

The Donager Saga: Beginnings

By Nancy Eddy

Episode 2
Accused

As the wagons rolled along the prairie, those traveling made note of cattle grazing nearby. "We must be on someone's ranch," Anna told Sam.

"Probably. I haven't seen any signs or fences, though." He glanced around, then asked, "Where's Olivia?"

Anna turned to look around the cover. "She's with Lillian and some of the other girls," she told him. "She's fine. She's so much happier now than she used to be, don't you think?"

"Still doesn't mean I don't worry about her," was Sam's reply.

"No one expects you to not worry. But she *is* happier now that she's able to spend time with other children."

"Is there some of that jerky in the wagon?" he asked, apparently wanting to change the subject. "It's near noon -" he broke off, frowning as he looked ahead of the lead wagon. "Wonder what's going on? Mr. Jennings is back. And he's not alone."

"Boss!" Hanrahan yelled from the front wagon, pulling the reins on the team to stop them. "Whoa!" When the team didn't stop fast enough, he yanked them again. "I said whoa, you mangy -"

"Whoa!!" Overton called out as he rode quickly toward Jennings and the four men with him. John, Gerald Carter and Niles Bradford followed the wagon master.

"Jennings doesn't have his side arm," Gerald observed.

"I noticed that," John nodded. "But his rifle's still in the scabbard." The three men pulled up as they reached Jennings.

"What's going on, Jennings?" Overton asked.

"You the wagon master for this wagon train?" one of the men asked.

"I am. Gene Overton. Who are you?"

"I'm Hank Johnson. I'm the foreman for Mr. Jack Ryker."

"The man who owns the land we're on?" Overton asked. "That Jack Ryker?"

"Yes, sir. We came across your scout and asked him to bring us back here with him."

"Asked," Jennings grunted. "Demanded is more like it."

"Only because you drew your gun," Johnson reminded him, handing the weapon back to him. "You're lucky that you weren't shot."

Jennings took the gun, returning it to the empty holster. "They say we have to pay a toll, boss, if we want to cross through Mr. Ryker's property."

"A toll?!" Overton questioned, clearly not happy. "There's never been a toll -"

"There is now, sir," Johnson said.

"I want to talk to your boss."

"I'll take you to him."

Overton turned to Jennings and the others. "Might as well take the Irishman and a few others into town to get some supplies. Set up camp for the night. I'll get this sorted out and be back as soon as I can."

Jennings and the others watched as the riders disappeared into the distance. "Did they tell you how much they're asking for a toll?" John asked the scout.

"Fifty dollars a wagon, and five dollars for every person on the wagon train," he said.

Gerald gave a low whistle. "That would add up for families like yours, Niles, and the Halls and the Carters," he commented.

"I'm not sure any of us can spare the fifty per wagon," Niles said.

"Until he gets back, we shouldn't worry the others," John told them. "We can just say that he needed to talk to the landowner about our crossing, and that's it. Agreed?"

"Agreed," the others nodded, and they returned to the wagon train.

Gerald Collins, Jennings and John went into Rykerton with Hanrahan, leaving the others to make camp.

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Johnson sent the other riders out to their regular jobs as he and Overton neared the ranch yard. A blonde young man was waiting on the porch of the house, clearly watching for them. "This is Gene Overton, Mitch. He's the wagon master for that wagon train that George told us about. Where's your uncle?" he asked.

"Inside, waiting for him," he said, nodding in Overton's direction. "He wants you to go out to the south range, Hank, and help with those fences. Told me to send you out there as soon as you got back."

"Fences? Okay. He's the boss." He nodded at Overton. "Later."

Overton got out of the saddle and tied his horse to the rail in front of the porch, then stood there, watching the young man. "Well?"

"Oh, you just go on in. I have to go out to the barn and start working on cleaning the tack room. Uncle Jack is expecting you. He'll be in the study, inside the front door and to your left."

Overton went to the front door of the house and knocked, but Mitch shook his head. "Go on in. Like I said, he's expecting you."

Sighing, Overton opened the front door and entered the house as Mitch disappeared beside the house. "Mr. Ryker?" he called, but there was no response. Assuming that the man was busy, he went to the left and entered another room.

There was a man sitting in the chair behind the desk that took up much of the room, but he didn't look up - in fact, Overton thought, he looked like he was asleep. Moving closer, he saw a dark stain on the man's chest.

Suddenly he saw something move in the open window, and a gunshot followed. Overton moved aside and pulled his own gun, firing it in that direction. Going to the window, he looked out, but didn't see anyone.

"Uncle Jack?" Mitch's voice called, and a moment later he ran into the room, stopping in the doorway. Pulling his gun, he told Overton, "Drop your gun."

"Look, he was dead when I -"

"I heard a gunshot," Mitch said. "Drop it! Now!"

Overton let his gun fall to the floor. "I didn't kill him. And if you heard one shot, you had to have heard two, because someone fired at me through the window. That's why I -"

"You can tell it to the Sheriff when I get you to town," Mitch told him.

"Aren't you going to see if he's still alive?" Overton asked, even though he was sure that Ryker was dead. He'd seen dead men before.

"Sure I am." Mitch sidled over, keeping one eye on Overton as he placed a hand on his uncle's chest, carefully avoiding the bloody area. "You murdered my uncle. He wasn't even wearing a gun - he never did here in the house. You're going to be lucky if you last until they can try you, once people in these parts find out what you did."

"I didn't kill him!"

"Outside," he said, motioning with his gun. When Overton hesitated, he said, "I'd just as soon shoot you now and be done with it. Move!"

As they came out of the house, Hank Johnson rode back up. "Mitch? What's going on? I thought I heard a shot -"

"You did. He shot Uncle Jack. Murdered him in cold blood!"

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Several people stopped whatever they were doing as the covered wagon drove down Rykerton's main street. "Don't look very friendly now, do they?" Hanrahan asked.

"Somewhat less than welcoming," Gerald agreed.

"That's an understatement," Jennings declared. "I don't see one smile."

"There's the general store," John told them, nodding toward a building just up the street.

The Irishman brought the team to a stop in front of the building, nodding at the man on the sidewalk. "Goodday to ya sir. Ah, and 'tis a fine day. -"

"It was," the man growled, frowning at them.

John and Gerald dismounted, and John held out his hand. "My name is John Donager, this is Gerald Collins, Mr. Jennings, our scout, and that's Sean Hanrahan." His hand ignored, John lowered his and continued to speak. "We're with a wagon train just south of here, and we'd like to buy some supplies," he continued, taking a list from his shirt pocket.

"I've nothing to sell to anyone with a *wagon train*," the man sneered. "Move on."

"Well, is there another general store in town, then?" Jennings asked.

"No one in Rykerton will sell you anything, Donager. Like I said, move on." Having said his piece, he turned and would have gone back inside the store, but John wasn't ready to let it go.

"Excuse me, would you at least tell us the reason why you refuse to sell us anything?"

"We used to welcome wagon trains with open arms," the man explained. "But we had one come through here last year, and, well -" he shook his head. "By the time they left, several families reported things missing - and Mr. Ryker had lost at least twenty head of prime beef. Does that answer your question?" He didn't wait for a response as he continued into the store.

"What now?" Hanrahan wondered, looking at John.

"We might as well go back out and wait for Overton to -" John began, only to be interrupted by Jennings.

"There he is now," the scout said, pointing to the end of the street, where Overton was riding into town, flanked by Hank Johnson and a younger man, who was leading another horse with what appeared to be a body over its back.

"Something's wrong," John said, stepping out into the street. "Keep an eye on the horses, Hanrahan," he said, going toward the three riders with Jennings and Gerald.

They reached the same spot at the same time - in front of the Sheriff's office. "What's going on, Mitch?" someone asked the boy as he got off of his horse.

"This man killed my uncle," Mitch answered, turning to look up at Overton. "Out of the saddle."

A crowd was quickly forming as word began to spread. "Mr. Ryker's been murdered!"

The Sheriff came out of his office, stopping to look at the body before taking custody of Overton.

"Someone take Mr. Ryker's body over to the doc," he called out, quickly pushing Overton into the office, with Mitch and Hank Johnson following.

John pulled Jennings and Gerald aside. "Gerald, you and Hanrahan go back to camp while we stay here and see if we can help Mr. Overton."

"Sure you don't need me to stay?" Gerald asked.

"I think we can handle it," Jennings told him. "We'll be back once it's cleared up. I'm sure it's just a misunderstanding." Once they were alone, John and Jennings made their way through the crowd and entered the Sheriff's office, finding themselves the focus of four pair of eyes.

"Who are you?" the Sheriff wanted to know.

"They're with the wagon train, Walt," Hank Johnson told him. "That one's the scout. Jennings. Haven't met the other one."

"John Donager," John said.

"You might as well go back out to your camp," the Sheriff told them.

"Not until we hear what happened, Sheriff -" John stated.

"Walt Murphy," the man supplied. "Your wagon master was about to tell *us* what happened when you came in. Go on, Overman."

"Over*ton*," he corrected, clearly angry. He recounted what had occurred at the Ryker ranch house again, the same story he'd told Johnson on the way into town. "Ryker was dead when I got there - I didn't kill him."

"There's a bullet missing from your gun," Murphy said.

"I explained that someone took a shot at me from the open window behind Ryker's chair, and I fired back out of instinct. I didn't shoot Ryker!"

"I only heard one shot, Sheriff," Mitch insisted.

"Where were you when this happened?"

"I was headed into the barn to straighten the tack room," Mitch explained. "Uncle Jack had told me to send the wagon master into the house as soon as he got there, then go take care of my chores."

"What about you, Hank?" Murphy asked the foreman.

"I left Mr. Overton with Mitch, and wasn't too far from the ranch when I heard a shot. So I turned around and came back."

"Just one shot?"

Hank scratched behind his ear, wincing as he glanced in Overton's direction. "You know how sounds travel out there, Walt. Hard to say for sure. But if pressed, I'd have to say it was one for sure." He sighed and looked at Overton again. "Sorry."

"I don't *believe* this," Overton said, shaking his head. "Why would I have killed the man right after going into the room?"

"You weren't happy about having to pay the toll to cross the ranch," Mitch said. "Were you?"

"No, I wasn't, but that's no reason to kill someone before I had a chance to at least try to talk to him, to see if I could get him to at least lower the toll, to explain that the people on that wagon train don't have that much money -"

"My uncle wasn't going to lower that toll. You went into that room, angry, belligerent, and he said something that made you draw your gun and shoot him!" Mitch declared.

Overton leapt up as the man jumped in his direction and knocked the boy across the room. Hank went over to him as Sheriff Murphy took Overton's arm. "Is he okay?"

"Yeah, just got his bell rung," Hank answered.

"Come on, Overton. You've got a cell waiting for you."

"Jennings!" Overton called back as he was led into the cell area, "Get back to that wagon train and get them out of here! I'll catch up as soon as I can!"

"If you try to move those wagons, I'll have you arrested, too," Mitch said as he got up off from floor with Hank's help.

"You?" Jennings asked.

"I'm my uncle's only relative. Everything he owned is mine now. There'll be armed men watching your camp, and if you try to move those wagons - even to take them back the way you came - the toll will be double."

"Double?!"

John shook his head. "We can't come up with the fifty dollars a wagon," he told the young man. "There's no way we'll find a hundred. We'll pay you a fair toll for the wagons."

"I refuse to negotiate before my uncle's murderer is tried and convicted and hung!" Mitch insisted. "Come on, Hank. I have to go arrange to bury my uncle." The two men left the Sheriff's office without another word.

John turned as the Sheriff came back into the office. "May I go in and talk to Mr. Overton, Sheriff?"

"Give me your gun first." John handed the gun over. "Ten minutes."

"Thank you."

Overton looked up when John entered the cell area, then shook his head. "I told you and Jennings to get back to camp, Donager."

"I wanted to talk to you first."

"There's nothing to talk about. It's obvious what's going to happen: I'm accused of murdering the town's leading citizen - hell, the town was *named* for the man. The only thing that's waiting for me is a hangman's rope."

"I won't accept that. They have to have a trial first. And even if I have to do it myself, someone has to defend you -"

Overton gave a loud guffaw of laughter. "So now you're an attorney?"

"No. But I think I can help, if you'll give me a chance. I also saw a sign down the street for an attorney - so there's one here. Maybe he'll agree to help."

"More likely he'll be prosecuting," Overton grumbled. "Look, I know you're going to do whatever you want, so by all means, be the hero again and try to save me. Maybe when you can't, you and the rest of your group will realize that you're not the big man they think you are." He lay down on the bunk, his hat over his eyes.

John sighed, but said, "I'll be back later."

"I'm sure you will."

Back in the outer office, John took his gun and returned it to the holster. "Did I see a sign for an attorney, Sheriff?"

"Yeah, two doors down. But I doubt he'll be willing to help your friend."

"Won't hurt to ask, will it? I'll be back."

Jennings followed him out of the office, through the now smaller group of people who were still gathered out of curiosity. John turned toward the attorney's office as Jennings caught up to him. "Hold up! Where are you going?"

"To talk to that attorney and ask if he'll be willing to help Overton."

"The man lives here. Do you really think that he'll help someone who killed the town's leading citizen?"

John stopped and turned to look at the man. "Do you think that he killed Ryker?"

"No! Of course not! I just meant - I need to get back to camp."

"Fine. Go. If Rev. Lee hasn't already, ask him to start a prayer meeting to pray for Overton's deliverance."

"In case you haven't noticed, the man's not much for prayers, Donager. And what's more, he doesn't like you very much. I'm just saying - maybe he's not worth it."

"Nonsense," John declared. "Mr. Overton is one of the Good Lord's creatures, and as such, he deserves God's grace, just as you - or I - do. As for his feelings about me, that's just added incentive for me to help him out of this. You go on back to the camp. I'll stay here and see what I can do."

"What should I tell your wife and brother-in-law?"

"That I'll be back later."

"Okay. I'll go. You be careful." He started toward the horses that were tied to a rail nearby.

"Jennings -" The scout stopped and looked back. "Make sure they say a couple of prayers for me, too."

Jennings smiled and nodded as he continued to his horse, leaving John to continue to the door two doors away from the Sheriff's Office. He knocked on the door, waiting for someone to say "Come in" before entering.

The man who was standing behind a desk came around it, extending his hand. "Hello. Can I help you?"

"I hope so, if you're the attorney." He took the offered hand. "John Donager."

"And I'm Otis Maxwell," the man said. "Attorney-at-law." He indicated the chair in front of the desk as he returned to his own chair. "Have a seat and tell me how I can help you."

"Well, I need someone to represent my friend. He's been accused of murder."

"Jack Ryker?"

John nodded. "Yes, sir," he replied, even though Maxwell didn't appear to be much older than he was. "Does that make a difference?"

"To be honest, it might. In cases like this, I usually act as prosecutor. Suppose you tell me what happened - if you know."

"Well, I can tell you what my friend told me."

"What's your friend's name?"

"Gene Overton. He's our wagon-master and went to talk to Mr. Ryker about the toll he wanted us to pay to cross his land." John continued relaying Overton's story, finishing with, "and the Sheriff put him in jail to await trial. I'm a little worried that he won't make it to trial - there are still people gathered at the Sheriff's Office, and Ryker's nephew -"

"Mitch Ryker is the son of Jack Ryker's only brother. Both of his parents died around ten years ago, and the boy came out here from St. Louis. He's a bit of a hothead," Maxwell confirmed. "Spends most of his time here in town at the saloon."

"He doesn't help run the ranch, then?"

"As little as possible. He's always talking about when he owns it, but doesn't have much interest in learning how to run a place that big."

"I guess he'll learn now that his uncle's dead."

"I handled Jack Ryker's will - Mitch is the sole beneficiary, along with a few bequests to the town - but he won't get full control until he's twenty-five. That's four years."

"Why would his uncle make that stipulation?"

"As I said, Mitch hasn't shown much interest in anything except drinking and spending the money he gets from his uncle on a hostess at the saloon. Oh, and playing poker."

"Winning or losing?"

Maxwell gave a crooked grin. "Losing, mostly."

"Will you help Mr. Overton?" John asked.

"Tell you what: let me go over and talk to him, get the story from him -"

"But I -"

Maxwell raised his hand. "I know. You told me what he told you, but he might remember some things that he didn't tell you." He stood up, grabbing his note pad and a pencil. "Feel free to wait here while I'm gone, if you'd like."

"I think I'm going to go have a drink at the saloon. Hey, what's the name of that hostess that Mitch Ryker's been spending time with?"

"Millie. Blonde, blue eyes." He held his hand out. "About so high."

"Thanks."

The lawyer's eyes narrowed. "If that ring on your left hand means what I think it does, -"

"Yeah, I'm married. Happily married." His grin widened. "And we're expecting our first child in a few months. I just want to talk to the young lady."

"I'd be careful if I were you. Young Ryker doesn't like it when someone else pays his girl too much attention. There was one a few months ago that ended up in the graveyard."

"Like I said: I just want to talk to her."

"Good luck."

"Same to you."

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"Mr. Jennings is back," Charles quietly told his sister, who was sitting as prayers were offered up.

She stood up, and turned to look - only to frown. "Where's John?" she wondered.

"Why don't we go find out?" Charles suggested as the others realized that the scout had returned and moved to follow them.

"Do you have any news?" Matthew Lee asked before Margaret and Charles could say a word.

"Mr. Overton's in jail for murder," Jennings told the minister.

The crowd began to murmur in dismay at the news. "Where is John, Mr. Jennings?" Margaret wanted to know.

"Well, ma'am, he went to talk to the only attorney in town about taking Mr. Overton's case. Your husband seems determined to prove him innocent, even if he has to represent him at the trial."

"That sounds like John," Doc said, moving to place a hand on her arm. "I'm sure he'll be back before long."

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"I'd like to talk to the prisoner, Sheriff," Otis Maxwell told the man seated behind the desk.

Walt Murphy frowned. "Why?"

"He's been charged with murder, hasn't he?"

"Sure, but -"

"Well, that usually means someone might need an attorney."

"Otis, you can't seriously be thinking about defending the man -"

"Why not?"

"You knew Jack Ryker all your life - now you want to defend his killer?"

Otis looked at the older man. "Are you **so** sure that he killed Mr. Ryker?"

"I suppose that you're not?"

"Right now, I just need to talk to him."

Walt grabbed the keys off his desk and led the way into the cells. "You got a visitor, Overton," he said,

opening the cell for Otis to enter before closing and locking it again. "Just yell when you're ready to come out."

Gene Overton was still laying on the bed, his hat still over his face. Slowly, he lifted the hat, his expression of exasperation changing to confusion. "Who are you?"

"Otis Maxwell. Your friend John asked me to come talk to you about your case."

"My *friend*," Overton repeated with a snort of derision.

"He seems to think that you didn't kill Jack Ryker."

"I didn't," was the response as Overton sat up. "But no one in this town is going to believe that."

Otis sat down on the stool near the bars and took out the notebook and pencil. "Tell me what happened."

"Guess it started when our scout, Jennings came back to the wagons with some of Ryker's hands..."

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John sat at a table in the corner of the saloon, taking in the room. He'd easily figured out which of the hostesses was Millie - there was only one short blonde woman in the place. While she brought drinks to customers, every time someone came in, she would stop and look, then sigh.

No doubt she was expecting Mitch Ryker to appear, John thought as he took another sip of his beer. When she moved closer to his table, he took a chance and spoke. "Guess Mitch is busy."

She stopped and turned to look at him. "What?"

"Someone told me that you're Mitch Ryker's girl. Were they wrong?"

"No, no they weren't - but what business is it of yours?"

John shrugged, finishing off his beer. "I'd like another one, please."

She grabbed the mug, taking it to the bar, where she talked to the bartender for a moment before returning. "There you go."

"You know," John said, sitting back in his chair, "if you were *my* girl, I'd have come by here to talk to you if my uncle had been murdered."

She nodded toward his left hand. "And what would your wife have to say if she knew that you're flirting with me?" she asked.

"Was I flirting?" he wondered. "I was just making a statement. You've been watching for him since I got here."

"I haven't -" she stopped talking as the swinging doors squeaked, and she turned to look, then sighed

again before turning to see John's knowing expression. "He'll be here once he's seen to his uncle's funeral," she insisted.

"I would have wanted you with me during such a sad time. A shoulder to lean on, as it were."

"He'll be here when he can. We're going to get married before long."

"Is that so?" John smiled. "He's a lucky man if that's so." Millie smiled at his compliment. "But, again, if I were him, I would have married you before now. I guess his uncle didn't approve of his plans to marry a saloon girl?"

"Mitch's Uncle Jack liked me. Told him that we should get married."

"Then why didn't you?"

She sighed. "Mitch said that he didn't want to get married until he was in charge of the ranch. With Jack Ryker dead, Mitch is in charge now."

"And you think he'll marry you."

Her eyes narrowed at his comment. "Of course he will. Mitch knows how much I love him. And he feels the same way about me," she added quickly. "Who are you?" she wanted to know. "I know most of Mitch's friends. I've never seen you before."

"I don't think we're friends," he told her truthfully. "But we *have* met."

"Why are you here - in Rykerton?"

"Just passing through," he said. "Heading west. Got here about the time they brought that man in. Figured I'd stick around and see how it all plays out."

"That wagon master will hang, that's how it will play out," Millie declared as the door opened again, and this time, it was indeed Mitch Ryker and a couple of other men. Without another word, Millie almost ran over to Mitch and threw her arms around him. "Oh, Mitch. I'm *so* sorry."

Mitch went over to the bar, his arm around the girl's shoulders. "I need a drink, Jerry. Whiskey. And for my friends." He picked up the glass. "To my uncle," he said, lifting it. Most everyone else in the saloon joined in the toast, including John. Standing up, he placed some money on the table and walked out, nodding in Mitch's direction as he did so.

Mitch frowned. "What was he doing here?" he wondered aloud.

"He had a couple of beers," Millie told him. "He said he'd met you -"

"Yeah. We've met," Mitch confirmed, turning to look at her. "What did you tell him?"

"Nothing," she replied quickly, gasping as Mitch grabbed her wrist and squeezed. "Nothing, Mitch, I swear! He did all the talking. Said he was just passing through on his way west." Mitch released her, and she rubbed her aching wrist. "Who is he?"

"Oh, he's on his way west, all right. He's part of the wagon train."

"Oh. Isn't their wagon master the one who killed your uncle?"

"He is. You keep away from that man, Millie. You hear me?" To punctuate his words, he grabbed her wrist once again, this time twisting her arm up. As if realizing that everyone else was watching him, Mitch suddenly smiled and pulled the girl close, burying his head into her neck. "I'm sorry, Millie, honey. I don't know what I'm doing. Uncle Jack - he's gone, Millie. The shock -" He placed his other hand against her cheek and lifted his head to look down at her. "Forgive me?"

"You know I do, Mitch," she told him. "I love you."

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Otis Maxwell was just leaving the Sheriff's office when John stepped out of the saloon. Crossing the street, he met up with the attorney. "Well?"

"Did you talk to Millie?" Otis said at the same time, and both men chuckled. "I've taken Mr. Overton's case. I don't think he killed Jack Ryker. In fact, I didn't think he was guilty from the get-go."

"You didn't?"

"No. How about Millie?"

"She's convinced that Mitch is going to marry her now that he's got the ranch. Told me that he didn't want to get married until that happened."

"Let's go to my office and we can talk -"

"I need to get back to camp. Why don't you come out with me, and we'll have supper with everyone out there? Trust me, you won't be disappointed in the food. I think we have some of the best cooks in the country on our wagon train."

Otis grinned. "Let me get my horse from the livery, and I'll join you. I never say no to a free meal."

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As John and Otis entered the circle of wagons, Rev. Lee was in the midst of asking God's Grace over the meal before them. Hearing his voice, John quickly took off his hat and bowed his head. He gave a sideways glance as Otis followed his lead. Once Matthew finished, John repeated "Amen!" as loudly as he could to be heard over the much softer chorus from the others.

"John's back!" Charles exclaimed, standing up from his seat beside Margaret to greet the two men. "We were starting to worry about you," he said.

"You should have known that I'd be home before supper," John told him, moving over to take Margaret's hand. "Otis, this is my wife, Margaret, and her brother, Charles Davis. I'll let the rest introduce themselves. Everyone, I'd like to introduce Mr. Otis Maxwell. He's an attorney and has

agreed to represent Mr. Overton at his trial."

As the questions began to flow in Otis' direction, Matthew raised his hands. "Brothers and sisters - please. Time enough to discuss all of this after we enjoy this wonderful meal that the ladies took such pains to prepare, don't you agree?"

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"Do you really think that you can help Mr. Overton?" Leon Carter asked as they gathered around the fire once the meal was done.

"It's possible," Otis told him. "I need to talk to a few people in town, but I don't believe that your wagon-master was responsible for what happened this afternoon."

"How long are we going to have to wait here?" Hortense Garrett wanted to know.

"Well, the trial will have to wait for a judge to get here - it could be a week." The crowd began to murmur. "I said it could be," he repeated. "I'm going to get him here sooner. There's also the toll for crossing the ranch to deal with -" The murmuring turned into grumbling, and this time Gerald Collins spoke up.

"You think that Mr. Ryker's nephew will still want us to pay a toll, then?"

"I'm sure he will. But as the executor of his uncle will, I'll convince him to drop the idea."

"We're going to need supplies," Betsy Collins said.

Otis nodded. "And the merchants in town refused to sell them to you, didn't they?"

"They did indeed, Mr. Maxwell," Hanrahan confirmed.

"Well, you bring that wagon back tomorrow, and they'll take your money. I'll see to it."

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Upon his return to town, Otis left his horse at the livery stable and when he came out, he found himself surrounded by several Ryker Ranch hands. "Hello there," he said. "Is there something I can do for you?"

"Mr. Ryker wants to talk to you."

"It's a little late to be riding out to the ranch," Otis pointed out. "Why don't you go back and tell him that I'll talk to him tomorrow morning -" He started to push past the men, but Jonas Reed stepped into his path, blocking it.

"He's waiting in your office. We were sent to make sure you stopped in there before going to your room at the hotel."

"Let's not keep him waiting, then," Otis replied, pushing past Reed to head toward his office.

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Otis wasn't surprised to see Mitch Ryker sitting in the chair behind the desk, his boots up on the corner. There was a half full bottle of whiskey and nearly empty glass in his hand.

"I see you made yourself at home," Otis commented, sitting in the other chair. "Your friends said that you want to talk to me."

Mitch finished the drink before speaking. "You went out to the wagon train camp."

"I did. It's a free country."

"And you told Sheriff Murphy that you're going to defend that man who killed my Uncle Jack."

"That's also true. In case you don't know - our Constitution guarantees every man the right to be represented in court. And Mr. Overton has been charged with a hanging offense - so it's even more important that he has someone to plead his case before the judge."

"How can you possibly do that? Uncle Jack paid for you to become an attorney! I know you and he had some problems -"

"All of which were settled years ago, Mitch. Yes, I blamed him for practically stealing my father's farm for a lot less than it was worth - but when I found out that the rest of the price was for my schooling - besides, if he and I weren't friends, would he have asked me to handle his legal affairs?"

"Possibly. You *are* the only attorney in the area," Mitch pointed out. He refilled the empty glass.

"Which is why I have no choice in the matter. If I act as prosecutor, then who would be there to defend him? Judge Redding will prosecute, and I'll defend."

"He killed my uncle."

"Maybe. Maybe not. That'll be up to the judge."

"And the jury. And in this town -"

"I don't think so. I'm going to ask for a non-jury trial."

The young man sat up. "What?"

"There's no way that any jury from Rykerton will be impartial. I'd rather take my chances with just the judge. And while you're here - we need to talk about that toll you're asking for."

"What about it?"

"Well, those people need to get moving as soon as possible if they're going to make it over the mountains before the snows hit. There are women and children - and a few of the women are expecting in the next few months -"

"They should have thought of that before crossing the ranch."

"Those people have been accused of something that they had no part in. You can't punish them for what happened with that other wagon train."

"My uncle didn't think that way -"

"Your uncle simply wanted the assurances of the wagon master that nothing would happen. The threat of a toll was intended to force Mr. Overton to talk to him."

"He didn't tell me -"

"Jack Ryker didn't tell you a lot of things, Mitch," Otis sighed. "Including the fact that while his will *does* leave the ranch to you, any decisions you make have to be approved - or disapproved - by the executor."

Mitch's eyes narrowed into slits. "And you're the executor."

"Yep." He could tell that the boy wasn't happy with the news, but he quickly hid the reaction and shrugged.

"Oh well. I wasn't planning on making any changes or spending the money. Uncle Jack's death was such a shock."

"I guess you and Millie will be getting married soon."

"What? Oh, I suppose we will. Not right away, though. Maybe once things are all settled."

"What happened at the ranch today, Mitch? I mean, I've heard Overton's story. I'd like to hear what you remember."

"Sorry," Mitch said, standing up. "It's late, and I need to get home. Uncle Jack's funeral is tomorrow morning at ten."

"If you don't tell me about it now, you'll have to tell me in court."

"Then that's what I'll do. I don't want to say anything that might help you defend that killer."

"That's your choice," Otis told him. He stood as well. "See you tomorrow morning. The judge should be here right after the funeral, so we'll probably start the trial after lunch."

"So quickly?"

"He's just over in Palmer. I sent him an urgent message. Didn't want to risk anyone deciding to lynch my client."

"Yeah. Good idea. 'Night."

"Night." Otis stood in the doorway as Mitch and his friends got on their horses and rode out of town. Once they were swallowed by the darkness, he blew out the lamp and went across the street toward the saloon. Hearing the sound of horses, he turned, thinking that maybe one of the Ryker hands had decided to stay in town. But as the two riders got closer, he saw that it was Jennings and John Donager. "I must say, this is a surprise, gentlemen. I can understand him coming in," he said as they dismounted, nodding toward Jennings, "but I'd have expected you to be in camp with your wife."

"It was Meg's idea for us both to come in," John responded. "She's worried about Mr. Overton's safety."

"And yours as well," Jennings added.

"Mine?" Otis questioned.

"Well, I'm sure people around here aren't happy that you've agreed to help Mr. Overton," John pointed out. "Especially Mitch Ryker."

"Mitch was waiting for me when I got back into town," Otis informed the two men. He looked around. "Why don't we go into the saloon and I'll tell you about it. Then I'll get you a couple of rooms at the hotel."

Once inside of the saloon, the music and chatter fell silent as everyone turned to glare at Otis and his companions. "Good thing you two are here to keep me company," Otis murmured as the noise picked up again.

"Isn't that Mr. Ryker's foreman over there?" Jennings wondered, indicating a table in the corner.

"It is," Otis said. "Strange."

"That he's having a drink?" Jennings said. "If I were him, I think I'd be drunk by now."

"Hank doesn't drink," Otis told them. "He used to when he was younger, but he stopped several years ago. Oh, he'll have a beer every now and then, but that bottle of whiskey is over half gone." He led the way to the table. "Hello, Hank."

The foreman didn't look up from the nearly empty glass. "Go away, Otis."

"I don't think so." He indicated that John and Jennings should sit down as he went over to the bar.

"Three glasses, please, Jerry." Jerry frowned, but placed three glasses onto the counter. Turning, Otis found Millie standing there. He smiled. "Millie. I didn't see you when I came in - I didn't think you'd be working tonight."

"Why not?" she asked.

"Well, I thought you'd be getting ready for your wedding."

"My - Mitch's uncle isn't even buried yet. He said we need to wait for a little while after the funeral -" She glanced toward the table in the far corner. "I'm worried about Hank," she told him. "He's been here most of the afternoon. Even when Mitch and his friends were in here, he was over there by himself, drinking. I know that he and Mr. Ryker were close -"

"Yes, they were. Hank was the first hand that Jack Ryker put on after he started the ranch." He patted Millie's hand where it lay on his arm. "We'll take care of him." He smiled again. "This place won't be the same once you marry Mitch, Millie. You're the prettiest girl in here." He turned and carried the glasses back to the table, filling them from the bottle.

"I don't want any company, Otis," Hank said. "Just want to be alone."

"Well, my friends and I need a place to sit and have a drink - and since you're here alone -"

"That's the way I want it," Hank said, his voice slightly slurred from the whiskey he'd consumed. "Gonna be that way from now on."

"Nonsense, Hank," Otis chastised. "You still have your job-"

Hank shook his head. "Fired me. Said I wasn't needed anymore."

Otis looked from Jennings to John. "Mitch fired you?"

"Said I should have taken that man's gun before we rode in. Said it was my fault that he killed Mr. Ryker."

"Apparently Mitch didn't take his gun, either," was John's comment.

"I pointed that out," Hank nodded. "He still said it was my fault, and that I was fired."

"Well, *I* am *un*firing you," Otis declared.

Hank frowned, finally looking up from his glass. "You can't -"

"Yes, I can. Until Mitch is twenty-five, any decisions he makes regarding the ranch have to go by me, as the executor of his uncle's will. So after the funeral tomorrow, you just go right back to work, and leave young Mitch Ryker to me."

The foreman finally smiled, then promptly fell backward as his chair tipped. All three men rushed to help him back into his chair, and Millie came running over. "Hank! Are you okay?"

"He's fine, Millie," Otis assured the girl. "Would you mind bringing us some coffee?"

"Right away," she said, leaving the table again.

Hank watched her go with narrowed eyes. "She's too good for that boy," he muttered. "Just usin' her."

"You're saying that he's not going to marry her?" John asked.

Millie returned with a tray containing four cups of coffee. "Here you go, gentlemen." She placed an arm across Hank's shoulders. "You sure you're okay?"

He nodded, picking up the cup and taking a drink of the hot beverage. "Just keep the coffee coming,

please, Millie," Otis told her. Once she had gone again, Otis leaned closer to Hank. "What did you mean that Mitch is just using Millie?"

"Mitch has his sights set on someone else. But he'll keep stringin' that poor thing along, and she'll keep lettin' it happen, 'cause she loves him. Silly, blind little fool."

"Who is Ryker looking to marry?" Jennings asked.

"Lucinda Brooks," he said with a sneer of distaste.

Otis told John and Jennings, "Lucinda is our local banker's daughter."

"He had supper over there this evenin'," Hank said before draining his cup. Otis deftly exchanged the empty cup with his full one.

"Hank, do you know if anyone will be at the house tomorrow morning?"

"They'll be at the funeral. Why?"

"Just curious."

====

The next morning, two men watched from behind some brush as Mitch and the hands from the Ryker Ranch all rode out to attend the funeral of Jack Ryker. "I don't like this," Jennings muttered. "What if one of them comes back?"

"They won't," John assured the scout. "Besides, we won't be here for very long." He watched the trail for a moment. "Okay, let's go."

As they rode into the yard, Jennings asked, "What exactly are we looking for here?"

"Otis wants us to see if we can verify that a shot really was fired from the window into the house, as Mr. Overton claims, for one thing. Tell you what, you go inside, to the study door, I'll go around the house to the window."

John went around the corner of the house as Jennings entered the building, scanning the ground around him as he moved toward the still-open window. Looking inside, he saw Jennings standing nervously in the doorway. "Come inside the room by a few steps," he called out, remembering what Overton had told him the previous afternoon. "Stop there. That's right. Now turn around and start looking in the wood for signs of a bullet. I'll be in in a minute." He turned his attention to the ground, finding a set of boot prints beside the window, and then in front of the window. That in itself wasn't proof of anything, of course, he thought, squatting to examine the prints. There was a crack in the left sole- that might - if compared to the boot that made it - identify the person who had stood at this window.

Inside the house, Jennings was studying the wall behind where Overton would have been standing. "I think I found something," he told John. "It looks like a bullet hole to me, anyway."

John took out his pocket-knife and dug into the hole until he was able to pull out the slug. "If the

person who shot this hadn't been so worried about not being seen," he said, turning to eye the window again from inside this time, "he probably would have hit Mr. Overton."

"And that would have given young Ryker the ability to claim that the two men had killed each other." "Jack Ryker didn't have a gun," John pointed out, turning to study the chair behind the desk. "And there's no way that he was shot from that window - whoever killed him was standing here, in front of the desk. Overton told me that there was blood on the front of Ryker's shirt." He paused, surveying the room again. "Let's go out to the barn. I need to check something out there."

====

Otis and Hank were in the street, watching as the Ryker hands rode into town with Mitch. "Smug little -" Hank murmured. "I'm looking forward to telling him -"

Placing a hand on his arm, Otis stopped him from moving. "I'd wait until after the funeral. No reason to cause trouble before then."

"Guess you're right," Hank agreed, watching as Millie, wearing a black dress, came from the saloon and started toward Mitch - only to stop as that young man turned to greet a dark haired young woman and her parents. He never glanced once in Millie's direction as he extended his bent arm toward the other girl and moved down the street toward the small church.

Otis and Hank joined Millie, both extending their arms. "It would appear that you're in need of an escort, miss," Otis said. "Will we do?"

Millie took a deep breath and slipped her hands into the offered arms, giving them a smile. "Thank you, gentlemen."

"Our pleasure," Hank assured her as they followed the rest of the town's residents.

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After the service, Hank nodded his goodbye to Otis and moved toward his horse. He joined the other ranch hands, moving toward the front of the group, only to rein in his horse when Mitch called out.

"Hank? Where do you think you're going?"

"To work. Got a ranch to run."

"I thought we discussed this -"

"You need to talk to Otis Maxwell," Hank replied, tipping his hat. "I'll be back in a couple of hours for the trial. Excuse me, - boss," he said, riding away to catch up to the others.

Mitch frowned, turning to see Otis entering his office - along with Mr. Hawkins from the general store and Mr. Greerson from the feed store. "Mitch?" he blinked, feeling a light touch on his hand, and turned to see Millie standing there, looking up at him. "Why don't we go to my place? I'll make us something for lunch, and -"

"I - uh, I can't right now, Millie, honey. I told Mr. Brooks that I'd have lunch with him and his wife."

"*And* his daughter?" Millie questioned, her smile gone, replaced by a jealous frown.

Mitch smiled, lifting a hand to her cheek. "I'm sure Lucinda will be there - but I need to talk to Mr. Brooks about the ranch. It's business. I'll have a late supper with you, will that work?" He grasped her hand, squeezing it ever so slightly as he said in a quiet voice, "You know that I love you. Now go on, and I'll see you later." With that, he released her hand.

Millie stumbled back, catching herself on a post before turning back to the saloon.

Mitch turned to look at the attorney's office, waiting for the man to appear. He was distracted by the sound of a covered wagon pulling into town. His eyes narrowed as he recognized the two men riding along with the wagon. As it drew to a stop before the general store, he stepped off of the sidewalk and went in that direction as well. "What are you doing back here?" he wanted to know.

"Came to get some supplies," was Jennings response.

"You were told that your business isn't welcome in Rykerton."

"That was yesterday, Mr. Ryker," someone said, and Mitch turned quickly to find Mr. Hawkins and Mr. Greerson standing there. Hawkins smiled up at Hanrahan. "What can I get for you?"

"And if one of you'll come with me," Greerson added, "I'll get whatever feed you need."

Jennings got off of his horse and followed Greerson down the street, leaving John alone with Mitch. "Looks like the stage is coming in," he noted, and Mitch turned to look.

"Good," Mitch said. "That means the judge is here. We can get this trial and over and done with, and then we'll settle about the toll you and your people will pay before you move on."

"Toll? I think you need to talk to Mr. Maxwell about that, Mitch," John told the young man.

Watching him walk away through narrowed eyes, Mitch drew a deep breath and stalked away toward Otis Maxwell's office. His hand was out to grasp the doorknob when it was opened. "Mitch. I was going to talk to the judge -"

"Not just yet. Everyone keeps telling me that I need to talk to you -"

"Otis!" Judge Redding's voice carried across the street, preceding the jurist's arrival on the sidewalk. "Have you got a minute?" he asked, glancing at Mitch. Recognition dawned. "You're Jack Ryker's nephew, aren't you?"

"Yeah," Mitch confirmed, sending Otis a look. "Later." It wasn't a question, but a promise. Nodding, he said, "Judge. See you at the trial of my uncle's murderer," before turning and walking away.

The Judge watched him go, telling Otis, "Friendly, isn't he?"

Otis smiled and stepped back, ushering him into the office. "He has his moments, Judge. Come on in. I

think there's still some coffee in the pot."

"Only if you have a drop of whiskey to put in it. I've tasted your coffee, remember?"

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"The defendant is requesting a non-jury trial, your Honor," Otis said an hour later in the makeshift courtroom set up in the now-closed saloon.

"Is that your wish, Mr. Overton?" Judge Redding asked the man seated beside Otis.

"It -" Overton began to say, still sitting down. But Otis put a hand under his arm, and he quickly rose to his feet before answering. "It is. Sir."

"Very well. You may be seated. Since there is no one to act as prosecutor in this case, the court will question any witnesses. Mr. Maxwell, who's first on the list?"

"Mr. Jennings, your Honor."

"The court calls Mr. Jennings to the stand."

John sat behind Otis and Overton as the scout testified to his initial meeting with Hank Johnson the previous morning, and their return to the wagon train to find the wagon-master. "Tell me, Mr. Jennings, what was Mr. Overton's mood when he left with Mr. Johnson and the others to go and talk to Mr. Jack Ryker?"

"He wasn't happy."

"Was he angry?" the judge questioned.

"Confused, more like," Jennings clarified. "Surprised, maybe. He never raised his voice, which usually accompanied any anger."

"Any further questions, Mr. Maxwell?"

"No, sir."

"You're dismissed. Next witness." This time Otis placed a piece of paper before the judge, who picked it up and read the next name. "Hank Johnson to the stand."

"You're the foreman for the Ryker Ranch, aren't you, Mr. Johnson?"

"Yes sir," he answered Otis with a tinge of pride. "I was one of the first hands that Mr. Ryker hired when he started the ranch twenty years ago."

"Did your employer ever discuss with you the reason why he wanted to set a toll for wagon trains or cow herds crossing his property?"

"It was mostly just the wagon trains," Hank said.

"Why?"

"Well, there was one that came through here a few months ago - the town bent over backwards to help them get whatever they needed - but by the time they pulled out, several stores and area farms reported things missing - probably stolen by someone on the wagon train. And Mr. Ryker was missing twenty head of prime beef. We found the remains of one - a hide and a few bones, but the others were just gone."

"Did Mr. Ryker send someone after the wagon train to ask questions?" the judge asked.

"No, sir. We didn't discover that they were missing for a few days."

"So he decided to charge the next wagon train a toll."

"Yes, sir. But he told me - just the other day - that he would probably return any money to them when they pulled out - that it was more of a - guarantee that nothing would be missing this time."

"Can you tell us what Mr. Overton's attitude was upon your arrival at the ranch compound?"

"Well, like Mr. Jennings said - he seemed surprised. Unhappy, but he didn't seem angry to me. We had a nice talk on the way back to the ranch."

"How did he greet Mr. Ryker?"

"I don't know. I left before that happened."

"You left, Mr. Jackson?" the Judge questioned.

"Yessir. As we neared the ranch house, I sent the other men back out to their assigned work areas. The only person I saw at the house was Mr. Ryker's nephew, Mitch. He was standing on the front porch, and told me that his uncle wanted me to get out to the south range and help with some fence repairs, so I left."

"And when did you last speak to Mr. Ryker in person?"

"Well, I guess when I went to the house to tell him that we had seen a wagon train crossing the eastern range, and he told me to take some men and bring their wagon master to the house so they could talk."

"You said that the only other person at the house when you and Mr. Overton arrived was Mitch Ryker?"

"That's right. He's the only one I saw, anyway. The rest of the men were out on the range."

"You told us that you left Mr. Overton at the house and rode out," Judge Redding began. "What else did you see or hear?"

"Well, I was nearly to the creek when I heard what sounded like gunshots from the direction of the house, so I spurred my horse back there. I got there in time to see Mitch and Overton come out of the house, and Mitch told me that Mr. Overton had killed Mr. Ryker."

"And did Mr. Overton make any statement at that time?"

"Just that someone had taken a shot at him from the window - that Jack Ryker was already dead when he entered the room. He said that he'd drawn his gun and fired."

"Did you hear one shot or two?"

"It could have been two shots, but I can't swear to that," Hank told him.

"I have no further questions, your Honor," Otis announced.

The Judge looked at the paper. "Mitch Ryker."

"Mr. Ryker," Mitch began, "what was your relationship to the victim?"

"Everyone in town knows -"

"Answer the question, young man," Judge Redding admonished.

"Jack Ryker was my uncle. He took me in when my folks died back east."

"Now, Mr. Ryker, would you please tell the court what happened yesterday?"

He pointed at Gene Overton. "That man murdered my uncle!" he declared, and the room erupted with shouts.

Judge Redding slammed his gavel on the bar. "Quiet! There will be quiet in this courtroom or I'll order it cleared!" The shouts fell to a murmur, then faded totally. "That's better." He scanned the room before saying, "Continue, Mr. Maxwell."

"Let's try again, shall we?" Otis said to Mitch. "Who else was at the ranch yesterday?"

"Just Uncle Jack and me most of the day, once the hands rode out, I mean. Cook went to visit her sister. She left around ten that morning. Uncle Jack was in his office, and I was out in the barn, cleaning out the stalls."

"Did you speak to your uncle at all?"

"I went into the house with Hank when he rode in to tell Uncle Jack about the wagon train," Mitch confirmed. "I heard him tell Hank to bring the wagon-master so he could tell him about the toll."

Otis glanced at Hank before asking, "And did you talk to him after Mr. Johnson left to carry out his orders?"

"Well, not really. He was busy making entries in the ranch ledgers, and told me to go outside and wait for them to return, then to send the wagon-master inside as soon as he arrived. Oh, and he told me send Hank out to the south range to help the men finish the fence repairs out there."

"And that's what you did?"

"Yes."

"Did you take Mr. Overton inside to introduce him to your uncle?"

"No. I just told him to go inside and to the left, then went back to the barn to finish straightening the tack room."

"What happened next?"

"I heard a gunshot and ran back to the house. When I got inside, I found *him* standing there, with his gun drawn, and my uncle - dead." A ripple of murmurs went through the room again, and Judge Redding rapped his gavel once more.

"Did you hear any raised voices or arguing from the house?"

"No."

"How much time elapsed from when Mr. Overton went into the house until you heard the shot?"

"Not very long."

"Then it's your contention that Mr. Overton simply entered the room and shot a man he'd never met for no reason?"

"He *had* a reason!" Mitch insisted. "The toll! He didn't want to have to pay my uncle to cross the ranch!"

"Mr. Ryker, you were in the courtroom when Hank Johnson testified, weren't you?"

"Yeah. I know, I know, he said that Uncle Jack had changed his mind, but I never heard anything about that. As far as I knew, he was still going to charge that toll."

"And if someone else were to testify and verify Hank Johnson's statement, what would you have to say?"

"I'd say that it doesn't matter, because the only person in that house when I heard that shot was Overton."

Judge Redding asked, "Are you sure that you didn't see anyone else around the house, at the window of the office?"

"I didn't. The barn doesn't have a clear view of that side," he stated. "But I didn't see or hear anyone else."

"And that window is behind and slightly to the right of the chair that Mr. Ryker was in?"

"That's right."

"How long was it before Hank Johnson rode back in?"

"As soon as we got to the porch. A minute, maybe two."

"And how long after the shot?"

"About the same."

"Did your uncle have a gun with him?"

"No. He didn't think he needed to keep one close when he was in the house," Mitch explained. "He didn't usually use a side arm. He preferred a rifle when he was out on the range, but when he was home, he kept it on a rack just inside of the front door."

"What did you do when you returned the ranch after bringing Mr. Overton into town and arranging for your uncle's funeral?"

"Went to bed. It had been a long day."

"No further questions, your Honor."

"You may step down, Mr. Ryker. Next witness is John Donager."

John took the stand after swearing to tell the truth. "You're with the wagon train, is that correct?" Otis asked.

"Yes, sir."

"How well do you know the defendant in this case, Mr. Donager?"

"We've been on the trail now for almost three months," John began. "And a wagon train is like a town that keeps moving - you get to know the people you're traveling with, just as you do people in a town."

"So you feel that you know him relatively well, then."

John saw Overton's doubtful expression as the man rolled his eyes, "I consider myself to be a good judge of character. So, yes, I do feel like I know him."

"Is he violent?"

"No. Not that I've seen. And trust me, there have been multiple times when he could have been. We're not the easiest group of people to deal with," John said, seeing the knowing smiles on the faces of his fellow travelers who had come in for the trial: Rev. Lee, Doc, the Collins brothers, and Niles Bradford. "But Mr. Overton has dealt with our follies, as he thinks of them, and has led us this far without threats of violence."

"Mr. Donager," the judge began, "some might say that you're prejudiced in Mr. Overton's favor simply because you need him to continue to lead you to your destination."

John picked up the Bible that lay on the bar, the same book that he had just placed his hand on. "I swore to tell the truth, your Honor," he said. "On this. I don't take that lightly. It was an oath between me and my God."

"Continue, Mr. Maxwell," Judge Redding said.

"Let's move on a bit, Mr. Donager. Did you - at my request as an officer of the court - pay a visit to the Ryker Ranch house this morning?"

Mitch sprang up. "He had no right to go through my house, Judge!"

Slamming his gavel down, Judge Redding said, "Sit down, Mr. Ryker!" Turning to John and Otis, he asked, "This is a bit - unusual."

Otis picked up a piece of paper from his desk, giving it to the judge. "The Sheriff gave us a search warrant, Your Honor. And as soon as possible after Mr. Donager and Mr. Jennings returned from the ranch, they reported to the Sheriff and to me."

Redding returned the paper to the attorney. "You may serve the warrant now, Mr. Maxwell, and then continue your questions for this witness."

Mitch looked as though he might ignore the paper, glaring at Otis before finally grabbing it out of his hand. With a smirk, Otis turned back to the witness. "Now, Mr. Donager, let's clear up one other thing, shall we? Sheriff Murphy swore both you and Mr. Jennings in as temporary deputies before you went to the Ryker Ranch, is that correct?"

"Yes, sir."

"Very well. Now, what were you looking for at the ranch?"

"Any evidence of a second shot having been fired into that open window, for one thing."

"And what did you find?"

"Near the doorway, just to the left of where Mr. Overton told us that he had been standing, there was a bullet hole."

"Did you find a bullet?"

"We did. We gave it to the Sheriff."

Otis took the slug from Sheriff Murphy, and handed it to the Judge. "We intend, Your Honor, to call the doctor after this witness to testify as to the bullet that he recovered from Mr. Ryker's chest."

Redding nodded, so Otis continued.

"Mr. Overton says that he fired his own weapon through that window - did you find any proof of that?"

"We tried, but from where he claims to have fired, that bullet could be buried in the ground - or in the wall of the barn. Mr. Jennings and I searched, but we wanted to be gone before anyone returned to the ranch, so -"

"So the proof could still be there," Otis finished.

"Maybe if we'd had more time, more people searching -"

"I understand. What else did you find?"

"Well, you asked us to check out the tack room - it was as neat as pin. Everything was well organized."

"Do you have any experience with tack rooms, Mr. Donager?" the Judge asked.

John grinned. "Well, my father was in charge of a large stable in New York, Your Honor. I grew up straightening up the tack room as part of my chores."

"Let's go back inside the house, Mr. Donager - when you were in the study - did you have a chance to look at Mr. Ryker's desk?"

"Yes, sir, I did. It's a big desk, so it was hard to miss."

"What was on the desk?"

"A lamp, and a pen and inkwell. There was a cup with pencils in it, and that was about it."

Otis turned to see Hank Johnson was frowning. "There were no ledgers or notebooks on the desk?"

John thought back, shaking his head. "No. I do seem to recall seeing what could have been blood spatter on the desk - but not -" he hesitated.

"But not -?" Otis prompted.

"Not directly in front of where Mr. Ryker had probably been sitting."

"So something could have been on the desk, but then removed after he was shot," Otis speculated.

"You're edging on opinion, Mr. Maxwell," the Judge warned.

"Very well, Your Honor. No further questions."

"You're dismissed, Mr. Donager. If you have no objection, Mr. Maxwell, I'd like to recall Mr. Johnson to the stand."

"No objection, sir," Otis assured him.

Hank returned to the stand, still frowning. "You're still under oath, Mr. Johnson," he was reminded.

"I know."

"The reason I called you back to the stand, Mr. Johnson, is to ask if you saw anything on Mr. Ryker's desk when you assisted young Mr. Ryker in removing his uncle's body from the house -"

"All three of us moved him, Judge," Hank answered. "Mr. Overton helped, since Mitch didn't want to leave him alone outside. But you asked about the desk - There were some ledgers on the desk when I left the ranch to go get Mr. Overton. One was open - the cattle ledger, I think. And the other two were sitting beside it."

"Cattle ledger?"

"The book where he kept a record of how many cattle were on the ranch. He updated it every week," Hank explained. "I just now realized that they weren't there after he was shot."

"And did you notice the odd spattering on the desk?"

"No, I was too busy keeping an eye on Mr. Overton, I guess."

"Mr. Maxwell, do you have any further questions for Mr. Johnson?"

"No, sir."

"You're dismissed," the Judge said. "Dr. Watson to the stand."

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After the doctor testified to the manner of death and the bullet was admitted into evidence, Otis declared that his case was complete. Judge Redding glanced over some papers on the bar, then announced, "I'll render my verdict tomorrow morning after I've studied the evidence presented. Court is dismissed until ten tomorrow morning."

"Well?" Gene Overton asked Otis.

"I think we've proven reasonable doubt," the attorney assured his client. "Tomorrow morning, you should be a free man." Sheriff Murphy came over to take Overton back to the jail, but paused, telling John, "I need your help - meet me at the stable in ten minutes." To Jennings, he said, "And I'll need you at the jail."

"I thought we were just deputies for the search?" Jennings questioned.

"Changed my mind," Murphy told him as they headed out of the saloon.

"You should be at camp, not here," Overton told Jennings.

"I think you're going to be roped in to going out and searching for that third bullet," Otis told John.

"Isn't that what we hoped would happen?"

"You'd better speak to your friends, and then get out there," Otis suggested. "Because I'm sure that

Mitch's friends will be doing the same thing."

"Not Mitch himself?"

"He won't risk anyone seeing him go out there," Otis said, nodding to where Mitch was talking to Mr. Brooks near the doors.

====

"Sorry, sir," Mitch told the banker as he watched John leave the saloon and head toward the Livery Stable. "Thank you for the invitation to supper, but it's been a long day. I'll probably just have a few drinks here, then head back to the ranch. Tell Lucinda that I'll see her tomorrow."

"I will. Goodnight."

Mitch watched him walk down the street before his attention was captured by the Sheriff leaving his office and going toward the stable. Without looking around, he called, "Reed!"

The man came over to him. "Yeah?"

"Go back out to the ranch and keep an eye on what that idiot Sheriff and that man from the wagon train are doing out there."

"And if they find something?" Reed asked.

"Get back here and let me know. I'll be upstairs."

"Sure thing, Boss," Reed said, leaving the saloon and getting onto his horse that was tied in front of the saloon.

Mitch left the saloon and went around the corner to the stairs that led to Millie's place. He didn't bother to knock, just opened the door and went inside. Looking around, he decided that he was alone, and grabbed the bottle of whiskey sitting on the table and carried it over to the settee, sitting down as he poured some into a glass.

Millie opened the door and paused as she saw him. "Mitch. I didn't expect you to be here so early," she declared, placing the packages she was carrying onto the table. "I thought you'd be going back to the ranch - I think half the town went out there to -"

"Stupid judge. All he had to do was say that Overton killed Uncle Jack, but he just let Otis Maxwell keep talking, keep asking questions -" He emptied the glass, and held it out to her.

She took it and refilled it, sitting beside him with her arm around him. "I'm sure Judge Redding will find him guilty tomorrow. And he'll probably order the hanging the next morning - isn't that when they usually do that? At dawn?"

He suddenly stood up, pacing around the room. "I have a feeling that stupid judge is going to let him go. I can't let that happen," he said.

"It won't happen, honey," Millie said in what she thought was a reassuring tone, taking his arm and leading him back over to the settee. "You just sit here and relax while I make supper -"

"I'm not hungry," he told her, putting his arm around her, pulling her close. "Not for food, anyway. Hold me, Millie," he begged, "Make me forget-" His words ended as he captured her lips, lifting her into his arms to carry her into the bedroom, pausing just long enough to grab the bottle of whiskey from the table.

====

"From inside the house, this area is the most likely place that a bullet would have ended up," John told the Sheriff. "At least, from what I could see when I was in there this morning."

"Okay," Walt Murphy nodded, looking from John to Hank Johnson as a group of riders appeared. "Hold on a minute," he told them, turning to greet the townspeople. "Might as well go home," he called out. "All of you. I think the three of us can handle the search without any help."

"Come on, Walt!" one of them replied, "Wouldn't more pairs of eyes -"

"We'll all start tripping over each other, Gary," Murphy told him. "Go on." His eyes narrowed upon seeing Jonas Reed get off his horse and start toward the corral as the rest turned around and rode back toward town. "What are you doing here, Reed?"

"I live here, Sheriff," Reed reminded him with a grin. "Don't worry. I'll stay out of the way."

"Where are the rest of the hands?" Hank wanted to know.

"I think most of them are still at the saloon. At least, they were when I left town."

"Why aren't you with them?" John asked.

"Been a long day," he said, shrugging. "Not every day that someone starts the day as a ranch foreman and ends up back to just being a top hand at the end of the day," was his answer as he glared at Hank. "Don't let me stop your search for a bullet."

"You don't think we'll find one?" Hank questioned.

"Nah. Otis Maxwell was just pulling at straws, trying to save his client from the hangman's rope."

John turned toward the house again, narrowing his eyes to focus on the spot where Gene Overton would have been standing when he drew and fired his pistol. Stepping forward, he followed what he hoped was a straight line until he came to the side wall of the barn. "We need to start looking here, I think."

====

"I think I found it," Sheriff Murphy announced, reaching over his head to use his knife - "Can't quite -"

Hank Johnson came over to him. "Here, Walt. Always did think you were too short for your job," he

teased, as he easily - at almost a head taller than Walt - dug into the wood and pulled the slug out. "There you go," he said, dropping it into the sheriff's hand.

"So it would appear that Mr. Overton was telling the truth - he did fire a shot through the open window because someone shot at him."

Walt nodded in response to John's statement. "And since Jack Ryker wasn't armed, he wasn't the one who shot at him."

"The only other person here at that time," Hank reminded them, "was Mitch. I knew he didn't like his uncle, but to kill him -"

"Reed might know what happened -" Walt suggested, looking around. "He's Mitch's best friend. Where is he?"

The sound of a horse's hooves reached their ears, and all three men ran toward their own animals, giving chase as the sun was falling lower in the sky. "I'll take the cut-off," Hank told them, "Come out ahead of him."

"We need him alive, Hank," Sheriff Murphy reminded him.

"Don't worry, Walt. I won't hurt a hair on his stupid head." With that, he pulled off the road onto a side trail, leaving John and Walt to continue on the main road. "The cut-off is a short cut. Hank will come out just ahead of Reed - if he rides hard."

=====

They heard two shots before turning the corner, and Sheriff Murphy spurred his horse to go even faster at the sound. Reed was sliding from his horse to the ground when they saw him, and Murphy growled, "Dammit, Hank! I *said* we needed him alive!"

"Relax, Walt. He's alive. I just winged him."

Reed moaned, his left hand going to his right shoulder. "Why did Mitch kill his uncle?" Walt asked the man.

"I need a doctor."

"You'll get a doctor, just answer my question."

=====

Millie slowly got out of bed, slipping into the silk dressing gown that Mitch had given her six weeks ago, intending to go start supper. He had finished the bottle of whiskey, and she picked it up from beside the bed. But when he stirred and moved to put his hand where she had been laying, Millie sat on the bed, taking his hand in hers. "Shh," she whispered. "Go back to sleep, honey."

"Don't wanna sleep," he murmured. "Gotta do something." Opening his eyes, he pulled her down to him, giving her a whiskey soaked kiss. "Need your help."

Millie smiled at his words. "Won't be first time I've helped you to -" she began, but Mitch shook his head, stopping her from moving her hand toward him.

"No. Not what I mean." Another smile. "Maybe later." He released her hand and sat up, picking up his clothes and putting them back on as he talked. "Best thing to happen would be for Overton to be shot trying to escape."

"That's not likely to happen," she pointed out. "The wagon train's scout is over there watching the jail."

"I need a diversion," he told her.

Millie frowned, moving across the bed to sit on the edge, watching him. "A diversion?"

"Something to get Jennings' attention while I slip a gun into Overton's cell." He paused, sitting down beside her to slip on his boots. "Or someone," he said, looking at her.

"Who? I saw Reed ride out earlier -"

Mitch lifted a hand to her cheek. "You're here, honey."

"Me?" she tried to pull back, but his fingers tightened on her face. "I couldn't -"

"You just have to be friendly to him - you do it all the time downstairs when I'm not around, don't you?"

"Mitch, why can't you just wait until tomorrow? I'm sure that the judge will -"

"You don't understand! Even if that stupid judge finds him not guilty, his being shot while trying to escape will prove that he did it! People won't think that I - that someone else did it."

Millie frowned. "You didn't -" She reached out to touch his hand, trying to make him relax his hold. "You didn't kill him - did you?" Mitch stared at her, opening and closing his mouth. "Oh my - please tell me that you didn't do it, Mitch, honey."

He stood up, pacing away from her. "I didn't mean to. He just made me so angry - accusing me of -"

"What did he accuse you of?"

"That's not important. It was - it was the - the things he said about you - he called you all kinds of names, said that he wasn't going to leave me a penny if I married you -"

She sat there, confused. "He was always nice to me," she told him. "I never heard him say a cross word to me - gave me an extra dollar -"

"I said that he didn't want me to marry you!" Mitch insisted. "Because - He wanted you for himself."

"What?"

"Yeah!" he rushed over to put his hands on her shoulders. "He - he wanted you. Knew that I would kill him if he ever touched you -" His fingers tightened on her shoulders. "Now do you understand? You'll help me, won't you? You'll distract that scout - turned deputy while -"

"No, Mitch," she said, wincing when his fingers dug into her skin. "Ow! You're hurting me."

"I need you to help me, Millie," he said through clenched teeth. "And soon. The others will be back any minute -" he glanced at the window. "Now, you're going to put on your prettiest dress - that black one with the pink lace trim. That should do it -" he moved away to the closet and pulled out that dress, tossing it onto the bed beside her.

Seeing her chance, Millie leapt off the bed, making an attempt to get to the door, but Mitch was quicker. He grabbed her arm. "Uh, uh, honey. You're not going anywhere -" He pushed her back to the bed, forcing her to sit down. "Now, if you won't help me, you know that I can't let you go, don't you? You know too much."

She watched his eyes, seeing the madness there that she'd always tried to dismiss until now. Now, as his hands slowly moved to encircle her neck. "Mitch, please," she begged, trying to pull his hands away. "I won't -" She pulled at his wrists, but his fingers were tightening, closing off her airway.

"Sorry, Millie. But I can't risk it. Don't worry. I'll make sure you're buried out on the ranch somewhere. Maybe beside that lake that you like so much. Where we made love for the first time. I'll tell people you left town. And I'll be free to marry Lucinda. It's been fun, and I'll miss you -"

Slowly, Millie's vision was beginning to darken, and she released his wrists, reaching out for something - anything. Her fingers fell on something metallic. His gun. If she could just pull it out. Her fingers closed around it and pulled it from the holster...

=====

Several people gathered around as the four men rode into Rykerton. "What's going on, Sheriff?"

"Did you find what you were looking for?"

"I'll answer questions later," Walt told them. "Right now, would one of you mind going to ask Dr. Watson to come over to my office?" He slid out of the saddle. "Hank, would you mind helping me get Reed down? And John -"

"I'll go find Otis and the Judge."

"They're still in the saloon," someone said.

"Thanks," John called out, turning in that direction as the sound of a shot rang out, stopping in his tracks. "What the -?"

"Where did that come from?" Sheriff questioned, scanning the street. "Jennings!"

Jennings was already in the doorway of the office, looking around as well. "Did I hear a gunshot?"

"I think it came from Millie's rooms, Walt," Otis said, joining everyone else in the street. "It was pretty loud inside -"

"Millie," Hank said, running toward the corner of the saloon, taking the steep stairs two at a time. "Dammit, if he did anything to her, I'll -"

Walt shoved the wounded Reed toward Jennings. "Put him in a cell."

Hank didn't hesitate before kicking the door open. "Millie?!" he called, with Otis right behind him.

She was standing beside the bed, staring down at Mitch - who was sprawled on the floor, a gaping hole in his chest. "I didn't mean to," she kept muttering. "I didn't mean to do it."

Hank pulled her away from the bed, grabbing a quilt from the top of a chest of drawers to wrap around her. "What happened?" he asked.

But she didn't seem to hear him, just kept saying the same words over and over. "I didn't mean to do it."

There were angry red marks on her cheek and throat, and Otis pointed them out. "She'll have bruises tomorrow."

"Won't be the first time," Hank growled, glaring at the body of the man responsible for those bruises. "Walt?" he called, looking around.

"Take her over to my office. Have the doctor look at her after he's finished with Reed."

"You want me to send him over here?" Hank asked.

Looking up from where he was kneeling beside the body, John answered. "I don't think a doctor can do anything for him now."

=====

"She really needs to rest," Dr. Watson told them back at the Sheriff's office.

"We need to find out what happened, Doctor," Judge Redding said. "Get her some whiskey."

"I didn't mean to do it," she said again as Walt poured a glass of whiskey from the bottle he kept in his desk. He held it to her lips, tipping the glass. She grabbed the glass and downed the contents, then looked around, blinking. "How did I -? I was in my room with - He's dead, isn't he?" she asked, her blue eyes moving from one to the other.

Hank knelt beside her. "What happened, Millie?" he asked, taking the glass from her.

She placed her hand to her neck. "He - He was trying to - to choke me. He wanted - wanted to - to kill me! Said that he couldn't trust me not to say anything."

"About what?" Walt asked.

"He - he shot his uncle," she told them.

"Did he say why?"

"Tried to say it was because Mr. Ryker wanted - wanted me," she said slowly. "That they - argued about - about me."

"Jack Ryker liked you and wanted Mitch to marry you," Hank told her.

"Really?" she asked.

"He told me so himself. Said that he thought you'd be good for Mitch - but he wasn't sure how good Mitch would be for you."

She closed her eyes, finally opening them to look at the sheriff. "He wanted me to help him get a gun in to the prisoner," she told him. "Wanted to shoot him while he was escaping. Said it would prove to everyone that Overton was guilty. I told him no - I tried to get away. That's when he grabbed me and - put his hands around my throat. I reached out, trying to stop him, and my hands found his gun. I pulled it free - and he - he grabbed for the gun, and it went off -" Suddenly she began sobbing, burying her face in Hank's shoulder.

He looked up at Walt. "I'm going to take her over to the hotel and get her a room. She can't go back up there -"

Walt nodded. "I'll talk to her some more tomorrow." They all watched as Hank physically lifted the girl in his arms and carried her out of the office.

The doctor closed his medical bag. "Well, I think I'm done here for now. I'll be back tomorrow morning to check Reed's shoulder, Walt."

"Thank you, Doc," he said. Once he was gone, Walt turned to Otis and the Judge. "What Millie said confirms what Jonas Reed told us, Judge."

Judge Redding sat back in the chair. "What did he say?"

"Mitch Ryker shot and killed his uncle during an argument, shortly before Hank Johnson returned with Gene Overton."

Otis shook his head. "I knew it. What was his reason?"

"I'm sure you remember those 20 head of beef that went missing last year?"

"The ones that everyone claimed that the wagon train stole? Of course I remember."

"Mitch and Jonas Reed stole them. Left a single carcass where that wagon train had camped, stole a few smaller items as well from the area to convince his uncle that the next train that came through, he might want to think about charging a toll for them to pass."

"And Jack found out the truth?"

"Well, he'd been losing cattle over the last year. A head, two there, three - never more than that at a time. Reed said that Mitch told him that one of the men they sold the animals to happened to mention it to Jack last week. He'd seen the hide from one of the cattle, and the JRR brand was still visible, even though they'd tried to use a running iron to change it."

"Now that I think of it," Otis mused, "Jack did mention something to me about cattle going missing, but it was just something in passing. A comment about if his cows kept wandering off, he was going to start losing money."

"Did young Ryker really think he could get away with murder?" the Judge asked.

"His plan was to pin the blame on Hank, but changed his mind when he realized that no one in town would believe that Hank would kill Jack, so he decided to shift the plan to the wagon-master. So he sent Hank off on that job replacing fence, then sent Overton inside. Mitch went around to the window and drew his gun, waiting for Overton to enter the room. He intended to shoot Overton. When he missed, he decided to shoot him on the way to town, saying that he had tried to escape. But Hank heard the shot and came back. So Mitch had to start scrambling."

"Have you all forgotten about me?" Overton called from the cells.

The Sheriff tossed the keys to Jennings. "You might as well let your boss out."

"Yes *sir*," Jennings replied with a grin, going to open the cell door.

"It's about time," Overton grumbled, leading the way into the other room, where he steadily seemed to avoid looking at John. "Okay, Sheriff, where's my gun?"

Walt went around the desk and opened the bottom drawer, bringing out Overton's gunbelt. "There you go."

"Thanks," Overton said as he grabbed it and put it on. "Now, I have a wagon train to get back to. About the toll -"

"There's no toll, Mr. Overton," Otis told him. "As executor of Jack Ryker's will, it's my decision. And you're welcome." Overton paused, looking confused by his comment. "For defending you."

A sharp nod of the head was the only reply as he turned to Jennings and John Donager. "You two coming or not? We'll be pulling out at first light."

"Right behind you, boss," Jennings assured him.

But John hung back to say, "Seriously, thank you for everything you did," before following the other two men.

====

The wagon train was just starting to settle for the night, with a few still lingering at the fire, where the prayer meeting was still going on, when Charles happened to look up. "Someone's coming!" he called,

stepping away from the fire. "It's John! And Mr. Overton!"

"Guess I don't matter," Jennings said to John.

Families climbed out of their wagons to greet the men, and Reverend Lee actually clamped a hand onto Overton's shoulder before saying, "Thank you, God, for answering our prayers and returning this man to us. Be with him, help him to guide us as we continue our journey. In Your name, Amen."

"What happened?" Doc asked. "I guess someone else confessed?"

"We can discuss that tomorrow," Overton called out. "We leave at sunrise. Jennings, you'll leave an hour before that." With those words, he turned and went to the lead wagon.

"I see that a stay in jail didn't improve his attitude at all," Hanrahan said with a giggle.

"Hanrahan!"

"Oops, better get goin'," the little Irishman said, taking off for the wagon. "Quit yur bellowin', I'm comin'!"

"What *did* happen, John?" Timothy Scott asked.

"He's right. It's been a long day, and we can discuss it tomorrow." He put an arm around Margaret's shoulders. "Come on, I'm ready to get some rest."

"You didn't sleep last night?" she asked.

"Jennings and I had to share a room," he told her. "The man snores."

"So do you," she told him as he lifted her into the wagon, and John began to laugh.

====

"Okay, is everyone ready?" Gene Overton called as he rode his horse from the back of the line toward the front.

"Rider comin' in, Mr. Overton!" Charles called out.

John, on the seat of the wagon, turned to look, as did everyone else. "Looks like Otis Maxwell," he said.

"What now?" Overton asked.

Otis rode directly to John and Margaret's wagon. "I was afraid I would miss you," he told them.

"You would have in another five minutes, Mr. Maxwell," Overton growled. "Is there a problem?"

"No, I just wanted to say goodbye."

"Five minutes," the wagon master declared, riding away, leaving Otis to grin at John.

"I came out here to tell you that - if you're interested, there's a ranch for sale right here - or it will be in a few days."

"Thank you, but, well," he looked around them. "It's good land, and looks like a good ranch - but I'd rather build a place with my own hands. From the ground up, as it were. God's leading us to where He wants us, and I'll know it when I see it."

Otis nodded, taking a deep breath. "I understand. I just wanted to see if you were interested. To tell you the truth, Hank Johnson and some of the Ryker hands are trying to get money for a mortgage to buy it."

"So soon? Hank must've been up early."

"I'm honestly not sure he ever went to bed last night. You might want to know that he told me that he's going to ask Millie to marry him."

"Wow. And Mitch was worried that she -"

"Yeah."

"We're losing daylight!" Overton yelled at no one in particular.

"Well, I'll let you go - tell you what, when you get to where you're going, write me a letter. You never know, I might come see you - meet that baby you're expecting."

"You'd be most welcome, Mr. Maxwell," Margaret assured him.

"Thank you, ma'am," he said, tipping his hat. Pulling his horse back, he yelled, "Okay, Mr. Overton! We're done!"

"It's about time! Wagons! Ho-o!"

The wagon train began to move, with everyone waving and saying farewell to Mr. Maxwell as they moved past him. Finally, when Slim Baker's wagon rolled away, he turned to start back toward town.

Overton saw him riding away, and moved close to the lead wagon, telling Hanrahan, "Keep 'em going!" before turning his mount to intercept the attorney. "Maxwell!" he called, and Otis pulled back on the reins.

"Yes, Mr. Overton?"

"I, uh, well, - I just wanted to say - thank you."

Otis managed not to react with surprise at the words. Instead, he nodded and extended his hand. "You're welcome. Good luck on the rest of your trip."

Overton quickly shook his hand, then wheeled his horse and kicked it to a gallop to return to the head of the wagon train, leaving Otis Maxwell shaking his head before continuing back to town.

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"What happened?" John asked Margaret, who was looking around the side of the wagon.

"They shook hands. Mr. Overton's coming back now."

"God does answer prayers," John mused as Overton pulled up beside their wagon.

"Get a move on, Donager! We have two days travel to make up!" he declared before continuing on to ride ahead of the lead wagon.

"About some things, perhaps," Margaret told John.

"All in God's time, Meg. All in God's time."

The End