Three Days Late for the Hanging

Lawrence Watt-Evans

We were three days late for the hanging, so there wouldn’t be much to see, but I stopped in Osborne anyway. We needed supplies, and I thought I’d pay old Tom my respects. Dan Bates didn’t have any objection—leastways, none he saw fit to communicate to me, given as he wasn’t able to talk just then, so getting my attention could be a touch problematic. Oh, he’d act up right enough if he thought it was important, but a visit to Osborne didn’t trouble him sufficient to stir him to action. He went where I pointed him without putting up a fuss.

Osborne wasn’t that much of a town. The main street was about three blocks long before it trailed off to nothing at either end, and the two cross streets didn’t go but a block in either direction before petering out. There were a few establishments outside that tight little collection of streets, but for the most part, that was what there was to see. The courthouse was dead in the center, of course, on the south side of Main Street, but they’d had the good taste to build their gallows around back, where it wouldn’t trouble any townsfolk who might be of a sensitive nature. I thought I should go take a look.

Not that I saw any townsfolk about, just now, but then it was a mighty hot afternoon.

I didn’t need to use my heels on Dan, just pointed him in the right direction, and he ambled around the courthouse to the square.

There was the scaffold, fresh-built of raw lumber by the look of it, and there was old Tom, dangling from the crossbeam. That was a bit of a surprise, that they hadn’t taken him down and buried him, the climate being what it was, but it was an even bigger surprise when Tom kicked up his foot at me.

I frowned, and hopped down off Dan’s back. I could see now that Tom was watching me, and moving his tongue as if he were trying to talk, but he couldn’t get a word out with that noose around his neck. Didn’t have the air. And he couldn’t wave or sign to me, as his hands were tied behind his back.

I walked over to the base of the scaffold and looked up at him and said, “You ain’t dead.”

I could read in his expression that he was well aware of that fact, and didn’t much appreciate my pointing it out as I had.

“Seems to me that must mean Seth Pemberton ain’t dead, neither.”

It’s a sorry thing to see a man with his neck in a noose try to nod.

“Well, why the hell not? Seems to me that was at the heart of our agreement, Tom—you were to kill that son of a bitch.” My frown got a tad deeper. “And if you didn’t kill him, what the dickens are they hangin’ you for?”

“Horse theft,” someone said, and I turned to find a young fellow with a shiny badge standing behind me.

“Howdy,” he said. “Sounds to me as if you know a few things about old Tom, here.”

“A few,” I said. I held out my hand. “I’m called Nick Blaisdell.”

We shook. “Al Perkins,” he told me. “Deputy sheriff.”

“Saw the badge,” I said, nodding. “You the one that hanged him?”

“Nope,” he said. “I’m just the one they’ve got watching him.” He jerked his head toward the gallows.

I glanced at Dan, who was watching all this, but he didn’t do anything to express his opinion on the situation. Then I turned back to the deputy. “Seems to me,” I ventured, “that it’s traditional that if a man survives hangin’, he gets a reprieve.”

“We ain’t particularly set on tradition here in Osborne,” he said. “The judge sentenced him to be hanged by the neck until dead, so that’s what we’re doing. If the rope had broke, or his neck hadn’t, maybe we’d reconsider, but as it is, we’re plannin’ to abide by the sentence as handed down.”

“So he’s been there three days?”

“He has.”

“Seems a mite unnatural, wouldn’t you say?”

“Brother, I won’t lie to you, this is the most unnatural thing I’ve ever heard tell of outside a storybook, and it’s got us all fair disturbed, but what are we to do, but wait?”

I could see his position, though it wasn’t the sort of thinking I’d have expected. It made matters a trifle awkward. I knew that he wasn’t going to die no matter how long they kept him dangling there, so long as Seth Pemberton was still alive, and Pemberton was a healthy young fellow who might have forty or fifty years left before he came to the end of his natural span.

Of course, he was also a bloody-handed bastard who might get shot down any day, and none would say he didn’t have it coming, but that wasn’t anything a man could count on. Divine justice generally seemed to be reserved for the next life, not this one, and many a wicked sinner lived to a ripe old age and died rich and happy in bed. Leaving old Tom hanging there until Seth Pemberton expired could be more than a little troublesome for all concerned, myself included.

“What do you reckon it’s about?” I asked.

The deputy shook his head. “Can’t say I know.”

“But after three days, somebody must have come up with an explanation!”

“Oh, dozens of them! But we’ve no way to tell which might be true.”

“Couldn’t you ask Tom? I know he can’t talk, but he could kick right for yes, left for no.”

“We tried that. Don’t rightly think I believed him.”

“What’s he say, then?”

“Says he made a deal with the Devil.”

I tried not to sigh. I hated the way my customers insisted on assuming I was the Devil, no matter how often I denied it. “What, says he sold his soul for eternal life? How’s that work?”

“Not for eternal life. But we couldn’t make out what he claims he got. Whatever it was, the preacher who was askin’ the questions reckons Tom didn’t carry out his end of the deal, and can’t die till he does.”

“Well, if that’s the case, then it seems right cruel to keep him hanging there, where he can’t possibly make good on his bargain.”

Tom commenced to kicking when he heard that, but the deputy didn’t pay him any mind. Dan cocked his ear, but that was all.

“We thought about that,” Deputy Perkins said. “And there’s something to it—but then again, if that’s the truth, why would we want to help him conduct the Devil’s business?”

These people were putting far too much logical thought into this. I was more accustomed to folks who were too scared to think straight when they saw something like Tom’s hanging. Most folks would do whatever it took to make the strangeness go away, without worrying about whether it suited some cosmic authority.

“’Sides,” Mr. Perkins continued, “I don’t believe Lucifer goes about this world making deals with the likes of Tom Cutler.” He tipped his head. “Leastways, I didn’t until maybe ten minutes ago.”

I didn’t like the sound of that one bit. “How’s that?” I asked.

“As I was coming back just now I heard you saying something about an agreement you had with old Tom.”

That’s just what I had feared. “Did you?”

“I did. And something about killing a Seth Pemberton.”

This fellow had some mighty fine hearing, he did. That was more than a bit unfortunate, from my point of view. “That so?”

It was the deputy who sighed this time. “Mister,” he said, “I ain’t fool enough to pull a gun on the Devil himself, and if you ain’t him I’ve got no good reason to pull a gun on you, but I think you’d better start explaining just who you are and why you’re here.”

“I believe I told you I’m called Nick Blaisdell.”

“Didn’t ask what you were called,” he retorted.

“Deputy, do you really think the Devil would come riding in here on a mule, wearing a dirty old Stetson and boots with the heels worn down? I’d heard Old Scratch was a snappy dresser.”

Dan gave me a dirty look and made a sort of whinny; he never cared to be called a mule, and never mind that to all accounts and purposes he happened to be one just then.

The deputy didn’t pay Dan any mind. “If you ain’t the Devil, then what’s this agreement you were discussing with old Tom?” he asked.

“I didn’t say I wasn’t what you might call a conjure man,” I told him. Of course, I didn’t say I was, either, but I didn’t tell him that. “I did make a bargain with Tom Cutler, and I reckon it’s why he’s still breathing.”

“He ain’t breathing. That’s what’s so...well, he ain’t breathin’. But he ain’t dead, either.”

“Fine, then—why he ain’t dead.”

“Go on.”

“Mr. Cutler had a bit of trouble with a Mr. Seth Pemberton,” I said. “Bad trouble, if the truth be told. He was of a mind that Mr. Pemberton had done him a great wrong, but he couldn’t prove it enough for a court of law, and he wasn’t no sort of a gunman, where Mr. Pemberton has a reputation as a mean fellow and a dead shot. So Tom and me, we were drinking together in a saloon out by Black Hawk, and he told me his situation, and I said I could make certain he could kill Seth Pemberton, and Pemberton wouldn’t lay a hand on him to stop him.”

“How’d you fix to do that?”

“I have a certain few talents, you might say. I can’t exactly stop the hand of Death, but I can arrange terms with the Grim Reaper, after a fashion, and I did. I made it so that Death won’t touch Tom Cutler until after Seth Pemberton’s gone to meet his maker. What’s more, to make sure old Tom had a good shot, I made it so that Pemberton can’t see him no how, not ten feet away in broad daylight.”

“Then what?”

“Then I went about my business, and left old Tom to his, which I thought included dispatching Seth Pemberton.”

“If you felt obliged to help out Tom Cutler, why didn’t you just kill this Pemberton yourself?”

I shook my head. “Can’t do it, Deputy. I may have powers beyond those of ordinary men, but just so, I’m bound by laws beyond those that bind you. I can’t kill a man by my own hand—nor a woman, nor a child. Even if a judge decided it wasn’t murder, it’d be the end of me.” I gestured at poor Tom. “I can’t break any number of laws. I can’t even creep back here by night and cut him down without the say-so of the judge.”

Perkins chewed on that for a moment. “Don’t know as I believe that,” he said at last. “Don’t know as I believe a thing you say, come down to it. If it weren’t for old Tom there, I’d think you were some kind of confidence man, spinning a yarn to trick me into something.”

I spread my hands. “Can’t see as how I can convince you, then. I’m not lying, but my saying that don’t make it so, and if you think I’m lying then nothing I say is going to change your mind.”

“Wouldn’t go that far. But I’m not gonna take your every word as gospel, either. You’ve got the best explanation I’ve heard yet as to why old Tom ain’t dead, but I’m not ready to put money on it—nor anything more than money.”

“I don’t want your soul, Deputy. Devil or swindler or conjurer, whatever I may be, you have my word on that.”

“I’m pleased to hear it, but that don’t really help with the situation we have here.” He turned to Tom, who had been watching us. “You heard what he’s been saying?”

Tom did the jerk of his head that was as close to a nod as he could manage.

“He tellin’ the truth?”

There was the jerk again.

“Kick your right leg for yes, the left for no.”

Tom kicked his right leg.

The deputy stood there, contemplating Tom, and I decided to sum up where we found ourselves. “Well, here’s the way of it, so far as I can see,” I said. “Old Tom Cutler’s going to hang there alive until either he’s cut down, or Seth Pemberton dies. I can’t rightly kill Pemberton, not any way I can imagine, and I can’t cut Tom down, so I’m out of the matter ’cept for offering a little advice if anyone cares to listen. You don’t choose to believe me, that’s your right—it’s a free country, they tell me. I’ll be on about my business if that’s the case, once I’ve said my farewells and apologies to poor Tom, and you can do as you please. I’ll tell you, though, that he ain’t gonna die until Pemberton does, and it’d be a right shame if Mr. Pemberton don’t come to a bad end pretty soon.”

“You can’t take your spell off him?”

“’Tain’t a spell, and no, I can’t. Once I make a bargain I can’t change the terms, and especially when death’s involved.” A thought struck me, a bit off the path we’d been following. “You said he was hanged for horse theft? How sure are you he done it?”

“Pretty damn sure. Seems he had a bad night at cards, got drunk in the process, then lit out on Bill Barrett’s chestnut mare in front of a dozen witnesses who warn’t as drunk as he’d thought they might be. Barrett offered a half-eagle to any man who brought the son of a bitch back, and Jack Brown took him up on it. Jack can ride better ’n any man I ever saw, black or white, and has this big bay stallion... well, Barrett’s mare wasn’t gonna outrun him.”

I nodded. I knew old Tom had no sense when he’d been drinking; I’d seen that in Black Hawk. “Seems plain enough. Surprised he didn’t claim extenuating circumstances and get it reduced to a stay in jail, though.”

Deputy Perkins shook his head. “Our Mr. Cutler’s done a mighty fine job of aggravatin’ every man and woman in Osborne over the years, and he damn near knocked out Jack Brown’s front tooth before he went down, so wasn’t a soul in town believed he hadn’t known what he done.”

I hadn’t apprehended that Tom was quite so unpopular as that. I’d seen from the first, the day we met, that he was bound for the gallows, and even when and where it would happen, which was why I’d been willing to deal with him, but I’d thought he’d have done in Seth Pemberton by then, and get hanged for that. It didn’t sound as if any pleas for mercy would do a lick of good. I turned to Tom and called, “What the hell were you doin’, this past four months, that you didn’t get around to killin’ Pemberton?”

Tom kicked, but couldn’t give me an answer.

This was a hell of a mess. It wasn’t going to do me or mine a lick of good having Tom hanging there, unable to die, but I couldn’t do a thing by my own hand. I’d said I wasn’t going to do anything but make my goodbyes, but I couldn’t go without trying to talk out a solution.

For one thing, I’d promised Tom that he’d have a chance to kill Seth Pemberton, and my word’s good. I can’t break a promise, any more than I can break a law. Some might say as I gave him a chance and he didn’t take it; I’d promised he could kill Pemberton, not that he would. I might not have a choice but to say that myself, but it sailed a little closer to the wind than I wanted to explain if certain powers were to ask me about it. I wanted shut of the whole business, as soon as it could be arranged.

“Listen, Deputy,” I said. “I got no right to ask you, and you already said you don’t trust me, and there ain’t no reason you should, but let me make a suggestion. You say no, that’s an end to it, and I’ll be on my way, but I hope you’ll give it some thought.”

“I’m listenin’.”

“What if you were to cut old Tom down, and let me take him down to Rawlinsburg, where Seth Pemberton’s got a place? Then when matters there are settled, I’ll bring the body back here so the judge can see the sentence has been carried out, and he’ll go to the undertaker, and we won’t need to say no more about the delay.”

“The body? You mean Pemberton’s?”

“No, I mean old Tom’s. What would the judge want with Pemberton?”

“You think he’ll die?”

“Once Pemberton’s dead? I surely do.”

“But why should he, once he’s free of the noose?”

“You said his neck’s broke, didn’t you?”

The Deputy’s mouth came open, then closed again. He frowned. “But you’re askin’ me to countenance settin’ him free to commit a murder.”

“And he’s already been hanged, so he ain’t gonna get away with it.”

I could see Perkins wrestling with that. “We didn’t hang him for murder.”

“Does it matter?”

He considered that, then said, “Maybe it don’t. But you’re asking me to let him go kill someone. Ain’t no judge sentenced this Pemberton to die.”

“I see how that’s a stickin’ point, Deputy, but I give you my word, if there was ever a man the law couldn’t touch who deserves to die, it’s Seth Pemberton.”

Perkins chewed his lip for a moment, then said, “It’d be more than my job is worth if I cut him down, and what’s more, I don’t know if he’s fit to take on this Mr. Pemberton. I’m pretty sure his neck did break, and it might be that once he’s out of that noose and don’t have the rope holdin’ things in place, he won’t be able to move a muscle. Not to mention, he’s all swole up. Just because he’s still alive don’t mean he’s in any shape to kill a man. Which brings me to another point. If he kills this Pemberton, then he’s gonna die himself, is that right?”

I nodded.

“Then why in God’s name would he want to kill Pemberton? It’d be suicide!”

I opened my mouth to say something about how old Tom was mad for vengeance, and how he must be suffering the torments of Hell with his neck broke and all, but then I stopped. A man’s life can be agony, but he’ll still fight to keep it. Oh, not every man, but some, and I wouldn’t put it past Tom to be one of them. Besides, he’d had four months, and hadn’t gone after Pemberton; why would he do it now, when he wouldn’t before? Instead of speaking I closed my mouth and pursed my lips all thoughtful.

“Now, I shouldn’t be sayin’ this, bein’ a lawman and all,” Perkins continued, “but you say you can’t kill this Pemberton, and I don’t know him and ain’t got no business looking for trouble out his way, and Tom, there, we can’t trust to kill Pemberton no matter what he says, even if he’s got the strength to do it after bein’ up there all this time, but you say there’s scarce a soul who knows him who don’t think Pemberton needs killin’. So why don’t you go see if you can maybe find someone else who’ll do him in, and put Tom out of his misery?”

I drew in a breath, but before I could speak Dan Bates let out a loud bray.

“Hush, you fool brute,” I said. Then I turned back to Perkins. “Deputy, I told you I can’t break the law against killin’, and that means I can’t go about askin’ someone to commit murder. Tom, there, said he’d kill Pemberton if he had a chance, so I didn’t have to ask, but findin’ some other fellow and suggesting he take a shot, that’d be inciting, or aiding and abetting, or some such, wouldn’t it?”

“Might be,” he admitted.

“I’d need to find someone who’d do it without me askin’. Now, maybe if I tell them about poor Tom and get up some sympathy, the thought will come to someone’s mind...”

Dan brayed again, long and loud.

“Hush, I said...” Then I stopped.

“Oh,” I said. “You volunteering?”

Perkins started. “Me? Now, what did I say to give you that idea? I told you it ain’t my business.”

“No, not you, Deputy. Never mind. Just... I may have a way to put an end to poor Tom’s suffering.”

“I’d be pleased to hear about it.”

“Maybe you would, but I ain’t gonna tell you. I’m sorry, Deputy, but it’s best you not be involved.” I tipped my hat. “My thanks for speaking to me, and setting my mind straight, but I’ll be going now. Got a long ride ahead.”

He stared at me for a moment, then shrugged. “I’d be obliged, Mr. Blaisdell, if you didn’t come back this way.”

“I can’t promise, but I’m hopin’ I won’t have any call to.” Then I let Dan have his head, and he turned and began walking back out of the square, a little faster than his usual pace. I didn’t wave to Tom; didn’t seem the kindly thing to do.

When I was sure we were out of earshot, out of Osborne entirely and back in the open, I leaned forward and said to my mount, “So you’re volunteering to kill Seth Pemberton?”

Dan nodded vigorously.

“And you’re thinking this’ll pay off the rest of your debt?”

He nodded again.

“I can see how that would be fair enough,” I acknowledged. “But you know you’ll have to do it the way you are now, don’t you? Because if I turn you back to a man, I’d be assisting in a murder. If a mule kills Pemberton, that ain’t murder. Still want to try?”

That third nod was slow in coming and wasn’t half as big, but come it did, in good time.

“Well,” I said, sitting back upright. “I’d say that’s fair enough and the best for all concerned ’cept Mr. Pemberton. You settle this matter, and you’re quit with me; the moment it’s done you’ll be a man again, and not a mule.”

He let out a bray I took to mean he was pleased to hear it.

“Seems to me,” I told him, “that we owe it to old Tom to get to Rawlinsburg quick as we can, then, don’t we?”

And with that, he picked up his feet more briskly than ever I’d seen him do before, and we set out down the southwest road.

Took us close to a week to get to Rawlinsburg, which had me feeling bad for poor old Tom, but there wasn’t a faster route I knew, and the weather didn’t cooperate, and no matter how eager he was to shed that mule skin and be a man again Dan Bates couldn’t keep up his top speed through a downpour and across mudslides and flooded gullies. The rain did stop eventually, around the fourth day, and we got there in the end, both of us on foot by then because I thought Dan had done enough to earn a break.

Rawlinsburg was maybe twice the size of Osborne, I’d say. Wasn’t a mining town in the strict sense, in that there wasn’t a mine in it, but there were half a dozen in the surrounding hills, and Rawlinsburg was where the miners came to drink up their profits, or drown their sorrows when there weren’t profits to be had. The assay office and the bank were near the center of town, one of each, and there were two general stores, across the street from each other, but there were four big saloons, one at each corner where Main Street crossed Broadway.

Mr. Seth Pemberton had himself a place a mile or so northwest of town, and had a hand in at least two of the four saloons, though it wasn’t clear whether he so much owned a piece of them or just collected a share of their earnings out of the generosity of the folks that operated them. There’d been a time when he played cards at the Silver Nugget most every evening, but wasn’t a man in town would play against him any more, though none would say outright that he cheated. Wasn’t anyone who’d say he started out as a claim-jumper, neither, at least not if they thought it might get back to him. You might hear tell that he treated the women at the cathouses rough, though, because he didn’t mind that people knew that; hell, he took pride in it.

I surely did wonder sometimes why no one had shot him. Yes, he was a dead shot, but ain’t no matter how good a man is if he’s ambushed and shot in the back. Still, it hadn’t happened yet.

I’d gone over all of this with Dan on the road from Osborne, though he’d known some of it before; he’d been with me about two years, all in all, so he’d heard me talking to old Tom Cutler some when we made our agreement, even if he hadn’t been allowed in the saloon where we were drinking. Mules do have those big ears, after all, and they ain’t just for looks.

We walked into town and headed for the Silver Nugget, and after the journey we’d had I felt sorry that I couldn’t take Dan in with me and give him a shot of whiskey. I tied him to the rail where he could reach the horse trough, then went inside.

I could surely get myself a shot of whiskey, which I did, and despite it being the worst sort of rotgut I followed it up with two more. With that taken care of, I asked the saloonkeeper where Seth Pemberton might be found—in town, or at home?

“In jail,” he told me.

That came as an unpleasant surprise—a surprise because I’d had the impression that Mr. Pemberton had the townsfolk of Rawlinsburg sufficiently cowed that he could pretty much do as he pleased without consequences, and unpleasant because it would be awkward to get a mule into a cell. But on the other hand, if Pemberton were to be hanged that would solve everyone’s problems except perhaps Dan Bates’, as he would need to find another way to earn back his humanity.

“Why?” I asked, hoping it was for murder—or horse theft, which would be downright amusing.

“Drunk and disorderly. Passed out on the floor just there behind you last night, and we carried him to the jail to sleep it off.”

That was a disappointment. “So he won’t be staying there, then.”

“He usually doesn’t, no, but I’ve heard tell that someone may have filed a complaint that could hold him up a piece.”

I frowned. I decided I’d have to see for myself, though I couldn’t safely get any more involved than I already was. “Could you direct me to the jail?” I asked, as I put two bits on the bar.

“Just down Main Street, past the bank.” He pointed in the general direction, and I tipped my hat and took my leave.

I explained the situation to Dan as I untied him and led him up the street, and he made a rude noise to express his opinion of the situation.

The jail was just past the bank, and as they both had bars in the windows I wasn’t too sure I’d found it until I saw the sign over the door. I left Dan out front—didn’t bother tying him this time—and pushed open the door. It was locked, but I didn’t worry myself about that; if there was a law against opening a lock without a key I didn’t know about it, so it didn’t apply to me, and the lock itself didn’t care to stop me.

Didn’t seem as if Rawlinsburg had put any sort of sheriff or constabulary in charge of the jail, as there wasn’t any sort of office, just a little hallway down the middle with two cells on each side and a wooden chair at the far end. A fellow with a badge on his chest and a rifle on his knee was sound asleep in the chair, and Seth Pemberton was sitting on the bunk in the far right-hand cell, slumped against the wall with his nose in the air, his eyes closed, and his mouth wide open.

“Howdy,” I said.

The man in the chair didn’t stir, but Pemberton gave a snort and sat up. He turned and looked at me out of bloodshot eyes, and I don’t care to ever have a man look at me like that again.

“Who the hell are you?” he asked.

“I’m called Nick Blaisdell,” I said. “I take you to be Mr. Seth Pemberton.”

He didn’t say whether or not I had it right; instead he got to his feet and tried the door of his cell, but it was locked, and he didn’t have my knack with locks. He slammed his hand against the bars, then shouted, “Hey, Deputy! Wake up!”

The man with the rifle started, and sat up. He blinked at me, then turned to his prisoner. “What is it?” he asked.

“You gonna let me out of here?”

The deputy, if that’s really who he was, started to say something to Pemberton, then looked at me instead and said, “Who’re you? Did Judge Blaine send you?”

“Nope,” I said. “No one sent me.”

He frowned, then turned back to his prisoner and shook his head. “I’m sorry, Mr. Pemberton, but I got orders not to let you out until Judge Blaine says it’s okay.”

“Why the hell not? What’s the judge got to do with it? I thought I was just here to sleep it off!”

“I don’t know the details, Mr. Pemberton, but word is that some woman from Icy Creek came into town this morning and swore out a complaint against you for robbery and criminal assault.”

Pemberton’s expression changed; I wouldn’t go so far as to say he looked worried, but he sure wasn’t a happy man. “Icy Creek? She give a name?”

“Not one I’ve heard, Mr. Pemberton.”

I was listening, and I was thinking. If this “criminal assault” was bad enough it might get Pemberton hanged after all, which would do for poor old Tom—or it might just let this Judge Blaine pocket a fat fine that no one would be so crude as to call a bribe, as had been known to happen before when someone tried to point a finger at Pemberton. As the people pointing the fingers tended to not live very much longer, that didn’t happen too often, so hearing that this woman from Icy Creek had spoken up meant this might be a more serious matter than most.

I was so busy mulling that over that I almost didn’t hear when Pemberton called, “You, Blaisdell or whatever you said your name was—you have anything to do with this?”

“Not a thing, Mr. Pemberton,” I said. “I just came to find you on behalf of a fellow by the name of Cutler.”

Pemberton let out a bark of laughter. “Cutler? Old Tom Cutler? I heard he’s been hanged, over in Osborne; I don’t suppose it’ll do him any good that you’ve found me.”

“That’s as may be,” I admitted.

Pemberton seemed to decide from that that I was of no consequence. He ignored me and turned back to the deputy. “Listen, if you were to let me out of this cell, I could make it worth your while.”

“Can’t see my way clear to do that, Mr. Pemberton. I’m mighty sorry.”

“No, you don’t understand. C’mere, and I’ll tell you why it’d be to your benefit.”

“I can hear just fine from here, Mr. Pemberton.”

“No, you’ll want this to stay private, just between the two of us.” He nodded his head in my direction. “Let me whisper it to you.”

Now, I’m no fool, and I had a pretty fair idea what was coming, but I decided that it wasn’t in my interest to interfere; I stood by the door of the jail and watched without saying a thing as that deputy came over to hear what it was Pemberton wanted to say.

I’m no fool, but I can’t say the same for the deputy. Maybe he misjudged Pemberton’s reach, or maybe he just didn’t have the brains of a sparrow, but he stepped up close to the bars, and of course Pemberton grabbed the rifle out of his hands and pulled it into the cell. He checked to see that it was loaded, then pointed it at the deputy, who was only just then noticing it was gone.

“Unlock the cell,” he said.

“Oh, come on, Mr. Pemberton...”

Pemberton raised the barrel so that it was aimed right between the deputy’s eyes.

“Open the goddamned cell!”

The deputy looked at me; I shrugged. “Not my place to get involved here, Mister.”

“You working with Pemberton? Sent here to distract me? Is that the way of it?”

“No, sir, I am not. I’m just staying out of it.”

“Smart man,” Pemberton said. “Last time I’m gonna ask, Deputy—open the damned door!” He closed his finger on the rifle’s trigger.

For a moment I thought the deputy might decide to play the hero and get himself shot, but then he sighed and fetched the key and unlocked the cell door. He stood aside, hands in the air, while Pemberton emerged into the passage between cells, and I reached back and opened the door to the street. I stepped back, out of Pemberton’s way.

“I said you were smart,” Pemberton said, smiling in the nastiest way imaginable, as he hurried out with the rifle still in his hand. He wasn’t running, not quite, but he was moving too fast to call it a stroll.

I turned to look out into the street after him. As I figured might happen, he saw Dan Bates standing there, not even tethered, and ran up and swung himself into the saddle. Dan responded with about the most surprised look I’d ever seen on a mule’s face, staring right at me

“That’s my mount, Mr. Pemberton,” I called. “And horse theft’s a hangin’ offense.”

“This ain’t no horse,” he shouted back. “It’s a damned mule!” Then he dug in his heels and shouted, “Gee-yaw!”

Dan set off at a goodly pace, though still well short of a gallop—in all the time he’d been a mule he’d never got the hang of galloping, as it’s not something a mule gets called on to do as a regular thing. I stood for a moment and watched as Seth Pemberton rode off toward the hills to the north; then I set out to follow at a leisurely pace. I didn’t have any intention of catching up for a time; I was leaving this up to Dan.

Meanwhile the deputy came boiling out of the jail behind me, shouting his fool head off. He saw where Pemberton was headed, and then hurried to the nearest saloon, calling out that he wanted men for a posse.

I strolled on, paying him no mind.

Not long after that his posse, half a dozen men on horseback, came charging past me. I tipped my hat to them, but didn’t say a word.

I can’t rightly say how I knew where to stop, but being as I am, I knew, just as I’d known when and where old Tom would hang. Half a mile out of Rawlinsburg I stepped over to the roadside and sat down on a boulder to wait.

Wasn’t but ten minutes later that Dan Bates, on two legs again rather than four, came climbing up from the gully on the other side of the road. He was wearing Seth Pemberton’s boots, belt, and trousers, and nothing else; he had his saddle and harness slung on his broad shoulders, and was dragging my pack, which served to weigh him down some.

“No shirt?” I asked.

“Too much blood on it, and too small for me anyway,” he answered cheerfully. “Gettin’ into these pants was bad enough.” He tossed the pack onto the road, then swung the saddle around and held it out. “This is yours.”

“It is,” I agreed. “Reckon I’ll want to find someone else to wear it.”

“You could buy yourself a real mule, you know.”

“I could,” I acknowledged, “but there’s usually some idjit out there who’s earned a spell on hooves, and they’re usually at least a little smarter and more cooperative than mules that were born mules.” I hefted the pack onto my shoulder, then took the saddle and harness, and patted Dan on the back. “Pemberton give you any trouble?”

“Not to speak of. He wasn’t much of a horseman. Wasn’t hard to throw him, once we were out of sight of town, and iron-shod hooves do a pretty good job at putting a man down.” He laughed, and held out a hand. “Them shoes came right off when I changed back, but look at that middle fingernail—it’s shrunk up, but you can still see a ring of nail-holes there.”

I’d seen the like before, so I just nodded. “Let’s get you back to town. You’ll be wanting a job and a bed.”

“You bet I will.”

We turned our steps back toward Rawlinsburg, me carrying the saddle and pack; I figured Dan had carried them long enough that I should take a turn.

“It occurs to me,” Dan said, after we had walked a little, “that you turned me back to a man as a reward for killin’ two men.”

“You could look at it that way,” I said. “Though there are some would say that you did old Tom Cutler a mercy, and it was the rope that killed him—assuming he’s genuinely dead now. I’ll want to stop by Osborne and make sure of that.”

He nodded. “Still, it was killin’ Pemberton that put me back on two feet—the moment he stopped moving, I started changing. Seems as if there’s somethin’ wrong with the morality of that.”

“I wasn’t too concerned with the right or wrong of it,” I said. “I just wanted to clean up a mess I’d made, and you helped me do that, so I owed you. And believe me, Pemberton had it coming.”

“If I didn’t know better, Mr. Blaisdell, I might almost think you really are the Devil, and by making me a murderer you’ve staked a claim on my soul.”

“I’m not any sort of devil,” I said.

“So you’ve always said, but after more’n two years in your company I haven’t figured out what else you could be.”

“I’m just a fellow with certain special talents, and a good working relationship with the Grim Reaper. I’ve got no claim on your soul, and now that you’ve served your term I’ve got no claim on any other part of you, neither. You were a good mule, but that’s done. If we ever meet again after this, I hope it’ll be as friends, but if you hold a grudge I can’t say I’d blame you.”

He shook his head. “You treated me fair enough.”

I was pleased to hear him say that.

At the Rawlinsburg hotel I vouched for Dan as a trustworthy fellow who’d fallen in bad company, to explain his lack of hat, shirt, or luggage, and I put down a gold eagle to cover his expenses as what you might call a bonus for two years of good service.

When the posse came back, a little after sundown, I reported that I’d seen Seth Pemberton lying dead in a ditch, and my mule had run off. I told them where they might find the body, and asked them to let me know if anyone saw my mount.

I didn’t find me anyone in Rawlinsburg who would serve as a suitable mule, so two days later I bought a horse, and despite Deputy Perkins’ request I stay clear I headed back to Osborne, just to be sure.

Sure enough, I saw that old Tom was properly dead and buried, and I stopped by his grave to offer my respects. Deputy Perkins spotted me, and didn’t say a word. He just watched me until he saw me ride out of town.

From there I headed up into the mountains, as I had another customer to check on in one of the mining camps out that way. I wanted to make sure this one hadn’t managed to make a mess of things the way Tom Cutler had.

And of course, I was keeping my eye out for a potential mule.