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and then Tommy turned timidly to Stephens.

"How about the trouble between us?" he asked.

"Don't mention it," said the other, with a wave of his hand. "I don't feel just as I did a few minutes ago." He glanced down at the still squirming snake. "If there is a God," he began, then stopped and shrugged his shoulders.—"Well, so long. I must be going. See you later."

Tommy and I watched the slim, athletic figure until it had swung down on to the coulée out of sight.

"He's a turrible man," said Tommy, "but not a bad one after all. Well, look! will ye? I'll be damned if thayre ain't the bowl of that pipe!"

And picking it up we returned to the plow team.

## VII

### THE PUNISHMENT AND THE CRIME

#### THE TOO HUMOROUS PROPENSITIES OF BURT MOSSMAN AND OTHERS

When he gets a tenderfoot he ain't afraid to  
rig,

Stand him on a chuck-box and make him  
dance a jig;

With his re-a-loading cutter he'll make 'em  
sing and shout.

He's a regular Ben Thompson—when the  
boss ain't about!

—The Expert Cow-man (expurgated).

**T**EN thousand head of steers were waiting for cars at Dundee. There was the Bar Cross, the V V, the California outfit, the Double Ess Bar, the 7 T X, the Bar A Bar, the Sacramento Pool outfit and the Tinnin-Slaughter wagon, all the way from Toyah. This last



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named had bought six hundred steers on Crow Flat, road branded with two big Y's, and drove. When they got to Dundee they were just a few shy of nine hundred head. This is by the way, and inserted only as a tribute to New Mexico's unequaled climate.

The herds were camped in a circle around the lake, keeping an interval of about two miles from each other. Each herd had three watches of three to five men each for night-guard. But four or five men were ample for day herding; so the men took turns at that, day about, the unoccupied riding to Dundee in search of diversions. Forty or more saddle-ponies stood patiently unhitched, with dangling reins, in the plaza.

The hotel did a rushing business, Mrs. Stanley's output making a pleasant contrast to camp-cooking. Norah, the bright-eyed, was besieged in form by relays of admirers, the more favored ones being allowed to help cook

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or wash dishes. Perhaps it should be stated in this connection that Norah was the only girl in a section fifty miles square. All the same, she was a jolly, pretty girl.

Now, when steer-shipping time comes the season's hard work is over, and all except the "old hands" get their time. And while most men of the cow countries drink colored fluids on occasion, the superfluous ones, who consider the putting down of liquor the first duty of man, are not the stuff of which old hands are made, the law of survival obtaining on the free range as elsewhere.

So, after the first few days, drinking at Jim Gale's place became perfunctory, though, as Dundee consisted of one hotel, one saloon, one depot, one store, the section house and two other buildings, the saloon was necessarily the prime center. The boys would not be paid until the cattle were sold, so gambling was barred by etiquette, "jaw-bone" games being



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viewed with disfavor as tending to unseemly contention. Similarly the code forbade more than two or three persecuting Miss Norah at once, and time ticked slowly.

Sun in the east at morning—  
Sun in the west at night,

a cloudless sky, and a daily statement by a badgered agent that the cars would be in at once.

Given seventy-five full-blooded, vigorous, healthy cow-boys, twenty-four hours in a day, seven days in a week, and no work, and the Purveyor of Mischief may be depended upon to uphold their idle hands.

Inhospitality is mortal sin in all thinly-settled countries, but all things have their limit. For ten days a plague of tramps had overrun the chuck-wagons, feasting on steaks, hot biscuits and the like, getting a meal at one wagon and on to the next. And when one left he

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spread the glad tidings up and down, sending back seven others worse than the first, making hospitality act like a camel.

It was Johnny Patton, cook for the Pool wagon, that spoke unto Cornelius Brown and Tinnin, of the Toyah crowd, suggesting the advisability of slaying a tramp or so.

"Too harsh," remarked Burt Mossman. "I speak for a Kangaroo Court."

"A word to the Y's is sufficient," said Tinnin. Thus the pit was digged and thus the net contrived, the three collaborators appropriating the leading parts unto themselves. A particularly "gall-y" and tenacious tramp, who had adopted the V V wagon, was cast for the star. He was to be "It." Minor places were filled and drilled; the rest of us were Roman populace. The curtain rose promptly after dinner. Brown and Tinnin began to bicker.

Tinnin alleged that Brown had ridden to



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the wagon for water and stayed for the whole forenoon. Furthermore, he sang a few stanzas from his favorite ditty, *The Expert Cow-man*, as bearing on the subject in hand:

"Put him on day herd, he's sleepin' all day,  
First thing that starts out is sure to get away;  
Comes home in the evenin', he'll blame it on  
the screws,  
And swear the lazy devils were trying to take  
a snooze."

Brown, highly indignant, demanded his time. To this Tinnin demurred, saying that Brown knew very well that he, Tinnin, would have no money till the steers were sold. They squabbled, L. C., until the others pacified them and proposed town and a drink to drown unkindness, which they did, inviting the tramp to go with them. To this he acceded joyously, not having learned to dread the gifts of the Greeks.

They took several sniffs at the peace-pipe-

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line. Then Brown launched into an interminable yarn of hairbreadth 'scapes and ventures dire. Every time he named a new man he gave that man's ancestry, biography, acts and connections, with any collateral information at hand. And the more he talked the further he got from the latter end of his tale.

Tinnin got unsteadily to his feet. "Hol' on!" he said. "Hol' on! That 'minds me of a song—

"He'll tell you of a certain trip he made up  
the trail;  
Taking half of Kansas to finish up his tale;  
He's handled lots of cattle, and this is what  
he says:  
He's getting sixty dollars the balance of his  
days."

At this insult Brown stood on his tiptoes. "What!" says he, and jumped forward. Ward and John Henry Boucher caught him. There was a terrific scuffle, yells, howls: "Leggo,



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there!" "Look out! He's goin' to shoot!" etc. Same business for Tinnin, worked up most spiritedly. Those who had to giggle left the room.

We got Brown out and hustled him to camp, calling on the tramp (his name was Harris) to assist.

Brown raged: "I've had good and plenty of that song the last month! I've got a plumb full of his slurs! If that (past-participled) old blowhard throws any more of that (modified) song my way, he'll get it, and get it hard! He's been picking at me long enough."

After the cattle were bedded down and the first guard put on, there were four at the Toyah wagon besides the tramp. Brown had finished supper and was standing with his back to the fire, smoking, when Tinnin rode up. He dismounted and came staggering out of the dark into the firelight. Pausing a moment, he began hilariously:

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"To show you that he's blooded and doesn't mind expense,  
He stands around a-scorchin' of his eight-dollar pants!"

Brown whirled. "Have ye got a gun?" he snarled savagely.

"Betcher. Always!" said Tinnin; "and I know how to use it."

Crack! Bang! Bang! Bang!

They emptied their guns over the fire. Harris was sitting directly between them. They were using blank cartridges, but of course Harris didn't know that, so he went right away.

When he came back Tinnin was stretched out, all bloody (beef's blood) over his breast and face; the conspirators were huddled, whispering.

Harris came up scared, white and shaking. Ward and Brown grabbed him. Says Ward, gritting his teeth:



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"My bucko, you'll swing for this!"

It flashed on the tramp that they meant to lay the "murder" on him. He begged awful as they took him in, leaving the corpse and the cook to watch the wagon. It was great sport from our point of view—and in that light.

In town Brown told the boys the tramp had killed poor Jeff; and turned him over to Mossman, the "appointed" sheriff.

"Judge" Charlie Slaughter called court in Gale's saloon. All the boys were there, and most of the tramps—(they were *not* in on the joke). The station-agent was made counsel for the defense, and the trial began, with all the formalities that anybody could remember or invent.

A weird vision blew over from the hotel—a frock-coated, high-hatted, gold-eye-glassed, bold-faced man with an elbow crooked in latest fashion. He would have been a spectacle, ordinarily, but now we accepted him

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as a man and brother. We explained the situation to him, and that all the boys had blank cartridges.

McClusky and Jones testified to the killing. They made it wanton and deliberate murder. Ominous growls arose from Roman populace. Prisoner's counsel cross-examined unmercifully, but they stuck.

The prisoner told his side—told it straight, too. He broke down, cried, and begged for mercy, said his life was sworn away, that Brown was the guilty man. Some of the fun departed.

The judge said witnesses for the prosecution were trustworthy men of high standing, and committed the prisoner to jail at Hillsboro to await action of the grand jury.

"Lynch him! Lynch him!" shouted Boucher, jumping up. The judge promptly fined him fifty dollars for contempt of court, which was as promptly paid, Boucher borrowing the



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money of Gale. Every one was as solemn as an owl.

"Any further advocacy of lynchin' in this court," said Slaughter sternly, "will get the offending man or men three months in jail. There is no doubt in my mind as to the prisoner's guilt, but if he's executed it will be by due process of law. Mr. Sheriff, swear in deputies to guard this prisoner. Take him to Hillsboro on the midnight train."

So Mossman appointed his brother Dana, Kim Ki Rogers, Pink Murray, Frank Calhoun and Henry Street. Then Slaughter adjourned.

Mossman and his posse were about halfway to the depot when the whole crowd overtook him.

"Now, Burt," said Boucher, "we don't want any trouble with you—but we want that man, and we're going to have him."

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"Hang him! Hang him!" howled the mob, the guns click-clicking through the little stillnesses. If there's a worse sound than a mob's howl, Hell's kept it for a surprise. I don't wonder the hobo turned into a bag of skin, even at the imitation.

"You can't have him!" Burt's voice sounded dead earnest. He was a good actor. He handed the prisoner a gun. "Here—defend yourself. Get out of the way, you bums, or take what's coming!"

That was our cue. A fusillade of blank cartridges covered our rush. The officers made a game fight.

Curses and screams showed where their unerring aim mowed down the Romans, but they were outnumbered. One by one they bit the dust. Mossman, the last one down, gallantly raised himself on elbow, fired a last defiant shot, groaned and died. Then all was



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still; a ghastly silence which Boucher broke. "This is bad business—but they would have it. Is the killer hurt?"

He had miraculously escaped. So we took him to a telegraph pole and put a rope around his neck.

"Let me say a word," he gasped.

I like to remember that even a tramp can stand up and look at the Big Dark. He didn't cry now; he'd lost sight of himself.

"Boys," he said, quiet, "I ain't begging. If I'd 'a' done what they said it would put you straight. I'm only sorry so many better men was killed over me. You are doin' what you think is right. But that man yonder—that Brown—killed Mr. Tinnin. Him and them three men lied. Tinnin's blood and my blood and all the other boys' blood is on their souls. I wouldn't swap with them. I wouldn't want to live and be them. But you'll find out some day I told the truth. That's about all."

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"Any word to your folks?" asked Boucher. "Want to pray?"

"I ain't got no folks—and no notion how to pray," he answered, catching at the nearest man to keep from falling. Then he steadied himself and looked up and around as if searching among the reeling stars for the Heavenly Help of whom he'd heard so much.

It was as ghastly as those waxwork figure murders. I sweat plenty. It was worse than if we'd been in earnest, by the whole dum multiplication table.

I reckon Brown and the rest got worrying, too, for Brown forced his part. "Let me speak to him for a minute," says he. Under pretense of talk he unlocked the handcuffs.

"I can't stand this," he whispered. "Horses is all over yonder, and guns mostly empty—cut. Quit the railroad and slide across the Jornada. If you make the bushes maybe you can break clean."



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People are curious. Harris had been braced to die, but the minute he saw a chance he flew. I think I'd acted in that curious way myself, maybe.

We took after him, yelling "Catch him!" and "Get your horses!" and firing scattering shots. We run him a half-mile, then we came back, laughing and screeching.

But when we got together—a houseful of us—and begun to talk about that poor cuss hiding and trembling in the dark, Neighbor Jones blew a smoke-ring in the air and stuck his finger through it. The ring disappeared. "Where's *that* joke gone?" says he. And we all looked cross-eyed at our drinks.

But there wasn't a hobo on the Jornada the next morning.

A lot of us felt mean next day. But a good half was too young to have sense; the men that had been on guard hadn't seen it, and a lot more were used to being part of a crowd;

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otherwise the first night of the Dundee comedy would have ended its run.

Probably it would have been that way, anyhow, if "Aforesaid" Smith hadn't got too many aboard. For a week after our hanging-bee tramps passed Dundee—probably warned by their underground telegraph. Then hobos straggled in. The young—and therefore hard-hearted—wanted another court at once. Wiser counsel prevailed, however, until the tenth day.

The sidings were full of cars, the buyers had cut the herds, and a few train-loads had pulled out. All the "culls" were thrown together, to be cut again when shipping was done, and driven back to their respective ranches. And—all of the boys had been paid.

At this juncture "Aforesaid" fell by the wayside, and went to sleep under a spreading soapwood tree. That was an old chestnut of his.



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Now, Will Borland, suffering from remorse, had protected and kindly entreated a new tramp at the 7 T X wagon. Will was afflicted with a nasty conscience that never got to working in time to keep him out of meanness, and then dealt him misery after it was everlastingly too late.

Well, this hobo of Borland's came along and went right through "Aforesaid's" clothes to the tune of ninety dollars. But Neighbor Jones saw him.

They rounded up the hobo when he got to town, found the money on him, woke "Aforesaid," and compared profit and loss. So, after supper, they desired to give another reading of the "Kangaroo Court." There was considerable opposition to this, and several stayed away, to their everlasting joy. But most of the remonstrants joined the majority, as this lad needed punishment.

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The cast was different this trip, Kim Ki being sheriff and Hopewell judge. All went merry as a marriage bell—with a few variations—until just after the holler of "Lynch him!" smote the air. Then that frock-coated, weird and unknowable stranger, who had boarded at the hotel all this while, addressed the court with diffidence and timidity.

"Your Honor, may I have permission to say a few words?" he asked.

"Oh—I suppose so," said his Honor. "Only be short."

The stranger removed his eye-glasses and polished them while he looked over the crowd with a benignant smile.

"Pardon me, gentlemen, if I detain you a moment. Let us forget this bum and your monkey business. I have been much pained to overhear the comments of some of your number upon myself. You boys are so frank



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and fearless and free"—another oily smile—"and are careless, perhaps, of giving another pain."

He lowered his voice confidentially. "Now this pained me more, as you hit very close to fact. I *was* once an abandoned and ungodly man—but I have been shown the error of my ways, and now it is my firm intention to become a missionary." He put the glasses in his breast-pocket, slow, thrust the handkerchief under his coat-tails, slow—and produced two cannon too quick for eye-sight—nothing but a flash.

"Don't be rash," he said in kindly tones. "His Honor will tell you my colleague is standing at the back door. Is it not so, Judge?"

"Yes-es!" stammered the judge.

There was a silence thick as custard.

"I will not insist on the formality of putting up your hands, gentlemen; as the poet hath it:

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"If the red slayer think he slays  
Or the slain think he is slain,  
They little know my subtle ways.' . . .

"Now, *I* know *your* subtle ways, being aware your guns are loaded with blanks. I offer in evidence that no one should try to reload. My colleague will proceed to testify. Doc," he called across us, "try the clock hanging over my head—hold its little hands as they lay!"

"Ker-bang—two shots." A bullet-hole appeared neatly in the center of the III and another just inside and over the IX. The time was 9:15.

"Fair—fair!" said the missionary, gently chiding. "My brother's left hand can't do just what his right doeth. Still, I'm satisfied with my pupil."

His voice was rich and unctuous, and one eye rolled upward sanctimoniously—the other kept strictly to business.



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We listened, fascinated—some one snickered.

Our friend cleared his throat and continued:

“We realize we could rake a tidy sum out of this bunch if we were grasping. But if we get exacting there’s three possible bad results. First, it would entail considerable hardships on you, and on all those to whom you are indebted. Secondly, it would arouse evil passions in your hearts.

“Lastly, and most important to us, you would probably make us try high jumping over the hills and far away.

“So we make you a proposition which will strike you as being eminently reasonable. You are a playful crowd, fond of your little joke— Ah! speaking of jokes, pardon me one moment. Prisoner, you are discharged. Let this be a lesson to you, my dear brother, to be honest and upright in all your dealings

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in the future. Do you know, if I were you, I would not stay here? Going? *Good-by!* God bless you!—To resume: We could take your money, your guns and all your saddled cattle, and quite probably break away safely. But we would be sorry to cause you more than a temporary inconvenience, and we freely admit that you would give us the chase of the century. If we should be unfortunate enough to be captured you might prove vindictive.

“In view of these considerations, we would like to have the matter go off like a little pack of firecrackers among gentlemen; especially as we do not think you will take strenuous measures to pursue us—our capture would put the monumental kibosh on you for ever.

“You could hang us, but the way we stuck you up would be told for years to come. If you see fit to keep the matter private, we will not mention it.



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"This is our moderate proposition: Let each of the foremen throw one hundred plunks in the plate, and each of the range-riders fifty. The owners shall contribute one dollar a head on each of their steers. That is less than the biblical tithe, as they have sold for fourteen dollars a head.

"We regret that two owners were unable to see the humor of your festivities, and that three foremen and some twenty of the boys thought your fun too one-sided. Still, over seven thousand head of cattle are represented here, besides five foremen, and fifty of the boys at fifty dollars each, making, say, ten thousand dollars altogether. Come up! The center table looks lonesome.

"Voluntarily donate so much to the good cause, and pledge your words to give us an hour's start before Uncle Tomming us. Sixty minutes you hold your dogs." He stopped and set himself. Says he, through a thin and

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tight mouth: "Otherwise we take all and risk all. Let her come quick."

Dana Mossman spoke up: "Your proposition is all right with me, Parson. I am much interested in mission work myself. But I want to call your attention to Frank Dodds here. He wasn't in on our little witticism the other day, and only came along to keep us from going too far to-night. He swore he'd tell the hobo we was only fooling before we got the rope around his neck."

"The point is well taken," said the Parson pleasantly. "Your attitude is sportsmanlike to a degree, and does you great credit. Mr. Dodds may pass. Now, has any other gentleman any suggestion to make?"

"A nice point arises in my mind as to what would happen if we resisted," said Tinnin. "You couldn't kill all of us, you know—and when we did get hold of you you would find it a matter for subsequent regret."



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"Very true—ve-ry true," said the Parson musingly. "Yet not one of you knows but *he* might be the one to have bad luck. We count on that—and you must count that, expecting no mercy, we should show none."

"Yes—that's so, too. I'll tell you what I'll do. Leave out the horse-wranglers—they're just boys and don't know no better than to follow us—and I'm with you."

"Well, I don't know about the horse-wranglers. It might be a valuable lesson in the future. They can not learn too early to avoid pleasure which gives others pain. What do you say, Doc?" This to the silent one.

"Boys free," said that vigilant person. "Cut it short! You talk too damn much!" And that was his only remark that evening.

"All right. We had set our hearts on clearing up an even ten thousand, though. I see some steer buyers of a facetious turn here.

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Perhaps they will be good enough to make up the deficiency."

The Colonel spoke up deprecatingly: "Now I do not for a moment desire any bloodshed. But as to taking all our money, remember that ninety per cent. of it is in checks. You couldn't use them, you know. And I certainly do not carry a thousand dollars with me in cash. I'm willing to give you what money I have—but I can't pay you one dollar a head."

"Vent slips," said the Parson. "Your quota is twelve hundred head, Colonel. Don't try to fudge. It would be difficult to realize on all of it—as you justly observe. Still, much can be done by two resolute men. We might take a few of you out in the brush and shoot you some if the checks were not paid. I fancy you would see that they were. 'Skin for skin, yea, all that a man hath will he give for his life.' Really, you tempt me. One hundred



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thousand dollars is a big stake, worthy of a bold throw. But let us not be covetous, my brothers.

"As to the other matter, I happen to know that Mr. Gale had ten thousand dollars sent down to cash checks with. You owners either give him your checks for your contribution, to cash, pledging your words as gentlemen and cow-men to redeem them, or we will clean out the crowd, safe and all, and take you checkmen out to herd, till we have a friend negotiate the paper.

"If Mr. Gale will cash the checks for you we will let him go free. I am sure he will—for if he don't I'll draw a check for it all, and I know he'll cash that! Speak up. All or part! The time has passed pleasantly, but I must go. You have indulged in Terpsichorean recreation and you are now under obligation to remunerate the violinist."

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Neighbor gasped. "How was that again? I only speak English and Spanish."

"Ante up!" quoth the Parson.

"Oh!"

"Copper your jaw and take what you want," said Slaughter. "None of us is looking for getting killed. And *I'm* not going to push a foot after you, for one. It serves us right. Come on, boys. Hurry up—I want to go to bed."

So said we all of us. Kim Ki and Neighbor passed the hat. The cow-men drew checks. Gale cashed them. The Parson counted up. It was a little over nine thousand six hundred dollars, and they made the buyers draw checks then to make up the even ten thousand.

"Far be it from me to doubt your integrity," says he with the hand-on-the-chest act. "But, as a precaution against carelessness, the Colonel, Mr. Tinnin, his Honor and Mr. Moss-



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man will accompany us for an hour or so. Good night, and pleasant dreams! Try and control your humorous propensities. Charmed to have met you, I'm sure—and I hope to meet you Hereafter (with a capital H)—boys—not before! Good night!"

And they went out the door with their hostages.

## VIII

### BLESSED BE THE PEACEMAKERS THE QUEST FOR QUIET ON THE PART OF THE HUMAN CONCERTINA

“THE peaceful season has come around again,” said Mr. Scraggs. “It does that every year. It is a good thing to have a certain date to be peaceful on; you prepare for it, put all troublesome things away, and wind up, as I usually do, with four friends trying to hold me down because I feel so light in the head.

“Peace is one of the finest things on earth, but the makin’ of it will never be confined to one of these here monopolies. Listen! What better could a man do than go into a home being tore wide open by the dissensions and discussions of one husband and one wife,