the Bart replied, "but at the time of gazing upon the lady I was seeing so many stars, due to a blow on the head, that I gave the dear colleen the benefit of the doubt, but refrained from attending the *soirée* in her honor."

"Nor did I, Bejabers," D'Arcy added. "I realized instantly she was not a lady."

"Why didn't you tell me? You're a hell of a pardner."

"I was too busy thanking our lucky stars she had appeared on the scene in time to avert a massacre; when I realized you were starting a diversion that would cool a great deal of hot blood, I permitted you to proceed."

"Too many diamonds, eh? Is that a sign, Bart?"

"In daylight—yes."

Bejabers groaned. "And I'm one o' the fools that wept jest to look at her. When I think o' wastin' my sweetest sentiments like that I could drownd myself in the creek."

"I have heard some gossip to the effect that not less than half a dozen Happy Camp citizens proposed marriage to the—ah—lady before supper. Were you one of them, Mr. Harmon?" Mr. Poppy inquired.

"The dee-bate's closed," Bejabers replied doggedly.

"That settles it. You proposed to her."

"Undoubtedly," the Bart agreed.

Bejabers remained silent. He was too honest to tell a lie, too ashamed to admit his guilt.

D'Arcy intervened. "You lovable simpleton, go to bed and get your rest."

"I suppose mebbe I'd better, son. I got to fight a duel in the mornin'. Your old friend Alvah Cannon's in town ag'in. He was with that mob that called this mornin'. That feller's too frequent, so tonight up at the Sluice-Box I label him publicly as an undesirable character and as alcalde I give him notice to quit the camp for the greater good o' the camp and not linger pickin' wild flowers on his way out. I'm informed on reliable authority he's the feller sicked that mob on us and worked up the sentiment ag'in Vilmont and Jim Toy. I reckon he was a-figgerin' to jump Jim Toy's claim, because it seems all the other fellers in the mob got good claims o' their own. I figger this feller Cannon's a disturbin' character and if I let him linger around he'll come to a bad end."

"He refused to take your hint, eh?"

"Sure did. So I insult him all I can and challenge him to shoot it out tomorrow mornin'. He accepts and I'm satisfied. I'm expectin' you to be my second, Dermod."

"You're not going to fight him on your own account or for the sake of society in general," Mr. Poppy charged. "You've challenged him to make certain Cannon and D'Arcy do not meet sometime later—perhaps with disastrous results to our side."

"Well, ain't I a better shot than Dermod?" The naïve simplicity of the man brought a lump to D'Arcy's throat. "Anybody that threatens one o' my pardners—and Cannon threatened tonight to kill Dermod on sight—has got to face me. If I ain't been present when this skunk makes his brag I'd sure accord Dermod the right to kill his own snakes, but me bein' present I got to take his remarks as an insult and challenge him in public. So there ain't nothin' to it but a duel."

"To sleep, everybody," D'Arcy ordered. "Sleep before a fight is a vital necessity. I'll be your second, Bejabers, and if he downs you he'll have to fight me next."

"True words." Judson had spoken. "We need our sleep."

"Them's my sentiments, gentlemen." This from McCready.

"Good night, everybody," Mr. Poppy faltered.

Bejabers rolled into his bunk, and silence descended upon the cabin.

D'Arcy waited until the sound of deep breathing convinced him that all of his partners slept soundly; then he dressed silently, buckled on his pistol and started for the Sluice-Box. Here he found Alvah Cannon engrossed in faro, with Feather River Henry dealing, while the latter's light-o'-love watched, from the dais, the cards and cases.

D'Arcy tapped Cannon on the shoulder. "May I speak privately with you, Cannon?" he asked.

"If you got anything to say to me, say it here," Cannon retorted belligerently. He had been drinking and was filled with false courage.

"I understand you are going to fight a duel with Bejabers Harmon in the morning." Cannon nodded. "I just wanted you to know that if and when you have polished off Bejabers you have an engagement to fight another duel with me. Good night."

He backed out of the room and returned to the cabin. En route a figure passed him; he thought he recognized McCready, but did not hail him. He had just retired again, when he heard somebody enter the cabin and climb into bed. A little later another partner stole softly out into the night, returning in about ten minutes, and no sooner did this one's breathing indicate he was asleep than the Bart fared forth.

Scarcely was he gone when Mr. Poppy dressed and followed; and then Jim Toy followed the two. D'Arcy decided that Vilmont, who understood very little English —not a quarter as much as the Chinaman—would not go; and in this assumption he was right.

Immediately after breakfast Bejabers made his will, bequeathing to D'Arcy all his worldly goods and chattels. The Bart wrote it for him. "Now, then," the little man announced, "we're ready. Cannon and his friends are to meet us up by the cemetery. You fellers comin' to the show?"

For reasons best known to themselves, his partners informed him that they would accompany him, so Bejabers strode ahead. Just outside the door a miner accosted him.

"I'm one of Cannon's seconds, alcalde," he announced respectfully. "My principal has decided not to fight you with pistols. He remembers seeing you throw your hat in the air yesterday and put three holes through it before it came down. It seems that as the challenged party he has the right to choose the weapons."

"Whatever he wants goes with me."

"He wants to fight you in the old Spanish-Californian style. You will be handcuffed together by your left wrists, given a bowie-knife and locked in a cabin. The man who comes out wins."

"Bring on your handcuffs and bowie-knives," the alcalde of Happy Camp responded promptly.

"The doctor," the other suggested, with a glance at the Bart, "will doubtless be good enough to attend in his professional capacity?"

"I am the private surgeon of Bejabers Harmon," Sir Humphrey replied vigorously. "I will attend as a belligerent should Bejabers die and Cannon survive unhurt. I've challenged the dog myself. By the powers, I never thought I'd live to see the day I'd fight with a ruffian, but—other times, other customs."

"We won't need no doctor," Bejabers complained. "If anything we'll need a coroner and an undertaker. Lead me to the cabin we fight in."

Cannon's seconds pointed it out and departed to bear to Cannon the news of the acceptance of his terms by Bejabers. A little later, while they waited, the outgoing stage swung down the main street and pulled in at the express office. Suddenly Alvah Cannon came out of the Sluice-Box and climbed into the coach as it rattled away! D'Arcy, McCready, Mr. Poppy, Judson, the Bart, and Jim Toy commenced to snicker.

"What you snickerin' about?" Bejabers demanded irritably.

"Last night after you had retired we all arose, one by one, went to the gambling-

hall and challenged Cannon. Honor forbade the withdrawal of your challenge, but did not prohibit additional challenges. I imagine we each decided that with such an accumulation of trade our friend Cannon would decide he couldn't handle it all and would go out of business! He doesn't lack a certain courage; he'd have taken a chance on you, perhaps, but it was sure death to take on all your partners."

Mr. Poppy threw a lank arm around Bejabers. "You little fire-eater," he said, "we all love you. We couldn't bear to see you leave us."

"Did you challenge him, Mr. Poppy?" Bejabers was incredulous.

"I did—and shook in my boots while doing so."

"Why, Mr. Poppy, how could you? You're a man o' God."

"I am a child of the devil," Mr. Poppy answered grimly. "When one finds himself bound on the wheel of circumstance one is helpless. When in Rome do as the Romans do."

Bejabers was profoundly affected. The action of the others was to be expected; they were fighting men, but Mr. Poppy, he knew, must have fought a terrible fight with his conscience, must have suffered ten thousand deaths before screwing up his courage to the point of issuing his challenge.

"You're—you're a square pardner," Bejabers mumbled. "I—ain't never goin' to criticize you no more."

"He's the noblest Roman of us all," D'Arcy added, and Mr. Poppy blushed pleasurably under their earnest commendation.

As they were passing the post-office en route to their cabin, the postmaster, who was also the proprietor of a general store, stopped Mr. Poppy. "I been wonderin' if this letter ain't for you, reverend," he said and handed Mr. Poppy a letter for his inspection.

"Yes, thank you, it's for me."

"It's been here three months. I figgered if you was in camp you'd call for your mail—and when you didn't, I stuck it away with a lot of other mail that don't seem to have no owners. Just happened to think of it."

"I have been away from Happy Camp several months. I left before the postal system was established and neglected to leave a forwarding address. Thank you."

He excused himself to his friends and commenced a perusal of the letter; after reading a little while he turned his back upon them.

"Come away," D'Arcy whispered. "It's from his girl back East."

When Mr. Poppy rejoined them at the cabin it was apparent that he had been weeping. The Bart placed an arm around the derelict but said nothing.

"Well, Mr. Poppy," D'Arcy suggested presently, "it seems you're in trouble.

We'll do anything humanly possible to get you out of it, if you care to confide in us."

"The letter was from a girl back East. I—I think I told you something about her once."

"You did. What about Martha?"

"She was due to arrive in San Francisco a month ago. Her parents have passed away—they objected strongly to me, you will understand—and as Martha had no human being to consider save herself, she sold the few effects they left her, and with a few hundred dollars thus derived, purchased a ticket to San Francisco, to join me. She wrote me two months before the date she was to sail from New York, in order to guard against any reasonable delay in the delivery of the letter. She asked me to meet her in San Francisco—we were engaged, you know. She had an idea we'd both be better off if we got married. . . . She didn't have much money—and if she's been in San Francisco waiting for me the past month or more the Almighty only knows to what extremes she has been driven."

"You'll have to go to San Francisco immediately, Mr. Poppy, and search for her."

Bejabers, McCready, and Judson nodded owlishly.

"I am destitute," Mr. Poppy faltered.

"You shall have sufficient gold for your needs, Mr. Poppy. I will advance it personally—"

"You won't nuther," Bejabers interrupted. "We'll charge that item to expense."

D'Arcy smiled at him and continued. "We will therefore send you down on the stage to Marysville tomorrow morning. You will take passage on a river steamer from there." He weighed out two thousand dollars in gold, placed it in a buckskin poke and handed it to Mr. Poppy. "You may repay this when and if you desire. No thanks are necessary. We all hope you can manage to pull yourself together and play the game with this girl who trusts you so."

# *Chapter Twenty-one*

When Mr. Poppy "went below" next day the Bart rode down the trail a couple of miles with him, giving him sound advice and heartening the poor devil for the uncertain future that lay before him. Returning to Happy Camp, the ex-surgeon of the British Navy was met in front of the Stage Drivers' Retreat by Feather River Henry's recently arrived light o' love, who accosted him.

"Are you the doctor?"

"I am."

"Will you call and see Henry? He was taken very ill about three o'clock this morning and has been growing worse steadily. He is really a very sick man. He tells me he hasn't been feeling well for three days."

The Bart accompanied her to the cabin where her consort lay tossing in his blankets. It was not at all a difficult case to diagnose. Feather River Henry complained of having been seized with a severe chill twenty-four hours previous; since then he had suffered from an intense headache and pains in the back and limbs; he had a high fever and his tongue was furred. The Bart examined the palms of his hands, the soles of his feet, and his abdomen, and found a rash.

"I'll know more about him tomorrow," he informed the woman. "I know now, of course, that he has smallpox. If it's varioloid we'll not worry particularly, but if it's confluent or hemorrhagic and the infection spreads, then heaven help Happy Camp. There isn't anything much I can do for him, except give him a little opium to relieve the pains in his head and back, and a little whisky to keep his heart-action up during the high fever.

"Ye've been so generally exposed to the infection that ye'll have to remain in this cabin, otherwise ye'll spread the infection. So I suppose ye'll nurse him. Keep him clean and give him lots of cold water to drink. Have ye ever been vaccinated?"

The girl shook her head; she had grown pale, and fright shone in her eyes.

"What's your name, my dear?" the Bart queried paternally.

"Madge. Madge Minturn."

"What's Henry's full name?"

"Henry Paul Thompson."

"Any people—I mean, is there somebody ye'd care to have me write to? Of course I do not mean to be an alarmist, but—Henry is a very sick man and ye may soon be a very sick woman."

"Nobody," she answered dully. "Henry and I have taken our lives in our own

hands. We are outlawed among our people."

"I'll see if my predecessor in this camp left any vaccine among his stock of medicines, Madge," the Bart suggested. "If he has I'll vaccinate ye and if we get a quick 'take' we'll all feel very much happier about the situation."

He hurried away to his little combination office and drug store, there to search around in his pitifully inadequate supply of medicine, for vaccine. To his great joy he found some—sufficient to vaccinate seven persons. Immediately he vaccinated the girl Madge; then promptly repaired to the cabin of D'Arcy and company, to whom he explained the situation confronting the camp.

"We have all been exposed to infection," he went on, "because we all called upon Cannon while he was playing faro at Feather River Henry's table last night. Henry told me then that he had a fever and a headache, and I felt his pulse. So now then, me lads, I have a small supply of vaccine here. Come over to my office and I'll vaccinate all of ye, with the exception of Jim Toy, who has had smallpox and is now immune."

He vaccinated the company.

"How about you, Bart?" Bejabers queried. "You immune, too?"

"Goodness knows. Time will tell."

"Have you vaccinated yourself?"

"Divil a hair."

"You old idiot! Vaccinate yourself, Sir Humphrey," D'Arcy urged. "We cannot run the risk of losing you now. You're the most important man in Happy Camp."

"'Tis an honor I do not deserve." He smiled brightly at his friends. "I haven't any more vaccine, me dear children—and how the divil my predecessor ever thought of stocking up with the little I found is a grand mystery. I hope the stuff's good. If it isn't—why, ye're just as well off as I am." He sat down and lighted his pipe. "There isn't much that a doctor can do," he went on, "and that little an instructed layman can do. Of course there'll be a panic in Happy Camp when this news leaks out, and in time of trouble 'twill be a comfort to have you lads at my back. God grant your arms may be killing ye three days hence. . . .

"Well, go back to the cabin now and remain there two weeks. If none of ye come down with smallpox in that period—and the vaccination should take in the meantime—'tis the happy man I'll be."

"It looks," Bejabers murmured thoughtfully, "like a hard winter. I'd just as soon pull out of Happy Camp till spring, if it wasn't for sort o' goin' back on the community. When a feller's the alcalde he's got to set an example."

D'Arcy laughed—a short and slightly bitter laugh. "We haven't sufficient gold on

hand to support ourselves in Sacramento or San Francisco until spring," he reminded Bejabers. "That gold we gave Mr. Poppy left us a little bit short. I shipped all but enough to carry us through the winter, and we cannot get more until we resume mining in the spring."

They found a deserted cabin and moved the Bart and Jim Toy into it, supplying them with blankets, food, and a few cooking utensils from their own stock.

"Mind what I tell you," the Bart warned at parting. "Put a quarantine on yourselves and stay in your cabin; don't let anybody in."

Two days later the prisoners heard a rock bounce off their cabin door. D'Arcy opened it a few inches and peered out. Standing down wind from him was the Bart. "Feather River Henry has just blinked out, lad!" the surgeon shouted. "It's confluent smallpox, God help us. I'm going to pile pitch-pine cord-wood in his cabin, lay him on top of it, soak the lot with coal-oil and burn the cabin. Set a can of oil outside your door. I can't go to the store for it."

"You'll burn Happy Camp, Sir Humphrey."

"I think not. All the cabins are built of green timber and are wet with the melting snow. To burn the cabin with the corpse in it is the best way to stamp out the disease, although I have four new patients and three more coming down with it, I'm afraid. How are ye boys?"

"Fit as fiddles, Sir Humphrey. Our vaccinations are all very itchy and feverish."

"Hurroo!" The Bart tossed his battered old hat in the air and caught it again as it came down. "They're taking! Glory be to God! Madge has an arm on her, too. By the way, I'm worried to know what to do with the woman. I can't send her to the Mansion House—they'd shoot me if I did—and I can't induce her to remain longer in my cabin, for the silly wench has no confidence in Jim Toy. Could I send her over here?"

"Desperate circumstances require desperate measures, my friend. If she'll come she'll be welcome, and we'll treat her as we would a sister."

A groan burst from Bejabers.

"And that isn't the worst news I have for ye, either," the Bart went on mercilessly. "There's a dashing young Hispano-Californian woman, attended by a *vaquero*, waiting to see you, Dermod. She arrived a few minutes ago."

It was now D'Arcy's turn to suffer. "Send her away!" he shouted. "In pity's name, send her away."

"That," Sir Humphrey replied, "is impossible. We're in a great fix, lad. A man has just ridden into camp to inform us that he represents the people down country. It seems that animal Cannon was taken off the stage at Marysville very ill, and the local

doctor has diagnosed his case as confluent smallpox. Cannon informed them he had been in Happy Camp for three weeks prior to coming to Marysville, and as it requires from ten to twelve days for the disease to incubate, a fool would realize he contracted the disease here.

"There's a guard on the hills to the north and the south of us, and on the trail down the Arroyo Chico. Nobody can escape to the high country east of us and circle down to the valley again, because the snow is twenty feet deep there. Begob, we have our orders. Nobody can leave this camp until the epidemic has run its course. The Hispano-Californian girl arrived just in advance of the guard—and now she can't go out! The guards will challenge at a hundred yards, and if the challenged party doesn't turn back they'll shoot to kill."

"Send that messenger and Señorita Guerrero over here," Bejabers called to the Bart. "Dermod will talk to her if she'll forgive his bad manners talkin' through a crack in the door. And I'll argy a little with that there messenger from the folks below. Send the girl first."

The Bart departed, and in a little while Josepha Guerrero came into view, riding the black mare Kitty.

"Don Dermod," she called.

"I am here, Josepha." He opened the door wide.

"My father is dead, Don Dermod. A week ago, while riding a colt, the animal reared and fell backward with him. I have called to return to you the gold you lent him. There will be no need of it now. As for the interest, I shall sell some cattle to the Americans at Sacramento or Marysville and pay that later. I would have the mortgage returned to me then."

"You shall have it returned to you now. It has never been recorded, nor did I ever intend to record it, even though such record might have been made with the secretary of state, under the old government, at San José. As for the interest, I do not want it."

The girl rode a little closer to the door and flung bag after bag of gold at the threshold. "You shall have your interest, Don Dermod," she assured him. "I would not be under a debt to you."

"As you will. I am sorry for your father's death. I grieve for you, Josepha. If you will wait a moment I will get the mortgage." He thrust it, opened, through the door. "Observe it," he commanded. "Do you recognize this document? Come close enough to see, but not too close."

"It is the mortgage my father gave you, Don Dermod."

"You may not touch it, Josepha." He turned the pages slowly, one by one. "You

observe it has not been recorded? It is as your father gave it to me, is it not?"

"It is, Don Dermod."

He struck a lucifer-match and touched the tiny flame to the document, holding it until but a corner of it remained unconsumed, and this he tossed away.

"You have destroyed the evidence of indebtedness before weighing the gold I have returned," the girl chid him gently.

"Occasionally you will meet a gringo who does not doubt a lady's word. And now that our business has been consummated, I must tell you that there is in this camp a violent and very fatal epidemic of smallpox. The doctor who brought you here has explained the situation to you, has he not?"

"A very little. He speaks English very fast and with a certain accent. I did not understand him well."

"Then I will explain," and D'Arcy proceeded to do so.

"So! I may not, then, return to my home? This is not pleasant." Her pale features predicated fright.

"Accommodations of a sort may be had at the hotel. I am sorry for this quarantine, but it is a just measure and very necessary."

"It is better that a few should die than that the country should be swept by this scourge, Don Dermod." And that was her sole comment in the face of her truly desperate situation. "The guards on the road will, perhaps, be good enough to send to the Rancho Arroyo Chico the news of my enforced stay here; otherwise my poor people will be sadly worried. The majordomo will care for the rancho, of course. He knows no other home, no other loyalty. But I talk too much of myself, Don Dermod. Are you ill? Have you been ill?"

"No, thank you. I have been vaccinated and it is now improbable that I shall have smallpox; if so, it will be a very light case. But I shall be very distressed until I know you have escaped contagion."

She threw her little hand up in a gesture suggestive of fatalism. "It matters little now what becomes of me. The covered wagons of the emigrants crowd the highways; they camp on the rancho; they help themselves to our cattle. Some, even, attracted by the land, have built habitations upon it and are tilling it. It will require time, money, and the law to rid myself of these people. They defy my majordomo; soon they will impoverish me. I—I—cannot dwell in poverty."

"When I am free to leave Happy Camp, Josepha, I will rid you of these unwelcome visitors. They are called squatters, and in the absence of government they have elected to ignore all land titles. But soon we shall have a government functioning; even now it is in the making. But, as you say, it will require time and

money to protect your interests."

"I will not trouble you, Don Dermod, to risk your life, your time, or your money in my behalf."

"I shall require no reward," he replied coldly. "You are no longer in my debt; I hope you will not again be indebted to me, but I should like to be indebted to you for permission to serve you."

"But your pride—" she began.

"I guard it well. No woman shall ever trample upon it, I assure you. It is that I have a code. No man may trample upon the rights of the unfortunate and the helpless while I turn a deaf ear and an unseeing eye to such oppression. For that I seek no reward save the delight of knowing I have played the man's part."

"Perhaps, Don Dermod, you will expect a reward."

"In that event I shall not reveal my expectations. I have told you that no woman may trample on my pride. I shall hope to have the honor of serving you, and when my service is done I shall ride away, nor seek to remind you of it."

"You are a strange gringo, Don Dermod. Sometimes I think I am close to an understanding of you. . . . Well, we are prisoners together, it seems. I will pray for your liberty." She waved her gauntleted glove at him and rode up into the heart of the camp.

Presently the messenger from the quarantine guard rode up. Bejabers Harmon strode out to meet him.

"The doctor tells me you fellers want to see me," the messenger shouted. "Don't be afraid to come close to me. I've had smallpox, and it ain't so ketchin' with me. If I get it I'll get over it. What do you boys want?"

"I'm the alcalde," Bejabers informed him with great dignity. "As the representative of law and order in Happy Camp, I received your message. It's a fair message and the sensible thing to do; I'll spread the news and do my best to see to it that Happy Camp respects the wishes o' the majority. *Caramba*, stranger, but you're certainly pockmarked. I suppose that's why you got elected to carry the message to us, ain't it?"

"You've guessed it."

"Welcome to Happy Camp. She's a mite depressed now, I admit, but ordinarily she's a hummer. You're the guest of Happy Camp from now until I let you go, mister. If none o' the rest of us can go out, 'twouldn't be fair to make an exception in your favor."

"But I must rejoin my friends, to report to them the delivery of their ultimatum—"

"Sho, boy. Pull up. You're tryin' to back out o' the saddle. How do you know

the wind ain't blown some smallpox germs on you? And yet, here you are a-fixin' to carry 'em back to your friends." He came closer to the pockmarked man. "Git off'n that horse and make yourself to home the best you can, stranger. I'm goin' to put a guard of our own on that trail with orders to kill the first man that tries to break quarantine. Your people can halt them that's tryin' to get into Happy Camp, but Happy Camp'll 'tend to them as tries to get out. 'Tain't often we get sich a pockmarked visitor," he added with grim irony, "and when we git one, particularly at this season o' the year, we certainly do cherish him. Seems like it's awful hard to git male nurses here lately."

The stranger laughed. "You win," he replied. "Your argument's fair. I wasn't figuring on spending the winter in this hell-hole, but since you insist, why, have it your way."

Each day the Bart threw a rock at their door; when they opened it he gave them news of the progress of his battle. Each day saw from one to five persons stricken; each day a cabin or two became a funeral pyre.

The Bart was unshaven, unkempt, unwashed, and ragged; his eyes were sunken, ringed with worry, work, and sleeplessness; he walked with a laggard step and his old-time cheerfulness was gone. He wanted a drink and he would not take it.

He did not spare himself, for he was again a knight—a knight of Hippocrates, faithful to his oath. If he had been a delightful, brilliant waster and prodigal most of his days, he was atoning for it now.

The relict of Feather River Henry did not demur at taking up her residence in the D'Arcy cabin. Fortunately, she was of that type of femininity which is never at ease with women but ever at ease with men.

Her hosts stretched a blanket across the end of the cabin, thus insuring her a measure of privacy; she slept in Mr. Poppy's bunk and for the first two days of her sojourn remained *incomunicado*, weeping violently for the late Feather River Henry.

Her sobs and the knowledge that they could do nothing to alleviate her suffering, weighed heavily on her hosts; they were plunged in an abyss of melancholy and irritation, for her presence inhibited their free and easy social intercourse, particularly in the matter of colorful metaphor and affectionate abuse. On the third day, however, Madge reacted from her grief and commenced taking an interest in life.

"You men are too nice," she chid them. "I'm used to men that are free and easy. Swear all you want. I'm no sweet, drooping little snowflower. I'm no more pleased to be here than you are to have me, but we're afloat in a sinking boat and might as well be cheerful about it. I'm not going to cry any more. It depresses you boys."

"I reckon that's because you're all cried out," the philosophical Bejabers

commented. "How'd you like to take a hand in a poker game? Draw-poker, the game of skill. We bet I. O. U.'s payable after our next dividend, and you can bet 'em as high as a hound's back."

Madge was agreeable to this suggestion; when she wearied of poker they conversed. D'Arcy found her mentally alert, fairly well educated, and, for a woman, exceedingly democratic and tolerant. To employ the idiom of a later day, Madge was always herself. She had a temper and was belligerent for cause, but she subsided quickly; she had a masculine sense of humor and as the days passed she slipped insensibly into the perfect comradeship of the miners.

In this day and generation Madge would have been termed a "kidder." With the moot exception of her unconventional association with Feather River Henry, she had a splendid sense of sportsmanship and honor as men know it; she was neither depraved nor vulgar, she was good to look upon and she hadn't a lazy bone in her body. A self-sufficient young person, indeed, one with an amazing courage and optimism.

She had been married, and with her husband had arrived in California late in '48 from Australia. In San Francisco her husband had disappeared, to be discovered a few days later lying in the wash of the surf in Yerba Buena cove, his head crushed in and his pockets turned inside out. Feather River Henry, who was dealing faro in the Bella Union at the time, had at first been disinterestedly kind to her. He had been careful to explain that he was not a marrying man. Of course there had not been lacking any number of lusty males eager and willing to relieve her of the worries incident to her penniless station, but—as she explained to D'Arcy and his friends—a certain respect for the memory of Minturn had indicated that she should not marry too precipitately.

Subsequently she had forgathered with Feather River Henry and had been very happy with him. After he left her to go to Happy Camp she had followed as soon as he had become settled there.

Madge cooked for them, mended their clothes, so sadly in need of her womanly attentions, scolded them for their disorder, treated them like so many small boys. It was impossible not to like her—and little by little the thought found haven in Bejabers's brain that Madge really was a lady, provided one did not draw the lines too fine. When a week had passed he ventured the opinion to D'Arcy that their guest was a fine woman and would never have stubbed her toe socially if she had had the right sort of husband in the first place, and had not been left at the mercy of a masculine world.

D'Arcy observed that when Madge renewed the dressing on Bejabers's

inflamed arm a look, bordering on beatitude, appeared in Mr. Harmon's none too lovely orbs; from which he surmised that the scandalously naked little cherub with the bow and arrow was stalking the alcalde of Happy Camp.

When, at the end of eight days, none of the vaccinated men had developed symptoms of smallpox infection, the Bart came to a decision.

"Ye'll have to help me now," he informed them. "I've done the best I can for you; now ye'll have to stand shoulder to shoulder with me and do the best ye can by your fellow man. There are twenty cases up the arroyo, scattered over a distance of three miles. I need more nurses; this devilish scourge is getting away from me fast. The miners are in a grand funk and will no longer come near the afflicted. Everybody's staying indoors; like you lads, they only venture out to get water and fuel, or stand by outside their cabins with buckets of water when I'm burning the cabins of the dead."

"Come in, Sir Humphrey. Don't stand out there shouting at us."

"So I am, so I am. That's how a habit grows on a man." He entered and sat down. Silently Bejabers handed him a brimming bumper of whisky. The Bart eyed it tragically but shook his head. "My nerves are gone, me dear Bejabers. If I took one drop now I'd kill the man that'd keep me away from a gallon of it. Pay attention to me now, all o' ye. The quarantine on this cabin is lifted and the fight's really begun. Listen to my lecture on the care of smallpox patients and remember what I tell ye."

He lectured to them briefly; then led them to his patients, one by one, assigning a certain number of sick to each. "Jim Toy, the pockmarked man, and I are exhausted. We must have a night of complete rest," he reminded them. "Dermod, and ye, Bejabers, will take charge of the patients up the creek. Look for them yourselves. I'm too tired to show you the way."

In the terrible situation which faced him, the Bart had accomplished miracles. Upon the death of Feather River Henry he had commandeered the entire stock of lumber on hand at the little portable sawmill; then he had organized the men of the camp and proceeded swiftly to the erection of an isolation hospital, in an adjacent cañon, from which the prevailing winds could not blow the germs back upon Happy Camp. He had commandeered blankets for the rough board bunks and issued an order that any man feeling ill, and particularly with a mounting fever, a severe headache, and pains in the back and legs, was to walk to this isolation camp and remain until permitted to return.

In the face of a pitiful scarcity of even the most rudimentary means of combating the epidemic, the Bart had taken the sole means left to him, that of isolation and prompt destruction by fire of every cabin in which a smallpox case originated. He

had had dug a short distance from the isolation camp a long trench, to which he and Jim Toy and the pockmarked man had been carrying the dead and covering them with about eighteen inches of dirt.

"I have one complete layer down the full length of the trench," he informed D'Arcy and company. "We'll start a layer on top of that today. I have forty cases now; we've had twenty-seven deaths, and a census of the camp reveals a hundred and eighty-two people not yet affected. A man tried to run the guard last night. He got by our men but the down-country guard killed him. 'Twill be a lesson to the weaklings."

"Who was the man?"

"The Indian *vaquero* who accompanied Señorita Guerrero."

"Have you seen the señorita lately? Is she well?"

"She isn't in my isolation camp, Dermod. I have no time for social diversions."

"Have there been any cases taken out of the Mansion House?"

"The only cases taken out have been cases of whisky. I've commandeered it all for my patients. Nothing like a drop o' the craythure to keep up the heart-action." He turned to Madge. "Ye're chief nurse, lass," he informed her, "and the others will take orders from you in my absence."

"You're a rare old sport," Madge replied, and kissed him. "We'll not let you down. Go pound your tired old head. My word, that little Chinaman looks like a wraith. Somebody give the poor heathen a drink."

"And there were men in this camp who would have deported him," D'Arcy reflected. He rumpled Jim Toy's black head. "Jim Toy, you heap velly fine boy."

"You heap velly fine boss," Jim Toy replied, and staggered away to the cabin with the Bart.

Sometime during the night, as Madge was sponging a delirious patient with snow-water, the Bart came into the isolation hospital. "Anyone blink out while I was gone, lass?" he queried.

The girl pointed to a bunk, and the Bart staggered over and looked down into the horrible, swollen face of the dead man. Judson and McCready joined him.

"He just died, doc," Judson volunteered. "Me an' Mac'll carry him out at daylight."

Sir Humphrey nodded, sat down on a bench and leaned back against the wall. He closed his eyes and appeared to sleep, but at daylight when Judson and McCready carried out to the trench the last to die, he came awake.

"Madge, *alannah*!"

"Yes, doc. What is it?"

"I've got it, darlin'. For two days I've suspected I had it. The initial rash is coming out now." He held his hands before her, palms up. "If ye please, I think I—might dare—to take a drink now. I'm a bit wobbly. . . . Ye're a fine brave girl, Madge, me dear. Ye'll do the best ye can by me, I know, but—don't bother too much. There's others that'll be more of a loss to the world than ould me! Give me a long drink of cold water now, Madge, ye poor innocent, and go back to your patients. Remember what I told ye, there's a good girl. Keep their eyes sponged out. Don't let the secretions gather in them, else, should they survive, 'tis blind they may be!"

He drank the tin cup of snow-water she held to his hot lips and lay back against the wall, but he was not cold. Madge spread a pair of clean blankets in the bunk so recently vacated, led him to it and tucked him in.

"What a pity to spoil these fine blankets," he murmured humbly, "when some better man'll soon be needing them."

He slept. When he awakened a woman was leaning over him, wiping his hot brow with a cold towel. The Bart gazed at her a little bewildered, for his fever was very high.

"Ye're not Madge," he charged weakly.

"No, señor doctor, I am Josepha Guerrero. I am weary of that hotel. It is lonely."

"Ye shouldn't have come here! Ye're not sick, are ye?"

"*Gracias a Dios*, no, señor doctor. But it is not the part of a woman to hide like the rat in his hole while brave men do the woman's work. I have seen from the window Don Dermod D'Arcy and his friends come out from their little house. 'Ah,' I say to myself, 'these men do the big thing, the brave thing. I must help, too.' Well, I am here, señor doctor."

The Bart had no answer. He closed his eyes and sighed deeply. Then, quite suddenly, he commenced to weep. Perhaps he was thinking of his wasted life.

# *Chapter Twenty-two*

D'Arcy and Bejabers Harmon, having prepared a funeral pyre within an isolated cabin, were cremating its late occupant, when McCready came up the creek and joined them. "Madge sent me up," he explained, "to relieve you an' Bejabers long enough for you to go down to the pest-house an' say good-by to the Bart. He's down with it at last."

Bejabers grimaced in distress. "That's the price he pays for bein' a gentleman, Mac. He could have been selfish and vaccinated himself, but—he wouldn't. Preferred to save his friends—the danged ol' worthless skunk! I'm sure goin' to give him the devil!"

Together D'Arcy and Bejabers reported to Madge, who led them at once to the bunk where the Bart lay quietly gazing at the ceiling.

Bejabers ran a hand over the noble old brow, already disfigured with the telltale rash. "Bart," he said huskily, "when you git well I'm a-goin' to call a meetin' of the company and have you read out o' the party. You just ain't got good sense. D'ye think anybody'd done for you what you done for them? How many lives you got to live to know it don't pay to take the short end o' the deal when you can just as well take the long end? You ornery, worthless, good-for-nothing old he-angel, what d'you mean by gittin' sick, eh?"

The Bart kept his eyes closed but smiled a thin ghost of his old waggish leer. "Dear, honest, brave, primitive Bejabers!" he murmured. "What a fraud ye are! I'm so—sorry now—I didn't try harder to be a—good partner. I've just discovered—what the word means—I—I—"

"You shet up," Bejabers commanded, and then choked and turned away that his friends might not see how weak he was.

D'Arcy took the Bart's hot hand in his. "I'm here, Sir Humphrey."

"Aye, lad, I sent for you. Well, Dermod, the old ship is hit below the water-line; she's sinking fast, me boy. The day the first case developed I—sent a man below to get vaccine. There is none. Every blessed article under heaven comes to us in ships, but—no vaccine. If we could find a healthy young heifer with a good case of cowpox we could inoculate with lymph from the vesicles on her abdomen—but the cursed cows of California are without cowpox! So the disease must run its course.

"Ye've been vaccinated successfully; ye'll not be liable to contract the disease, lad, so promise me ye'll stick by Happy Camp. These miners are ignorant men and badly frightened, but soon they'll be ashamed of their fright and there will not be

lacking men to help ye. Keep them away, however, while ye and Madge and the boys can handle the situation alone. Poor Happy Camp! 'Tis Camp Sorrowful now, begob!"

"Together we established Happy Camp, Sir Humphrey. I shall not abandon it in its extremity."

"Good lad. Ye weren't born a D'Arcy for nothing. Ye'll make yer pile, lad, and some day ye'll be going home. I've been coming home from sea forty years, but—I'll not see Kinsale Head again. To be sure I'm in the black book with my people for deserting the country's service—I who was decorated for—but no matter.

"Ye'll be calling on them, no doubt—the D'Arcys were always welcome at Galtee Manor. 'Tis possible they may not mention me, Dermod, but if they should—tell them I finished like a decent man, for all the roving, devil-may-care vagabond I've been. The navy was no place for the like o' me. I never could stand discipline. . . .

"When poor Poppy comes back be kind to him, lad. He's a poor, lost, lonely divil that needs a strong hand on his elbow. To men like Poppy and me the game would ever be a joy but the gold's a curse. 'Twill prove a curse to the majority.

"I've been lying here thinking, lad, and this thought came to me: The discovery of gold in California is but a trifling uncovering of her riches. Gold will not breed gold in these lovely hills, but it will, lad, farther down in the valleys, beside the harbors and on the brown hills where the wild cattle roam.

"Don't take your fortune back to the ould green isle and buckle down to the life of a country squire. 'Tis deadening. Here is a new empire with opportunity for a brave, clean young man like you to play an emperor's part. Ah, California, 'tis the end of the rainbow ye are, *acushla*. . . .

"Yere hand, son of my boyhood's friend. Ye've been a dear lad to a very trying old scalawag. I'm leaving my poor people to you—ye'll do your best, I know—poor helpless souls . . . And the Spanish girl! My word, Dermod, there's a woman! Ye could go farther and fare worse.

"Tell Bejabers I've loved him. Parting is at best, as the French say, a little bit of dying, so I'll not say good-by. Remember, if my people should mention me—"

"Yes, yes, I shall remember, Sir Humphrey."

"*Caid mille faltha!* A bottle of the best, Michael, lad. 'Tis not often I'm home, more's the pity, to offer a sup and a bite to my friends. . . . Dermod, lad, where was I? Not home, surely. Ah, yes, I remember. That Spanish-Californian girl—worth a king's ransom. Don't be a fool. If she lives . . . Ah, to end my days in that cool white hacienda among the valley oaks . . ."

The delirium claimed him again. D'Arcy tucked the blanket up around Sir Humphrey's neck; and because he knew better than any man in Happy Camp would ever know something of the tragedy of the Bart's life, his tears splashed on the hot, puffed, scarlet old face even now wreathed in the benignant smile of a gentleman once more playing the host at his own ancestral board.

A hand rested lightly on his arm; he turned and through a mist beheld Josepha Guerrero standing beside him. "You—here!" he cried harshly. "How dare you risk yourself? Have you been vaccinated?"

"No, Don Dermod."

"Oh, my dear, my dear, why did you do it? Why did you come here? Only a miracle can save you now!"

"These poor men," she replied steadily, "require nursing by a woman. They are helpless. Too long I played the coward's part. I could not remain in the hotel longer. If I die—well, that will not be a matter of importance. But what is important is that while I live it may not be said of me that I cowered behind the skirts of another woman—and a woman not of my class! I have permitted the man I have not been pleased with to wrestle with death that I might live. So, Don Dermod, I am here."

His heart was filled to overflowing. "I am grateful for your unselfish help. And the survivors of these helpless ones will be grateful, too."

"Remember," she assured him, "all do not die of this sickness."

He thought of that delicate, lovely proud face ravaged and pitted, and a great pity for her surged in his heart. Evidently she knew what he was thinking, for she shrugged slightly—a little shrug indicative of fatalism.

"You would no longer, in that case, protest your love, Don Dermod, for love cannot lodge with ugliness. Well, already I am an old maid, and for other reasons it does not matter. . . . Don Dermod, you look hurt."

"You do not understand," he said. "Well, I have my work awaiting me far up the Arroyo Chico; we shall not meet often until this scourge is stamped out. I am very proud of you, Pepita, and I am, too, very proud of myself. I am a discerning fellow, for long ago I said to myself, gazing at you: 'This woman shall be the mother of my son.' One would not have his son born of ignoble blood."

The same lambent glow that had been in the glance she had bestowed upon him that night so long ago, when with young Tomas Espinosa she danced beneath the torchlight at San Juan Bautista, was in her eyes now. And there was approval of him in them, confidence in him, friendliness for him. She was glad he had wasted no time in futile words; he was, with all his faults, a man of deeds, not of words—a masculine type she had not hitherto encountered.

Suddenly her Anglo-Saxon blood brought to her a faint glimmer of understanding of this perplexing adventurer. Perhaps he did love her! Latin lovers, she knew, never concealed their love; without hesitation they proclaimed it passionately; they cited it as an excuse for any silly resentment or reprisal their quickly aroused jealousy might lead them into. The little shallow streams babbled as they tumbled down from the Sierra, but the broad deep Sacramento flowed silently to the sea!

Could it be that this man, because of racial pride, modesty, shyness, or a queer belligerency would not proclaim himself a woman's captive? Was he one to hide his love, making a shrine for it in some deeply hidden recess of his nature?

She wondered—and, wondering, said: "It is good to think at last we fight side by side against the common enemy and not between ourselves, Don Dermod."

She saw him gulp slightly; his slow glance was one of suffering and pity.

"It was a bitter day for you—that day you met me," he murmured tragically. "You asked me to spare Romauldo—and I did not do it. I realized that moment the price I had to pay for the refusal. Ah, 'twas a bitter day for both of us—that day we met. Now, because of me, you are here, trapped, walking with a dreadful death—and if death spares you, doomed to disfigurement."

"I should not, in that case, be pleasant to look upon, Don Dermod. It is not the nature of men to seek marriage with ugly women. You would then forget me readily."

"I should always remember your face as it is now," he said with a curious dispassionate calmness. "And when I gazed upon the record of your sacrifice, I should see beyond the record your shining, beautiful soul; I should want to kneel and kiss the hem of your garment, that I too might be ennobled. Dear little saint, you shame me! I waited until the vaccination had taken effect. I should have been braver—brave enough to disobey that old martyr lying yonder—and come sooner to the aid of these afflicted ones."

She appeared to disregard this speech. "If you stood this moment where you stood that day I begged you for Romauldo's life, would you grant my desire?"

He shook his head in negation. "I was ever the leader here—and it is the fate of leaders to be born to circumstances far less fortuitous than they would order for themselves, had they that power. I would not sell myself for a woman's smile."

"That is bravely spoken. Why did you lend my father the gold?"

"For your sake. Your good father knew not the value of money. I desired to get him into my power; to plunge him deeper into my debt, that others might not have opportunity to accord him less consideration on the day of settlement than I would

have accorded him. I feared he would waste your birthright, not realizing he was wasting it—and when you read another motive in my action it pleased me not to protest against the injustice of your thought. It was necessary to my plan that you should not dissuade me."

"It is true that in my resentment that day we met you on the road I did not tell you why my father desired the loan."

"I understand your reason. A proper womanly pride forbade that you should warn me that by my action I risked losing you. You would not plead with me to save you for myself."

"And yet, on the day my father called here to see you and you gave him the loan he sought, did I not warn you? And did you not turn a deaf ear to my pleading?"

"I had passed my word to your father. I could not with honor repudiate my promise. I could only trust to you to refuse to marry Tomas Espinosa. Curiously enough, I had a profound faith that you would not sacrifice yourself—or me."

"But if I had?"

"I would have sent you that unrecorded mortgage for a wedding gift."

Her eyes opened widely. "To break my heart on my wedding-day, Don Dermod?" she queried softly.

"It would already have been broken," he reminded her.

"Well, I refused to marry him. I loved him not. And now there is no one to advocate his cause, unless it be that Don Emilio, when he learns of my father's death, will ride north to urge that I return with him to dwell with his family until, the period of mourning over, I marry his son."

"And if he does?"

"I shall refuse. I shall remain at the Rancho Arroyo Chico—alone, and manage it as best I can. But tell me, my friend. How much gold would you have lent my father with the rancho as security?"

"I would have lent him fifty thousand dollars—a dollar an acre—and no land in California is worth that as yet. But in the days to come that fifty thousand acres will be worth a great fortune; it was well to plan to have it slip through your father's fingers into my outstretched hand. In the fulness of time I would have foreclosed."

"And the Guerreros—penniless, left to the cold mercy of the gringo!"

"I did not plan for that. I hoped you would marry me—"

"I told you I was not to be bought like a steer."

"I understood that, thoroughly. When the Rancho Arroyo Chico should have come into my possession, it would have represented the fruits of my labor, would it not? Surely, you realize how I toil for the gold I planned to pay for it?"

"Yes, I suppose that is true, Don Dermod!"

"It seemed to me, in that event, I might have the poor privilege of having toiled for you. Josepha, I have dreamed such dreams. I have looked into the future and found it a future rosy for the conqueror but drab and unlovely for the conquered. Even now the ruthless invaders occupy your heritage, fattening upon it, planning to deprive you of it.

"You will have to defend your title against every trick of legislation, the law's delay, and scheming lawyers who will betray you. Without the funds necessary for battle, you will be forced to give to these defenders half or more of what you have in order to preserve the remainder. When the streams have been looted of their treasure this new tide of empire that flows in covered wagons across the passes of the Sierra will recede to the fertile valleys where the Hispano-Californians have dwelt for two centuries in peace.

"In his pursuit of territory the Anglo-Saxon is ruthless, Josepha, justifying his ruthlessness on the ground of greater efficiency, the taking, by force if necessary, from the few for the greater good of the greatest number. When that day comes to you, darling, come to me and I will protect you—without price, without hope, of reward other than the joy and pride I shall have in serving you—and yours.

"I will lend you money—without security; and when the title to the Rancho Arroyo Chico shall at length be certified by the United States of America and a patent issued for it, you will have no difficulty selling a little part of it and repaying me.

"I love you; I adore you; my life will be desolate without you, but—I would not have you save for love and with love. And circumstances have rendered that impossible. The ghost of Romauldo and the resentment against the gringo will always forbid it."

She nodded. "Even if it did not, the present is a poor time to consider it, Don Dermod. Still, I am glad to have had this understanding. I think, perhaps, I shall never know a more noble gringo, or a more foolish one, or one more undiplomatic and belligerent. . . . Well, that which is to be will be, thou childish one. Go, with thy strange dreams, to the dreadful tasks that call to thee—and I will pray that the good God will give to thee all that thou dost desire."

Abruptly she turned from him, took up a bucket and departed with it for a distant spring. Across the room he saw Bejabers engaged in low-voiced earnest conversation with the girl Madge. The Bart, still immersed in his delirium, was watching a horse-race at the Curragh of Kildare. In the long, drafty, hastily constructed ward men moaned and cursed and wept, or were silent, according to

their natures.

He stepped outside and gazed down the little cañon at the yellow flood of the Arroyo Chico, roaring by on its way to the sea via the Rio Sacramento; at the encompassing forest, sparkling with snow-crystals, at the gray forbidding sky, at the white lonely crest of the Sierra peaks far to the east. He smelled the aroma of damp earth, the balsam of fir and pine and hemlock and bay-tree, the odor of wood-smoke coming from a funeral pyre. . . .

Bejabers came out of the house of death, glanced at him once and locked an arm in his. "Now, sonny!" he remonstrated gently. "Now, sonny! We've got a big job to do and all winter to do it in. Let's git goin'."

# *Chapter Twenty-three*

Spring of 1850. Along the streams the gaunt willows had put forth their buds; bears, released from their winter sleep, prowled among them, biting off the tender green shoots; deer coughed in the timber, and in the valley of the Sacramento calves protested mournfully to their wild mothers, intent on the spring migration to the foothills. Along the trail up the valley caravan after caravan of covered wagons crawled, northbound to some fancied El Dorado, after having passed the winter in the lowlands.

Everywhere one heard the bellowing of oxen, the ring of axes and the eager queries of new arrivals, the greetings between former friends and neighbors. One smelled the wood-smoke of a thousand camp-fires, one sensed spring in his heart even as he sensed it in this new fat land.

But it was not spring in the heart of Mr. Poppy. It was winter. On a day in April, after a march from Stockton during which he had earned his meals and the use of a blanket o' nights by prodding six yoke of oxen hitched to a prairie schooner, he halted his teams at the crossing of the Arroyo Chico and handed his ox-goad to the Illinois farmer who had engaged him in the dual capacity of bull-whacker and guide.

"Here's where we part," said Mr. Poppy. "I'm headed for Happy Camp, up the creek."

"Wait a minute," the argonaut suggested. "Read that there sign."

Beside the trail that branched off to Happy Camp Mr. Poppy saw a sign, with a crudely drawn finger pointing up the arroyo. He read:

HALT

This road leads to Happy Camp which is under quarantine for smallpox of the worst kind. If you go in, you stay in.

By Order Of

CITIZENS' COMMITTEE

The Illinois farmer grinned and made as if to hand the ox-goad back to Mr. Poppy. But he waved it aside.

"I have friends in Happy Camp, and whether they are dead or alive, I'm going to call on them. Smallpox or ravening tigers, it's all the same to me. I'm going home. Good-by and good luck to you."

He turned into the trail, but suddenly, discovering a curious weakness stealing over him, sat down on the low cut-bank to rest and watch the endless tide of new

destinies flowing across the ford of the Arroyo Chico. For an hour he sat there, but no man turned east up the trail to Happy Camp, nor did any man come down.

In fact, as Mr. Poppy presently discovered, no traffic of any kind had passed over the Happy Camp road for several days, and this knowledge added to his perturbation and unhappiness. He felt fey with tragedy, weak with a premonition of approaching doom.

So presently he had recourse to the last comfort left to him—prayer. He prayed for strength, moral and physical, he prayed for Happy Camp and he sent forth a special prayer for his friends there. Then, his weakness passing, he rose and swung away up the deserted road, his long legs stretched in a strenuous stride.

As he came up from the Arroyo Chico to the little meadow where Happy Camp had once sprawled in joyous disorder, he was appalled by a fear that it was deserted. The camp had shriveled to a quarter of its former size, the Mansion House porch was deserted, the door of the Stage Drivers' Retreat was closed, and not a soul walked the single winding street.

Smoke rose from but one cabin chimney, and with a thrill Mr. Poppy realized that this was the cabin he called home. He broke into a dog-trot, shouting as he came the names of all of his friends and wondering in a bewildered, terrified way how many of them would answer him.

Dermod D'Arcy came to the door. "You good old human scarecrow!" he yelled, and ran out to clasp Mr. Poppy in his young arms and give him a bearlike hug. "So you came back to us! Couldn't scare you away, could they?"

"O God, I thank thee!" Mr. Poppy had drifted far from his ecclesiastical youth, but, like most sinners, in moments of stress he remembered his old allegiance and gave thanks where it belonged. He was shaken with emotion, not only to see D'Arcy again but to receive such an enthusiastic welcome. "The rest of the boys," he pleaded. "Where are they?"

"All safe and sound, with the exception of the Bart. He's with us but—he's blind. Do not appear to notice it, Mr. Poppy, and whatever you do, don't sympathize with him. He can stand anything but that. Don't permit his appearance to shock you."

Together they entered the cabin and found the company at the midday meal. Two women sat with them. Bejabers relieved himself of a hearty piece of profanity, McCready and Judson yelled lustily and Vilmont and Jim Toy grinned at him like a pair of gargoyles, before falling upon the prodigal to grasp his hand and shower upon his thin back many a hearty thump and slap.

"Dermod, you interduce him to the ladies, while I rustle up a plate and some

grub for our wanderin' boy," Bejabers ordered. "Hell's fire, dominie, you look like you been rustlin' around with the husks and the swine."

"I have been, Bejabers." Mr. Poppy bowed as D'Arcy introduced him to Madge and Josepha Guerrero. "Where's the Bart?" he demanded.

"I'm over here," Sir Humphrey cried from the shadows at the rear of the cabin. "I eat alone these days. While I haven't seen myself I've seen enough others in my fix to know what I look like. Far be it from me to spoil the appetites of my friends."

"You blithering old picture of misfortune, you look good to me!" Mr. Poppy yelled, and fell upon his partner. "Bless your heart, I'm glad to see you again, Sir Humphrey."

"Same here," the Bart replied with grim irony, and hugged his friend. "Where's Martha?"

"I—I couldn't find her," Mr. Poppy quavered. "I spent all the gold the boys gave me seeking her. On my word of honor, I have behaved myself."

"Ye're the unluckiest lad I've ever known. I'm sorry, partner." The Bart patted the thin shoulder paternally. "But this is no time for discussion. Ye're hungry. Fall to it."

During the meal Mr. Poppy listened to the story of the dreadful happenings of the last winter, and then related the brief tale of his own adventures. He had got track of Martha at a cheap hotel in San Francisco, from which she had departed three weeks prior to his arrival in that city, leaving no forwarding address. He had searched San Francisco and followed faint clues to Stockton, Sacramento, and Marysville; he had been as far south as Sonora, and he had returned to Happy Camp broken in purse and spirit.

"I had a faint hope she might be here," he quavered, "so I came back. Is she here?"

"We have not seen her," D'Arcy replied. "She would not be likely to come here on account of the smallpox. However, she may come later when it becomes known that the disease is apparently wiped out. We haven't had a new case in a month—and last week, when the quarantine was lifted, every man and woman in Happy Camp pulled out. They were afraid of the place, afraid of a recurrence of the disease."

"The camp does look rather haunted, Dermod. When are you boys pulling out?"

"When the Arroyo Chico is bare of gold, Mr. Poppy. Why should we abandon Happy Camp? We've been down into the Valley of Death with Happy Camp and have emerged unscathed, with the exception of the Bart—and he's a sacrifice to his own nobility of soul, his own monumental unselfishness. The winter was a nightmare,

the apotheosis of all that is hideous. And these two women fought the fight shoulder to shoulder with us, never whimpering, never flinching, attending the sick, dragging out the dead, cooking, washing, comforting and cheering. Two-thirds of the population of Happy Camp died of smallpox; perhaps not more than a dozen who had it survived."

"The Arroyo Chico will not be overrun with miners this year," Bejabers prophesied. "They'll all be scared the disease'll bust out ag'in. Better stake yourself a claim, Mr. Poppy, and git busy. The water'll soon be down to normal, and if you work hard you'll forgit your misfortune."

But Mr. Poppy shook his head. "The Bart and I each have a better claim off yonder in the hills. The gold's coarser, more plentiful, and easier to get at. I'd rather operate there, my friends. It's lonelier, but the temptations are not so numerous."

"Mebbe somebody's jumped your claim?"

"Not probable, Bejabers. It's been twenty feet under the snow all winter. We have a cabin of sorts there and if I could get in a jag of provisions, some new tools, and blankets I'd settle down and soon get out enough gold to reimburse you boys for your loan."

"To hell with the loan. It was a gift." Thus McCready.

But Mr. Poppy ignored him. "I'm all through with being the man I was. From now on I'm going to stand on my own feet and not lean on my friends. Sir Humphrey, would you care to go back on Hot Creek with me? You're still my partner and I'm going to need you so—if only to remind me of my responsibility toward life. I'll take care of you, partner. Generous and charitable as our friends here have been to us, I would rather not impose on them further. Life's a battle—and to date I haven't fought the good fight. Some day I may meet Martha—and when I do I want her to meet a man who is as good as the next—a man who's fighting—and winning."

The company looked around at the Bart and he, poor sightless, helpless man, realized this. "I'll go with Obie," he answered. "Together we got into the mining excitement and together we'll stick. At least, by my presence and with a little futile puttering around it, I can hold my claim until his is cleaned out; then he can work on mine. After that—"

"Don't borrow trouble," D'Arcy interrupted. "I admire you for your splendid intentions, Mr. Poppy, and your friends here will see you to your old claim, pack in provisions for you and build you a cabin. I think perhaps Sir Humphrey will prefer to be his own man again, even in a limited sense. He can no longer be the doctor of Happy Camp—and he has a fondness for theological argument. You're a queerly

assorted pair, but—you're partners. If Martha should ever come to Happy Camp seeking you, I'll send word up to you to come down to her."

"Thank you, Dermod, me boy," the Bart murmured. "Ye've a deal of understanding in that wild Irish head. I know we're both welcome here, but—dear old Poppy should not be hindered in his laudable intentions. And I would prefer the solitude of a higher altitude."

There was no further argument. When the meal was finished Mr. Poppy went with Bejabers, McCready and Judson, Vilmont and Jim Toy for a stroll about the camp, leaving D'Arcy with the others.

Presently D'Arcy turned to Madge Minturn. "Well, Madge, it appears we have completed the vicious circle, and from thoughts of misery and death we must now turn to thoughts of happiness and life. Have you any plans for the future, and do you object to discussing them with me?"

There was a touch of grimness in the girl's smile. "I fell into a small fortune when Henry died," she replied. "I'm not his legal heir, but I do not know who is—and I suppose I'm entitled to his gold. After all, I did the best I could by Feather River Henry. When you're taking Señorita Guerrero back to her ranch you might lend me a mule and I'll go below with you. I'll just be moving on."

"Well, wherever you wander, Madge, never forget that you're near to us and dear to us; if the world should ever bear heavily upon you, come back to your comrades of the dark days. We'll see you over the rough part of the trail."

Josepha Guerrero's glance rested upon him like a benediction as her hand sought that of the lady who was not quite a lady. "At the Rancho Arroyo Chico, Madge, there always will be a welcome for you. I shall be lonesome for you who have lived a full life, but—it is always one place where you can come to rest and think: 'Well, now, what do I do next?' And what you do next is no business of mine."

Madge laughed—a little harshly. "Thank you, dearie, but I think I'd better not disgrace you by accepting. You're a sweet thing to ask me, though."

"I am already disgraced," Josepha protested. "I have lived here all winter with these gringos. All my people will say: 'Ah, this girl is spoiled. She has lost her reputation.'"

"If I was you, honey," Madge suggested in her blunt and worldly fashion, "I'd tell 'em all to go to blazes. Who cares what they think? You have your gringo friends, haven't you? And if you ask me, I'll tell you there ain't a woman in California too good for any of them—and that bet goes for the little Chink, too.

"You listen to me, dearie. I've been about this world at least a dog-watch and I

know men. When you find a man what plays the game on the level you tie to him; but pass by them that feels sorry for themselves, the kind that's got a thousand excuses for every cold hand they deal you.

"Take for instance the young California fellers you been brought up with. They won't work and they don't want to learn. They're peacocks, that's what they are. While they're trying to win a girl they'll roll around at her feet like a poodle pup, do anything she asks them to do and tell her their love is so great they can't refuse. They're all for love.

"But the day after you marry one o' them you find out who's boss. You been walking a chalk-line for men all your life, dearie, but I haven't. I'm free. But I don't like it, dearie. All I'm hoping is that some day I can surrender my freedom to some brute of a man that's all man and never pretends I'm going to be the head of the house.

"You take my tip, dearie, and marry the man that tells you, in the same breath he asks you to marry him, that he intends to run the partnership for the best interests of the partnership and not merely to hold onto your love. Love that's got to be held onto ain't worth holding. Them's my sentiments."

Josepha stared at her, torn between bewilderment and a desire to laugh.

"Which reminds me of another piece of advice I'll give you, Señorita Guerrero," Madge finished. "Don't you never marry a man that can throw your past up to you. Keep your independence."

"You chattering magpie, she hasn't any past," the Bart roared. "And you're talking revolution and treason." He turned to Josepha. "Will you take me out for a little walk, my dear? If I stay here listening to this hussy, Madge, I'll not be responsible for what I say."

"Surely, señor doctor." Josepha took his arm and led him out into the sunlight, leaving D'Arcy alone with Madge.

"Do you think the Bart really wants to go up to his old claim with Mr. Poppy?" Madge asked him.

"Yes, I do. There's a queer friendship existing between those two—the sort of friendship that men of opposite mental habits sometimes have for each other. Deep down in Poppy's shredded soul the spirit of self-sacrifice is burgeoning; he feels it his duty to care for Sir Humphrey. And Sir Humphrey knows it, knows that his presence will have a beneficial effect on Mr. Poppy—hold him to his true course, as it were. Of course, whatever happens, I shall see to it that Sir Humphrey wants for nothing. And I shall not be giving charity. The Bart has paid his way. I have met some men in my time but never a man like Sir Humphrey. And," he added, "never

two women like you and Señorita Guerrero. How she escaped contagion is a miracle."

"God looks after her kind, Dermod. Did you know she is in love with you?"

"Do you think so?" he replied guardedly. "That's interesting."

"Don't try to dissemble with me," the worldling charged sharply. "No man can fool an intelligent woman. You're in love with her, too."

"Not to love her would border on sacrilege."

"Not to marry her would be a crime, Brother Dermod."

"I am not yet ready to marry and neither is she. We'll leave that matter in the lap of the gods, if you please, Madge."

"Oh, I didn't intend to be presuming. I thought perhaps you might not know how she feels about it."

"How do you know how she feels about it? Has she given you her confidence?"

"Lord love you, no! What a silly boy you are! I've seen her looking at you when your back was turned."

"Oh!"

Madge saw that he was not disposed to pursue the subject further and, womanlike, the knowledge irritated her. "You're a fine lad, Dermod D'Arcy, but you're cold," she accused. "Yes, you are. You're cold."

"I'm not. I've asked Josepha Guerrero to marry me, and the suggestion has not been pleasing to her—for a number of reasons of which I am aware and with which I can sympathize."

"Ah, so that's the way the wind blows. Well, Dermod D'Arcy, let me tell you something. I know men. I'm a woman of the world and I know women, too. Don't listen to her. Rush her off her feet. She's dying to be rushed."

"All in my own time, my dear."

"Bah! You're positively disgusting."

"Well, I'm riding home with her tomorrow, am I not?"

"So I understand. Well, see to it that you return an engaged man."

"And if I do not?"

"I'll be tempted to poison you!"

He smiled at her mischievously. "Did you know that Mr. B. Jabez Harmon is head over heels in love with you?"

"Lord, no! The poor silly! How do you know?"

"I've seen him looking at you when your back was turned."

"Of all things! Well, Bejabers is a dear man, but when it comes to picking a wife he's not the sort of man to choose the like o' me."

"You think, then, that Bejabers's wife must be like Cæsar's—above suspicion? Well, perhaps! But somehow, knowing Bejabers as I know him, I have a suspicion he thinks you are above suspicion. Rather an understanding person, Bejabers! What do you think of him, Madge?"

"He's all man. He'd be faithful."

"Well, he's dying to be rushed off his feet. Hasn't he asked you to marry him?"

"He did—the first day I arrived in camp. Then, when he learned about Feather River Henry—he changed his mind." The girl's face flushed painfully and in her friendly eyes D'Arcy saw a hint of deep emotion. "I could be a good wife to Bejabers," she admitted presently, "but I'll not marry him. It wouldn't be fair to him. Somebody would always be remembering me—and Bejabers would not be likely to forget. I shouldn't like any man to take me on probation."

D'Arcy's hand closed over hers. "Madge, I'd rather have a woman like you to wife than any number of fine women with a clean but untried past. Whatever sin you have committed against a puritanic society is a small thing compared with what you have done for that same society. And Bejabers is no angel. He's as free of religious sentiment as a wild horse, but he has a man's code. He's no mealy-mouthed hypocrite and he uses his head entirely for thinking. I'd consider him very seriously if I were you, Madge."

"I wouldn't encourage him for all the gold in California."

"Well, have it your own way. I thought I should mention the matter, however, because on occasion I have surprised something in your eyes when you looked at Bejabers."

"Bejabers is your friend and partner. Would you be glad to see him married to me?"

"Of course I would. You're one of the two finest women in the world."

"You really mean that, Dermod?"

He came over to her, put his arm around her and kissed her. "Dear sister o' mine," he whispered, "you have a right to happiness. Take it!"

And then he took a can of coal-oil, walked over to the old isolation camp, drenched the walls and set it afire. Presently Bejabers joined him. The little man was in a solemn mood.

"I looked in at the cabin a few minutes ago and Madge was a-settin' there cryin'. I wonder what's up, Dermod."

"She thinks you dislike her."

"Ain't that just like a woman? Why, boy, I ain't fit to set at the same table with her! How do you know she thinks I don't like her?"

"She mentioned something to that effect to me recently. I assured her she was mistaken; that not only did you like her but that you loved her. I gave her to understand we all loved her like a sister."

"Well, you were wrong as far as I'm concerned. This sister love don't go in the Harmon family. Me, I think Madge comes dog-gone close to bein' a hundred and fifty percent fine."

"And yet, three months ago, you got drunk to hide your grief when you discovered your idol had feet of clay. I remember how you came rolling in one night and told us all she wasn't a lady."

Bejabers squirmed, mentally and physically. "But you got to admit I also said she'd been a lady oncet," he protested. "And that's a good sound reason why she can be a lady ag'in, ain't it?"

"I have never decried the lady's character, Bejabers."

Bejabers sat down on an adjacent stump. "Dog my cats," he confessed, "a feller might do worse than marry Madge."

"If he wasn't afraid that in days to come some low brute of a man who knew her here three months ago would have a good time telling your friends about her."

"Who said I was goin' to marry her? I said a feller."

"You're a dear jackass, Bejabers."

"Now look here, son. You're closer'n a brother to me. Would it sort o' cramp your friendship for me if I was to proposition Madge?"

"I refuse to answer that question. Ask Madge to answer it, and whatever she tells you will be the right answer."

"Oh, I ain't in no particular hurry, Dermod."

"Then McCready or Judson are both liable to propose to her. She has the utmost respect for them, and you know how it is in California these days. Almost any kind of woman can have almost any kind of man for the taking. I wouldn't delay if I were you."

Bejabers was nothing if not a man of action. He rose from the stump and hurried down to the cabin. In about half an hour he returned and found D'Arcy still watching the embers of the fire. Without a word he walked up to his friend and thrust out a horny hand. In equal silence D'Arcy shook it, and Bejabers resumed his seat on the stump. Presently he said:

"Sort o' looks like we'd ought to be able to start minin' ag'in in a few days." He glanced around him, and added: "The spring's sure pretty, Dermod—more particular after the sort o' winter we been through. Today's the first time I've felt I ain't been camped in a graveyard. Yah-yah-yah—ya-hooooooooo! I'm the Queen

of the May. Me and Madge is off to Sacramento in the morning to git hitched, and I hope to tell you, boy, we're sure goin' to roll 'em high, wide and handsome on our honeymoon!"

"On your way down to Sacramento tomorrow with Madge," D'Arcy suggested, "you might escort Señorita Guerrero home. You'll be putting up for the night there, anyhow."

"Hell's bells! Madge expects her to be the bridesmaid and I was figgerin' on havin' you for best man."

"Thanks. That suggestion does credit to your sentiment, Bejabers, but it is scarcely practical. I suggest that you be married quietly and go away on your honeymoon, while I remain here to build you a home and have it furnished and quite ready for you and Madge to occupy upon your return.

"I'm going to burn all the buildings still standing in Happy Camp tomorrow, together with their contents. The sunlight is nature's great disinfectant but the Bart tells me germs will live indefinitely in dark, damp corners of rooms, so in order to provide against a recrudescence of smallpox Happy Camp must be destroyed and rebuilt.

"Then, too, I have the Bart and Mr. Poppy to get settled on their claims. You understand, do you not, Bejabers? Please be married quietly, without the usual trimmings. I'll swim a bloody river for you but I'll not be in attendance at your wedding with Josepha Guerrero present. It would be embarrassing to us both."

"All right. You win, son. But what gravels me is this: ain't you figurin' on ever makin' any headway with that Guerrero girl?"

"The answer to your question is: I traded her love and her voluntary surrender to me for the privilege of hanging her scoundrel of a half-brother. And the day I did that I cast my bright day-dreams behind me."

Bejabers's simple and direct soul was still in a state of bewilderment. "But how could you give her up, son, after seeing the way she played the game with us? With nary a vaccination and with no more chance for her life than a one-legged white man at an Indian war-dance, she puts her shoulder to the wheel and asks no odds of anybody. However, it's your business, son. You got that old tin flute yet?"

"It's down at the cabin."

"Then let's go down to the cabin. I want you to play me something sort o' soft and sad and wailin'-like. Seems as if this here spring's made me feel more meller than usual."

# *Chapter Twenty-four*

In the morning D'Arcy groomed and saddled the mare Kitty, now thin and long of coat following a winter of short feed and enforced neglect. When he mounted her and rode her around the camp, she was no longer the airy prancing horse of other days, and D'Arcy concluded Josepha might be trusted to ride the mare home in safety. So he rode Kitty around to the Mansion House where Madge and Josepha dwelt, guests without a host, and here he found Bejabers loading a pack-mule with baggage, while two saddled horses were tied to the hitching-rack in front.

Josepha came out first. Throughout her stay in camp she had worn clothing supplied by Madge from her own generous stock, but this morning she had donned again the black velvet riding-habit and the wide-brimmed red vicugna-wool hat she had worn on that dreadful day when the quarantine closed in behind her. She wore beautiful black calfskin boots, on the heels of which little silver spurs tinkled as she walked; tucked in her belt was a pair of white fringed buckskin gauntlets of Indian workmanship. She had grown very thin under the strain to which she had so gallantly subjected herself; D'Arcy noted the deep shadows under her eyes, the ivory paleness of her face, and the consequently enhanced brilliance of her eyes.

He lifted his battered old hat. "I have brought Kitty to you," he informed her. "She, like yourself, is thin and worn and tired. She should be given grain when you reach home. Bejabers and Madge will ride with you, Josepha, and see you safely to the Rancho Arroyo Chico."

"You do not ride with us, Don Dermod?"

"No, I have much to do here."

She came to the side of the mare and placed her little left foot in the hand he proffered. He lifted her gently into the side saddle, and when she had arranged her skirts, she sat looking gravely down at him.

"You will be happy to leave this dreary, dreadful spot," he suggested, to bridge an embarrassing silence.

"I have not been unhappy here. Never before had I worked, never had I been called upon to give thought to the sufferings of others—so the unusual experience was a novelty. Never had I met or lived on terms of intimacy and comradeship with a woman like Madge; in all the world there could not exist one so noble, so uncomplaining and so brave as that Irish doctor; while his affliction saddens me, his mighty humor makes me forget I have been saddened by him. I have learned much about the gringo that is a closed book to my people and I am pleased with what I

have learned."

"That is comforting. I know of one gringo who values your good opinion greatly. Perhaps you will tell him which of our strange characteristics impressed you most."

"The gringo you refer to is ruthless. He takes what he can and holds it while he may. But he is, most of all, ruthless with himself. In him there is no self-pity but a very great pity for the helpless. He has a vast pride in the correct consummation of great things; little things he scorns and despises. He seasons his life with victory as one seasons a steak with salt.

"He can feel deeply—love deeply—but he hides, as bashful as a nun, behind his finer feelings. And he does not run from the fight, preferring honorable defeat to dishonorable flight. . . . Yes, I think I know that gringo better than I did before I came to Happy Camp."

He gazed up at her with boyish eagerness. "Do you like this particular gringo more than you once did?"

She shook her head. "That would be impossible, Don Dermod. But I have great respect for him. He has faults, but they are not the faults of a weak man. It is too bad he hanged my brother, Don Dermod."

"I have no regret for that act," he retorted fiercely. "You should be grateful to me for ridding the world of a venomous reptile, for ridding you of a relative who, had he lived, would even now be busy gambling with your patrimony."

"If today were that day you rode from my father's door with the body of Romauldo across your saddle, and if today you could listen again to the offer I made you in return for the surrender of that misguided boy—would you listen to me, Don Dermod?"

"No!" He spoke the word almost savagely. "I place my duty to society far above my own happiness."

"But have you not been unhappy since?"

"Sacrifices that involve a man's happiness are not lightly made or lightly forgotten. I have been unhappy, but—I shall in time recover."

"And forget?"

"No, I think I shall always remember."

"And regret—ah, just a little, Don Dermod?"

"A very great deal. I am human, Josepha. But I shall never be sorry for myself, never regret that I ruined my own happiness, because I would rather be an unhappy man than a weak one. I shall always grieve in the knowledge that I have lost you."

"You will come again, in time, to the Rancho Arroyo Chico?"

He shook his head.

"You will not come, even if I send for you?" she pleaded.

"I will come from the ends of the earth to do you a service."

"You love me, then, Don Dermod D'Arcy?"

"God help me, I do."

"Let us, then, be friends. Yonder come the blind doctor and the others. They come, I think, to bid me farewell."

They did. One by one they shook her hand, thanked her in their curious restrained way, wished her luck. Only the two killers, McCready and Judson, went a step further.

"If you ever want some skunk dry-gulched," Judson assured her earnestly, "just send for me."

"You'll split that contract with me, Jud," McCready warned him jealously.

"What do you mean—to dry-gulch a skunk?" Josepha queried.

"Busted wide open—killed. Your enemies are ours, ma'am," McCready explained.

"Ah, the fierce ones! But I understand and I am very grateful. One always has need of good friends—and we have been a sad big family in this great misery. So I love you all, *amigos míos*." To Judson, Vilmont, and McCready she administered a gentle slap on each leathery cheek; to Jim Toy she gave a friendly little tug at the pigtail. "And now, thou sweet, unselfish, uncomplaining one," she continued, turning to Sir Humphrey and addressing him in Spanish, "come thou to me."

D'Arcy translated and the Bart moved toward her, his hands outstretched before him, his feet lifted unnaturally high at every step, after the manner of the newly blind. Josepha leaned from her saddle and took the leonine old head to her breast; thrice she kissed the sightless eyes and murmured, "*Vaya usted con Dios*"—"Go you with God!" Then she straightened in the saddle and touched heel to her mare's flank. But Dermod D'Arcy's left hand was on her bridle reins, his right upthrust to her.

"At least," he pleaded, "you might say farewell to a friend."

She looked down at him through eyes that brimmed with tears. "Ah, thou stubborn one! Thou doer of deeds! Thou leader of men!" He thrilled at her use of the solemn style, in Spanish so variable in its implications, so strangely beautiful when employed in the affectionate sense, so redolent of contempt when employed toward an enemy. "Thou too art blind, even as this poor one!"

She extended her hand and he kissed it. Then Bejabers and Madge mounted and the trio rode off down the trail.

# *Chapter Twenty-five*

When Bejabers and his bride returned to Happy Camp they discovered that every original building had been burned, including the cabin D'Arcy and his friends had built in the summer of '48. But on its ashes a newer and larger cabin had been erected, and hard by it a three-room shanty for the first married couple in Happy Camp.

The Bart and Mr. Poppy were gone, having been helped over the trail to their claim on Hot Creek by Judson and McCready, who had remained with them a week to erect for them a suitable summer camp. D'Arcy, Jim Toy, Vilmont, and Francisco were again busy washing the auriferous gravel through the long sluice.

Bejabers brought with him all the latest political news. The legislature was in session, order was rapidly coming out of chaos, and in Sacramento there had been some squatter troubles. Crime was rampant; Bejabers told tales of many hangings in many camps. But the ship of state was going ahead under full sail and Bejabers was filled with optimism for the future. He and Madge had had a glorious honeymoon and had spent five thousand dollars. Madge had a diamond engagement ring, and Bejabers had brought back with him three complete outfits of clothing; the pair were deliriously happy.

For a month they were alone in Happy Camp; then a few of the old-timers drifted back, appropriated the little deserted portable sawmill and commenced getting out lumber for new shanties. Soon a dozen strangers came up the trail from the Sacramento Valley, and the sibilant whine of the sawmill resounded through the cañon from daylight till dark. Happy Camp was being born again. Each day saw the old half-worked and abandoned claims along the Arroyo Chico restaked by the men who came in the covered wagons.

By the first of June Happy Camp was again the same old center of mining activity and distribution; mail and express service had been resumed, a new Mansion House had arisen on the ashes of the old, a new Stage Drivers' Retreat catered to the parched throats of the daily arrivals. New dance-halls and gambling-halls and saloons on a grander scale flanked the Mansion House; the winding street echoed again to the thud of dancing miners' boots, the whine of fiddles, the plunk of guitars, the rattle of poker chips, dice, and roulette balls, the popping of corks, a few pistol-shots, the whoops of intoxicated men, and the spurious laughter of the imported daughters of joy.

Nothing had really changed. Happy Camp was the same old riotous ruinous

route of fortune.

On their claims D'Arcy and his partners labored from dawn till dark. By the first of July they had sluiced all but the very fine flour-gold from the gravel on the ancient bars. Having put in their wing-dam, they altered the course of the stream until it flowed down across the denuded bar and along the opposite bank; then they fell to work upon the former bed of the stream. As D'Arcy had predicted, it proved to be immensely rich.

There was no scarcity of labor now, for the land was filled with men who preferred the certainty of incredibly high wages and steady employment to the mad competition and a will-o'-the-wisp career seeking gold for themselves. D'Arcy and his partners built a huge bunk-house and dining-hall for the fifty men they employed. When their claims had been cleaned up and they realized there was no more ground along the Arroyo Chico worth their attention, they found themselves, on a day in mid-December, no longer gold-miners.

Bejabers was still the alcalde, but a regularly elected one now. Also, since he was the most sociable and gregarious of men, his marriage to Madge had not operated to halt his peregrinations around Happy Camp at night. He knew everybody; no figment of gossip escaped him, and as fast as he gathered it he called at the cabin of his partners to retail it. The day after D'Arcy had paid off his men and was making plans for his future, Bejabers bounced into the cabin in a state of wild excitement.

"Martha's here," he announced. "Mr. Poppy's gal has got to Happy Camp at last."

D'Arcy was profoundly interested. "How do you know?"

"Met up with her casual-like about a week ago and I been seein' her every night since. Well, son, every time I look at that gal something tells me I've seen her before; her face is sure familiar, but I can't place her until about half an hour ago I meet her at the post-office and then something clicks in my fool head and I have her spotted. You remember that photograph of her Mr. Poppy had? Mebbe he never showed it to you. But he showed it to me one night when he was drunk.

"Well, I ups and says to this damsel: 'Excuse me, miss, but aren't you Martha?' She admits she is, and I says: 'Be you lookin' for Mr. Poppy?' She turns white as milk at that and says: 'Is he livin'?' I tell her the general impression among his friends is that he's minin' over to Hot Creek, and then I relate how he went down to San Francisco lookin' for her and couldn't find her and come back to Happy Camp all broke in heart and pocket. Which Martha then cries quite a bit and begs me not to mention to Mr. Poppy I've met her. Which I promise her I won't, but that's no

reason why some other friend of Poppy's can't tell him."

"Where is Martha staying, Bejabers?"

The little man scratched his head. "Well, I hate to tell you, son, but I reckon this here gold-fever has sort o' turned Martha's head. She's up in the Bird Cage."

"Oh, Bejabers! The poor thing! How did that happen?"

"Busted in a strange land—couldn't meet up with Mr. Poppy—and the pressure got pretty strong, I reckon. Anyhow, she's workin' with the rest o' the girls up to the Bird Cage."

"It would probably be a favor to Poppy not to tell him, Bejabers," D'Arcy suggested. "Since it seems his romance has gone on the rocks, he will be happier if he never knows of Martha's tragedy."

"Seems like she figgered Mr. Poppy's kicked the bucket, and havin' no friends, no money and nobody to care, she sort o' drifted. But she's still in love with that weak vessel—at least enough to want to spare him the news of her downfall."

The partners sat looking at each other, distressed at this crisis in the affairs of the weakling for whom they had, despite his faults, a genuine affection.

"Martha's a right nice-lookin' girl, too," Bejabers resumed presently. "Raised strict—never had no leeway in her home life, so when she lands in California and finds herself on the loose I reckon she says to herself, when the goin' got hard and slippery: 'Oh, what's the use? I'll clean up a fortune in quick money, go back East and nobody will ever know the difference. I been poor all my life and now I'm goin' to have it easy in my old age, even if I pay a high price for it in my youth.' So she's been driftin' around to all the rich strikes. She sings right sweet when somebody plays the pianner for her."

D'Arcy's fist came down on the table. "Bejabers, I'm through."

"Through what?"

"Mining. It's time to quit. It's a mad, sad, sordid scramble; men go insane with suddenly acquired wealth and toss it away in calm confidence that they can gather new fortunes indefinitely. I'm weary of the atmosphere of drunkenness and depravity in which a miner has to operate. The jackals follow the tiger—and the placers are already showing signs of petering out, leaving the tiger's kill in the maw of the jackals.

"As many people as enter California by steamer now leave it; there is disillusionment, despair, and unhappiness. The gold is a curse to most of the men who have sought it; it has sapped their vitality, bred a new race of scoundrels, first exalting men and then dropping them to the depths of despair. The state is swarming with men who call themselves miners and yet know nothing of mining. Good ground

is becoming increasingly hard to find; more time is required for exploration than can be profitably expended in mining before the snows drive men out of the Sierras.

"On the ninth day of last September California was admitted into the Union and now the politicians are gathering for their harvest. There was a man around yesterday trying to collect an infamous and excessive mining tax from Vilmont and Jim Toy, because they are foreigners. I'm a foreigner too, for that matter, but they know better than to try such extortion on me even if the legislature has authorized it.

"We were on the job first, we have skimmed the cream of the Arroyo Chico and because we stuck to our claims, refusing to waste our time and our strength wandering in search of something better, every man in our company is now independently rich. Bejabers, tomorrow we're going to dissolve partnership and divide the spoils."

"How much spoils we got to divide?" Strangely enough it had never occurred to Bejabers to ask before, nor had he even evinced a desire to look over the company's books.

"More than a quarter of a million dollars each."

"Jumpin' Judas! Am I that rich?"

"You certainly are, Bejabers. And we owe not a cent in the world."

"What you goin' to do with yours?"

D'Arcy smiled brightly. "A commission has been appointed by the President of the United States to investigate, report upon, certify or reject the titles to all the old Spanish and Mexican land grants in California. All of the holders of such grants are required to present their claims, with proofs of title, to this commission within six months after its first sitting; if they fail to do that their titles may not later be certified. There'll be unexcelled opportunities for the crowd of spoilers this situation will attract; swindling the Hispano-Californian will be raised from an industry to the realm of high art. Well, Josepha Guerrero's down at the Rancho Arroyo Chico waiting for me to come down and help her in this emergency—"

"So she finally sent for you, eh? Boy, you keep up that gait and you'll win her yet. Of course, while the old man lived he'd talk her out of it, but with him gone she just can't keep up the old resentment."

"She has not sent for me, Bejabers. And I doubt if she ever will. I doubt if she realizes she is in danger of losing her ranch if she delays action. She needs a gringo on this job—and a gringo who will play her fair. So I thought I'd take over her battles."

"And then—what?"

"I don't know, Bejabers. Probably I shall go to San Francisco and get into some

sort of business. If I employ my capital shrewdly I imagine I can make a far larger fortune in trade than will ever be made in a placer-mine. What are your plans, Bejabers? Want to throw in with me?"

"I'd love to, son, but I never did have no head for business. I like public life, Dermod. I'm pretty well known and I figger on runnin' for sheriff. I've had practical experience as a jailer, I'm strong for discipline, quick on the trigger and just naturally hell-bent on law and order. Thanks, Dermod, but I reckon I'll stay here."

That night D'Arcy cast up the company's accounts and divided the product of their incredible toil and privation. They had some fifty thousand dollars in gold on hand, and he issued checks on a New York bank for the remainder, each partner signing the checks. None of his associates accepted his invitation to inspect the books; indeed, McCready and Judson were slightly hurt at his suggestion that they do so.

The next day they parted. Jim Toy accepted one of the pack-mules and departed into the north to seek a new claim, while Vilmont departed via the stage-coach. He was seeing a vision of a vineyard and winery in some fertile interior valley.

McCready and Judson dreamed of a cattle ranch, for in the beginning they had been cow-men in the Southwest and it is written in the Book of Things that a cow-man shall return to his cows. Francisco had no plans beyond the purchase of a thoroughbred horse which he might bedeck with a silver-mounted saddle and bridle; a few excellent game-cocks and a pleasantly situated adobe casa where, while his money lasted, he could live the life of a Hispano-Californian gentleman.

# *Chapter Twenty-six*

As D'Arcy rode south with McCready, Judson, and Francisco, he realized the truth of what he had so often prophesied: that the discovery of gold in California was but a prelude to the discovery of California. On the fat lands of the Rancho Arroyo Chico the wild cattle which once could have been counted by the thousands were now numbered in the hundreds; evidently, to forestall wholesale appropriation, Josepha was rounding up and disposing of her cattle as fast as she could at whatever price was obtainable. Squatters had settled upon her land and thousands of acres of grain were being planted; the shanties of the homesteaders dotted the plain and before their axes the lovely valley oaks were fast disappearing.

D'Arcy engaged several squatters in conversation as he rode through and was enabled to glean a knowledge of their peculiar viewpoint. Because the wish was father to the thought they elected to believe that all Spanish and Mexican grants were of fraudulent title; the *gobernadores* had given away the land to whosoever had asked for it; and since lands belong to the people as a whole, they were not the *gobernadores'* to give.

Some appeared quite genuine in their belief that the conquest had nullified all previously existing titles; hence all lands were public lands and subject to preemption. Pending the operation of land laws they considered it a wise move to take possession, since such possession might tend to establish the priority of their claims over those of their competitors. Seemingly, they operated under the ancient principle that possession is nine points of the law.

D'Arcy smiled sadly. "There'll be work here for Bejabers when he's elected sheriff," he decided. "These ruthless people will not be dispossessed without battle. The gold-lust has given way to the land-hunger."

Frequently they passed the carcasses of cattle, and McCready hazarded the opinion that they had died of disease carried into the state by the oxen that drew the covered wagons.

"Poor Josepha," D'Arcy reflected. "She is, indeed, sadly beset."

He realized that, despite their ruthlessness, their ignorance and arrogance, their lack of education and refinement, these squatters were of the same hardy breed that, for two centuries, had been pressing back the outposts of civilization along the Atlantic seaboard, until, now, at last, they had reached the Pacific. Sons of the soil, these—proud, fiercely independent, reckless, courageous, curious, adventurous, eager for the battle with the wilderness. It was obvious that they constituted a horde

of Nature's own selective breeding, for in the battle to win the West the cowards had never started and the weaklings had died on the way; in these survivors Dermod D'Arcy saw glorious seed for this new land at the setting sun.

Evidently thoughts similar to his were animating McCready, for presently he said:

"We'd better not delay locatin' our cattle range, Jud. The way this state's fillin' up the price o' land, will soon start climbin'. Hello! There's some of our little gal's vaqueras workin' cattle."

D'Arcy's glance followed his pointing finger. "Those aren't Señorita Guerrero's *cholos*, Mac," he decided. "They're Americans."

Judson arched his eyebrows comically. "You don't suppose Americans would do anything like that, do you, Dermod?"

"Americans have no monopoly on virtue, my friend. It would seem to me that those cattle should wear the Guerrero brand, for I have never seen any other brand on the rancho. Also, if Señorita Guerrero had sold them would she not have her own vaqueras gather and deliver them?"

They pulled up to consider the situation. McCready and Judson, shrewd judges of cattle in bulk, estimated that the herd contained not less than two hundred head.

"They're worth twenty dollars in Sacramento," McCready added, "which means that if them fellers yonder are rustlers our little lady stands to lose about four thousand dollars."

"Sort o' looks like we're a committee of investigation," Judson answered laconically. "That girl's fights are my fights. Dermod, I reckon you're still our leader. Explain the layout to Francisco and ask him if we can depend on him in a fight."

Francisco, apprized of the situation, nodded with mixed Indian and Castilian gravity. D'Arcy studied the herd. "Two men riding in the rear, one on each flank and two on point. We'll ride across the front of the herd, and if the brand is a 'G' on the right side, with a swallowtail in the left ear and the top of the right ear cut clean off, we'll ask the leaders to show a bill of sale. If they can't do that we'll have an argument, I dare say. Forward!"

They rode at a walk across the plain. When they were within two hundred yards of the head of the herd the nearest vaquero reined in his horse and shouted at them, at the same time raising his hand in the gesture that means, "Halt!"

The four declined to halt. "What do you want?" the vaquero shouted.

"None of your business?" D'Arcy shouted back. "Who are you to ask questions?" To his companions he said: "Suspicious already. I'm certain they're rustlers."

Instantly the rider on the near flank of the herd closed up on the man riding point,

while the two riders in the same positions on the other flank started galloping around the head of the herd to reinforce their companions. Meanwhile the man who had halted them drew a rifle from a bucket slung along the side of his stock-saddle.

"If you come closer I'll fire," he warned.

"I never knew a man who could shoot accurately from the back of a nervous horse," D'Arcy called to his companions, and drove straight at the fellow. The vaquero fired and the bullet ripped along D'Arcy's side, searing him like a branding-iron. But the enemy's rifle was empty now and he had no time to reload it; he thrust it back in the bucket and drew a pistol.

D'Arcy pulled up and his friends did the same. "That man's fair game for us now and he can't hit me with his pistol at this range," he explained, and slid off Pathfinder. He drew his rifle. Instantly the other man spurred his horse to get out of range, but D'Arcy's bullet brought the horse crashing to earth, precipitating his rider over his head in the fall. The man lay still, evidently stunned. The fellow who was galloping to his aid now fired and missed; before he could return his empty rifle to the bucket McCready had tumbled him out of his saddle.

"That evens the odds, Dermod," he cried grimly. "Rustlers or honest men, they've fired on us and now it's a fight to a finish. Mount up. The cattle are stampeding, and the two riders on the flank can't run fast enough to get around the front of the herd at us; they'll be overrun if they don't watch out."

"To the rear," D'Arcy ordered. "You and Judson take care of the two riders there. Francisco, follow me."

The herd, crazed by the sudden firing, had, indeed, stampeded. Realizing that they had now nothing left to fight for, since the cattle would run miles and scatter widely, the two men riding in the rear decided there could be no profit for them in a fight. They fled, galloping toward the river where a heavy oak and willow growth offered protection. But their horses were weary; the task of gathering those wild cattle had taken the edge off their stamina and the fresher mounts of McCready and Judson gained rapidly upon them.

"We're goin' to cut 'em off from the river, Mac," Judson warned. "They'll fight if they have to—an' they're goin' to have to. Their best chance is to turn an' charge us. If they do, lay along the side o' your horse, presenting a small target, then they'll do the sensible thing—shoot our horses, hopin' the horses an' us'll roll together—while they pass us in the confusion, savin' their ammunition an' ridin' to help them other two Dermod an' Francisco are after. If they can put us out o' the runnin' they won't wait to kill us."

"*Seguro*," McCready replied. "An' here they come." He waited until he saw the

man who must attack him raise his pistol; then he whirled his horse across the advancing man's front and swung low on the opposite side of the animal, after the fashion of one who stoops to pick up some object from the ground. He heard a pistol-shot and felt his horse flinch; instantly he rolled out of the saddle, landing on his feet. As the galloping rustler flashed by, McCready's pistol lifted him out of the saddle; a second later the other assailant, having downed Judson's horse, fled past McCready. Their pistols barked in an exchange of shots, but McCready was prone in the grass now, presenting a negligible target to the galloping horseman. He fired upward twice and saw his enemy pitch forward on his horse's neck, cling there for some fifty yards and then slide helplessly off.

"You hit, Jud?" McCready called.

Judson was picking himself up off his hands and knees. He held up his right hand and showed a shattered index finger. "Good thing you got my man, Mac," he answered cheerfully. "The skunk's ruined my trigger finger—for keeps, I reckon. Cripes, I'll have to behave from now on!"

McCready paid no further attention to his friend. A few feet away his horse stood, his head hanging low, for he had been shot through the neck. "You'll last a little while," the killer murmured sympathetically, and caressed the poor brute's nose. Then he swung into the saddle, uncoiled his riata and trotted away on the enemy's trail; when he had lassoed one of the thieves' horses, he mounted it and roped the other. Meanwhile Judson, his pistol in his left hand, had made a swift reconnaissance of the fallen.

"Good clean shootin', Mac," he complimented his friend. "Unhorsed, horsed, an' on our way again." He mounted the other captive horse; they paused long enough to put their own wounded horses out of their misery, and galloped away on the trail of D'Arcy and Francisco.

They retraced their steps a half-mile and came upon Francisco sitting his horse quietly under an oak-tree. His white teeth illumined his swarthy face as he met them with a smile.

"The man who went down first lies where he fell. He moves, but I have not been near him. When the tail of the herd went by us Don Dermod and I rode to the opposite flank and pursued the two there. They emptied their pistols at us. There is a hole in my sombrero and another in my leg. I think, too, Don Dermod was hit, for I saw him sway in the saddle. But he did not pull up. He picked for himself the man on the roan horse, who fled. That roan can run. For myself, my pistol being empty, I continued to pursue the man allotted to me. *Caramba!* I roped that fine fellow and dragged him for half a mile. By that time he was dead and I came to the shade to

rest. Oblige me, my friends, and remove my riata from the animal who lies yonder. It is a good riata and I would not lose it. I regret I may not dismount in my present condition. It would be difficult to mount again. I bleed but not too much. I will ride to the Rancho Arroyo Chico for aid. You would do well to follow on the trail of Don Dermod, my friends." He lifted his hat politely and rode away through the oaks.

McCready and Judson loped away in a general southerly direction. Presently they came to a stretch of grassy plain, with only an occasional oak, and at the distance of a mile they descried a saddled horse grazing; as they came closer they saw it was Pathfinder.

They were free of the stampeded herd now and could follow the trail of the pursuit through the luxuriant grass. And in this trail presently they came upon the body of Dermod D'Arcy, lying face down. Judson rolled him over tenderly.

"He's alive, but not very much, Mac," he decided.

"The man on the roan horse downed him, Jud. Well, you take care of him. I got other business." He caught up Pathfinder, and was rejoiced to note that that horse was unhurt. Then he loaded his pistol and rifle, mounted Pathfinder and galloped away on the trail of the rustler, which showed plainly. For an hour he followed it through open country without catching sight of his quarry, although from certain signs he knew his man could not now be more than ten minutes ahead of him. When the trail entered a district studded with oaks, McCready did not follow, but rode around it, bearing gradually toward the Sacramento River.

"His horse'll need water," he decided, "and the Sacramento is the nearest water. And if he's smart he'll swim his horse across and lose his trail. I'd do that. Let's see if he's done it."

Three hundred yards down the river-bank from the point where he emerged he caught sight of his quarry. Instantly he drew back into the shelter of the oaks again. The rustler was resting his horse; he stood beside the heaving animal, from which he had stripped the heavy stock-saddle, and with wisps of dry grass was grooming the tired brute.

"He'll camp there tonight," McCready decided. "He has to. His horse is done in. He'll watch his trail, he won't be expecting me down the river-bank."

He tied Pathfinder and pistol in hand proceeded to stalk his quarry. From oak to oak he glided with the stealth of an Indian, watching where he set his feet, in order that no dry twig might snap under him. He was a half-hour negotiating that three hundred yards. By that time the rustler had cooled out his horse and decided to let the thirsty animal drink. As he stood on a little sand-bar, with the halter-shank in hand McCready stepped out into the open.

"Hands up," he commanded. "Stand right where you are and do not turn around." He walked up and relieved his prisoner of his pistol. "Now then," he continued, "turn around and let me have a look at you."

The man turned, and McCready looked into a face terribly disfigured from a not very distant attack of smallpox. For nearly a minute the two men stared at each other; then in McCready's agile brain a chord of memory twanged.

"You're Cannon, aren't you?" His prisoner nodded. "I might have knowed you'd come to a bad end." McCready's voice was husky with a sad disappointment. "Well, saddle your horse," he commanded, "mount up and let's get goin'."

"Where?" Cannon demanded.

"To a hangin', you skunk. Where d'ye s'pose? A grand ball?"

"I've done nothing. You haven't an evidence on me, mister," Cannon blustered.

"I think I have. Saddle up."

Cannon saddled up, and leading his leg-weary roan walked up the river-bank to where Pathfinder was tied. McCready mounted the stallion. "The next time you make a run for it see that you have a thoroughbred," he suggested. "These cold-blooded cayuses are good, but about the time they're quittin', a thoroughbred is just beginning to warm up. Mount up an' ride your back-trail."

He looped his riata around Cannon's torso and made a half-hitch; the other end he tied to his pommel and followed behind the prisoner. About sunset he rejoined Judson, of whom his somber eyes asked a question.

"Francisco made it to the rancho," Judson answered the unspoken query. "He told Señorita Guerrero about our little ruckus, so she had a team hitched to an old family carriage, and after she'd had Francisco's leg bandaged he led her on our trail. She's taken D'Arcy back to the hacienda. He's got a rip along his ribs and a bullet through his right lung. He was conscious when the girl took him away. Me, I wasn't any more use, so I waited here for you. I had an idea you'd git your man an' be back."

"I'd have been back sooner if I'd followed my natural inclination, which was to shoot this skunk the minute I sighted him. But I hadn't the heart to deprive you of a whole lot o' pleasure you got comin' to you, Jud. This here's Cannon, the great, big, chief thief of them all, I reckon. I suppose there ain't no doubt about them cows belongin' to Señorita Guerrero?"

"Nary doubt. She tells me somebody's been rustlin' her cattle for months, so I reckon it's this feller. Let's string him up, Mac. There's another riata on your saddle."

He passed the loop around Cannon's throat and drew it taut. Then he climbed an adjacent oak, passed the other end over a high, stout limb, drew it down and fastened it to Judson's pommel. Cannon commenced to plead for mercy; he threw himself from the roan's back and groveled on his knees; he wept, and when he saw that mercy was as alien to his captors as it is to a hungry tiger, he commenced to shriek.

"I never knew a bluff an' a bully an' a sneakin' dirty dog that knew how to die well," McCready told him disgustedly. "You're a natural thief an' murderer, an' there's too many o' your kind clutterin' up the state anyhow. We know your record. All right, Jud, lead out."

Judson led his horse out from under the tree and Cannon rose, shrieking in horrible terror, to his feet; he ran along four or five steps, then his chin tilted and his cries became a momentary gurgle; his toes scuffed the grass tops; slowly, inexorably he rose until he dangled six feet from the ground.

McCready grasped the riata. "Come in, Jud," he ordered. Judson backed the horse and cast the riata off the pommel, while McCready held the body suspended; then Judson passed the riata securely around the bole of the tree and tied it there. They mounted.

"Man born o' woman," McCready murmured sententiously, "is mighty small potatoes an' few in a hill."

They rode away on the back-trail. At the scene of the battle they found the man whose horse D'Arcy had shot from under him. He had a broken leg. So they took the riata from the saddle on his dead horse and hanged him with it, after which, feeling extremely virtuous, they rode to the hacienda of the Rancho Arroyo Chico for supper and a bed they very much needed.

# *Chapter Twenty-seven*

An Indian had told Mr. Poppy that it was going to be an open winter, and since he had always heard that Indians had infallible methods of weather prognostication unknown to white men, Mr. Poppy believed him. Nevertheless, even though no snow had fallen by the first of December, he became anxious. Such little practical common sense as he possessed warned him that he and the Bart should go down to Happy Camp before the snow flew; that delays were dangerous. But the Bart had gout and was unable to make the journey afoot, so Mr. Poppy, pinning his faith in the Indian's prophecy, decided to wait until the fifteenth of December for Sir Humphrey to recover sufficiently to make the long march, nor considered, in his innocence, that while the keg of whisky the last pack-train of the season had deposited at their camp lasted, the Bart would retain his gout.

On the fifteenth Mr. Poppy decided he could not afford further risk. If the mountain would not come to Mahomet, then Mahomet must come to the mountain; he must go down to Happy Camp, secure a saddle-horse or a mule and return for Sir Humphrey. The Bart agreeing to that plan, Mr. Poppy cooked him four days' rations and fled down the trail to Happy Camp, where he arrived late that night, cold and hungry, and pounded on the door of the only domicile on earth he could call home.

But no response came to his summons. He did not know that D'Arcy and Company had dissolved partnership and departed. He concluded they must all be uptown. So to the principal dance-hall and saloon Mr. Poppy wended his way, for he needed a drink very badly. Just one drink—well, perhaps two, but not more than that; he would then return to his friends' cabin and Jim Toy would shake him up a meal. He was certain of a welcome.

As he entered the Bird Cage he presented an incongruous figure. He was dog-dirty and ragged, his hair hung down on his shoulders, his whiskers were long and unkempt, he was red-shirted, jack-booted and brown as the trunk of a madroña-tree. Hence, the sirens of the Bird Cage knew instantly that here was one but this moment returned to the flesh-pots after a long absence in the wilderness—a man, forsooth, likely to have in his possession a poke well filled with dust and nuggets. From across the huge room they called to him and waved enticingly, but resolutely he turned his back upon their spurious blandishments and headed for the long bar.

A hand slipped into the crook of his elbow, his progress was checked. "Hello, darling," a feminine voice cooed. "Welcome to Happy Camp. You certainly look

like a man that needs a drink. Suppose we have a quart of champagne together and then a little dance?"

Mr. Poppy shook her roughly off. "You Jezebel," he growled.

"Now, that's no way to address a lady," the girl protested good-naturedly. "Suppose I buy you a drink of Angelica and make you sweet?"

"A lady!" Mr. Poppy's tones were icy with contempt. "A lady!" He was so disgusted he turned to wither the importunate female with his most virtuous glance. He failed. Instead his eyes popped with horror, his mouth sagged loosely, and a great trembling seized him. When he could speak he croaked:

"Oh, Martha, Martha! You! Oh, my God!"

"Obadiah! I—didn't think—I—Bejabers Harmon told me of your search—before that I thought you dead. I—I was going away soon—so I wouldn't meet you — Oh, my dear, my dear, I didn't want to hurt you!" She commenced to sob.

Mr. Poppy laid a dirty paw on her silken shoulder. "Come away from this place," he commanded, and almost thrust her out the door into the frozen night.

"She ain't dressed for an open-air conference," a familiar voice warned him. Bejabers Harmon stood in the entrance. He removed his overcoat, and Martha slipped into it. "Our old cabin's deserted, Poppy," he explained. "Come over to my house. Madge'll turn the front room over to you and we'll leave you two alone to talk it all over quiet-like." He glared meaningly at Mr. Poppy. "A little Christian charity mebbe goes a long way tonight," he whispered, "and you got to remember you ain't no sweet-smellin' vi'let yourself."

In the privacy of the Harmons' "front room," while Bejabers and Madge retired to the Mansion House parlor, Mr. Poppy and Martha faced each other. It was a terrible moment—terrible because of the silence. Then Mr. Poppy spoke:

"I suppose there was nothing else for you to do, Martha?"

"I have no explanation, Obadiah. It—it happened."

"It's what I deserve, not you, Martha. I have a half-interest in a rich claim. I'm not worthy of you, but if you'll marry me I'll go straight. Oh, my God, I know I will! I'll have to—for both our sakes."

Martha's tones were tipped with contempt. "To make an honest woman of me? I am not low enough for that, my dear. There is no necessity for you to think you are called upon to sacrifice yourself. And I'll make no explanations, present no apologies. What I've done I've done deliberately. I could have protected my virtue by marriage long ago."

"I love you," Mr. Poppy replied with sad simplicity. "The finest, the loveliest impulses of my worthless life I owe to you. I'm a fool and a sham and a weakling;

the only sincere thing in my heart has been my love for you. I used to think I knew all there was to be known about virtue—that is, the sort of virtue that is the product of a fear of hell-fire. I—I think—I want to be a human being now. I don't care for anything or anybody. I want you because I love you, because what you are I've made you. I want my own.

"Once you had me upon a pedestal. The man of God! And all the time I was a child of the devil. . . . What did I know of humankind? What did I know of the trials and temptations of this world, when, with a forked tongue, I thundered in a pulpit my denunciation of sin? Martha, will you marry me—as an act of sweet charity? I need you so—and perhaps, after all, you need me. If there's a human being who can help me upward and onward, it's you, dear heart. And I don't want any explanations. Can't we start all over again—together—now?"

"You're—not—ashamed of me?" the girl cried incredulously.

He shook his head. "The world I knew is very distant now, Martha. One gets very close to the sublimates of life in California. A new land with new aspirations, new ideals and a kindlier, broader outlook. That is one of the blessings of the gold; we will not discuss its curses. I'm waiting for my answer, Martha."

She crept into his arms, took his shaggy head in both hands and drew the long sad face down to her carmined lips. "Oh, sweetheart," she assured him, "it's been worth it all to know, beyond a doubt, that you're really the man I loved—that you really have in you the quality for which I loved you. Take me, Obadiah, oh, take me away, take me away."

He held her close and in the silence the clock on Bejabers's mantel ticked like thunder. No, they had nothing more to say to each other. They could only feel.

They were married in the morning in the parlor of the Mansion House, with Madge and Bejabers for witnesses. The weather was still clear, the sky not overcast; beyond a doubt that Indian was an excellent weather prophet. Within an hour after their marriage the Poppys, mounted on horses supplied by Bejabers, and leading another horse for the Bart, were bound up the trail for Hot Creek. And as they rode, a leaden hue suffused the sky and an icy wind blew down out of the north; presently a snowflake fluttered against Mr. Poppy's cheek.

"We'll have to hurry," he said.

Softly, slowly the snow commenced to fall; by the time they reached the cabin it was whirling viciously. The Bart welcomed them, and realizing that here, indeed, was an auspicious occasion, one which required due celebration, he begged Mr. Poppy to brew a pot of "the craythure." Mr. Poppy obeyed, but it was an empty glass he hoisted in response to Sir Humphrey's ornate toast to the long life, happiness and

prosperity of his partners, for with that large prodigality of his he had instantly included Martha in the partnership. When Sir Humphrey was comfortably intoxicated Mr. Poppy put him to bed and returning to the fire sat beside it with Martha and planned with her for their future.

When he ventured out in the morning he found the cabin half buried in snowdrifts, with the snow falling so thickly that it was with extreme difficulty he found his way to the little grove of pines in which he had tethered the horses the night previous. This grove constituted the only possible shelter, and although Mr. Poppy had tied the saddle-blankets on them the horses were almost frozen. He would have lighted a couple of bonfires to warm them, but he could not find any dry wood; the best he could do was to melt snow and water them—a long and tedious process. He had three feeds of grain with him and this he divided into six feeds and gave one to the famished beasts.

He returned to the frail cabin half frozen, but when Martha suggested that he take a drink of whisky to revive himself he shook his head. "I'm done with that," he told her. "Whisky is my old lost love—and I do not want it back."

It snowed for a week without cessation. The tiniest vestige of the trail to Happy Camp was obliterated, and on the third day the horses perished. The snow was twenty feet deep and completely covered the cabin, and when a lack of fuel made a sortie necessary Mr. Poppy had to dig a tunnel to the surface. Laboriously he shoveled the snow off the carcasses of the horses and disemboweled them; then he shoveled the snow back on them and packed it down with his feet. For it had occurred to him that they were snowed in for the winter and that a supply of frozen horse-meat might avert starvation when their other rations should be gone.

It occurred to him, too, that Bejabers would lead a rescue party to them on snow-shoes, so he shoveled the snow off the cabin roof in order that they might see it. But that same night it commenced snowing again, nor did it cease for another week. When it did, Mr. Poppy made a sortie to the grove, cut a large patch of hide and a piece of meat from one of the martyred horses and returned to the cabin. Here with yew wood and strips of green horse-hide he fashioned snow-shoes for Martha and himself; then, with infinite labor he made a sleigh, with runners of hard Valparaiso live-oak, padded it with a mattress rudely fashioned of pine needles laboriously dug from under the snow about the roots of the towering pines, and made a harness for himself from the *látigo* on one of the saddles and the bridle-reins. Then he fried sufficient horse-meat to last three days and announced his plan.

"We've got to get out," he declared. "We must take a gambler's chance. I doubt if anybody in Happy Camp is familiar with the trail up here, even if they could

find it, which they cannot. I have given up hope of a rescue party. My plan is to put Sir Humphrey on this sleigh, wrap him in blankets and start down Hot Creek cañon to the Arroyo Chico. Hot Creek will be frozen over, and there will be several feet of hard snow over the ice. That route isn't passable in summer but I'll have to chance it is passable in winter. I know in what general direction Happy Camp lies, but I am not certain I can orient myself if we go straight over the mountains. But if we can get down to the Arroyo Chico we'll be safe. The junction of Hot Creek with the Arroyo Chico is only ten miles above Happy Camp; I can walk that far and get help."

Sir Humphrey spoke up with delightful cheerfulness. "My dear Poppy, you're a loving and loyal ass. Of what manner of use am I in the scheme of life? Leave me here to Providence and go on without me. I'll only hinder your chances of escape."

"You're my partner," Mr. Poppy replied doggedly. "You'd never desert me. What's your idea of the situation, Martha?"

"We'll stick by our partner," the girl replied.

At daylight next morning they started. Such timber as grew in the frozen bed of Hot Creek was sufficiently sparse for Mr. Poppy and Martha to haul the sleigh between it, and, as Poppy had suspected, thirty feet of snow covered the frozen rapids, pot-holes, boulders, and waterfalls in the creek bed. But the weather had turned warm, for which they were grateful.

At midday they halted for a meal of tea and cold fried horse-meat. Martha was just filling the Bart's pipe for him when from far up the cañon of Hot Creek a thunderous roar came to them.

"What the devil's that?" the Bart cried sharply.

"A windfall," Mr. Poppy answered. "Trees, top-heavy with snow, crashing to earth through other trees."

"Too many trees falling, I'm thinking," the Bart replied. "Are you certain it isn't an avalanche?"

Far up Hot Creek cañon Mr. Poppy could see a cloud that looked like spray thrown up when giant waves hurl themselves upon a rocky coast. Martha crept into his arms.

"What is it, Obadiah?" she whispered. "It frightens me."

"Hush," he warned her. "Don't let Sir Humphrey hear you. Thank God, he's blind, and cannot see it. It's an avalanche, sweetheart—hundreds of thousands of tons of frozen snow from the mountains miles above us. This hot spell has thawed it, I reckon—or perhaps a landslide started it." He drew her to his heart. "It's coming," he whispered, "coming down the cañon—a wall of it a hundred feet high."

"Are we going to die, Obadiah?"

He nodded. "We're down in the cañon. We cannot escape."

"I'm not afraid," the girl whispered, "not with you."

"Poppy, my dear boy," the Bart boomed, "it occurs to me we're in the divil's own fix. It's an avalanche and it travels fast. I'm thinking it's coming down the cañon."

"It is," Mr. Poppy quavered.

"Indeed! What a damnable misfortune to be deprived of the sight of such a magnificent spectacle! Holy Moses, what a racket! It's sweeping the timber before it. Are we in for it, lad?"

"We will," said Mr. Poppy, "be dead in sixty seconds."

"I'm sorry for you and Martha. Your hand, partner. You've been faithful and true, and I was never aught but a vagabond and not worth saving. God have mercy on us. Well, I came for adventure and I've had it and I'm not repinin'."

Mr. Poppy wrung his partner's hand and Martha bent and kissed the scarred red cheek before seeking again the comforting haven of her husband's arms. "Ah, love," she whispered, and closed her eyes, waiting.

In that supreme moment Mr. Poppy, strangely enough, did not pray. He did not even think of God or his soul or hell or heaven; rather he was sensible of a subtle peace in the knowledge that at last he was face to face with an issue which required no wrench upon his will-power to decide. He glanced down at the Bart, calmly puffing his pipe. Whatever Sir Humphrey was, whatever he had been, he had always had in full measure that quality of virtue which Plato exalted—the virtue of intelligence and courage. In supreme moments he could not be common; he did not have to remind himself, even, that once he had been a gentleman. His calm fascinated Mr. Poppy and drew his mind from thoughts of his own imminent dissolution.

"It's the end of the trail, Sir Humphrey," he shouted above the rumbling roar of the avalanche.

"God is good and the divil not half bad—when you're acquainted with him," Sir Humphrey replied blithely—and winked a sightless eye.

Mr. Poppy looked up the cañon, from which there was no escape because of its precipitous walls. A great flurry of fine snow rose a hundred yards in the still air; a wall of solid snow, rolling, billowing, tumbling down upon him, bearing a fringe of boulders, timber, and earth before it, was fifty yards distant. He shook his head and looked down into the sweet, pale but untroubled face of his Mary Magdalen; he bent and kissed the closed eyes—and waited in a sort of holy ecstasy, holding her close to him, unafraid, defiant, unrepentant, a free soul at last—a man!

In April the snow melted and the freshet carried them down Hot Creek to the Arroyo Chico, and the Arroyo Chico, taking up the sad burden, carried it ten miles and deposited it on the bar where, in the summer of '48, the Bart and Mr. Poppy had both staked claims. Thus the poor little ones—*el pobrecitos*—came home at last to Happy Camp, where Bejabers Harmon, now coroner and sheriff, staked for all three a claim six feet by six feet by three feet, and left them alone under the murmuring pines, with the God that Mr. Poppy discovered at the last—the God of gentleness and mercy and understanding!

# *Chapter Twenty-eight*

Spring again—spring of ’51. In the lush lands of the Rancho Arroyo Chico the last few cows left to Josepha Guerrero nursed their new-born calves. Down by the mighty Sacramento, running bank-full now with the melting snow-water of the high Sierras, the whistles of sprig and teal, the plaintive whimper of trumpeter swan, and the persistent honking of geese filled the land with sound, for the waterfowl were northbound for the summer. The land was golden again with buttercups and eschscholtzia. But it was no longer a lonely land nor riotous with the clamor of the adventurers; it would never be lonely again.

At least Dermod D’Arcy thought so, as he marked the grain fields planted by the squatters and noted the rude fences around the farms they had preempted. For four months he had lain in a rude hospital at Sacramento, recovering from the wounds received in his foray with the cattle-thieves, but now, restored to his old vigor and mounted on Pathfinder, he was returning to the Rancho Arroyo Chico. And he rode alone.

Arrived at the hacienda Don José’s mongrel hounds rose up from their place on the veranda and bayed furiously at him. He swung down from Pathfinder as Patricio, opening the front door, glared darkly out at him. “Ah, Don Dermod D’Arcy,” he murmured without enthusiasm.

“You didn’t expect to see me here again, did you?” D’Arcy greeted him with malevolent cheerfulness. “Well, I’m back again, like a bad penny. Is your mistress at home?”

Patricio nodded and emerged to take charge of the guest’s horse, for however unwelcome this gringo might be to him, the laws of hospitality were ever sacred. D’Arcy strode into the house.

“Josepha!” he called.

She came to him from the lean-to kitchen where she had been giving some orders to the cook. “You have been long coming, Don Dermod,” she chid him, and proffered him both little hands. “I had thought you had forgotten. Since that evil day when the terrible ones bore you away to Sacramento I have had daily news of you; I thought perhaps you might come a week ago.”

He beamed down at her. “Indeed! And who bore you tidings of me?”

“Each day a vaquero has left the rancho to glean news of your condition at the hospital; each day a vaquero has returned with it. You have been very close to death, Don Dermod.”

He nodded and led her to a seat. "And I have been desolated," Josepha continued, "with the thought that you were to die in my service."

"I couldn't afford to die. You needed me. Moreover, we gringos do not die too readily."

"You are very welcome, Don Dermod, if only for a little while. Whither are you bound now?"

"Sweetheart," he replied, "here is the end of my journeying. A long time ago did I not tell you that I would come back when my work was finished? I could not come before," he added as an afterthought. "Once I was a penniless wanderer—"

"Ah, yes, you were ever prideful, Don Dermod. Why have you not returned sooner, I ask?"

"I have been in San Francisco, dear one. I read in the paper that you had filed with the Federal Commission on Land Titles your claims to the Rancho Arroyo Chico—so I have been looking into the matter and speeding a decision. It has been duly investigated, and a decision was handed down five days ago by the commissioners."

"I have not been advised, Don Dermod."

"Well, I am advising you now. Your claim has been rejected, Josepha. There is no record in the old archives to substantiate it. Of course you can appeal to the courts, but I fear that will be of no avail. I think the commissioners have rendered an honest decision. They had no other alternative. Personally, I am delighted to know you are no longer the mistress of the Rancho Arroyo Chico."

She looked up at him with brimming eyes. "Why do you say this thing?" she demanded. "You rejoice that I am what the gringos call go bust?"

He nodded. "That decision gives me the right to demand that hereafter all of your worries shall be mine. Josepha, I love you. Surely you must know that. I've loved you since that day I rode away from you at San Juan Bautista. I have labored for you. All my life I must adore you. Ah, sweetheart, will you not marry me now? I have enough for both—enough to last us all our days together—enough for happiness."

"You are sure you love me—for myself?"

"More than ever—now that you are helpless and alone in the world."

"I believe you," she answered slowly, "and believing, I will not reject the labor of your love. Ah, thou gringo, thou dominant one! Always have I loved thee—and oh, how that love has hurt, because of the sad obstacles to our loving!"

He put his strong arms around her and drew her to him. "*Pobrecita*," he murmured, "rest always on this heart. I never wanted you with a dowry, for it is the

way of the gringo to provide his own."

"Ah," she murmured happily when free at last of his caresses, "but you *shall* have a dowry—the Rancho Arroyo Chico. Dear one, you do not marry a fool, but you do marry a woman who has much curiosity. Always I loved you, yet I was resolved not to marry you. The reasons? Well, you know them. Once they seemed very good reasons, but who can argue with love?

"I knew that some day you would come for me; I feared if you did not I would come to you. But deep in my heart I had a great desire to know that you loved me because I am your Pepita and not for the lands my father left me. For it has seemed to me, my lover, that the gringo is too eager for land—and I would make certain. So when I presented my claim to the commission I attached only the original grant. I knew the claim would be rejected, because I knew that in the archives at Monterey there was no record to substantiate it."

She laughed merrily at her gigantic jest and went to an ancient iron treasure-chest wherein, in happier days, Don José had been wont to store his money. She removed a bundle of documents and handed them to him. "Read," she commanded.

He obeyed. "There must have been somebody with brains and forethought on this ranch once," he told her presently. "Somebody who did not do things in the casual, helter-skelter manner of your Spanish progenitors. The Rancho Arroyo Chico has been surveyed, its boundaries carefully designated by natural landmarks, and these boundaries set forth meticulously in the deed of grant. This obviates the possibility of a claim which is arising in numerous instances with others—to wit, that the grant is not legally or specifically delimited and lies within unlimited outside domain."

"My mother was half English, Don Dermod. She it was who refused to be casual. She had vision. She felt that one day the order of things might change, that unless the boundaries of the grant were specifically outlined there would be an opportunity, not in her day, perhaps, but in the time of her grandchildren, for covetous ones to advance claims to that land contrary to ours. So she induced my father to make definite surveys, to erect monuments and to run the boundary lines between natural landmarks."

"Yours is a Mexican grant. It bears the seal and signature of the secretary of state at Mexico City, as well as the signature and seal of the California gobernador who approved the grant and issued the patent."

"That, too, was my mother's desire. Ah, those lazy, careless ones at Monterey! They thought so much of pleasure they paid but scant attention to keeping the archives of the government in orderly fashion. This my mother noticed. Often have I

heard her relate the story of her visit to Monterey to make certain that the record of the grant to my father was duly entered in the big book there and not permitted to remain on loose leaves, stuffed in desks here and there. She even saw to it that my father's application for the grant and the record of its consideration and favorable action by the gobernador was duly recorded in the big book and a notation made on the daily record of the gobernador's procedure."

"But here are the records essential to proving the legality of your grant," he protested in amazement. "Why are they in your possession rather than in the official archives at Monterey?"

"Ah, you do not know those politicians at Monterey. Always there was strife between them. A new gobernador would come from Mexico and demand the archives. The retiring gobernador would refuse to recognize the authority of the new arrival, and when, eventually, he was forced to, the new gobernador might retain the seat of government at Monterey, or if he had friends in Santa Barbara or Los Angeles or San Diego, he would issue a *pronunciamento* and remove the seat of government, taking the archives with him. There was much jolting of those archives up and down the coast in *carretas*.

"My mother said: 'Those villains will lose the record of our holdings.' So when at last it seemed this foolish quarreling was over and the seat of government firmly established at Monterey, my father and mother rode there to make certain that the record of the grant of the Rancho Arroyo Chico was intact, although my father laughed at my mother's fears.

"He cared not whether the record was there or not. 'Assuredly,' he said, 'no one will ever disturb us.' But my mother—ah, she looked into the future. She trusted no man in California—not even my father. When dying she warned me against him. 'Pepita, your father is a lovable old fool. Watch over him.'"

"Your mother was a remarkable woman. Was she not also a remarkable thief?"

Josepha laughed. "Ah yes! She thought those records would be safer in my father's strong box, so while my father talked with the secretary of the gobernador she removed them. See, these pages have been torn from the binding. They are numbered; they are in the handwriting of the secretary to the gobernador; there will be no trouble to prove my claim after I appeal it."

"This is, indeed, extraordinary, Josepha."

"Under the old régime in California nothing was extraordinary. My kinsman, Don Emilio Espinosa, has at his hacienda a *carreta*-load of official archives. When the seat of government was being moved from the pueblo of Los Angeles back to Monterey the *carreta* broke down and as the gobernador spent that night at San

Juan Bautista he asked Don Emilio to lend him another to continue the journey. But Don Emilio's *carretas* were busy on other work, so he promised when he could spare one and a guard, to send the archives forward. Thereupon the gobernador left them with him. Always Don Emilio was going to deliver them to Monterey, but it is the nature of my people to do tomorrow that which should be done today!"

D'Arcy burst out laughing. "You are as tricky as your mother," he declared. "But then I can understand your mother. She was half English. We Irish can always understand the English."

Followed a little silence, while the girl's fingers crept through his wavy raven hair. "And so, dear heart," she murmured presently, "you will be a California ranchero, no? In the fulness of time you will eject these Americans who plow our pastures and cut down our trees and dig canals from the river to irrigate their crops. I do not like them. They have not manners."

"No, they are not of the *gente de razón*, I'll admit, darling, but they'll make a state out of California. Yes, I'll eject them when the time comes and I'll be a ranchero and revive all the ancient glory of both our clans."

"And tomorrow, thou great bully?"

"Tomorrow we ride to Sacramento to be married and live happily ever afterward."

THE END

# *TRANSCRIBER NOTES*

Mis-spelled words and printer errors have been fixed.

Inconsistency in hyphenation has been retained.

[The end of *The Tide of Empire* by Peter B. Kyne]