

James A. Janke



ORO DIABLO





Gold shipment leads to theft, murder, betrayal, violence, and love.

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By
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First Edition

Cover design and photo by the author.

Dedicated to
Joanne

Oro Diablo

By
James A. Janke

Prologue

Arizona Territory, Summer, 1876

Old man Frank Kincaid, his mouth full of sourdough biscuit, stopped chewing suddenly. He stared at the door of the crude mountain shack.

The much younger man across the table from him halted the spoonful of beans halfway to his mouth. "Pa?"

"Quiet, Jed," Frank snapped out of the side of his mouth.

Jed froze. Frank listened intently, then whispered, "Someone's comin'." He quickly finished chewing the chunk of biscuit and swallowed it.

Jed slowly lowered his spoon to his blue-enameled plate, softly enough that it made only the smallest click as it touched the metal. He whispered, "I don't hear nothin', Pa."

The two men sat frozen in their chairs, staring at each other, but concentrating on the sounds outside.

"There," said the older man in triumph. "You can hear a horse's hooves slippin' on the loose stones on the trail."

"You're right, Pa," his son agreed quickly. Then he added more quietly, "Who'd be comin' out here when it's already turned dark?"

Frank used a sleeve to brush crumbs from his bearded chin and stood up quickly, pushing his chair back with a screech.

"I don't know, Jed, but if he was friendly, he'd've called out by now." The man cupped his hand above the top of the chimney of the kerosene lamp on the table and blew out the flame. "Ain't neighborly to get this close without a holler." He hustled over to where a Sharps rifle leaned in a corner of the small shack.

Jed jumped to his feet, too. By the time he reached a Winchester propped near the door, his father had already cocked the hammer of the Sharps and was crouched by one of the two small front windows, which were simply openings in the wall.

Jed thumbed back the hammer of his carbine and took up a position at the other front window. "I only see one rider," the young man said. "Not likely one man is a claim jumper or a robber."

Frank peered as far as he could to each side; the front windows were the only windows in the shack. "Hm. Sure seems like just one man, don't it?" he observed cautiously. "Still. . ."

The rider finally mounted the top of the steep trail and reached the mountain bench upon which the Kincaids' hard-rock claim was located. He stopped his horse about twenty yards from the door of the miners' shack.

Frank squinted at the dim figure in the darkness. "He's bein' pretty bold about it, whoever he is."

"Yo, the cabin," the man outside yelled. "Mr. Kincaid?"

"Why, it's Montgomery," the younger Kincaid said in surprise.

"So it be," Frank acknowledged. "So it be. Wonder what the bastard wants." He stood up and went to the door. He paused and looked at Jed. "Cover me, boy."

Jed nodded once. He brought his Winchester's barrel up to the window. "I'm ready."

Frank lifted the wooden latch and pulled the door back on its leather hinges. The door scraped on the dirt floor.

Frank stood in the doorway. He cradled his cocked rifle in his folded left arm. "What you want, Montgomery?" he barked. His voice was surly and impatient.

"Now, Mr. Kincaid," Nicholas Montgomery chided politely. "Is that any way to speak to a visitor?"

"We didn't invite you," Frank said.

"This is a business call, Mr. Kincaid."

"Forget it. We won't sell the Desert King. You got enough mines anyway. Just turn that horse around and ride back to Paradise City."

"You haven't heard my latest offer," Montgomery argued. "Besides," he added, pulling a slip of paper out of an inside coat pocket and waving it in the air. "I've got your latest assay report here."

Frank squinted into the darkness, skeptical. "Yeah? Them's supposed to be confidential. How'd you get it? Besides, Muncie said it wouldn't be ready 'til tomorrow anyway."

"Well, he finished it late today," Montgomery said. "I was in his office picking up a report of my own, and I mentioned that I was headed out this way to see you, and he suggested I take it along. Course, if you'd rather, I could take it back and let you pick it up—"

"Bring it here," Frank snapped. He turned and stepped back into the shack, leaving the door open. To Jed he muttered, "Gotta have a talk with Muncie about this. He ain't supposed to be sharin' our reports with anyone, 'specially not with Montgomery."

"Yeah," Jed said.

Frank walked over to the table, eased down the hammer of the Sharps, and propped the weapon against the table. He struck a match on the rough tabletop and relit the kerosene lamp.

Outside, Montgomery dismounted and led his horse forward. He wrapped the reins around a handle of an upside-down wheelbarrow lying near the shack. After securing his mount, he stepped inside the door of the shack and stopped. He looked to the side at Jed near the front window.

"Evening, Jed," he said with a smile.

Jed gave only a slight nod in reply and dragged the door closed behind Montgomery. He kept his Winchester dangling at his side.

The young man eyed Montgomery with a reflexive dislike. Whereas Jed Kincaid's clothes—and body—reflected his back-breaking, clawing, mole-like existence in the tunnel he and his father were digging by hand with picks and shovels, Nicholas Montgomery's clothes looked like they had just come straight from a tailor shop. His boots were brightly polished, his trousers were unblemished, the suit coat fit perfectly, and the fawn-colored hat he wore showed not a spot of dirt or sweat. Montgomery's hands were clean, his fingernails undirtied, his face closely shaved, and his mustache carefully trimmed. He held his tall frame erect. Everything about him projected an aura of confidence and accomplishment. Jed would have disliked Montgomery even if Montgomery hadn't coveted the Kincaids' mine.

"Gimme the paper," Frank demanded, holding out a hand.

"Here it is, Mr. Kincaid," Montgomery said. He stepped up to the table and handed the report over. He took off his hat and tossed it onto a short stack of boxes in the corner of the small shack. "I'm afraid it's rather disappointing."

"Disappointin'?" Frank repeated, surprised. He looked down at the paper and read the short report. His head jerked up. "This is bullshit!" He crumpled up the paper and threw it at Montgomery.

Montgomery clutched at the wad of paper.

"Listen, Montgomery," Frank said, "I been diggin' since forty-nine in California, after the placer minin' give out, and I know prime, high-grade ore when I see it. The rocks I give Muncie this time was tops. If the assay come out low, then—then—"

"You saying Muncie's incompetent?" Montgomery asked.

"No. No, he ain't," Frank conceded. He snatched up the Sharps. "But you ain't past fillin' out one o'

them slips yourself.”

“Whoa there, Mr. Kincaid,” Montgomery said, lifting both of his hands palms out. “Now, what would be the point of that? You could simply check with Muncie tomorrow.”

Frank didn’t say anything.

Calmly Montgomery smoothed out the assay report and offered it to Frank again. “Take a look at that signature. Isn’t that Muncie’s signature? You’ve seen it before.”

Cautiously Frank took the paper again and studied it. “We’ll see.” He turned to Jed. “Jed, get that other report. Let’s compare the writin’. That all right with you, Montgomery?” he challenged with a smirk.

“Of course,” Montgomery answered.

Jed went to their dusty, mostly empty cupboard of shelves and pulled down a tin can. He stuck his fingers in and pulled out a few papers and letters. Sorting quickly through them he found the assay report they had gotten on an earlier sample and brought it over to the table. The elder Kincaid set his rifle against the table again and spread out the two reports next to each other near the light of the lamp.

Jed looked over his shoulder. “Sure looks like Muncie’s signature, Pa,” he said.

Frank nodded. “It does,” he admitted. But he straightened up and picked up his rifle again. “But I still don’t believe it. So you’re wastin’ your time, Montgomery. Just get on your horse and ride back to town.”

“Mr. Kincaid,” Montgomery insisted. “The assay is legitimate. Talk to Muncie tomorrow if you want. And the assay shows you have very low-grade ore.”

“Well, okay, the first one wasn’t so good,” Frank said, “but the sample I just give ‘im was much better. Much, much better.”

Montgomery shrugged. “Like you say, you’ve been a miner a long time. So you know how a promising lead can just fizzle out.”

Frank was silent for a moment; he couldn’t refute Montgomery’s statement. Then he said, “Well, not in this case. No way in hell that vein we just found ain’t the real thing. Besides, if that assay report was true, then why are you so eager to buy the claim?”

With a great show of indulgent patience, Montgomery sat down on the chair Jed had occupied and started toying with Jed’s fork, pushing some beans around on the plate as if they were poisonous insects.

“Because, Mr. Kincaid,” he started, “I’m a much bigger operator than you are. I’ve got capital and you don’t. I think there’s potential here. Just potential, mind you. You and Jed can keep busting your backs for minimal payouts like that report shows, or you can sell out to me for a good price and let me develop the mine properly. I can afford the risk of the investment; you can’t.”

Frank glared at Montgomery. “Potential? Potential? Why, the vein’s just sittin’ there a mile wide. You can almost break off chunks of gold with your fingers.”

Montgomery shook his head slowly. “Merely confirms what the report says, Mr. Kincaid,” he declared. “Most of the color in that quartz is pyrite.”

“Pyrite, my ass,” Frank spit back. “I can tell pyrite from gold with my eyes shut.”

“Look, Mr. Kincaid,” Montgomery said, putting up a hand. “We’ve talked about this often enough. And you’ve driven a hard bargain. You’re a shrewd bargainer, a good businessman. So I give up. But I’ll make you one more offer. A generous one, a very generous one in view of that latest assay report. Twenty thousand dollars.” He reached into an inside pocket of his suit coat and pulled out two folded sheets of paper. He unfolded them and laid them down next to each other in front of Frank. They were duplicate sales contracts.

He fumbled in another coat pocket and brought out a folding travel set of ink and pen. He set it down on the table, opened it, uncorked the small, squat ink bottle, and dipped the pen into the black fluid. “If you’ll just sign them please, Mr. Kincaid. There are two copies, one for you and one for me. You’ll note I’ve already signed both copies.” He set the pen on the table next to the documents.

"You're wastin' your time, Montgomery," Frank said.

Jed whispered, slowly, "Twenty thousand dollars." He looked at his father. "Twenty thousand dollars, Pa."

Frank glanced down at the papers but showed little interest.

Montgomery looked at Jed and said, "It'd take you ten years to earn that much by using your pick and shovel." He looked at Frank and repeated the amount slowly for effect. "Twenty thousand dollars. You'll both be rich, Mr. Kincaid."

Frank snorted. "Nowheres near as rich as we'll be by keepin' the Desert King, Montgomery. And you know that as well as I do. And it won't take ten years either. More like ten months or maybe even ten weeks."

Montgomery sighed. "You're a stubborn man, Mr. Kincaid. And you'll remain a poor one, too." He gestured helplessly with his hands. "Well, I tried." He rose to his feet and picked up both documents from the table. He folded them and stuck them back into an inside coat pocket.

"I don't understand you, Mr. Kincaid. You've bargained me right to where you should want me, but you won't close the deal. I'm puzzled, but I give up."

"Good," Frank said. But he eyed Montgomery suspiciously.

Montgomery fumbled in his other inside coat pocket. "Well, if you can't beat 'em, join 'em."

Frank squinted at him. "What do you mean?"

"Well, if I can't own the Desert King mine, I can at least try to make some profit off of it." He brought out two folded sheets of paper and laid them on the table next to each other as he had done with the previous papers. The pen still lay on the table.

Frank brought the Sharps across his chest. "And just how *you* gonna make a profit off *my* mine?" he asked defiantly.

"I run a stamp mill, Mr. Kincaid," Montgomery said.

Frank snorted. "We all know that. The only one close by."

"Yes," Montgomery said. "Now, at the moment, you stockpile your ore until you get a wagonful and then have it hauled all the long way to Wickenburg to be processed. That's expensive. I can't see that you make any profit at all doing it that way. In fact you probably lose money on every load."

Frank didn't say anything.

Montgomery said, "Ah, as I thought."

Then Frank said, "I'd lose even more payin' your sky-high rates for processin' ore," he accused. "And you charge me way more than you charge any of the other miners around here."

Montgomery smiled. He spread his hands wide. "Come on, Mr. Kincaid. It was a business tactic, that's all. Nothing personal. I was trying to make it hard for you to make a go of it at this mine so you'd sell out to me."

"Well, I won't," Frank said. "No matter what you do to try to make me sell."

"I realize that now," Montgomery declared. "I could never persuade you to sell. So those papers are contracts for processing ore. And at a decent rate, I believe. Read the contract. Read it." He motioned to the documents on the table.

The two Kincaids peered at the papers without touching them. Then Frank picked up one of the sheets cautiously in one hand and read again. "That *is* a fair rate," he conceded. He looked up at Montgomery with genuine surprise.

Montgomery smiled again. "I can be fair when I know I'm licked," he said.

"Hm." Frank read the paper again. "And this says you won't raise the rate without my approval."

Montgomery nodded. "The only reason for the contract is to make sure you don't use somebody else's stamp mill if another is ever built around here." He paused. "You can see I've already signed those papers,

too.”

“So you have,” Frank noted. He looked at Montgomery again, still uneasy.

“I believe we can form a partnership profitable to both of us, Mr. Kincaid,” Montgomery said.

Frank looked over the paper carefully one more time. He looked at his son. “You see anythin’ wrong with this, Jed?” he asked. His voice was thick with skepticism and suspicion.

Jed wrinkled his nose and rubbed his chin with a thumb and finger. “Seems hard to believe there ain’t no trick in it, Pa,” Jed commented. He looked at Montgomery. “Seein’ as it came from *him*.”

Frank nodded. “Yeah, yeah.”

Montgomery just smiled.

Jed ran his eyes over the lines in the short contract for yet another time. “And yet it seems to read all right to me. And it’s a damn good rate, Pa. A damn good rate.”

“Yeah,” Frank said. “Well, okay, Montgomery.”

He set the Sharps against the table and sat down. He picked up the pen.

“I don’t follow you, Montgomery,” Frank said. “It’s a decent rate. It really is. We’ll be able to make a fine profit out of the mine now, processin’ the ore locally. I thank you for the deal.”

Montgomery nodded, still smiling. “It’ll be profitable for me, too, Mr. Kincaid,” he assured the other man. “I never enter into any agreement without making sure I’ll make money on it.”

“Hmph. I can believe that,” Frank said. He scratched his signature onto each of the two papers. He blew on the writing to dry the ink. “There you are, Montgomery.” He handed one copy to Montgomery.

“Thank you, Mr. Kincaid.” Montgomery folded his copy of the contract and stuck it into a coat pocket. He put the cork back on the ink bottle, put the pen back, folded the writing set, and stuck it into another coat pocket. “I’m sure we’ll enjoy doing business with each other.”

“We’ll see about that,” Frank mumbled.

But Montgomery only smiled. He strode to the door. “I must be leaving. I look forward to your first load of ore.”

“Uh-huh.”

Montgomery opened the door and swept out through it. “Good night.” He closed the door behind himself. His boots crunched on the gravel out to his horse.

“Uh-huh,” Frank repeated absently. He was reading the contract yet another time. “I just hope there ain’t a trick in here somewhere, Jed.”

Jed read over his father’s shoulder. “Hard to believe, ain’t it, Pa?” he said.

“It’s the damndest thing, Jed,” the older man said. “Just doesn’t seem like Montgomery.” He sighed and set the piece of paper down on the table. He looked to the side, not looking at anything particular. “Wish your brother would quit those Montana mines and join us down here.”

Jed smiled and said, “John says it’s too hot down here.”

Frank snorted. “Oh, bullshit,” he said, smiling. He looked at Jed. “I’ll bet it’s about another woman.”

Jed laughed.

They heard Montgomery’s crunching footsteps outside getting louder again.

Jed’s smile vanished. He straightened up. “Montgomery’s comin’ back.”

Frank looked toward the closed door. “Huh.” His eyes wandered. “Hell, the damn fool left his hat, Jed,” he said. “Git it for ‘im, will ya?”

“Sure.” Jed walked to the corner and grabbed the expensive hat just as Montgomery knocked at the door.

“I forgot my hat,” Montgomery called through the closed door.

“We know, we know,” Frank shouted from his chair. He was reading the contract over yet again.

Jed, Montgomery’s hat in one hand, strode to the door and started to pull it open.

“Jed,” Frank said.

“Yeah, Pa?” Jed looked back.

“You don’t suppose Montgomery had me sign this thing just so’s he could get a copy o’ my signature, do you?” He looked up toward Jed and the door and he gasped.

Jed’s head whirled around. His eyes bulged and his mouth dropped open in a sudden, awful realization.

The first blast from Montgomery’s double-barreled shotgun tore off Jed’s face and sprayed it all over the roof planks. The second blast caught Frank Kincaid as he lunged for his Sharps, blowing him off the chair to crash to the floor and roll up against the rear wall.

Montgomery pushed the door all the way open and stepped calmly into the shack. He picked up his hat from the floor where Jed had dropped it. With a disapproving frown he brushed dust off the hat. Then he settled it on his head.

From the table he picked up Frank’s copy of the contract. He held a corner of it over the chimney of the kerosene lamp. Slowly the paper browned, then charred, then burst into flames. Montgomery waited, face expressionless, until the flames reached his fingers. He dropped the paper.

He picked up the lamp and hurled it into a corner. The chimney shattered, and the kerosene *glup-glupped* out of the base and burst into flames.

Montgomery waited until the wall was well afire. Then he sauntered out through the door, walked to his horse, mounted, and rode off.

Chapter One

About two weeks later a weary newcomer to Paradise City let his horse plod down a narrow, twisted mountain path onto the town's main street, such as it was. John Kincaid felt as jaded as he knew his horse was under a broiling noonday sun. Kincaid was lean and taut. His shirt was plastered to his body by sweat, and a week's worth of scraggly beard and mustache covered his face. Dark brown hair lapped his collar, but most of his hair was covered by a hat pulled low over his eyes to shield them from the glare. He wore no gun.

The town stretched part way down the floor of a long, but narrow valley. High mountains surrounded the area. The mountains looked hostile, menacing, scrubby, hot and dry. But Kincaid's practiced eye easily picked out numerous quartz outcroppings. No wonder this hidden canyon had attracted gold prospectors. He had an itch to take a hammer to some of those rocks himself.

Kincaid's gaze wandered along the various buildings of the small mining town, not looking for anything in particular, just idly inspecting the environs. The buildings didn't line a straight, primary thoroughfare. Rather it looked like the town had grown up haphazardly with buildings and mines mixed in together. The narrow open space that wandered through the collection became the main street by default.

Off the main street there was a sprinkling of shacks and a few clapboard houses, but it looked like most of the inhabitants lived in canvas tents, all made dirty and gray and brown from dust and smoke. He could smell the not-unpleasant distinctive odor of coal dust and coal smoke; at least some of the mines must have been using coal to fuel the boilers that drove the steam power in the mines. He could hear the iron hammers of a stamp mill smashing ore before it was dumped into leaching tanks.

The town was busy. He saw many men about, most of whom seemed to be going somewhere purposefully. And he noted that in addition to a few horsemen there were also some wagons and even a long, three-wagon bull train hauling freight. So that meant there was at least one other road into and out of the valley besides that one-horse trail he'd ridden in on from the north. In fact, he thought he could detect the horse-drawn traffic meandering off to the southwest.

There were a few stores and what looked like offices, but the most common type of establishment seemed to be saloons. A few buildings must have been brothels; the only women he saw were lounging in front of those businesses and they weren't wearing much. Which, he thought, was not a bad idea in the intense heat.

Kincaid spotted an assayer's office and gently reined in his horse. He considered for a moment, then steered his horse to the hitching rail in front of the office.

Wearily he dismounted. He stretched his arm and back muscles and rotated his torso to remove kinks in the small of his back. Finally he looped the reins of his tired mount around the rail and walked into the assayer's office. A bell above the door jingled.

"Hello," he called, closing the door. He walked up to a counter and put his hands on it. He could smell chemicals, and he heard someone working in a back room of the office.

A man wearing a rubber apron came out of that back room. "Can I help you?" he asked politely. "I'm Elisha Scott, assayer."

"Perhaps," Kincaid said. "I don't have anything to be assayed; I'm looking for somebody's claim. I just rode into town, and I'm unfamiliar with the area."

"Well, welcome to Paradise Valley."

"I thought the name of the town was Paradise City."

"It is. In Paradise Valley," Scott said.

"Ah. Well, I saw your office and thought you might be able to help me."

Scott nodded. "I probably know the location of most of the claims and mines around Paradise City."

Course, the land office would know for sure, but which one are you looking for?"

"They call it the Desert King," Kincaid said.

"Ah, yes," Scott said, impressed. "It should become one of the richest mines in the territory."

Kincaid's face lit up with a big smile. "Hot damn!"

Scott chuckled. "Don't know why you're so happy about it. Montgomery's going to be the rich one."

Kincaid's smile disappeared. "Wait. Montgomery? Nicholas Montgomery?"

Scott nodded. "The same. Nicholas Montgomery. He owns the Desert King."

Kincaid quickly raised a hand. "No, he doesn't."

Scott seemed to ignore Kincaid's protest. Scott said, "As if he didn't own enough mines around the territory already. He keeps buying more. Don't know where he gets all the money for that. Why, he's even got mines he doesn't bother to operate. Big ones, too. He just works the better paying ones."

Kincaid shook his head. "No, no. Frank Kincaid owns the Desert King."

"Oh, he used to own it," the other man said. "But he sold out to Montgomery for twenty thousand dollars. Let me tell you, Montgomery got himself a real bargain there."

"I don't believe it," Kincaid said, strongly. "Frank Kincaid would not sell his claim at any price."

"Well, he did. Day before he was killed."

Kincaid rocked back on his heels and gripped the edge of the counter. "Killed? He was killed?"

The assayer nodded. "Yeah, him and his son both," he said slowly, seeing the stranger's sudden distress. "You didn't know?"

Kincaid merely shook his head. "H—how?"

"Murdered."

Kincaid seemed to gag. All he managed was a pathetic, "Oh—oh—"

Scott grimaced. The stranger looked like he'd been kicked in the stomach by a horse. He was struggling for a breath.

Scott spoke softly. "Course, it was hard to tell exactly what happened because whoever did it set the place on fire, but Sheriff Mitchell said it looked like the killers took a shotgun to each of 'em."

Kincaid clenched his eyes tightly shut and just groaned.

Scott thought perhaps he could have left out those details. After a moment he said, "Friends of yours, huh?"

Kincaid nodded slowly, stunned. "They—they were. . ."

"Real sorry," Scott said. "They were good men. Well liked. I knew 'em myself. A little."

Kincaid didn't even open his eyes when he said in a low voice, "When did all this happen?"

"Oh, about two weeks ago."

Kincaid shook his head slowly and finally opened his eyes. "I can't believe it."

"Sorry," Scott said quietly.

Kincaid turned away from the counter and stared out a front window. He was breathing hard and clenching and unclenching his fists. His shoulders slumped, and then he turned around to face the counter again. He said, "It must've been Montgomery. Montgomery must've murdered them." Now there was anger in his voice.

Scott raised both his hands and leaned back. "Now, slow down there, mister. That's a mighty fierce accusation."

"Montgomery must've forced Frank Kincaid to sell him the mine and then killed him." He glared at Scott.

"Well, now a few people did—"

"How soon after Montgomery bought the mine were Frank and Jed murdered?"

"Well," Scott started slowly, seeing where the stranger was going with his theory. "Uh—same day

actually.”

“Shit,” Kincaid said. “And you think that was a coincidence?”

“Well, yes, probably.”

“Did anybody talk to the Kincaids after Frank had sold the mine but before they were murdered?”

“No, no one could recall that. But—”

Kincaid smashed a fist on the counter. “That’s because Montgomery murdered them.”

Scott said, “Well, like I was going to say a few fellows did think it was an awful big coincidence. Especially given Montgomery’s unsavory reputation.”

“There!”

“But, sir, murder is not uncommon in these mountains, unfortunately. The country around here is full of bandits. The richness of the area draws badmen like flies to a fresh carcass. And the outlaws get more brazen all the time.”

“Why would they murder Frank and Jed? They had little as far anyone should’ve known. The mine wasn’t paying well yet. How would anyone have known about the twenty thousand dollars?”

Scott grimaced. “Well, that’s the thing of it, sir. Montgomery bragged about buying the mine in that saloon he owns. Bought a round for everyone in the place. And he mentioned the twenty thousand dollars. In gold, of course. And there’s no bank in Paradise City. So the Kincaids would have had the gold at their mine.”

Kincaid stared at him. His mind was swirling. That information would have perked up the ears of a lot of men.

Scott went on. “Twenty thousand dollars, mister. That’s a thousand ounces. More than sixty pounds of gold. There would have been men in that saloon who would have been tempted by twenty dollars, much less twenty thousand. And the Kincaids were murdered that very night. And, not surprisingly, no gold was found in their shack after it burned down. And believe me, men went through the debris with a fine-toothed comb.”

Kincaid was quiet. It did *look* like a robbery and murder.

Scott said, “Sure seems logical that the Kincaids were robbed and then murdered so they couldn’t identify the thieves. Or they resisted.”

Kincaid was quiet. That did sound logical. To someone who didn’t know his father like he did.

Kincaid said, “And where was Montgomery on the night of the murders?”

“Bannerman and several of his men swore Montgomery was in his office working all that night.”

“Who’s Bannerman?”

“He works for Montgomery. Head of the guards Montgomery has for his mines. Sort of a private police force.”

Kincaid smirked. “Not exactly the most credible witnesses, don’t you think?”

Scott shrugged. “Why not?” Scott could see the stranger was thinking hard. And now the man was breathing harder, anger rising inside him.

Scott said, “Well, I can see how you feel, mister. And I can see you think Montgomery did it, but you have no proof. You don’t even have any evidence. And there is a perfectly plausible alternative, a much more likely explanation than Montgomery murdering someone. People may not like him, may think his business dealings are shady, but that doesn’t make him a murderer.”

Kincaid clenched his fists and dropped them on the counter. “Well—” He repeated the gesture, then said, “Okay, but why the hell would Frank Kincaid sell the richest gold mine in the territory for a measly twenty thousand dollars?”

“Because he didn’t know at that time that it was the richest gold mine in the territory,” Scott countered.

“Oh, yes, he did,” Kincaid snapped back. “I’ve got a letter from him telling me the latest ore was top grade.”

"Well," Scott drawled, turning to the shelves behind him. He selected a file box and plunked it down on the counter. "I got assay reports that say the ore was low. I'll trust the assay facts well before I'd trust any miner's mere opinion."

"I don't believe it," Kincaid insisted.

Scott thumbed through the reports and pulled one out. He laid it on the counter, turned it around, and slid it across the counter with one hand. "You know how to read these things?"

Kincaid nodded and started reading rapidly, scrutinizing the report carefully, his eyes darting intently over the lines and numbers.

Scott said, "This assay was finished on the very day Montgomery bought the mine from Kincaid."

Kincaid read it twice, a frown deepening on his brow all the time. He looked up at Scott, puzzled.

Scott said, "You can see for yourself that the ore is poor. Marginal at best. Twenty thousand dollars for the mine looks like a real fair price based on that report. Even generous."

"But the mine is in fact rich. You said so yourself."

"Sure, we know that now." Scott slid another report across the counter. "Here's one I just did last week. Richest ore I've ever seen."

"But—how can the reports be *that* different?"

The assayer shrugged. "Happens all the time. You dig and dig and hit nothing but junk. Sell the mine and after the next six inches—bonanza!"

"Yeah, okay, okay. I know that can happen, but—"

"It's just luck, mister, just plain dumb good luck on Montgomery's part."

Kincaid shook his head. "No, this isn't luck. Not this time. You made a mistake on this assay." He glared at the assayer. "You made a mistake!"

"No, I didn't."

"I say you did," he shouted.

Scott quietly said, "I mean I didn't do that assay."

"Oh." Kincaid calmed down. "Well, who did?"

"Walt Muncie, the old assayer."

"Oh."

"Well, he's not that old. Call him the *former* assayer."

"Okay."

"I'm new here," Scott said. "Used to work in Bad Luck, just over the range. I took over here when Muncie left. Been on the job only a week."

Kincaid simply gave a little nod. "So Muncie quit a week ago?"

"No, he left a week before that. So I got a roomful of back assays to go through yet. I've been working till midnight almost—"

Kincaid looked askance. He tapped the poor assay report on the Desert King ore. "So Muncie must have quit right after he did this assay."

Scott nodded. "Yes, I think that's right."

"That's mighty coincidental, don't you think?"

Scott shrugged. "That's all it probably is, mister, a coincidence. No reason to think otherwise."

"What happened to Muncie? Where did he go?"

"He works for Montgomery now."

"Montgomery?" Kincaid exclaimed. "He works for Montgomery now?" There was growing surprise in his voice, an incredulity.

"Uh-huh. Montgomery's got so many mines he wants a full-time assayer just for himself. And Muncie also helps out with the bookkeeping. You can get all the hard rock miners you want for the mines

themselves, but finding a man who knows accounting for the office is a much bigger challenge. And Muncie knows accounting.”

Kincaid stared at the back wall of the front office, deep in thought. He mumbled, “So Muncie now works for Montgomery. This is getting to be too much, don’t you think?”

Scott shrugged.

Kincaid was silent for a while. He continued to stare at the wall.

Scott started to fidget. “Look, mister, I got a lot of work to do yet today. If you want more information about the murders, go see Mitchell.”

“Who?”

“Mitchell, Sheriff Mitchell. I mentioned him before.”

“Oh, guess my mind was elsewhere.”

“Understandable, quite understandable. But Mitchell will know more than I do. Most of what I’ve told you I heard second-hand anyway. But Mitchell was the one who investigated the murders.”

“Yeah, I think I will go see him. Where’s his office?”

“About a block down that way and on the other side of the street.”

“Thanks.”

“Sure. And I’m sorry about your friends. Really.”

“Yeah.” Kincaid nodded dumbly and shuffled to the door. The little bell that jingled when he opened the door irritated him, and he slammed the door shut behind him.

He stepped off the boardwalk and reached his horse. He crossed his arms on the saddle and rested his forehead on them, staring down at the dust at his feet, but not really seeing it. He felt like crying but no tears would come. He did start to shake.

This was the most astonishing and tragic turn of events. What was going to be a happy reunion turned out to be the worst of revelations.

Finally Kincaid took a deep breath and straightened up. This didn’t make sense to him. It seemed like everyone thought his father and brother had been robbed and murdered, but he just couldn’t believe that. He was convinced that Montgomery had murdered his father and brother and stole the Desert King.

He had to read his father’s letter again. Wasn’t the letter the damning evidence that men like Scott would have to recognize?

He went to his saddlebags and started rummaging around in one of them. Eventually he pulled out a few letters. He kept the pertinent one and stuck the others back. He pulled out the single sheet of paper from its envelope, unfolded it, and read the laboriously formed lines:

John,

Big news! We hit a rich vein. The next assay will show the richest ore I seen in my life. Im positive. So you need to leev Montana and come join us. We need yor help bad. With yor book lerned skills an what youv lerned in them Montana mines we kin realy make the Desert King produse. The mine is a bonanza, a tru bonanza.

We kin also use an extra gun arond here. Claim jumpers and theevs are thick as flys. An Nikoless Montgomery will do just about anything to get this mine. I don’t trust him at all. Jed and me both look forward to yor joyning us. Come quik.

Pa

Yes, the letter was convincing. He was sure his father could recognize rich ore. He was sure his father would never have sold the mine. He couldn't explain the disappointing assay, but he was sure that Nicholas Montgomery had somehow cheated his father out of the mine and then killed him and Jed.

Kincaid folded the letter and stuffed it back into its envelope. But he put that into a back pocket instead of a saddlebag. He had to show the letter to the sheriff.

He untied his horse and led the animal toward the sheriff's office.



Gold shipment leads to theft, murder, betrayal, violence, and love.

ORO DIABLO

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