

# WORTHY BROWN'S DAUGHTER



A NOVEL

# PHILLIP MARGOLIN

NEW YORK TIMES BESTSELLING AUTHOR

**WORTHY BROWN'S  
DAUGHTER**



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MARGOLIN**



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## **Dedication**

For Doreen, who was with me when I started  
*Worthy Brown's Daughter*, and is still in my heart

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**PART ONE**



**PHOENIX**

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## CHAPTER 1



The river was insane. It boiled and surged between its banks, panicking the horses, terrifying the women and children, and forcing the men to hide their fear, which was considerable. The wagon master had ordered a halt for the night so the wagon beds could be caulked to make them watertight. As soon as the sun rose, several men tied ropes around their waists and swam the river to anchor a cable that would guide the wagons across to the far shore. The wagon master, who had taken many travelers along the Oregon Trail and knew a thing or two about fording rivers, guaranteed everyone in the party that the crossing would be perfectly safe. By the time Matthew Penny was ready, Rachel Penny was not so sure. She'd seen the river hurl huge logs about as if they were matchsticks, and none of the wagons had made it to the other side easily.

"I'm afraid," Rachel told her husband moments before Matthew drove their wagon into the swirling waters.

"Don't be. I'll make it, and I'll be waiting for you on the other side."

"It can't be safe to cross now," she whispered, not wanting their friends, Paul and Mary McCormick, to know how frightened she was.

Matthew grasped his wife's hand and held it firmly. "We're going to be okay. Be strong. Mary needs you."

Rachel was riding in the back of the McCormick wagon to comfort Mary, who was pregnant and ill. She wiped a tear from her cheek and threw her arms around Matthew's neck. Over his shoulder she could see dusty plains stretching out forever beneath a slate-gray sky filled with turbulent, mercile clouds. The landscape terrified her. The last thing she said was, "I love you."

Matthew held his wife a moment more before disengaging and taking his place on their wagon.

"See you on the other side," he told her with fake cheer. Then he snapped the reins, and the oxen walked reluctantly into the river.

Matthew was across in no time, without adventure, and he breathed a sigh of relief when his fe



were planted on solid ground. He waved at Paul McCormick, a large man who was perfectly at home steering a team of oxen across a wide river. Behind Paul, Rachel smiled bravely through a gap in the canvas. Matthew threw her a kiss. The wagon rolled, and she ducked inside.

Emotions as strong as the current washed over Matthew when McCormick drove his team into the water. He loved Rachel and could not bear to be separated from her, especially knowing how terrified she was of making this crossing. But she would make it, and he would be here to comfort her and chide her about how silly she'd been to worry. Then he changed his mind. He would hug Rachel, but he would not tease her. She'd sacrificed too much for him to be shown anything but love and respect.

Rachel had been perfectly happy in Ohio, where they were surrounded by loving families, but Matthew had contracted the wanderlust. It had come on him like a sickness, making him hot and restless and driving him west when all Rachel wanted was what they had already. Matthew had seduced his wife with promises of a better life in an Eden that would rival the original garden, and Rachel had given up everything to follow him to Oregon.

The McCormick wagon was halfway across when the cable snapped. Matthew saw Paul hanging standing and the wagon teetering for an eternity in the ferocious current. Then Paul was flung into the river, arms flailing, and the wagon was on its side, headed underwater. The oxen held fast for a moment, but the power of the river and the weight of the wagon dragged them off their feet. They snarled in the reins and fought the yoke, but the river had them. A sorrowful moan rent the air just before their muzzles disappeared beneath the foaming water.

For a split second the canvas flap blew out, and Matthew saw Rachel slam against the inside of the wagon. He screamed her name and was rushing toward the riverbank when two strong men wrestled him to the ground. He was still screaming her name when the wagon disappeared around a bend in the river, and he was screaming it again when the boy Harry Chambers had sent to fetch him shook his shoulder and wrenched him out of his nightmare.

"What!" Matthew exclaimed, bolting upright. The boy jumped back. Matthew stared at him without comprehension, his heart thumping.

"Mr. Chambers needs you at the inn," the startled boy stuttered. "He said they're fixing to lynch the salesman, and you got to come."

"What salesman?" Matthew asked.

"The one that stole the money."

Matthew had no idea what the boy was talking about, but a lynching was serious.

"Tell Harry I'll be right over," he said, and the boy took off.

The tent flap closed, and Matthew forced himself to stand. He was twenty-nine, tall, and well built with clear blue eyes and dark hair that hung to his shoulders. His appearance would have been considered youthful had it not been for the lines that hardship and sorrow had etched into his face. When freshly bathed and groomed and dressed in a clean, unwrinkled suit, the attorney was quite presentable. Awakened from his deep, troubled sleep after riding for hours in the sweltering heat of summer, Matthew felt awful and looked worse.

In 1860, most of the Oregon counties where court was held had no hotels. Judges, lawyers, and litigants boarded in any quarters that were available, usually a one-room pioneer cabin where they learned quickly how to change clothing in bed to avoid embarrassing their reluctant hosts. The little town of Phoenix was unusual. When rumors spread that a railroad line might pass through it, the speculators had descended, bringing instant prosperity and a need for lodging. At one end of the town's only street was Harry Chambers's inn, a two-story clapboard lodging house and drinking saloon. At the other end was a large canvas tent sectioned off into tiny sleeping rooms on which its owner had bestowed the grandiose name the Hotel Parisian.

Matthew Penny was one of a small group of lawyers in Portland with a private practice. There were fortunes to be made in that bustling, waterfront town of roughly three thousand souls, but real estate, shipping, and commerce were strangers to Matthew's law office. His clients were not the wealthy merchants but small farmers and shopkeepers as likely to pay in produce or trade as in cash. That accounted for Matthew's sleeping on a dirt floor in a canvas tent.

Matthew's clothes and face were caked with dust, and his hair was matted across his forehead. He brushed away as much of the evidence of his travels as he was able, ran his fingers through his hair, trying for a semblance of order, and made a sorry attempt at smoothing down his clothes. Then he trudged off to the inn.

AS SOON AS MATTHEW ARRIVED at the end of Main Street, he heard the angry murmur of the crowd milling around the oak in the field in front of the inn. Matthew hurried over to Harry Chambers, who brought to mind one of the fat geese he plumped up for his guests. His immense belly—hidden behind a stained apron—rolled like the foothills, and rings of fat circled his neck. Chambers's sandy hair was thinning, and he sampled his wares more frequently than was advisable, so his bulbous nose was veined and red.

"I've been riding all day, Harry, and I'm exhausted. Why did you have that boy wake me?"

The innkeeper pointed toward a tall, gangly man who was gagged, trussed up, and held firmly by two angry farmers.

"That's Clyde Lukens. He stole two hundred dollars from a guest at the inn."

Chambers nodded toward a tall, rawboned man who held a length of rope, one end of which he had fashioned into a noose.

"Abner Hardesty's decided to fix the problem without the inconvenience of a trial, and so far you're the only lawyer who's arrived for court."

"I'm a *lawyer*, Harry, not a *lawman*."

"Well, someone's got to do something, and no one would listen to me."

Matthew sighed. "Has Lukens confessed?"

"No, he's been screaming he's innocent since we caught him. That's why the gag. They couldn't shut him up any other way."

Hardesty threw the noose at the oak's sturdiest branch, and the crowd roared approval. When the

prisoner saw the rope drape itself over the tree limb, his eyes grew wide and he began flailing in his captors' grasp.

The angry crowd frightened Matthew, but court would be held in the morning, and that was the place where civilized societies resolved their disputes. Matthew steeled himself and pushed through the area shaded by the oak just as a horse was led into position beneath the noose.

"Mr. Hardesty, wait on Justice Tyler to hear these charges," he said, trying to keep his voice calm and commanding. "The judge will be here soon. If you hang this man without benefit of trial, you'll be committing murder."

Hardesty turned on Matthew. "Who the *hell* are you?"

Matthew's stomach churned, and he fought to keep from trembling. He wanted to step back. In truth, he wanted to run. But he held his ground.

"I'm Matthew Penny, sir, and I'm an attorney. Oregon has a constitution now. We're a member of the Union. Our courts are organized, and we have no need of lynch juries."

Hardesty spit at Matthew's feet. "That's what I think of the courts. We don't need 'em here."

A pistol shot brought everyone around, and Matthew found himself facing the Honorable Jedediah Tyler.

From a distance, it would not have been unreasonable to mistake Justice Tyler for a fierce black bear. He was short and stocky, with massive shoulders. His large head was covered by dark, slicked-back hair and supported by a thick neck. Bushy eyebrows and a woolly beard covered most of his broad, flat face; and sharp, glinting eyes and a vicious hairline scar cemented an impression of animal ferocity that made his visage as terrifying as his courtroom demeanor. Tyler was a hard man with a wicked temper. More than one litigant had threatened his life, and he never held court without a pistol close at hand.

As soon as he had the crowd's attention, Tyler planted himself so that he looked as immovable as a tree rooted to the ground as the tree before which he stood.

"I'm Jed Tyler, a justice of your supreme court," he bellowed. Then he turned and faced Hardesty, who was five inches taller than the judge and lean and dangerous looking.

"What is your name, sir?" Tyler demanded.

"Abner Hardesty," snapped the leader of the lynch mob.

"Well, Mr. Hardesty, this is my judicial district, and there will be no lynching in it. This man will receive a fair trial. *If* he is convicted, *I* will decide his punishment."

"This ain't *your* district, mister. It's *our* town, and this son of a bitch is gonna hang."

The moment Hardesty tacked the period onto his belligerent pronouncement Tyler hammered the butt of his pistol against the hangman's skull. Hardesty's eyes bulged, and he sank to his knees before toppling over, unconscious. Tyler leveled his pistol at the crowd.

"Harry," the judge ordered calmly, "escort the prisoner to the inn and lock him in the storeroom."

"Stand back," Chambers hollered as he rushed to Tyler's side. "Let's do this legal, like the judge says. If this fella is guilty, he'll get what's coming to him in Jed Tyler's court."

Tyler's thunderous blow and loaded pistol had tipped the scales in favor of a fair trial, and the man holding Clyde Lukens made no move to challenge the judge's authority. When Chambers told them to bring the prisoner to the inn, they followed the innkeeper across the field with the salesman in tow.

Matthew felt weak-kneed as the adrenaline that had kept him upright dissipated. He said a silent prayer of thanks for the judge's intercession and started back to his place of lodging. Before he had taken two steps, Tyler stopped him.

"This man will need counsel, Mr. Penny, and you will serve in that capacity."

Matthew wanted to protest. He already had a client, and he needed time to prepare his case. But Tyler had a long memory, and Matthew would have to be crazy to defy the judge if he wanted to practice law in Oregon.

"Very well," Matthew said, but Tyler was no longer listening. Matthew followed the judge's gaze and saw that he was looking at a full-figured woman whose oval face was framed by ebony ringlets that were in sharp contrast with her milk-white complexion. The woman's lips were pursed in disapproval, and there was no doubt in Matthew's mind that her piercing green eyes were studying the judge. Then the frown turned into a smile of respect, and she nodded at Tyler before walking away.

DURING THE EVENING, THE NOISY bar/dining room that took up most of the ground floor of Harry Chambers's establishment was poorly lit by lanterns that cast shadows everywhere. Farmers, townspeople, litigants in Phoenix for a trial, and traveling salesmen packed the oak tables and bellied up to the long bar. Beer and hard liquor slopped onto the sawdust that covered the wood-plank flooring. The din made conversation almost impossible.

Chambers knew that this atmosphere was not fit for the better class of clientele to whom he occasionally catered, so there was a small room at the rear of the inn where his more refined guests could dine. A master carpenter had crafted the chairs and tables, a Persian rug that Harry had won in a poker game covered the floor, and a genuine crystal chandelier from Paris, France, hung from the ceiling. The chandelier was the pride of Phoenix and as out of place in the clapboard inn as a pig on silk sheets. More than one tough-as-nails mountain man had sneaked down the corridor from the bar to peek at it. The town's great mystery was how Harry had obtained it. Many had asked him, and his versions of the acquisition were varied, fanciful, and usually unbelievable.

Matthew followed Chambers down the hall to the storeroom, which was just past the private dining room. Harry fished a key from his pocket while Matthew lit the lantern that hung to the right of the storeroom door. The storeroom was pitch-black. After swinging the light around for a few seconds, Matthew found his client languishing in a corner, hogtied and gagged, his head resting on a sack of meal.

"Untie him, Harry," Matthew ordered.

"The judge said—"

"He didn't say anything about tying and gagging him, did he?"

"Well, no, but—"

“You were just supposed to make sure he didn’t escape. How can he talk to me with a gag in his mouth?”

“I really don’t—”

Before Harry could finish his sentence, Matthew pulled a bowie knife from under his frock coat and cut through the prisoner’s bindings.

“Hey, I was gonna—”

“You were gonna stand there jawing. This man is presumed innocent. I want him treated innocent. Now, if you’ll excuse us, a client’s statements to his lawyer are confidential. You can’t stay here.”

When the storeroom door closed, Matthew turned to the prisoner, who was rubbing circulation back into his wrists. The man looked truly pathetic. He was bathed in sweat, and his sparse brown hair was in disarray. His gaunt face was scratched and bruised from the beating he’d received, his nose looked as if it had been broken, and his thin lips were split and caked with dried blood.

“I’m Matthew Penny of Portland. Justice Tyler has asked me to be your attorney.”

“Thank God, thank God,” the prisoner whimpered. “She’s just doing this to get even.”

“Who is? What are you talking about?”

“Her! The Jezebel, the Jezebel!”

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## CHAPTER 2



As soon as Matthew finished with Clyde Lukens, he got his horse from the livery stable and rode to the home of Glen Farber, his client in the case of *Farber v. Gillette*. Farber lived a few miles out of town in a log cabin with his wife, Millie, and their thirteen children, and he farmed from dawn to dusk, just to get by. Farber's corded muscles were the product of a life of hard labor. Since there was no fat on his whip-thin body, his bones were visible as jutting elbows, conspicuous shoulder blades, high cheekbones, and a pointed chin. If Farber had been an implement, he would have been a knife, and his temper was as sharp and fierce as a fighting blade.

Farber had paid little attention to the rumors that the railroad was headed for Phoenix until Benjamin Gillette, a wealthy businessman, offered to buy some of his land. Farber jumped at the chance to make some easy money. If the deal had gone through, it would have been the first time in his life that anything had come his way without backbreaking labor. Then Gillette had second thoughts about the deal and Gillette's lawyer, Caleb Barbour, and pointed out a loophole through which he thought his client could slip. When Gillette decided not to honor his contract, Farber's first thought was to shoot Gillette and his lawyer, but Millie Farber beseeched her irate husband to seek legal counsel, and he eventually gave in.

It was late afternoon when Matthew arrived at the Farber cabin. After sharing a meal with the family, Matthew conferred with his client about the case. Mrs. Farber did her best to keep the children quiet, but the din in the cabin gave the lawyer a splitting headache that was still throbbing when he left his horse at the livery stable in Phoenix. Matthew decided that a glass or two of beer might ease his pain. He was walking toward the inn when a giant Negro materialized out of the shadows.

Matthew would not have been more surprised if he had encountered a creature from another planet. Black men were rare and unwelcome in Oregon. The new state constitution prohibited free Negroes from entering the state, making contracts, holding real estate, or maintaining lawsuits unless they were already residing in Oregon on the date that the constitution was adopted.

“Sir?” Matthew barked, startled by the sudden apparition.

“Are you Mr. Penny?” the Negro asked in a rich baritone that would have worked well in a church choir.

“I am.”

“My name is Worthy Brown, and I work for Caleb Barbour.”

“Yes, certainly,” Matthew answered with relief, believing that the mystery of the massive black man had been solved. “Do you have a message for me?”

“No, suh, I wish to speak to you myself on a private matter.”

Matthew took a harder look at Brown, whose purple-black skin was so dark it took sharp eyes to make out the man at night. The Negro was well over six feet tall and deep chested with broad shoulders that were stooped from years of fieldwork. Clearly, the man was nervous, but his hands were steady, and, though deferential, there was an air of dignity about him.

“I need to know about slavery, suh. Can a man be a slave in Oregon?”

“Our new constitution prohibits slavery, Mr. Brown.”

“What if a man was a slave before he come to Oregon?”

“He would be a free man when he arrived here.”

Matthew waited quietly while Worthy Brown mulled over Matthew’s answer.

“Mr. Penny, I need a lawyer, but I don’t have money to pay you. What I plan to do is tell you something, and I want you to promise me you’ll be my lawyer if it’s valuable.”

“Certainly Caleb Barbour can help you with any legal problem you might have. He’s an excellent lawyer.”

“No, suh. Mr. Barbour can’t help me on this.”

“What’s your problem?”

“I’d rather not say until you decide if my information will pay for your help.”

“Mr. Brown, this is very confusing. How can I promise to be your lawyer if I don’t know what you want me to do? What you ask may be illegal, or I may have a conflict that prevents me from representing you. Surely you see that I can’t commit myself without more information.”

“What I’m asking ain’t illegal. I wouldn’t ask no man to break the law. All I ask is that they keep their word,” Brown concluded bitterly.

“Does this matter involve a conflict between yourself and Mr. Barbour?” Matthew asked. He was reluctant to involve himself in a dispute between a servant and a man with Barbour’s connections.

“I don’t want to say no more about it now. When you hear what else I got to say, you’ll see why I can’t go to Mr. Barbour.”

“And that is?”

“He’s gonna bribe some of the jurors in your case.”

“What!”

“He’s got a plan for getting someone on that jury who will fix the verdict for him.”

“Who?”

“That I don’t know, but they’re meetin’ behind the inn, tomorrow night. You see if I ain’t tellin’ the truth. Then you say if you’ll help me.”

“How did you come by this information, Mr. Brown?”

The Negro laughed, but there was no humor in it. “A slave ain’t nothing but a piece of furniture, Mr. Penny. Mr. Barbour talks around me same as he would around a chair or a table, ’specially when he’s drinking.”

“Does Mr. Barbour keep you as a slave?” Matthew asked incredulously.

“I don’t wish to discuss that now, suh.”

“Very well. Tell me, did Mr. Barbour say whether Benjamin Gillette is a party to this bribery?”

“That I can’t say, but I ’spect not. Mr. Barbour wants to win this case terrible bad. From the way he’s been drinking lately, I think he and Mr. Gillette ain’t getting on too well. Mr. Barbour is afraid he’s gonna lose Mr. Gillette’s business, and he can’t afford that.”

Brown looked around nervously. “I’ve been here too long, Mr. Penny. If someone sees us talking, it could go bad for me.” He started to walk away.

“Wait. If I decide to help you how can I get in touch?”

“Don’t worry ’bout that. If you gonna help me, I’ll find you.”



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## CHAPTER 3



Oregon's four supreme court justices spent part of their time as appellate judges and the rest riding circuit as trial judges in the counties of the state. A justice had to be not only wise but also rugged enough to endure long horseback rides, foul weather, poor food, and primitive accommodations. Justice Tyler was such a man. He was ruthless in business and brutal in court, a hard drinker and a fearless gambler who was well known to the whores who worked in Portland's brothels.

As he washed off the dust of travel and changed for dinner, Tyler thought about the woman on the edge of the crowd. She had vanished by the time order was restored in the field. Harry Chambers could have told the judge who she was, but Chambers was occupied with the prisoner. The mystery was solved soon after the judge entered Harry Chambers's back room. Seated between Benjamin Gillette and his attorney, Caleb Barbour, at a table for four beneath Harry's famous chandelier was the woman who had occupied the judge's thoughts.

Benjamin Gillette always looked as if he'd just gotten off the boat. This was an image he cultivated because it helped him succeed in business. Gillette was tall and heavysset. He sported a mane of white hair and a constant smile and he ate what pleased him. Though he wore shirt collars and ties when appropriate, he never felt comfortable in them and tugged constantly to keep the stiff fabric away from his fleshy neck.

Oregon's wealthiest businessman had moved to Portland from California in the early 1850s, starting in the mercantile trade, branching into private banking and real estate, and using his California connections to gain control of most of the shipping on the Columbia and Willamette Rivers. It was railroading that captured his fancy now, and a lawsuit involving land in Phoenix had brought Benjamin to Harry Chambers's inn.

If Benjamin Gillette looked as if he had just gotten off the boat, Caleb Barbour looked as if he owned the vessel. He was six feet three inches tall and well proportioned. His wavy black hair and groomed mustache gave him the look of a music hall hero. Barbour had his stylish clothes hand-

tailored, he gambled flamboyantly and whored discreetly, and he lived beyond his means. He had acquired this last vice in Georgia, a state from which he had fled just ahead of his creditors. Barbour had arrived in Oregon in 1856 and had quickly established his professional reputation. He had done well enough handling Benjamin Gillette's legal affairs for Gillette to ignore the rumors that his attorney's methods were often questionable.

"Jed," Gillette called out when the judge entered the room.

"Won't you join us, Judge?" Barbour asked.

There were only two tables in the room, and one was unoccupied. It would have been impossible for Tyler to turn down the invitation, even if he had wanted to.

"Thank you," the judge said.

"Have you met Miss Hill?" Gillette asked. "We've only just had the pleasure."

Tyler nodded to the lady. "I'm afraid I haven't had the honor of an introduction."

"I'm Sharon Hill, Justice Tyler, and I'm most pleased to make your acquaintance."

There was a throaty quality to Hill's voice, and the hand she extended was as smooth and delicate

"Miss Hill has been regaling us with the story of your exploits with the lynch mob," Barbour said.

"Yes, tell us about the lynching," Gillette said.

"I hope that Miss Hill hasn't made too much of it," Tyler answered. "This fellow Lukens is accused of stealing. I simply made certain that his fate would be decided in a court of law."

"You're far too modest, sir." Sharon Hill said. "The man would be dead now were it not for you."

Tyler shrugged. Then he turned to Barbour. "That reminds me. I've asked Matthew Penny to defend Lukens, but I have no one to prosecute. What about you, Caleb?"

"If you think I can be of some help," Barbour answered.

"I've seen no one else," Tyler answered gruffly.

Barbour reddened briefly before regaining his composure.

"If I'm to prosecute, I'll need to know the names of the witnesses," he said stiffly.

"Talk to Harry Chambers," the judge answered. "I know nothing about the case."

"You might also talk to me," said Miss Hill, "since I am the victim of that despicable man."

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## CHAPTER 4



A session of court was great entertainment in Phoenix, where nothing much happened most of the year. There were no courthouses in any Oregon county in 1860, so court was held in the interior of Harry Chambers's inn in winter and in the field adjoining it in summer. On the morning of Clyde Lukens's trial, court convened under a bright sun and clear blue sky. A welcome breeze had chased away the sticky heat of the past few days, leaving the spectators, who were sprawled on their blankets in the grass, in a festive mood. Justice Tyler sat in the shade provided by the oak tree at a table that had been carried over from the inn. On Tyler's left was a chair for witnesses. The jurors had been picked from the spectators gathered in the field, and they sat perpendicular to the chair from which the witnesses testified in an improvised jury box composed of two rows of chairs.

Two more tables had been set up in front of the judge. At one of them sat Clyde Lukens and Matthew Penny. At the prosecution table sat the dapper Caleb Barbour, who was continuing his examination of Harry Chambers.

"When did you first learn that Miss Hill had been robbed?" Barbour asked the nervous witness.

"After she ate breakfast. She went up to her room. A few minutes later, she came down all upset and told me that someone had stolen her money."

"Did she suggest who the culprit might be?"

"Him," Chambers said. "Clyde Lukens."

An angry murmur passed through the crowd. Tyler was tempted to rap the butt of his pistol on the table to restore order, but he stayed his hand because of the tiny smile of satisfaction that played on the corners of Sharon Hill's lips. The state's star witness was sitting on a chair that the judge had ordered for her. Even in the plain dress she had chosen for her court appearance, she radiated sexuality, and the judge had to fight to keep from looking her way while Chambers was testifying.

"What did you do after speaking to Miss Hill?" Barbour asked.

"I brought her and a few men to Lukens's room and told him what Miss Hill had said."

“How did he react?”

“Well, his eyes got real big. Then he turned red and started yelling.”

“What did he yell?”

Chambers looked embarrassed, and he turned to the judge. “Do I have to say the words, Judge? They’re sort of rough.”

“We’re in court, and we must have the truth, no matter how rough it may be,” Tyler told him.

Chambers took a breath and turned back to Barbour. “He was screaming at Miss Hill. He called her a Jezebel, and, well, he said she was a whore.”

Angry conversations could be heard in the field. Tyler rapped his pistol and ordered the crowd to get on their hands and knees to blow the pipe down.

“Did you have to restrain Mr. Lukens?” Barbour asked.

“Yes, sir, or he would have done Miss Hill harm. He was wild.”

“How did Miss Hill react to this assault?”

“She was as calm as can be.”

“Like someone with a clear conscience?” Barbour asked.

“Objection,” Matthew said.

“Sustained,” Tyler ruled.

“What did you do after subduing Mr. Lukens?” Barbour continued.

“We searched his room.”

“And what did you find?”

“The two hundred dollars Miss Hill said was missing. It was rolled up in his socks with seventy-five more dollars.”

“What did Mr. Lukens say to that?”

“He said all the money was his.”

“Really? Did he explain how Miss Hill would know that he had this money concealed in his room?”

Harry looked at Sharon Hill apologetically. She beamed a comforting smile at him.

“Well, Mr. Chambers?” Barbour said.

“He, uh, well, he said he told her about the money the evening before.”

“Nothing further, Your Honor,” Barbour said.

“Your witness, Mr. Penny,” the judge said.

“Where did Mr. Lukens say he told Miss Hill about the money?” Matthew asked.

“In . . . In her room.”

“Did Mr. Lukens give an explanation for his presence in the room of an unmarried woman?”

“Uh, yes, sir, he did.”

“Enlighten us, please.”

Chambers cast an anguished look at Sharon Hill. “He . . . he said, uh, that he’d spent part of the evening there.”

There was angry whispering in the crowd, and Miss Hill's eyes blazed with indignation.

"Objection, Your Honor," Caleb Barbour shouted.

"Mr. Barbour opened the door to this line of questioning," Matthew replied.

"Tread softly, Mr. Penny," the judge warned in a low and threatening voice. "The objection is overruled, but if you sully the reputation of this young woman without cause, I will deal with you as the defendant."

"I assure the court that there is a valid reason for my inquiry," Matthew said.

"Mr. Chambers, why did Mr. Lukens claim he was in Miss Hill's room?" Matthew asked the witness.

"He said that she agreed to . . . to, er, be with him for money."

"To prostitute herself?"

Chambers nodded.

"No further questions," Matthew said as he reclaimed his seat.

Barbour jumped to his feet with a theatrical flourish. "We will clear up these scandalous allegations quickly. I call Miss Hill."

Sharon Hill walked to the stand with her head high and her back straight.

"Do you swear by Almighty God that you will tell the truth, the whole truth, and nothing but the truth?" Justice Tyler asked when she placed her hand on the Bible.

"I do," she answered forcefully.

"Please take the witness stand, Miss Hill. Mr. Barbour, you may proceed."

"What is your full name?" Barbour asked.

"Sharon May Hill."

"And where are you from?"

"San Francisco."

"Please tell the jury where you're headed."

"Portland."

"Were you traveling by coach when you arrived in Phoenix?"

"I was."

"You told Mr. Chambers that the defendant stole two hundred dollars from you. How did he come to learn that you were carrying this sum of money?"

Sharon Hill turned to the all-male jury. The eyes that had stared at Clyde Lukens with such malevolence were now soft, limpid pools that threatened to overflow with tears.

"I was seated opposite that . . . that man in the coach during the trip to Phoenix. At one point he searched my purse for a comb. We hit a rut. The coach bounced, and I lost my grip on my bag. The contents spilled on the floor, and he handed back my roll of bills."

"Did he say anything about the money?" Barbour asked.

"No, but he held it longer than necessary, and I thought that he eyed it with evil intent."

"Objection as to Mr. Lukens's intent and move to strike," Matthew said.

“Yes, Miss Hill, don’t guess at what the defendant may have been thinking,” Tyler said, his tone gentle, as if he were reprimanding a favorite niece for a silly, but minor, infraction.

“I’m sorry, Your Honor.”

“Did anyone at the inn besides the defendant know that you had this money in your possession when you arrived in Phoenix?” Barbour asked.

“Not to my knowledge, and we were the only passengers.”

“When was the last time you saw your money?”

“When I placed it in my chest of drawers on the evening we arrived. I realized it was missing in the morning when I went to my room after breakfast.”

“Did you ever see the defendant in your room, Miss Hill?”

The witness seemed uncertain. “This may appear foolish, and I wish to be fair.”

“Just tell the unvarnished truth,” Barbour prodded gently.

“Well, I believe I saw Mr. Lukens in my room, but . . . This is confusing.”

“Take your time,” Justice Tyler said protectively.

“Thank you, Your Honor. I was exhausted by the long coach ride, and I fell into a deep sleep after dinner. At one point I had what I believed to be a dream. In that dream I saw Mr. Lukens closing the door to my room. I now believe that I actually saw him leaving my room, but was so tired that I fell back asleep and thought I’d dreamed it.”

Barbour pointed at Clyde Lukens with contempt. “This *gentleman* has claimed that he was in your room for—and I beg your pardon for asking this—immoral purposes. Is that true?”

“Certainly not!”

“Except for his possible nighttime incursion, was Mr. Lukens ever in your room to your knowledge?”

“No, sir.”

“Thank you, Miss Hill. I have no further questions, Your Honor.”

Matthew walked to the witness stand and stood inches from Sharon Hill.

“You concede that Mr. Lukens’s intrusion into your room may simply have been a dream?” he asked.

“Well, yes, Mr. Penny.” Hill paused and furrowed her brow as if genuinely perplexed. “But how then did he come by my money?”

“Honestly, if it was his own,” Matthew responded.

“Objection,” Barbour called out. “Mr. Penny is testifying, and he’s implying that Miss Hill is a liar.”

“Sustained,” Tyler snapped.

Matthew knew that Hill had gotten the best of him. Even worse, a quick scan of the jurors’ faces showed quite clearly where their sympathies lay. Matthew decided to change his tactics.

“Miss Hill, why are you going to Portland?”

Hill seemed flustered for a moment, but she recovered quickly.

“I’m looking into business opportunities.”

“What type of business?”

“Whatever presents itself. I’m keeping an open mind. A shop, perhaps.”

“And you planned to finance the business with the two hundred dollars?”

“It’s all I have in the world.”

“Please tell the jury how you—a single woman—came by such a large sum of money.”

Hill’s composure broke, and Matthew was certain he had her. But when she spoke, he knew that Clyde Lukens was doomed.

“An inheritance from my father. He passed away, and I . . .” Her voice caught, and she fetched a handkerchief from her purse.

“I’m sorry,” Hill said as she dabbed at her eyes.

“Would you like some water?” Tyler asked solicitously, reaching for a pitcher Harry Chambers had provided for the judge.

“No, I’m fine. It’s just that I am only recently alone in the world.”

“Mr. Penny, I suggest you pursue another line of questioning,” the judge said. Matthew heard angry whispers in the crowd and sympathetic murmurs from the jury box. He knew he was defeated.

“Nothing further, Your Honor,” Matthew said as he took his seat.

“The state rests,” Caleb Barbour proclaimed before gallantly assisting Sharon Hill from the witness stand.

“Any witnesses, Mr. Penny?”

“Mr. Lukens, Your Honor,” Matthew replied, even though he knew that Clyde Lukens could not be saved. His client must have sensed the inevitability of punishment. When he took the oath, his words were barely audible, and Justice Tyler ordered him to speak up.

“Did you steal from Miss Hill?” Matthew asked.

“As God is my judge, that money is mine. She’s doing this to get even.”

“Get even for what?”

“She’s a temptress, a harlot.”

There were angry rumblings in the crowd, and Matthew worried that there might be a second attempt to lynch his client.

“Explain to the jury what happened between you and Miss Hill,” Matthew said.

“I will, I will,” Lukens said, looking for understanding from the twelve stone-faced jurors and finding none. “We met on the stage to Portland. We were the only passengers. I’m a bachelor, sir. A salesman. I’m alone on the road most of the year. I . . . I couldn’t help but notice that . . . Well, Miss Hill is a beautiful woman. Quite innocently, I assure you, I struck up a conversation. At first, that’s all it was, a way to pass the time. Then she told me it was a shame that I had to travel the road alone when I could spend some time with her at the inn, if I had the price.

“I asked her what she meant. She was quite explicit. She wanted to know if I had any money. I told her about my two hundred and seventy-five dollars, which was partly profits from sales and part

expense money from my company. She quoted a price.”

Lukens bowed his head. “I knew it was sinful, but she was so beautiful. I . . . I couldn’t help myself.”

“What happened at the inn?” Matthew asked.

“We agreed to check in separately. She ate in the back room, and I ate in the bar. I waited an appropriate amount of time after she went upstairs before following her. When I entered her room . . .

Lukens paused to cast a quick glance at the crowd. He saw angry faces glaring at him. The jurors’ aspects were no kinder.

“Go on, Mr. Lukens. What happened in Miss Hill’s room?”

Matthew knew the story Lukens was going to tell, and, while he thoroughly disapproved of the man, he believed it was the truth. Unfortunately for Lukens, Matthew knew he was probably the only one in the field who would feel that way.

“She was in bed, naked. I joined her.” He hung his head. “I couldn’t help myself. It was as if the devil had taken hold of me.”

“What happened next?” Matthew asked.

“The trouble. She demanded twenty-five dollars. I didn’t have it.”

“But you’ve told the jury that you had two hundred and seventy-five dollars?”

“I did, but it wasn’t mine. Most of the money belonged to the company. I did have expense money, but how would I live? I told her I would get the money in Portland and pay her then. She was furious and tried to explain, but she wouldn’t listen. I begged her to understand. She said she did. She said she believed that I thought I could use her and get away without paying, but that I was wrong. Then she grew calm and smiled at me in a way that chilled my bones. It was the most malevolent smile I’ve ever seen. She told me to get out. I dressed and left.”

“Whose money did Harry Chambers find in your socks?”

“My money, the company money.”

“And you stole nothing from Miss Hill?”

“Nothing. I swear to God, it was mine.”

“Your witness, Mr. Barbour.”

Barbour looked at Lukens with contempt. “I will not waste the time of the court or this jury by questioning this . . . man.”

Several jurors shook their heads to show their agreement with the prosecutor, and Lukens slumped back to his seat.

“Any more witnesses, Mr. Penny?” the judge asked.

“No, sir.”

“Then you may make your closing argument, Mr. Barbour.”



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